

Agenda for a meeting of the Waikato District Council to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **FRIDAY, 24 FEBRUARY 2023** commencing at **9.30am**.

*Information and recommendations are included in the reports to assist the Committee in the decision making process and may not constitute Council's decision or policy until considered by the Committee.*

## **1. APOLOGIES AND LEAVE OF ABSENCE**

## **2. CONFIRMATION OF STATUS OF AGENDA**

## **3. DISCLOSURES OF INTEREST**

## **4. CONFIRMATION OF MINUTES**

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Gj Ion  
**CHIEF EXECUTIVE**

## TERMS OF REFERENCE

### COUNCIL

<b>Chairperson:</b>	Her Worship the Mayor
<b>Deputy Chairperson:</b>	Deputy Mayor
<b>Membership:</b>	The Mayor and all Councillors
<b>Meeting frequency:</b>	Six weekly – or as required
<b>Quorum:</b>	Half of the members (including vacancies)

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### Purpose

1. To provide leadership to, and advocacy on behalf of, the people of the Waikato District.
2. To define and represent the total communities' interests, ensuring ongoing community and economic development, the effective stewardship of existing assets, sustainable management of the environment, and the prudent management of the communities' financial resources.

### Terms of Reference

The Council's terms of reference include the following powers which cannot be delegated to committees, subcommittees, officers or any other subordinate decision-making body:

1. The power to make a rate.
2. The power to make a bylaw.
3. The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-Term Plan.
4. The power to adopt a Long-Term Plan, Annual Plan, or Annual Report.
5. The power to appoint a Chief Executive.
6. The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long-term Plan or developed for the purpose of the local governance statement, including the Council's Infrastructure Strategy.
7. The power to adopt a remuneration and employment policy.
8. The power to approve or amend the Council's Standing Orders.
9. The power to approve or amend the Code of Conduct for elected members, and consider any recommendations made in relation to a complaint lodged under the Code.
10. The power to appoint and discharge:
  - a. members (including chairpersons) of Council committees and subordinate decision-making bodies, subject to the Mayor's powers under section 41A Local Government Act 2002; and
  - b. elected member representatives on external organisations.
11. The power to establish a joint committee with another local authority or other public body and appoint elected members as representatives on such committees or bodies.
12. The power to make the final decision on a recommendation from the Ombudsman where it is proposed that Council not accept the Ombudsman's recommendation.
13. The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.

14. The power to amend or replace the delegations in Council's Delegations Register (except where expressly permitted in the Delegations Register).

To exercise the following powers and responsibilities of Council, which the Council chooses to retain:

1. To approve a proposed policy statement or plan under the Resource Management Act 1991.
2. To approve changes to boundaries of the District under the Resource Management Act 1991 or any other legislation.
3. In respect of District Plan decisions:
  - a. To appoint independent commissioners to a panel for hearings of a Proposed District Plan;
  - b. To approve the recommendation of hearings commissioners on a proposed plan, plan change or variation (including private plan change); and
  - c. To approve a proposed plan or a change to a district plan under Clause 17, Schedule 1 of the Resource Management Act 1991.
4. To adopt governance level strategies, plans and policies which advance Council's vision and strategic goals (e.g. Hamilton to Auckland rail), other than where expressly delegated to a committee.
5. To approve Council's recommendation to the Remuneration Authority for the remuneration of elected members.
6. To approve the Triennial Agreement.
7. To approve resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
8. To approve any changes to the nature and delegations of any Council committees or subordinate-decision making bodies.
9. To approve the Local Governance Statement.
10. To approve funding requests not allowed for within budgets, in accordance with Significance & Engagement Policy parameters.
11. To approve any additional funding decisions required for the Watercare Services contract.
12. To approve development agreements as recommended by the Development Agreements Subcommittee where infrastructure is not allowed for within the Long Term Plan.
13. To receive six-monthly reports from each Community Board on its activities and projects.

<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Confirmation of Minutes</b>
Date:	24 February 2023
Report Author:	Gaylene Kanawa, Democracy Manager
Authorised by:	Gavin Ion, Chief Executive

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

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

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To confirm the minutes for a meeting of the Waikato District Council held on Wednesday, 21 December 2022.

## **2. Staff recommendations**

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

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**THAT the Waikato District Council confirms:**

- a. the minutes of a meeting held on Wednesday, 21 December 2022.**

## **3. Attachments**

### **Ngaa taapirihanga**

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Attachment 1 – CCL Minutes – 21 December 2022

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Minutes for a meeting of the Waikato District Council held in the Council Chambers, 15 Gallileo Street, Ngaruawahia on **WEDNESDAY, 21 DECEMBER 2022** commencing at **9.03am**.

**Present:**

Her Worship the Mayor, Mrs JA Church (Chairperson) *[Until 11.50am, Item 7.3]*

Cr C Beavis

Cr CA Eyre (Deputy Mayor)

Cr JM Gibb

Cr M Keir

Cr P Matatahi-Poutapu

Cr K Ngataki

Cr EM Patterson

Cr M Raumati

Cr V Reeve

Cr LR Thomson

Cr P Thomson

Cr T Turner

Cr D Whyte *[From 9.15am Pt Item PEX 4.1] [Until 1.25pm Pt Item PEX5]*

**Attending:**

Mr GJ Ion (Chief Executive)

Mr TG Whittaker (Chief Operating Officer)

Mrs S O’Gorman (General Manager Customer Support)

Mr C Morgan (General Manager Community Growth)

Mr K Abbott (Executive Manager Projects & Innovation)

Mrs E Edgar (Executive Manager Communications, Marketing & Engagement)

Mrs C Pidduck (Legal Counsel)

Mr S Toka (Iwi & Community Partnerships Manager)

Ms L Shirley (Zero Harm Manager)

Mr C Bailey (Finance Manager)

Mr V Ramduny (Strategic Projects Manager)

Ms J Bishop (Contracts & Partnering Manager)

Mr A Averill (Community Connections & Strategic Property Manager)

Mr J Brown (Senior Communications Advisor)

Ms K Rhind (Senior Engagement Advisor)

Mrs GJ Kanawa (Democracy Manager)

**APOLOGIES AND LEAVE OF ABSENCE**

There were no apologies.

**CONFIRMATION OF STATUS OF AGENDA ITEMS**

Agenda Item 2

**Resolved: (Her Worship the Mayor, Mrs JA Church/Cr Beavis)****THAT the agenda for a meeting of the Waikato District Council held on Wednesday, 21 December 2022 be confirmed:**

- a. with all items therein being considered in open meeting with the exception of those items detailed at agenda items 7, which shall be considered with the public excluded;
- b. in accordance with Standing Order 9.4 the order of business be changed with:
  - i. agenda item 7.1 and PEX1 [*Exclusion of the Public – Local Government Act 2002 – Clause 35 Review*] being considered after agenda item 2; and
  - ii. agenda item 7.2 and PEX3.1 [*Exclusion of the Public - Waters Governance Board Recommendations – 22 November 2022*] being considered after agenda item 5; and
- c. all reports be received.

**CARRIED****WDC2212/01****EXCLUSION OF THE PUBLIC**Local Government Act 2002 – Clause 35 Review

Agenda Item 7.1

The report was received [*WDC2212/01 refers*] and no further discussion was held.**Resolved: (Crs P Thomson/L Thomson)**

- a. **THAT** the public and staff be excluded from the following parts of the proceedings of this meeting:

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Item PEX 4.1 Local Government Act 2002 – Clause 35 Review	Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item No.	Section	Interest
Item PEX 4.1 Local Government Act 2002 – Clause 35 Review	7(2)(a)	To protect a person's privacy
	7(2)(c)(i)	To protect information that is subject to an obligation of confidence and to ensure the information avenue remains open, when it is in the public interest for it to do so.
	7(2)(c)(ii)	To protect information that is subject to an obligation of confidence and to protect the public interest
	7(2)(g)	To protect legally privileged information.
	7(2)(i)	To enable negotiations to carry on without prejudice or disadvantage.
	7(2)(j)	To prevent use of the information for improper gain or advantage.

- b. **THAT** the Democracy Manager be permitted to remain in the room to take the minutes of this section of the meeting.

**CARRIED**

**WDC2212/02**

**DISCLOSURES OF INTEREST**

Agenda Item 3

There were no declarations of interest.

**CONFIRMATION OF MINUTES**

Agenda Item 4

The report was received [*WDC2212/01 refers*] and no further discussion was held.

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

**THAT the Waikato District Council confirms the following minutes as a true and correct record:**

- a. ordinary meeting held on 9 November 2022; and
- b. extraordinary meeting held on 18 November 2022.

**CARRIED**

**WDC2212/05**

**COMMITTEE REPORTS**

Waters Governance Board Recommendations 22 November 2022

Agenda Item 5.1

Small Waters Scheme Proposal (WGB2211/08)

The report was received [*WDC2212/01 refers*] and the following discussion was held:

- Landed with a good solution for the community, however public interest in how work progresses and ensuring we remain within budget.
- Te ture whaimana principles to be adhered to with this proposal.

Service Delivery & Resourcing for the Three Waters Contract (WGB2211/09)

The report was received [*WDC2212/01 refers*] and the following discussion was held:

- Support the additional resource and would like staff to work in with Waikato-Tainui workplan strategies during recruitment.
- Keep community boards involved and informed with works in their areas on a more regular basis.
- Staff indicated that recruitment was currently underway and hoping to fill positions by mid February 2023.

The items were put as one resolution, reflected in same resolution number.



Small Waters Scheme Proposal (WGB2211/08)**Resolved: (Crs Patterson/Eyre)****THAT the Waikato District Council:**

- a. notes the **Waters Governance Board** recommendation for budget to be made available to construct a new water treatment plant at Te Akau; and
- b. approves a budget of \$706,000 for the new water treatment plan at Te Akau, through repurposing the small water schemes decommissioning operational budget within the Long-Term Plan.

**CARRIED****WDC2212/06**Service Delivery & Resourcing for the Three Waters Contract (WGB2211/09)**Resolved: (Crs Patterson/Eyre)**

**THAT the Waikato District Council notes the report and resolutions from the Waters Governance Board meeting held on 22 November 2022 (WGB2211/09) in regard to Service Delivery & Resourcing for the Three Waters Contract.**

**CARRIED****WDC2212/06****EXCLUSION OF THE PUBLIC**

Waters Governance Board – Recommendations to Council - 22 November 2022  
Agenda Item 7.2

The report was received [*WDC2212/01 refers*] and no further discussion was held.

**Resolved: (Crs Eyre/L Thomson)****THAT the Waikato District Council:**

- a. **THAT the public be excluded from the following parts of the proceedings of this meeting:**

**The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:**

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
<b>Item PEX 3.1 Waters Governance Board Recommendations – 22 November 2022</b> a. <b>Ngaruawahia Wastewater Network Renewal</b> b. <b>Raglan Wastewater Treatment Plant Upgrade</b>	<b>Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987</b>	<b>Section 48(1)(a)</b>

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item No.	Section	Interest
<b>Item PEX 3.1 Waters Governance Board Recommendations – 22 November 2022</b> <b>Item PEX 3.1a Ngaruawahia Wastewater Network Renewal</b>	7(2)(b)(ii)	To protect information that would otherwise unreasonably prejudice a person's commercial position
	7(2)(h)	To enable commercial activities to be carried out without prejudice or disadvantage.
	7(2)(j)	To prevent use of the information for improper gain or advantage.
<b>Item PEX 3.1b Raglan Wastewater Treatment Plant Upgrade</b>	7(2)(b)(ii)	To protect information that would otherwise unreasonably prejudice a person's commercial position.
	7(2)(h)	To enable commercial activities to be carried out without prejudice or disadvantage.
	48(1)(d)	To enable deliberations in private on a decision or recommendation in any applicable proceeding

- b. **THAT Matthew Telfer from Watercare be permitted to remain for the public excluded section pertaining to this item as he can provide background information on the items under discussion.**

**CARRIED**

**WDC2212/07**

## **REPORTS**

### Zero Harm Update

#### Agenda Item 6.1

The report was received [*WDC2212/01 refers*] and the following discussion was held:

- Significant amount of work to date, particularly with workplace violence strategy and reducing risks for animal control staff.
- *Any feedback on the customer campaign in effect?* Within next six months we will have some data back regarding this campaign. We are also extending it to our partners – Waikato District Alliance, Citycare, Downer etc.
- *Any change in policy in regard to notifiable events?* The only notifiable event we have had is the electric shock at Raglan Holiday Park, which was investigated and all actions completed. Following this event we undertook an independent gap analysis and are working with camp to close out recommendations.
- *ZH SIP – 17 to be delivered – how are we tracking – don't have detail but will get back to you.*
- *Zero Harm Engagement Conversations – explanation as to why the figures the way they are?* There is an organisational KPI where people leaders are requested to complete at least two Zero Harm conversations per month – a number of people have moved and team structures have changed, as well as some staff being more active in reporting than others.
- *Safety leadership and culture – could not determine if we were getting better or worse – success would be the number of conversations going up and educating people leaders regarding what a good safety conversation looks like.*
- *Notice an increase in events recorded – increase is a good thing?* High levels of reporting are indicative of a good safety culture.
- *What risk lens do we utilise with our social media campaigns?* As per the recent email sent to Councillors regarding the social media post which was targeted at promoting sober driving if people were participating in National Crate Day – safety was the lens that was intended not to promote a post that would encourage the binge drinking culture.

### Adoption of Annual Report 2021/22

#### Agenda Item 6.2

The report was received [*WDC2212/01 refers*] and the following discussion was held:

- The Finance Manager advised that Council had received confirmation of final audit approval.
- The draft was adopted by previous Council who provided a letter of recommendation.
- The auditors had advised that a focus on the report was the lack of clarity around our approach to Three Waters Reform and greenhouse gas emissions. It was however noted that it would be in every audit opinion for Councils.
- Good result for financial stewardship during a difficult year – focus would be on staff shortages going forward.

- New framework in place with EPMO, lots of change and initiatives, investment needs to be put into culture of organisation to ensure retention of staff. Reality is we will lose staff that we do not want to as staff move onto fantastic opportunities, which is a celebration but all Councils are struggling to retain staff and it is impossible to provide succession for everybody.
- Good applications being received but we do hold vacancies from time to time but People and Capability team has significant work programme in place to recruit.
- Retention rate for long term staff in the first year is 80%, which is a high standard and it is healthy to have some turnover.
- Equally challenging issue is the recession and how does that impact on the organisation. People within the organisation promote via word of mouth.

**ACTION:** Workshop to be held with Council in 2023 to consider impacts of recession and what the impact will be on rates.

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

**THAT the Waikato District Council:**

- a. notes the **Audit & Risk Committee have recommended adoption of the Annual Report 2020/21 from a risk perspective; and**
- b. **adopts the Annual Report 2020/21 and Annual Report Summary 2020/21 as attached to the supplementary agenda;**
- c. **delegates the Chief Financial Officer to make any minor wording amendments identified before making the documents available on Council's website.**

**CARRIED**

**WDC2212/10**

Terms of Reference for Mana Whenua Forums  
Agenda Item 6.3

The report was received [WDC2212/01 refers] and the following discussion was held:

- The request to defer the discussion regarding the terms of reference was recognition that this is an important piece of work which requires consultation and full consideration. This work cannot be rushed.
- Staff advised that discussions had been held with our joint management partners – Waikato-Tainui regarding approach and wording.
- Council expressed gratitude for the efforts by the Iwi & Community Partnerships Manager for this piece of work which still held the principles of Te Tiriti o Waitangi in place.
- Need to remember the discussions in February 2023 need to have the right people at the table, i.e. our joint management agreement partners as well as mana whenua.
- Cr Matatahi-Poutapu and Her Worship the Mayor acknowledged Mr Toka's contribution to the organisation and his resignation had left a large gap in the organisation.

- Concern was raised regarding gap and nobody left to lead this piece of work. It is imperative that the two Maaori ward Councillors be involved and the work going forward.

**ACTION:** Staff to schedule a briefing early in 2023 with Council and partners to consider the Terms of Reference for Mana Whenua Forums.

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

**That the Waikato District Council refers the Terms of Reference for Mana Whenua Forums to a Council briefing early in 2023.**

**CARRIED**

**WDC2212/11**

The meeting was adjourned at 10.50am and reconvened at 11.17am.

Governance Structure – Additional Delegations

Agenda Item 6.4

The report was received [*WDC2212/01 refers*] and the following discussion was held:

- Chief Executive provided an overview of the appointments being sought, noting that these were based on the proposed structure being developed by Waikato Regional Council.
- The Chief Executive also spoke about the appointment of Peter Stubbs as the independent chair of the Development Agreement Committee.

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

**That the Waikato District Council confirms the following additions to the Governance Structure for 2022-2025:**

- a. the appointment of **Cr Eugene Patterson** as the **Council member on the Regional Transport Committee.**
- b. the appointment of **Cr David Whyte** as the **alternate Council member on the Regional Transport Committee.**
- c. the appointment of **Cr Eugene Patterson** as the **Council member on the Metropolitan Public Transport Sub-Committee (or amended name).**
- d. the appointment of **Cr David Whyte** as the **alternative Council member on the Metropolitan Public Transport Sub-Committee (or amended name).**
- e. the additional of **Cr Eugene Patterson** as the **alternative Council member on the Future Proof Implementation Committee.**
- f. appointment of **Peter Stubbs** as the **Independent Chair of the Development Agreements Committee, subject to the Chief Executive confirming remuneration details with Councillors.**

**CARRIED**

**WDC2212/12**

Delegations Register - Staff  
Agenda Item 6.5

The report was received [WDC2212/01 refers] and no further discussion was held.

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

**That the Waikato District Council; as per Schedule 7, clauses 32, 32A and 32B of the Local Government Act 2022:**

- a. delegates the Chief Executive (or his nominee) the power to update and maintain the Delegations Register for the 2022-2025 triennium; and
- b. confirms that all existing delegations authorised by the Chief Executive are continuing in effect and always remain valid regardless of whether those existing delegations are listed in the Delegations Register (in its current form) or not; and
- c. delegates to the Chief Executive the power to authorise all delegations including statutory, operational, and financial delegations; and
- d. delegates to the Chief Executive and Her Worship the Mayor, Mrs JA Church, the power to issue staff warrants.

**CARRIED**

**WDC2212/13**

Delegations to the Chief Executive for the Holiday Period  
Agenda Item 6.6

The report was received [WDC2212/0? refers] and no further discussion was held.

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

**THAT the Waikato District Council:**

- a. except as otherwise recorded in this resolution, the Council extends the Chief Executive's current delegations (detailed in the Council's Delegations Register) to include all of Council's responsibilities, duties, and powers currently retained by the Council or delegated to the Council's standing Committees (except the District Licensing Committee), subject to the following conditions:
  - i. the extended delegations will have effect only for the period from Thursday, 22 December 2022 until Sunday, 15 January 2023;
  - ii. the extended delegations do not include a delegation of any Council responsibilities, duties or powers which are prohibited by law from delegation - including, without limitation, those set out in Clause 32 of Schedule 7 to the Local Government Act;
  - iii. the Chief Executive may only exercise the extended delegations for those matters that cannot reasonably wait until the next Council or relevant Committee meeting;

- iv. where reasonably practicable, the Chief Executive must, before exercising an extended delegation responsibility, duty or power, first consult with:
    - 1. the Mayor (or the Deputy Mayor if the Mayor is not available); and
    - 2. the Chairperson (or Deputy Chairperson, if the Chairperson is not available) of the relevant Committee, which would otherwise have the delegated authority to determine the issue for which the Chief Executive is intending to exercise the extended delegations.
  - v. any decisions made and documents executed in exercising the extended delegations must be reported to the next meeting of Council or relevant Committee;
  - vi. the extended delegations may be revoked at any time by the Council or the Emergency Committee. In the event there is any inconsistency between this delegation and any other delegations made by the Council, this delegation takes precedence.
- b. notes and agrees that, in the event that the Chief Executive is not available, the Chief Operating Officer can exercise any of the extended delegations noted above, subject to the same conditions;
- c. temporarily amend the Emergency Committee's Terms of Reference and Delegations to remove the pre-requisite that a Council meeting is precluded due to a lack of quorum before an Emergency Meeting can proceed, provided that:
- i. such amended Terms of Reference and Delegations shall apply only for the period from Monday, 16 January 2023 until the next scheduled ordinary meeting of Council in mid-February; and
  - ii. all Councillors be invited to any Emergency Committee (via audio visual conference) meeting convened during that period; and
  - iii. noting the Emergency Committee would need a quorum of two (2) members in person.

**CARRIED**

**WDC2212/14**

Meeting Dates 2023  
Agenda Item 6.7

The report was received [*WDC2212/01 refers*] and the following discussion was held:

- The approach to setting the meeting schedule for 2023 was explained to Council. The plan is to spread the workload across the six week cycle period, noting that there were still a number of briefings, workshop and induction events to be rescheduled.

**ACTION:** Staff to schedule diary appointments to protect time in Councillor diaries for 2023.

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

**THAT the Waikato District Council:**

- a. **adopts the 2023 Meeting Schedule for Council and Committees, as circulated under separate cover; and**
- b. **notes that a further report will be provided to the February Council meeting advising of dates for the Joint Management Committee meetings once finalised with our Iwi partners.**

**CARRIED**

**WDC2212/15**

Update to Appeals on Proposed District Plan  
Agenda Item 6.8

The report was received [*WDC2212/01 refers*] and the following discussion was held:

- Staff provided an overview of the progress report, particularly that Council had settled a couple of appeals and continued to negotiate on appeal points.
- It was noted that a report was due to the Court in March 2023 and meetings of the PDP Sub-committee had been scheduled in February to finalise direction on the balance of appeals.

Whatawhata Community Facility Funding Update  
Agenda Item 6.9

The report was received [*WDC2212/01 refers*] and the following discussion was held:

- Archeological works required and balance increase in cost is due to resource consent requirement from Waka Kotahi is to form a carpark and alternative access to the property.
- Concerns were raised with regard to the increased costs. It was noted that this project would be loan funded and a targeted rate put in place.
- Playground was being supported by the School/Ministry of Education.

**Resolved: (Crs Gibb/Matatahi-Poutapu)**

**That the Waikato District Council:**

- a. **approves the project budget increase for Whatawhata Community Facility from \$1,337,404 to \$1,497,404; and**
- b. **approves that the unfunded portion of this budget will be loan funded and repaid by Whatawhata Community targeted rates at the completion of this project.**

**CARRIED**

**WDC2212/16**



Proposed Road Name for Subdivision 0233/17 at 55 Redwood Grove, Tamahere  
Agenda Item 6.10

The report was received [WDC22/12/01 refers] and no further discussion was held.

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

**That the Waikato District Council**

- a. **approves the following proposed road name submitted by the developer for SUB0233/17, 55 Redwood Grove, Tamahere.**
  - **Road 1 - Fairweather Lane**

**CARRIED**

**WDC22/12/17**

**ACTION:** Community Boards and Committees need to undertake a regular review of their approved road names lists.

Proposed Road Names for Subdivision 0010/22 at 38 Washer Road, Horotiu  
Agenda Item 6.11

The report was received [WDC22/12/01 refers] and no further discussion was held.

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

**That the Waikato District Council:**

- a. **approves the following proposed road names submitted by the developer for SUB 0010/22, 38 Washer Road, Horotiu:**
  - i. **Road 1 (Lot 100) – Ngarua Lane**
  - ii. **Road 2 (Lot 101) – Tupuke Lane**

**CARRIED**

**WDC22/12/18**

Road Name amendment for Subdivision 0002/21 at 99 Ngaruawahia Road, Ngaruawahia  
Agenda Item 6.12

The report was received [WDC22/2/01 refers] and no further discussion was held.

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

**That the Waikato District Council:**

- a. approves the amendment of NCB2205/05 and INF2206/06 to replace the previous approved names as part of the subdivision 0002/21 at 99 Ngaruawahia Road, Ngaruawahia as below:

	<b>ROAD 1</b>	<b>ROAD 2</b>	<b>ROAD 3</b>
<b>Previously approved names</b>	<b>Kiokio Road</b>	<b>Wheki Place</b>	<b>Purei Lane</b>
<b>New recommended names</b>	<b>PAHĪWAI Road</b>	<b>KAUHURI Road</b>	<b>KŌPURA Place</b>

**CARRIED**

**WDC22/19**

Her Worship the Mayor left the meeting at 11.55am and the Deputy Mayor assumed the Chair.

**EXCLUSION OF THE PUBLIC**

Agenda Item 7.3

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

- a. **THAT** the public be excluded from the following parts of the proceedings of this meeting:

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

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48(1) for the passing of this resolution</b>
<b>Item PEX 4.2 Proposed changes to the constitution of Co Lab</b>	<b>Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987</b>	<b>Section 48(1)(a)</b>
<b>Item PEX 4.3 Mercer – Acquisition of property for community facility</b>		
<b>Item PEX 4.4 Contract 21/061: Raglan Wharf – Request for Increase to Approved Contract Sum</b>		

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item No.	Section	Interest
Item PEX 4.2 Proposed changes to the constitution of Co Lab	7(2)(h)	To enable commercial activities to be carried out without prejudice or disadvantage.
Item PEX 4.3 Mercer – Acquisition of property for community facility	7(2)(i)	To enable negotiations to carry on without prejudice or disadvantage.
Item PEX 4.4 Contract 21/061: Raglan Wharf – Request for Increase to Approved Contract Sum	7(2)(h) 7(2)(i)	To enable commercial activities to be carried out without prejudice or disadvantage. To enable negotiations to carry on without prejudice or disadvantage.

**CARRIED**

**WDC2212/20**

*Resolutions WDC2212/03-2212/04, WDC2212/08-2212/09 & WDC2212/22-2212/25 are contained in the public excluded section of these minutes.*

Having concluded the public excluded meeting the following resolutions were released into the open section of the minutes.

Water Governance Board Recommendations – 22 November 2022

Agenda Item PEX3.1

Ngaruawahia Wastewater Pipeline to the Wastewater Plant (WGB2211/14)

*It was resolved [Resolution No. WDC2212/08] during the public excluded section of the meeting that the following resolution be released into open meeting but the report remain confidential and unavailable to the public:*

“Resolved: (Crs L Thomson/Reeve)

THAT the Waikato District Council:

- a. notes that the Waters Governance Board:
  - i. supports the completion of the Ngaruawahia Pipeline;
  - ii. supports the request to utilise \$2.969 million available within the 2021-31 Long Term Plan; and
  - iii. supports the request to Council for an additional funding solution of \$3.111 million, by the way of loan funding, to enable the completion the final section of the Ngāruawāhia wastewater pipeline;
- b. acknowledges the Ngaruawahia Pipeline upgrade will cost a total of \$6.08 million to deliver the final stage;
- c. recognises that cost solutions contained within the 2021-31 Long Term Plan are not sufficient to enable completion and deliver the final section;
- d. approves the utilisation of the remaining \$2.969 million to complete the final section of the Ngāruawāhia wastewater pipeline that is included within the funding solutions available within 2021-31 Long Term Plan;
- e. approves an additional \$3.111 million of unbudgeted expenditure not included within the 2021-31 Long Term Plan, by the way of loan funding, to allow the completion of the final stage of the Ngaruawahia Pipeline; and
- f. resolves to release the resolutions into open meeting with redacted figures, but the report remain confidential and unavailable to the public.

CARRIED

Proposed Changes to the Constitution of CoLab  
Agenda Item PEX4.2

It was resolved [Resolution No. WDC2212/22] during the public excluded section of the meeting that the following resolution be released into open meeting but the report remain confidential and unavailable to the public:

“Resolved: (Crs Gibb/Patterson)

That the Waikato District Council:

- a. approves the following changes proposed by Waikato Local Authority Shared Services Limited, trading as Co-Lab, constitution (as separate recommendations numbered 1 to 4):

b.

Rec.	Summary of change	Clause to be adjusted	Amended wording
1	Change in the groupings of councils who appoint a director to the Board of Co-Lab	13.1e and 13.1f	13.1e one may be appointed by the Thames-Coromandel, Hauraki, Western Bay of Plenty and Matamata-Piako District Councils 13.1f one may be appointed by the Ōtorohanga, Waitomo, South Waikato, and Rotorua District Councils
2	Change to who may be appointed a director	13.2c	13.2c a Council Representative Director cannot be an elected member of a shareholder
3	Change in who approves director remuneration	16.2	16.2 The payment of remuneration or the provision of other benefits by the company to a director for services as a director or in any other capacity may only be authorised in accordance with section 161 of the Act <b>and the requirements of the shareholder's Appointment of Directors' and Trustees of Council Controlled Organisations Policies as required by the Local Government Act 2002</b>
4	Other minor changes	multiple	That the constitution be changed to reflect the various other minor amendments as indicated in the attached 'tracked changes' version of the constitution

- c. notes that approving recommendation 3 will require amendments to Council's Appointing Directors and Trustees of Council Controlled Organisations Policy (currently under review).
- d. resolves to release the resolutions into the open meeting, but the report remains confidential and unavailable to the public until Co-Lab has received responses from all shareholders.

CARRIED



<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Zero Harm Update</b>
Date:	14 <sup>th</sup> February 2023
Report Author:	Lynn Shirley, Zero Harm Manager
Authorised by:	Gavin Ion, Chief Executive

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

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

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To provide Council assurance on progress against the activities detailed in the Zero Harm Strategic Improvement Plan and current health and safety performance.

## **2. Executive summary**

### **Whakaraapopototanga matua**

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- Planning and delivering the Work Safe, Home Safe 2023 event has been a key area of focus for the Zero Harm team.
- Revised emergency response procedures and flipcharts have been rolled out to all Council Libraries and Offices.

## **3. Staff recommendations**

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

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**That the Council receives the Zero Harm report for February 2023 and Zero Harm Dashboard for January 2023.**

## **4. Background**

### **Koorero whaimaarama**

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Councils' zero harm culture is supported by a health and safety management system of policies, standards and procedures that are designed to support the elimination or management of risk and enable best practice.

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## 5. Discussion Matapaki

### Zero Harm Strategic Improvement Plan FY22/23 Progress

A key area of focus over the last two months has been planning the annual organisation wide Work Safe, Home Safe event. This year’s three-week event is focused on building knowledge and understanding of the following;

- Emergency management
- Hazard & risk management
- Mental wellbeing
- On-road driving and
- Physical wellbeing

Key outcomes from the event include:

- Worker understanding and connection with Council’s refreshed Zero Harm commitment.
- Reinforcement of key Zero Harm information by the completion of refresher induction training



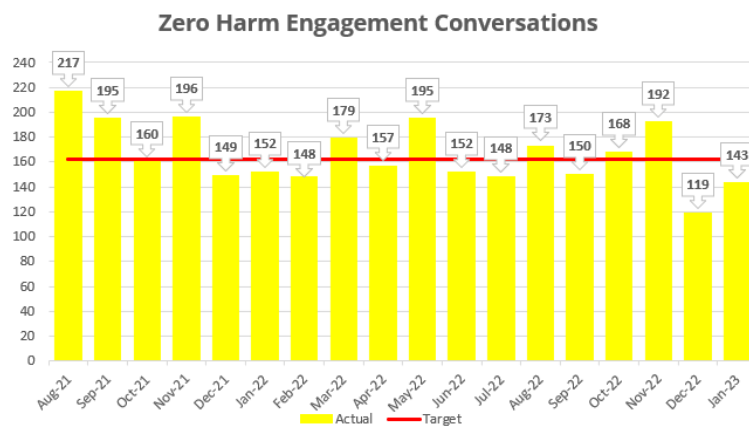
### Our People

#### Safety Leadership – Zero Harm Engagement Conversations

A review of the Zero Harm Engagement Conversation Key Performance Indicator (KPI) has been undertaken to align with the recent team structure changes. This KPI of 160 conversations (which is based on each People Leader recording two conversations per month) is now illustrated in the below graph.

While the data for December and January are below the KPI reasons for this include that;

- Historically less conversations have been recorded in these months in which Council closes for the holiday period;
- There are currently ten People Leader vacancies across the organisation.





## **Effective Systems**

### ***Emergency Preparedness and Response***

In preparation for Work Safe, Home Safe 2023, all Council Libraries and offices now have in place updated and readily accessible emergency response flipchart and plans.

A key outcome of WSHS 2023 is to ensure all our people know what to do in an emergency event and where to find resources to support a response. Significant positive feedback has been received on the emergency response station concept implemented at the Ngaruawahia Office.

As a result, this will now be replicated at all other Council Libraries and offices in conjunction with the rollout of ten additional Automated External Defibrillators (AEDs) sourced through the Three Waters Better Off Funding package.



### ***Procurement Health and Safety (Contractor management)***

We have continued to review and update our documented standard and associated procedures for Contractor Management in conjunction with other key stakeholders and the requirements of International Standard (ISO) 45001.

Changes have been made to the existing Contracted Work Health and Safety risk assessment tool to align with the four types of procurement activities undertaken.

- Physical works
- General services
- Professional/consultancy services
- Supply of goods or materials

The revised tool will now provide Contract Managers with a more comprehensive assessment of health and safety risks associated contracted work, and Council's requirements for the elimination or management of those risks.

## **Procurement & Contract Lifecycle Zero Harm Requirements**



### Performance Reporting and Incident Management

Council's zero harm performance across several health and safety metrics for the period July 2022 to January 2023 is shown below. The results for the period July 2021 to June 2022 are included for comparison.

Measures	July 21 to June 22	July 22 to January 23 (annualised)	Trend Against previous year	Commentary
Events reported in BWare Safety Manager (Lead)	178	135 (230)		
Total Recordable Injuries (TRIs) e.g., Lost Time Injury, Restricted Work Injury or Medical Treatment Injury (Lag)	2	2 (2)		Medical Treatment Injury (MTI) sustained by Customer Delivery Officer while moving box of books on a shelf. Injury required several physiotherapy treatments to support recovery. Problem solve undertaken to identify improvement opportunities.
WorkSafe NZ Notifiable Events (Lag)	1	0 (0)		
First Aid Injury events (Lag)	18	8 (13)		
Serious Near Miss events (Lead)	1	1 (3)*		*It is generally considered that having more near misses being reported is a more accurate reflection of positive safety culture
Near Miss events (Lead)	86	52 (89)*		*It is generally considered that having more near misses being reported is a more accurate reflection of positive safety culture
New Hazards (Lead)	162	54 (93)		Comparative figure for FY21/22 includes Covid-19 risk management controls and is significantly higher than normal
Zero Harm Engagement Conversations (Lead) KPI is >160 conversations per month or 1920 annually	1920	1093 (1874)		At the time of preparing the report there were ten People Leader vacancies.

Further analysis of the incidents reported during the period December 2022 to January 2023 has been undertaken to identify what hazards these incidents related to and if any additional risk management opportunities exist.

The attached Zero Harm Dashboard (Attachment 1) illustrates safety performance for December 2022 and January 2023.

## **Critical Safety Risk Management**

### ***Workplace Violence***

A review of the risk control plan for Workplace Violence has commenced. Council's risk control plan has been updated to include additional controls based on work undertaken by the Government Health and Safety Lead (GHSL) in the published Social Sector Safety Forum Report, December 2020. This work included three specific scenarios relevant to Council, these are; physical harm in uncontrolled environments, physical harm in controlled environments, and psychological harm.

### ***Mental Wellbeing***

Work continues on the development of the risk control plan for Mental Wellbeing at Work in conjunction with the People & Capability (P&C) Team. Analysis of the risk and development of the control plan is being undertaken using the International Standard (ISO) 45003 Occupational health and safety management – Psychological health and safety at work – Guidelines for managing psychosocial risks.

Information on risk control plan progress and activities that can support physical, mental and emotional wellbeing are key areas of focus for Work Safe, Home Safe 2023.

## **6. Attachments**

### **Ngaa taapirihanga**

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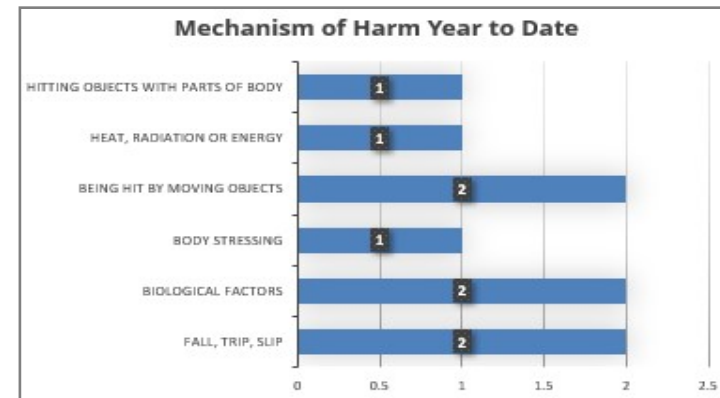
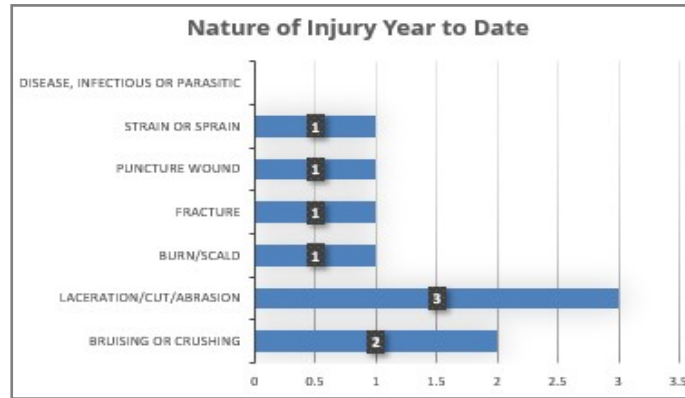
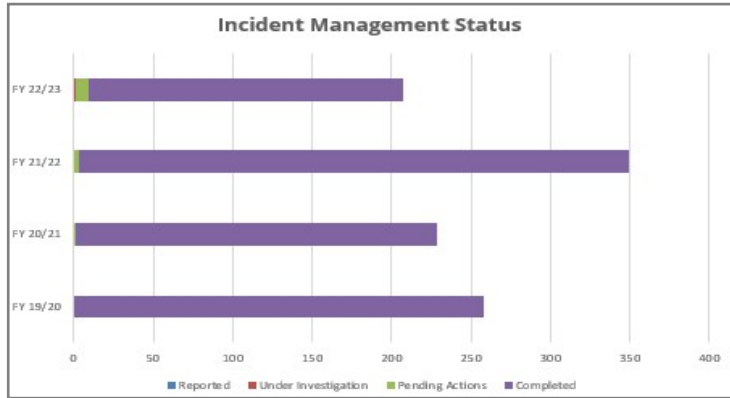
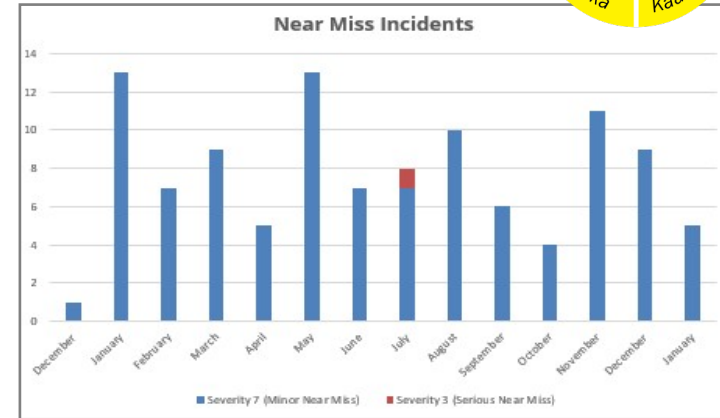
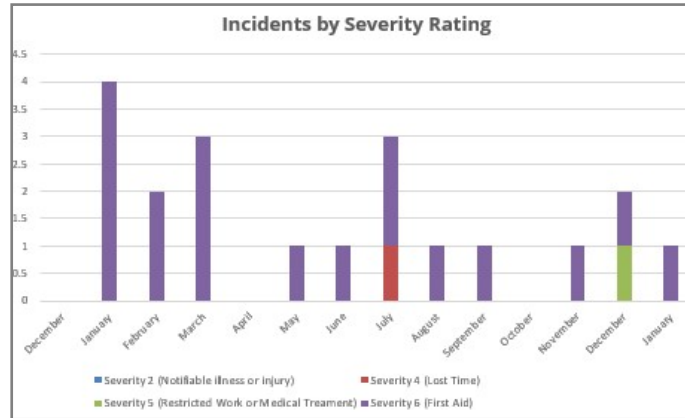
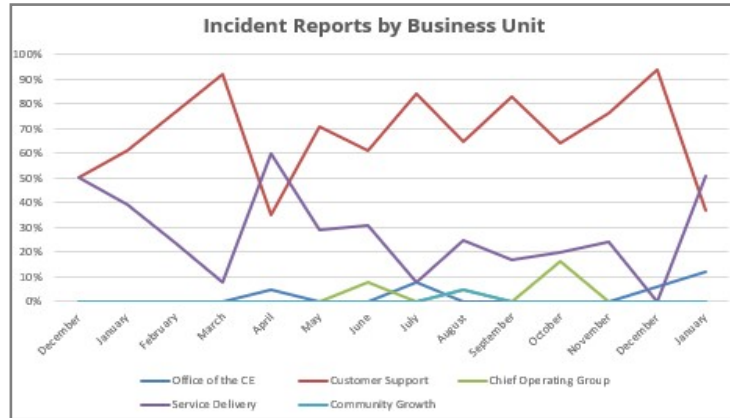
Attachment 1 – Zero Harm Dashboard January 2023

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# Zero Harm Performance Dashboard - January 2023



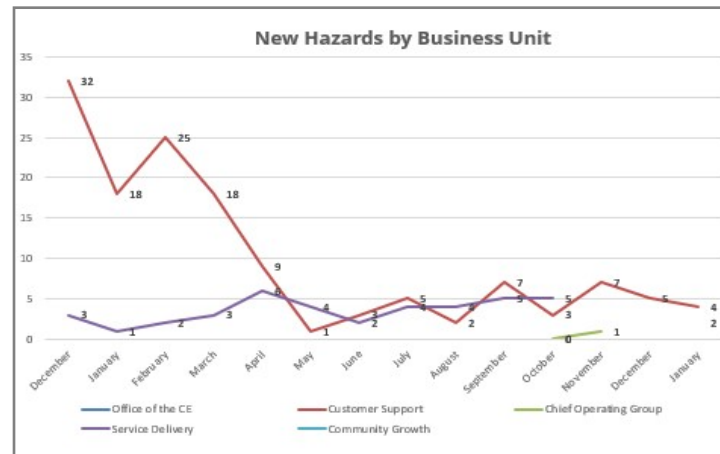
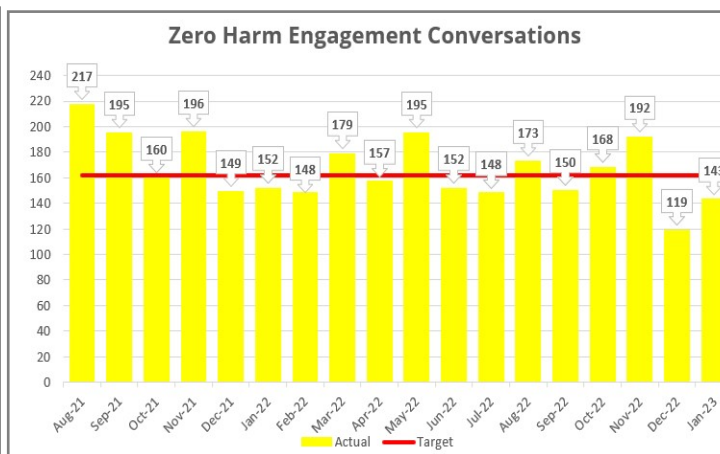
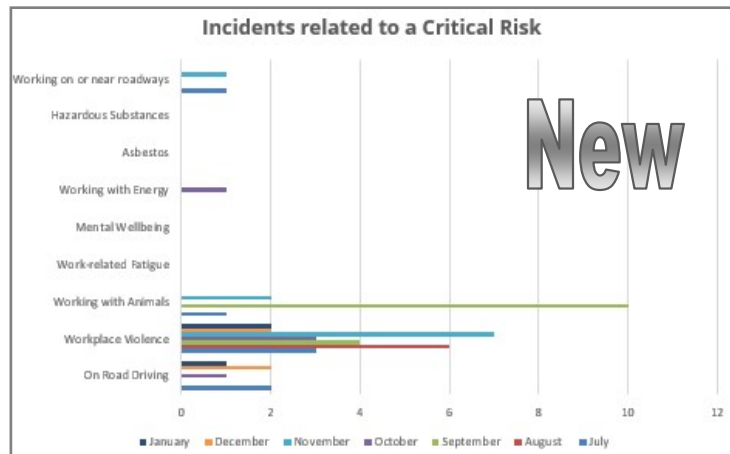
## Incident Management



## Incident Management

## Safety Leadership & Culture

## Hazard & Risk Management



<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Hitchen Road Water Main Relay Budget Allocation</b>
Date:	13 February 2023
Report Author:	Will Gauntlett, Growth and Analytics Manager
Authorised by:	Roger MacCulloch, General Manager Service Delivery

## 1. Purpose of the report

### Te Take moo te puurongo

To inform the Council regarding a relaying of the Hitchen Water Main in Pokeno.

To recommend that the Council allocate funding from the *Structure Plan Non-Growth Reserve* to a new budget item to pay for the relaying of the Main.

## 2. Executive summary

### Whakaraapopototanga matua

In around 2015 a new water reservoir and associated water main was installed at the top of Hitchen Road in Pokeno. The main was laid in what was thought at the time to be the centre of the paper road. A series of events, summarised in retrospect in this report, led to this not being the case.

Following consideration of the three available options, Staff concluded that the pipe needed to be re-laid. In conjunction with residential development on either side of the paper road, WDC worked with Pokeno Village Holdings Limited (the Developer) to get the works completed, which required an overnight shutdown of water in Pokeno.

Staff are seeking Council to allocate funding from a bucket known as the *Structure Plan Non-Growth Reserve* to fund the works.

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

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**That the Waikato District Council approves:**

- a. **\$214,776.09 (plus GST) be allocated from the Structure Plan Non-Growth Reserve to a new budget item for the relaying of the Hitchen Road Water Main.**

### 4. Background Koorero whaimaarama

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In around 2015 a new water reservoir and associated water main was installed at the top of Hitchen Road in Pokeno. This is the primary reservoir for the township. The design and installation of the water main was undertaken by contractors on behalf of Council. The water main was designed and installed in what was thought at the time to be the centre of an unformed paper road.

The land title on either side of the paper road was “limited as to parcels”<sup>1</sup>. The land has since been rezoned and is now being developed for residential purposes by Pokeno Village Holdings Limited (the Developer).

In order to obtain a subdivision consent, the Developer needed to follow the LINZ process to remove the “limited as to parcels” status from the title. This process resulted in the boundaries between that title and the paper road, as they appeared on Council GIS mapping system, moving to where it is now shown.

This surveying process, in effect, resulted in the water main being in private property.

While progressing its development plans on either side of Hitchen Road, the Developer engaged with WDC staff regarding the location of the water main in case the alignment (being in private property) posed unacceptable risk to the pipe, to WDC and Watercare.

The pipe was designed by GHD in 2014 and installed by Smythe Contractors Ltd in 2015. The design report did not make note of the limited as to parcels nature of the land surrounding the paper road and simply advised that design had the pipe located along the centreline of the proposed 20m wide future road corridor.

The design drawings indicated the contractor to confirm final lay location prior to construction. The physical works contract did not include provision for a survey set out. There is no information within the contract file that suggests a surveyor was involved in the design or construction and it appears the limited as to parcels nature of the adjacent land was not identified as a potential issue. The confirmation of pipe installation location is assumed to have been by way of GPS coordinates obtained from LINZ or Council’s online GIS maps.

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<sup>1</sup> A title to land that is “limited as to parcels” means that at the time the first title was issued for that land, a guaranteed title could not be issued. This is because either the survey information was insufficient or there could have been someone else in adverse possession of part of the title. LINZ requires the position of the boundaries of the land to be properly defined on a cadastral survey dataset before an ordinary (guaranteed) title can be issued.

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Some years after the laying of the pipe, the removal of the limitation as to parcels status was done in consultation with WDC as the owner of the paper road. The Council was requested to consent to the plan that defined the legal boundary of the land adjoining the legal road and thus defining the location of the legal road. Council Property staff declined the request and advised the owner's surveyor accordingly in February 2020.

This followed a meeting between Council staff and the developer in March 2019 where concerns were raised that the Council's watermain was being incorporated into the area under survey. Council further advised that if the plans were lodged, then Council, when advised of the Land Transfer Notice, would register a Caveat to prevent the deposit of LT 540985.

A meeting was held between the Council's Property and Planning teams with the Developers in March 2020. Regrettably, staff have not been able to locate any further information on the matter following that meeting.

Staff later discovered that the new title issued, and no caveat was placed on the title. Therefore, the Council watermain was now situated on privately owned land.

WDC and Watercare staff confirmed that such a strategic main remaining in private property posed an unacceptable risk.

Several options were then considered to mitigate the risk, including:

- A. Leave the main in its current location (leave main in private property).
- B. Relay the main to the centre of the current road reserve location.
- C. Move the road reserve to accommodate the current location of the main.

The costs and benefits of each option were considered, and Council's General Manager of Service Delivery, in liaison with Council's Growth and Analytics Manager and Waters Manager, agreed with the staff recommendation that there was no other viable option than to relay the main. The option of keeping it in private property was considered a significant risk due to the strategic nature of the main. The option of rearranging the property and road boundaries would come with significant disruption to the yield of the development; a cost Council would be liable for.

A record of the cost and benefits of each option is attached (as Attachment 1).

The Developer was undertaking works within the roading corridor, including earthworks for the construction of the road, and provided a price for relaying the water main. This price was reviewed by Watercare staff, and it was determined that the price provided by the Developer was good value, primarily because the Developer could combine this portion of works with its other development work and the fixed price nature of the agreement that staff discussed with the developer. It was expected that it would be considerably more expensive for another contractor, disconnected from the Developer, to come in and do this work.

In early 2022, Council entered into an Infrastructure Works Agreement with the Developer to outline and secure obligations on both parties in order for the Developer to complete the works on Council's behalf.

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Council, through Watercare, engaged with the Developer as they prepared for the works. WDC managed communications with the public and industrial users regarding the required overnight water shutdown for Pokeno. The Developer also arranged for a Variable Message Sign (VMS) board. The Developer arranged for a watercart to be on standby in town should any members of the public require emergency drinking water throughout the shutdown. Council staff agreed it would recuperate the Developer for these costs.

The work was completed overnight on 2-3 November 2022. Watercare have reported that

- The shutdown and drain off was near to perfect in terms of time frames and efficiency.
- Return to service also went very well.
- The air valves placed at strategic points in the network worked a lot better than anticipated as there was virtually air everywhere.
- There were no reports from customers of any air and/or any issues.

Compliance documents including as-built diagrams were provided to Council in January 2023 as well as a confirmation of additional items (two 450mm spigot flanged 45° bends to avoid private land near reservoir).

The Developer is now in a position to invoice Council and a budget line needs to be established. The costs are as follows:

	<b>Net \$</b>	<b>GST \$</b>	<b>Gross \$</b>
Relocate watermain as per agreed cost	184,958.00		212,701.70
Additional costs			
1) Provide VMS board	2,840.63		3,266.72
2) Water cart (standby for night)	2,716.88		3,124.41
3) Install 450mm spigot flanged 45 Deg bends to avoid private land at reservoir	24,260.58		27,899.67
<b>TOTAL</b>	<b>214,776.09</b>	<b>32,216.41</b>	<b>246,992.50</b>

## 5. Discussion and analysis

### Taataritanga me ngaa tohutohu

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#### 5.1 Options

##### Ngaa koowhiringa

The background and specific circumstances of this matter led to there being only one viable option for Council, which was the option that staff proceeded with. The remaining decision is how to best fund the works.

As this project directly related to the development of Pokeno, but the error was not the developer's, nor is it specifically growth related, staff are proposing that the Structure Plan non-growth reserve be used to fund this work. The current reserve balance is \$2.1 million.

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This fund has been built up over several years as a risk management tool. When development costs are split between growth and existing resident benefit it is based on assumptions (LTP budget setting stage), when in reality the final built form may result in more or less houses than anticipated. As this is not within the control of Council this reserve is used to fund any unforeseen impacts.

Other funding options include network renewals and upgrade budgets, but staff view is that these are not appropriate.

## **5.2 Financial considerations**

### **Whaiwhakaaro puutea**

There are no significant financial considerations associated with the recommendations of this report other than those discussed.

## **5.3 Legal considerations**

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

Staff confirm that this matter complies with the Council's legal and policy requirements. The works were procured through an Infrastructure Agreement which was drafted and reviewed with assistance from Council's Legal team.

## **5.4 Strategy and policy considerations**

### **Whaiwhakaaro whakamaaherehere kaupapa here**

Staff confirm that the matter has no strategy or policy considerations.

## **5.5 Maaori and cultural considerations**

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

Staff confirm that Maaori or cultural considerations were considered as part of a stakeholder assessment and given this was realignment of an existing water main decided no further action was required.

## **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**

The matter is low risk.

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## 6. Significance and engagement assessment Aromatawai paahekoheko

### 6.1 Significance Te Hiranga

The decisions and matters of this 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"/>

Stakeholders that have been or will be engaged with are:

Planned	In Progress	Complete	
<input type="checkbox"/>	<input type="checkbox"/>	✓	Internal
<input type="checkbox"/>	<input type="checkbox"/>	✓	Other (Developer, Watercare)

## 7. Next steps Ahu whakamua

Once the budget line has been approved and a minor variation letter completed, the Developer will invoice Council. Paying the invoice will conclude the matter so long as there are no defects on the works within the 12-month defects liability period.

## 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 Committee's Terms of Reference and Delegations.	Recommendation to Council required
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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
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Staff assessment of the level of significance of the issues in the report after consideration of the Council's Significance and Engagement Policy (*Section 6.1*). 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 (*Section 6.2*). Confirmed

The report considers impact on Maaori (*Section 5.5*). Confirmed

The report and recommendations are consistent with Council's plans and policies (*Section 5.4*). Confirmed

The report and recommendations comply with Council's legal duties and responsibilities (*Section 5.3*). Confirmed

## 9. Attachments

### Ngaa taapirihanga

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Attachment 1: Options considered by Council staff

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## Attachment 1 – Options considered by Council Staff

### A. Leave the main and the road in the current location

This was the avenue that the Developer was considering however, Council and Watercare consider it highly inappropriate to leave the large, strategic water main within the front yard of a number of private residential lots.

Pros/Benefits	Cons/Costs/Risks
<ul style="list-style-type: none"> <li>No cost involved in this solution.</li> </ul>	<ul style="list-style-type: none"> <li>Unacceptable risk having the main run through private property.</li> <li>The current alignment would constrain the viable building footprint for future development within the lots.</li> <li>Risk especially due to the topography of the land, the lots would require steep driveways to maintain cover over the pipe. There is a risk that future development (regardless of any easement protecting the pipe) may jeopardise the pipe – e.g. recontouring driveway, retaining piles.</li> <li>The watermain is a 450mm diameter pipe which, if ruptured, would cause catastrophic damage, and cut the water to Pokeno township until repaired.</li> </ul>

### B. Relay the main to the centre of the current road reserve location (chosen option)

This option involves laying a new main in a survey-correct location. The works would necessitate an overnight shutdown to allow the connections at either end to be made and includes the removal of the existing main where necessary.

The developer offered to complete this work, at Council's cost, while it is developing the land and constructing the road.

Pros/Benefits	Cons/Costs/Risks
<ul style="list-style-type: none"> <li>The least expensive of the 'do something' options.</li> <li>Provides the most conservative engineering solution – can put pipe in the correct place at the correct depth.</li> </ul>	<ul style="list-style-type: none"> <li>More expensive than do nothing.</li> <li>The length of time for the outage does not allow for any complications. This could be a reputational risk if the connections are not completed within the shutdown timeframe and water is not restored.</li> </ul>

### C. Move the road reserve to accommodate the current location of the main

This option would require land swaps and/or property acquisition likely led by WDC. By moving the legal road, the contour impacts negatively on the lot layout due to the nature of the topography in this area. The developer has investigated a number of subdivision lot layout options. The developer provided what it believes is the best option (limiting damage to the developer and WDC). Unfortunately, due to the topography and building line restrictions, it is not a simple land swap. Comments as follows:

- 1) The road reserve has been positioned with the main 1.50m off the boundary.
- 2) Net 398m<sup>2</sup> of land would need to be purchased by WDC.
- 3) The logistics of road stopping (potential delays) and part acquisition by the developer would need to be defined.

The developer has estimated the cost to WDC of this option would be in excess of \$350,000 for land acquisition, earthworks re-work and, while there would be no loss in the number of lots, the revised plan produces a number of smaller lots.

Pros/Benefits	Cons/Costs/Risks
	<ul style="list-style-type: none"> <li>• The more expensive of the 'do something' options.</li> <li>• Likely involves complex arbitration to determine actual impact on lot values / damages.</li> <li>• Would result in some engineering compromises both in terms of road grade and pipe depth.</li> <li>• Would require re-earth working the area.</li> <li>• Road is 1% steeper at 14.4% compared to the re-lay option 13.4% (WDC standard 12.5%).</li> </ul>

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<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Submission on <i>He mata whāriki, he matawhānui</i> (Local Government Reform discussion document)</b>
Date:	24 February 2023
Report Author:	Vishal Ramduny, Strategic Initiatives and Partnerships Manager
Authorised by:	Gavin Ion, Chief Executive

## 1. Purpose of the report

### Te Take moo te puurongo

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For Council to consider, for approval, the proposed submission on *He mata whāriki, he matawhānui* (the local government reform discussion document) which was released by the Future for Local Government Review Panel on 28 October 2022.

## 2. Executive summary

### Whakaraapopototanga matua

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The submission (see attachment 2) is categorised as follows:

- Structure and system
- Representation and democracy
- Funding and financing and
- Stewardship

It notes that Council is supportive of a more Te Tiriti-centric approach to local government. This is based on the understanding that Te Tiriti o Waitangi is a partnership between Tangata Whenua (the indigenous people of Aotearoa New Zealand) and Tangata Tiriti (all non-indigenous New Zealanders). For us, it is important that this holistic understanding of Te Tiriti is carried through the reform process.

Our submission recognises our existing Joint Management Agreement Partnerships with Waikato-Tainui and Ngāti Maniapoto which we have nurtured with our partners since 2010 and 2012 respectively.

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The high-level structure for local governance in the Waikato proposed builds on the success of the Future Proof partnership model between local councils, central government, iwi, the Regional Leadership Group and Co-Lab. The work of Co-Lab in the Waikato region is significant because individually we lack economies of scale, but Co-Lab has given us a body who can pursue procurement and other shared service functions on behalf of all the councils.

Council is not proposing any change to existing territorial authority boundary for the Waikato district. Nor does the submission propose changing the six existing community boards of Council or their boundaries. However, the submission notes that community boards and community committees perform a vital role in our district by enabling a level of governance at the community level (both rural and urban). The submission recommends that boundaries of community boards should also consider alignment to relevant hapuu or ruunanga (in addition to communities of interest) and that population size should not be the defining criteria (as it is currently).

As far as representation is concerned, the submission notes that Council is not in favour of reducing the voting age from 18 to 16 until government has initiated and completed a civic education programme for the country. The voting age should be the same for both local body and national elections.

The submission strongly recommends that voters for both local government and national elections go to the polls on a designated polling day i.e., a poll-based voting system only. Our recent (2022 local body elections) experience with the postal system indicates that this system has some serious shortcomings as it did not guarantee many people a say. We also recommend that the Electoral Commission be responsible for running both national and local elections.

Council is advocating for a four-year term for *both* local government and central government. The submission notes that, like the voting age, we should not have two different requirements for central and local government if we are aiming to be a seamless governance system. Local government elections should be held the year after central government elections in a four-year term cycle for each.

The submission also notes that Council is not in favour of the Single Transferrable Vote (STV) voting system and instead favour the retention of the First Past the Post (FFP) system.

We can have the best local government structure and system, but it would amount to nothing if government does not provide much needed funding to support infrastructure development and meeting equity outcomes at the local level.

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The submission implores government to urgently institute a more equitable funding model based on considerations such as a district's strategic location, geographical size, areas of deprivation, community resiliency planning and managed retreat, areas requiring managed retreat, and the extent of the roading network. Accordingly, Waka Kotahi's Financial Assistance Rate (FAR) needs to be re-calibrated accordingly and government must consider allocating a greater share of road user chargers (RUCs) to local councils.

Due to the increased expectations for local government to perform a greater role in meeting wellbeing and equity outcomes, it is also imperative that there is greater uniformity in remuneration of elected members at a council level which is in line with the remuneration of members of parliament. Councillors are already playing a wellbeing role in their respective communities anyway.

The submission notes that Council is concerned with the current approach to government's reform agenda (Resource Management Act, Three Waters, Emergency Management) preceding local government reform. However, with some of the other reform initiatives having been progressed by government, it is important that the necessary amendments are made to those initiatives if local government reform provides an opportunity to simplify the system and remove red tape which may be hampering local government from bring more efficient and effective. If this alignment is not done, we will never meet the outcomes sought from these reforms as both central and local government will continue to operate in a siloed manner and in a fragmented policy landscape.

A more comprehensive summary appears in the Executive Summary of the submission attached to this report.

### **3. Staff recommendations**

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

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**That the Waikato District Council:**

- a. approves the submission on *He mata whāriki, he matawhānui* (the local government reform discussion document)**
  - b. delegates the Mayor to sign off the submission.**
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## 4. Background

### Koorero whaimaarama

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The Future of Local Government Review Panel released a discussion document titled *He mata whāriki, he matawhānui* on 28 October 2022 for consultation following a year of engagement with the local government sector and iwi.

Council determined that it would engage with its Joint Management Agreement Partners, mana whenua and community boards and committees to help inform Council's submission on the discussion document. Submissions close on 28 February 2023. The Panel will then analyse all the submissions from around the country and present a final report with recommendations to the Minister for Local Government on 19 June 2023.

Council held its first workshop on the matter on 28 November 2022 at which elected members provided their preliminary thoughts on the discussion document. This was followed by online engagements sessions with community boards, community committees and mana whenua in December 2022. The inputs received from these sessions were collated and shared with Council's Executive Team, elected members, community boards and committees and mana whenua.

Council held a second workshop on 13 February 2023 to consider a draft submission based on the feedback received from the engagement sessions. Comments from this workshop have been included in the final submission.

The submission attempts to best represent the views of our elected members, community boards, community committees and mana whenua with the districts' and our communities' interests in mind.

## 5. Discussion and analysis

### Taataritanga me ngaa tohutohu

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Please see the Council submission (attachment 2).

### 5.1 Options

#### Ngaa koowhiringa

Council could choose not to make a submission but doing this would be counterproductive as it would mean that we may not be able to influence the local government reform discourse.

### 5.2 Financial considerations

#### Whaiwhakaaro puutea

There are no material financial considerations associated with making this submission.

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### **5.3 Legal considerations** **Whaiwhakaaro-aa-ture**

The submission complies with the Council's legal and policy requirements, and obligations under the Local Government Act.

### **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**

Council's submission is supportive of a better embodiment of Te Tiriti of Waitangi in local government. Council is also advocating for a retention of the Maaori ward system, but the submission is recommending that legislative provisions guiding the demarcation of wards be amended to include consideration being given to hapuu and ruunanga in addition to communities of interest and population numbers.

The submission is premised on our Joint Management Agreement partnerships with Waikato-Tainui and Ngāti Maniapoto (which we have nurtured with our partners since 2010 and 2012 respectively) being the foundation of a proposed local government structure in the Waikato. It also indicates that Council is establishing mana whenua forums in 2023 which will help forge an effective and meaningful partnership between Council and mana whenua.

### **5.6 Climate response and resilience considerations** **Whaiwhakaaro-aa-taiao**

The report advocates that government consider aligning emergency management reform with local government reform. It also advocates for funding support for local government to help with community resiliency planning and managed retreat.

### **5.7 Risks** **Tuuraru**

If Council does not make a submission, there is a risk that we will not have a say on what is best for local government in the Waikato.

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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 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"/>
Besides Council holding two workshops to inform the submission, the submission has also been informed from input through online engagements sessions with community boards, community committees and mana whenua.					

## 7. Attachments Ngaa taapirihanga

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- Attachment 1 - Mayoral cover letter
  - Attachment 2 - Waikato District Council Submission on *He mata whāriki, he matawhānui* for Council Approval – 24 February 2023
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**24 February 2023**

Jim Palmer  
Chairperson – Review into the Future for Local Government  
Wellington  
New Zealand  
[futureforlg@dia.govt.nz](mailto:futureforlg@dia.govt.nz)

Kia ora Jim and the Future for Local Government Review Panel,

**WAIKATO DISTRICT COUNCIL'S SUBMISSION ON HE MATA WHĀRIKI, HE MATAWHĀNUI**

Thank you for the opportunity given to Waikato District Council to make a submission on *He mata whāriki, he matawhānui*, the discussion document on local government reform released by the Future for Local Government Review Panel on 28 October 2022.

The submission (attached) is the outcome of enthusiastic deliberations that my councillors have had on the discussion document. It reflects what is best for local governance in the Waikato as it also incorporates some of the views we have received from Waikato-Tainui, our community boards, community committees and mana whenua – with whom we have engaged with to inform our deliberations. It is also informed by discussions at a regional level through Co-Lab (previously the Waikato Local Authority Shared Services) but with a Waikato district lens.

The submission presents several recommendations for central government's consideration. It is premised on a genuine partnership model for local governance with the wellbeing of our communities at the front and centre.

The submission is categorised into the following sub-headings:

- Structure and system
- Representation and democracy
- Funding and financing and
- Stewardship

It is my sincere hope that the views of my Council are seriously considered and incorporated into the final report to the Minister for Local Government. We need change and this change can only happen if central government heeds what my Council is saying in our submission and provides the required support to local government so that we can make a bigger difference to building liveable, thriving, and connected communities.

Please do not hesitate to contact me or my Chief Executive, Gavin Ion, should you wish to discuss my Council's submission or if you require any clarity on the points raised.

Waikato District Council would welcome speaking to our submission if offered the opportunity.

Thank you once again.

Ngā mihi,

(Signature to be inserted)

Jacqui Church

**MAYOR**

CC: Councillors  
Gavin Ion, Chief Executive  
Executive Leadership Team  
Vishal Ramduny, Strategic Initiatives and Partnership Manager



# Waikato District Council Submission on *He mata whāriki, he matawhānui*

For Council Approval – 24 February 2023

## A. Executive summary

### Whakaraapopototanga matua

1. This is a high-level submission. Specific details can be worked on depending on how the views expressed herein are taken forward by government and in conjunction with Council's partners and stakeholders.
2. WDC supports a more Te Tiriti-centric approach to local government based on the understanding that Te Tiriti o Waitangi is a partnership between Tangata Whenua (the indigenous people of Aotearoa New Zealand) and Tangata Tiriti (all non-indigenous New Zealanders).
3. Our submission recognises our existing Joint Management Agreement partnerships with Waikato-Tainui and Ngāti Maniapoto<sup>1</sup> which we have nurtured with our partners since 2010 and 2012 respectively.
4. The high-level structure for local governance in the Waikato proposed in this submission builds on the success of the Future Proof partnership model between local councils, central government, and iwi, the Regional Leadership Group and Co-Lab<sup>2</sup>.
5. Council support's Co-Lab's principles for local government reform which is particularly relevant to regional issues that the reform needs to consider. The work of Co-Lab in the Waikato region is significant because individually we lack economies of scale, but Co-Lab has given us a body who can pursue procurement and other shared service functions on behalf of all the councils. This is something that should be strengthened.
6. No change to existing territorial authority boundary for the Waikato district is being proposed in our submission.
7. The submission does not propose changing the six existing community boards created by WDC or their boundaries. However, it notes that community boards and community committees perform a vital role in our district by enabling a level of governance at the community level (both rural and urban).

<sup>1</sup> Council had reached out to Ngāti Maniapoto when engaging on *He mata whāriki, he matawhānui*.

Material for discussion was shared at that time and as requested by Ngāti Maniapoto, but no feedback on the documents were received. Council has also shared its submission with the tribe.

<sup>2</sup> A shared services provider owned by 12 councils in the Waikato region which is driving collaboration, shared procurement and improved performance and efficiencies.

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8. The submission recommends that legislation explicit enables that boundaries of community boards be demarcated by giving consideration to relevant hapuu or ruunanga (in addition to communities of interest and population size). Population size should not be the defining criteria (as it is currently).
9. We are not in favour of reducing the voting age from 18 to 16 until government has initiated and completed a civic education programme for the country with local government involvement. We also recommend that the voting age be the same for both local body and national elections.
10. We strongly recommend that voters for both local government and national elections go to the polls on a designated polling day i.e., a poll-based voting system. The recently (2022) concluded local body election highlighted the deficiencies with advanced voting through our postal system as many people did not receive their ballot papers.
11. We share the concerns of central government regarding online voting but agree central government should continue to periodically review the security, technical feasibility, and public support for online voting.
12. We also recommend that the Electoral Commission be responsible for running both national and local elections.
13. Council supports a four-year term for local government, but we recommend that a four-year term needs to be the same for central government as well. Like the voting age, we should not have two different requirements for central and local government if we are aiming to be a seamless governance system. Local government elections should be held the year after central government elections in a four-year term cycle for each so that local government can respond accordingly to central government policy directives over a four-year period.
14. We are not in favour of the Single Transferrable Vote (STV) voting system and instead favour the retention of the First Past the Post (FFP) system for our district.
15. A funding model based on trust and an implementation partnership with central government which is delivered through the Future Proof partnership and Council's Long Term Plan (LTP) is proposed. This can be done through a 'partnership deal' between central government and the Future Proof councils.
16. The current local government rating model is past its used by date as councils such as ours simply cannot afford to meet our challenges. This submission therefore proposes the initiation of a central government funding model based on a district's geographic size, strategic location (e.g., growth corridor), strategic industries (e.g., dairy and horticulture), support for community resilience planning and managed retreat, and the extent of social deprivation within a district. The population size of a district should not be a defining criterion.
17. Additionally, a more equitable Waka Kotahi Funding Assistance Rate (FAR) model funding is proposed by placing greater weight on the geographic size of a district and the total extent of the district's roading network.
18. There is a need for greater uniformity in remuneration of elected members at a council level which is in line with the remuneration of members of parliament.
19. We are concerned with the current approach to government's reform agenda with Resource Management Act, Three Waters, Emergency Management preceding local government reform. However, with some of the reform initiatives having been progressed by government, it is important that the necessary amendments are made to those pieces of legislation if local government reform provides an opportunity to simplify processes and remove unnecessary bureaucratic red tape and facilitate the outcomes sought. If this alignment is not done, we



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will never meet the outcomes sought from these reforms because it will lead to a fragmented policy landscape coupled by local government and central government working in silos.

### B. Key submission points

#### Taapaetanga matararahi

##### 20. Structure and system

- I. WDC's submission is premised on the retention of the existing Council and its boundary, as well as the retention of the Waikato Regional Council, the city council (Hamilton City Council) and other district councils and their associated geographical boundaries as they were when this submission was made. Any change to territorial authority boundaries can be done through the Local Government Act based on strategic land transfer processes between the relevant TLAs and an Order of Council as and if necessary.
- II. WDC has a Joint Management Agreement Partnerships with Waikato-Tainui and Ngāti Maniapoto since 2010 and 2012 respectively. It is important that these partnerships are recognised and strengthened in any new local governance arrangement.
- III. Besides focussing on the health and wellbeing of the Waikato and Waipaa rivers (and their catchments) these partnerships can be used to discuss community wellbeing matters as well.
- IV. WDC proposes the creation of a sub-regional governance entity based on the Future Proof<sup>3</sup> model. Waikato District Council, Hamilton City Council, Waipaa District Council, Matamata-Piako District Council, Waikato Regional Council, Waka Kotahi, Central Government Ministers (Local Government, Housing, Transport, Social Development, Health, Education, Business and Innovation and Iwi) would collectively govern growth management and wellbeing outcomes for this sub-region. This sub-regional model would respect local council autonomy, but it is proposed that the head of this entity be a sub-regional mayor appointed from one of the partner local councils. This model would enable joint governance but guarantee local autonomy. It is also proposed that Members of Parliament whose jurisdiction falls within this sub-region also be invited to be part of the governance entity but with no voting rights.
- V. We advocate that the role of the Regional Leadership Group be recognised as a key regional co-ordinating body in a future structure. This group was initially established in relation to our COVID response and includes the Regional Services Commissioner, community leaders, local government, central government, emergency services, Iwi, Pasifika.

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<sup>3</sup>Future Proof | Te Tau Tiitoki is a joint initiative set up to consider how the Waikato, Hamilton, Waipaa and Matamata-Piako sub-region should develop into the future. The partnership was established in 2009 and re-launched in 2019 to include central government, Auckland Council, and iwi. The mayors and deputy mayors of the territorial local authorities and the chairperson and deputy chairperson of the Waikato Regional Council represent their respective councils at the governing table. The participation of Auckland Council in this partnership is only for matters related to cross-boundary issues. Whilst the partnership was established to focus primarily on growth management and related infrastructure issues, if the structure contained in this submission is supported, it is envisaged that it will also have a wellbeing focus through in a new local governance system.



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- VI. We also support the following regionally significant themes of local government reform, as identified by Co-Lab.
- a. Revitalising citizen-led democracy
  - b. A Tiriti-based partnership between Māori and local government
  - c. Allocating roles and functions in a way that enhances local wellbeing.
  - d. Local government as champion and activator of wellbeing
  - e. A stronger relationship between central and local government
  - f. Replenishing and building on representative democracy
  - g. Building an equitable, sustainable funding and funding system
  - h. Designing the local government system to enable the change we need.
  - i. System stewardship and support
- VII. Within this context, the ability to organise regionally but also sub-regionally (i.e., flexibility in organisational structure) is important in the Waikato. Regions contain diverse groups with diverse interests, and sometimes different axes of organisation will be the most appropriate way of representing those interests and delivering for constituents.
- VIII. Conceptualising the governance as a system (incorporating local, national, and regional interests) is critical – it should not simply be viewed as a relationship between and central government and territorial local authorities. Funding needs to be effective and allocated appropriately within this system. There is a strong case for some of that funding to be allocated regionally.
- IX. WDC is establishing mana whenua forums in 2023 which will forge an effective and meaningful partnership between Council and mana whenua. We propose that the mana whenua forums be recognised as a key component of a future local governance structure for the Waikato district.
- X. Whilst engaging on *He mata whaariki, he matawhaanui*, Council was advised that the marae committee/marae trust board level of governance needs to be better recognised in local governance. We propose that (if supported by our iwi partners) marae representation is best done by having marae representatives who are on iwi governance structures - Te Whakakitenga (the Waikato-Tainui Tribal Parliament), Ngāti Maniapoto Governance and Hauraki Māori Trust Board - in the mana whenua forums.
- XI. We propose that the membership of the mana whenua forums include maata waka representation (i.e., Maaori in the Waikato district who don't whakapapa to Waikato-Tainui, or any other iwi group not represented in the mana whenua forum).
- XII. WDC will also be establishing a Rural Forum to enable the voices of our rural communities (which make up a substantial portion of our district) to be better heard so that Council can meet their needs more effectively.
- XIII. WDC currently has six community boards<sup>4</sup> (Raglan, Ngaaruawaahia, Taupiri, Huntly, Tuakau<sup>5</sup>, and Rural Port Waikato. We do not propose the creation of local boards as

<sup>4</sup> A community board has elected membership to look after local interests and to be a link between the community and the Council. Community boards were established to enable communities to have a voice in decisions affecting them and to ensure people have their say on local issues.

<sup>5</sup> At the time that Council conducted its engagement on *He mata whaariki, he matawhaanui* the Tuakau Community Board was not established as a by-elected was to be held in February 2023 because of there being insufficient candidates at the 2022 elections.

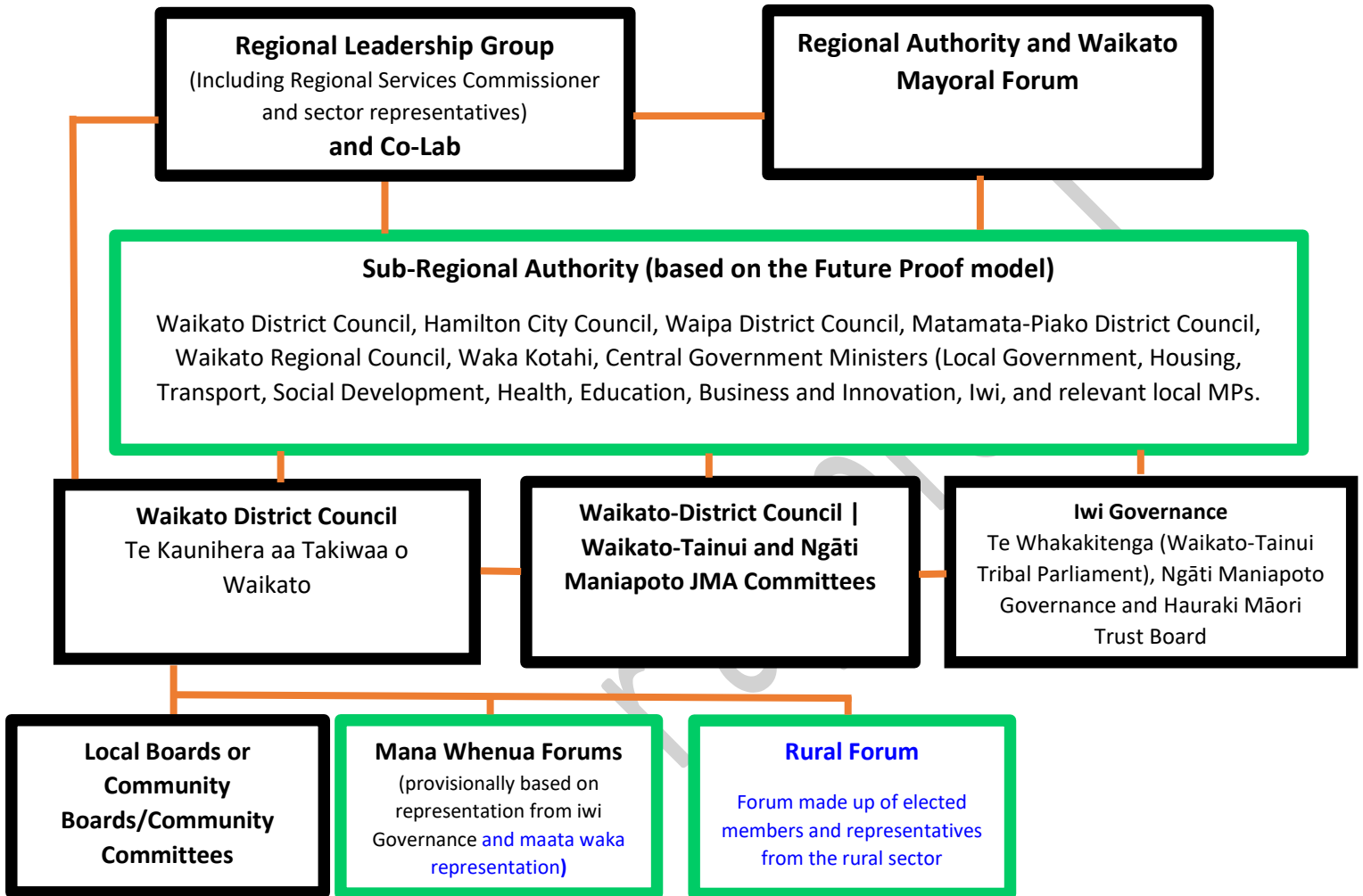
## ATTACHMENT 2

per the Auckland Council model but the use of these community boards and community committees<sup>6</sup> as anchor institutions at the local level responsible for implementing local projects and placemaking initiatives through the greater devolution of powers and functions from WDC. Community committees may possibly become community boards in the future through a representation review process. Any change will be a matter for consideration through WDC's representation review process and in consultation with the relevant communities.

- XIV. Besides community of interest considerations and average catchment population served, we propose that consideration be given to hapuu or ruunanga when community board or community committee boundaries are being demarcated (like our recommendation for ward boundaries).
- XV. Community boards and community committees would have more delegated responsibility for their local communities if there were greater devolution of powers from Council for boards and committees to build community social cohesion and pride through placemaking projects and achieving local community outcomes.
- XVI. The proposed structure for local governance in the Waikato is shown in the diagram below. [This structure is for illustration purposes to reflect the key relationships of Council and how these may be strengthened to ensure more coherent local governance through a partnership model.](#)

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<sup>6</sup> Community committees are set up by the Council to deal with local issues specifically in the townships of Pookeno, Meremere, Te Kauwhata, and Tamahere ward (and could potential be established in other areas). The local ward councillor for these areas is automatically appointed to the community committee as the Council representative.



Key

- Proposed new or formalised entity/group
- Existing entity/group

Figure 1: Proposed relationship structure for local governance in the Waikato district

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- XVII. The above structure is essentially a Waikato-based model but may be replicated elsewhere in the country if appropriate. As mentioned, central to this model is the Joint Management Agreement partnerships between Waikato District Council and Waikato-Tainui and Ngāti Maniapoto which can be strengthened to work on matters beyond the health and well-being of the Waikato and Waipa rivers to address wider wellbeing and equity matters with implications for both iwi and tangata Tiriti.

## 21. Representation

- I. The establishment of Maaori wards has been a step in the right direction. We propose that wards (including Maaori wards) be retained but we would like the electoral provisions to be reconsidered to enable future ward boundaries to be aligned to hapuu or ruunanga *in addition* to communities of interest and population considerations. Population numbers should not be the defining criteria based on a formula as it is currently. The same should apply to the demarcation of community boards/community committee boundaries as outlined above.
- II. Working through a JMA partnership approach to identify our ward and local board/community board/committee boundaries would help ensure that consideration is also given to [the different needs of our rural areas and our urban areas and that we have appropriate representation and knowledge for the management of these areas.](#)
- III. Non-elected capability-based appointments at a governance level may not be deemed democratic by our community so we recommend caution with this approach. However, there is no reason why the skills and acumen of our elected members cannot be used when it comes to chairing or co-chairing of committees and informing transformational initiatives associated with the better embodiment of te Tiriti within Council.
- IV. Council is not supportive of reducing the voting age to 16 just yet and we recommend that this remains at 18. This is because civic education of our younger people is required to build their understanding of local government. This will take time and is a process that will need to be led by central government working with local government. [Voter engagement also needs to be better emphasised through civic education and central government needs take a leading role in addressing voter apathy.](#)
- V. We also recommend that the voting age for both local government and central government elections be the same otherwise this will create complexity (and possibly confusion) especially in a partnership-based system in which both local and central government are supposed to be working in sync.
- VI. [We strongly recommend that voters for both local government and national elections go to the polls on a designated voting day only rather than having the option of using postal ballot \(the latter did not work well during the 2022 local body elections\).](#)
- VII. [We propose that the electoral law be amended to allow for electronic transmission of special votes to and from voters who will be overseas during the election period. This should also be considered for voters with high access needs.](#)

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- VIII. We share the concerns of central government regarding online voting but agree central government should continue to periodically review the security, technical feasibility, and public support for online voting. However advance booth voting and polling booths on election day should be the preferred approach.
- IX. Council supports a four-year term for local government, but we recommend that a four-term needs to be the same for central government as well. Like the voting age, we should not have two different requirements for central and local government if we are aiming to be a seamless governance system.
- X. We also recommend that that local government elections should follow the year after central government elections are held in a four-year term cycle. This will help local government better respond to central government policies during a four-year tenure as it will enable greater policy coherence. It will also enable better planning and budgeting alignment by local government in response to central government plans and priorities.
- XI. We also recommend that the Electoral Commission run local government elections, as it does with national elections.
- XII. Council is not in favour of the Single Transferrable Vote (STV) system and prefers the First Past-the-Post (FPP) system. The geographical spread and size of our district does not lead to an effective electoral system unless there is a multi-ward structure in place. This was fully tested with the community for the 2022 local authority elections. All the wards in our district have only one or two councillors and this does not work effectively in an STV election.
- XIII. There is a need for greater uniformity in remuneration of elected members at a council level which is in line with the remuneration of members of parliament. This will help ensure that a) local government is an attractive place to work b) efforts by elected members at the local level are better rewarded and c) it will be a fairer system especially since elected members work at the coalface of our communities. It should also be noted that elected members already have a wellbeing mindset with regards to the communities they represent.
- XIV. We need more direct relationships through a partnership approach with our local member of parliament so that we can get better support on addressing local issues.
- XV. Council will be endeavouring to make better use of community events such as poukai, Koroneihana, maraes, regatta, shows etc to communicate council matters. These events can be used as a forum for civic education. Council will also be looking at working with schools to help with improving young people's understanding of what it does so that we can start building a cadre of civic-minded citizens.

## 22. Funding, financing, and delivery capacity

- I. WDC recognises that our greatest asset are our people. We cannot build our communities without additional funding. Besides being a growth Council, we also cover a significant geographical area which extends to Auckland in the north, beyond Hamilton in the south, the Tasman Sea in the west and the Firth of Thames in the east. To this end we strongly recommend that in a partnership approach that Government move away from a competitive-based funding model to a trust-based partnership model which recognises the geographic extent of councils. The Future Proof partnership and the individual long-term plans of the partner councils provides

## ATTACHMENT 2

- a basis for government to apply such a funding model as well if it is to favour a more regional approach.
- II. Related to the above point, we propose that government consider a funding model based on a weighted formula which factors the geographic size of a district, the district's strategic significance (growth district, significant industries (e.g., dairy and horticulture), [support for community resilience planning and managed retreat and the level of social deprivation within a district](#).
  - III. The Waikato is a breadbasket of New Zealand, and this should be acknowledged in any future funding model.
  - IV. A trust-based funding model through the Future Proof partnership can be based on a 'partnership deal' (a better word than 'City Deal' used in *He mata whaariki, he matawhaanui*) with central government.
  - V. Central government should be required to pay rates and fees and charges for land and property (such as Department of Conservation land, schools, hospitals) it owns within a district.
  - VI. Whilst we recognise that rates will remain the primary revenue source for Council, we recommend that the GST component of rates should not be collected by central government or that it gives the council take from the tax collected within a council's boundary to spend on LTP projects, [to help with emergency management including community resiliency planning and managed retreat and to support initiatives in socially deprived communities](#).
  - VII. Government should fund significant projects in the LTP of councils (e.g., construction of railway stations, major roads and/or treatment plants). A ratepayer-based funding model for such transformation projects is not justified.
  - VIII. Rural areas of our district are different to urban areas and consideration must be given to this through representation and funding decisions to meet the respective needs of these areas.
  - IX. Public Private Partnerships (PPPs) can be used to finance, build, and operate projects, such as public transportation networks, parks, placemaking projects. Financing a project through a public-private partnership can allow a project to be completed sooner or make it a possibility in the first place.
  - X. Cross-boundary funding of services (especially from the major cities bordering growth territorial authorities) to areas on their periphery needs to be explicitly enabled through legislation.
  - XI. WDC cannot raise significant revenue from bed taxes (a funding source suggested in *He mata whaariki, he matawhaanui*) because the tourism base in the district is small, say, compared to Rotorua or Queenstown. This is why we are proposing that government institute an equity-based local government funding model.
  - XII. [We propose that government consider allocating a greater share of road user chargers \(RUCs\) to local councils](#) to support the implementation of transport projects. The Financial Assistance Rate (FAR) model needs to be equity-weighted with greater consideration being given to the geographical size of a district and the extent of the district's roading network. However, if a fuel tax is applied in the region, locally sourced taxes should stay with the respective councils through the application of a formula-based methodology.
  - XIII. Council should not be held financially liable for failed private developments (e.g., what happened with Tauranga City Council with the failed Bella Vista development). Government needs to have a system in place which can absolve councils of any such

## ATTACHMENT 2

- cost liabilities so that developers can get on with building communities through a trust-based model and in accordance with relevant building regulations.
- XIV. It is imperative that compliance costs associated with regulation be looked at as part of a system-wide (i.e., government wide) regulatory impact assessment. There is a plethora of current compliance requirements that are impeding delivery at the local level. We need to streamline regulation but in areas that don't compromise key safety, climate, and environmental goals. Regulatory tools such as the Resource Management Act need to enable and facilitate public-private sector partnerships to deliver services.
- XV. Addressing wellbeing challenges at the local level is paramount to supporting WDC's vision. To this end, we propose that local maraes be empowered to address challenges within their ahi kaa (precinct) by central government instituting a long-term funding model for marae to address social wellbeing issues at the local level.
- XVI. As a council, we want to work proactively with the private sector. We suggest that central government consider how existing legislative provisions may be hampering the ability of the private sector to function more efficiently in its interaction with councils.

23. Stewardship

- I. WDC supports a more Te Tiriti-centric approach to local government based on the understanding that Te Tiriti o Waitangi is a partnership between Tangata Whenua (the indigenous people of Aotearoa New Zealand) and Tangata Tiriti (all non-indigenous New Zealanders). For Council, it is important that this inclusive understanding of Te Tiriti is conveyed through the local government reform discourse especially since tauwiwi have responsibilities as citizens of this country to uphold the promise of tino rangatiratanga enshrined in Te Tiriti.
- II. Council recommends that a government agency has overall stewardship responsibility for overseeing local government reform. We are not in favour of creating another government department but recommend that the Department of Internal Affairs play this role especially since it has a mandate is to serve and connect people, communities, and government.
- III. Central government needs to play a stewardship role on tikanga whakahaere (Maaori customary practices and principles) as part of civic education. Council, our iwi partners, mana whenua and community organisations can support this too, but central government should be the lead entity to build a collective understanding of tikanga across New Zealand. Therefore, civic education needs to be one of the core functions of the stewardship function proposed in *He mata whāriki, he matawhānui* required to drive local government reform. It is imperative that central government directs this and provides the resources for this to happen both within Council and at the community level.
- IV. As part of a stewardship role, government needs to have a cross-party strategic vision for itself, local government, and civics for where we want New Zealand to be at 10, 50 and 100 years.
- V. Council also recommends that central government undertake a complete assessment of the impacts of all the reform processes currently underway (e.g., RMA, Three

## ATTACHMENT 2

- VI. Waters, Emergency Management) to fully understand how they relate to local governance and the implications for meeting wellbeing outcomes and addressing inequity at the local level. [We are concerned that the current reforms being undertaken by government lack alignment. The implications of these reforms for local government are immense and we implore central government to consider a more integrated approach and clearly identify how they will aid local government. This will require greater consideration being given to align the other reforms with the outcome of local government reform.](#)
- VII. We recommend that the DIA play a stewardship role in undertaking this assessment and recommending the removal of any duplication or potential obstacles that may prevent local government from operating more efficiently in meeting community outcomes.

### C. Conclusion

#### Mutunga

WDC acknowledges that the existing system of local governance needs to be reviewed, refreshed, and boosted. At the same time, we would like the Future for Local Government Panel to understand that there have been some significant changes to local governance in the Waikato over the last 13 years through the creation of the Joint Management Agreement Committees involving Council and Waikato-Tainui and Ngāti Maniapoto respectively. It is important therefore that this governance system is acknowledged as something unique and that it should be preserved and strengthened through any future local government reform.

Our Council has already approved the establishment of mana whenua forums to help strengthen our engagement with mana whenua. It is important that such a structure is recognised in any future local governance arrangement for the Waikato.

We also advocate that the relationship between national, regional, and local government is more usefully considered as a continuum and / or system rather than as series of separate entities. It is important that this is acknowledge in the reform initiative. The Future Proof partnership model provides an opportunity for a strengthened partnership between central government and the sub-region which can be fortified through a partnership deal for the funding of significant projects which may have regional benefits.

Our submission also highlights the need to address voter apathy and the need for a greater focus on civic education.

Ultimately, we can have the best local government structure, but it would amount to nothing if government does not provide much needed funding to support the infrastructure development and meeting equity outcomes at the local level. It is imperative that government urgently institute a more equitable funding model to support districts which is also based on key considerations such as the district's strategic location, strategic significance (e.g., growth and key economic sectors), geographical size, [support required for community resiliency planning and management retreat, and level of social deprivation within a district](#). In a similar vein, Waka Kotahi's FAR needs to be re-calibrated to consider a district's geographic size and extent of roading network.



## ATTACHMENT 2

As part of strengthening local government's ability to deliver services is imperative that compliance costs associated with regulation be looked at as part of a system-wide (i.e., government wide) regulatory impact assessment and identified bottlenecks be removed.

At the same time, for any partnership approach for local governance to work, the different parts of the system must work in harmony. In relation to this, it is imperative that government undertake a complete assessment of the impacts of all the reform processes currently underway to fully understand how they relate to local governance and the implications for meeting wellbeing outcomes and addressing inequity at the local level.

Government's stewardship role for local government reform needs to be supported by a cross-party strategic vision for itself, local government, and civics for where we want New Zealand to be at in 10, 50- and 100-years time.

Waikato District Council thanks the Panel for the opportunity to make this submission. We would like to speak to this submission if given the opportunity.

Draft for approval

**To**

**Council**

**Report title**

**Approval for consultation on proposed  
Public Places Bylaw and proposed Traffic  
Bylaw**

Date:

24 February 2023

Report Author:

Toby McIntyre, Policy Advisor

Authorised by:

Sue O’Gorman, General Manager Customer Support

Roger MacCulloch, General Manager Service Delivery

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

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

To seek approval from Council to consult on the proposed Public Places Bylaw and proposed Traffic Bylaw.

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## **2. Executive summary**

### **Whakaraapopototanga matua**

The Public Places Bylaw 2016 was due for review on 26 April 2021, however, the Bylaw continues to have legal effect under section 160A of the Local Government Act 2002 until it is automatically revoked on 26 April 2023 or replaced prior to that date.

Staff have reviewed the Public Places Bylaw and have separated the traffic provisions into a new Traffic Bylaw. The main changes to the proposed bylaws include:

- The inclusion of Light Motor Vehicle Prohibitions (clause 14);
  - Expansion of the signage clauses (part 4) to include all signage on public land, rather than only Electoral Signage;
  - Implementing a District-wide approach to prohibitions on the riding of wheeled recreational devices (e.g. skateboards, scooters) within prohibited zones in town centres
  - Implementing prohibitions regarding horses on footpaths within urban areas.
-

If approved, this report will allow consultation from 27 February to 27 March 2023 with the intent of adopting the new Bylaws by 26 April 2023.

### 3. Staff recommendations

#### Tuutohu-aa-kaimahi

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#### **THAT the Council:**

a. confirms that:

- i. bylaws are the most appropriate way of addressing the perceived problems;
- ii. the proposed Bylaws are the most appropriate form of bylaws; and
- iii. the proposed Bylaws do not give rise to any implications under the New Zealand Bill of Rights Act 2002.'

b. adopts the Statements of Proposal (attachments 1 and 5); and

c. approves consultation to commence in accordance with s83 of the Local Government Act 2002 on the Proposed Public Places Bylaw and Proposed Traffic Bylaw.

### 4. Background

#### Koorero whaimaarama

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#### **Background**

The Public Places Bylaw came into force on 26 April 2016 and covers:

- Parking activities in public places;
- Traffic control;
- Trading in a public place;
- Control of electoral signage;
- Exemptions, offences and penalties.

Section 158 of the Local Government Act requires bylaws to be reviewed five years after they were made, however, there is a two year grace period for the review to take place before the bylaw is automatically revoked. This means the Bylaw will be revoked on 26 April 2023 if the review isn't complete by then.

The review of the Bylaw began in 2022. Staff decided to remove the traffic provisions and create a new Traffic Bylaw due to traffic provisions being quite distinct from public places. Staff had also hoped to incorporate the revoked Reserves and Beaches Bylaw into the Public Places Bylaw but engagement with the public has not sufficiently advanced to enable this to occur. Instead, an in-depth review of the Reserves and Beaches Bylaw will take place later in 2023.

The proposed Public Places Bylaw and proposed Traffic Bylaw were presented to a Council workshop on 14 February. Elected members provided feedback on the changes proposed and requested further changes to some clauses.

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## 5. Discussion and analysis

### Taataritanga me ngaa tohutohu

Overall, the provisions in the proposed Public Places and Traffic Bylaws are similar to the current Public Places Bylaw, however, some new clauses have been added and current clauses amended. The tables below outline these changes.

#### Proposed Public Places Bylaw

Clause	Proposed wording	Reason
8	Including all towns within the District in clause 8.1	To be able to implement a district-wide approach
11	Including all towns within the District in Schedule 1	To be able to implement a district-wide approach
20	Control of Signage and Electoral Advertising	To provide for greater clarity and monitoring/enforcement around the erection of signs on public places, to help ensure spaces and roads are safe to use.

#### Proposed Traffic Bylaw

Clause	Proposed wording	Reason
22 of the Public Places Bylaw 2016	Removal of the livestock in public places clause	Covered in Livestock Movement Bylaw 2022.
11	Inclusion of a Turning Restriction section	To ensure there is recourse when these restrictions are ignored.
14	Inclusion of a Light Motor Vehicle Prohibition section	To allow for anti-nuisance driving measures, by allowing for roads (or sections of) to be added to a register. This will prohibit gathering and/or cruising on these roads between 9pm and 4am.
17	Inclusion of a Damage to Roads section	We have included new rules relating to damage to roads and creating safety hazards on district roads to ensure Council has the ability to have recourse in these situations.
18	Inclusion of a Damage to Signs clause	We have included new rules relating to damage to or removal of Signs and creating safety hazards on district roads to ensure Council has the ability to have recourse in these situations.

## 5.1 Options

### Ngaa koowhiringa

The following options have been identified.

#### **Option 1 – Proposed Bylaws are adopted for consultation**

Accept the recommendations in this report and begin consultation on the proposed Bylaws from 27 February to 27 March 2023.

#### **Option 2 – Further work is undertaken on the Bylaws**

Do not accept the recommendations to begin consultation and request staff make amendments to the proposed Bylaws, postponing consultation to a later date.

**Staff recommend Option 1** as the proposed Bylaws have been drafted and workshopped with Council. Also, noting the Public Places Bylaw 2016 will be automatically revoked on 26 April 2023. If this occurs, there will be several consequences including the inability to enforce the bylaw.

## 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 decision to consult complies with the Council's legal and policy requirements.

Section 145 of the Act gives council the power to make bylaws for one or more of the following purposes:

- a) protecting the public from nuisance;
- b) protecting, promoting, and maintaining public health and safety;
- c) minimising the potential for offensive behaviour in public places.

Despite the Public Places Bylaw 2016 needing to be reviewed by 26 April 2021, s160A of the Act provides that the current Bylaw will continue to have legal effect until 26 April 2023. In any event, upon adoption, the 2016 Bylaw will be revoked and be superseded by the new Public Places Bylaw and Traffic Bylaw.

In accordance with their delegated authority, the Corporate Planning team has determined, under section 155 of the Act, that the proposed Bylaws:

- a) are the most appropriate way of addressing the problems or perceived problems; and
  - b) are the most appropriate form of Bylaws.
-

Legal staff have confirmed that, in accordance with section 155(3) of the Act, the proposed Bylaws, do not give rise to any implications under the New Zealand Bill of Rights Act 1990.

#### **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**

No specific cultural issues have been identified with respect to this decision. Direct contact will be made with Mana Whenua to seek feedback.

#### **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 recommend the Bylaws for consultation at this time, it could create delays in adopting the new Bylaws before the Public Places Bylaw 2016 is automatically revoked on 26 April 2023.

## **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](#).

The following criteria are particularly relevant in determining the level of significance for this matter:

- There is a legal requirement to engage with the community.
- The proposal or decision will affect a large portion of the community.

### **6.2 Engagement** **Te Whakatuutakitaki**

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Highest level of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• Direct contact with Mana Whenua;</li> <li>• Direct contact with Community Boards/Committees;</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 to support the release on the Council Facebook page.</li> </ul>					

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

## 7. Next steps

### Ahu whakamua

If the Council approves consultation on the proposed Bylaws, formal consultation will begin on 27 February and close on 27 March 2023. Hearings and deliberations would take place on 11 and 12 April 2023.

## 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 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 0</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> ).	Confirmed
The report and recommendations comply with Council's legal duties and responsibilities ( <i>Section 5.3</i> ).	Confirmed

## 9. Attachments Ngaa taapirihanga

1. Statement of Proposal – Proposed Public Places Bylaw
2. Submission form - Proposed Public Places Bylaw
3. Proposed Public Places Bylaws – tracked changes version
4. Proposed Public Places Bylaws – clean version
5. Statement of Proposal – Proposed Traffic Bylaw
6. Submission form – Proposed Traffic Bylaw
7. Proposed Traffic Bylaw – tracked changes version
8. Proposed Traffic Bylaw – clean version



## Statement of Proposal

### Proposed Public Places Bylaw

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#### Background

Waikato District Council has been reviewing its Public Places Bylaw 2016 as required by the Local Government Act 2002. The Bylaw enables Council to guide the way our public places are used and protect the community from activities that are a nuisance.

The 2016 Bylaw includes traffic provisions. As part of the review, the decision was made to remove all traffic-related content from the Bylaw and create a new Traffic Bylaw. We felt that traffic provisions were quite distinct from other types of public places and having a separate bylaw would make it easier for the community to understand the rules around traffic in the district. There is a separate consultation occurring concurrently on the new Traffic Bylaw.

We are using this opportunity to make a few amendments to enhance the effectiveness of the Public Places Bylaw.

This Statement of Proposal outlines:

- the reasons for the proposal;
- a summary of changes between the Public Places Bylaw 2016 and the proposed Public Places Bylaw 2023.

Council welcomes your feedback on the proposed Bylaw with consultation open from 27 February to 27 March 2023.

#### Reasons for the proposal

As noted previously, we are reviewing the Public Places Bylaw as required under the Local Government Act 2002. We are also proposing amendments that will increase the Bylaw's effectiveness.

#### Key changes we're proposing to make

A summary of the proposed changes to the Bylaw are noted below:

##### 1. Changes to the Electoral Signage (Clause 20)

###### What we currently do

The current signage clauses only relate to electoral signage.

###### What we're proposing

We're proposing to broaden the Bylaw to include other types of signage, in addition to electoral advertising. This will ensure that use of public places are not unsafe by the placement of signage.

## **2. Implementing a district wide approach to the riding of wheeled recreational devices (like skateboards and scooters) on footpaths in specified sections of town centres (clause 11)**

### **What we're proposing**

We are proposing to add specific sections of roads within all town centres to the Bylaw schedule that prohibits the use of skateboards, scooters, roller blades etc on the footpaths. This is to create a district-wide approach that is intended to help maintain the safety of people using the footpaths within town centres and deter nuisance behaviours. It does **not** include devices like wheelchairs, pushchairs, mobility scooters (as per clause 5.2). We are also wanting to implement a similar approach to the riding of horses on footpaths in towns across the District for the same reasons.

## **3. Implementing a district wide approach to the riding of horses on footpaths in town centres (Clause 8)**

We are wanting to implement a district wide prohibition on the riding of horses on footpaths within urban areas. This is currently defined as areas where the speed limit is 70km/h or less. This is to ensure the safety and wellbeing of pedestrians, riders and horses.

## **4. Removal of Keeping of Animals Bylaw clause (clause 23 of the Public Places Bylaw 2016)**

### **What we currently do**

There was a clause outlining the movement of stock on in the current Public Places Bylaw.

### **What we're proposing**

We're proposing to remove this clause from the proposed Bylaw as the content in those clause is covered by the Livestock Movement Bylaw 2022 and the Keeping of Animals Bylaw 2015.

## **Consultation and submissions**

Anyone can make a submission on the Bylaw and we encourage you to let us know your views. This feedback will be used during the decision-making process.

## **Privacy Act information**

The Local Government Act 2002 requires submissions to be made available to the public. Your details are collected:

- So, the Council can inform you of the decision(s) regarding your submission(s).
- To arrange a hearing date and time for you to speak (if you choose to).

Your name will be publicly available. If you would like your name kept confidential, you need to inform us when you make your submission.

You have the right to correct any errors in personal details contained in your submission. If you do not supply your name and address, the Council will formally receive your submission but will not be able to inform of the outcome.

### **Relevant determinations**

This Statement of Proposal has been prepared in accordance with the requirements set out in section 83 of the Local Government Act 2002 (LGA).

Council has determined, as required by section 155 of the LGA that:

- This Bylaw is the appropriate way of addressing the perceived problem;
- This is the most appropriate form the Bylaw;
- The Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

### **What happens next?**

Council will acknowledge each submission received in writing, either by letter or email.

Following the closing of consultation on 27 March 2023, all submissions will be reviewed. Verbal submissions will be heard and all submissions formally considered at a meeting of the Policy and Regulatory Committee in April 2023. This meeting is open to both submitters and the public to attend.

It is anticipated that the proposed Bylaw will be adopted in April 2023.

Important dates to remember:

- Submissions open – 27 February 2023
- Submissions close – 27 March 2023
- Hearing of submissions/deliberations – 11-12 April 2023

If you have any further queries or would like further copies of the proposed Bylaw, please contact Toby McIntyre via email at [consult@waidc.govt.nz](mailto:consult@waidc.govt.nz).





**Do you have any additional comments you would like to make regarding the proposed Public Places Bylaw 2023?**

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**Prefer to do it online?**

You can complete the submission form online at [www.waikatodistrict.govt.nz/sayit](http://www.waikatodistrict.govt.nz/sayit)

**Need more information**

For more information, visit our website [www.waikatodistrict.govt.nz](http://www.waikatodistrict.govt.nz)

**Privacy statement**

The contents of your submission (not including your address and contact details) will be made public through Council agendas and as a result will be published on our website.

If you would like your name also kept confidential, please tick this box

# **PROPOSED WAIKATO DISTRICT COUNCIL PUBLIC PLACES BYLAW 2023**

**WAIKATO DISTRICT COUNCIL** in exercise of its powers under the Local Government Act 2002 and its respective amendments, and all other relevant powers, hereby makes the following bylaw.

## **PART I – INTRODUCTION**

### **I SHORT TITLE, COMMENCEMENT AND APPLICATION**

- 1.1 This Bylaw shall be known as the ‘Waikato District Council Public Places Bylaw 2023’.
- 1.2 This Bylaw shall come into force on Date, Month, 2023.
- 1.3 This Bylaw applies to all property owned by, or under the control and management of the Waikato District Council.

## **2 REVOCATIONS**

- 2.1 The following Bylaw is revoked the day this new Bylaw come into force:
  - a) The Waikato District Council Public Places Bylaw 2016

## **3 PURPOSE OF THIS BYLAW**

The purpose of this Bylaw is to protect the public from nuisance and protect, promote, and maintain public health and safety while using property owned by or under the management of Council.

## **4 INTERPRETATION**

- 4.1 In this Bylaw, the following definitions shall apply, unless inconsistent with the context,

<b><i>Authorised Officer</i></b>	means an employee or a contractor of the Waikato District Council appointed or authorised to carry out general or specific duties arising from any of the provisions of this Bylaw, unless stated otherwise in this Bylaw.
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<b>Beach</b>	means the area of sand between high and low water level.
<b>Chief Executive</b>	means the Chief Executive of the Waikato District Council.
<b>Council</b>	means the Waikato District Council and includes any person authorised by the Council to act on its behalf.
<b>Election Advertisement</b>	has the same meaning as Section 3A of the Electoral Act 1993.
<b>Footpath</b>	means a path or way principally designed for and used by pedestrians and includes any footbridge or grass berm.
<b>Goods</b>	means any product or service
<b>Grass berm</b>	means any area of footpath or road which is laid out in grass.
<b>Item</b>	includes but is not limited to any vehicle, sign, merchandise, merchandise stand, household furnishings, appliances, fixtures or fittings, building materials, scaffolding, skip bins, and produce.
<b>Loading Zone</b>	means an area of marked roadway designated solely for the purpose of loading or unloading goods or passengers.
<b>Nuisance</b>	has the same meaning as contained in section 29 of the Health Act 1956 and includes a person, animal, thing, or circumstance causing unreasonable interference with the peace, comfort or convenience of another person whether or not that person is in a public place.
<b>Ornamental Verge or Plot</b>	includes every flowerbed, grass berm or plot, shrubbery or planted area which has been constructed as such and which is separated from the roadway by kerbing or other well-defined edging.
<b>Owner</b>	(in relation to a motor vehicle) means the person lawfully entitled to possession thereof, except where: <ul style="list-style-type: none"> <li>a) The motor vehicle is subject to a bailment that is for a period not exceeding 28 days; or</li> </ul>



- b) The motor vehicle is let on hire pursuant to the terms of a rental-service licence – in which case ‘owner’ means the person who, but for the bailment or letting on hire, would be lawfully entitled to possession of the motor vehicle; and ‘owned’ and ‘ownership’ have corresponding meanings.

<b>Person</b>	includes an individual, a corporation sole, and also a body of persons, whether incorporated or unincorporated.
<b>Public Place</b>	means every road (including unformed roads), footpath, court, land, access way, mall, thoroughfare and walkway of a public nature, that is open to or used by the public as of right or not and with or without payment of any fee. Every park, reserve, beach, place of public resort or place the public have access with or without the payment of fee.
<b>Reserve</b>	includes every reserve under the Reserves Act 1977 and any open space, plantation, park, garden or grounds set apart for public recreation or enjoyment which is now or hereafter may be under the management of the Council.
<b>Road</b>	Has the same meaning as contained in s2 of the Land Transport Act 1998.
<b>Sign</b>	is any material or device used for the purposes of advertising or to disseminate information, or any other similar purpose. These may include, but are not limited to any poster, placard, handbill, flags, banners, writing, picture, or device for advertising or other purposes that is displayed in, on or over any public place, including placed on a footpath.
<b>Structure</b>	Has the same meaning as contained in s2 of the Resource Management Act 1991.
<b>Unformed Road or ‘Paper Road’</b>	Means a legally recognised road that is not formed and which may not be identifiable on the ground but will be recorded on survey plans.
<b><u>Urban Areas</u></b>	<u>means any part of the Waikato District with a speed limit of 70km/h or less</u>
<b>Vehicle</b>	has the same meaning as contained in s2 in the Land Transport

Act 1998.

## **PART 2 – ACTIVITIES IN PUBLIC PLACES**

### **5. NUISANCE**

- 5.1 Except with the prior written consent of Council, no person shall in or on any public place:
- a) Interfere with any refuse which is awaiting collection by an authorised collector;
  - b) Drive any vehicle in a manner that is dangerous or inconsiderate to pedestrians or other vehicles in the public place;
  - c) Cause or allow any material or thing to be deposited onto a public place or road (excluding domestic refuse and recycling bins as collected on a regular basis);
  - d) Create and/or leave any work, hole or excavation in a public place in a manner that could be a danger or nuisance to anyone entering or using that public place;
  - e) Fly from or land any glider or powered aircraft (including model aeroplanes), hot air balloon, hang glider, parachute or similar except in the case of emergency, or attendance at an emergency;
  - f) Play any game or use any object including recreational devices, skateboards, roller blades, roller skates, bicycles or motorised scooters, recklessly or in a manner which may be dangerous or injurious or cause a nuisance to persons in the public place, or damage the public place;
  - g) Erect or place any structure on, over or under the public place except in compliance with any other Bylaw or legislation.
- 5.2 A person must not use a public place to consume, inject or inhale or distribute or offer for sale any mind-altering substance (excluding alcohol).
- 5.3 Where any fence, wall, retaining wall or land adjacent to a public place is in a conditioner state of disrepair which, in the opinion of an Authorised Officer, could cause damage or injury to persons passing, the Authorised Officer may give notice requiring the owner or occupier to repair or remove the fence, wall or retaining wall, or make the land adjacent to the public place safe.
- 5.4 No person shall permit vegetation to encroach onto or over any public place that may obstruct or interfere with the free movement of persons using that public place.
- 5.5 Notwithstanding any other clause of this Bylaw and subject to any restriction imposed by Council in relation to the lighting of fires, no person shall in any public place light any fire except at fireplaces specially provided or in an appliance designed for outdoor cooking.

### **6. OBSTRUCTION OR ENCROACHMENT IN PUBLIC PLACES**

- 6.1 No person shall, without prior written consent of Council:
- a) Obstruct the entrances to or exits from a public place;

- b) Place or leave any material or item, including signage, on a public place that could obstruct the public right of passage, without the written permission of an Authorised Officer and then only in accordance with such conditions as may be imposed;
- c) Allow any gate or door on property abutting a public place, to swing over or across the public place or any part thereof;

## **7. DAMAGE TO PUBLIC PLACES**

7.1 Except with the prior written permission of Council, no person shall, in any public place:

- a) Damage, interfere with, destroy or remove any grass plot, flower bed, tree, shrub or plant or any inscription or label relating to it;
- b) Pollute, damage, deface or disfigure, apply graffiti, posters or advertising devices to, or otherwise interfere with any ornament, statue, building, structure, facilities, or display boards;
- c) Cause or permit to be done any act whatsoever by which damage is caused to any public place, or any work or thing in, on, over or under the public place;
- d) Damage or interfere with any natural feature, animal or plant;
- e) Use any vehicle so that it damages any part of a public place;
- f) Allow any animal under their control to damage any part of a public place;
- g) Remove any sand, soil or other naturally occurring material found in a public place;
- h) Open any drain or sewer on, or disturb or remove the surface of, any public place;
- i) Cause or permit the dripping or flowing of water from the roof, eaves or guttering system of any building or structure onto any public place.

7.2 Any person carrying out authorised works on a public place shall provide reinstatement of the works to a standard approved by an Authorised Officer.

## **8. HORSES**

8.1 No person shall ride, drive, lead, or take any horse across or along any footpath or berm within the Huntly, Matangi, Ngaruawahia, Pokeno, Raglan, Tamahere, Te Kauwhata, [Te Kowhai](#) or Tuakau urban areas, except:

- a) at an authorised vehicle crossing; or
- b) with the prior written consent of Council.

## **9. PLACING OF ARTICLES ON PUBLIC PLACES**

- 9.1 No person shall place, leave or permit to be placed or left any material or thing, scaffolding, hoardings, signage, amusement devices, items for sale or hire, on any footpath, grass berm or public place unless:
- a) Such action has first been approved in writing by Council, and then only in accordance with any conditions attached to that approval.
  - b) Such action is taken for the purpose of regular refuse or other collections authorised by Council or is otherwise authorised by law; or
  - c) Such action is permitted pursuant to any other Bylaw.

## **10. APPROVED USE OF FOOTPATHS, BERMS**

### **10.1 Merchandise, Merchandise Stands or Advertising Signs**

Notwithstanding the provisions of Clause 9.1, items in the form of merchandise, or advertising signs may be displayed on footpaths or public places fronting the merchandise or sign owner's retail or service establishment, provided that:

- a) At least 2/3 or 1.5m, whichever is the greater, of the footpath width remains clear of obstruction for pedestrians and mobility devices at all times; and
- b) Merchandise stands and/or advertising signs are not permanently fixed to the footpath space; and
- c) The merchandise, stands and/or footpath signs are removed from the footpath whenever the retail or service establishment is closed for business; and
- d) The advertising signs are presented and maintained to a professional standard at all times; and
- e) Kerb and channel crossings for pedestrians or other access to footpaths remain unobstructed; and
- f) No person is prevented or restricted from exiting their vehicle from any identified parking space.

### **10.2 Dining Tables on Footpaths**

Notwithstanding the provisions of Clause 9.1, small dining tables and chairs may be set up on footpaths fronting the food outlet's establishment provided that:

- a) No less than 2/3 or 1.5m, whichever is the greater, of the footpath width remains clear of obstruction for pedestrians at all times; and

- b) Kerb and channel crossings for pedestrians or other access to footpaths remain unobstructed; and
- c) The tables and chairs are not permanently fixed to the footpath space; and
- d) The tables and chairs are removed from the footpath whenever the retail or service establishment is closed for business; and
- e) The tables and the footpath area frontage are presented and maintained to a clean and tidy standard at all times; and
- f) No person is prevented or restricted from exiting their vehicle from any identified parking space.

## **11. SKATEBOARDS, ROLLER SKATES, INLINE SKATES AND WHEELED RECREATIONAL DEVICES**

- 11.1 No person shall ride or use any skateboard, roller skates, inline skates or wheeled recreational device on any road or footpath, on any footbridge, or in any public place within the prohibited areas specified in Schedule 1 attached.
- 11.2 Nothing in this clause shall restrict or prevent the use of any wheelchair, pushchair, pram, trolley, cart or invalid carriage or other similar device constructed for and used for the purpose of the transportation of disabled persons, young persons or personal effects, on any such footpath.
- 11.3 A Police Officer or an Authorised Officer may impound at the offices of the Council or at any Police Station, any skateboard used in breach of this Bylaw by a person who has been personally requested to refrain from using the skateboard in breach of the Bylaw and has been advised of this power to impound the skateboard.
- 11.4 A skateboard impounded in accordance with Clause 22.4 may be recovered after the expiry of five days after the day of impounding upon payment of any costs associated with the impounding, but not exceeding \$100.00.

## **PART 3 – TRADING IN PUBLIC PLACES**

### **12. LICENCE REQUIRED**

- 12.1 Unless exempted by Clause 19 of this Bylaw, no person in any public place shall engage in the sale of goods and services of any description whatsoever without first having obtained a licence from Council.

### **13. RESTRICTED TRADING ACTIVITIES**

- 13.1 No person shall wash or clean the windows of any vehicle for payment or donation within 100 metres of any road intersection.

#### **14. APPLICATION FOR LICENCE**

14.1 Every person who wishes to sell goods in a public place shall make written application to Council to obtain a licence. The information to be supplied by the applicant shall include but not be limited to any of the following:

- a) name and address of the applicant;
- b) name and address of the person(s) selling the goods;
- c) the location of where the goods will be sold;
- d) the telephone number of the applicant;
- e) the type of goods for sale;
- f) the time sought for selling;
- g) the type of vehicle(s) and registration numbers if applicable;
- h) evidence of good character.

#### **15. LICENCE DETAILS**

15.1 Council, in granting any licence, may impose conditions on that licence. The conditions imposed may include, but not be limited to, any of the following:

- a) time and place of where goods will be sold;
- b) duration of the licence;
- c) location;
- d) types of goods for sale;
- e) area available for sale;
- f) persons entitled to sell;
- g) safety and hygiene requirements;
- h) use of signage;
- i) use of music or other audible devices for attracting customers;
- j) litter, cleanliness, management;
- k) name and address of licence holder to be conspicuously displayed;
- l) site rental.

#### **16. LICENCE FEES**

16.1 Licence fees are contained in the Fees and Charges section of the Waikato District Council Long Term Plan. Changes to these fees may be made by resolution of Council. Fees may differ for any class of licence as prescribed.

## **17. PRODUCTION OF LICENCE**

- 17.1 Every licence holder when engaged in the sale of goods shall at all times carry a licence and show the licence to any authorised officer when requested.
- 17.2 Every licence holder shall, notwithstanding the conditions of the licence, comply with any request or requirement of an authorised officer.

## **18. LICENCE NOT TRANSFERABLE**

- 18.1 No licence issued under this Bylaw shall be transferable to any other person.

## **19. EXEMPTIONS**

- 19.1 The exemptions allowed under Part 3 of the Bylaw are as follows:
- a) Selling by commercial fishermen of limited quantity of fish in the vicinity of a fishing vessel as specified in section 191 of the Fisheries Act 1996;
  - b) Service delivery vehicles including milk vendors;
  - c) Any market, stall or stand which has a current approval under any other bylaw, legislation, resource consent or specific resolution of Council;
  - d) Any market, stall or stand which has been initiated by Council for the benefit of the community;
  - e) Any motor vehicle advertising any business or service;
  - f) Buskers and street entertainers provided that no sale of any items is involved and provided that permission is first obtained from the owners or occupiers of any business premises outside which they intend to perform.

## **PART 4 CONTROL OF SIGNAGE AND ELECTORAL ADVERTISING**

### **20. RESTRICTIONS APPLYING TO ELECTORAL ADVERTISING**

- 20.1 No election sign shall be placed on any reserve or public place without prior written approval of Council;
- 20.2 Any person who displays an election sign must comply with the following:
- a) Election signs must be removed before midnight on the day before election day;
  - b) Election signs for elections under the Electoral Act 1993 must not be displayed on election day;
  - c) Election signs must not exceed 3 square metres in area;
  - d) Election signs and their supporting structures must be securely braced and anchored, and constructed, fixed or displayed in a manner so that they will not come



loose under normal weather conditions.

20.3 No sign shall be placed or be allowed to remain where in the opinion of Council (or New Zealand Land Transport Authority) that sign would:

- a) Obstruct or be likely to obstruct the view of any corner, bend, intersection, vehicle crossing, traffic sign or traffic signal;
- b) Distract unduly or be likely to distract unduly the attention of road users;
- c) Resemble or likely to be confused with any traffic sign or signal;
- d) Give rise to excessive levels of glare, use flashing or revolving lights or use reflective material that may interfere with a road user's vision;
- e) Constitute or be likely to constitute in any way a danger to road users.

20.4 Nothing in this Bylaw purports to authorise any matters which are prohibited or otherwise controlled by legislation governing an election or referendum.

## **PART 5 – EXEMPTIONS, OFFENCES AND PENALTIES**

### **21. EXEMPTIONS TO THIS BYLAW**

21.1 The driver or person in charge of an 'emergency vehicle' attending an emergency or other call-out, or of a vehicle being used for the emergency repair of any public or network utility, shall be exempt from the provisions of this Bylaw.

21.2 The Chief Executive may, on application from any person or organisation, grant that person or organisation an exemption from any provisions of this Bylaw. Any such exemption shall be in writing, signed by the Chief Executive and shall specify:

- a) which provisions of the Bylaw the exemption applies to; and
- b) name of the person or organisation in whose favour the exemption has been granted; and
- c) the road or land or portion thereof to which the exemption applies; and
- d) the dates on which the exemption will apply.

### **22. NOTICES**

22.1 Any notice, order or document issued under this Bylaw by the Council may be delivered to the recipient either personally or by sending the same, by messenger, post, fax or email, to the recipient at their last-known place of residence or business.

22.2 If such person is absent from New Zealand the order or notice may be sent to their agent in any manner mentioned in Clause 22.1 of this Bylaw.

22.3 If the recipient is not known or is absent from New Zealand and has no known agent in New Zealand, and the order or notice relates to any land or building, the order or notice addressed to the owner or occupier of such building or land may be served on the person in occupation thereof, or left with some inmate of his/her abode; or, if there is no person in occupation, may be put up on some conspicuous part of such building or land. It shall not be necessary in such notice to name the occupier or the owner of such land or building.

### **23. OBSTRUCTION OF AUTHORISED OFFICER**

23.1 No person shall obstruct any Authorised Officer in the course of his or her duties.

### **24. OFFENCES**

24.1 Every person commits an offence against this Bylaw who:

- a) does or omits, or causes to be done or omitted any act, matter, or thing, or who causes or knowingly permits or allows any circumstances to exist contrary to any provision contained in this Bylaw;
- b) does anything or causes any circumstances to exist for which a licence or approval from the Council is required under this Bylaw, without first obtaining that licence or approval; or
- c) fails to comply with any conditions imposed in respect of a licence or approval under this Bylaw; or fails to comply with any notice or direction given under this Bylaw.

### **25. PENALTIES**

25.1 Every person who commits a breach of any of the provisions of this Bylaw shall be liable on conviction, to a penalty not exceeding twenty thousand dollars (\$20,000).

25.2 Where damage occurs to any road, footpath, berm, reserve or public place as a result of a breach of the provisions of this Bylaw, the cost of repairing the road, footpath, berm, reserve or public place may be recovered from the owner or person in charge of the vehicle, horse or item causing the damage.

### **26. ENFORCEMENT POWERS**

26.1 The Council may, under section 163 of the Local Government Act 2002, remove or alter a work or thing that has been constructed in breach of this Bylaw and may recover any costs of removal or alteration from the person who committed the breach.

### **27. POWER TO AMEND SCHEDULES BY RESOLUTION**

27.1 Council may from time to time by resolution, substitute or make additions or alterations to any schedule of this Bylaw.

This Bylaw was made pursuant to a resolution passed by the Waikato District Council on Date, Month 2023.

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

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Mayor

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Chief Executive

## SCHEDULE I

**AREAS WHERE SKATEBOARDS ARE  
PROHIBITED**

Pursuant to the Land Transport Act 1998 and the Local Government Act 2002 **Council Hereby Declares** the following areas to be no riding areas at all times.

The following portions of roads are hereby constituted restricted and no person may ride or use any Skateboard, Scooter or Roller Blades in the following areas except with the written consent of the Council:

<b>Huntly</b>	<p>Main Street on both sides including Garden Place and carparks or open spaces connected to Main Street from its intersection with State Highway One in the North to the Railway Overbridge in the South.</p> <p>The access to Venna Fry Lane from Main Street between the Civic Centre and the Waikato District Library.</p> <p>The Riverside carpark.</p> <p>On the Railway footbridge across the Waikato River connecting Main Street with Bridge Street, Huntly West.</p> <p>Bridge Street, Huntly West on both sides from its intersection with Harris Street to the railway footbridge.</p>
<b>Ngaruawahia</b>	<p>State Highway One on the eastern side from its intersection with Martin Street to its intersection with Market Street.</p> <p>Jesmond Street on its northern side from its intersection with Market Street to its intersection with State Highway One.</p> <p>Jesmond Street on its southern side from its intersection with Waikato Esplanade to its intersection with State Highway One.</p> <p>Galileo Street on both sides from its intersection with Martin Street to its intersection with Jesmond Street.</p>
<b>Raglan</b>	<p>Bow Street on its northern side from its intersection with James Street to its intersection with Wallis Street.</p> <p>Bow Street on its southern side from its intersection with Bankart Street to its intersection with Wi Neera Street.</p> <p>Wainui Road on both sides from its intersection with Bow Street to its intersection with Stewart Street.</p> <p>The footpath connecting Bow Street with the footbridge over the Oporu Inlet and on the footbridge over the Oporu Inlet.</p>
<b>Te Kauwhata</b>	<p>Main Road on both sides from its intersection with Baird Avenue to its intersection with Saleyards Road.</p>
<b>Tuakau</b>	<p>That part of George Street between Liverpool Street and Henderson Avenue.</p>

# **PROPOSED WAIKATO DISTRICT COUNCIL PUBLIC PLACES BYLAW 2023**

**WAIKATO DISTRICT COUNCIL** in exercise of its powers under the Local Government Act 2002 and its respective amendments, and all other relevant powers, hereby makes the following bylaw.

## **PART I – INTRODUCTION**

### **1 SHORT TITLE, COMMENCEMENT AND APPLICATION**

- 1.1 This Bylaw shall be known as the ‘Waikato District Council Public Places Bylaw 2023’.
- 1.2 This Bylaw shall come into force on Date, Month, 2023.
- 1.3 This Bylaw applies to all property owned by, or under the control and management of the Waikato District Council.

## **2 REVOCATIONS**

- 2.1 The following Bylaw is revoked the day this new Bylaw come into force:
  - a) The Waikato District Council Public Places Bylaw 2016

## **3 PURPOSE OF THIS BYLAW**

The purpose of this Bylaw is to protect the public from nuisance and protect, promote, and maintain public health and safety while using property owned by or under the management of Council.

## **4 INTERPRETATION**

- 4.1 In this Bylaw, the following definitions shall apply, unless inconsistent with the context,

<b><i>Authorised Officer</i></b>	means an employee or a contractor of the Waikato District Council appointed or authorised to carry out general or specific duties arising from any of the provisions of this Bylaw, unless stated otherwise in this Bylaw.
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<b>Beach</b>	means the area of sand between high and low water level.
<b>Chief Executive</b>	means the Chief Executive of the Waikato District Council.
<b>Council</b>	means the Waikato District Council and includes any person authorised by the Council to act on its behalf.
<b>Election Advertisement</b>	has the same meaning as Section 3A of the Electoral Act 1993.
<b>Footpath</b>	means a path or way principally designed for and used by pedestrians and includes any footbridge or grass berm.
<b>Goods</b>	means any product or service
<b>Grass berm</b>	means any area of footpath or road which is laid out in grass.
<b>Item</b>	includes but is not limited to any vehicle, sign, merchandise, merchandise stand, household furnishings, appliances, fixtures or fittings, building materials, scaffolding, skip bins, and produce.
<b>Loading Zone</b>	means an area of marked roadway designated solely for the purpose of loading or unloading goods or passengers.
<b>Nuisance</b>	has the same meaning as contained in section 29 of the Health Act 1956 and includes a person, animal, thing, or circumstance causing unreasonable interference with the peace, comfort or convenience of another person whether or not that person is in a public place.
<b>Ornamental Verge or Plot</b>	includes every flowerbed, grass berm or plot, shrubbery or planted area which has been constructed as such and which is separated from the roadway by kerbing or other well-defined edging.
<b>Owner</b>	(in relation to a motor vehicle) means the person lawfully entitled to possession thereof, except where: <ul style="list-style-type: none"> <li>a) The motor vehicle is subject to a bailment that is for a period not exceeding 28 days; or</li> </ul>

- b) The motor vehicle is let on hire pursuant to the terms of a rental-service licence – in which case ‘owner’ means the person who, but for the bailment or letting on hire, would be lawfully entitled to possession of the motor vehicle; and ‘owned’ and ‘ownership’ have corresponding meanings.

<b>Person</b>	includes an individual, a corporation sole, and also a body of persons, whether incorporated or unincorporated.
<b>Public Place</b>	means every road (including unformed roads), footpath, court, land, access way, mall, thoroughfare and walkway of a public nature, that is open to or used by the public as of right or not and with or without payment of any fee. Every park, reserve, beach, place of public resort or place the public have access with or without the payment of fee.
<b>Reserve</b>	includes every reserve under the Reserves Act 1977 and any open space, plantation, park, garden or grounds set apart for public recreation or enjoyment which is now or hereafter may be under the management of the Council.
<b>Road</b>	Has the same meaning as contained in s2 of the Land Transport Act 1998.
<b>Sign</b>	is any material or device used for the purposes of advertising or to disseminate information, or any other similar purpose. These may include, but are not limited to any poster, placard, handbill, flags, banners, writing, picture, or device for advertising or other purposes that is displayed in, on or over any public place, including placed on a footpath.
<b>Structure</b>	Has the same meaning as contained in s2 of the Resource Management Act 1991.
<b>Unformed Road or ‘Paper Road’</b>	Means a legally recognised road that is not formed and which may not be identifiable on the ground but will be recorded on survey plans.
<b>Urban Areas</b>	means any part of the Waikato District with a speed limit of 70km/h or less
<b>Vehicle</b>	has the same meaning as contained in s2 in the Land Transport

Act 1998.



## **PART 2 – ACTIVITIES IN PUBLIC PLACES**

### **5. NUISANCE**

- 5.1 Except with the prior written consent of Council, no person shall in or on any public place:
- a) Interfere with any refuse which is awaiting collection by an authorised collector;
  - b) Drive any vehicle in a manner that is dangerous or inconsiderate to pedestrians or other vehicles in the public place;
  - c) Cause or allow any material or thing to be deposited onto a public place or road (excluding domestic refuse and recycling bins as collected on a regular basis);
  - d) Create and/or leave any work, hole or excavation in a public place in a manner that could be a danger or nuisance to anyone entering or using that public place;
  - e) Fly from or land any glider or powered aircraft (including model aeroplanes), hot air balloon, hang glider, parachute or similar except in the case of emergency, or attendance at an emergency;
  - f) Play any game or use any object including recreational devices, skateboards, roller blades, roller skates, bicycles or motorised scooters, recklessly or in a manner which may be dangerous or injurious or cause a nuisance to persons in the public place, or damage the public place;
  - g) Erect or place any structure on, over or under the public place except in compliance with any other Bylaw or legislation.
- 5.2 A person must not use a public place to consume, inject or inhale or distribute or offer for sale any mind-altering substance (excluding alcohol).
- 5.3 Where any fence, wall, retaining wall or land adjacent to a public place is in a conditioner state of disrepair which, in the opinion of an Authorised Officer, could cause damage or injury to persons passing, the Authorised Officer may give notice requiring the owner or occupier to repair or remove the fence, wall or retaining wall, or make the land adjacent to the public place safe.
- 5.4 No person shall permit vegetation to encroach onto or over any public place that may obstruct or interfere with the free movement of persons using that public place.
- 5.5 Notwithstanding any other clause of this Bylaw and subject to any restriction imposed by Council in relation to the lighting of fires, no person shall in any public place light any fire except at fireplaces specially provided or in an appliance designed for outdoor cooking.

### **6. OBSTRUCTION OR ENCROACHMENT IN PUBLIC PLACES**

- 6.1 No person shall, without prior written consent of Council:
- a) Obstruct the entrances to or exits from a public place;

- b) Place or leave any material or item, including signage, on a public place that could obstruct the public right of passage, without the written permission of an Authorised Officer and then only in accordance with such conditions as may be imposed;
- c) Allow any gate or door on property abutting a public place, to swing over or across the public place or any part thereof;

## **7. DAMAGE TO PUBLIC PLACES**

7.1 Except with the prior written permission of Council, no person shall, in any public place:

- a) Damage, interfere with, destroy or remove any grass plot, flower bed, tree, shrub or plant or any inscription or label relating to it;
- b) Pollute, damage, deface or disfigure, apply graffiti, posters or advertising devices to, or otherwise interfere with any ornament, statue, building, structure, facilities, or display boards;
- c) Cause or permit to be done any act whatsoever by which damage is caused to any public place, or any work or thing in, on, over or under the public place;
- d) Damage or interfere with any natural feature, animal or plant;
- e) Use any vehicle so that it damages any part of a public place;
- f) Allow any animal under their control to damage any part of a public place;
- g) Remove any sand, soil or other naturally occurring material found in a public place;
- h) Open any drain or sewer on, or disturb or remove the surface of, any public place;
- i) Cause or permit the dripping or flowing of water from the roof, eaves or guttering system of any building or structure onto any public place.

7.2 Any person carrying out authorised works on a public place shall provide reinstatement of the works to a standard approved by an Authorised Officer.

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8.1 No person shall ride, drive, lead, or take any horse across or along any footpath or berm within the Huntly, Matangi, Mercer, Meremere, Ngaruawahia, Pokeno, Raglan, Tamahere, Te Kauwhata, Te Kowhai, Taupiri or Tuakau urban areas, except:

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- 11.3 A Police Officer or an Authorised Officer may impound at the offices of the Council or at any Police Station, any skateboard used in breach of this Bylaw by a person who has been personally requested to refrain from using the skateboard in breach of the Bylaw and has been advised of this power to impound the skateboard.
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  - e) Any motor vehicle advertising any business or service;
  - f) Buskers and street entertainers provided that no sale of any items is involved and provided that permission is first obtained from the owners or occupiers of any business premises outside which they intend to perform.

**PART 4 CONTROL OF SIGNAGE AND ELECTORAL ADVERTISING****20. RESTRICTIONS APPLYING TO ELECTORAL ADVERTISING**

- 20.1 No election sign shall be placed on any reserve or public place without prior written approval of Council;
- 20.2 Any person who displays an election sign must comply with the following:
- a) Election signs must be removed before midnight on the day before election day;
  - b) Election signs for elections under the Electoral Act 1993 must not be displayed on election day;
  - c) Election signs must not exceed 3 square metres in area;
  - d) Election signs and their supporting structures must be securely braced and anchored, and constructed, fixed or displayed in a manner so that they will not come

loose under normal weather conditions.

20.3 No sign shall be placed or be allowed to remain where in the opinion of Council (or New Zealand Land Transport Authority) that sign would:

- a) Obstruct or be likely to obstruct the view of any corner, bend, intersection, vehicle crossing, traffic sign or traffic signal;
- b) Distract unduly or be likely to distract unduly the attention of road users;
- c) Resemble or likely to be confused with any traffic sign or signal;
- d) Give rise to excessive levels of glare, use flashing or revolving lights or use reflective material that may interfere with a road user's vision;
- e) Constitute or be likely to constitute in any way a danger to road users.

20.4 Nothing in this Bylaw purports to authorise any matters which are prohibited or otherwise controlled by legislation governing an election or referendum.

## **PART 5 – EXEMPTIONS, OFFENCES AND PENALTIES**

### **21. EXEMPTIONS TO THIS BYLAW**

21.1 The driver or person in charge of an 'emergency vehicle' attending an emergency or other call-out, or of a vehicle being used for the emergency repair of any public or network utility, shall be exempt from the provisions of this Bylaw.

21.2 The Chief Executive may, on application from any person or organisation, grant that person or organisation an exemption from any provisions of this Bylaw. Any such exemption shall be in writing, signed by the Chief Executive and shall specify:

- a) which provisions of the Bylaw the exemption applies to; and
- b) name of the person or organisation in whose favour the exemption has been granted; and
- c) the road or land or portion thereof to which the exemption applies; and
- d) the dates on which the exemption will apply.

### **22. NOTICES**

22.1 Any notice, order or document issued under this Bylaw by the Council may be delivered to the recipient either personally or by sending the same, by messenger, post, fax or email, to the recipient at their last-known place of residence or business.

22.2 If such person is absent from New Zealand the order or notice may be sent to their agent in any manner mentioned in Clause 22.1 of this Bylaw.

22.3 If the recipient is not known or is absent from New Zealand and has no known agent in New Zealand, and the order or notice relates to any land or building, the order or notice addressed to the owner or occupier of such building or land may be served on the person in occupation thereof, or left with some inmate of his/her abode; or, if there is no person in occupation, may be put up on some conspicuous part of such building or land. It shall not be necessary in such notice to name the occupier or the owner of such land or building.

### **23. OBSTRUCTION OF AUTHORISED OFFICER**

23.1 No person shall obstruct any Authorised Officer in the course of his or her duties.

### **24. OFFENCES**

24.1 Every person commits an offence against this Bylaw who:

- a) does or omits, or causes to be done or omitted any act, matter, or thing, or who causes or knowingly permits or allows any circumstances to exist contrary to any provision contained in this Bylaw;
- b) does anything or causes any circumstances to exist for which a licence or approval from the Council is required under this Bylaw, without first obtaining that licence or approval; or
- c) fails to comply with any conditions imposed in respect of a licence or approval under this Bylaw; or fails to comply with any notice or direction given under this Bylaw.

### **25. PENALTIES**

25.1 Every person who commits a breach of any of the provisions of this Bylaw shall be liable on conviction, to a penalty not exceeding twenty thousand dollars (\$20,000).

25.2 Where damage occurs to any road, footpath, berm, reserve or public place as a result of a breach of the provisions of this Bylaw, the cost of repairing the road, footpath, berm, reserve or public place may be recovered from the owner or person in charge of the vehicle, horse or item causing the damage.

### **26. ENFORCEMENT POWERS**

26.1 The Council may, under section 163 of the Local Government Act 2002, remove or alter a work or thing that has been constructed in breach of this Bylaw and may recover any costs of removal or alteration from the person who committed the breach.

### **27. POWER TO AMEND SCHEDULES BY RESOLUTION**



27.1 Council may from time to time by resolution, substitute or make additions or alterations to any schedule of this Bylaw.

This Bylaw was made pursuant to a resolution passed by the Waikato District Council on Date, Month 2023.

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

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Mayor

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Chief Executive

## SCHEDULE I

**AREAS WHERE SKATEBOARDS ARE  
PROHIBITED**

Pursuant to the Land Transport Act 1998 and the Local Government Act 2002 **Council Hereby Declares** the following areas to be no riding areas at all times.

The following portions of roads are hereby constituted restricted and no person may ride or use any Skateboard, Scooter or Roller Blades in the following areas except with the written consent of the Council:

<b>Huntly</b>	<p>Main Street on both sides including Garden Place and carparks or open spaces connected to Main Street from its intersection with State Highway One in the North to the Railway Overbridge in the South.</p> <p>The access to Venna Fry Lane from Main Street between the Civic Centre and the Waikato District Library.</p> <p>The Riverside carpark.</p> <p>On the Railway footbridge across the Waikato River connecting Main Street with Bridge Street, Huntly West.</p> <p>Bridge Street, Huntly West on both sides from its intersection with Harris Street to the railway footbridge.</p>
<b>Ngaruawahia</b>	<p>State Highway One on the eastern side from its intersection with Martin Street to its intersection with Market Street.</p> <p>Jesmond Street on its northern side from its intersection with Market Street to its intersection with State Highway One.</p> <p>Jesmond Street on its southern side from its intersection with Waikato Esplanade to its intersection with State Highway One.</p> <p>Galileo Street on both sides from its intersection with Martin Street to its intersection with Jesmond Street.</p>
<b>Raglan</b>	<p>Bow Street on its northern side from its intersection with James Street to its intersection with Wallis Street.</p> <p>Bow Street on its southern side from its intersection with Bankart Street to its intersection with Wi Neera Street.</p> <p>Wainui Road on both sides from its intersection with Bow Street to its intersection with Stewart Street.</p> <p>The footpath connecting Bow Street with the footbridge over the Oporuru Inlet and on the footbridge over the Oporuru Inlet.</p>
<b>Te Kauwhata</b>	<p>Main Road on both sides from its intersection with Baird Avenue to its intersection with Saleyards Road.</p>
<b>Tuakau</b>	<p>That part of George Street between Liverpool Street and Henderson Avenue.</p>

## Statement of Proposal

### Proposed Traffic Bylaw

#### Background

Waikato District Council has been reviewing its Public Places Bylaw 2016 as required by the Local Government Act 2002. As part of that review, the decision was made to remove all traffic related content from the Bylaw and create a new Traffic Bylaw. We felt that traffic provisions were quite distinct from other types of public places and having a separate bylaw would make it easier for the community to understand the rules around traffic in the district.

The proposed Traffic Bylaw enables Council to put measures in place to protect the public from nuisance and protect, promote, and maintain public health and safety. This is done through setting requirements for parking, establishing standards for activities within the road reserve and general control of vehicular or other traffic.

This Statement of Proposal outlines:

- the reasons for the proposal;
- a summary of changes between the Public Places Bylaw 2016 and the proposed Traffic Bylaw 2023.

Council welcomes your feedback on the proposed Bylaw with consultation open from 27 February to 27 March 2023.

#### Reasons for the proposal

As noted previously, the proposed Traffic Bylaw is based on the Public Places Bylaw 2016. However, we are also proposing changes that will increase the Bylaw's effectiveness and tighten up any loopholes.

#### Key changes we're proposing to make

Council believes that the traffic sections of the Public Places Bylaw were operating well. However, there are some issues that need addressing to enhance the effectiveness of the Bylaw.

A summary of the key changes is noted below:

##### 1. Addition of Light Motor Vehicle Prohibitions (Clause 14)

###### What we currently do

There are no provisions for light motor vehicle prohibitions in the Public Places Bylaw 2016.

###### What we're proposing

The inclusion of Clause 14 allows Council, by resolution, to restrict or prohibit any vehicle having a gross motor vehicle mass less than 3,500kg from being operated on any road generally between the hours of 9pm and 4am.

This would allow Police to move people on if they are gathering on roads and causing nuisance to residents and/or driving in circuits and other nuisance driving (described in the Bylaw as 'cruising').

Cruising is defined in the Bylaw as:

'Driving repeatedly in the same direction over the same section of road in a motor vehicle in a manner that:

- a. draws attention to the power or sound of the engine of the motor vehicle being driven; or
- b. creates a convoy that is formed otherwise than in trade and impedes traffic flow.'

This definition comes from the Land Transport Act 1998.

Clause 14 would also give the Police powers to gather information/data through the use of cameras and issue infringement and trespass notices.

The rules would **not** apply to residents' vehicles or people visiting properties on that road, or passenger service vehicles (e.g. taxis). It would also not be applied to cars travelling as part of activities such as car club drives.

A similar clause has also been adopted in Hamilton City Council's Traffic Bylaw and Waipa District Council's Public Places Bylaw allowing for a sub-regional approach by Police in reducing the occurrences of this type of nuisance driving.

## **2. Removal of Keeping of Animals Bylaw 2015 and Livestock Movement Bylaw 2022 content (clause 23 of the Public Places Bylaw 2016)**

### **What we currently do**

There was a clause outlining the movement of stock on in the current Public Places Bylaw.

### **What we're proposing**

We're proposing to remove this clause from the new Traffic Bylaw as the content in this clause is covered by the Livestock Movement Bylaw 2022 and the Keeping of Animals Bylaw .

## **3. Turning restrictions (Clause 11)**

### **What we currently do**

There are no turning restrictions in the Public Places Bylaw 2016.

### **What we're proposing**

Turning restrictions such as no 'u turns or no left turn' currently apply on some road in the district, however, the Public Places Bylaw does not currently prohibit a vehicle from driving a vehicle

contrary to these restrictions. Therefore, we are proposing the addition of Clause 11 to the Traffic Bylaw to ensure there is recourse when these restrictions are ignored.

#### **4. Damage to roads (Clause 17)**

##### **What we currently do**

There are no rules in the Public Places Bylaw 2016 related to damaging district roads or creating a safety hazard on roads.

##### **What we're proposing**

We have included new rules relating to damage to roads and creating safety hazards on district roads. It is important that Council has the ability to have recourse in these situations.

#### **5. Damage to Signs (Clause 18)**

##### **What we currently do**

There are no rules in the Public Places Bylaw 2016 related to damaging or removing district signs.

##### **What we're proposing**

We have included new rules relating to damage to or removal of signs and creating safety hazards on district roads. It is important that Council has the ability to have recourse in these situations.

#### **Consultation and submissions**

Anyone can make a submission on the Bylaw and we encourage you to let us know your views. This feedback will be used during the decision-making process.

#### **Privacy Act information**

The Local Government Act 2002 requires submissions to be made available to the public. Your details are collected:

- So, the Council can inform you of the decision(s) regarding your submission(s)
- To arrange a hearing date and time for you to speak (if you choose to).

Your name will be publicly available. If you would like your name kept confidential, you need to inform us when you make your submission.

You have the right to correct any errors in personal details contained in your submission. If you do not supply your name and address, the Council will formally receive your submission but will not be able to inform you of the outcome.

#### **Relevant determinations**

This Statement of Proposal has been prepared in accordance with the requirements set out in section 83 of the Local Government Act 2002 (LGA).

Council has determined, as required by section 155 of the LGA that:

- This Bylaw is the appropriate way of addressing the perceived problem;
- This is the most appropriate form the Bylaw;
- The Bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

### **What happens next?**

Council will acknowledge each submission received in writing, either by letter or email.

Following the close of submissions on 27 March 2023, all submissions will be reviewed. Verbal submissions will be heard, and all submissions formally considered at a meeting of the Policy and Regulatory Committee in April 2023. This meeting is open to both submitters and the public to attend.

It is anticipated that the proposed Bylaw will be adopted in April 2023.

Important dates to remember:

- Submissions open – 27 February 2023
- Submissions close – 27 March 2023
- Hearing of submissions/deliberations – 11, 12 April 2023

If you have any further queries or would like further copies of the proposed Bylaw, please contact Toby McIntyre via email at [consult@waidc.govt.nz](mailto:consult@waidc.govt.nz).







Do you support the addition of a **Damage to Signs** clause to the proposed **Traffic Bylaw**?

Yes                       No                       I do not have a response for this section

If Yes or No, please tell us why/why not

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Do you have any additional comments you would like to make regarding the proposed **Traffic Bylaw 2023**?

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**Prefer to do it online?**

You can complete the submission form online at [www.waikatodistrict.govt.nz/sayit](http://www.waikatodistrict.govt.nz/sayit)

**Need more information**

For more information, visit our website [www.waikatodistrict.govt.nz](http://www.waikatodistrict.govt.nz)

**Privacy statement**

The contents of your submission (not including your address and contact details) will be made public through Council agendas and as a result will be published on our website.

If you would like your name also kept confidential, please tick this box

# Waikato District Council

## Proposed Traffic Bylaw 2023

Waikato District Council, in exercise of its powers under the Local Government Act 1974, Local Government Act 2002 and its respective amendments, the Land Transport Act 1998 and its respective amendments, and all other relevant powers, hereby makes the following bylaw:

### 1.0 INTRODUCTION

- 1.1 This Bylaw shall be known as the 'Waikato District Council Traffic Bylaw 2023'.
- 1.2 This Bylaw shall come into force on (Day) (Month) (Year).

### 2.0 PURPOSE OF BYLAW

- 2.1 The purpose of this Bylaw is to regulate parking and the use of vehicles on land which is under the control of Waikato District Council.

### 3.0 APPLICATION

- 3.1 This Bylaw applies to all roads under the control and/or management of Waikato District Council.

### 4.0 DEFINITIONS

For the purposes of this Bylaw the following definitions shall apply:

<b>Act</b>	Means the Land Transport Act 1998 the regulations and the rules under that Act.
<b>Approved Disabled Person's Parking Permit</b>	Has the same meaning as the Land Transport (Road User) Rule 2004.
<b>Boat</b>	Includes jet skis and other water-borne vessels.
<b>Boat Launching Ramp</b>	Means a place described in the Boat Launching Ramp Register of this Bylaw.

<b>Bus</b>	Means a bus as defined in the Land Transport (Road User) Rule 2004.
<b>Bus Lane</b>	Means a lane reserved by a marking or sign installed at the start of the lane and at each point at which the lane resumes after an intersection for the use of buses and cycles, transport devices, mopeds, and motorcycles (unless one or more are specifically excluded by the sign).
<b>Bus Stop</b>	Means a place where passengers may board or alight from a bus indicated by a sign that includes the text 'bus stop' as specified in Schedule 1 of the Land Transport Rule, Traffic Control Devices 2004 and includes an area of the road in the vicinity of a place that is reserved for a bus stop to allow passengers to board or alight from the bus.
<b>Chief Executive</b>	Means the Chief Executive of Waikato District Council.
<b>Class of Vehicle</b>	Means groupings of vehicles defined by reference to any common feature and includes: <ul style="list-style-type: none"> <li>a. vehicles by type, description, weight, size or dimension;</li> <li>b. vehicles carrying specified classes of load by the mass, size or nature of such loads;</li> <li>c. vehicles carrying no fewer or less than a specified number of occupants;</li> <li>d. vehicles used for specified purposes;</li> <li>e. vehicles driven by specified classes of persons;</li> <li>f. carpool and shared vehicle; and</li> <li>g. vehicles displaying a permit authorised by Waikato District Council.</li> </ul>
<b>Cruising<sup>1</sup></b>	Means driving repeatedly in the same direction over the same section of road in a motor vehicle in a manner that:

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<sup>1</sup> This definition is as per the Land Transport Act 1998

- a. draws attention to the power or sound of the engine of the motor vehicle being driven; or
- b. creates a convoy that is formed otherwise than in trade and impedes traffic flow.

<b>Council</b>	Means the Waikato District Council or any officer authorised to exercise the authority of the Council.
<b>Cycle</b>	Means a wheeled vehicle that is designed primarily to be propelled by the muscular energy of the rider by means of a crank and includes a power assisted cycle.
<b>Cycle Lane</b>	Means a longitudinal strip within a roadway that is reserved for the use of: <ul style="list-style-type: none"> <li>a. cycles; and</li> <li>b. transport devices unless specifically excluded from using the lane by a marking or traffic sign and are included in the Cycle Lane Register of this Bylaw.</li> </ul>
<b>Cycle Path</b>	Means part of the road defined by signs or markings and is physically separated from the roadway that is intended for the use of cyclists, but which may be used also by pedestrians.  It must also include a cycle track formed under section 332 of the Local Government Act 1974 and be included in Cycle Path Register of this Bylaw.
<b>Designated</b>	Means specified by Council by resolution.
<b>Driver</b>	Means a person driving a vehicle and includes the rider of an all-terrain vehicle, a motorcycle, a moped, a cycle, a mobility device or transport device.
<b>Emergency Vehicle</b>	Has the same meaning as in the Land Transport (Road User) Rule 2004.
<b>Enactment</b>	Has the same meaning as section 29 of the Interpretation Act 1999.

<b>Enforcement Officer</b>	Means any person appointed or authorised in writing by the Chief Executive or by the Council to act on its behalf and with its authority including a Parking Warden under the provisions of the Land Transport Act 1998. Also includes police officers.
<b>Engine Brakes</b>	Means a device or feature of an engine to increase, when applied, the retardation force provided by the engine that can be utilised to control the speed of the vehicle.
<b>Freight Container</b>	Is an article of transport equipment that is: <ul style="list-style-type: none"> <li>a. of a permanent character and strong enough to be suitable for repeated use;</li> <li>b. Specifically designed to facilitate the transport of goods by one or more modes of transport, without intermediate loading; and</li> <li>c. designed to be secured and readily handled having fittings for these purposes.</li> </ul>
<b>Freedom Camping</b>	Has the same meaning as the Freedom Camping Act 2011.
<b>Footpath</b>	Means a path or way principally designed for, and used by, pedestrians and includes a footbridge.
<b>Goods Service Vehicle</b>	Means a motor vehicle that is designed exclusively or principally for the carriage of goods or used for the collection or delivery of goods in the course of trade.
<b>Heavy Motor Vehicle</b>	Has the same meaning as in the Land Transport (Road User) Rule 2004.
<b>Lane</b>	Means a longitudinal strip of the roadway intended for the passage of vehicles or a specific class of vehicles that is separate from other parts of the roadway by a longitudinal line or lines of paint or raised studs or another method of lane delineation specified in clause 7.12(1) or (1A) of the Land Transport Rule: Traffic Control Devices 2004.  It can include a: <ul style="list-style-type: none"> <li>a. cycle lane; and</li> </ul>

- b. lane for the use of vehicular traffic that is at least 2.5m wide; and
- c. lane of a two-way road divided by a centre line.

**Mobility Device** Has the same meaning as the Land Transport (Road User Rule) 2004.

**Mobility Parking Space** Means a parking place set aside under the provisions of this Bylaw for use by people who hold an approved disabled person's parking permit.

**Motor Vehicle** Means a vehicle drawn or propelled by mechanical power including a trailer but does not include:

- a. a vehicle running on rails; or
- b. a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or
- c. a trailer running on one wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or
- d. a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or
- e. a pedestrian-controlled machine; or
- f. a vehicle that the Agency has declared under section 168A of the Act is not a motor vehicle; or
- g. a mobility device.

**Network Utility Operator** Has the same meaning given to it by section 166 of the Resource Management Act 1999.

**Parking Place** Means a place (including a building) where vehicles or any class of vehicles may stop, stand or park and may be situated:

- a. within a road or road reserve (on-street parking);  
or
- b. on property owned by Council which is not road reserve (off-street parking).

<b>Parking Warden</b>	Means a parking warden appointed under section 128D of the Land Transport Act 1998.
<b>Passenger Service Vehicle</b>	Has the same meaning as section 2(1) of the Land Transport Act 1998.
<b>Pedestrian</b>	Means a person: <ul style="list-style-type: none"> <li>a. on foot on a road; or</li> <li>b. in or on a contrivance equipped with wheels or revolving runners that is not a vehicle; or</li> <li>c. operating a powered wheelchair.</li> </ul>
<b>Pedestrian Crossing</b>	Has the same meaning as the Land Transport (Road User Rule) 2004.
<b>Person</b>	Includes a natural person, corporation sole and body of persons whether incorporated or unincorporated.
<b>Power-assisted Cycle</b>	Has the same meaning as the Land Transport (Road User Rule) 2004.
<b>Powered Transport Device</b>	Means a wheeled vehicle (other than a cycle or a mobility device) powered by one or more propulsion motors that the Agency has declared, under section 168A(2) or (3) of the Act, is not a motor vehicle.
<b>Powered Wheelchair</b>	Means a mobility device that is a wheelchair propelled by mechanical power and operated by a joystick or other specialist interface but does not include a mobility device operated by a tiller or handlebar.
<b>Public Work</b>	Has the same meaning as section 2 of the Public Works Act 1981.
<b>Public Place</b>	Includes:

- a. every motorway, road, street, private street, footpath, access way, service lane, court, mall, and thoroughfare;
- b. any public reserve within the meaning of section 2 of the Reserves Act 1977 to which the public generally has access, whether with or without payment of any fee, and any reserve under that Act classified as a nature reserve or a scientific reserve;
- c. any park, garden, or other place of public recreation to which the public has access, whether with or without payment of any fee;
- d. any beach or foreshore, or the bank of any river or stream, or the margin of any lake, to which the public traditionally has access, whether with or without payment of any fee;
- e. any waters to which the public traditionally has access, whether with or without payment of any fee, for bathing or other recreational purposes;
- f. every wharf, pier, or jetty (whether under the control of a harbour board or not) to which the public has access;
- g. any conservation area within the meaning of the Conservation Act 1987;
- h. any airport within the meaning of section 2 of the Airport Authorities Act 1966;
- i. any cemetery within the meaning of section 2 of the Burial and Cremation Act 1964;
- j. any land vested in or controlled by any local authority (within the meaning of section 5(1) of the Local Government Act 2002) or the Crown, being land that is not occupied pursuant to any lease, licence, or other authority by any private person;
- k. any national park constituted under the National Parks Act 1980;
- l. any other place whether public or private in the open air, including any walkway within the meaning of section 4 of the Walking Access Act



2008, to which the public has access, whether with or without payment of any fee.

<b>Residential Zone</b>	Any area designated as a residential zone under the Waikato District Council Operative District Plan.
<b>Rider</b>	Means a person riding an animal, an all-terrain vehicle, a motorcycle, a moped, a cycle, a mobility device or a transport device.
<b>Road</b>	Has the same meaning as contained in s2 of the Land Transport Act 1998 and includes any unformed roads.
<b>Roadway</b>	Means that portion of the road used or able to be used for the time being for vehicular traffic in general.
<b>Self-Contained Vehicle</b>	Means a vehicle used for camping which meets the conditions of NZS5465:2001 and displays a NZS5465:2001 Self-Containment Certificate.
<b>School Patrol Crossing</b>	Has the same meaning as in the Land Transport (Road User) Rule 2004.
<b>Shared Path</b>	Means a path that is intended to be used as a path by some or all of the following persons at the same time: <ul style="list-style-type: none"> <li>a. Pedestrians;</li> <li>b. Cyclists;</li> <li>c. Riders of mobility devices;</li> <li>d. Riders of transport devices.</li> </ul>
<b>Shared Zone</b>	Means a length of roadway, defined by signs or markings, intended to be used by pedestrians and vehicles, as set out in the Land Transport (Road User) Rule 2004.
<b>Special Vehicle Lane</b>	Has the same meaning as in the Land Transport (Road User) Rule 2004.
<b>State Highway</b>	Means a state highway defined in Part I of the Land Transport Management Act 2003.

<b>Stock</b>	Includes sheep, cattle, goats and any other herd animal, but does not include a horse that is being led, ridden, or which is drawing any vehicle.
<b>Traffic Control Device</b>	Has the same meaning as Part 2 of the Land Transport (Traffic Control Devices) Rule 2004.
<b>Transport Corridor</b>	All roads as defined above and includes all land from boundary to boundary (including the berm and carriageway).
<b>Transport Device</b>	Means: <ul style="list-style-type: none"> <li>a. a powered transport device; or</li> <li>b. an unpowered transport device.</li> </ul>
<b>Transport Station</b>	Has the same meaning as section 591(6) of the Local Government Act 1974.
<b>Transit Lane</b>	Means a lane, defined by signs or markings, reserved for the use of the following (unless specifically excluded by a sign installed at the start of the lane): <ul style="list-style-type: none"> <li>a. passenger service vehicles;</li> <li>b. motor vehicles carrying not less than the number of persons (including the driver) specified on the sign;</li> <li>c. cycles;</li> <li>d. transport devices;</li> <li>e. motorcycles;</li> <li>f. mopeds.</li> </ul>
<b>Unpowered Transport Device</b>	Means a wheeled vehicle, other than a cycle, that is propelled by human power or gravity.
<b>Vehicle</b>	Has the same meaning as in the Land Transport Act 1998.
<b>Vehicle Crossing</b>	Is a place where vehicles are being taken or, in the opinion of the council, are likely to be taken, on to or from any

land across any footpath on any road or any water channel on or adjoining any road.

**Zone Parking**

Has the same meaning as in Land Transport Rule: Traffic Control Devices 2004.

**5.0 INTERPRETATION**

- 5.1 Any undefined words, phrases or expressions used in this Bylaw have the same meaning as in the Act unless the context plainly requires a different meaning.
- 5.2 Explanatory notes are for information purposes only, do not form part of this Bylaw, and may be inserted or changed by Council at any time.

**STOPPING, STANDING AND PARKING**

6.1 No person shall stop, stand or park a motor vehicle on any footpath, grass berm, flowerbed, shrubbery, median strip, traffic island or any ornamental verge or plot laid out on any street, road or public place, except:

- a. on a specified parking berm or public place as may be identified in Schedule x; or
- b. on a verge that is not separated from the roadway by kerb and channel, if the vehicle is parked to ensure that the driver's side wheels remain on the roadway and a clear pedestrian passage no less than 1.2m wide is retained between the vehicle and any fence, shrub or other obstruction and the vehicle is not parked on any footpath or contrary to the provision of Clause 10 of this Bylaw.
- c. with the prior written consent of the Council; or
- d. in compliance with a public notification by the Council.

6.2 No person shall stop, stand or park a motor vehicle or motor vehicle combination on any road or parking place in contravention of a restriction imposed by the Council and evidenced by appropriate signs and/or road markings. Notwithstanding the provisions of this subclause and subject to such conditions as appropriate in the circumstances and payment of the prescribed fee, the Council may authorise the stopping, standing, or parking of specified vehicles.

6.3 No person shall stop, stand or park a heavy motor vehicle or heavy motor vehicle combination for a period of more than one hour on any parking place adjacent to residential zoned. This clause does not prohibit a vehicle from stopping, standing, or parking for a period that is reasonably required for the purpose of loading or unloading that vehicle in the course of trade.

- 6.4 No person shall stop, stand, or park any vehicle which by reason of its condition or content causes an offensive odour on any part of the transport corridor, including any parking place.
- 6.5 No person shall, without the prior written permission of the Council, park a motor vehicle or trailer for the purpose of advertising a good or service or for offering the vehicle for sale unless the vehicle is being used for day-to-day private travel, on any part of the transport corridor, including any parking place. This restriction includes vehicles and trailers displayed for sale, and mobile billboards.
- 6.6 Except with the prior written permission of the Council, no person shall stop, stand or park a vehicle within the transport corridor for any period exceeding three days, if that vehicle cannot be easily moved on at the request of the Council.
- 6.7 No person shall park or place any machinery, equipment, materials, waste disposal bins, skips or freight containers within the transport corridor except with the permission of the Council and in accordance with any conditions that Council may require. Council may remove any such item for non-compliance with any condition, at the owner's cost. This clause does not apply to those containers that are used solely for the purpose of residential waste collection as authorised by the Council and placed off the roadway, provided that such containers are not left on any road for a period not exceeding 24 hours.
- 6.8 No person shall operate any crane, mobile crane, excavator or drill rig parked on a road, except with the permission of Council and in accordance with any conditions that Council may impose.
- 6.9 No person shall repair, alter or add to a vehicle while the vehicle is on the road, unless those repairs, alterations or additions are necessary to enable the vehicle to be removed from the road.
- 6.10 Regardless of whether a sign is present, a person must not stop, stand or park a motor vehicle on any part of the transport corridor that is laid out as a cultivated area including a grass plot, a flower bed or shrubbery.
- 6.11 A person may stop, stand, or park a motor vehicle in contravention of clause xx. if:
- a. That part of the road is designed and constructed to accommodate a parked vehicle; and
  - b. Council has given permission to stop, stand, or park a vehicle in that part of the road.
- 6.12 No person shall stop, stand, or park a vehicle on any reserve unless:

- a. It is within an area set aside for parking and the parking is associated with the use of the reserve; or
- b. The person has received prior approval from Council.

## **7 PARKING PLACES**

- 7.1 The Council may with reference to a specified parking place or places by resolution:
- a. Permit or prohibit a class or classes of motor vehicles; and
  - b. Permit or prohibit time restrictions on parking; and
  - c. Specify and impose conditions of parking in that parking place or in those parking places; and
  - d. Specify part or parts that are available for public use; and
  - e. Specify part or parts that are available for reserve parking; and
  - f. Specify and prescribe fees and rental charges for parking in or reserving parking in that parking place or in those parking places; and
  - g. Permit specified parking places to be used for street vending and market purposes.
- 7.2 The Council may with reference to a specified off-street parking place or places, by resolution delegate to the Chief Executive of the authority, the ability to do any of the things specified in subclauses 7.1 (a) to (g) above.
- 7.3 Council shall display signs indicating any such prohibition, specification or condition as it applies to any road or parking place.
- 7.4 The Council may from time to time by resolution:
- a. Declare any road or part of a road, including the days and times, to be a timed parking place;
  - b. Declare the number and situation of parking places within a parking place;
  - c. Declare the time allowed for parking in such parking places which it shall be unlawful to remain parked;
  - d. Add to or amend the parking places register of this Bylaw.
- 7.5 For any timed parking places, limits will apply between 8am and 6pm every day of the week except where signs relating to those places covered by this Bylaw indicate otherwise.
- 7.6 Any restrictions that apply to a timed parking area do not apply in locations within that area where other specific stopping, standing and parking restrictions apply.
- 7.7 Where the Council has reserved parking places as mobility parking spaces, the approved Mobility Parking Permit shall be displayed so that it is clearly visible. The permit shall not be displayed if the parking place is not being used for the benefit of the permit holder.

## **8 TEMPORARY ALTERNATE USE OF PARKING SPACES**

- 8.1 Where parking at a timed parking place is to be temporarily halted, the Council may place or erect signs or notices (or authorise the placing or erecting of signs or notices) stating parking is not available in the specified place or area.
- 8.2 It shall be unlawful for any person to park a vehicle in a timed parking place where parking has been temporarily halted, except with the written permission of the Council.

## **9 UNLAWFUL PARKING**

- 9.1 No person shall park any vehicle or vehicle combination in a parking place except as permitted by the provisions of this Bylaw.
- 9.2 No person shall park a vehicle or vehicle combination in a parking place so that any part of that vehicle extends beyond any line defining that place unless by reason of its size it may be necessary for the vehicle to extend onto an adjoining and unoccupied parking place. If the parking places occupied by the vehicle or vehicle combination are metered parking places, the driver shall be liable to pay a parking fee for each place so occupied.
- 9.3 No person shall park for a period greater than the maximum indicated, except where the vehicle is being used for the benefit of an approved mobility parking permit holder.
- 9.4 No person shall obstruct vehicle access to or egress from any parking place.
- 9.5 No vehicle shall be returned to any timed parking place on a road until a period of 20 minutes has elapsed from the time the vehicle previously left the metered parking place.

## **10 ONE-WAY ROADS**

- 10.1 Subject to the erection of the prescribed signs and/or markings, a person may only drive along the roads or parts of roads listed as a 'one-way road' in the One-Way Roads Register of this Bylaw, in the direction specified.
- 10.2 The Council may by resolution specify that cycles may travel in the opposite direction on a one-way road.
- 10.3 The Council may by resolution amend the One-Way Roads Register to provide for a road, or part of a road, to be a one-way road or to provide that a road should cease to be used as a one-way road.

## **11. TURNING RESTRICTIONS**

- 11.1 Subject to the installation of the prescribed signs and/or markings, no person shall drive a vehicle contrary to any turning restriction listed in the Turning Restrictions Register of this Bylaw.
- 11.2 The Council may by resolution amend the Turning Restrictions Register to prohibit turns, for vehicles on a roadway turning from facing or travelling in one direction to facing or travelling in the opposite direction (No 'U-turns').

## **12. CYCLE PATHS**

12.1 Subject to the installation of the prescribed signs and/or markings, the roads, parts of roads and places listed in the Cycle Paths Register of this Bylaw are cycle paths and are to operate as shared paths. Priority (if any) is indicated in this register.

12.2 The Council may by resolution amend the Cycle Paths Register to provide for a road or part of a road to be used as a Cycle Path either permanently or for a set period of time, or to provide that a road or part of a road should cease to be used as a cycle path.

## **13 SHARED ZONES**

13.1 Council may by resolution specify any road to be a shared zone and specify any restrictions on how the shared zone is to be used by the public. In addition to any roads declared to be shared zone by resolution under Clause 24, the roads, parts of road and places listed in Shared Zones Register of this Bylaw are 'Shared Zones'.

13.2 Except where Council has by resolution specified otherwise, no person may stand or park a vehicle in a shared zone.

13.3 No person may use a shared zone in a manner contrary to any restriction made by Council.

## **14 LIGHT MOTOR VEHICLE PROHIBITIONS**

14.1 Subject to the installation of the prescribed signs and/or markings, Council may by resolution restrict or prohibit any vehicle having a gross motor vehicle mass less than 3,500kg from being operated on any road generally between the hours of 9pm and 4am unless specified otherwise in the Light Motor Vehicles Prohibitions Register of this Bylaw.

14.2 No person may drive or permit a motor vehicle to be driven in contravention of a resolution made by Council unless:

- a. that motor vehicle is used for the express purpose of visiting a property with a frontage to a road specified in the resolution; or

- b. that motor vehicle is being used for the time being as a passenger service vehicle; or
- c. prior written permission from Council has been obtained.

14.3 Council may by resolution:

- a. specify any section of road or roads on which cruising is controlled, restricted, or prohibited;
- b. prescribe the period of time that must elapse between each time a driver drives on a specified section of road for the driver to avoid being regarded as cruising.

14.4 No person shall use a motor vehicle on any specified section of road or roads in contravention of a control, prohibition or restriction made by Council as set out in the Light Motor Vehicle Prohibitions Register.

## **15 HEAVY MOTOR VEHICLE PROHIBITIONS**

15.1 No person shall operate engine brakes on any road where the permanent speed limit does not exceed 70 kilometres per hour.

15.2 No person shall operate engine brakes on any road identified in the Heavy Motor Vehicle Register, Part 1 Prohibition of Engine Brakes of this Bylaw due to noise nuisance.

15.3 No person shall drive or permit to be driven any heavy motor vehicle except a passenger service vehicle on or along those roads or parts of roads listed in the Heavy Motor Vehicle Register Part 2 Prohibition of Heavy Motor Vehicles of this Bylaw except for the purpose of picking up or delivering goods to an address on those roads when alternative access is not available for this purpose.

15.4 No person shall drive or permit to be driven or park any heavy motor vehicle or any specified class of heavy motor vehicle during such hours or exceeding such period as may be specified for the roads or public places listed in the Heavy Motor Vehicle Schedule 6 of this Bylaw, except for the purposes of loading or unloading goods or passengers at any property whose access is by way of the road or public place.

15.5 The prohibitions set out in this section shall not apply to:

- a. A network utility operator or its authorised agent or contractor engaged in the provision of, or maintenance of a network utility operation.
- b. Emergency vehicles, vehicle recovery services, tradespersons' vehicles or campervans as identified on signs approaching the road to which the restriction applies.
- c. Residential waste collections carried out by either the local authority or a contractor licensed by the local authority.



- d. Any other class of heavy vehicle the Council may exclude from the prohibitions in 16 in accordance with the Local Government Act 2002 and as identified on signs approaching the road to which the restriction applies.

15.7 The Council may amend the Heavy Motor Vehicle Registers by resolution to prohibit any heavy traffic on any road or roads within the district or to remove a heavy traffic prohibition.

**File Note:** Please note that weight restrictions may be placed on bridges outside the Bylaw through section 11 of the 1974 Heavy Motor Vehicle Regulations. (This file note does not form part of the Bylaw).

## **16 BOAT LAUNCHING RAMPS**

16.1.1 No person may use a launching ramp other than for launching boats from trailers or retrieving boats onto trailers, except with authorisation from Council.

16.2 No person shall:

- a. Stop any vehicle on any part of a launching ramp or the approach to a launching ramp for longer than is necessary to launch or recover a boat.
- b. Drive or move any vehicle onto a launching ramp to recover a boat before the boat is ready to be recovered.

16.2.1 Council may, by resolution, amend the Launching Ramp Register to remove or add launching ramps and approaches to launching ramps from this Register.

## **17 DAMAGE TO ROADS**

17.1 No person shall undertake any activity that causes, or may cause:

- a. damage to any road; or
- b. a safety hazard.

17.2 Without limiting the generality of clause 19.1 no person may:

- a. mix any concrete or other material of any kind on the surface of any road;
- b. cause or permit any concrete, mortar, or material of a similar nature to be swept, washed, hosed or sluiced into any road or into any drain connected with any part of Council's drainage or wastewater system;
- c. use any vehicle whose wheels or tracks causes or may cause damage to the surface or any part of any road;
- d. drag or trail anything whether on a sledge or skids or otherwise so as to damage any road.

## **18 DAMAGE TO SIGNS**

18.1 No person may interfere with, damage or remove any traffic sign unless instructed to do so by an Authorised Officer.

## **19 SEIZURE AND IMPOUNDING**

19.1 A council enforcement officer authorised to enforce the provisions of this Bylaw, may seize and impound any property used in a manner that breaches this Bylaw if:

- a. the property is materially involved in the commission of an offence; and
- b. it is reasonable in the circumstances to seize and impound the property; and
- c. before seizing and impounding the property, the enforcement officer:
  - i. directed (orally or in writing) the person committing the offence to stop committing the offence; and
  - ii. has advised (orally or in writing) the person committing the offence that, if he or she does not stop committing the offence, the enforcement officer has power to seize and impound the property; and
  - iii. provided the person with a reasonable opportunity to stop committing the offence.

19.2 As soon as practicable after seizing and impounding the property, an enforcement officer must give a notice in the prescribed form (where a form is prescribed):

- a. to the person in possession of the property at the time it was seized and impounded; or
- b. if paragraph a does not apply, to any person who the enforcement officer can ascertain is the owner of, or has an interest in, the property.

19.3 Council may require the vehicle owner to pay Council's costs in seizing, impounding, transporting, and storing the property.

19.4 A notice under this section may be served:

- a. By delivering it, or a copy of it, personally to the person who appears to be in possession of the property at the time it was seized and impounded; or
- b. By sending it, or a copy of it, by post addressed to any person who the enforcement officer can ascertain is the owner of, or has an interest in, the property at his or her last known place of residence or business or postal address.

## **20 REMOVAL OF VEHICLES AND THINGS**

20.1 In addition to the powers conferred on it by any other enactment, Council may remove or cause to be removed any vehicle or thing found to be in breach of this Bylaw, from any parking place, transport station or road.

20.2 Council may recover from the person who committed the breach of this Bylaw the costs incurred by Council in connection with the removal of the vehicle or thing.

## 21 OFFENCES AND PENALTIES

21.1 Every person commits an offence against this Bylaw who:

- a. Fails to comply with any control, restriction, limitation or prohibition made pursuant to this Bylaw, or
- b. Fails to comply in all respects with any prohibition, restriction, direction or requirement indicated by the lines, markings, traffic signs and other signs or notices laid down, placed, made or erected on or upon any road, public car park, reserve or other places controlled by the Council under any of the provisions of this Bylaw.
- c. Fails to comply with any condition, duty, or obligation, imposed by this Bylaw.

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

- a. Every person who fails to comply with any control, restriction, limitation or prohibition made pursuant to this Bylaw under Section 242(4) of the Local Government Act 2002, is liable on summary conviction to a fine not exceeding \$20,000.
- b. Every person who fails to comply with any control, restriction, limitation or prohibition made pursuant to this Bylaw under the Land Transport Act 1998 commits an offence under the Land Transport Act 1998 and the Land Transport (Road User) Rule 2004 and is liable to the penalties and fines as set out in the Land Transport Act 1998 and the Land Transport (Road User) Rule 2004.
- c. A person may not be subject to proceedings under this Bylaw, if that person is also, for the same facts, being proceeded against for a breach of the Land Transport Act 1998.

21.3 The following table outlines the offences and the enabling statutes:

<b>Clause</b>	<b>Summary of Offence</b>	<b>Enabling Statutes</b>
	Stopping, standing and parking	Land Transport Act 1998 22AB, section 1
	Parking places	Land Transport Act 1998 22AB, section 1
	Temporary alternative use of parking places	Land Transport Act 1998 22AB, section 1
	Unlawful parking	Land Transport Act 1998 22AB, section 1
	One way roads	Land Transport Act 1998 22AB, section 1
	Cycle paths	Land Transport Act 1998 22AB, section 1
	Light motor vehicle prohibitions	Land Transport Act 1998 22AB, section 1
	Heavy motor vehicle prohibitions	Land Transport Act 1998 22AB, section 1

<b>Clause</b>	<b>Summary of Offence</b>	<b>Enabling Statutes</b>
	Engine braking	Local Government Act 2002, section 145(a)
	Shared zones	Land Transport Act 1998 22AB, section 1
	Launching ramps	Land Transport Act 1998 22AB, section 1
	Seizure and impound	Local Government Act 2002, Part 8
	Removal of vehicles and things	Land Transport Act 1998 22AB, section 1

## **22 DEFENSES**

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

## **23 EXEMPT VEHICLES**

- 23.1 This Bylaw shall not apply to emergency vehicles being used in an emergency.
- 23.2 Clauses 3 to 11, 14, 17 and 20 of this Bylaw shall not apply to medical practitioners such as doctors, district nurses and midwives who are attending an emergency.
- 23.3 This Bylaw shall not apply to vehicles operated by the Council or for the Council during the necessary fulfilment of Council's statutory functions, duties or powers.
- 23.4 This Bylaw shall not apply to vehicles operated by utility providers whilst engaged in emergency repair work to a public utility service.

## **24 POWER TO AMEND SCHEDULES BY RESOLUTION**

- 24.1 Council may from time to time by resolution substitute or make additions or alterations to any schedule or traffic map of this Bylaw.

The foregoing Bylaw was made by the **WAIKATO DISTRICT COUNCIL** by Special Consultative Procedure and confirmed at a meeting of the Council held on #####. This Bylaw becomes operative on #####

This Bylaw was made pursuant to a resolution passed by the Waikato District Council on (Day) (Month) (Year).

The Common Seal of the Waikato District Council  
Was hereto affixed in the presence of:

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Mayor

## Table of Registers

<b>#</b>	<b>Register Title</b>
1	Time Limited Parking Areas
	Special Parking Areas
	Parking Places
	No Stopping Restrictions
2	One-way Street Restrictions
3	Turning Restrictions
4	Cycle Lanes
5	Shared Zones
6	Light Motor Vehicle Prohibitions
	Heavy Motor Vehicle Prohibitions

# Waikato District Council

## Proposed Traffic Bylaw 2023

Waikato District Council, in exercise of its powers under the Local Government Act 1974, Local Government Act 2002 and its respective amendments, the Land Transport Act 1998 and its respective amendments, and all other relevant powers, hereby makes the following bylaw:

### 1.0 INTRODUCTION

- 1.1 This Bylaw shall be known as the 'Waikato District Council Traffic Bylaw 2023'.
- 1.2 This Bylaw shall come into force on (Day) (Month) (Year).

### 2.0 PURPOSE OF BYLAW

- 2.1 The purpose of this Bylaw is to regulate parking and the use of vehicles on land which is under the control of Waikato District Council.

### 3.0 APPLICATION

- 3.1 This Bylaw applies to all roads under the control and/or management of Waikato District Council.

### 4.0 DEFINITIONS

For the purposes of this Bylaw the following definitions shall apply:

<b>Act</b>	Means the Land Transport Act 1998 the regulations and the rules under that Act.
<b>Approved Disabled Person's Parking Permit</b>	Has the same meaning as the Land Transport (Road User) Rule 2004.
<b>Boat</b>	Includes jet skis and other water-borne vessels.
<b>Boat Launching Ramp</b>	Means a place described in the Boat Launching Ramp Register of this Bylaw.

<b>Bus</b>	Means a bus as defined in the Land Transport (Road User) Rule 2004.
<b>Bus Lane</b>	Means a lane reserved by a marking or sign installed at the start of the lane and at each point at which the lane resumes after an intersection for the use of buses and cycles, transport devices, mopeds, and motorcycles (unless one or more are specifically excluded by the sign).
<b>Bus Stop</b>	Means a place where passengers may board or alight from a bus indicated by a sign that includes the text 'bus stop' as specified in Schedule 1 of the Land Transport Rule, Traffic Control Devices 2004 and includes an area of the road in the vicinity of a place that is reserved for a bus stop to allow passengers to board or alight from the bus.
<b>Chief Executive</b>	Means the Chief Executive of Waikato District Council.
<b>Class of Vehicle</b>	Means groupings of vehicles defined by reference to any common feature and includes: <ul style="list-style-type: none"> <li>a. vehicles by type, description, weight, size or dimension;</li> <li>b. vehicles carrying specified classes of load by the mass, size or nature of such loads;</li> <li>c. vehicles carrying no fewer or less than a specified number of occupants;</li> <li>d. vehicles used for specified purposes;</li> <li>e. vehicles driven by specified classes of persons;</li> <li>f. carpool and shared vehicle; and</li> <li>g. vehicles displaying a permit authorised by Waikato District Council.</li> </ul>
<b>Cruising<sup>1</sup></b>	Means driving repeatedly in the same direction over the same section of road in a motor vehicle in a manner that:

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<sup>1</sup> This definition is as per the Land Transport Act 1998



- a. draws attention to the power or sound of the engine of the motor vehicle being driven; or
- b. creates a convoy that is formed otherwise than in trade and impedes traffic flow.

<b>Council</b>	Means the Waikato District Council or any officer authorised to exercise the authority of the Council.
<b>Cycle</b>	Means a wheeled vehicle that is designed primarily to be propelled by the muscular energy of the rider by means of a crank and includes a power assisted cycle.
<b>Cycle Lane</b>	Means a longitudinal strip within a roadway that is reserved for the use of: <ul style="list-style-type: none"> <li>a. cycles; and</li> <li>b. transport devices unless specifically excluded from using the lane by a marking or traffic sign and are included in the Cycle Lane Register of this Bylaw.</li> </ul>
<b>Cycle Path</b>	Means part of the road defined by signs or markings and is physically separated from the roadway that is intended for the use of cyclists, but which may be used also by pedestrians.  It must also include a cycle track formed under section 332 of the Local Government Act 1974 and be included in Cycle Path Register of this Bylaw.
<b>Designated</b>	Means specified by Council by resolution.
<b>Driver</b>	Means a person driving a vehicle and includes the rider of an all-terrain vehicle, a motorcycle, a moped, a cycle, a mobility device or transport device.
<b>Emergency Vehicle</b>	Has the same meaning as in the Land Transport (Road User) Rule 2004.
<b>Enactment</b>	Has the same meaning as section 29 of the Interpretation Act 1999.

<b>Enforcement Officer</b>	Means any person appointed or authorised in writing by the Chief Executive or by the Council to act on its behalf and with its authority including a Parking Warden under the provisions of the Land Transport Act 1998. Also includes police officers.
<b>Engine Brakes</b>	Means a device or feature of an engine to increase, when applied, the retardation force provided by the engine that can be utilised to control the speed of the vehicle.
<b>Freight Container</b>	Is an article of transport equipment that is: <ul style="list-style-type: none"> <li>a. of a permanent character and strong enough to be suitable for repeated use;</li> <li>b. Specifically designed to facilitate the transport of goods by one or more modes of transport, without intermediate loading; and</li> <li>c. designed to be secured and readily handled having fittings for these purposes.</li> </ul>
<b>Freedom Camping</b>	Has the same meaning as the Freedom Camping Act 2011.
<b>Footpath</b>	Means a path or way principally designed for, and used by, pedestrians and includes a footbridge.
<b>Goods Service Vehicle</b>	Means a motor vehicle that is designed exclusively or principally for the carriage of goods or used for the collection or delivery of goods in the course of trade.
<b>Heavy Motor Vehicle</b>	Has the same meaning as in the Land Transport (Road User) Rule 2004.
<b>Lane</b>	Means a longitudinal strip of the roadway intended for the passage of vehicles or a specific class of vehicles that is separate from other parts of the roadway by a longitudinal line or lines of paint or raised studs or another method of lane delineation specified in clause 7.12(1) or (1A) of the Land Transport Rule: Traffic Control Devices 2004.  It can include a: <ul style="list-style-type: none"> <li>a. cycle lane; and</li> </ul>

- b. lane for the use of vehicular traffic that is at least 2.5m wide; and
- c. lane of a two-way road divided by a centre line.

**Mobility Device** Has the same meaning as the Land Transport (Road User Rule) 2004.

**Mobility Parking Space** Means a parking place set aside under the provisions of this Bylaw for use by people who hold an approved disabled person's parking permit.

**Motor Vehicle** Means a vehicle drawn or propelled by mechanical power including a trailer but does not include:

- a. a vehicle running on rails; or
- b. a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or
- c. a trailer running on one wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or
- d. a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or
- e. a pedestrian-controlled machine; or
- f. a vehicle that the Agency has declared under section 168A of the Act is not a motor vehicle; or
- g. a mobility device.

**Network Utility Operator** Has the same meaning given to it by section 166 of the Resource Management Act 1999.

**Parking Place** Means a place (including a building) where vehicles or any class of vehicles may stop, stand or park and may be situated:

- a. within a road or road reserve (on-street parking);  
or
- b. on property owned by Council which is not road reserve (off-street parking).

<b>Parking Warden</b>	Means a parking warden appointed under section 128D of the Land Transport Act 1998.
<b>Passenger Service Vehicle</b>	Has the same meaning as section 2(1) of the Land Transport Act 1998.
<b>Pedestrian</b>	Means a person: <ul style="list-style-type: none"> <li>a. on foot on a road; or</li> <li>b. in or on a contrivance equipped with wheels or revolving runners that is not a vehicle; or</li> <li>c. operating a powered wheelchair.</li> </ul>
<b>Pedestrian Crossing</b>	Has the same meaning as the Land Transport (Road User Rule) 2004.
<b>Person</b>	Includes a natural person, corporation sole and body of persons whether incorporated or unincorporated.
<b>Power-assisted Cycle</b>	Has the same meaning as the Land Transport (Road User Rule) 2004.
<b>Powered Transport Device</b>	Means a wheeled vehicle (other than a cycle or a mobility device) powered by one or more propulsion motors that the Agency has declared, under section 168A(2) or (3) of the Act, is not a motor vehicle.
<b>Powered Wheelchair</b>	Means a mobility device that is a wheelchair propelled by mechanical power and operated by a joystick or other specialist interface but does not include a mobility device operated by a tiller or handlebar.
<b>Public Work</b>	Has the same meaning as section 2 of the Public Works Act 1981.
<b>Public Place</b>	Includes:

- a. every motorway, road, street, private street, footpath, access way, service lane, court, mall, and thoroughfare;
- b. any public reserve within the meaning of section 2 of the Reserves Act 1977 to which the public generally has access, whether with or without payment of any fee, and any reserve under that Act classified as a nature reserve or a scientific reserve;
- c. any park, garden, or other place of public recreation to which the public has access, whether with or without payment of any fee;
- d. any beach or foreshore, or the bank of any river or stream, or the margin of any lake, to which the public traditionally has access, whether with or without payment of any fee;
- e. any waters to which the public traditionally has access, whether with or without payment of any fee, for bathing or other recreational purposes;
- f. every wharf, pier, or jetty (whether under the control of a harbour board or not) to which the public has access;
- g. any conservation area within the meaning of the Conservation Act 1987;
- h. any airport within the meaning of section 2 of the Airport Authorities Act 1966;
- i. any cemetery within the meaning of section 2 of the Burial and Cremation Act 1964;
- j. any land vested in or controlled by any local authority (within the meaning of section 5(1) of the Local Government Act 2002) or the Crown, being land that is not occupied pursuant to any lease, licence, or other authority by any private person;
- k. any national park constituted under the National Parks Act 1980;
- l. any other place whether public or private in the open air, including any walkway within the meaning of section 4 of the Walking Access Act

2008, to which the public has access, whether with or without payment of any fee.

<b>Residential Zone</b>	Any area designated as a residential zone under the Waikato District Council Operative District Plan.
<b>Rider</b>	Means a person riding an animal, an all-terrain vehicle, a motorcycle, a moped, a cycle, a mobility device or a transport device.
<b>Road</b>	Has the same meaning as contained in s2 of the Land Transport Act 1998 and includes any unformed roads.
<b>Roadway</b>	Means that portion of the road used or able to be used for the time being for vehicular traffic in general.
<b>Self-Contained Vehicle</b>	Means a vehicle used for camping which meets the conditions of NZS5465:2001 and displays a NZS5465:2001 Self-Containment Certificate.
<b>School Patrol Crossing</b>	Has the same meaning as in the Land Transport (Road User) Rule 2004.
<b>Shared Path</b>	Means a path that is intended to be used as a path by some or all of the following persons at the same time: <ul style="list-style-type: none"> <li>a. Pedestrians;</li> <li>b. Cyclists;</li> <li>c. Riders of mobility devices;</li> <li>d. Riders of transport devices.</li> </ul>
<b>Shared Zone</b>	Means a length of roadway, defined by signs or markings, intended to be used by pedestrians and vehicles, as set out in the Land Transport (Road User) Rule 2004.
<b>Special Vehicle Lane</b>	Has the same meaning as in the Land Transport (Road User) Rule 2004.
<b>State Highway</b>	Means a state highway defined in Part I of the Land Transport Management Act 2003.

<b>Stock</b>	Includes sheep, cattle, goats and any other herd animal, but does not include a horse that is being led, ridden, or which is drawing any vehicle.
<b>Traffic Control Device</b>	Has the same meaning as Part 2 of the Land Transport (Traffic Control Devices) Rule 2004.
<b>Transport Corridor</b>	All roads as defined above and includes all land from boundary to boundary (including the berm and carriageway).
<b>Transport Device</b>	Means: <ul style="list-style-type: none"> <li>a. a powered transport device; or</li> <li>b. an unpowered transport device.</li> </ul>
<b>Transport Station</b>	Has the same meaning as section 591(6) of the Local Government Act 1974.
<b>Transit Lane</b>	Means a lane, defined by signs or markings, reserved for the use of the following (unless specifically excluded by a sign installed at the start of the lane): <ul style="list-style-type: none"> <li>a. passenger service vehicles;</li> <li>b. motor vehicles carrying not less than the number of persons (including the driver) specified on the sign;</li> <li>c. cycles;</li> <li>d. transport devices;</li> <li>e. motorcycles;</li> <li>f. mopeds.</li> </ul>
<b>Unpowered Transport Device</b>	Means a wheeled vehicle, other than a cycle, that is propelled by human power or gravity.
<b>Vehicle</b>	Has the same meaning as in the Land Transport Act 1998.
<b>Vehicle Crossing</b>	Is a place where vehicles are being taken or, in the opinion of the council, are likely to be taken, on to or from any

land across any footpath on any road or any water channel on or adjoining any road.

**Zone Parking**

Has the same meaning as in Land Transport Rule: Traffic Control Devices 2004.

**5.0 INTERPRETATION**

- 5.1 Any undefined words, phrases or expressions used in this Bylaw have the same meaning as in the Act unless the context plainly requires a different meaning.
- 5.2 Explanatory notes are for information purposes only, do not form part of this Bylaw, and may be inserted or changed by Council at any time.

**STOPPING, STANDING AND PARKING**

6.1 No person shall stop, stand or park a motor vehicle on any footpath, grass berm, flowerbed, shrubbery, median strip, traffic island or any ornamental verge or plot laid out on any street, road or public place, except:

- a. on a specified parking berm or public place as may be identified in Schedule x; or
- b. on a verge that is not separated from the roadway by kerb and channel, if the vehicle is parked to ensure that the driver's side wheels remain on the roadway and a clear pedestrian passage no less than 1.2m wide is retained between the vehicle and any fence, shrub or other obstruction and the vehicle is not parked on any footpath or contrary to the provision of Clause 10 of this Bylaw.
- c. with the prior written consent of the Council; or
- d. in compliance with a public notification by the Council.

6.2 No person shall stop, stand or park a motor vehicle or motor vehicle combination on any road or parking place in contravention of a restriction imposed by the Council and evidenced by appropriate signs and/or road markings. Notwithstanding the provisions of this subclause and subject to such conditions as appropriate in the circumstances and payment of the prescribed fee, the Council may authorise the stopping, standing, or parking of specified vehicles.

6.3 No person shall stop, stand or park a heavy motor vehicle or heavy motor vehicle combination for a period of more than one hour on any parking place adjacent to residential zoned. This clause does not prohibit a vehicle from stopping, standing, or parking for a period that is reasonably required for the purpose of loading or unloading that vehicle in the course of trade.



- 6.4 No person shall stop, stand, or park any vehicle which by reason of its condition or content causes an offensive odour on any part of the transport corridor, including any parking place.
- 6.5 No person shall, without the prior written permission of the Council, park a motor vehicle or trailer for the purpose of advertising a good or service or for offering the vehicle for sale unless the vehicle is being used for day-to-day private travel, on any part of the transport corridor, including any parking place. This restriction includes vehicles and trailers displayed for sale, and mobile billboards.
- 6.6 Except with the prior written permission of the Council, no person shall stop, stand or park a vehicle within the transport corridor for any period exceeding three days, if that vehicle cannot be easily moved on at the request of the Council.
- 6.7 No person shall park or place any machinery, equipment, materials, waste disposal bins, skips or freight containers within the transport corridor except with the permission of the Council and in accordance with any conditions that Council may require. Council may remove any such item for non-compliance with any condition, at the owner's cost. This clause does not apply to those containers that are used solely for the purpose of residential waste collection as authorised by the Council and placed off the roadway, provided that such containers are not left on any road for a period not exceeding 24 hours.
- 6.8 No person shall operate any crane, mobile crane, excavator or drill rig parked on a road, except with the permission of Council and in accordance with any conditions that Council may impose.
- 6.9 No person shall repair, alter or add to a vehicle while the vehicle is on the road, unless those repairs, alterations or additions are necessary to enable the vehicle to be removed from the road.
- 6.10 Regardless of whether a sign is present, a person must not stop, stand or park a motor vehicle on any part of the transport corridor that is laid out as a cultivated area including a grass plot, a flower bed or shrubbery.
- 6.11 A person may stop, stand, or park a motor vehicle in contravention of clause xx. if:
- a. That part of the road is designed and constructed to accommodate a parked vehicle; and
  - b. Council has given permission to stop, stand, or park a vehicle in that part of the road.
- 6.12 No person shall stop, stand, or park a vehicle on any reserve unless:

- a. It is within an area set aside for parking and the parking is associated with the use of the reserve; or
- b. The person has received prior approval from Council.

## **7 PARKING PLACES**

- 7.1 The Council may with reference to a specified parking place or places by resolution:
- a. Permit or prohibit a class or classes of motor vehicles; and
  - b. Permit or prohibit time restrictions on parking; and
  - c. Specify and impose conditions of parking in that parking place or in those parking places; and
  - d. Specify part or parts that are available for public use; and
  - e. Specify part or parts that are available for reserve parking; and
  - f. Specify and prescribe fees and rental charges for parking in or reserving parking in that parking place or in those parking places; and
  - g. Permit specified parking places to be used for street vending and market purposes.
- 7.2 The Council may with reference to a specified off-street parking place or places, by resolution delegate to the Chief Executive of the authority, the ability to do any of the things specified in subclauses 7.1 (a) to (g) above.
- 7.3 Council shall display signs indicating any such prohibition, specification or condition as it applies to any road or parking place.
- 7.4 The Council may from time to time by resolution:
- a. Declare any road or part of a road, including the days and times, to be a timed parking place;
  - b. Declare the number and situation of parking places within a parking place;
  - c. Declare the time allowed for parking in such parking places which it shall be unlawful to remain parked;
  - d. Add to or amend the parking places register of this Bylaw.
- 7.5 For any timed parking places, limits will apply between 8am and 6pm every day of the week except where signs relating to those places covered by this Bylaw indicate otherwise.
- 7.6 Any restrictions that apply to a timed parking area do not apply in locations within that area where other specific stopping, standing and parking restrictions apply.
- 7.7 Where the Council has reserved parking places as mobility parking spaces, the approved Mobility Parking Permit shall be displayed so that it is clearly visible. The permit shall not be displayed if the parking place is not being used for the benefit of the permit holder.

## **8 TEMPORARY ALTERNATE USE OF PARKING SPACES**

8.1 Where parking at a timed parking place is to be temporarily halted, the Council may place or erect signs or notices (or authorise the placing or erecting of signs or notices) stating parking is not available in the specified place or area.

8.2 It shall be unlawful for any person to park a vehicle in a timed parking place where parking has been temporarily halted, except with the written permission of the Council.

## **9 UNLAWFUL PARKING**

9.1 No person shall park any vehicle or vehicle combination in a parking place except as permitted by the provisions of this Bylaw.

9.2 No person shall park a vehicle or vehicle combination in a parking place so that any part of that vehicle extends beyond any line defining that place unless by reason of its size it may be necessary for the vehicle to extend onto an adjoining and unoccupied parking place. If the parking places occupied by the vehicle or vehicle combination are metered parking places, the driver shall be liable to pay a parking fee for each place so occupied.

9.3 No person shall park for a period greater than the maximum indicated, except where the vehicle is being used for the benefit of an approved mobility parking permit holder.

9.4 No person shall obstruct vehicle access to or egress from any parking place.

9.5 No vehicle shall be returned to any timed parking place on a road until a period of 20 minutes has elapsed from the time the vehicle previously left the metered parking place.

## **10 ONE-WAY ROADS**

10.1 Subject to the erection of the prescribed signs and/or markings, a person may only drive along the roads or parts of roads listed as a 'one-way road' in the One-Way Roads Register of this Bylaw, in the direction specified.

10.2 The Council may by resolution specify that cycles may travel in the opposite direction on a one-way road.

10.3 The Council may by resolution amend the One-Way Roads Register to provide for a road, or part of a road, to be a one-way road or to provide that a road should cease to be used as a one-way road.

## **11. TURNING RESTRICTIONS**

- 11.1 Subject to the installation of the prescribed signs and/or markings, no person shall drive a vehicle contrary to any turning restriction listed in the Turning Restrictions Register of this Bylaw.
- 11.2 The Council may by resolution amend the Turning Restrictions Register to prohibit turns, for vehicles on a roadway turning from facing or travelling in one direction to facing or travelling in the opposite direction (No 'U-turns').

## **12. CYCLE PATHS**

12.1 Subject to the installation of the prescribed signs and/or markings, the roads, parts of roads and places listed in the Cycle Paths Register of this Bylaw are cycle paths and are to operate as shared paths. Priority (if any) is indicated in this register.

12.2 The Council may by resolution amend the Cycle Paths Register to provide for a road or part of a road to be used as a Cycle Path either permanently or for a set period of time, or to provide that a road or part of a road should cease to be used as a cycle path.

## **13 SHARED ZONES**

13.1 Council may by resolution specify any road to be a shared zone and specify any restrictions on how the shared zone is to be used by the public. In addition to any roads declared to be shared zone by resolution under Clause 24, the roads, parts of road and places listed in Shared Zones Register of this Bylaw are 'Shared Zones'.

13.2 Except where Council has by resolution specified otherwise, no person may stand or park a vehicle in a shared zone.

13.3 No person may use a shared zone in a manner contrary to any restriction made by Council.

## **14 LIGHT MOTOR VEHICLE PROHIBITIONS**

14.1 Subject to the installation of the prescribed signs and/or markings, Council may by resolution restrict or prohibit any vehicle having a gross motor vehicle mass less than 3,500kg from being operated on any road generally between the hours of 9pm and 4am unless specified otherwise in the Light Motor Vehicles Prohibitions Register of this Bylaw.

14.2 No person may drive or permit a motor vehicle to be driven in contravention of a resolution made by Council unless:

- a. that motor vehicle is used for the express purpose of visiting a property with a frontage to a road specified in the resolution; or

- b. that motor vehicle is being used for the time being as a passenger service vehicle; or
- c. prior written permission from Council has been obtained.

14.3 Council may by resolution:

- a. specify any section of road or roads on which cruising is controlled, restricted, or prohibited;
- b. prescribe the period of time that must elapse between each time a driver drives on a specified section of road for the driver to avoid being regarded as cruising.

14.4 No person shall use a motor vehicle on any specified section of road or roads in contravention of a control, prohibition or restriction made by Council as set out in the Light Motor Vehicle Prohibitions Register.

## **15 HEAVY MOTOR VEHICLE PROHIBITIONS**

15.1 No person shall operate engine brakes on any road where the permanent speed limit does not exceed 70 kilometres per hour.

15.2 No person shall operate engine brakes on any road identified in the Heavy Motor Vehicle Register, Part 1 Prohibition of Engine Brakes of this Bylaw due to noise nuisance.

15.3 No person shall drive or permit to be driven any heavy motor vehicle except a passenger service vehicle on or along those roads or parts of roads listed in the Heavy Motor Vehicle Register Part 2 Prohibition of Heavy Motor Vehicles of this Bylaw except for the purpose of picking up or delivering goods to an address on those roads when alternative access is not available for this purpose.

15.4 No person shall drive or permit to be driven or park any heavy motor vehicle or any specified class of heavy motor vehicle during such hours or exceeding such period as may be specified for the roads or public places listed in the Heavy Motor Vehicle Schedule 6 of this Bylaw, except for the purposes of loading or unloading goods or passengers at any property whose access is by way of the road or public place.

15.5 The prohibitions set out in this section shall not apply to:

- a. A network utility operator or its authorised agent or contractor engaged in the provision of, or maintenance of a network utility operation.
- b. Emergency vehicles, vehicle recovery services, tradespersons' vehicles or campervans as identified on signs approaching the road to which the restriction applies.
- c. Residential waste collections carried out by either the local authority or a contractor licensed by the local authority.

- d. Any other class of heavy vehicle the Council may exclude from the prohibitions in 16 in accordance with the Local Government Act 2002 and as identified on signs approaching the road to which the restriction applies.

15.7 The Council may amend the Heavy Motor Vehicle Registers by resolution to prohibit any heavy traffic on any road or roads within the district or to remove a heavy traffic prohibition.

**File Note:** Please note that weight restrictions may be placed on bridges outside the Bylaw through section 11 of the 1974 Heavy Motor Vehicle Regulations. (This file note does not form part of the Bylaw).

## **16 BOAT LAUNCHING RAMPS**

16.1.1 No person may use a launching ramp other than for launching boats from trailers or retrieving boats onto trailers, except with authorisation from Council.

16.2 No person shall:

- a. Stop any vehicle on any part of a launching ramp or the approach to a launching ramp for longer than is necessary to launch or recover a boat.
- b. Drive or move any vehicle onto a launching ramp to recover a boat before the boat is ready to be recovered.

16.2.1 Council may, by resolution, amend the Launching Ramp Register to remove or add launching ramps and approaches to launching ramps from this Register.

## **17 DAMAGE TO ROADS**

17.1 No person shall undertake any activity that causes, or may cause:

- a. damage to any road; or
- b. a safety hazard.

17.2 Without limiting the generality of clause 19.1 no person may:

- a. mix any concrete or other material of any kind on the surface of any road;
- b. cause or permit any concrete, mortar, or material of a similar nature to be swept, washed, hosed or sluiced into any road or into any drain connected with any part of Council's drainage or wastewater system;
- c. use any vehicle whose wheels or tracks causes or may cause damage to the surface or any part of any road;
- d. drag or trail anything whether on a sledge or skids or otherwise so as to damage any road.

## **18 DAMAGE TO SIGNS**

18.1 No person may interfere with, damage or remove any traffic sign unless instructed to do so by an Authorised Officer.

## **19 SEIZURE AND IMPOUNDING**

19.1 A council enforcement officer authorised to enforce the provisions of this Bylaw, may seize and impound any property used in a manner that breaches this Bylaw if:

- a. the property is materially involved in the commission of an offence; and
- b. it is reasonable in the circumstances to seize and impound the property; and
- c. before seizing and impounding the property, the enforcement officer:
  - i. directed (orally or in writing) the person committing the offence to stop committing the offence; and
  - ii. has advised (orally or in writing) the person committing the offence that, if he or she does not stop committing the offence, the enforcement officer has power to seize and impound the property; and
  - iii. provided the person with a reasonable opportunity to stop committing the offence.

19.2 As soon as practicable after seizing and impounding the property, an enforcement officer must give a notice in the prescribed form (where a form is prescribed):

- a. to the person in possession of the property at the time it was seized and impounded; or
- b. if paragraph a does not apply, to any person who the enforcement officer can ascertain is the owner of, or has an interest in, the property.

19.3 Council may require the vehicle owner to pay Council's costs in seizing, impounding, transporting, and storing the property.

19.4 A notice under this section may be served:

- a. By delivering it, or a copy of it, personally to the person who appears to be in possession of the property at the time it was seized and impounded; or
- b. By sending it, or a copy of it, by post addressed to any person who the enforcement officer can ascertain is the owner of, or has an interest in, the property at his or her last known place of residence or business or postal address.

## **20 REMOVAL OF VEHICLES AND THINGS**

20.1 In addition to the powers conferred on it by any other enactment, Council may remove or cause to be removed any vehicle or thing found to be in breach of this Bylaw, from any parking place, transport station or road.

20.2 Council may recover from the person who committed the breach of this Bylaw the costs incurred by Council in connection with the removal of the vehicle or thing.

## 21 OFFENCES AND PENALTIES

21.1 Every person commits an offence against this Bylaw who:

- a. Fails to comply with any control, restriction, limitation or prohibition made pursuant to this Bylaw, or
- b. Fails to comply in all respects with any prohibition, restriction, direction or requirement indicated by the lines, markings, traffic signs and other signs or notices laid down, placed, made or erected on or upon any road, public car park, reserve or other places controlled by the Council under any of the provisions of this Bylaw.
- c. Fails to comply with any condition, duty, or obligation, imposed by this Bylaw.

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

- a. Every person who fails to comply with any control, restriction, limitation or prohibition made pursuant to this Bylaw under Section 242(4) of the Local Government Act 2002, is liable on summary conviction to a fine not exceeding \$20,000.
- b. Every person who fails to comply with any control, restriction, limitation or prohibition made pursuant to this Bylaw under the Land Transport Act 1998 commits an offence under the Land Transport Act 1998 and the Land Transport (Road User) Rule 2004 and is liable to the penalties and fines as set out in the Land Transport Act 1998 and the Land Transport (Road User) Rule 2004.
- c. A person may not be subject to proceedings under this Bylaw, if that person is also, for the same facts, being proceeded against for a breach of the Land Transport Act 1998.

21.3 The following table outlines the offences and the enabling statutes:

Clause	Summary of Offence	Enabling Statutes
	Stopping, standing and parking	Land Transport Act 1998 22AB, section 1
	Parking places	Land Transport Act 1998 22AB, section 1
	Temporary alternative use of parking places	Land Transport Act 1998 22AB, section 1
	Unlawful parking	Land Transport Act 1998 22AB, section 1
	One way roads	Land Transport Act 1998 22AB, section 1
	Cycle paths	Land Transport Act 1998 22AB, section 1
	Light motor vehicle prohibitions	Land Transport Act 1998 22AB, section 1



<b>Clause</b>	<b>Summary of Offence</b>	<b>Enabling Statutes</b>
	Heavy motor vehicle prohibitions	Land Transport Act 1998 22AB, section 1
	Engine braking	Local Government Act 2002, section 145(a)
	Shared zones	Land Transport Act 1998 22AB, section 1
	Launching ramps	Land Transport Act 1998 22AB, section 1
	Seizure and impound	Local Government Act 2002, Part 8
	Removal of vehicles and things	Land Transport Act 1998 22AB, section 1

## **22 DEFENSES**

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

## **23 EXEMPT VEHICLES**

- 23.1 This Bylaw shall not apply to emergency vehicles being used in an emergency.
- 23.2 Clauses 3 to 11, 14, 17 and 20 of this Bylaw shall not apply to medical practitioners such as doctors, district nurses and midwives who are attending an emergency.
- 23.3 This Bylaw shall not apply to vehicles operated by the Council or for the Council during the necessary fulfilment of Council's statutory functions, duties or powers.
- 23.4 This Bylaw shall not apply to vehicles operated by utility providers whilst engaged in emergency repair work to a public utility service.

## **24 POWER TO AMEND SCHEDULES BY RESOLUTION**

- 24.1 Council may from time to time by resolution substitute or make additions or alterations to any schedule or traffic map of this Bylaw.

The foregoing Bylaw was made by the **WAIKATO DISTRICT COUNCIL** by Special Consultative Procedure and confirmed at a meeting of the Council held on #####. This Bylaw becomes operative on #####

This Bylaw was made pursuant to a resolution passed by the Waikato District Council on (Day) (Month) (Year).

The Common Seal of the Waikato District Council  
Was hereto affixed in the presence of:

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Mayor

## Table of Registers

<b>#</b>	<b>Register Title</b>
1	Time Limited Parking Areas
	Special Parking Areas
	Parking Places
	No Stopping Restrictions
2	One-way Street Restrictions
3	Turning Restrictions
4	Cycle Lanes
5	Shared Zones
6	Light Motor Vehicle Prohibitions
	Heavy Motor Vehicle Prohibitions

## Schedule I

### Waikato District Parking Restrictions

**Pursuant** to the Land Transport Act 1998 **Council Hereby Declares** the following parking, standing, and stopping restrictions, limitations, and prohibitions apply to any vehicle or specified class or description of vehicle on any road, or portion of a road, or other area, controlled by the Council, and specified as follows:

Unless otherwise stated, time limits specified in this schedule shall apply between the hours of 8:00am and 6:00pm – daily except public holidays.

#### TIME LIMITED PARKING AREAS

Type of Restriction	Applicable to (Specified Type of Vehicle)	Applicable to (Specified Area/Road)
<b>MAXIMUM PARKING TIME LIMIT 180 MINUTES</b>		
No person shall allow any vehicle to stop, stand or park for a longer period than one hundred and eighty minutes, on any of the following roads or portions of road	All vehicles.	<b>Raglan Community</b> i) Any part of Opoturu Road (as identified on Map XXX)
<b>MAXIMUM PARKING TIME LIMIT 120 MINUTES</b>		
No person shall allow any vehicle to stop, stand or park for a longer period than one hundred and twenty minutes, on any of the following roads or portions of road	All vehicles.	<b>Huntly Community</b> i) Any part of Shand Lane (specific sections as indicated on Map 1) ii) Apart of Venna Fry Lane (specific sections as indicated on Map 1)
		<b>Ngaruawahia Community</b> i) Any part of Galileo Street (specific sections as indicated on Map 2) ii) Any part of Martin Street (specific sections as indicated on Map 2) iii) Any part of Newcastle Street (specific sections as indicated on Map 2) iv) Any part of Jesmond Street (specific sections as indicated on Map 2)

		<p><b>Raglan Community</b></p> <p>The specified time limits for the following roads shall apply between the hours of 8.00am and 6.00pm daily, including public holidays:</p> <ul style="list-style-type: none"> <li>i) Any part of Bow Street (specific sections as indicated on Map 3)</li> <li>ii) Any part of Wallis Street (specific sections as indicated on Map 3)</li> <li>iii) Any part of Raglan Wharf (specific sections as indicated on Map 4)</li> <li>iv) Any part of Bankart Street (specific sections as indicated on Maps 3 and 4)</li> <li>v) Any part of Wainui Road carpark (specific sections as indicated on Map 3)</li> </ul>
<p><b>MAXIMUM PARKING TIME LIMIT 60 MINUTES</b></p>	<p>All vehicles</p>	<p><b>Huntly Community</b></p> <ul style="list-style-type: none"> <li>i) Any part of Shand Lane (specific sections as indicated on Map 1)</li> <li>ii) Any part of Mine Square (BNZ Carpark) (specific sections as indicated on Map 1)</li> <li>iii) Any part of Main Street (specific sections as indicated on Map 1)</li> <li>iv) Any part of Station Place (specific sections as indicated on Map 1)</li> </ul>
<p>No person shall allow any vehicle to stop, stand or park for a longer period than sixty minutes, on any of the following roads or portions of road</p>		<p><b>Ngaruawahia Community</b></p> <ul style="list-style-type: none"> <li>i) Any part of Martin Street (specific sections as indicated on Map 2)</li> <li>ii) Any part of Jesmond Street (specific sections as indicated on Map 2)</li> </ul>
		<p><b>Raglan Community</b></p> <p>The specified time limits for the following roads shall apply between the hours of 8.00am and 6.00pm daily, including public holidays:</p> <ul style="list-style-type: none"> <li>i) Any part of Bow Street (specific sections as indicated on Map 3)</li> <li>ii) Any part of Wainui Road (specific sections as indicated on Map 3)</li> <li>iii) Any part of Wi Neera Street (specific sections as indicated on Map 3)</li> <li>iv) Any part of Wallis Street (specific sections as indicated on Map 3)</li> </ul>

<p><b>MAXIMUM PARKING TIME LIMIT 30 MINUTES</b></p>	<p>All vehicles</p>	<p><b>Huntly Community</b></p> <p>i) Any part of Main Street (specific sections as indicated on Map 1)</p>
<p>No person shall allow any vehicle to stop, stand or park for a longer period than thirty minutes, on any of the following roads or portions of road</p>		<p><b>Ngaruawahia Community</b></p> <p>i) Any part of Martin Street (specific sections as indicated on Map 2)</p> <p>ii) Any part of Waingaro Road (specific sections as indicated on Map 2)</p> <p>iii) Any part of Jesmond Street (specific sections as indicated on Map 2)</p>
<p><b>MAXIMUM PARKING TIME LIMIT 15 MINUTES</b></p>	<p>All Vehicles</p>	<p><b>Huntly Community</b></p> <p>i) Any part of Main Street (specific sections as indicated on Map 1)</p>
<p>No person shall allow any vehicle to stop, stand or park for a longer period than fifteen minutes, on any of the following roads or portions of roads.</p>		<p><b>Ngaruawahia Community</b></p> <p>i) Any part of Great South Road (specific sections as indicated on Map 2)</p>
		<p><b>Raglan Community</b></p> <p>The specified time limits for the following roads shall apply between the hours of 8.00am and 6.00pm daily, including public holidays:</p> <p>i) Any part of Bow Street (specific sections as indicated on Map 3)</p> <p>ii) Any part of Wallis Street (specific sections as indicated on Map 3)</p>
<p><b>MAXIMUM PARKING TIME LIMIT 5 MINUTES</b></p>	<p>All vehicles</p>	<p><b>Ngaruawahia Community</b></p> <p>i) Any part of Great South Road (specific sections as indicated on Map 2)</p>

No person shall allow any vehicle to stop, stand or park for a longer period than five minutes, on any of the following roads or portions of road

***Huntly Community***

- i) Any part of Main Street (specific sections as indicated on Map 1)

**SPECIAL PARKING AREAS**

Type of Restriction	Applicable to (Specified Type of Vehicle)	Applicable to (Specified Area/Road)
<b>PERMIT ONLY PARKING AREAS</b>		
The following portions of roads are hereby constituted as reserved or permit-only parking areas and no person except those who have been issued with a relevant permit shall allow any vehicle to stop, stand or park in these parking spaces or areas.	All Vehicles except those displaying relevant parking permits.	<p><b>Huntly Community</b></p> <ul style="list-style-type: none"> <li>i) Any part of Venna Fry Lane and the carpark between the railway overbridge and No. 178 Main Street (specific sections as indicated on Map 1)</li> <li>ii) Any part of Shand Lane (specific sections as indicated on Map 1)</li> <li>iii) Any part of Mine Square (BNZ Carpark) (specific sections as indicated on Map 1)</li> <li>iii) Any part of Station Place (specific sections as indicated on Map 1)</li> </ul>
		<p><b>Raglan Community</b></p> <ul style="list-style-type: none"> <li>i) Bow Street - any part of the carpark located on the eastern side of the Town Hall (specific sections as indicated on Map 3)</li> </ul>
<b>DISABLED PARKING AREAS</b>		
The following portion of roads are hereby constituted as disabled parking areas for the exclusive use of any disabled person. No person, except those holding and displaying an Operation Mobility Concession Card on the inside of their vehicle, shall stop, stand or park any vehicle in these parking spaces or areas.	All Vehicles except those clearly displaying Operation Mobility Concession Card.	<p><b>Huntly Community</b></p> <ul style="list-style-type: none"> <li>i) Any part of Main Street (specific sections as indicated on Map 1)</li> <li>ii) Any part of Venna Fry Lane or the carparks accessed from Venna Fry Lane (specific sections as indicated on Map 1)</li> <li>iii) Any part of Shand Lane (specific sections as indicated on Map 1)</li> <li>iv) Any part of Mine Square (BNZ Carpark) (specific sections as indicated on Map 1)</li> <li>v) Any part of Wight Street (specific sections as indicated on Map 1)</li> <li>vi) Any part of Station Place (specific sections as indicated on Map 1)</li> </ul>
		<p><b>Ngaruawahia Community</b></p> <ul style="list-style-type: none"> <li>i) Any part of Jesmond Street (specific sections as indicated on Map 2)</li> <li>ii) Any part of Galileo Street (specific sections as indicated on Map 2)</li> <li>iv) Any part of Newcastle Street (specific sections as indicated on Map 2)</li> <li>v) Any part of Martin Street (specific sections as indicated on Map 2)</li> </ul>



		<p><b>Raglan Community</b></p> <ul style="list-style-type: none"> <li>i) Any part of Bow Street (specific sections as indicated on Map 3)</li> <li>ii) Any part of Wainui Road (specific sections as indicated on Map 3)</li> <li>iii) Any part of Wallis Street (specific sections as indicated on Map 3)</li> <li>iv) Any part of Wi Neera Street (specific sections as indicated on Map 3)</li> <li>v) Any part of Raglan Wharf (specific sections as indicated on Map 4)</li> </ul>
		<p><b>Taupiri Community</b> (as identified on Map XXX)</p> <ul style="list-style-type: none"> <li>i) Any part of Greenlane Road</li> </ul>
		<p><b>Puketaha Community</b> (as identified on Map XXX)</p> <ul style="list-style-type: none"> <li>i) Any part of Sainsbury Road</li> </ul>
		<p><b>Te Kauwhata Community</b> (as identified on Map XXX)</p> <ul style="list-style-type: none"> <li>i) Any part of Main Road</li> <li>ii) Any part of Wira Street</li> </ul>
		<p><b>Tuakau Community</b> (as identified on Map XXX)</p> <ul style="list-style-type: none"> <li>i) Any part of George Street</li> </ul>

Type of Restriction	Applicable to (Specified Type of Vehicle)	Applicable to (Specified Area/Road)
<b>EMERGENCY VEHICLE PARKING AREAS</b>		
The following portions of roads are hereby constituted as reserved for emergency service vehicles only and no person shall allow any vehicle other than an emergency service vehicle to stop, stand or park on any of the following roads or portions of roads 24 hours a day.	All Vehicles except emergency vehicles.	<b>Raglan Community</b> i) Any part of Raglan Wharf (specific sections as indicated on Map 4) ii) Any part of Wainui Road (specific sections as indicated on Map 3)
		<b>Ngaruawahia Community</b> i) Any part of Brownlee Avenue (specific sections as indicated on Map 2)
<b>TAXI STANDS</b>		
The following portions of roads are hereby constituted as a taxi stand and no person shall allow any vehicle other than a clearly identified taxi to stop, stand or park, on any of the following roads or portions of roads	All Vehicles except taxis	<b>Huntly Community</b> i) Any part of Main Street (specific sections as indicated on Map 1)
		<b>Ngaruawahia Community</b> i) Any part of Jesmond Street (specific sections as indicated on Map 2)
		<b>Raglan Community</b> i) Any part of Wainui Road (specific sections as indicated on Map XXX)
<b>BUS STOPS</b>		
The following portions of roads are hereby constituted bus stops and restricted to use for stopping, standing or parking by Large Passenger Vehicles and no person shall allow any other vehicle to stop, stand or park, on any of the following roads or portions of roads	All Vehicles except Buses	<b>Huntly Community</b> i) Any part of Main Street (specific sections as indicated on Map 1) ii) Any part of Bailey Street (specific sections as indicated on Map 1) iii) Any part of Bridge Street (specific sections as indicated on Map 1) iv) Any part of Great South Road (specific sections as indicated on Map 1) v) Any part of Hakanoa Street (specific sections as indicated on Map 1) vi) Any part of Harris Street (specific sections as indicated on Map 1) vii) Any part of McDiarmid Crescent (specific sections as indicated on Map 1) viii) Any part of Onslow Street (specific sections as indicated on Map 1) ix) Any part of Ralph Street (specific sections as indicated on Map 1)

		<ul style="list-style-type: none"> <li>x) Any part of Russell Road (specific sections as indicated on Map I)</li> <li>xi) Any part of Tamihana Avenue (specific sections as indicated on Map I)</li> <li>xii) Any part of Tumate Mahuta Drive (specific sections as indicated on Map I)</li> <li>xiii) Any part of Wight Street (specific sections as indicated on Map I)</li> <li>xiv) Any part of William Street (specific sections as indicated on Map I)</li> </ul> <hr/> <p><b>Onewhero Community</b></p> <ul style="list-style-type: none"> <li>i) Any part of Hall Road (specific sections as indicated on Map XXX)</li> <li>ii) Any part of Great South Road (specific sections as indicated on Map XXX)</li> </ul> <hr/> <p><b>Pokeno Community</b></p> <ul style="list-style-type: none"> <li>i) Any part of Gateway Park Drive (specific sections as indicated on Map XXX)</li> <li>ii) Any part of Great South Road (specific sections as indicated on Map XXX)</li> <li>iii) Any part of Harriet Johnston Drive (specific sections as indicated on Map XXX)</li> <li>iv) Any part of Helenslee Road (specific sections as indicated on Map XXX)</li> <li>v) Any part of Hillpark Drive (specific sections as indicated on Map XXX)</li> <li>vi) Any part of Hitchen Road (specific sections as indicated on Map XXX)</li> <li>vii) Any part of Mark Ball Drive (specific sections as indicated on Map XXX)</li> <li>viii) Any part of McDonald Road (specific sections as indicated on Map XXX)</li> </ul> <hr/> <p><b>Tuakau Community</b></p> <ul style="list-style-type: none"> <li>i) Any part of Bollard Road (specific sections as indicated on Map XXX)</li> <li>ii) Any part of Buckland Road (specific sections as indicated on Map XXX)</li> <li>iii) Any part of George Street (specific sections as indicated on Map XXX)</li> <li>iv) Any part of Harrisville Road (specific sections as indicated on Map XXX)</li> <li>v) Any part of School Road (specific sections as indicated on Map XXX)</li> <li>vi) Any part of St Stephens Avenue (specific sections as indicated on Map XXX)</li> <li>vii) Any part of Thorn Road (specific sections as indicated on Map XXX)</li> </ul> <hr/> <p><b>Port Waikato Community</b></p> <ul style="list-style-type: none"> <li>i) Any part of Maunsell Road (specific sections as indicated on Map XXX)</li> </ul>
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		<p><b><i>Te Kauwhata Community</i></b></p> <ul style="list-style-type: none"> <li>i) Any part of Te Wharepu Road (specific sections as indicated on Map XXX)</li> <li>ii) Any part of Waerenga Road (specific sections as indicated on Map XXX)</li> <li>iii) Any part of Wira Street (specific sections as indicated on Map XXX)</li> </ul>
		<p><b><i>Ngaruawahia Community</i></b></p> <ul style="list-style-type: none"> <li>i) Any part of Great South Road (specific sections as indicated on Map 2)</li> <li>ii) Any part of Galileo Street (specific sections as indicated on Map 2)</li> <li>iii) Any part of Waingaro Road (specific sections as indicated on Map 2)</li> </ul>
		<p><b><i>Taupiri Community</i></b></p> <ul style="list-style-type: none"> <li>i) Any part of Great South Road (specific sections as indicated on Map XXX)</li> <li>ii) Any part of Greenlane Road (specific sections as indicated on Map XXX)</li> </ul>
		<p><b><i>Horotiu Community</i></b></p> <ul style="list-style-type: none"> <li>i) Any part of Horotiu Bridge Road (specific sections as indicated on Map XXX)</li> </ul>
		<p><b><i>Te Kowhai Community</i></b></p> <ul style="list-style-type: none"> <li>i) Any part of Horotui Road (specific sections as indicated on Map XXX)</li> </ul>
		<p><b><i>Whatawhata Community</i></b></p> <ul style="list-style-type: none"> <li>i) Any part of Store Road (specific sections as indicated on Map XXX)</li> </ul>
		<p><b><i>Puketaha Community</i></b></p> <ul style="list-style-type: none"> <li>i) Any part of Sainsbury Road (specific sections as indicated on Map XXX)</li> </ul>

		<p><b><i>Raglan Community</i></b></p> <ul style="list-style-type: none"><li>i) Any part of Bow Street (specific sections as indicated on Map 3)</li><li>ii) Any part of Government Road (specific sections as indicated on Map 3)</li><li>iii) Any part of James Street (specific sections as indicated on Map 3)</li><li>iv) Any part of Manu Bay Road (specific sections as indicated on Map XXX)</li><li>v) Any part of Manukau Road (specific sections as indicated on Map XXX)</li><li>vi) Any part of Ngarunui Beach Road (specific sections as indicated on Map XXX)</li><li>vii) Any part of Norrie Avenue (specific sections as indicated on Map XXX)</li><li>viii) Any part of Te Hutewai Road (specific sections as indicated on Map XXX)</li><li>ix) Any part of Te Mata Road (specific sections as indicated on Map XXX)</li><li>x) Any part of Wainui Road (specific sections as indicated on Map 3)</li><li>xi) Any part of Wallis Street (specific sections as indicated on Map 3)</li></ul>
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Type of Restriction	Applicable to (Specified Type of Vehicle)	Applicable to (Specified Area/Road)
<b>LOADING ZONES</b>		
<p>The following portion of road is hereby constituted as a loading zone and no person shall allow any vehicle, except a Goods Vehicle, to stop, stand or park on any of the following roads or portions of roads.</p>	<p>All Vehicles – Except Goods Vehicles</p>	<p><b>Huntly Community</b></p> <ul style="list-style-type: none"> <li>i) Any part of Civic Place (specific sections as indicated on Map 1)</li> <li>ii) Any part of Main Street (specific sections as indicated on Map 1)</li> <li>iii) Any part of Venna Fry Lane (specific sections as indicated on Map 1)</li> </ul>
		<p><b>Ngaruawahia Community</b></p> <ul style="list-style-type: none"> <li>i) Any part of Jesmond Street (specific sections as indicated on Map 2)</li> </ul>
		<p><b>Tamahere Community</b></p> <ul style="list-style-type: none"> <li>i) Any part of Devine Road (specific sections as indicated on Map XXX)</li> </ul>
		<p><b>Raglan Community</b></p> <ul style="list-style-type: none"> <li>i) Any part of Bow Street (specific sections as indicated on Map 3)</li> <li>ii) Any part of Wallis Street (specific sections as indicated on Map 3)</li> </ul>
<b>CAR AND TRAILER PARKING AREAS 48 HOURS</b>		
<p>The following portions of roads are hereby constituted as reserved for the parking of cars with boat trailers only and no person shall allow any vehicle other than a car and boat trailer to stand or park, on any of the following roads or portions of roads. A car and trailer is only permitted to park in these areas for a maximum of forty eight hours (2 days).</p>		<p><b>Raglan Community</b></p> <ul style="list-style-type: none"> <li>i) Raglan Wharf (specific sections as indicated on Map 4)</li> <li>ii) Any part of Wallis Street (specific sections as indicated on Maps 3 and 4)</li> </ul>

<b>MOTORCYCLE PARKING</b>		
The following portions of roads are hereby constituted as reserved for the parking of motorcycles only and no person shall allow any vehicle other than a motorcycle to stand or park, on any of the following roads or portions of roads.	Only Motorcycles	<p><b><i>Huntly Community</i></b></p> <p>i) Any part of Main Street (specific sections as indicated on Map 1)</p>
		<p><b><i>Raglan Community</i></b></p> <p>i) Raglan Wharf (specific sections as indicated on Map 4)  ii) Any part of Wallis Street (specific sections as indicated on Maps 3 and 4)</p>

**PARKING PLACES**

Type of Restriction	Applicable to: (Specified Type of Vehicle)	Applicable to (Specified Area/Road)
<b>PARKING PLACES OR PARKING AREAS</b>		
The following portions of road or land are hereby constituted as parking places or parking areas.	All Vehicles	<p><b>Huntly Community</b></p> <ul style="list-style-type: none"> <li>i) Main Street (specific sections as indicated on Map 1)</li> <li>ii) Shand Lane (specific sections as indicated on Map 1)</li> <li>iii) Station Place (specific sections as indicated on Map 1)</li> <li>iv) Mine Square (BNZ Carpark) (specific sections as indicated on Map 1)</li> <li>v) Venna Fry Lane (specific sections as indicated on Map 1)</li> </ul>
		<p><b>Ngaruawahia Community</b></p> <ul style="list-style-type: none"> <li>i) Jesmond Street (specific sections as indicated on Map 2)</li> <li>ii) Galileo Street (specific sections as indicated on Map 2)</li> <li>iii) Market Street (specific sections as indicated on Map 2)</li> <li>iv) Newcastle Street (specific sections as indicated on Map 2)</li> <li>v) Newcastle Street Carpark (specific sections as indicated on Map 2)</li> <li>vi) Martin Street (specific sections as indicated on Map 2)</li> <li>vii) Great South Road (specific sections as indicated on Map 2)</li> </ul>
		<p><b>Raglan Community</b></p> <ul style="list-style-type: none"> <li>i) Bow Street (specific sections as indicated on Map 3)</li> <li>ii) Wainui Road (specific sections as indicated on Map 3)</li> <li>iii) Wi Neera Street (specific sections as indicated on Map 3)</li> <li>iv) Bankart Street (specific sections as indicated on Map 3)</li> <li>v) Wallis Street (western end) (specific sections as indicated on Maps 3 and 4)</li> <li>vi) Wallis Street (eastern end) (specific sections as indicated on Maps 3 and 4)</li> <li>vii) Raglan Wharf (specific sections as indicated on Map 4)</li> </ul>



**NO STOPPING RESTRICTIONS**

Type of Restriction	Applicable to (Specified Type of Vehicle)	Applicable to (Specified Area/Road)
<b>NO STOPPING OR PARKING AT ALL TIMES</b>		
<p>The following portions of roads are hereby constituted as no stopping areas and no person shall allow any vehicle to stop, stand or be parked whether attended or unattended in any of the following 'No Parking' areas where a traffic sign is erected or marked on the road (in accordance with the provisions of the Land Transport Rule "Traffic Control Devices 2004"), except in conformity with the terms of any prohibition, limitation or restriction applying to that zone. This restriction shall apply 24 hours a day unless otherwise stated.</p>	All Vehicles	<p><b>Huntly Community</b></p> <ul style="list-style-type: none"> <li>i) Any part of Venna Fry Lane (specific sections as indicated on Map I)</li> <li>ii) Any part of Civic Place (specific sections as indicated on Map I)</li> <li>iii) Any part of Main Street (specific sections as indicated on Map I)</li> <li>iv) Any part of Station Place (specific sections as indicated on Map I)</li> <li>v) Any part of Shand Lane (specific sections as indicated on Map I)</li> <li>vi) Any part of Mine Square (BNZ Plaza) (specific sections as indicated on Map I)</li> <li>vii) Any part of Great South Road (specific sections as indicated on Map I)</li> <li>viii) Any part of Harris Street (specific sections as indicated on Map I)</li> <li>ix) Any part of Kimihia Road (specific sections as indicated on Map I)</li> <li>x) Any part of Lake View Terrace (specific sections as indicated on Map I)</li> <li>xi) Any part of McVie Road (specific sections as indicated on Map I)</li> <li>xii) Any part of Ralph Street (specific sections as indicated on Map I)</li> <li>xiii) Any part of Rayner Road (specific sections as indicated on Map I)</li> <li>xiv) Any part of Semple Street (specific sections as indicated on Map I)</li> <li>xv) Any part of Taihua Road (specific sections as indicated on Map I)</li> <li>xvi) Any part of Waugh Lane (specific sections as indicated on Map I)</li> <li>xvii) Any part of William Street (specific sections as indicated on Map I)</li> </ul> <p><b>Tuakau Community</b></p> <ul style="list-style-type: none"> <li>i) Any part of Hall Street (specific sections as indicated on Map XXX)</li> <li>ii) Any part of Onewhero-Tuakau Bridge Road (specific sections as indicated on Map XXX)</li> </ul> <p><b>Port Waikato Community</b></p> <ul style="list-style-type: none"> <li>i) Any part of Ocean View Road (specific sections as indicated on Map XXX)</li> </ul>

		<p><b>Ngaruawahia Community</b></p> <ul style="list-style-type: none"> <li>i) Any part of Jesmond Street (specific sections as indicated on Map 2)</li> <li>ii) Any part of Market Street (specific sections as indicated on Map 2)</li> <li>iii) Any part of Lower Waikato Esplanade (specific sections as indicated on Map 2)</li> <li>iv) Any part of Galileo Street (specific sections as indicated on Map 2)</li> <li>v) Any part of Great South Road (specific sections as indicated on Map 2)</li> <li>vi) Any part of Martin Street (specific sections as indicated on Map 2)</li> </ul> <hr/> <p><b>Taupiri Community</b></p> <ul style="list-style-type: none"> <li>i) Any part of Great South Road (specific sections as indicated on Map XXX)</li> <li>ii) Any part of Te Putu Street (specific sections as indicated on Map XXX)</li> </ul> <hr/> <p><b>Raglan Community</b> (as identified on Map 3)</p> <ul style="list-style-type: none"> <li>i) Any part of Bow Street (specific sections as indicated on Map 3)</li> <li>ii) Any part of Wi Neera Street (specific sections as indicated on Map 3)</li> <li>iii) Any part of Cliff Street (specific sections as indicated on Map 3)</li> <li>iv) Any part of Wallis Street (specific sections as indicated on Map 3)</li> <li>v) Any part of Wainui Road (including Helipad Area) (specific sections as indicated on Map 3)</li> <li>vi) Any part of Bankart Street (specific sections as indicated on Map 3)</li> <li>vii) Any part of Wallis Street/Raglan Wharf (specific sections as indicated on Map 4)</li> <li>viii) Any part of Calvert Road (specific sections as indicated on Map XXX)</li> <li>ix) Any part of Daisy Street (specific sections as indicated on Map XXX)</li> <li>x) Any part of Opororu Road (specific sections as indicated on Map XXX)</li> <li>xi) Any part of Tohora Close (specific sections as indicated on Map XXX)</li> </ul>
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**Parking Restrictions:  
Map 1 Huntly Town Centre**

GIS Department  
Created By: EMK  
Created For: CBIRK001  
Date Created: 04/03/2019  
Projection: NZTM  
CD2000  
Ref: MEI1682

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**Parking Restrictions:  
Map 2 Ngaruawahia Town Centre**

GIS Department  
Created By: EMK  
Created For: CBIRK001  
Date Created: 04/03/2019  
Projection: NZTM  
CRS: NZ2000  
Ref: MEI1682

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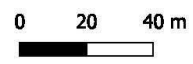




- Parking Restrictions**
- Bus Stop
  - Car and Boat Trailer
  - Disabled
  - Electric Vehicle
  - Emergency
  - Loading Zone
  - Motorcycle
  - No Limit
  - - - No Parking
  - P15
  - P30
  - P60
  - P120
  - Reserved
  - . . . Taxi



**Parking Restrictions:  
Map 3 Raglan Town Centre**



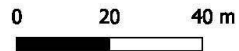
CIS Department  
 Created By: EMK  
 Created For: MLG  
 Date Created: 4/10/2019  
 Projection: NZTM CD2000  
 Ref: ME11682

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**Parking Restrictions:  
Map 4 Raglan Wharf**



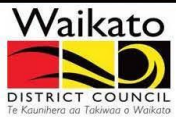
CIS Department  
Created By: EMK  
Created For: MLG  
Date Created: 4/10/2019  
Projection: NZTM CD2000  
Ref: ME11682

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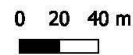




- Parking Restrictions**
- Bus Stop
  - Car and Boat Trailer
  - Disabled
  - Electric Vehicle
  - Emergency
  - Loading Zone
  - Motorcycle
  - No Limit
  - No Parking
  - P15
  - P30
  - P60
  - P120
  - Reserved
  - Taxi



**Parking Restrictions:  
Map 5 Taupiri Town Centre**



CIS Department  
 Created By: EMK  
 Created For: MLG  
 Date Created: 4/10/2019  
 Projection: NZTM CD2000  
 Ref: ME11682

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## Schedule 2 One-Way Street Restrictions

Pursuant to the Land Transport Act 1998 and the Local Government Act 2002 **Council Hereby Declares** the following streets to be one-way streets, in that any vehicle may only travel in the specified direction for that street.

### Type of Restriction

The following portions of roads are hereby constituted one-way streets and no person may travel upon them in a direction other than that indicated by traffic signs and Maps.

### Applicable to

All vehicles

### Specified Area/Road

Tuakau	School Road, in an easterly direction from Buckland Road to Church Street.
Te Kauwhata	Wira Street in a northerly direction from Mahi Road to Waerenga Road
Huntly	Shand Lane, in a northerly direction from Station Place to the northern end of the Permit Only parking area shown on Map I.  Shand Lane in a northerly direction from the northern side of Mine Square (BNZ Plaza) its intersection with Main Street.  Venna Fry Lane in a northerly direction from Garden Place to Main Street.  McDiarmid Crescent in a northerly direction from Hall Street to Penman Place.
Whatawhata	School Road, in a northerly direction from 20m south of Mason Road to Mason Road
Raglan	Cliff Road in a westerly direction from 120m west of Bow Street to Puriri Street.



### Schedule 3 Turning Restrictions

Pursuant to the Land Transport Act 1998 and the Local Government Act 2002 **Council Hereby Declares** that any vehicle is prohibited from making left or right turns.

#### Type of Restriction

Left turn movements are prohibited at these locations and no person may turn at them in a direction other than that indicated by traffic signs.

#### Applicable to

All vehicles

#### Specified Intersection

Location	Description
Mangatawhiri	Mangatawhiri Road turning loop approach to Mangatawhiri Road
Tuakau	Buckland Road approach to School Road
Huntly	Great South Road approach to Thermal Explorer Highway
Raglan	James Street approach to Cliff Street
Whatawhata	Mason Road approach to School Road

#### Type of Restriction

Right turn movements are prohibited at these locations and no person may turn at them in a direction other than that indicated by traffic signs.

#### Applicable to

All vehicles

#### Specified Intersection

Location	Description
Rangiriri	Armitage Road approach to Waikato Expressway (SH1)
Huntly	Bell Crossing Street approach to Great South Road
Tamahere	Devine Road approach to State Highway 1 on ramp Tamahere Drive approach to State Highway 1 off ramp
Taupiri	Gordonton Road (North) approach to Te Putu Street
Ngaruawahia	Regent Street approach to Great South Road Jesmond Street approach to Great South Road
Tuakau	Buckland Road approach to School Road

**Schedule 4  
Cycle Lanes**

Pursuant to the Land Transport Act 1998 and the Local Government Act 2002 **Council Hereby Declares** the following streets to have a cycle lane, in that only cyclists may travel in the specified section of that street.

**Type of Restriction**

The following portions of roads are hereby constituted cycle lanes and no person may travel upon them other than that indicated by traffic signs.

**Applicable to**

Cycles

**Specified Area/Road**

This table is intentionally blank

**Schedule 5  
Shared zones**

Pursuant to the Land Transport Act 1998 and the Local Government Act 2002 **Council Hereby Declares** the following streets to be a shared zone.

**Type of Restriction**

The following portions of roads are hereby constituted shared zones and no person may travel on them other than that indicated by the traffic signs.

**Applicable to**

All vehicles and pedestrians

**Specified Area/Road**

This table is intentionally blank

**Schedule 6**  
**Roads Restricted to Specific Classes of Vehicles**

Pursuant to the Land Transport Act 1998, Local Government Act 2002 and Heavy Motor Vehicles Regulation 1974 **Council Hereby Declares** the following roads, or portion of a road, or other area controlled by the Council, to be restricted to specified types of vehicles:

**Type of Restriction**

The following portions of roads are hereby constituted restricted and no person may drive a prohibited type of vehicle on them except with the written consent of the Council.

**Applicable to (specified type of prohibited vehicle)**

Vehicles with a mass under 3,500kg are restricted or prohibited from operating on the following roads between the hours of 9pm and 4am.

**Specified Area/Road**

<b>Location</b>	<b>Description</b>
Horotiu	Onion Road from Horotiu Road to the boundary with Hamilton City Council

**Type of Restriction**

The following roads shall not be used by Heavy motor vehicles except for the purpose of loading and unloading goods or passengers at any property whose access is by way of the named road or public place.

**Applicable to (specified type of prohibited vehicle)**

Heavy vehicles

**Specified Area/Road**

<b>Location</b>	<b>Description</b>
Tuakau	Dromgools Road from George Street to Geraghtys Road Geraghtys Rd from George Street to Buckland Road
Rangiriri	Churchill East Road from RP 6950 to Plantation Road

<b>To</b>	<b>Waikato District Council</b>
<b>Report title</b>	<b>Exclusion of the Public</b>
Date:	24 February 2023
Report Author:	Gaylene Kanawa, Democracy Manager
Authorised by:	Gavin Ion, Chief Executive

## 1. Staff recommendations Tuutohu-aa-kaimahi

**a. THAT the public be excluded from the following parts of the proceedings of this meeting:**  
 The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
Item PEX 2 Minutes from meeting 22 December 2022	Good reason to withhold exists under Section 6 or Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
Item PEX 3 Actions Register from previous meeting		
Item PEX 4 Chief Executive Issues		
Item PEX 5 Mayoral Issues		

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

Item No.	Section	Interest
Item PEX 2 – Minutes from meeting 22 December 2022.		Refer previous minutes for reasons for exclusion.
Item PEX 3 – Action register from previous meeting.		
Item PEX 4 Chief Executive Issues  Item PEX 5 Mayoral Issues	7(2)(h)	To enable commercial activities to be carried out without prejudice or disadvantage.
	7(2)(i)	To enable negotiations to carry on without prejudice or disadvantage.

## 2. Attachments Ngāa taapirihanga

There are no attachments for this report.