

## Attachment - Summary of policies to be revoked

Policy Name	Origin	Approved Date	Review (3 year)	Purpose/Objective/Description	Action	Details
Administration of Funds Donated for Awards & Scholarships		2004	2007	The Waikato District Council accepts funds donated for the purpose of making awards in the areas of education, sport, the arts, and for projects benefiting the community, the policy ensures efficient and correct process for managing this.	Revoke	No longer required. Council no longer has awards or scholarships
Agricultural Use of Water	FDC	1997	2000	Agricultural water usage (i.e. over 500m3 consumption for 2 consecutive summer periods) is allowed subject to conditions	Revoke	Will be covered in WCDMP
Building over Water mains	FDC	1997	2000	Council does not allow the construction of any structures over its water mains.	Revoke	Covered by the easement policy
Bulk Water Supply	FDC	1997	2000	Council will not give an undertaking to guarantee to supply water to any industry located outside the District.	Revoke	No longer required
Compensation for un-notified water disruptions	FDC	1997	2000	In the event of an unnotified water cut-off Council will pay the consumer a nominal sum of \$20 (including GST) subject to conditions	Revoke	Covered by Water Bylaw
Consultation policy		2006	2009	The purpose of this policy is to ensure Waikato District Council complies with the Local Government Act 2002 and adopts a consistent approach to consultation with its community.	Revoke	Has been replaced by Council's Engagement Strategy and the Significance and Engagement Policy. The Consultation Policy will need to become a process in Promapp.
Creative communities assessment committee		2011	2014	Outlines how Creative Communities Assessment Committee will be structured.	Revoke	This is a redundant policy as covered under agreement with Creative New Zealand
Dangerous and Insanitary Buildings	FDC	2006	2009	Meets section 131 of the Building Act - specifies assessment criteria for identifying dangerous and insanitary buildings.	Revoke	New policy adopted alongside LTP

Designating Areas for Overnight Stays	FDC	2007	2010	A list of considerations for Council to consider when selecting public areas allowing overnight stays in self-contained vehicles for Schedule one of the Public Places Bylaw	Revoke	Adopt as a guide for staff
Drainage Districts / Chinese Grass Carps)	WDC	2004	2007	Waikato District Council, when requested, delegates administration of individual Drainage Districts to the properly constituted Drainage District Committees	Revoke	Council has transferred ownership/ governance of drainage districts to WRC. The drainage districts that remain within WDC (Travers Road and Tamahere are subject to Structure Plan change requirements)
Earthquake Prone Buildings Dangerous and Insanitary Buildings	FDC	2006	2009	Meets section 131 of the Building Act - specifies assessment criteria for identifying earthquake prone, dangerous and insanitary buildings.	Revoke	New policy adopted alongside LTP
Establishing/ Altering Rural Community Centre Areas	FDC	2005	2008	This policy is to provide for the establishment or variation of a community centre area.	Revoke	Only related to former Franklin District Council territory and is no longer required in light of changes to the LTP.
Expressway – SH1	WDC	2007	2010	Proposed Expressway Between Mercer and Cambridge - Policy And Political Position Statement	Revoke	No longer required
Fund/reserves policy		2009	2012	Details conditions of use of contingency funds	Revoke	Alison to advise what she wants this merged with.
Gambling Venues Policy	FDC	2009	2012	Establishes restrictions around class 4 gambling venues.	Revoke	New Gambling Policy was adopted in 2015
Gambling Venues Policy	WDC	2009	2012	States Council's policy on the issuing of gaming licenses.	Revoke	New Gambling Policy was adopted in 2015
Hoardings Policy		2007	2010	Waikato District Council prohibits the erection of any hoardings or the display of election material on any Council owned building or property.	Revoke	Covered by a Bylaw in the next few years.

Involving Maori in Decision-making		?	#VALUE!		Revoke	This is an old policy. The current policy is included in the LTP.
Junior Fees and Charges – Recreation Facilities	FDC	1997	2000	States that causal charges for those under 18 to use Council recreation facilities will be 50% of senior fees, and that school groups will receive the same discounted price.	Revoke	Included in Fees and Charges
Local Alcohol Policy	FDC	2009	2012	The LAP is a set of policies, made by the Council in consultation with its community, about the sale and supply of alcohol in its geographical area.	Revoke	Provisional Local Alcohol Policy is in place
Mangatawhiri Valley Rural Fire District	FDC	2004	2007	The Policy is a result of Council's decision in 1991 to have a permanently restricted fire season in the Mangatawhiri Valley area.	Revoke	Covered under Fire Plan
Metering Commercial Premises	WDC	2007	2010	Requirements of commercial premises to have water meters	Revoke	Covered in the Water Supply Bylaw
Property management policy	WDC	2005	2008	Outlines policy on sale and purchase of property, as well as leasing Council property.	Revoke	This is an old policy. A new policy has been adopted however this one was not revoked at the time.
Reserves and Recreational Policy	WDC	2005	2008	To have a range of facilities available to meet the recreational needs of residents and visitors, catering for all ages and abilities, and providing for a range of choices throughout the seasons.	Revoke	Covered in the Dog Bylaw and Reserves Policy
Reserves Licensing Hours	FDC	1997	2000	The Franklin District Council will not consent to licensing hours prior to midday on any reserve areas under its jurisdiction which are used by children for children's sporting or leisure activities except for special events in which case a special licence could be issued.	Revoke	Covered under Reserve Management Plan
Road Opening Standard Specification for FDC	FDC	1997	2000	Standard specifications for road opening.	Revoke	Covered under Utilities Access to Transport Corridors Policy

Road Reserves – Buildings	FDC	1997	2000	Except as may be provided for under Section 334 of the Local Government Act 1974, as a matter of policy Council shall not permit any privately owned permanent or semi-permanent structure to be constructed within the confines of any legal road or any road reserve under the jurisdiction of Council.	Revoke	No longer required
Rural Fire	WDC	2009	2012	To ensure that Council's statutory obligations under the Forest and Rural Fires Act 1977, to provide for the prevention, detection, suppression and extinction of rural fires in its Rural Fire Authority District, are met at all times.	Revoke	Covered under Rural Fire Plan
Rural Fire Districts – Special Fire Permit	FDC	1997	2000	Council adopted a "Special Fire Permit" pursuant to Section 74 of the Forest and Rural Fires Act 1977 as the appropriate permit for any request to light a fire in the open.	Revoke	Covered under Rural Fire Plan
Sale of liquor	WDC	2001	2004	Sets out criteria for the granting of liquor licenses	Revoke	Covered under Provisional Local Alcohol Policy
Seal extension	WDC	2009	2012	Criteria for Council's Seal Extension Programme.	Revoke	Council are no longer funding seal extension works
Soil Siltation – Roads, Verges & Drains	FDC	1997	2000	All rural property driveways or land entranceways shall incorporate cut-offs within the property which prevent the surface runoff discharging on to and/or across the road carriageway	Revoke	No longer required
State highways in Waikato district	WDC	1999	2002	The Waikato District Council strongly supports and actively encourages the development of SH1 as a four-lane expressway between Mercer and Cambridge.	Revoke	No longer required
Stock Loading Races	FDC	1994	1997	The use of road reserves for the operation of loading races is at the discretion of the Land Transport Manager subject to conditions	Revoke	No longer required
Traffic Signs	FDC	1998	2001	Register of traffic signs	Revoke	Covered by Manual of Traffic Signs & Markings
Water Connections – Extraordinary supply	FDC	1998	2001	Water Supply in the district is subject to the provisions of the Water Supply Bylaw, and to the provisions contained in policies on water supply	Revoke	Covered by the easement policy

Water Connections – multi-unit developments	FDC	1997	2000	Council requires the applicant to meet the full and actual cost of providing each of the additional water connections for all the additional rating assessments created.	Revoke	Covered in Infrastructure Technical Specification and Water Supply Bylaw 2014.
Water Rates – Discontinuing Supply	FDC	2004	2007	The Finance Officer (Water Rates) is authorised to restrict the supply of water under Section 193, Local Government Act 2002 where payment has not been received, or satisfactory payment arrangements have not been made	Revoke	No longer required
Water Rates – Undetected Leaks	FDC	2002	2005	Excess charges on water accounts caused by undetected leaks can be remitted where certain circumstances exist	Revoke	Issues is covered in the Water Supply Bylaw
Water Supply – Port Waikato Motor Camp	FDC	1997	2000	For the purposes of calculating the minimum water charge, the Port Waikato Motor Camp is to be treated as though it has one meter.	Revoke	Covered in Water Bylaw
Wedding Ceremonies in Parks	FDC	1997	2000	Permission will be granted for wedding ceremonies to be held in appropriate parks/reserves subject to conditions	Revoke	Covered under events notification form

### **Open Meeting**

<b>To</b>	Policy & Regulatory Committee
<b>From</b>	TN Harty General Manager Service Delivery
<b>Date</b>	22 February 2016
<b>Prepared By</b>	R Marshal Reserves Planner
<b>Chief Executive Approved</b>	Y
<b>DWS Document Set #</b>	1462582
<b>Report Title</b>	<b>Proposed Waikato District Council Reserves and Beaches Bylaw 2016</b>

## **I. Executive summary**

Staff have reviewed the Franklin District Council Beach Control Bylaw 2006 and Waikato District Council Reserves and Beaches Bylaw 2008, and have drafted a proposed district wide Waikato District Council Bylaw.

The reasons for the review are:

1. Consistency across the district in relation to management of Reserves and Beaches;
2. Efficiency and effectiveness for managing similar issues in Reserves and Beaches;
3. A 10 year bylaw review requirement under the Local Government Act 2002.

Feedback has been sought from the Community Boards and Committees in respect of the proposed bylaw. No feedback has been received to date but there will be a further opportunity for feedback through the special consultative procedure.

Key issues arising from the existing bylaws have been considered and a Council workshop was held on 22 September 2015 to discuss these issues. These include rules relating to unmanned aerial vehicles, vehicles on reserves and beaches, fires and dogs. A desire to simplify the bylaw (including consolidating the two existing bylaws into a single bylaw) was also identified.

The proposed bylaw has been subject to an internal legal review and is attached, together with a Statement of Proposal, for Council's consideration. Subject to approval at this meeting, the proposed bylaw will be publicly notified on 20 April 2016, with submissions being received until 20 May 2016. Submissions on the proposed bylaw will be considered and, if requested by submitters, submitters will be heard by Council at a meeting scheduled for 22 June 2016 or as early thereafter as possible. The bylaw will then be adopted at a subsequent Council meeting.

## **2. Recommendation**

**THAT the report of the General Manager Service Delivery – Proposed Waikato District Council Reserves and Beaches Bylaw 2016 - be received;**

**AND THAT the Committee recommends to Council that it make a determination that the proposed bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990 pursuant to section 155(2) of the Local Government Act 2002;**

**AND FURTHER THAT the Statement of Proposal and the proposed Waikato District Council Reserves and Beaches Bylaw 2016 (subject to any amendments), be recommended to Council at its meeting on 11 April 2016 for public notification on 20 April 2016, with the closing date for submissions being 20 May 2016;**

**AND FURTHER THAT submissions on the Statement of Proposal, (incorporating the proposed Waikato District Council Reserves and Beaches Bylaw 2016) be considered and, if requested, submitters be heard by Council at a meeting to be held on 22 June 2016, or as early thereafter as possible.**

### **3. Background**

The review of the Franklin District Council Beach Control Bylaw 2006 and Waikato District Council Reserves & Beaches Bylaw 2008 was first discussed with Councillors in a workshop on 22 September 2015. A report dated 25 September 2015 was subsequently presented at the Council meeting of 9 November 2015, where Council resolved that a Reserves and Beaches Bylaw was the most appropriate mechanism to manage reserves and beaches.

Consultation has taken place internally and with Auckland Council, particularly with regard to the use of vehicles on beaches. Feedback has been sought from community boards and committees, but no feedback has been received to date. The Boards and Committees will have another opportunity to comment on the bylaw during the consultative procedure.

### **4. Discussion and analysis of options**

#### **4.1 Discussion**

Issues to be considered when reviewing the existing bylaws have already been addressed in the report of 25 September 2015, and the attached proposed bylaw has been drafted for Council's consideration.

It is to be noted that whilst the proposed bylaw applies to the whole Waikato district, it does not apply to the Taitua Arboretum and Hamilton Zoo. The power of making a bylaw in respect of that park and the zoo was transferred by Council to the Hamilton City Council at the time of making the Council's Reserves and Beaches Bylaw 2008, pursuant to section 161 of the Local Government Act 2002.

In order to continue with the bylaw making process, Council has to approve the proposed bylaw in principle and commence the special consultative procedure under the Local Government Act 2002.

#### **4.2 Options**

**Option 1** Council can proceed with making a new Reserves and Beaches Bylaw, to provide an efficient tool for the management of reserves and beaches.

This is the recommended option.

**Option 2** Council can abandon the bylaw-making process, revoke the existing bylaws for beaches and reserves, and rely on legislation to manage its reserves and beaches.

This option is not recommended.

## 5. Considerations

### 5.1 Financial

It is not envisaged that the Bylaw will require any extra funding over that which is currently provided in operational budgets.

### 5.2 Legal

#### **Implications under the New Zealand Bill of Rights Act 1990**

In addition to Council determining whether the proposed bylaw is the best mechanism to manage its reserves and beaches, section 155(2) of the LGA 2002 also requires the Council to determine whether the proposed bylaw “gives rise to any implications under the New Zealand Bill of Rights Act 1990”. No bylaw may be inconsistent with this legislation.

The Bill of Rights Act 1990 details a number of rights and freedoms in relation to life and security of people. The purpose of the proposed bylaw is to protect the public from nuisance and safeguard the safety of the public. It is therefore considered that there are no implications in terms of the Bill of Rights Act.

It is the view of the staff preparing the proposed Bylaw that it is not considered to be inconsistent with, or likely to give rise to any implications under the New Zealand Bill of Rights Act 1990. The Bylaw simply provides the regulatory means by which public places can be managed.

During this review process staff have made efforts to:

- Take account of improvements suggested by officers who manage and maintain the bylaw within the Waikato district;
- Have regard to similar bylaws in neighbouring authorities; and
- Ensure the Bylaw is fair, efficient and clearly understandable.

A legal review of the proposed Bylaw, for its appropriateness and validity, has been undertaken prior to being presented to the Committee for approval as the proposed Bylaw for public consultation. This legal review also included a check that the proposed provisions do not give rise to any implications under the New Zealand Bill of Rights 1990. The making of the Bylaw is subject to a consultative procedure to enable individuals to participate in the process.

Taking all these matters into consideration, staff recommend that the proposed Waikato District Council Reserves and Beaches Bylaw 2016 be approved for public consultation.

#### **Local Government Act 2002**

The proposed Bylaw is considered to meet the requirements of section 10 of the Act in relation to the purpose of local government, as management of public places provides essential means for Council to perform its regulatory and public health obligations. Having a



bylaw for the management of Reserves and Beaches is considered to be a cost effective way of ensuring that Council meets its statutory obligations.

### 5.3 Strategy, Plans, Policy & Partnership Alignment

Staff recommend that fees and charges associated with reserves and beaches within the district be solely managed through Council's Schedule of Fees and Charges.

Council's General Policies Reserve Management Plans contains generic policies that provide consistent management practices across all reserves administered by Council, and are not in conflict with this bylaw.

### 5.4 Assessment of Significance & Engagement

The Reserves and Beaches Bylaw triggers Council's Significance and Engagement Policy as the Special Consultative Procedure is required and is being undertaken.

## 6. Consultation

The following stakeholders have been/or will be consulted:

Planned	In Progress	Complete	
		Y	Internal
Y		Y	Community boards/Community committees
Y			Waikato-Tainui/Local iwi
Y			Households
Y			Business Association
Y			Residents and ratepayers Groups
			Other – please specify

The Special Consultative Procedure is required to make a bylaw. A public notice will be placed as part of this procedure and key stakeholders notified.

Feedback was sought from the Community Boards and Committees on this review. No feedback was received.

## 7. Conclusion

Following the Council meeting on 9 November 2015, when Council resolved to commence the process of making a new district wide Reserves and Beaches Bylaw, staff have prepared a proposed bylaw for and statement of proposal for Council's consideration. It is recommended that Council notifies the proposed bylaw (subject to any amendments) for public consultation.

## 8. Attachments

- Appendix 1 - Statement of Proposal -(including submission form and Proposed Reserves and Beaches Bylaw 2016)
- Appendix 2 - Franklin District Council Beach Control Bylaw 2006
- Appendix 3 - Waikato District Council Reserves and Beaches Bylaw 2008

## WAIKATO DISTRICT RESERVES AND BEACHES BYLAW 2008

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:

### 1.0 SHORT TITLE, COMMENCEMENT AND APPLICATION

- 1.1 The bylaw shall be known as the "Waikato District Council Reserves and Beaches Bylaw 2008".
- 1.2 The bylaw shall apply to the Waikato District, (*with the exception of the Taitua Arboretum and Hamilton Zoo which are controlled and administered by the Hamilton City Council*).
- 1.3 Nothing in this bylaw shall restrict the Council in the carrying out of its duties to manage its reserves.
- 1.4 The bylaw shall come into force on 1 May 2008.

### 2.0 REVOCATION

- 2.1 The following bylaws are hereby revoked from the day this new bylaw comes into force:  
 Waikato District Council (General) Bylaw No. 1 (1990) -  
     Chapter 17:1972 - Parks and Reserves  
     Chapter 19:1972 - Beaches: Bathing and Control

### 3.0 DEFINITIONS

- 3.1 In this bylaw, unless inconsistent with the context:

*Approved* means approved by the Council or by any officer of the Council appointed or authorised for the purpose.

*Authorised Officer* means any person appointed by the Council to act on its behalf and with its authority.

*Beach* means any land adjacent to any sea, coast or lakeside capable of being used for recreational purposes which for the time being is vested in or under the control of the local authority and is contiguous to the foreshore and used in connection therewith, and, where the control of the foreshore and dunes is vested in the Council, includes the foreshore and dunes.

<i>Council</i>	means the Waikato District Council.
<i>Foreshore</i>	means such parts of the bed, shore or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tide.
<i>Person</i>	includes a natural person, corporation and any body of persons, whether incorporated or not.
<i>Reserve</i>	means any open space, plantation, park, garden, beach, wharf, jetty, ground, track or land set apart for public recreation, enjoyment, conservation, beautification, education, or research, and under the management or control of the Council.
<i>Vehicle</i>	means any motor vehicle, motorcycle, bicycle, trailer, land yacht, skateboard or any other contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved.

#### **4.0 PROHIBITED AND RESTRICTED ACTIVITIES ON RESERVES:**

##### **4.1 Miscellaneous**

- a) No person shall enter or leave any enclosed reserve except through the gateways, entrances and exits provided for that purpose.
- b) No person shall interfere with or disturb, destroy, remove or damage any plants, soil, stones, signs, articles or buildings on any reserve, or plant any plants or trees on any reserve except with the prior written permission of the Council.
- c) No person shall light or cause to remain alight, any fire within any reserve except for a gas barbecue, or with the prior written permission of the Council.
- d) No person shall build or place any buildings or structures of any kind, including but not limited to stalls, tents, or amusement devices, on any reserve and allow those buildings or structures to remain in place overnight, except with the prior written permission of the Council.
- e) No person shall hold any public meetings, concerts or other events, organised sports activities or assemblies of any kind within a reserve, except with the written permission of the Council.
- f) No person shall camp or stay overnight on any reserve, unless it is set aside for that purpose.

- g) No person shall hunt, injure or kill any animal or interfere with birds nests and eggs on a reserve except as authorised under clause 4.7(a), provided that this clause shall not apply to fishing.

#### **4.2 Litter and Pollution**

- a) No person shall leave any bottle, tin, glass, paper, remnants of food, or other litter within the limits of any reserve otherwise than in receptacles provided for that purpose.
- b) No person shall place, store or leave any rubbish, trade waste, rubble or debris, or other offensive or dangerous matter on any reserve.
- c) No person shall discharge any offensive or dangerous matter or cause pollution within any reserve or any stream, dam, pond, or fountain therein.

#### **4.3 Interference with Enjoyment**

- a) No person shall obstruct, disturb, or annoy any person or interfere with any other person in the use or enjoyment of any reserve, or use abusive or obscene language, or be intoxicated or under the influence of drugs, or be noisy or riotous, or in any way misbehave.
- b) No person shall play musical instruments or sound reproduction equipment on a reserve to the annoyance of others, except as authorised under clause 4.1(e).

#### **4.4 Animals**

- a) No person shall bring onto a reserve any dog or allow any dog to be within the area of a reserve other than in accordance with the Council's Dog Control Bylaw 2007 and any subsequent amendments or substitute.
- b) No person shall lead or ride any horse or other animal on any area of a reserve except on those areas set aside specifically for such purpose, or with the prior written permission of the Council.

#### **4.5 Vehicles**

- a) No person shall drive or ride any motorised vehicle on an area of any reserve except on accessways, roadways or parking areas provided on reserves for that purpose, either permanently or temporarily, provided that this clause does not apply to emergency vehicles, police vehicles and Council vehicles.
- b) Where the Council has authorised the driving or riding of a vehicle on any area of a reserve, the driver or rider of such a vehicle shall drive or ride the vehicle at a speed and in a manner which does not endanger or cause inconvenience to any person in the reserve area, or damage the reserve.
- c) No person shall park or store any vehicle, boat, vessel or article on a reserve on a periodic, regular or continuous basis except with the prior written permission of the Council provided that this clause shall not apply to life guard boats or other articles used for life saving purposes.

#### **4.6 Aeroplanes and other Airborne Contrivances**

- a) No person shall use a reserve for landing thereon or flying therefrom of an aeroplane, hang-glider, balloon, any kind of flying machine, model aeroplane or parachute, except in areas set aside for that purpose or in case of emergency, or with the prior written permission of the Council, provided that this clause shall not apply to kites.
- b) Notwithstanding clause 4.6(a) above, aeroplanes may land on and fly from the Raglan Aerodrome, which is a Local Purpose Reserve (Aerodrome), located at Marine Parade, Raglan.

#### **4.7 Firearms and other Dangerous Articles**

- a) No person shall take, carry or use any firearm, air gun, axe, bow and arrow, catapult, or other weapon or dangerous device on a reserve, except with the prior written permission of the Council.
- b) No person shall throw or hit sticks, stones, golf balls, or other missiles in a way likely to be injurious to any person or likely to damage property.
- c) Any authorised officer may take possession of any weapon or other dangerous article and retain the same while the person carrying the same is on any reserve, without being liable for any claim arising therefrom.

#### **4.8 Commercial Activities**

- a) No person shall sell or offer for sale any article of food or kind of drink or refreshment or carry on any trade on a reserve, except with the prior written permission of the Council.
- b) No person shall operate a commercial business on any reserve except with the prior written permission of the Council.

### **5.0 SPECIAL CONDITIONS FOR BEACHES, FORESHORE AND WHARVES**

- 5.1 No person shall interfere, remove, destroy or damage any sign, navigation structure or aid, or any lifebuoy or lifesaving apparatus erected or maintained on the beach or on any wharf, jetty or landing place thereon.
- 5.2 No person shall interfere or remove any portion of any protective works or other structures erected on the foreshore for the control of sand or shingle or for the prevention of erosion.
- 5.3 The Council may prohibit bathing on any beach or any portion thereof, and may for this purpose place in prominent positions noticeboards defining the limits within which bathing shall be confined, and any person bathing anywhere on such beach other than within such limits shall be in breach of this bylaw.

### **6.0 CLOSING OF RESERVES**

- 6.1 If for any reason the Council requires a reserve to be temporarily closed, the Council may by public notification declare a particular reserve to be closed to the public during the period or periods specified in the public notice.

## **7.0 CHARGES FOR SPECIAL EVENTS ON RESERVES**

- 7.1 The Council may close all or any portion or portions of any reserve for particular games, events or other recreational activities during such times as it thinks fit, and may fix charges for the right to use such portions as are open to the public.
- 7.2 Any person who on any day for which a charge is payable for admission to any reserve or any part thereof enters any such reserve or part thereof without paying the proper charge commits an offence against this part of this bylaw.

## **8.0 CONDITIONS OF USE**

- 8.1 Where the Council has given permission to carry out certain activities on the reserve, whether by way of issuing a licence or otherwise, such use shall be carried out in accordance with any conditions the Council may impose. Non-compliance with such conditions shall be an offence under this bylaw.

## **9.0 SETTING ASIDE OF AREAS OF RESERVES**

- 9.1 If the Council considers it desirable and beneficial for the convenience, recreation and enjoyment of the public to set aside certain areas of a reserve for activities otherwise restricted in this bylaw, the Council may from time to time set aside such areas.

## **10.0 OFFENCES**

- 10.1 Every person commits an offence against this bylaw who does or omits or causes to be done or omitted any act contrary to the provisions of this bylaw.

## **11.0 ENFORCEMENT OF THIS BYLAW**

### **11.1 Prosecutions**

Any person who commits an offence under this bylaw shall be liable to be prosecuted.

### **11.2 Additional Enforcement Measures**

- a) If in the opinion of an authorised officer the behaviour or actions of any person in a reserve may endanger the public or animals, or may cause damage in the reserve, the authorised officer may request that person to desist from such behaviour. Any refusal to comply with the request is an offence against this bylaw, and the authorised officer may require that person to leave the reserve immediately.
- b) Any vehicles, boats or articles which are in a reserve in breach of this bylaw, may be removed by any Council officer or Police officer and impounded at the expense of the driver or owner.
- c) The Council may remove any structure or article that has been placed or built on a reserve in breach of this bylaw, and may recover the costs of removal from the person who committed the breach.

**11.3 Police Assistance**

This bylaw authorises any member of the New Zealand Police to assist an authorised officer in the performance of the above additional enforcement measures.

**12. PENALTY**

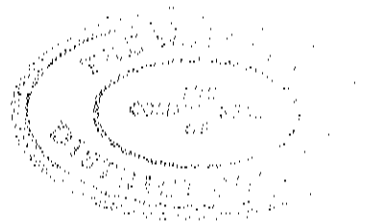
Any person who commits an offence against this bylaw shall be liable to a fine not exceeding \$20,000.00.

The above bylaw was made pursuant to a resolution passed by the Waikato District Council on 22 April 2008.

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

*P. J. Harri*  
.....  
Mayor

*J. J. Is*  
.....  
Chief Executive





**Franklin District Council Beach Control Bylaw 2006**

**EXPLANATORY NOTE**

*This Bylaw is a local bylaw and is subject to all legislation passed by the Parliament of New Zealand. The Bylaw is not intended to detract from, affect or override any ownership or customary rights.*

**1. Title, Commencement and Application**

- (1) This Bylaw may be cited as the Franklin District Council Beach Control Bylaw 2006 and shall come into force on 1 August 2006.
- (2) This Bylaw applies to beaches in the Franklin District.
- (3) This Bylaw repeals that part of the Franklin District Council General Bylaw 1997 comprising the New Zealand Standard Model General Bylaw 9201:19:1972 Beaches and Bathing Control (as amended).

**2. Beach Control Bylaw Validation**

- (1) The Franklin District Council Beach Control Bylaw 2006 was duly made at a meeting of the Franklin District Council held on 27 July 2006 after completion of the Special Consultative Procedure.
- (2) The Common Seal of the Franklin District Council was affixed hereto, pursuant to a resolution of Council, on 27 July 2006 in the presence of:

.....  
Mark Ball  
**Mayor**

.....  
Phillippa Wilson  
**Chief Executive Officer**

.....  
**Date**



### 3. Objective

- (1) The purpose of this Bylaw is to control certain activities surrounding beaches in the Franklin District.
- (2) This Bylaw is made pursuant to section 145 of the Local Government Act 2002.
- (3) Nothing in this Bylaw shall derogate from any provision of, or the necessity for compliance with:
  - (a) The Land Transport Act 1998 or any Act passed in amendment or substitution thereof;
  - (b) Any regulations or rules made under the Land Transport (Road User) Rule 2004 or the Land Transport Act 1998 or any regulations or rules made in amendment or substitution thereof;
  - (c) Any requirements imposed by either the Waikato Regional Council or the Auckland Regional Council.

### 4. Interpretation

In this Bylaw, unless inconsistent with the context –

**Authorised Officer** means any person warranted by Council in accordance with section 177 of the Local Government Act 2002 to enforce this Bylaw.

**Beach** means the foreshore being any area covered and uncovered by the ebb and flow of the tide, and any adjacent area which can reasonably be considered part of the beach environment including areas of sand, pebbles, shell, shingle, dunes or coastal vegetation, but does not include any private property.

**Chief Executive** means the Chief Executive of the Franklin District Council or a person acting under a delegated authority on behalf of the Chief Executive.

**Council** means the Franklin District Council.

**District** means the Franklin District.

**Dunes** includes any hill, mound or ridge of sand or sediment, or any series of such, either bare or vegetated, landward of a coastal or river beach, but does not include any private property.

**High Use Periods** means between 10.00am and 6.00pm daily from the beginning of each Labour Weekend to the end of March in the following year.

**Livestock** includes any age or sex of any cattle, sheep, deer, donkey, hinny, mule, pig, goat, thar, alpaca, llama, bison or any other herd animal and any horse which is not ridden, led by its reins or harnessed to a vehicle.

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

“Vehicle

- (a) Means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and
- (b) Includes a hovercraft, a skateboard, in-line skates, and roller skates; but
- (c) Does not include—
  - (i) A perambulator or pushchair:
  - (ii) A shopping or sporting trundler not propelled by mechanical power:
  - (iii) A wheelbarrow or hand-trolley:

- (iv) A child's toy, including a tricycle and a bicycle, provided, in either case, no road wheel (including a tyre) has a diameter exceeding 355 mm:
- (v) A pedestrian-controlled lawnmower:
- (vi) A pedestrian-controlled agricultural machine not propelled by mechanical power:
- (vii) An article of furniture:
- (viii) An invalid wheel-chair not propelled by mechanical power:
- (ix) Any other contrivance specified by the rules not to be a vehicle for the purposes of this definition:"

## 5. General Provisions

- (1) No person shall, on any part of any beach, place or leave any litter or material or substance or thing except in an approved receptacle provided for that purpose, provided that animal droppings may be disposed of in a way that does not cause a nuisance or offence.
- (2) Except with the permission of the Chief Executive or an authorised officer, no person shall damage, interfere with or remove any natural feature, animal or plant on any beach.
- (3) Every person operating any vehicle, or leading, riding or driving any horse on any part of any beach must show due consideration for other users of the beach at all times.
- (4) All vehicles and horses are prohibited on dunes. However, any person wishing to access the beach, an adjoining property or road may use a vehicle or horse on a dune only in a manner that does not cause nor is likely to cause damage to any part of that dune, and that utilises the most direct route possible.
- (5) Notwithstanding sub-clause (4) of this clause, horses are permitted to use the track located in the dunes area along the southern end of Karioitahi Beach extending to the Waiuku Forest as delineated by signs or marker poles.
- (6) Every person being the owner or having the care, custody, or control of any livestock shall keep and prevent the same from wandering or being at large on any beach.
- (7) No person being in a state of intoxication or under the influence of drugs shall be or remain on any part of a beach.
- (8) No person shall remain upon any part of a beach in view of others in such a state of undress as to cause offence.
- (9) Except with the permission of the Chief Executive, no person shall land or attempt to land any glider (excluding hanggliders and paragliders) or any powered aircraft on any beach except in the case of emergency.
- (10) No person shall use any dressing shed or toilet except for its intended purpose, nor loiter in or around any dressing shed or toilet.
- (11) No person shall clean fish or bring, deposit or leave any filth or rubbish in any dressing shed or toilet.
- (12) While in use, fishing rods and other fishing apparatus must be located within 10 metres of the water's edge at all times.
- (13) No person shall use, displace, or otherwise interfere with any appliance, warning device or sign provided by Council or by any life saving club unless authorised by the Chief Executive.

## **6. Protection of Property**

- (1) Subject in all things to the provisions of the Resource Management Act 1991, except with the permission of the Chief Executive, no person shall –
  - (a) Remove from any beach any stone, shingle, shell, sand, boulders, silt, mud, or other material;
  - (b) Use any portion of a beach for the wintering of boats; or
  - (c) Interfere with or remove any portion of any structure erected for the control of sand.
- (2) No person shall damage, disfigure or write in or upon any dressing shed, toilet or other property.

## **7. Conditions**

- (1) In granting any permission under this Bylaw, the Chief Executive may impose such conditions as is deemed necessary or advisable on matters including, but not limited to, times, speeds, loads, erection of warnings or any other matter whatsoever.
- (2) Any person who fails to comply with any condition imposed on any permission referred to under clause 7(1) commits an offence against this Bylaw.

## **8. Against Trespassing**

- (1) No male over the age of 5 years shall enter any dressing shed or toilet set apart by Council for the exclusive use of females, as indicated by public signs, except for the purpose of rendering assistance in case of accident or distress.
- (2) No female over the age of 5 years shall enter any dressing shed or toilet set apart by Council for the exclusive use of males, as indicated by public signs, except for the purpose of rendering assistance in case of accident or distress.

## **9. Surf Life Saving Clubs**

- (1) Council may at its discretion authorise any life saving club (whether subsidised or not) to:
  - (a) provide and use life saving equipment to the approved standards of the New Zealand Surf Life Saving Association;
  - (b) use any such life saving equipment provided by Council ; and
  - (c) erect and, as may from time to time be necessary, remove from any place warning or danger notices.
- (2) No person shall obstruct or hinder or interfere with the carrying out of any life saving operations or drills or with any person engaged in those activities.

## **10. Offenders Required to Give Names**

Any person who, in the opinion of an authorised officer, commits a breach of any of the provisions of this Bylaw shall, if requested by the officer, supply his/her full name and address.

## **11. Offenders to Leave Beach**

Any person who, in the opinion of an authorised officer, commits a breach of any provisions of this Bylaw shall, if directed by that officer, immediately leave the beach, and may be further prohibited by that officer from appearing on the beach for a period of 24 hours. That person shall nevertheless be liable to be prosecuted for breaching this Bylaw, and the failure to leave or

remain away from the beach as directed by an authorised officer shall constitute a further offence against this Bylaw.

#### **12. Dogs on Beaches**

No person shall take any dog or allow any dog in his/her custody to be on any beach except as permitted by the current Franklin District Council Dog Control Bylaw.

#### **13. Speed Limits on Beaches**

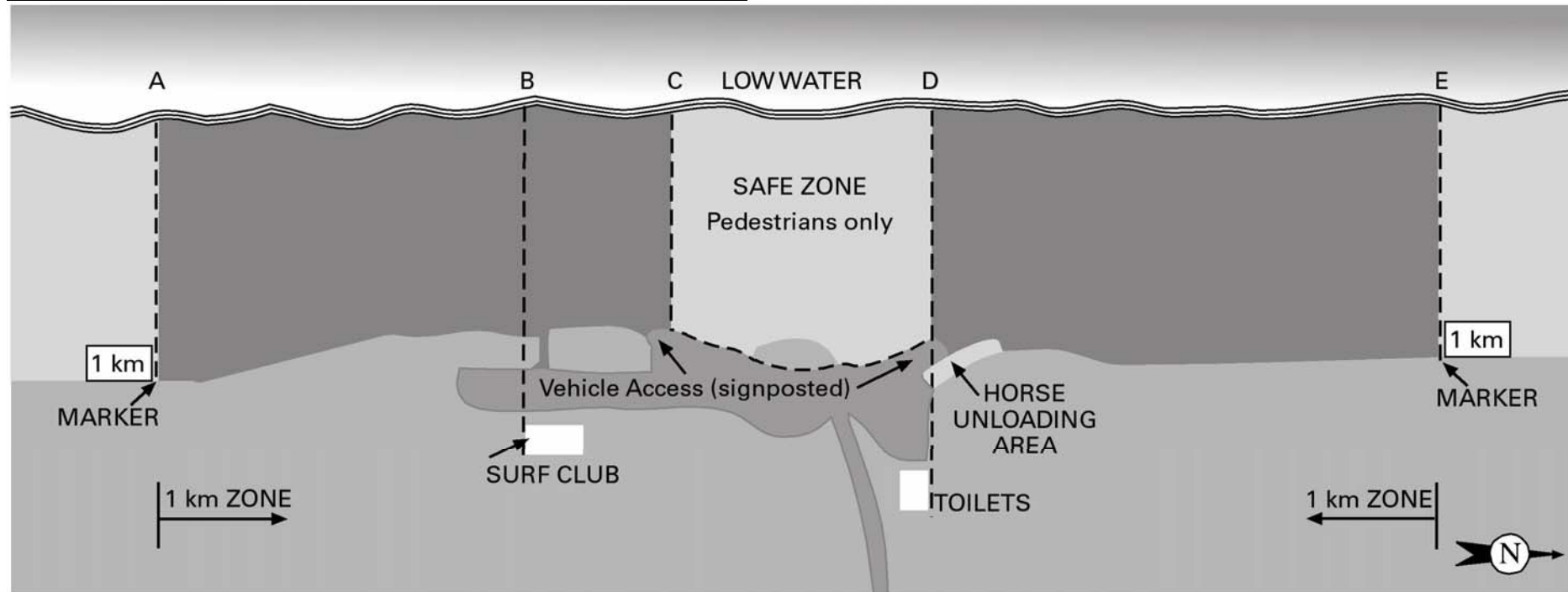
Any maximum permitted speeds for vehicles using beaches or portions thereof shall be set under the Franklin District Council Speed Limits Bylaw 2005.

#### **14. Karioitahi Beach Special Restrictions**

The First Schedule to this Bylaw contains a diagrammatic representation of the central portion of Karioitahi Beach and imposes a number of restrictions on different users of that part of Karioitahi Beach.

#### **15. Offences and Penalties**

Any person who fails to comply with the requirements of this Bylaw commits an offence and shall be liable on summary conviction to the penalty set out in section 242(4) of the Local Government Act 2002, being a fine not exceeding \$20,000.

**FIRST SCHEDULE – Karioitahi Beach Special Restrictions****(1) Definitions**

**Line A** means Line A as shown on the above diagram.

**Line B** means Line B as shown on the above diagram.

**Line C** means Line C as shown on the above diagram.

**Line D** means Line D as shown on the above diagram.

**Line E** means Line E as shown on the above diagram.

**Horse Unloading Area** means that general lightly shaded area shown on the above diagram adjacent to Line D, and more particularly as delineated by physical signs on that part of the beach.

**SAFE ZONE** means that lightly shaded area shown on the above diagram between Lines C and D.

**1KM ZONE** means that area shown on the above diagram between Lines A and E, and includes the SAFE ZONE.

**(2) Vehicles**

The following restrictions apply to vehicles:

- (a) All vehicles, except for life-saving, emergency service and law enforcement vehicles, are prohibited from the SAFE ZONE at all times.
- (b) Clause 5(4) of this Bylaw applies to vehicles within the 1KM ZONE.
- (c) Any maximum permitted speed for vehicles using the beach or any portion thereof shall be set under the Franklin District Council Speed Limits Bylaw 2005.
- (d) As generally required in clause 5(3) of this Bylaw, every person operating a vehicle must show due consideration for other users of the beach at all times.

**(3) Pedestrians**

Subject to access permitted elsewhere in this Bylaw or in the Franklin District Council Dog Control Bylaw, the SAFE ZONE is reserved for pedestrians only.

**(4) Fishing**

The following restrictions apply to fishing:

- (a) Fishing is prohibited within the SAFE ZONE.
- (b) Fishing within the vicinity of bathers is prohibited within the 1KM ZONE.
- (c) As provided in clause 5(12) of this Bylaw, while in use fishing rods and other fishing apparatus must be located within 10 metres of the water's edge at all times.

**(5) Horses**

The following restrictions apply to horses:

- (a) During High Use Periods, horses are restricted to a walk within the 1KM ZONE.
- (b) Outside of High Use Periods, horses are restricted to a walk within the SAFE ZONE.
- (c) Within the 1KM ZONE, horses must remain within 10 metres of the water's edge wherever possible.
- (d) As generally required in clause 5(3) of this Bylaw, horse riders or drivers must show due consideration for other users of the beach at all times.
- (e) Clause 5(4) of this Bylaw applies to horses within the 1KM ZONE.
- (f) The unloading of horses is only permitted in the Horse Unloading Area.
- (g) Horse floats must not be cleaned or swept out onto the beach and, despite the provisions of clause 5(1) of this Bylaw, all horse droppings must be removed entirely from the 1KM ZONE.

**(6) Land Yachts and Blokarts**

The following restrictions apply to land yachts and blokarts:

As vehicles, land yachts and blokarts are prohibited from the SAFE ZONE at all times and must comply with vehicle speed restrictions.

**(7) Paragliders and Hanggliders**

The following restrictions apply to paragliders and hanggliders:

- (a) Paragliders and hanggliders are prohibited within the SAFE ZONE at all times.
- (b) Paragliders and hanggliders may not land within the 1KM ZONE in the vicinity of other people using the beach.

**(8) Dogs and Alcohol**

Restrictions relating to dogs and alcohol can be found in the current Franklin District Council Dog Control Bylaw and the Franklin District Council Liquor Control Bylaw.

## STATEMENT OF PROPOSAL

### PROPOSED WAIKATO DISTRICT COUNCIL RESERVES & BEACHES BYLAW 2016

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Waikato District Council has reviewed its existing Waikato District Council Reserves and Beaches Bylaw 2008 and Franklin District Council Beach Control Bylaw 2006. The bylaws enable Council to control certain activities on reserves and beaches administered by Council, in order to ensure that reserves and beaches may be used for the enjoyment of the community.

#### Proposal

The Council proposes to revoke the existing bylaws and make a new bylaw covering the whole Waikato district.

#### Reasons for managing Reserves and Beaches through a Bylaw

The proposed bylaw enables the Council to manage certain activities and hazards on reserves and beaches administered by Council in the Waikato District, such as litter and pollution, animal, vehicles, property damage, public disturbance, fire arms and other weapons, and commercial activities.

The Council considers that managing reserves and beaches through a bylaw is the best mechanism to deal with issues regarding reserves and beaches in an efficient manner.

#### Summary of Key Changes

Key proposed changes from the existing bylaws and to be incorporated in the proposed bylaw are outlined below:

- Introduction of a consistent approach with the neighbouring Auckland Council in dealing with vehicles on beaches.
- Combining two existing bylaws into a new one, to ensure consistency across the Waikato district.

#### Note:

- The control of drones and unmanned aerial vehicles will not be addressed through this bylaw but in accordance with the policy in our Reserve Management Plans and relevant Civil Aviation Authority (CAA) rules.
- Freedom camping will be addressed through a new Freedom Camping Bylaw

#### Relevant Determinations by Council

Prior to making a bylaw, Council is required to assess whether a bylaw is the most appropriate way of addressing issues that may arise on reserves and beaches. In this case, the bylaw allows staff to effectively deal with the problems associated with the management of the district's reserves and beaches. Not having a bylaw would lessen Council's ability to control those reserves and beaches and set appropriate standards for their use.

The Council is also required to consider whether the proposed bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990. In this case it is not considered that there are any such implications; the bylaw simply provides the regulatory framework by which reserves and beaches can be managed.



## Consultation and submissions

Anyone can make a submission about the new proposed bylaw and we encourage you to let us know your views.

### What is a submission?

Submissions are a record of your views/preferences on a particular issue. By making a submission you can ensure that your voice is heard by councillors to assist them in their decision making. Submissions may be sent or delivered to the Council from any organisation or any member of the public during a time period specified by the Council. Submission forms are available at Council offices and libraries and on the 'Have your say' page of the Council's website.

### When can I make a submission?

The submission period for the proposed Waikato District Council Reserves and Beaches Bylaw 2016 opens on 20 April 2016 and closes at 5pm on 20 May 2016.

### How can I make a submission?

Any person may make a submission on the content of this proposed bylaw.

Written submissions should follow the format shown in the submission form following this page. This form is intended as a guide only, but is suitable for brief submissions. Please attach additional pages as necessary.

In addition, if you wish to present your comments in person, Council will hear verbal submissions at a meeting on 22 June 2016 (or as early thereafter as possible). Submitters wishing to be heard in support of their submission must clearly state this in their submission. All submitters wishing to be heard will be contacted to arrange an appropriate time on the date specified.

Please note that written submissions are to be received by Waikato District Council by 5pm on 20 May 2016.

**Privacy Act Information** - *The Local Government Act 2002 requires submissions to be made available to the public.*

*Your contact details are collected:*

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

**Your name and address will be publicly available. If you would like your address and phone details (including email address) kept confidential you need to inform us when you send in 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.

Submissions can be:

**Online:** [www.waikatodistrict.govt.nz/sayit](http://www.waikatodistrict.govt.nz/sayit)

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**Posted to:** Waikato District Council  
Private Bag 544  
Ngaruawahia 3742

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**Delivered to:** Waikato District Council  
Attn: Corporate Planner  
15 Galileo Street  
Ngaruawahia 3742

Huntly Office  
142 Main Street, Huntly 3700

Raglan Office  
7 Bow Street, Raglan 3225

Tuakau Office  
2 Dominion Rd, Tuakau 2121

Te Kauwhata Office  
1 Main Road, Te Kauwhata 3710

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**Emailed to:** [consult@waidc.govt.nz](mailto:consult@waidc.govt.nz)  
Subject heading should read: “Reserves and Beaches Bylaw – Submission”

### **What happens next?**

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

Following the closing of submissions on 20 May 2016, all submissions will be reviewed by elected Members. Verbal submissions will be heard and all submissions formally considered at a Council meeting on 22 June 2016 (or as soon thereafter as possible). This meeting will be open to both submitters and the public to attend.

### **Important Dates to Remember:**

Submissions open – 20 April 2016

Submissions close – 20 May 2016

Hearing of submissions – 22 June 2016 (TBC)

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If you have any further queries or would like further copies of the proposed bylaw, please contact Shelley Monrad or Melissa Russo on 0800 492 452.

**For internal use only**



ECM Project # PR-333-03

ECM # .....

Submission # .....

Customer # .....

# Reserves and Beaches Bylaw 2016

## Are the rules right for me?

**Submission form** Please provide your feedback by 20 May 2016

**Name/organisation** .....

**Postal address** ..... **Postcode**.....

**Email** ..... **Phone**.....

**A hearing will be held on 22 June 2016.**

**Do you want to speak about your submission at this hearing?**  Yes  No

**Preferred method of contact**  Email  Post

**Age (optional)**  16-24  25-35  36-50  51-65  66+

**Ethnicity (optional)** .....

This information will be used for statistical purposes only, to help us understand who is engaging with council.

**Do you support the proposed Reserves and Beaches Bylaw?**  Yes  No

**Please tell us why:**

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**How would you like vehicles accessing beaches to be managed?**

.....  
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### Written feedback

**Postal Address**

Waikato District Council, Private Bag 544,  
Ngaruawahia 3742 • Telephone 0800 492 452

### Online feedback

- [www.waikatodistrict.govt.nz/sayit](http://www.waikatodistrict.govt.nz/sayit)
- [consult@waidc.govt.nz](mailto:consult@waidc.govt.nz)

Submissions are public information. Your feedback will be used for purposes such as reports to Councillors, which are made available to the public, media and on our website. If you would like your personal information concealed, please tell us in your submission.



# Waikato District Council

## Reserves and Beaches Bylaw 2016

Waikato District Council, in exercise of its powers under the Local Government Act 2002 and the Reserves Act 1977, their respective amendments, and all other relevant powers, hereby makes the following bylaw.

### INTRODUCTION

#### 1.0 Short Title, Commencement and Application

- 2.0 The bylaw shall be known as the "Waikato District Council Reserves and Beaches Bylaw 2016".
- 2.1 The bylaw shall apply to the Waikato District, with the exception of the Taitua Arboretum and Hamilton Zoo which are controlled and administered by the Hamilton City Council.
- 2.2 The bylaw shall come into force on **Enter date**.

#### 3.0 Revocation

- 3.1 The following bylaws are hereby revoked from the day this new bylaw comes into force:

"Waikato District Council Reserves and Beaches Bylaw 2008" and "Franklin District Council Beach Control Bylaw 2006".

#### 4.0 Definitions

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

<b>Approved</b>	means approved by the Council or by any officer of the Council appointed or authorised for the purpose.
<b>Authorised Officer</b>	means any person appointed by the Council to act on its behalf and with its authority.
<b>Beach</b>	means any land adjacent to any sea, coast or lakeside capable of being used for recreational purposes which for the time being is vested in or under the control of the local authority and is contiguous to the foreshore and used in connection therewith, and, where the control of the foreshore and dunes is vested in the Council, includes the foreshore and dunes.
<b>Council Foreshore</b>	means the Waikato District Council. means such parts of the bed, shore or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tide.
<b>Person</b>	includes a natural person, corporation and any body of persons, whether incorporated or not.
<b>Reserve</b>	means any open space, plantation, park, garden, beach, wharf, jetty, ground, track or land set apart for public recreation, enjoyment,

conservation, beautification, education, or research, and under the management or control of the Council.

**Vehicle** means any motor vehicle, motorcycle, bicycle, trailer, land yacht, skateboard or any other contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved.

## 5.0 Prohibited and Restricted Activities on Reserves

### 5.1 Miscellaneous

- a) No person shall interfere with or disturb, destroy, remove or damage any plants, soil, stones, signs, articles or buildings on any reserve, or plant any plants or trees on any reserve except with the prior written permission of the Council.
- b) No person shall light or cause to remain alight, any fire within any reserve except for a gas barbecue, or with the prior written permission of the Council.
- c) No person shall build or place any buildings or structures of any kind, including but not limited to stalls, tents, or amusement devices, on any reserve and allow those buildings or structures to remain in place overnight, except with the prior written permission of the Council. Freedom camping must occur in accordance with the Council's Freedom Camping Bylaw.
- d) No person shall hunt, injure or kill any animal or interfere with birds, nests and eggs on a reserve provided this clause shall not apply to fishing.

### 5.2 Litter and Pollution

- a) No person shall place, store or leave any rubbish, trade waste, rubble or debris, or other offensive or dangerous matter on any reserve.
- b) No person shall discharge any offensive or dangerous matter or cause pollution within any reserve or any stream, dam, pond, or fountain therein.

### 5.3 Interference with Enjoyment

- a) No person shall obstruct, disturb, or annoy any person or interfere with any other person in the use or enjoyment of any reserve, or use abusive or obscene language, or be noisy or riotous, or in any way misbehave. Persons who are potentially impaired from the consumption of either drugs or alcohol will not be permitted on reserves.

### 5.4 Animals

- a) With the exception of disability assist dogs, no person shall bring onto a reserve any dog or allow any dog to be within the area of a reserve other than in accordance with the Council's Dog Control Bylaw 2015 and any subsequent amendments or substitute.
- b) No person shall lead or ride any horse or other animal on any area of a reserve except on those areas set aside specifically for such purpose, or with the prior written permission of the Council, provided that this clause does not apply to dogs.
- c) No person shall cause or allow any animal to escape onto a reserve.

### 5.5 Vehicles

- a) Except in the case of an emergency, or with the prior written permission of the Council, no person shall drive, ride, propel or wheel or park any vehicle on a beach. This

restriction does not apply to any person driving a vehicle by a direct route at a speed not exceeding 10km/h on a beach where vehicular access is permitted, to deposit or retrieve a boat in the water. Every vehicle shall be removed from the beach immediately upon retrieval or depositing of the boat. This clause does not apply to emergency vehicles, police vehicles and Council vehicles or cases whereby properties can only be accessed via the beach, or where the beach is an unformed legal road.

- b) Where the Council has authorised the driving or riding of a vehicle on any area of a reserve, the driver or rider of such a vehicle shall drive or ride the vehicle at a speed and in a manner that does not endanger or cause inconvenience to any person in the reserve area, or damage the reserve.
- c) No person shall park or store any vehicle, boat, vessel or article on a reserve on a periodic, regular or continuous basis except with the prior written permission of the Council, provided that this clause shall not apply to life guard boats or other articles used for life saving purposes.

## 5.6 Firearms and other Dangerous Articles

- a) No person shall take, carry or use any firearm, air gun, axe, bow and arrow, catapult, or other weapon or dangerous device on a reserve, except with the prior written permission of the Council.
- b) No person shall hit golf balls on reserves.
- c) Any authorised officer may seize any weapon or dangerous article from any person who takes or carries such weapon or dangerous article on a reserve.

## 5.7 Commercial Activities

- a) No person shall sell or offer for sale any article of food or kind of drink or refreshment or carry on any trade on a reserve, except with the prior written permission of the Council.
- b) No person shall operate a commercial business on any reserve except with the prior written permission of the Council.

## 6.0 Special Conditions for Beaches, Foreshores and Wharves

- 6.1 No person shall interfere, remove, destroy or damage any sign, navigation structure or aid, or any lifebuoy or lifesaving apparatus erected or maintained on the beach or on any wharf, jetty or landing place thereon.
- 6.2 No person shall interfere or remove any portion of any protective works or other structures erected on the foreshore for the control of sand or shingle or for the prevention of erosion.
- 6.3 The Council may close off access to any beach or any portion thereof, when required for health and safety purposes.

## 7.0 Closing of Reserves

- 7.1 If for any reason the Council requires a reserve to be temporarily closed, the Council may by public notification declare a particular reserve to be closed to the public during the period or periods specified in the public notice.

## 8.0 Charges for Special Events on Reserves

- 8.1 In accordance with the Reserves Act 1977, the Council may close all or any portion or portions of any reserve for particular games, events or other recreational activities during such time as it sees fit, and may fix charges for the right to use such portions as are open to the public.
- 8.2 Any person who on any day for which a charge is payable for admission to any reserve or any part thereof enters any such reserve or part thereof without paying the proper charge commits an offence against this part of this bylaw.

## 9.0 Conditions of Use

- 9.1 Where the Council has given permission to carry out certain activities on the reserve, whether by way of issuing a license or otherwise, such use shall be carried out in accordance with any conditions the Council may impose

## 10.0 Setting aside of Areas of Reserves

- 10.1 If the Council considers it desirable and beneficial for the convenience, recreation and enjoyment of the public to set aside certain areas of a reserve for activities otherwise restricted in this bylaw, the Council may from time to time set aside such areas.

## 11.0 Offences

- 11.1 Every person commits an offence against this bylaw who does or omits or causes to be done or omitted any act contrary to the provisions of this bylaw. Any person who, in the opinion of an authorised officer, commits a breach of any of the provisions of this Bylaw shall, if requested by an authorised officer, supply his/her full name and address. Any person who does not comply will be in breach of this bylaw and subject to prosecution.

## 12.0 Enforcement of this Bylaw

### 12.1 Prosecutions

Any person who commits an offence under this bylaw shall be liable to be prosecuted.

### 12.2 Additional Enforcement Measures

- a) If in the opinion of an authorised officer the behavior or actions of any person in a reserve may endanger the public or animals, or may cause damage in the reserve, the authorised officer may request that person to desist from such behavior. Any refusal to comply with the request is an offence against this bylaw, and the authorised officer may require that person to leave the reserve immediately.
- b) Any vehicles, boats or articles which are in a reserve in breach of this bylaw, may be removed by any Council officer or Police officer and impounded at the expense of the driver or owner.



- c) The Council may remove any structure or article that has been placed or built on a reserve in breach of this bylaw, and may recover the costs of removal from the person who committed the breach.

### 12.3 Police Assistance

This bylaw authorises any member of the New Zealand Police to assist an authorised officer in the performance of the above additional enforcement measures.

## 13.0 Penalties

- 13.1 Any person who commits an offence against this bylaw is liable to a fine not exceeding \$20,000.00.

This bylaw was made pursuant to a resolution passed by the Waikato District Council on **Add Date**.

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

\_\_\_\_\_  
Mayor

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

### **Open Meeting**

<b>To</b>	Policy & Regulatory Committee
<b>From</b>	TN Harty General Manager Service Delivery
<b>Date</b>	22 February 2016
<b>Prepared By</b>	G Bailey Open Spaces Operations Team Leader
<b>Chief Executive Approved</b>	Y
<b>DWS Document Set #</b>	1462542
<b>Report Title</b>	<b>Proposed Waikato District Council Cemeteries Bylaw 2016</b>

## **I. Executive Summary**

The Waikato District Council is currently reviewing its bylaws relating to the 22 Cemeteries it has responsibility for. The review includes the following bylaws:

- Franklin District Council Cemeteries Bylaw 2008.
- Waikato District Council Cemeteries and Crematoria Bylaw 2008.

The reasons for the review are to:

1. Effectively deal with Cemetery activities under a single Bylaw.
2. Address issues that have arisen over the life of the existing Bylaws, including some inconsistencies between the bylaws.
3. Align the bylaw with those of other local authorities and the changing needs of our communities.

Whilst undertaking this review, consideration has been given to the clauses contained in the bylaws listed above, the intention is to revoke those bylaws and replace them with one Cemetery Bylaw following consultation.

Feedback was sought from the Community Boards and Committees on this review. No feedback has been received to date and a further opportunity will be provided through the special consultative procedure.

Feedback was also sought from sectors within the community that regularly operate businesses that support the district Cemeteries. These included local Funeral Directors and Monumental Masons. In addition the local Muslim Association was also consulted. Feedback received from these sources has been incorporated into the draft bylaw where practical.

Staff have been consulted regarding the key issues that have arisen from the existing bylaws, and a Council workshop was held in August 2015 to discuss these issues.

The proposed Bylaw has been subject to an internal legal review and is attached along with the Statement of Proposal for consideration. Subject to approval at this meeting, the proposed Bylaw will be publicly notified on 20 April 2016 with submissions being received until 20 May 2016. Submissions on the proposed Bylaw will be considered and, if requested, heard by Council at a meeting on 20 June 2016 or as early thereafter as possible. The Bylaw is scheduled to be confirmed by Council at a meeting to be held on 12 September 2016.

## **2. Recommendation**

**THAT the report of the General Manager Service Delivery – Proposed Waikato District Council Cemeteries Bylaw 2016 - be received;**

**AND THAT the Committee recommends to Council that it make a determination that the proposed bylaw does not give rise to any implications under the New Zealand Bill of Rights Act 1990 pursuant to section 155(2) of the Local Government Act 2002;**

**AND FURTHER THAT the Statement of Proposal, incorporating the proposed Waikato District Council Cemeteries Bylaw 2016 (subject to any amendments), be recommended to Council at its meeting on 11 April 2016 for public notification on 20 April 2016 with the closing date for submissions being 5 pm 20 May 2016 in accordance with Sections 83 (special consultative procedure), 86 (use of special consultative procedure in relation to adoption or review or amendment of bylaws) of the Local Government Act 2002;**

**AND FURTHER THAT submissions on the Statement of Proposal, (incorporating the proposed Waikato District Council Cemeteries Bylaw 2016) be considered and, if requested, be heard by Council at a meeting to be held on 20 June 2016 or as early thereafter as possible.**

## **3. Background**

This bylaw is the proposed Cemeteries Bylaw 2016. The review includes the following current bylaws:

1. Franklin District Council Cemeteries Bylaw 2008.
2. Waikato District Council Cemeteries and Crematoria Bylaw 2008.

## **4. Discussion and analysis of options**

### **4.1 Discussion**

A key recommendation of Councils Cemetery Strategy adopted in June 2015 was to review the existing Cemetery Bylaws with an aim to create a single new District wide Cemetery Bylaw. A single District wide Bylaw would bring uniformity of rules governing the operations of the Districts Cemeteries along with an opportunity to update the bylaws to reflect the current and predicted trends and requirements of Cemetery

users. As the needs of our communities are changing, by moving away from the traditional burials to more ethnic and religious based preferences. It is best practice for Council to have regulation in place that best accommodates cultural and religious needs where practicable.

It is clear from benchmarking with other Local Authorities that nearly all have Cemetery Bylaws to control management and operations of their cemeteries. Without a Bylaw providing clear direction, rules and expectations for Cemetery users there is a real risk of lack of compliance with Statutes governing Cemeteries and respect for other users.

## 4.2 Options

The options that have been identified are:

### **Option 1 – Revoke bylaw and rely on existing legislation or internal mechanism**

This option is not recommended.

Council can revoke the existing bylaws and rely on legislation such as the Burial and Cremations Act 1964 and/or the District Plan. However a bylaw provides clear guidelines on the management of Cemeteries and gives Council the ability to control and influence their use and efficiency. Not having a bylaw would lessen Council's ability to control and set standards around the management of the Districts Cemeteries.

### **Option 2 Review and update bylaw**

This option is recommended.

A bylaw allows staff to effectively deal with the problems associated with the management of the District Cemeteries and is considered by staff to be the most appropriate mechanism to deal with the issues associated with the management of its Cemeteries in the Waikato District.

## 5. Considerations

### 5.1 Financial

It is not envisaged that the proposed Bylaw will require any extra funding over that which is currently provided in operational budgets.

Any fees and charges that are associated with this bylaw will be set through the Long Term Plan.

### 5.2 Legal

#### **Implications under the New Zealand Bill of Rights Act 1990**

Section 155(2) of the LGA 2002 also requires the Council to determine whether the proposed bylaw “gives rise to any implications under the New Zealand Bill of Rights Act 1990”. No bylaw may be inconsistent with this legislation.

The Bill of Rights Act 1990 details a number of rights and freedoms in relation to life and security of people. The purpose of the Bylaw is to protect the public from nuisance and potential health risks caused from the keeping of animals.

The proposed Bylaw that it is not considered to be inconsistent with, or likely to give rise to any implications under the New Zealand Bill of Rights Act 1990. The Bylaw simply provides the regulatory means by which public places can be managed.

During this review process staff have made efforts to:

- Take account of improvements suggested by officers who manage and maintain the bylaw within the Waikato district.
- Have regard to similar bylaws in neighbouring authorities.
- Ensure the Bylaw is fair, efficient and clearly understandable.

A legal review of the proposed Bylaw, for its appropriateness and validity, has been undertaken prior to being presented to the Committee for approval as the proposed Bylaw for public consultation. This legal review also included a check that the proposed provisions do not give rise to any implications under the New Zealand Bill of Rights Act 1990. The creation of the Bylaw is subject to a special consultative procedure to enable individuals to participate in the process.

Taking all these matters into consideration, staff recommends that the proposed Waikato District Council Cemetery Bylaw 2016 be approved for public consultation.

### **Local Government Act 2002**

The proposed Bylaw is considered to meet the requirements of section 10 of the Act in relation to the purpose of local government, as management of public places provides essential means for Council to perform its regulatory and public health obligations. Having a bylaw for the management of Cemeteries is considered to be a cost effective way of ensuring that Council meets its statutory obligations.

## **5.3 Strategy, Plans, Policy & Partnership Alignment**

The proposed bylaw aligns with Council Cemetery Strategy 2015.

## **5.4 Assessment of Significance & Engagement**

The Cemeteries Bylaw triggers Council's Significance and Engagement Policy as the Special Consultative Procedure is required and is being undertaken.

## **6. Consultation**

The following stakeholders have been/or will be consulted:

Planned	In Progress	Complete	
		Y	Internal
Y			Community boards/Community committees
Y			Waikato-Tainui/Local iwi
Y			Households
		Y	Key Stakeholders

Targeted consultation has been undertaken with the Community Boards and Committees seeking their feedback and ideas to include in a new Bylaw.

Further targeted consultation was undertaken with local Funeral Directors, Monumental Masons and the Muslim Association as key stakeholders. Feedback received covered the following issues:

- Size envelope for memorials – included in proposed bylaw
- Only approved and qualified Monumental contractors allowed to install memorials - included in proposed bylaw
- Improvement suggestions to the applications forms for monumental permits – not included in proposed bylaw as applications forms sit outside this process

The Special Consultative Procedure is required to be undertaken in making this bylaw. A public notice will be placed as part of this procedure and key stakeholders will again be notified directly.

## **7. Conclusion**

Council is conducting a review of its bylaws that relate to activities in its Cemeteries, as part of this review the relevant clauses from the existing Bylaws have been inserted into the proposed bylaw. The new proposed bylaw contains clauses that address a range of issues relating to activities that occur in Cemeteries mainly around changing religious beliefs and community expectations.

In undertaking this review approval is sought to commence the Special Consultative Procedure. This is a requirement of the Local Government Act 2002 and allows for public feedback on the bylaw.

## **8. Attachments**

- Appendix 1 - Statement of Proposal (including the submission form and proposed Waikato District Council's Cemeteries Bylaw 2016)
- Appendix 2 - Franklin District Council Cemeteries Bylaw 2008
- Appendix 3 - Waikato District Council Cemeteries and Crematoria Bylaw 2008

## **STATEMENT OF PROPOSAL**

### **THE PROPOSED WAIKATO DISTRICT COUNCIL CEMETERIES BYLAW 2016**

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The proposed Waikato District Council Cemeteries Bylaw 2016 enables the Council to regulate activities and set standards for the operation of Cemeteries under the control of the Council.

#### **Proposal**

This Statement of Proposal is prepared pursuant to Part 8 of the Local Government Act 2002 (LGA). This is a proposal to adopt a Cemeteries Bylaw and revoke the Waikato District Council Cemeteries and Crematoria Bylaw 2008 and the Franklin District Council Cemeteries Bylaw 2008.

#### **Reasons for creating the bylaw**

The reasons for proposing to adopt the reviewed bylaw are to:

- effectively deal with Cemetery activities under a single bylaw;
- address issues that have arisen since making the existing bylaws, including some inconsistencies between the bylaws;
- align the bylaw with those of other local authorities and the changing needs of our communities.

#### **Summary of proposed changes**

Key proposed changes in the proposed Bylaw are outlined below.

- Moving from two separate bylaws to one single district wide bylaw
- Only Monumental Masons to undertake monument works in all Cemeteries
- Clarifying the number of plots that can be pre-purchased

#### **Relevant Determinations by Council**

Prior to making a bylaw, the Council is required to assess whether a bylaw is the most appropriate way of addressing actual or perceived problems. In this case, a bylaw is considered to be the most appropriate mechanism as the provision of cemeteries is a vital service that is best managed by local government to ensure consistency and affordability of the service. A bylaw allows the Council to effectively deal with the problems associated with the management of the district's cemeteries. Not having a bylaw would lessen Council's ability to control and set standards regarding the management of those cemeteries.

The Council is also required to consider whether the proposed Bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990. In this case it is not considered that there are any such implications, the Bylaw simply provides the regulatory means by which cemeteries can be managed.

## Consultation and submissions

Anyone can make a submission about the proposed Waikato District Council Cemeteries Bylaw 2016 and we encourage you to let us know your views.

### What is a submission?

Submissions are a record of your views/preferences on a particular issue. By making a submission you can ensure that your voice is heard by councillors to assist them in their decision making. Submissions may be sent or given to the Council from any organisation or any member of the public during a time period specified by Council. In most cases submission forms are available at Council offices and libraries and on the 'Have your say' page of Council's website.

### When can I make a submission?

The submission period for the proposed Waikato District Council Cemeteries Bylaw opens on 20 April 2016 and closes at 5pm on 20 May 2016.

### How can I make a submission?

Any person may make a submission on the content of this proposed Bylaw.

Written submissions should follow the format shown in the submission form following this page. This form is intended as a guide only, but is suitable for brief submissions. Please attach additional pages as necessary.

In addition, if you wish to present your comments in person, Council will hear verbal submissions on 20 June 2016 (or as early thereafter as possible). Submitters wishing to be heard in support of their submission must clearly state this in their submission. All submitters wishing to be heard will be contacted to arrange an appropriate time on the date specified.

Please note that written submissions are to be received by Waikato District Council by 5pm on 20 May 2016.

**Privacy Act Information** - *The Local Government Act 2002 requires submissions to be made available to the public.*

*Your contact details are collected:*

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

**Your name and address will be publicly available. If you would like your address and phone details (including email address) kept confidential you need to inform us when you send in 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.



Submissions can be:

**Online:** [www.waikatodistrict.govt.nz/sayit](http://www.waikatodistrict.govt.nz/sayit)

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**Posted to:** Waikato District Council  
Private Bag 544  
Ngaruawahia 3742

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**Delivered to:** Waikato District Council  
Attn: Corporate Planner  
15 Galileo Street  
Ngaruawahia 3742

Huntly Office  
142 Main Street, Huntly 3700

Raglan Office  
7 Bow Street, Raglan 3225

Tuakau Office  
2 Dominion Rd, Tuakau 2121

Te Kauwhata Office  
1 Main Road, Te Kauwhata 3710

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**Emailed to:** [consult@waidc.govt.nz](mailto:consult@waidc.govt.nz)  
Subject heading should read: "Cemeteries Bylaw – Submission"

### **What happens next?**

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

Following the closing of submissions on 20 May 2016 all submissions will be reviewed by Elected Members. Verbal submissions will be heard and all submissions formally considered at a Council meeting on 20 June 2016 (or as soon thereafter as possible). This meeting is open to both submitters and the public to attend.

### **Important Dates to Remember:**

Submissions open – 20 April 2016

Submissions close – 5pm 20 May 2016

Hearing of submissions – 20 June 2016 (TBC)

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If you have any further queries or would like further copies of the proposed Bylaw, please contact Shelley Monrad on 0800 492 452





# Waikato District Council

## Cemeteries Bylaw 2016

This Bylaw of the Waikato District Council is made pursuant to the Local Government Act 2002 and the Burial and Cremation Act 1964 and their respective amendments and all other relevant powers, hereby makes the following bylaw.

### Introduction

#### 1.0 Short title, commencement and application

- 1.1 The bylaw shall be known as the "Waikato District Council Cemeteries Bylaw 2016".
- 1.2 The bylaw shall apply to the Waikato District.
- 1.3 The Bylaw shall come into force on **date**.

#### 2.0 Revocation

- 2.1 The following bylaws are hereby revoked from the day this new bylaw comes into force: "Waikato District Council Cemeteries and Crematoria Bylaw 2008 and "Franklin District Council Cemeteries Bylaw 2008".

#### 3.0 Purpose

To enable the Council to regulate activities and set standards for the operation of cemeteries under the control of the Council.

#### 4.0 Definitions

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

<b>Authorised Officer</b>	means any person appointed by the Council to act on its behalf and with its authority
<b>Beam</b>	means a concrete strip that marks plot row and number and in which a headstone or plaque is placed.
<b>Burial</b>	means interment of a body, remains or ashes
<b>Cemetery</b>	means any cemetery vested in or under the control of Council and dedicated as a cemetery.
<b>Council</b>	means the governing body of the Waikato District Council or any person delegated to act on its behalf.
<b>Disinterment</b>	means the removal of a body (or remains of a body) buried in any cemetery.

<b>Exclusive right of burial</b>	means a right that may be purchased from the Council which grants the purchaser and his or her successor, the exclusive right of burial in a designated burial plot for a specified number of years; and <ol style="list-style-type: none"> <li>1. does not create an ownership interest in the designated plot; and</li> <li>2. lapses in accordance with section 10 of the Burial and Cremation Act 1964.</li> </ol>
<b>Grave</b>	means the area where the body of a deceased person is, or their ashes, are buried.
<b>Headstone</b>	means a memorial that projects above the ground.
<b>Interment</b>	means the burial of a body or ashes in a plot.
<b>Lawn cemetery</b>	means a grass lawn cemetery where no headstones project above the ground.
<b>Non-operational cemetery</b>	means a cemetery that has been closed by a closing order, but may accept future ash interments.
<b>NZS 4242: 1995</b>	means the New Zealand Standard for Headstones and Cemetery Monuments.
<b>Operational cemetery</b>	means a cemetery that is accepting of new interments.
<b>Plot</b>	means a specified area set aside for the burial of a casket or ashes.
<b>Sexton</b>	means any person appointed by the Council to manage the day to day activities of any cemetery under its jurisdiction.

## 5.0 Burials

5.1 Before a burial may take place, an application for interment must be lodged with the Council.

5.2 The application must be accompanied by:

- a) a medical certificate or coroner's authorisation, as applicable;
- b) written permission from the owner of the exclusive right of burial in respect of a plot, where applicable;
- c) payment of the burial fees set by the Council.

5.3 Burials must take place:

- a) in a specific plot in respect of which an exclusive right of burial has been purchased; or
- b) in a plot chosen by the Council if no exclusive right of burial has been purchased.

## **6.0 Exclusive right of burial**

- 6.1 An exclusive right of burial may be sold by the Council and may be held for sixty years. The Council will not re-purchase any presold plots.
- 6.2 Any person is entitled to purchase an exclusive right of burial for no more than two plots. Any relative of a person who has bought such right may purchase two adjacent plots at the time of burial only.
- 6.3 Where doubt of ownership of an exclusive right of burial exists, the Council may satisfy itself, that the use of the respective plot is authorised.
- 6.4 The Council will not sell the exclusive right of burial in respect of any plots located in cemetery areas reserved exclusively for the burial of deceased persons who have served in Her Majesty's Forces.

## **7.0 Notification of burial**

- 7.1 Interments may take place between the hours of 10.00am and 3.30pm on Mondays to Fridays inclusive, and between 10.30am and 2.30pm on Saturdays. On Sundays and public holidays, cemeteries are closed for all interments.
- 7.2 Burials may take place outside these times by prior arrangement with Council.
- 7.3 Notification of an intended burial must be given to the Council not less than eight working hours prior to the time of burial. If less notice is given, an extra charge may be imposed by the Council.

## **8.0 Plots and graves**

- 8.1 Only the Sexton is authorised to dig a grave.
- 8.2 The Council requires prior notification if a person, or persons, wish to fill any grave.
- 8.3 The minimum depth of cover for any casket must be not less than 800mm.
- 8.4 A maximum of two deceased persons may be buried in any one plot.
- 8.5 A grave may be reopened for subsequent burial(s) where consent is given by the Council and:
- a) by the owner of the exclusive right of burial, or their representative; and
  - b) the relevant prescribed form is provided to the Council.

## **9.0 Ashes**

- 9.1 A maximum of eight urns containing ashes that may be buried in any burial plot, or a maximum of two urns may be buried in an ashes plot.

9.2 Ashes may not be scattered in any cemetery.

## **10.0 Disinterments**

10.1 The disinterment of a body, or remains of a body, must be conducted in accordance with sections 51 and 55 of the Burial and Cremation Act 1964.

10.2 If a grave has become empty due to disinterment, and there is no exclusive right of burial, that plot will revert back to the Council and the Council will not make any refund of the cost of that burial plot.

## **11.0 Memorials and adornments**

11.1 Prior to the installation of any memorial, an application for a memorial must be submitted to the Council, together with:

- a) proof of an exclusive right of burial for the respective plot; and
- b) payment of the relevant fee set by the Council.

11.2 Memorials must:

- a) cover no more than two plots, provided the respective exclusive burial rights are owned by the same owner;
- b) limit inscriptions to the front of the memorials for double beam areas;
- c) be set in a way approved by Council.

11.3 Memorials and the associated plots must be kept in good order and repair by the holder of the exclusive right of burial, or their successor.

11.4 Only a Monumental Mason who complies with the Council's Health and Safety requirements, and preferably a member of the New Zealand Master Monumental Masons Association may undertake work associated with any monument.

11.5 Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, the Council may remove any installation of any kind that falls into a state of decay or disrepair.

11.6 No above-ground memorials, including railing or fencing, must be placed in grounds designated as lawn cemeteries.

11.7 Removal of any memorial must be approved by the Council using the relevant prescribed forms and accompanied by proof of exclusive right of burial for that plot.

11.8 The Council may remove any unauthorised memorials from the Cemetery.

- 11.9 Adornments, including wreaths and floral tributes, may be placed on a plot for up to twenty-eight days following an interment. After this time, all adornments will be relocated to the concrete beam. Any adornments added after this time must be duly placed in approved receptacles, or on the concrete beam.
- 11.10 Adornments must not inhibit the proper maintenance of the Cemetery or other graves.
- 11.11 Breakable jars, vases or receptacles must not be used as flower containers.
- 11.12 The Council may remove unapproved receptacles, ornaments or memorabilia from graves at any time to facilitate the maintenance of those graves.
- 11.13 In areas set aside as a lawn cemetery, a plaque must be placed centrally on the beam opposite the associated plot.
- 11.14 All foundations for kerbs, tombstones, headstones, monuments, vaults and any other above-ground structure, must be constructed to the satisfaction of the Council and in compliance with the New Zealand Headstones and Cemetery Monuments NZS 4242:1995 or its subsequent amendments or replacement, subject to the following restrictions:
- a) No memorial stone, fence or enclosure must exceed 1200mm in height.
  - b) In any areas that are designated as Services Cemeteries – all monuments and headstones must be constructed in accordance with the requirements of Veterans' Affairs New Zealand.
- 11.15 Any headstone or other monument, which in the opinion of the Council is offensive, may be removed at the direction of the Council.
- 11.16 No Monumental Mason or other person must remove any kerb, headstone, monument or tablet from any Cemetery without permission from the Council.
- 11.17 Any authorised person erecting or repairing any headstone or monument must remove all excess materials, tools and equipment from the cemetery on completion of the works and leave the site in a tidy state.

## 12.0 Ground maintenance

- 12.1 The holder of an exclusive right of burial or must ensure that:
- a) memorial placed on the respective are maintained and secure;
  - b) memorials do not inhibit regular maintenance of the Cemetery.
  - c) kerbs and enclosures are kept in good order.
- 12.2 No person must plant any tree, shrub, plant or other vegetation in the Cemetery.



- 12.3 The Council may cut or remove any vegetation planted in the Cemetery at its discretion.
- 12.4 Any person installing or attending any work in a cemetery must withdraw for the duration of a nearby funeral service, or at the direction of the Council.
- 12.5 Any person using a footpath or roadway in the Cemetery for the purpose of mixing cement or mortar must do so on a proper mixing board or in a manner approved by the Council.

### **13.0 Records**

- 13.1 The Council will keep plans showing areas available for burial and burial plots available for purchase. These plans may be inspected at the Council's offices during office hours or on the Council's website.

### **14.0 Poor persons**

- 14.1 Where application is made to the Council for the interment or of any deceased poor person, the applicant shall, on making such application, provide to the Council a duly signed certificate certifying that such deceased person has not left sufficient means to pay the ordinary charge of interment or cremation fixed by this part of the bylaw, that the cost of burial is not covered by any Accident Compensation entitlement and that his/her relatives and friends are unable to pay the same.

### **15.0 Vehicles in Cemeteries**

- 15.1 Vehicles must use designated roadways and car parks within a Cemetery.
- 15.2 Vehicles may only access cemeteries from:
- a) 7.00 am to 8.30pm during the months of October to the end of March;
  - b) 8.00am to 5.00pm during the months of April to the end of September;
- 15.3 The speed limit in all cemeteries is 20km/hr unless notified otherwise.

### **16.0 Dogs and Horses**

- 16.1 No person must take horses or dogs into a Cemetery.

### **17.0 Nuisance**

- 17.1 No person shall, in or near any part of a Cemetery, prevent, interrupt or delay a burial.
- 17.2 No person shall, in or near any part of a Cemetery, cause a nuisance or annoyance to persons who are lawfully in Cemetery, or who are approaching a Cemetery for a lawful purpose.

### **18.0 Advertising**

18.1 No person shall within any Cemetery advertise or solicit any order or custom from any person for any work in connection with a Cemetery or for the sale preparation, or supply of any article, material, or thing to be set up, affixed, placed or used in a Cemetery.

18.2 No person shall without the consent of a funeral director, or a special permit in writing for the occasion from the Council, take any photographs or moving images at a funeral.

### **19.0 Safety**

19.1 All persons, whether Council employees or staff of funeral directors, shall take all necessary steps to ensure that any Cemetery is a safe site at all times, and particularly during any funeral or burial.

19.2 All necessary warning signs, protective barriers and other protective means shall be put in place prior to the commencement of any funeral or burial.

19.3 No person, other than the Council or Sexton, or their duly authorised representatives, shall fill in any grave.

### **20.0 Fees and Charges**

20.1 The Council may prescribe fees and charges for burials and disinterments, the purchase of exclusive rights of burial, headstone erections and other services. These fees will be included in the Council's Fees and Charges Schedule. A copy of fees and charges will be available from the Council's website, office or any customer service centre.

20.2 No burial warrant will be issued until all fees have been paid or satisfactory arrangements have been made for the payment of fees.

### **21.0 Offences**

21.1 Any person commits an offence against this bylaw who does or omits or causes to be done or omitted any act contrary to the provisions of this bylaw

### **22.0 Penalties**

22.1 Any person who commits an offence against this bylaw is liable to a fine not exceeding \$20,000.00

### **23.0 General**

23.1 Any resolution of the Council may be amended, rescinded or reinstated by a further resolution of the Council.

This bylaw was made pursuant to a resolution passed by the Waikato District Council on **Add Date**.

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

\_\_\_\_\_  
Mayor

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



## Franklin District Council Cemeteries Bylaw 2008

### 1. Title and Commencement

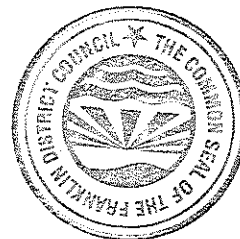
- (1) This Bylaw may be cited as the Franklin District Council Cemeteries Bylaw 2008 and shall come into force on 1 June 2008.
- (2) This Bylaw applies to the Franklin District.
- (3) This Bylaw repeals that part of the Franklin District Council General Bylaw 1997 comprising the New Zealand Standard Model General Bylaw NZS 9201:14:1972 Cemeteries and Crematoria (as amended).

### 2. Cemeteries Bylaw Validation

- (1) The Franklin District Council Cemeteries Bylaw 2008 was duly made at a meeting of the Franklin District Council held on 22 May 2008 after completion of the special consultative procedure under section 86 of the Local Government Act 2002.
- (2) The Common Seal of the Franklin District Council was affixed hereto, pursuant to a resolution of Council, on 22 May 2008 in the presence of:

.....  
Mark Ball  
**Mayor**

.....  
Ian Alexander  
**Acting Chief Executive**



.....  
22. 05. 08

**Date**

### 3. Scope

- (1) The purpose of this Bylaw is to enable the Council to control and set standards for the operation of cemeteries within the Franklin District under the Council's ownership or control.
- (2) This Bylaw is made pursuant to section 146 of the Local Government Act 2002 and the Burial and Cremation Act 1964.
- (3) Nothing in this Bylaw shall derogate from any provision of or the necessity for compliance with the:
  - (a) Burial and Cremation Act 1964;
  - (b) Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967;
  - (c) Cremation Regulations 1973; and
  - (d) Health (Burial) Regulations 1946.

### 4. Definitions and Interpretation

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

**Cemetery** means any cemetery vested in or under the control of the Council and dedicated as a cemetery.

**Council** means the Franklin District Council and includes employees and contractors of the Council.

**District** means the Franklin District.

**Manager** means any person appointed by the Council to control or manage or to assist in the control and management of any cemetery and crematorium under the jurisdiction of the Council and to carry out burials and cremations as provided in this Bylaw.

**Sexton** means any person appointed by the Council to manage the day to day activities of any cemetery and crematorium under its jurisdiction. Such activities include arranging for the provision of plots for burials.

### 5. Burials and Sale of Plots

- (1) No burial shall be made in any cemetery except as provided for in this Bylaw.
- (2) Burial plots sold by the Council shall be sold upon the terms and conditions as decided by the Council and the exclusive right of burial may be granted for sixty (60) years.
- (3) No burial shall be made in any cemetery without a burial warrant for that purpose obtained by the person having the management or control of the burial from the Council and presented to the Sexton as authority for burial.
- (4) Unless the exclusive right of burial has been purchased, burials shall take place in such plots as the Manager shall determine and no headstone or memorial shall be erected on the plot.
- (5) The holder of an exclusive right of burial must give written consent to any burial using that plot. Where doubt of ownership of a plot exists, the Council will satisfy itself as far as practicable of the ownership of the plot.

- (6) The holder of an exclusive right of burial in any plot in which no burial has taken place may, with the consent of the Council, transfer his or her interest in such ground to any other person upon payment of any fee set by the Council. However, the Council may at its discretion require the holder to surrender that right back to the Council upon reimbursement of the current fee for the purchase of an exclusive right of burial.
- (7) Upon application and payment of the appropriate fees, the receptacle containing the ashes of any deceased person may be buried in the appropriate portion of the cemetery set aside for that purpose or in any plot subject to an exclusive right of burial.
- (8) No person other than the Sexton or assistants of the Sexton or any other person duly authorised by the Council shall dig any grave in, or open the ground for burial in, any part of the cemetery. The minimum depth of cover for any casket shall be no less than one metre.
- (9) No person other than the Sexton or assistants of the Sexton or any other person duly authorised by the Sexton shall fill in a grave.

#### **6. Fees**

- (1) Fees for all services provided for the operation and maintenance of cemeteries are set in the Fees and Charges section of the Franklin District Council Long Term Council Community Plan and are reviewed annually as part of the Annual Plan process.
- (2) All prescribed fees must either be paid prior to burial or a personal representative or relative of the deceased must sign an Agreement accepting liability of the payment to the Council of the prescribed fees incurred within a period of 12 months. However, in the case of fees payable by a funeral director, the Council may alternatively charge the funeral director on the basis of a monthly account.
- (3) "Out of District" fees may be payable in the case of a burial of a deceased person not residing in or not a ratepayer of the district for a predetermined time. The time frame for such a requirement shall be determined by the Council. This fee may also apply to the burial of a stillborn child if the parents were not residents or ratepayers of the district. For the purposes of this bylaw, a person in a hospital or institution in the district shall be deemed as resident in the district if they have been a resident of the hospital or institution longer than 3 months. The Manager appointed by the Council shall determine in each case whether an "Out of District" fee is applicable.

#### **7. Hours of Operation**

Funerals may be held on such days and at such times as the Council shall determine.

#### **8. Monuments, Memorials, Headstones, Structures etc.**

- (1) All above ground grave structures, enclosures, memorial headstones and other monuments shall be installed to NZS 4242 (including any amendments or alterations or substitutions to the Standard) and kept in good order or repair to the satisfaction of the Council by the purchasers of the plots or their representatives. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, the Council may remove any installations of any kind that shall fall into a state of decay or disrepair. A photographic record of the memorial shall be taken prior to removal and retained in cemetery records.
- (2) A permit must be obtained from the Council before any monumental mason or other person commences any work on any plot in any cemetery. Any monuments or memorials must comply with the requirements of the Council.

- (3) No vaults, kerbing or fencing are permitted in any cemetery.
- (4) No person shall, without the written permission of the Council, remove from any cemetery or grave any headstone, monument or plaque.
- (5) No monumental mason or other person erecting, maintaining or repairing any headstone, monument or memorial shall make use of any footpath or other part of the cemetery for placing or depositing thereon any tools or materials in connection with the work for a longer time than is reasonably necessary for the purpose of completing such work.
- (6) Any person undertaking authorised works associated with any plot must adequately protect the surrounding plots, monuments and cemetery infrastructure.
- (7) The Council may remove any unauthorised physical works or structures associated with plots.

#### **9. Floral and Other Tributes**

- (1) No person shall, without the authority of the Council, remove or take from any grave in any cemetery, any vase, wreath, plant, flower or other object, except that the Sexton may cause to be removed any dead flowers or foliage, or any other items or materials placed on or around a burial site.
- (2) No glass jars, tins or breakable vases may be used as flower containers at any time.
- (3) Wreaths and floral tributes may be placed on a plot for up to one calendar month following the date of interment.
- (4) After one calendar month from the date of interment, a receptacle shall be used for the placing of flowers and foliage. All receptacles shall be housed in insets into the base on which the memorial is placed in such a manner as approved by the Council.
- (5) Any objects removed by the Council or the Sexton will be held awaiting disposal instructions from the deceased's next of kin for one month, after which period such objects may be disposed of by the Council.

#### **10. Trees, Shrubs and Plants**

- (1) No tree, shrub or plant shall be planted in any part of any cemetery without the consent of the Council being first obtained.
- (2) Any trees, shrubs or plants in any portion of any cemetery may at any time be trimmed, maintained or removed by the Council.

#### **11. Vehicles**

- (1) No person shall take any vehicle into, or allow any vehicle to remain within, any cemetery outside of sign-posted hours except with the permission of the Council.
- (2) Except with the permission of the Council or the Sexton, no person shall drive or park a vehicle in any cemetery except in areas set aside for the driving or parking of vehicles.
- (3) No vehicle shall be driven at a greater speed than indicated on any road within the cemetery, and in any other direction other than indicated by traffic notices.

- (4) Every person driving or in charge of any vehicle in any cemetery shall stop or move such vehicle as directed by the Sexton or assistants of the Sexton.
- (5) All vehicles (other than hearses) shall yield unconditional right of way to any funeral procession.

## **12. Conduct and Activities within Cemeteries**

- (1) No person shall, in or near any part of a cemetery, prevent, interrupt or delay the burial of any deceased person.
- (2) No person shall, in or near any part of a cemetery, cause a nuisance, annoyance or offence to people lawfully within a cemetery.
- (3) No person shall damage, deface or interfere with any burial place, headstone, monument or memorial or any building or property within any building in a cemetery. The Council accepts no responsibility for the effects of vandalism or intentional damage on any headstone, monument or memorial.
- (4) Any person installing or maintaining a memorial in a cemetery shall withdraw for the duration of any funeral service.
- (5) No person shall, without the permission of the Council, hold in any cemetery any memorial, monument unveiling or other service or ceremony of any kind.
- (6) No person shall, in any cemetery, advertise or solicit any order from any other person for any work whatsoever to be done in or in connection with any cemetery, or for the sale, preparation or supply of any article, material or item to be set up, affixed or used in any cemetery.
- (7) Except at the specific request of the purchaser of a plot or their representatives or assigns, no person shall, in any cemetery accept or take any such order mentioned in subclause (6) above.
- (8) No person shall, without the consent of the family and funeral director, take any photographs or moving images at a funeral.
- (9) Except with the permission of the Council, no person shall be permitted to bring any stock into any cemetery for any purpose.

## **13. Deceased Servicemen**

- (1) The fee payable to the Council for the disinterment of any deceased servicemen and the reinterment in the services cemetery (*previously "war graves section"*) of the cemetery, if application is made by Veterans Affairs New Zealand, shall be as agreed upon between the parties at the time.
- (2) Interment of ex-service personnel who have had war service, or service that is defined as equivalent to war service, as gazetted by the Minister of Veterans Affairs, and their spouses/partners may be buried in a Services Cemetery. The standard ex-service memorial available from Veterans Affairs New Zealand is the only type of memorial that is permitted, and no additional memorial is to be permitted.



**14. Disinterment**

Where a request for a disinterment and/or a reinterment is received by the Council or other cemetery owner, the disinterment shall be conducted pursuant to sections 51 and 55 of the Burial and Cremation Act 1964 and subject to the payment of such fees as the Council decides.

**15. Offences and Penalties**

Any person who fails to comply with the requirements of this Bylaw commits an offence and shall be liable on summary conviction to the penalty set out in section 242(4) of the Local Government Act 2002, being a fine not exceeding \$20,000.

**WAIKATO DISTRICT COUNCIL**  
**CEMETERIES AND CREMATORIA BYLAW 2008**

In exercise of the powers and authorities conferred on it under Part 8 of the Local Government Act 2002 and all other authorities enabling it in that behalf, the Waikato District Council made the following bylaw pursuant to a resolution passed on 25 March 2008.

**A. TITLE**

The bylaw shall be known as the **“Waikato District Council Cemeteries and Crematoria Bylaw 2008”** and shall consist of the “New Zealand Standard Model General Bylaw 9201:Part 14:1999 – Cemeteries and Crematoria” attached hereto, subject to the modifications set out in the First Schedule annexed to the bylaw.

**B. COMMENCEMENT**

The bylaw shall come into effect on 1 April 2008.

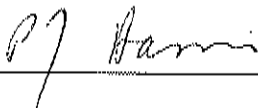
**C. APPLICATION**


The bylaw shall apply to the Waikato District *(with the exception of the Newstead Cemetery which is controlled and administered by the Hamilton City Council)*.

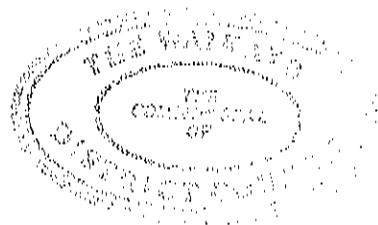
**C. REVOCATION OF PREVIOUS BYLAW**

The “Waikato District Council (General) Bylaw No. 1 (1990), Chapter 14:1972 – Cemeteries and Crematoria” is revoked from the date the new bylaw comes into effect.

The Common Seal of the Waikato )  
 District Council was hereto affixed )  
 In the presence of: )

  
 \_\_\_\_\_  
 Mayor

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



**FIRST SCHEDULE**

**Modifications to New Zealand Standard Model General Bylaw 9201:Part 14:1999 to form part of the Waikato District Council Cemeteries and Crematoria Bylaw 2008.**

**Page 2**      **New Zealand Legislation**

Replace "Local Government Act 1974" with "Local Government Act 2002".

**Page 3**      **Foreword**

First paragraph:    Replace "Local Government Act 1974" with "Local Government Act 2002".

Last paragraph:    Delete the last paragraph.

**Page 5**      **1400 Scope**

Second paragraph: Replace with the following paragraph:

This bylaw is made pursuant to Part 8 of the Local Government Act 2002 and the Burials and Cremations Act 1964.

**1401 Definitions and Interpretation**

1401.1:            Add the following definitions:

AUTHORISED OFFICER means any person appointed or authorized by the Council to act on its behalf and with its authority.

COUNCIL means Waikato District Council or any officer authorized to exercise the authority of the Council.

DISTRICT means the district within the jurisdiction and under the control of the Council.

**Page 10**      **Add new clause 1415:**

**1415 OFFENCES AND BREACHES**

Any person commits a breach of this bylaw who:

1415.1 Does or omits, or causes to be done or omitted any act, matter, or thing, or who causes or knowingly permits or suffers any condition or thing to exist contrary to any provision contained in this bylaw shall be deemed to have committed a breach of such and shall be liable accordingly; or

1415.2 Does anything o causes any condition to exist for which a permit or approval from the Council is require under this bylaw without first obtaining that permit or approval; or

1415.3 Fails to comply with any notice or direction given under this bylaw.

1416 **PENALTIES**

1416.1 Every person who commits a breach of any of the provisions of this bylaw shall be liable to a penalty not exceeding Twenty Thousand Dollars (\$20,000.00).



New Zealand Standard

# Model General Bylaws

## Part 14 – Cemeteries and Crematoria

Superseding NZS 9201:Chapter 14:1972

NZS 9201:Part 14:1999

**COMMITTEE REPRESENTATION**

This Standard was prepared under the supervision of the Model General Bylaws Committee (P 9204) for the New Zealand Standards Council established under the Standards Act 1988.

The Committee consisted of representatives of the following:

- Auckland City Council
- Department of Internal Affairs
- Local Government New Zealand
- Manukau City Council
- Porirua City Council
- Southland District Council
- Timaru District Council

**ACKNOWLEDGEMENT**

The assistance of the Funeral Directors Association of New Zealand and the New Zealand Master Monumental Masonry Association in the preparation of the draft is gratefully acknowledged.

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AMENDMENTS			
No	Date of issue	Description	Entered by, and date

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N.Z.S 4242:1995 Headstones and cemetery monuments

## NEW ZEALAND LEGISLATION

Burial and Cremation Act 1964

Burial and Cremation (Removal of Monuments and Tablets)

Regulations 1967

Cremation Regulations 1973

Health (Burial) Regulations 1946

Local Government Act 1974

## FOREWORD

The N.Z.S 9201 series are model bylaws covering various matters under local authority jurisdiction. Local authorities are empowered under the Local Government Act 1974 to make bylaws.

This Standard supersedes N.Z.S 9201:Chapter 14:1972 *Cemeteries and crematoria*. The revision has been simplified by bringing under one section the various provisions for vaults, plaque lawn cemetery and memorial park cemetery.

The Committee was assisted in the drafting of this part of the model general bylaws by the Funeral Directors Association of New Zealand and the New Zealand Master Monumental Masons' Association.

Reference should be made to N.Z.S 9201:Part 1 *Introductory* for any other definitions not included in this Part.

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## NEW ZEALAND STANDARD

### MODEL GENERAL BYLAWS

#### Part 14

### CEMETERIES AND CREMATORIA

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#### 1400 SCOPE

The purpose of this Part of the bylaw is to enable Council to control and set standards for the operation of cemeteries and crematoria within the boundaries covered by Council's responsibility or ownership.

This bylaw is made pursuant to section 684 of the Local Government Act 1974 and the Burials and Cremations Act 1964.

#### 1401 DEFINITIONS AND INTERPRETATION

##### 1401.1

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

**CEMETERY** means any cemetery vested in or under the control of the Council from time to time but excludes any closed cemetery.

**CREMATORIUM and CREMATORIA** means any crematorium maintained by the Council.

**MANAGER** means any person appointed by the Council to control or manage or to assist in the control and management of any cemetery and crematorium under the jurisdiction of the Council and to carry out burials and cremations as provided in this Part of the bylaw.

**SEXTON** means any person appointed by the Council to manage the day to day activities of any cemetery and crematorium under its jurisdiction. Such activities to include arranging for the provision of plots for burials.

##### 1401.2

Nothing in this Part of the bylaw shall derogate from any provision of, or the necessity for, compliance with the:

- (a) Burial and Cremation Act 1964;



(b) Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967;

(c) Cremation Regulations 1973;

(d) Health (Burial) Regulations 1946.

## 1402 BURIALS AND SALE OF PLOTS

### 1402.1

Burial plots sold by the Council shall be sold upon the terms and conditions as decided by the Council and the exclusive right of burial may be granted for such limited period as the Council decides.

### 1402.2

No burial shall be made in any cemetery without a burial warrant for that purpose obtained by the person having the management or control of the burial from the Council and presented to the Sexton as authority for burial.

### 1402.3

Burials shall take place in such plots as the Manager shall determine and no headstone, full grave cover or surround shall be erected on the plot unless the exclusive right of burial has been purchased.

### 1402.4

No person other than the Sexton or assistants of the Sexton or any other person duly authorized by the Council shall dig any grave in, or open the ground for burial in, any part of the cemetery. The minimum depth of cover for any casket shall be no less than one metre.

### 1402.5

Upon application and payment of the appropriate fees, the urn containing the ashes of any deceased person may be buried in the appropriate portion of the cemetery set aside for that purpose or in any plot subject to an exclusive right of burial.

## 1403 FEES

### 1403.1

The Council may by resolution, publicly notified, set fees for all services provided for the operation and maintenance of cemeteries and crematoria.

### 1403.2

"Out of District" fees may be payable in the case of a burial of a deceased person not residing in or not a ratepayer of the district for a predetermined time. The time frame for such a requirement shall be determined by the Council. This fee may also apply to the burial of a stillborn child if the parents were not residents or ratepayers of the district. For the purposes of this bylaw, a person in a hospital or institution in the district shall be deemed as resident in the district if they have been a resident of the hospital or institution longer than 3 months. The Manager appointed by the Council shall determine in each case whether an "out of districts" fee is applicable.

## 1404 HOURS OF OPERATION

Funerals may be held on such days and at such times as the Council shall determine.

## 1405 ERECTION AND MAINTENANCE OF MONUMENTS, HEADSTONES, STRUCTURES ETC.

### 1405.1

All above ground grave structures, enclosures, memorial headstones and other monuments shall be installed to NZS 4242 and kept in good order or repair by the purchasers of the plots or their representatives. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, the Council may remove any installations of any kind that shall fall into a state of decay or disrepair. A photographic record of the memorial shall be taken prior to removal and retained in cemetery records.

### 1405.2

Plans and specifications for the construction of above ground vaults in cemeteries must be submitted to the Council for approval prior to any work commencing. Construction of the vault shall be to standards acceptable to the Council.

### 1405.3

The Council may carry out regular audits of memorial headstones and other monuments to ensure their safety.

### 1405.4

No person shall, without the written permission of the Council, remove from any cemetery or grave any headstone, monument or plaque.

**1405.5**

No monuments other than approved headstones shall be erected within the precincts of a memorial park cemetery. Any memorial must comply with the requirements of the Council.

**1405.6**

All vases and containers for flowers in memorial park cemeteries shall be placed in such a manner as approved by the Council.

**1405.7**

No person shall construct any structure or plaque in a plaque lawn cemetery in such a manner that any part thereof shall project above the ground immediately adjoining it.

**1405.8**

Any memorial plaque in a plaque lawn cemetery must consist of permanent material, be of an approved size and set in an approved position with all inscriptions relating to the persons buried in each plot to be on the one plaque.

**1405.9**

No person shall, without the authority of the Sexton, remove or take from any grave in any cemetery, any vase, wreath, plant, flower or other object, except that the Council may cause to be removed any neglected or broken material of this nature.

**1406 SHRUBS AND TREES**

No tree or shrub shall be planted in any part of any cemetery by any person without the consent of the Council being first obtained.

**1407 VEHICLES****1407.1**

Every person driving or in charge of any vehicle in any cemetery shall stop or move such vehicle as directed by the Sexton or assistants of the Sexton.

**1407.2**

No vehicle shall be driven at a greater speed than indicated on any road within the cemetery, and in any other direction other than indicated by traffic notices.

**1407.3**

All vehicles (other than hearses) shall yield unconditional right of way to any funeral procession.

**1407.4**

Any person installing or attending a memorial in a cemetery shall withdraw for the duration of an adjoining funeral service.

**1408 SOLICITING OF ORDERS****1408.1**

No person shall, in any cemetery, advertise or solicit any order from any other person for any work whatsoever to be done in or in connection with any cemetery, or for the sale, preparation or supply of any article, material or item to be set up, affixed or used in any cemetery.

**1408.2**

Except at the specific request of the purchaser of a plot or their representatives or assigns, no person shall, in any cemetery accept or take any such order of custom as aforesaid.

**1408.3**

No person shall without the consent of the funeral director, or a special permit in writing for the occasion from the Council, take any photographs or moving images at a funeral.

**1409 BURIAL OR CREMATION OF POOR PERSONS**

Where application is made to the Council for the interment or cremation of any deceased poor person, the applicant shall, on making such application, provide to the Council a duly signed certificate certifying that such deceased person has not left sufficient means to pay the ordinary charge of interment or cremation fixed by this Part of the bylaw, that the cost of burial is not covered by any Accident Compensation entitlement and that his/her relatives and friends are unable to pay the same.

**1410 DECEASED SERVICEMEN**

The fee payable to the Council for the disinterment of any deceased servicemen and the reinterment in the war graves section of the cemetery, if application is made by the War Graves Branch of the Department of Internal Affairs, shall be as agreed upon between the parties at the time.

**1411 DISINTERMENT**

Where a request for a disinterment and/or a reinterment is received by the Council or other cemetery owner, the disinterment shall be conducted pursuant to sections 51 and 55 of the Burial and Cremation Act 1964 and subject to the payment of such fees as the Council decides.

**1412 CREMATION****1412.1**

An approved urn containing the ashes of the deceased person may be left in the crematorium for 14 days from the date of the cremation free of charge. At the expiry of this period such fees as the Council may set shall be paid. The Council will not hold ashes beyond 3 months from the date of such cremation, and at the expiry of that period may dispose of the ashes in accordance with regulations made under the Burial and Cremation Act 1964.

**1412.2**

The casket containing any deceased person intended for cremation shall be made of an approved combustible material.

**1412.3**

No casket shall be opened after admission to the crematorium without the consent of the Sexton.

**1412.4**

The Council shall determine the hours of operation of its crematorium.

**1412.5**

Every application for cremation together with all the necessary documentation shall be deposited with the Manager prior to cremation.

**1413 SAFETY**

No person other than the Sexton or assistants of the Sexton or any other person duly authorized by the Sexton shall fill in a grave.

**1414 MONUMENTAL WORK IN CEMETERIES**

The installation of memorial headstones, grave surrounds or overtop construction or repairs and installation of concrete ground beams or bases shall be carried out to the satisfaction of the Council.

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Approved by the Standards Council on 8 September 1999 to be a New Zealand Standard pursuant to the provisions of section 50 of the Standards Act 1988.

First published: 17 September 1999

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### **Open Meeting**

<b>To</b>	Policy & Regulatory Committee
<b>From</b>	G J Ion Chief Executive
<b>Date</b>	23 February 2015
<b>Prepared By</b>	DM Lee Executive Assistant
<b>Chief Executive Approved</b>	Y
<b>DWS Document Set #</b>	1468209
<b>Report Title</b>	<b>Attendance at the Emergency Management Conference 2016</b>

#### **1. Executive Summary**

To obtain approval for Councillor Jacqui Church to attend the forthcoming Emergency Management Conference 2016 and workshop to be held in Wellington from 1-3 June 2016.

#### **2. Recommendation**

**THAT the report of the Chief Executive – Attendance at the Emergency Management Conference 2016 - be received;**

**AND THAT Councillor Jacqui Church be approved to attend the Emergency Management Conference from 1-3 June 2016.**

#### **3. Background**

The Emergency Management Conference for 2016 will be held in Wellington from 1-3 June 2016. It has been the practice for Council to send a delegate each year.

#### **4. Discussion and Analysis of Options**

##### **4.1 Discussion**

The conference will be discussing the following key issues:

- The changing environment and future of emergency management
- Emerging hazards and risks
- Global and domestic trends
- Disaster reduction and resilience
- Innovations in response and recovery capability
- Communications, public education and community resilience

## 4.2 Options

Council is being asked to support the recommendation for Councillor Jacqui Church to attend the Emergency Management Conference.

## 5. Considerations

### 5.1 Financial

Provision is made for this cost as part of the Councillors' Training Budget.

### 5.2 Legal

Nil.

### 5.3 Strategy, Plans, Policy & Partnership Alignment

Matters discussed at the Conference may impact on Tangata Whenua, depending on the issue.

### 5.4 Assessment of Significance

Nil.

## 6. Consultation

The following stakeholders will be consulted:

Planned	In Progress	Complete	
	✓		Internal

## 7. Conclusion

Council is being asked to confirm the attendance of Councillor Jacqui Church at the Emergency Management Conference in Wellington in June 2016.

## 8. Attachments

Programme for conference attached

# 'The Future of Emergency Management'

National Emergency Management Conference | 1-2 June 2016 | Te Papa, Wellington

Hosted by MCDEM | in conjunction with the 9<sup>th</sup> Australasian Natural Hazards Management Conference

TUES 31ST MAY <i>Side Workshops</i>		WEDS 1ST JUNE <i>Conference Day 1</i>		THURS 2ND JUNE <i>Conference Day 2</i>		FRI 3RD JUNE <i>Side Workshops</i>	
0900-1200	<b>WORKSHOP 1.1</b> Capability development (50) Host: MCDEM	0900-0910	MIHI WHAKATAU	0830-0910	<b>PLENARY 3</b> <i>[comms, marketing, advertising, brand]</i>	0900-1200	<b>WORKSHOP 3.1</b> National Disaster Resilience Strategy (50) Host: MCDEM
	<b>WORKSHOP 1.2</b> Enhancing community resilience: methodologies for engaging and empowering local leaders (40) Host: WREMO	0910-0930	<b>OPENING ADDRESS</b> Hon Nikki Kaye   Minister of Civil Defence Sarah Stuart-Black   Director, MCDEM	0910-0950	<b>PLENARY 4</b> <i>[behavioural science and what it means for engaging communities and individuals]</i>		<b>WORKSHOP 3.2</b> Emerging infectious diseases and pandemics: cross-sectoral issues and challenges (30) Host: Ministry of Health
	<b>WORKSHOP 1.3</b> Embedding business continuity in local government (50) Host: Wellington City Council	0940-1030	<b>PLENARY 1</b> <i>'A Resilient Future'</i>	0950-1030	<b>PLENARY 5</b> <i>[innovative community engagement initiatives]</i>		<b>WORKSHOP 3.3</b> Risk communication and disaster risk management (50) Host: JCDR
	<b>WORKSHOP 1.4</b> Improving the links between science and disaster risk management (40) Host: GNS/EQC	1030-1100	<i>Morning tea</i>	1030-1100	<i>Morning tea</i>		<b>WORKSHOP 3.4</b> EMIS Master Class (20) Host: MCDEM
	1100-1230	<b>CONCURRENT SESSIONS*</b>	1100-1230	<b>CONCURRENT SESSIONS*</b>			
		<i>Theme 1: Our changing hazards and risks</i> Coord: GNS	<i>Theme 2: Global and domestic trends</i> Coord: MCDEM		<i>Theme 5: The changing face of communications</i> Coord: MCDEM	<i>Theme 6: TBC community-focussed theme</i> Coord: JCDR	
	1230-1330	<i>Lunch</i>	1230-1330	<i>Lunch</i>			
1300-1600	<b>WORKSHOP 2.1</b> Impacts and consequences of tsunamis: planning for Exercise Tangaroa (50) Host: MCDEM	1330-1430	<b>PLENARY 2</b> <i>'A Tale of 3 Cities'</i> 3 x Mayors/CEs talk about their city/district's shocks and stresses, their vision for the future and what they're doing about it	1330-1430	<b>PLENARY 6</b> <i>'International approaches to emergency management'</i>	1300-1600	<b>WORKSHOP 4.1</b> Moving from 'she'll be right' to 'we're ready': redeveloping public educ'n (40) Host: MCDEM
	<b>WORKSHOP 2.2</b> Tools, resources and ideas for making organisations more resilient (40) Host: Resilient Organisations	1430-1500	<i>Afternoon tea</i>	1430-1500	<i>Afternoon tea</i>		<b>WORKSHOP 4.2</b> Innovative approaches to risk assessment (50) Host: MCDEM
	<b>WORKSHOP 2.3</b> Local Government Risk Agency: risk and resilience decision making in local govt (30) Host: LGNZ/EQC	1500-1630	<b>CONCURRENT SESSIONS*</b>	1500-1615	<b>'THE GREAT DEBATE'</b>		<b>WORKSHOP 4.3</b> The future of hazard monitoring and forecasting (40) Host: GNS/EQC
	<b>WORKSHOP 2.4</b> Safe, happy, engaged, and resilient communities: how local govt can reduce vulnerability and be response ready (40) Host: Wellington City Council		<i>Theme 3: Disaster risk reduction and resilience</i> Coord: MCDEM	<i>Theme 4: Innovations in response and recovery capability and capacity</i> Coord: JCDR		<i>Formal debate (3 teams x 2 speakers): 'The future of emergency management in New Zealand'</i>	<b>WORKSHOP 4.4</b> TBA
<b>+ CEG Chairs Meeting – Closed Session</b> (MCDEM)	1800-2000	<b>MINISTERIAL AWARDS &amp; CONFERENCE DINNER</b>	1800-2000	<b>SOCIAL EVENT</b>		<b>+ Welfare Services Forum – Close Session</b> (MCDEM)	

\* Concurrent sessions are 6 speakers of 10 minutes each, followed by Q&A panel

### Open Meeting

<b>To</b>	Policy and Regulatory Committee
<b>From</b>	Tony Whittaker General Manager, Strategy and Support
<b>Date</b>	19 January 2016
<b>Prepared by</b>	M Tukere Pouhono iwi ki te haapori
<b>Chief Executive Approved</b>	Y
<b>DWS Document Set #</b>	1460268
<b>Report Title</b>	<b>DRAFT POLICY: TE REO MAAORI</b>

## 1 Executive Summary

This policy recognises that the Maaori population in the Waikato region (83,742) ranks second in size out of the 16 regions in New Zealand and that te reo Maaori is an official language of New Zealand, guaranteed to Maaori under te Tiriti o Waitangi. It is a proactive response to the Councils goal of being the most engaged council in New Zealand by 2020.

The objective of the policy is to provide guidance to Council in the promotion of te reo Maaori and recognition of its value in the Waikato district and to encourage the use of te reo Maaori as a way of reflecting and engaging the wider community. The policy contains four strategic goals which will be achieved progressively. The policy proposes that implementation plans will be in place for each goal by 2020, to coincide with Councils engagement goal.

## 2 Recommendation

**THAT the report of the General Manager Strategy and Support – Draft Policy: Te Reo Maaori – be received;**

**AND THAT the policy be submitted to Council for consideration of approval.**



### 3 Background

In 2014, Waikato District Council adopted a Bi-Lingual signage policy and this policy is being progressively implemented as signage is replaced and updated. The Bi-lingual signage policy was a “quick win” which, while providing some acknowledgement of te reo Maaori, was seen as a starting point.

Council has adopted a challenge to be the most engaged Council by 2020, and in order to achieve this, it is considered important to have policies which give effect to the recognition of te reo Maaori as a taaonga, guaranteed to Maaori under Te Tiriti o Waikato. Further this acknowledges the 31% of the people who affiliate to Waikato iwi who can hold a conversation in te reo Maaori.

Council has three formal agreements<sup>1</sup> in place with iwi/hapu, all of which include statements about recognising and acknowledging taaonga. Waikato-Tainui, Maniapoto and Nga Uri o Maahanga have a shared aspiration to revitalise and strengthen te reo Maaori. The adoption of this policy will clearly demonstrate Councils ongoing commitment to supporting iwi aspirations.

## 4 Discussion and Analysis of Policy

### 4.1 Discussion

The policy contains four strategic goals which will be implemented over time. The strategic goals are:

***Te Reo Maaori Strategic Goal 1:***

Whakamanahia te reo: To raise the status of te reo Maaori in Council’s work.

***Te Reo Maaori Strategic Goal 2:***

Whakanui ake nga kaikorero Maaori: To raise the number of te reo Maaori speakers within Council.

***Te Reo Maaori Strategic Goal 3:***

Te painga o te reo: To ensure that quality te reo Maaori is used by the Council.

***Te Reo Maaori Strategic Goal 4:***

Whakamahia te reo: To increase the ability to use Maaori in Council situations.

Under each Strategic Goal are a number of actions designed to achieve the goal. Implementation plans for each of the goals and related actions have yet to be developed.

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<sup>1</sup> Joint Management Agreements with Waikato-Tainui and Maniapoto, MOU with Nga Uri o Maahanga.

This work will be completed once the policy has been adopted.

Implementation plans will be in progress by 2020 to coincide with Councils goal of being the most engaged Council.

## **4.2 Options**

The Policy and Regulatory Committee have the following options:

1. To reject this policy and do nothing.
2. To support the policy and recommendations, thereby demonstrating a commitment to the aspirations of our iwi partners and of te reo Maaori as a taaonga, guaranteed to Maaori under Te Tiriti o Waitangi.

Option 2 is the recommended option.

## **5 Considerations**

### **5.1 Financial**

There may be some financial implications in the implementation of this policy. These implications will be fully explored in the implementation plans and budgetary options developed.

### **5.2 Legal**

There are no legal considerations.

### **5.3 Strategy, Plans, Policy & Partnership Alignment**

This policy aligns with Waikato District Council Significance and Engagement Policy as well as partnership commitments within the Waikato-Tainui and Maniapoto Joint Management Agreements and the MOU with Ngati Maahanga.

### **5.4 Assessment of Significance & Engagement**

The issues discussed in this report have a low degree of significance. This is an internal policy which will have a positive impact, enhancing communication and engagement with the wider community.

## 6 Consultation

The following stakeholders have been/or will be consulted:

Planned	In Progress	Complete	
	x		Internal
			Community Boards/Community Committees
			Waikato-Tainui/Local iwi
			Households
			Business
			Other Please Specify

## 7 Conclusion

The adoption of this policy extends the current Waikato District Council Bi-lingual signage policy. The progressive achievement of the Strategic Goals will provide support and guidance to staff in the use of te reo Maaori as well as recognising the value of te reo and enhancing community engagement. It is recommended that the Policy and Regulatory Committee refer the policy to the Council for approval.

## 8 Attachments

Te Reo Maaori Policy- Draft

# Te Reo Maaori Policy

Policy Owner: Pouhono iwi ki te Haapori  
 Policy Sponsor: General Manager Strategy & Support  
 Approved By: Waikato District Council  
 Approved Date:  
 Resolution Number:  
 Effective Date:  
 Next Review Date:

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## 1. Introduction

Waikato-Tainui is the recognised iwi authority in the Waikato district and the Council also has relationships with Ngati Maniapoto and Hauraki iwi. The Councils engagement with these iwi is wide-ranging and includes formal and informal linkages which cover;

- i) Social, cultural, economic and environmental wellbeing;
- ii) History and heritage;
- iii) Physical location;
- iv) Political influences and
- v) Constituency.

*Section 81 of the Local Government Act 2002<sup>2</sup> requires Council to:*

- (a) *Establish and maintain processes that provide an opportunity for Maori to contribute to the decision-making processes of Council; and*
- (b) *Consider ways in which it may foster the development of Maaori capacity to contribute to the decision-making processes of Council, and*
- (c) *Provide relevant information to Maaori for the purposes of (a) and (b).*

1.1 The development of this Te reo Maaori policy defines a collaborative relationship that is within the spirit of the Tiriti o Waitangi/Treaty of Waitangi, while recognising limitations imposed by statutory responsibilities.

1.2 Increasingly, Te reo Maaori is being used as part of our everyday language. As the Waikato District Council works toward the objective of being the most engaged council in New Zealand, a policy which promotes and values the use of te reo Maaori is appropriate.

## 2. Objective(s)

The objective of this policy is to guide Council in:

- 2.1 Promotion of te reo Maaori and recognition of its value in our district;
- 2.2 Use of te reo Maaori to better reflect and engage the wider community.

The proposed outcome of this policy is to work toward the Waikato District Council being a bi-lingual District Council through progressive planning and prioritisation of actions and resources.

## 3. Application

This policy supports the adoption of the 2014 Waikato District Council Bi-lingual Signage Policy. It applies to all Waikato District Council staff and contractors.

## 4. Definition

This policy is specific to the use of te reo Maaori (Maaori language) at Waikato District Council. It should be noted that the use of te reo Maaori may include formal practices and customs (tiikanga) for example, karakia (prayer), powhiri (formal welcome), whakatau (informal welcome).

## 5. Relevant Legislation / Documents

- Maaori Language Act 1987
- Resource Management Act 1991, Section 6, 7 and 8 and Iwi Management Plans
- Local Government Act 2002, Section 81
- Waikato District Council Heritage Policy
- Waikato District Council Significance and Engagement Policy
- Waikato Raupatu Claims Settlement Act 1995
- Waikato-Tainui Raupatu Claims (Waikato River) Act 2010
- Nga Wai o Maniapoto (Waipa River) Act 2012

## 6. Policy Statement

6.1 This policy demonstrates Waikato District Council's commitment to the principles of Te Tiriti o Waitangi/Treaty of Waitangi. Waikato District Council acknowledges te reo Maaori as an official language in New Zealand and agrees that Council should promote and support the use of te reo Maaori.

## 7. Scope

7.1 The following are the four strategic goals that will ensure that the use of te reo Maaori is valued and promoted within Waikato District Council:

***Te Reo Maaori Strategic Goal 1:***

Whakamanahia te reo: To raise the status of te reo Maaori in Council's work.

***Te Reo Maaori Strategic Goal 2:***

Whakanui ake nga kaikorero Maaori: To raise the number of te reo Maaori speakers within Council.

***Te Reo Maaori Strategic Goal 3:***

Te painga o te reo: To ensure that quality te reo Maaori is used by the Council.

***Te Reo Maaori Strategic Goal 4:***

Whakamahia te reo: To increase the ability to use Maaori in Council situations.

## 8. Implementation

### **Te Reo Maaori Strategic Goal 1**

***Whakamanahia te reo: To raise the status of te reo Maaori in Council's work.***

- 8.1 Bilingual signage: Complete the implementation of the bi-lingual signage policy across all Waikato District Council signage, including buildings, vehicles, parks and reserves and other Council facilities.
- 8.2 Ensure inclusion of Maaori names for new streets and other facilities: In consultation with iwi and hapuu, and in accordance with the Street Naming and Roading Policies, ensure that Maaori names are considered for new streets and other facilities, where appropriate.
- 8.3 Te reo Maaori publications: To give appropriate consideration to the translation of some key documents (such as summaries of the Annual Plan and Annual Report and any other key documents where considered appropriate) into te reo Maaori, key sections of the Council website, and some brochures, forms, advertising where required. At the very least, to ensure that public documents have bilingual headings.
- 8.4 Te reo Maaori internal communications: To provide Guidelines to Staff on how to use appropriate examples formal and informal greetings, email headers and footers, signatures and simple phrases.

## **9. Te Reo Maaori Strategic Goal 2**

*Whakanui ake nga kaikorero Maaori: To raise the number of Te reo Maaori speakers within Council.*

- 9.1.1 Support personal development in te reo: To encourage and support staff seeking to upskill in te reo Maaori via Personal Development Plans.
- 9.1.2 Support is provided for te reo Maaori programmes and activities within the office/s: To provide, time, resources and where available, financial support for Te Wiki o Te reo Maaori activities and te reo training programmes which might be arranged in the office from time to time.
- 9.1.3 Recruitment: To ensure that HR processes include assessment of bilingual competency where this is relevant and could add value to roles within Council;
- 9.1.4 Support for staff who are te reo Maaori champions in the team/office environment: To support Managers to recognise and value those staff who foster and promote the use of te reo Maaori in the office through, for example, approval to attend relevant hui, personal development opportunities, informal peer support and where available, budgetary recognition.

## **10. Te Reo Maaori Strategic Goal 3:**

*Te painga o te reo: To ensure quality te reo Maaori is used by the Council:*

- 10.1.1 Te reo Maaori hei kawe i nga kaupapa Maaori: Because sometimes Maaori concepts are better expressed in te reo Maaori, to ensure that where appropriate, these concepts are provided in te reo Maaori, with an appropriate English translation;
- 10.1.2 Bilingual publications, website and written translation services: To ensure translations are accurate and of a consistently high standard and that Maaori and English language is used appropriately and consistently in all types of publications, Council will use an accredited te reo Maaori translator with recognised expertise in the Waikato dialect.<sup>1</sup>

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<sup>1</sup> Refer to the Taura Whiri i te reo Maaori (Maaori Language Commission) list of accredited translators.

- 10.1.3 Adoption of double vowel to indicate long vowel sound, as Council policy: to ensure that the double vowel is used consistently in Waikato District Council publications and all other public documents, in accordance with Waikato-Tainui preference.

## **11. Te Reo Maaori Strategic Goal 4:**

*Whakamahia te reo: To increase the ability to use Maaori in Council situations:*

- 11.1.1 Customer service: To encourage the use of te reo Maaori in staff interactions with customers through supporting staff in their personal development and through the provision of Guidelines for Staff which include formal and informal greetings and simple phrases.
- 11.1.2 Council meetings: Spoken translation services at meetings: Where it is known te reo Maaori will be used at a council meeting, appropriate prior arrangements are made to ensure that Council has access to a te reo Maaori speaker who can provide translations.

## **12. Timeframe**

It is recognised that the implementation of the strategic goals will take time and implementation plans will be developed for each goal.

In accordance with Waikato District Council's 2020 Challenge, it is envisaged that implementation plans for all the strategic goals will be in place by 2020.

## **13. Policy Review**

This policy will be reviewed at least once every three years.

### Open Meeting

<b>To</b>	Policy & Regulatory Committee
<b>From</b>	S Duignan General Manager Customer Support
<b>Date</b>	4 March 2016
<b>Prepared By</b>	B McCauley
<b>Chief Executive Approved</b>	Y
<b>DWS Document Set #</b>	1469974
<b>Report Title</b>	Delegated Resource Consents Approved for the month of February 2016

#### 1. Executive Summary

This report gives information relating to all delegated Resource Consents processed for the months of November 2015, December 2015 and January 2016 excluding hearings

#### 2. Recommendation

**THAT the report of the General Manager Customer Support - *Delegated Resource Consents Approved for the month of February - dated 3 March 2016* be received.**

#### 3. Appointment of Commissioners

Commissioner appointed for the month of February 2016

Doug Arcus      Appointed under Section 100A of the Resource Management Act for the hearing of the application by New Zealand Transport Agency to alter an existing designation – Longswamp section of the Waikato Expressway

#### 4. Delegated Authority Reports - attached



# Delegated Authority Report:

Period from 01 – 29 February 2016

Applicant	ID No	Address	Details	Decision
Awaroa ki Tuakau	<i>Ward Total: 18</i>			
P M Murray, Kuaotunu Trust	LUC0094/16	67 Irish Rd POKENO	To operate a business (Soda Blast NZ) from a premises at 67 Irish Road, Pokeno	Granted
Pokeno Village Holdings Limited	LUC0104/16	66 Hitchen Rd POKENO	Undertake 89,000m <sup>3</sup> of bulk earthworks over an area of approximately 8ha in association with the Stage 2 Hitchen Block residential development	Granted
L Rajenthiram, N L Rajenthiram	LUC0215/16	16 Kirklee Lane POKENO	To construct a dwelling within one front yard setback and a garage within another front yard setback and undertake earthworks consisting of an excavation cut of 1.6m in the Residential 2 Zone.	Granted
Ascension Homes Limited	LUC0242/16	14 Hillpark Drive POKENO	Construction of a new residential dwelling where it will exceed the permitted building coverage, the garage will encroach into the required front yard boundary and the required earthworks will exceed the permitted 100m <sup>3</sup> threshold and 1.5m fill depth.	Granted
Ranchston Holdings Limited	LUC0243/16	12 Kirklee Lane POKENO	Construction of a new residential dwelling that encroaches into the internal boundary setback from Helenslee Road, the earthworks and cut exceeds the permitted annual threshold and the maximum permitted excavation depth of 1.5m	Granted
Helenslee Investments Limited	LUC0254/16	Mark Ball Drive POKENO	Undertake drainage works within six metres of two scheduled Totara trees listed as C25	Granted
S L Parry, S Parry	LUC0268/16	37 Moira Dr TUAKAU	To undertake earthworks that exceeds the permitted depth by 0.49 metres in the Residential Zone	Granted
Van Den Brink Poultry Limited	LUC0281/16	24 Ryders Rd TUAKAU	To establish an office within an existing dwelling in the Rural-Residential Zone	Granted
Shivkripa Holdings Limited	LUC0283/16	39 Great South Rd POKENO	Planning Certificate for the Sale of Alcohol for an Off Licence for a premises within the Business Zone pursuant to Section 100 of the Sale and Supply of Alcohol Act 2012	Approved
Enchanta Marine Contractors Limited	LUC0289/16	3 McIntosh Drive POKENO	To undertake 235.6m <sup>3</sup> of earthworks (where 100m <sup>3</sup> is permitted by the District Plan) and a cut of 1.770m (when 1.5m is permitted) to form a suitable building platform for a new dwelling.	Granted
A M O'Meara, D E O'Meara	LUC0295/16	27 Dominion Rd TUAKAU	To erect a 63m <sup>2</sup> carport which fails the permitted setback of 1 metre to the boundary and fails the permitted building coverage of 20%	Granted
MJB Construction Properties Limited	LUC0311/16	10 Glenkirk Crescent POKENO	To construct a 225 m <sup>2</sup> dwelling and attached garage that exceeds the total allowable site coverage by 2.5 % in the Residential 2 Zone.	Granted
MJB Construction Properties Limited	LUC0312/16	13 Glenkirk Crescent POKENO	To construct a 227.7m <sup>2</sup> dwelling and attached garage that exceeds the total allowable site coverage by 2.3 % in the Residential 2 Zone.	Granted
Hoffer and Family Limited	SUB0068/16	430 Forestry Rd WAIUKU	Create one lot within the receiver site by transferring one lot created through the amalgamation of two rural titles	Granted
G L & D W George Limited	SUB0069/16	285 Razorback Rd POKENO	Undertake a four stage subdivision, with Stage 1 being a boundary adjustment and Stages 2 to 4 involving the protection of an Identified Significant Natural Feature (ISNF), the creation of 5 new lots and the transfer of those 5 lots to 2 different titles, cancel an amalgamation condition under Section 240(4) of the RMA in stage 3 and include earthworks to create the new road which will fail to meet the permitted activity Waikato District Plan – Franklin Section earthworks requirements.	Granted
Helenslee Investments Limited	SUB0076/16	Mark Ball Drive POKENO	To undertake a 15 lot subdivision in the Residential 2 Zone with one local purpose drainage reserve and two jointly owned access lots (JOAL), where JOAL 2 does not comply with legal road standards and undertake drainage works within six metres of two scheduled Totara trees listed as C25	Granted
TKDM Farms Limited	SUB0094/16	37 Oram Rd MERCER	To undertake a boundary relocation subdivision that results in Lot 1 of 9.900 hectares and Lot 2 of 21.1597 hectares being amalgamated with Lot 2-5 DP 427711 and Part Allotment 59 Parish of Koheroa and Allotment 60, 129, 99 Parish of Koheroa and Lot 9 DP 461781 comprised in CFR 607858 with a combined total of 411.9569 hectares in the rural zone	Granted

# Delegated Authority Report:

Period from 01 – 29 February 2016

Bothwell Farms Limited	SUB0145/15.01	268B Bothwell Park Rd WAIUKU	S127 to change condition of subdivision consent to allow for provision of wireless telecommunications connections	Granted
<b>Eureka</b>	<b>Ward Total: 6</b>			
A S S Basi	LUC0226/16	63 Hooper Road EUREKA	To undertake 10,000m <sup>3</sup> of earthworks over 8,000m <sup>2</sup> at a site located within the Hauraki Gulf Catchment Area and to import the 10,000m <sup>3</sup> fill material to another site with a maximum fill depth of 2.7m, in order to establish a new effluent pond and feed pad. The proposal generates additional traffic movements to a State Highway and the 1,598.96m <sup>2</sup> dairy feed pad cover exceeds the maximum permitted gross floor area by 1,198.96m <sup>2</sup> .	Granted
S P Cobbett	LUC0294/16	11 Marshmeadow Road NEWSTEAD	To construct a 90 m2 shed to be used for storage in the Rural Zone. which encroaches the southern (side) boundary setback of 12 m.	Granted
I J Billings	SUB0072/16	167 Hunter Road EUREKA	Rural boundary relocation between 3 titles to provide road frontage to a large rural holding that is currently land locked.	Granted
H G Allen, W R Baker	SUB0997/11.01	State Highway 26 NEWSTEAD	Change of conditions to change to a 2 stage subdivision with lots 1 and 2 being created in Stage 1, with a balance lot (lot 2 DPS 15047) and lots 3 and 4 being created in Stage 2 and create a Rights-of-Way decision under S348 of the LGA.	Granted
H G Allen, W R Baker	SUB0997/11.02	State Highway 26 NEWSTEAD	Create a Rights-of-Way under S348 of the LGA. as part of two staged subdivision (SUB0997/11.01)	Granted
P Chand	SUB1043/11.01	571 Marychurch Road TAUWHARE	S127 - to change conditions of consent o remove the right-of-way access to approved Lots 1 and 2 and a double width entrance to Lots 2 and 3 provided and changes to PC1 to reflect an updated scheme plan	Granted
<b>Hukanui - Waerenga</b>	<b>Ward Total: 4</b>			
M J Ripley, B A Ripley	LUC0280/16	21 Piako Road GORDONTON	To construct a new 258 m2 dwelling on a site in the Rural Zone where an existing dwelling is to remain during the build.	Granted
J Stewart, R L Bergin	LUC0288/16	1388B Gordonton Road GORDONTON	To construct an extension to existing dwelling that is to be 3.3 m from the northern (rear) boundary where the permitted setback is 25 m.	Granted
F J Hall, F J Hall	SUB0940/11.01	261 Sainsbury Road GORDONTON	S127 to change conditions of subdivision consent to alter the size and location of two allotments in the Rural Zone	Granted
NZ Transport Agency	DES0010/14		Alteration to Designation: Waikato Expressway - Hamilton Section Alteration A and B - Lake Road and Lake Road Interchange	Granted
<b>Newcastle</b>	<b>Ward Total: 2</b>			
A J Gudsell	LUC0220/09	98B Limmer Road TE KOWHAI	Construct a shed 216m <sup>2</sup> , 1.5m from the southern boundary infringing the required 12m setback and resulting in total site coverage of 714.83m <sup>2</sup> exceeding the permitted 500m	Granted
P G Andrew	LUC0221/09	98A Limmer Road TE KOWHAI	Construct a shed 216m <sup>2</sup> , 1.5m from the northern boundary and 10m from the western boundary infringing the required 12m setback and resulting in total site coverage of 631m <sup>2</sup> exceeding the permitted 500m <sup>2</sup> .	Granted
<b>Ngaruawahia</b>	<b>Ward Total: 5</b>			
D W Silich, J A Silich	LUC0086/16	234 Te Puroa Road NGARUAWAHIA	Undertake earthworks in the Rural Zone, of 3,800m <sup>2</sup> , over an area of 2,400m <sup>2</sup> , with an approximate cut height / batter slope of 10 metres, exceeding the permitted activity requirements of 1,000m <sup>3</sup> and 1,000m <sup>2</sup> by 2,800m <sup>3</sup> and 1,400m <sup>2</sup> respectively and exceeding the permitted cut / batter slope of 3m by 7m.	Granted
G M Kimpton, B I W Kimpton	LUC0148/16	97 Clark Road NGARUAWAHIA	To construct a 140m <sup>2</sup> accessory building that exceeds the permitted maximum gross floor area of 80m <sup>2</sup> by 60m <sup>2</sup>	Granted
S J Thomson, P J Thomson	LUC0255/16	24 Great South Road NGARUAWAHIA	To relocate two dwellings on a piece of land contained in a single Certificate of Title in the Living Zone prior to subdivision.	Granted

# Delegated Authority Report:

Period from 01 – 29 February 2016

Taupiri Tavern (2005) Limited	SUB0080/16	The Crescent TAUPIRI	To cancel an existing amalgamation of two allotments (Lots 1-2 DPS 77274) held in the same title (SA61B/846) held together as a result of subdivision, and cancellation of a Consent Notice which is now redundant.	Granted
Northgate Industrial Park Limited	SUB0092/16	1 Evolution Drive HOROTIU	Undertake subdivision to relocate boundaries of four consented lots within Stage 1 of the Horotiu Industrial Park.	Granted
<b>Onewhero-Te Akau</b>	<b>Ward Total: 6</b>			
K E Pepper, S J McCarrick	LUC0277/16	25 Punga Punga Rd TUAKAU	Construct a subsidiary dwelling for use as a dependent persons dwelling which exceeds the maximum floor area of 65m <sup>2</sup> by 7m <sup>2</sup> and is located 8m from the principal dwelling where the maximum separation is 6m.	Granted
JAL Developments Ltd	LUC0278/16	85 Geraghty Rd TUAKAU	To carry out 739.68m <sup>3</sup> of earthworks which exceeds the 250m <sup>3</sup> permitted annual threshold by 489.68m <sup>3</sup> .	Granted
D.I. Cathcart Limited	SUB0061/16	83 Tapp Road RENOWN	To create one additional lot on an existing rural title, resulting in lots of 1.5933ha and 42.6691ha.	Granted
D S Lamb, C J Lamb	SUB0097/16	47 Tuakau Bridge-Port Waikato Rd TUAKAU	To create an additional title in the Rural Zone and hold it together with a neighbouring title in the Village Zone	Granted
<b>Raglan</b>	<b>Ward Total: 5</b>			
David Reid Homes Waikato Limited	LUC0208/16	10 Tahuna Avenue RAGLAN	To carry out 329m <sup>3</sup> of earthworks which exceeds the 100m <sup>3</sup> permitted annual threshold by 229m <sup>3</sup> , and the use of a wastewater pump where the requirement is for a gravity fed connection to Council's reticulated system.	Granted
J Morton, C Morton	LUC0236/16	17 Manukau Road RAGLAN	Resite a second hand dwelling onto a Living zone property with dispensations sought for on-site manoeuvring, sight distances, maximum access steepness within 10 m of a road, (20 degrees proposed), telecommunications connection guarantee prior to consent approval, daylight admission plane encroachment, and 3.72m front yard setback to a road boundary failing the 6m setback requirement	Granted
P G Furniss, B M Furniss	LUC0251/16	7C Three Streams Road OKETE	To construct a 60m <sup>2</sup> garage 1.5m from the south western boundary within the 12m setback in the Coastal Zone.	Granted
S Walter	LUC0267/16	20 Bow Street RAGLAN	To establish a commercial kitchen for the small scale production of dairy free yoghurt	Granted
H L Rowling	LUC0304/16	Wallis Street RAGLAN	Planning Certificate for the Sale of Alcohol for an On Licence on a site in the Business Zone pursuant to Section 100 of the Sale and Supply of Alcohol Act 2012	Approved
<b>Tamahere</b>	<b>Ward Total: 3</b>			
S M Rees-Jones, V A Rees-Jones	LUC0250/16	60A Birchwood Lane TAMAHERE	To construct a new dwelling with attached garage that is to have 896 m <sup>2</sup> of impervious surfaces, exceeding the permitted 700 m <sup>2</sup> .	Granted
M D Wright	LUC0273/16	422 Pencarrow Road TAMAHERE	Construct an addition of 60m <sup>2</sup> building footprint to an existing dwelling occurring within the 25m boundary setback requirement)	Granted
R M Connell, M A Connell	SUB0083/16	207 Lee Martin Road TAMAHERE	Relocation of a shared boundary between Lot 2 DP 451520 and Lot 3 DP 484019 whereby 11.1600ha of land will transfer to CFR 578369	Granted
<b>Whangamarino</b>	<b>Ward Total: 11</b>			
Pheasants Paradise Limited	FSUBS08055.0 2	1029 Paparimu Rd POKENO	S127 to change conditions of consent to alter the shape and area of the proposed LOT 2 DP 487803 of a subdivision consent	Granted
Lexus Residential Limited	LUC0224/16	45A Rata Street TE KAUPHATA	Construction of a new residential dwelling on a vacant site which does not provide the required on-site vehicle manoeuvring space.	Granted
Lexus Residential Limited	LUC0252/16	40 Roto Street TE KAUPHATA	Construct a new dwelling and seek dispensation of 2 car park space (4 required) for the dwelling at 40 Roto Street	Granted

# Delegated Authority Report:

Lexus Residential Limited	LUC0253/16	43 Rata Street TE KAUWHATA	A dispensation of 1 car park space for a four bedroom dwelling where 3 car parking spaces are indicated and one car park space per bedroom is normally required.	Granted
A P Hansen, M E Hansen	LUC0275/16	22 Blunt Road TE KAUWHATA	Construct a new residential home within the 6 metre rear set back requirements in Te Kauwhata New Residential Zone and where earthworks exceeds 100m <sup>3</sup> in volume	Granted
T L Everett, D B Everett, David & Tracey Everett Trustee Company Limited	LUC0279/16	901 Findlay Road MIRANDA	To construct a new dwelling on a site in the Rural Zone with water tanks 9m within the permitted setback of 12 m, undertake earthworks in the Hauraki Gulf Catchment Area and to create a new entrance in a non-compliant location.	Granted
Landmark Homes - Waikato	LUC0282/16	33 Awanui Avenue TE KAUWHATA	To construct a dwelling where the building encroaches the 6m rear boundary setback requirement by 1.6m.	Granted
Sublime Buildings Limited	LUC0286/16	26 Awanui Avenue TE KAUWHATA	To construct a new dwelling which is to be 3.1 m from the south-western (rear) boundary where the permitted setback is 6 m and thus failing daylight admission. Failure of car parking requirements.	Granted
Landmark Homes - Waikato	LUC0315/16	29 Awanui Avenue TE KAUWHATA	Encroachment into 6m rear yard for proposed new single-storey dwelling with attached garaging	Granted
S B Taylor	SUB0039/16.01	248B Mangatangi Road MANGATANGI	S127 to change conditions of consent to allow for an adjustment to the boundary measurements between lots 1 and 2	Granted
Vineyard Road Properties Limited	SUB0163/15.01	62 Vineyard Road TE KAUWHATA	S127 to change condition 13 and delete conditions 18 and 19 in relation to provision of telecommunication services and connection to Councils public water supply	Granted

**Open Meeting**

<b>To</b>	Policy & Regulatory Committee
<b>From</b>	GJ Ion Chief Executive
<b>Date</b>	1 March 2016
<b>Prepared By</b>	JP Davies Committee Secretary
<b>Chief Executive Approved</b>	Y
<b>DWS Document Set #</b>	1467509
<b>Report Title</b>	<b>Exclusion of the Public</b>

**1. Executive Summary**

To ensure that the public are excluded from the meeting during discussion on Public Excluded items.

**2. Recommendation**

**THAT** the report of the Chief Executive – *Exclusion of the Public* - be received;

**AND THAT** the public be excluded from the meeting during discussion on the following item of business:

**1. Lake Hakanoa Motor Caravan Park**

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 7 of that Act which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information where the withholding of the information is necessary to:

- a) Protect members, or officers, or employees of any local authority, or any persons to whom section 2(5) of the Local Government Official Information and Meetings Act 1987 applies, from improper pressure or harassment;
- b) Enable the local authority holding the information to carry out, without prejudice or disadvantage, commercial activities;
- c) Protect the privacy of natural persons, including that of deceased natural persons;

**AND THAT** the exclusion of the public from the whole or relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings before the local authority where a right-of-appeal lies to any Court or Tribunal against the final decision of the local authority in those proceedings.