

Agenda for a meeting of the Policy & Regulatory Committee to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **TUESDAY 18 JUNE 2019** commencing at **9.00am**.

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

1. APOLOGIES AND LEAVE OF ABSENCE

2. CONFIRMATION OF STATUS OF AGENDA

3. DISCLOSURES OF INTEREST

4. CONFIRMATION OF MINUTES

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GJ Ion
CHIEF EXECUTIVE

Open Meeting

To	Policy & Regulatory Committee
From	Gavin Ion Chief Executive
Date	21 May 2019
Prepared by	Wanda Wright Committee Secretary
Chief Executive Approved	Y
Reference #	GOV1318
Report Title	Confirmation of Minutes

1. EXECUTIVE SUMMARY

To confirm the minutes of a meeting of the Policy & Regulatory Committee held on Tuesday 21 May 2019.

2. RECOMMENDATION

THAT the minutes of a meeting of the Policy & Regulatory Committee held on Tuesday 21 May 2019 be confirmed as a true and correct record of that meeting.

3. ATTACHMENTS

P&R Committee Minutes – 21 May 2019

MINUTES of a meeting of the Policy & Regulatory Committee of the Waikato District Council held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **TUESDAY 21 MAY 2019** commencing at **9.01am**.

Present:

Cr JD Sedgwick (Chairperson)
His Worship the Mayor, Mr AM Sanson [until 9.53am] [from 9.58am]
Cr AD Bech
Cr JA Church
Cr DW Fulton
Cr JM Gibb
Cr SL Henderson
Cr SD Lynch
Cr RC McGuire
Cr FM McInally
Cr BL Main
Cr EM Patterson
Cr NMD Smith
Cr LR Thomson

Attending:

Mr GJ Ion (Chief Executive)
Ms S O’Gorman (General Manager Customer Support)
Mr B Stringer (Democracy Manager)
Mr W Hill (Consents Team Leader)
Ms E Makin Consents Team Leader – East)
Mr J Wright (Senior Planner)
Mrs W Wright (Committee Secretary)

APOLOGIES AND LEAVE OF ABSENCE

All members were present.

CONFIRMATION OF STATUS OF AGENDA ITEMS

Resolved: (Crs Church/Main)

THAT the agenda for a meeting of the Policy & Regulatory Committee held on Tuesday 21 May 2019 be confirmed and all items therein be considered in open meeting.

CARRIED on the voices

P&R1905/01

DISCLOSURES OF INTEREST

There were no disclosures of interest.

CONFIRMATION OF MINUTES

Resolved: (Crs Gibb/Thomson)

THAT the minutes of a meeting of the Policy & Regulatory Committee held on Tuesday 19 March 2019 be confirmed as a true and correct record of that meeting.

CARRIED on the voices

P&R1905/02

RECEIPT OF HEARING MINUTES AND DECISIONS

RMA Hearing – Rural Tails Limited
Agenda Item 5.1

The Chair mentioned that this was an interesting decision and encouraged the Committee to read through the process the Commissioner followed to reach his decision.

Resolved: (Crs Fulton/Lynch)

THAT the minutes of an RMA hearing for Rural Tails Limited held on Thursday 21 February 2019 be received.

CARRIED on the voices

P&R1905/03

Dog Hearing – Raewyn Van De Pas – Objections to Menacing Classification
Agenda Item 5.2

Resolved: (Crs Fulton/Main)

THAT the minutes and decision of a Regulatory Subcommittee hearing for Raewyn Van De Pas held on Tuesday 12 March 2019 be received.

CARRIED on the voices

P&R1905/04

REPORTS

Proposed Amendments to LGNZ Rules
Agenda Item 6.1

The Democracy Manager took the report as read. He summarised that there were two substantial proposed changes to the LGNZ Rules:

- the amendment to provide Te Maruata representation on the National Council; and
- the increased seats on the National Council for Auckland Council.

ACTION: His Worship the Mayor would ascertain other councils' position in relation to Proposal 2 in the staff report (Auckland representation on the National Council).

Resolved: (Crs Smith/Church)

THAT the report of the Chief Executive be received;

AND THAT the Committee recommends that Council approves proposals 1 (Te Maruata representation), 3 (Administrative substantive changes) and 4 (Minor amendments to modernise and rationalise language) to change the LGNZ Rules; and awaits further information on proposal 2 (Auckland Council representation on National Council), as such proposals are detailed in the staff report.

CARRIED on the voices

P&R1905/05

Summary of Applications Determined by the District Licensing Committee January – March 2019
Agenda Item 6.2

Cr Smith gave an overview of the District Licensing Process and in particular the change in how applicants interpreted the Sale and Supply of Alcohol Act 2012 compared to six years ago.

Resolved: (Crs Church/Main)

THAT the report from the General Manager Customer Support be received.

CARRIED on the voices

P&R1905/06

Chief Executive's Business Plan
Agenda Item 6.3

The Chief Executive gave an overview of his business plan. He highlighted, and responded to questions on the work undertaken by the Water Governance Board. In particular:

- the current challenges in relation to the Watercare contract negotiations. The contract was due to be in place by 31 May 2019.
- the potential conflicts of interest of the Audit & Risk Committee's Chairperson .
- the support for the Waters Governance Board.

The Chief Executive advised that there would be a media release following a Finance Committee meeting held at Auckland Council on 21 May 2019 pertaining to the Watercare/Waikato District Council matter.

Resolved: (Crs Bech/Main)

THAT the report from the Chief Executive be received.

Open Meeting

To	Policy & Regulatory Committee
From	Sue O’Gorman General Manager Customer Support
Date	4 June 2019
Prepared by	Jessica Thomas Senior Consents Administrator
Chief Executive Approved	Y
Reference #	GOV1301
Report Title	Delegated Resource Consent Approved for the month of May 2019

1. EXECUTIVE SUMMARY

This report gives information relating to all delegated Resource Consents processed for the month of May 2019 excluding hearings.

2. RECOMMENDATION

THAT the report of the General Manager Customer Support be received.

3. APPOINTMENT OF COMMISSIONERS

There were no Commissioners appointed for the month of May 2019.

4. ATTACHMENTS

Delegated Authority Report - attached

- May 2019

Delegated Authority Reports

Period from 1 May 2019 to 31 May 2019

Awaroa ki Tuakau		Ward Total: 12		
Applicant	ID No	Address	Details	Decision
Counties Power Limited	DES0013/19	55 Munro Road POKENO	Notice of Requirement for Electricity supply purposes – Pokeno Substation.	Granted
M B Gedye	LUC0365/19	255 Bluff Road POKENO	To undertake earthworks for a dwelling and driveway exceeding the maximum permitted thresholds in the Rural Zone.	Granted
S A Graham, J J Graham	LUC0375/19	11 Harriet Johnston Drive POKENO	Retrospective consent for earthworks in excess of the allowable depth in association with the construction of a residential dwelling within the Residential 2 Zone.	Granted
MJB Construction Limited	LUC0394/19	31 Harry Richards Way POKENO	Construct a Dwelling in the Residential 2 Zone that exceeds the permitted earthworks volume.	Granted
N M Speedy, M R Speedy	LUC0395/19	197 Holmes Road WAIUKU	Construct a shed which encroaches into the development setback requirement in relation to a stream in the Rural Zone	Granted
MJB Construction Limited	LUC0410/19	44 McLean Street POKENO	Construction of a dwelling in the Residential 2 Zone with an Outdoor Living Area that is not readily accessible from the main living area of the dwelling, and encroaches on a 3 m road boundary setback to Pokeno Road by 0.158 m. Earthworks to construct a building platform that exceed the maximum permitted volume of 100 m ³ by 81.6 m ³ .	Granted
MJB Construction Limited	LUC0411/19	42 McLean Street POKENO	Earthworks to construct a building platform in the Residential 2 Zone that exceed the maximum permitted volume of 100 m ³ by 30.7 m ³ .	Granted
M K Napier, Trustee 1705-120722 Limited	LUC0412/19	22 Peter Bourne Drive POKENO	Exceed the permitted earthworks volume in the Franklin Residential 2 Zone.	Granted
Kauri Master Limited	SUB0129/19	7 Pinnacle Hill Road POKENO	Undertake a transferable subdivision of a rural lot where both the receiver and donors sites are outside the Environmental Enhancement Overlay Area (EEOA) in the Franklin Rural Zone.	Granted
Highland Hills Trust, G W Muir	SUB0137/18.01	450 Whiriwhiri Road WAIUKU	S127 to change/cancel conditions of SUB0137/18- change conditions 1, 10, 17, 18, delete of conditions 4, 5, 7, 11, 12, 13, 14, 19 and add of conditions 8, 9.	Granted
T A Reynolds Limited	SUB0138/19	120 Jericho Road PUKEKOHE	Subdivision in the Rural Zone inside of the EEOA to transfer one title to create a new allotment on the property that exceeds the maximum area	Granted
T W Reid	SUB0147/19	75 Allcock Road WAIUKU	Transfer one title to create a new allotment on the subject property, outside the EEOA and within the Rural Zone	Granted

Delegated Authority Report

Period from 1 May 2019 to 31 May 2019

Eureka		Ward Total: 3		
Applicant	ID No	Address	Details	Decision
A J Lucas, S M Booker	LUC0349/19	165C Schollum Road EUREKA	To undertake earthworks within the Hauraki Gulf Catchment Area in the Rural Zone.	Granted
D R Wiles	LUC0386/19	463 Marychurch Road TAUWHARE	To construct a stable that exceeds building coverage, non-habitable building size and encroaches into the yard setbacks.	Granted
NZ Nutrition Ltd	LUC0388/19	18 Reid Road PUKETAHA	Construct a Kid Shelter that exceeds the permitted size for Buildings for Productive Rural Activities within the Rural Zone	Granted
Hukanui - Waerenga		Ward Total: 7		
Applicant	ID No	Address	Details	Decision
J S Woods	FST0010/19	90 Cozen Road WAERENGA	Relocate a used dwelling and shed onto a property within the Rural Zone.	Granted
Waikato Regional Council	LUC0339/19	1283A Orini Road ORINI	Undertake Earthworks to remove accumulated sediment in a flood risk area from three sections of the Tauhei Stream exceeding the permitted amounts in the Rural Zone	Granted
Purdie Group Ltd	LUC0403/19	1115 Woodlands Road GORDONTON	To construct an effluent tank that exceeds the permitted gross floor area of a building for productive rural activities in the Rural Zone.	Granted
Redline Holdings Limited	LUC0532/18.01	2219 Gordonton Road GORDONTON	Section 127 Change of Conditions to LUC0532/18 – Condition 1 – to change the size of the proposed retail buildings.	Granted
M A Schoenberger - Orgad	SUB0118/19	58 Osborne Road HORSHAM DOWNS	Undertake a Boundary Relocation in the Rural Zone between two titles less than 20ha in size that are not in common ownership.	Granted
Express Dairies Limited Partnership	SUB0142/19	538 Driver Road TAUPIRI	Undertake a boundary relocation between two contiguous records of title in the Rural Zone	Granted
A L Crouch	SUB0328/18.02	1667 Tahuna Road TE HOE	S127 to change/cancel conditions of Subdivision consent SUB0328/18.02 to remove 11(a) from the consent.	Granted
Huntly		Ward Total: 6		
Applicant	ID No	Address	Details	Decision
Gray Consulting Engineers Ltd	LUC0287/19	137 Rotowaro Road HUNTLY	Construct a three bay shed that does not comply with size requirements for non-residential buildings in the Rural Zone and construct an eight bay shed in the Industrial Zone where the existing entrance is unable to comply with separation distances	Granted
D K Mellish, D Mellish	LUC0380/19	160 Hakanoa Street HUNTLY	Construction of a second dwelling on a property in the Living Zone.	Granted

Delegated Authority Report⁰

Period from 1 May 2019 to 31 May 2019

Cobb-Vantress New Zealand Limited	LUC0581/17.02	837 Rotongaro Road ROTONGARO	S127 to change condition one to allow for the repositioning of four poultry sheds, P9, P10, P11 & P12.	Granted
L M Cameron, D M Watts	SUB0032/19	821A Te Ohaki Road RANGIRIRI	Undertake a two lot subdivision across both sides of Te Ohaki Road, at a site within the Rural Zone	Granted
Waikokowai Farms Limited	SUB0048/19	Waikokowai Road WAIKOKOWAI	Creation of 1 additional lot and simultaneousness boundary relocations to create 5 small rural lots, 1 large lot and 1 residue lot	Granted
Eastside Heights Limited	SUB0133/19	6 Waugh Lane HUNTLY	Undertake a two Lot subdivision in the New Residential Zone that is located in a flood risk area and fails vehicle entrance separation distance.	Granted

Newcastle

Ward Total: 4

Applicant	ID No	Address	Details	Decision
T A Brown, M K McCauley	LUC0334/19	10 Aubrey Way PVT WHATAWHATA	Retrospective consent to undertake earthworks that exceed the permitted imported fill volume with a fill depth greater than 1m in Country living Zone.	Granted
J B Rogers, D L Rogers, D J Kok, L L Kok	LUC0402/19	120 Walsh Road WHATAWHATA	To demolish existing dwelling and replace with dwelling of similar size.	Granted
Highview Properties Limited	SUB0137/19	2087B Te Pahu Road WHATAWHATA	Two stage subdivision of two existing titles in the Country Living Zone to create four Records of Titles.	Granted
W J Davey	SUB0139/19	614 State Highway 23 WHATAWHATA	To create one additional lot in the Rural Zone.	Granted

Ngaruawahia

Ward Total: 8

Applicant	ID No	Address	Details	Decision
Ministry Of Education - Wellington	DES0016/19	56 Kent Street NGARUAWAHIA	Outline Plan of Works relating to the new buildings and upgrading of existing buildings and car park pursuant to Section 176A of the Resource Management Act 1991.	AcceptPlan
L A Snowden	FST0012/19	2B Lambton Street NGARUAWAHIA	Relocate a second hand dwelling and shed in the Living Zone.	Granted
Breaking Bread Cafe Limited	LUC0014/19.01	2 Newcastle Street NGARUAWAHIA	S127 to change conditions of LUC0014/19 - amend conditions 1, 6, 7 and 9 relating to the car park.	Granted
Ministry Of Education - Wellington	LUC0353/19	56 Kent Street NGARUAWAHIA	NESCS: The disturbance of soil pursuant to the NESCS. Landuse: 'Remediation of contaminated land' under the Waikato District Plan that does not meet the permitted activity requirements set out in Regulation 8 (of the NES).	Granted

Delegated Authority Report

Period from 1 May 2019 to 31 May 2019

A L Hayes, K R Gordon	LUC0359/19	10 Cloverfield Lane HOROTIU	To construct a dwelling with a Dependent Person's Dwelling (DPD) inside and a shed in the Rural Zone that exceeds building coverage provisions, setback to the eastern boundary and earthworks exceeding volume and area.	Granted
Black Tiki Limited	LUC0368/19	4 Railway Road TAUPIRI	To construct three dwellings on one title, where the proposal fails to comply with Operative Waikato District Plan rules relating to number of dwellings, earthworks, building setback to road boundary and vehicle crossing separation distance in the Living Zone.	Granted
Parangon Building Limited	LUC0392/19	42 Matariki Terrace NGARUAWAHIA	To construct a dwelling that fails to meet on-site parking requirements, exceeds permitted Earthworks and does not comply with Earthworks using imported fill within the New Residential Zone	Granted
T M E Duffull, M K Duffull	SUB0126/19	43B Galbraith Street NGARUAWAHIA	Undertake a boundary relocation between two adjacent properties within the New Residential Zone.	Granted

Onewhero-Te Akau

Ward Total: 4

Applicant	ID No	Address	Details	Decision
S J Pearson, K M Pearson	LUC0367/19	604 Te Akau Wharf Road TE AKAU SOUTH	To construct and use a shed in the Coastal Zone which does not comply with Operative Waikato District Plan rules relating to earthworks, location of the building, height control plane, building setback to the road, building setback to mean high water springs and which also requires consent under an Operative Waikato District Plan rule relating to size of non-residential buildings.	Granted
P H Xiao	SUB0090/19	515 Morrison Road TUAKAU	Transfer one title to create a new allotment on the subject property, outside the EEOA and within the Rural Zone	Granted
Rocky Flats Limited	SUB0120/19	Wairamarama Onewhero Road TUAKAU	Undertake a Rural Transferable Lot Right to create one additional Lot in the Rural Zone	Granted
A W Clayton-Greene	SUB0151/19	67 Jacobs Road TE AKAU	To create one additional lot from the Subdivision Generally Provisions in the Rural Zone	Granted

Raglan

Ward Total: 6

Applicant	ID No	Address	Details	Decision
M R Goodison	LUC0123/09.01	390 Te Mata Road TE MATA	S127 to change/cancel conditions of LUC0123/09.01 to PCI, PC6 and UC3 and deletion of conditions UC4, UC5 and UC6 of the original consent associated with an increase in the number of children and staff at the existing childcare centre and an upgrade to the existing onsite wastewater system.	Granted

Delegated Authority Report²

Period from 1 May 2019 to 31 May 2019

P C Bull, G B Bull	LUC0150/15.01	7 John Street RAGLAN	S127 to change conditions to Resource Consent Application LUC0150/15 to amend conditions 1 & 3 to allow for the redesign of the proposed dwelling and add condition 4.	Granted
R J Kotch	LUC0253/19	94 Upper Wainui Road RAGLAN	Construct a new residential dwelling in the Coastal Zone that is located within both side boundary setbacks and breaches daylight admission requirements. The site also does not meet the size requirements for sites without connection to reticulated wastewater.	Granted
D P Icke, J S Icke	LUC0398/19	42 Government Road RAGLAN	Replace an existing dwelling with a new dwelling that will encroach into the yard setbacks and exceed height and height to boundary rules.	Granted
S M Brown, J M Brown	SUB0072/19	538 Te Papatapu Road TE MATA	Operative District Plan: General Subdivision creating one additional allotment. Conservation House subdivision creating three additional allotments in exchange for approximately 20 ha of indigenous vegetation and wetland. Boundary Relocation creating one large rural allotment and one rural-residential allotment. Creation of vehicle accesses that fail the minimum required separation distance. Creation of three access allotments running parallel to a road less than 30 m away. Proposed District Plan: Subdivision on a site containing a Significant Natural Area, and with a Record of Title date later than 06 December 1997 creating more than one allotment on high-quality soils.	Granted
D G Loughlin	SUB0104/19	4 Point Street RAGLAN	To create 8 additional lots, one of which will be a conservation/community garden allotment and an access lot (Lot 100) within the Living Zone	Granted

Tamahere

Ward Total: 6

Applicant	ID No	Address	Details	Decision
Parangon Building Limited	LUC0363/19	203 Matangi Road MATANGI	Construct dwelling with an attached Dependent Persons dwelling that does not comply with permitted boundary setbacks in the Rural Zone.	Granted
The Fletcher Construction Company Limited	LUC0369/19	50C Cedar Park Road TAMAHERE	Vegetation removal in a gully area and undertake earthworks and earthworks using imported fill within the Country Living Zone	Granted
C R Fraser, C I Fraser	LUC0371/19	42 Birchwood Lane TAMAHERE	Construct a second Dependent Person's Dwelling in the Country Living Zone that exceeds impervious surfaces and encroaches into the yard setbacks	Granted
ZB Homes	LUC0389/19	178C Newell Road TAMAHERE	To construct a dwelling that exceeds the maximum permitted impervious surfaces and the maximum permitted height limit in the Country Living Zone	Granted

Delegated Authority Report³

Period from 1 May 2019 to 31 May 2019

J N MacColl, M F McNicoll	LUC0404/19	370 Matangi Road MATANGI	To construct a dwelling extension on a non-reticulated site less than 2500m ² in the Living Zone	Granted
The Newell Road Partnership	SUB0094/19.01	58 Redwood Grove TAMAHERE	S127 to change/conditions on an approved subdivision consent (SUB0094/19) to stage the subdivision.	Granted

Whangamarino		Ward Total: 5		
Applicant	ID No	Address	Details	Decision
Black Barn Hampton Downs Limited	LUC0333/16.02	24 Graham McRae Place HAMPTON DOWNS	S127 to change/cancel conditions of Subdivision Consent LUC0333/16.02 to amend condition 1 to allow for the retention of a bench and sink in the existing workshop.	Granted
Maramarua Rugby Football Club Incorporated	LUC0376/19	State Highway 2 MARAMARUA	Erect 6 x 18m high light poles and 4 x 22m high light poles that breach the permitted building height, boundary setback, daylight admission and the permitted glare and lighting rule in the Rural Zone	Granted
WTS Homes Limited	LUC0393/19	3 Lambrusco Street TE KAUWHATA	Construct a dwelling in the Te Kauwhata West Living Zone that exceeds earthworks, impervious surfaces, breaches the road setback and access provisions (slope and separation distances)	Granted
Kaiaua Farms Limited	SUB0070/19	1111 Kopuku Road KOPUKU	To create one additional lot and to undertake a boundary relocation between three Certificates Records of Title resulting in a total of four new titles in the Rural Zone.	Granted
David Dean Limited	SUB0300/17.02	63 Mckenzie Road MANGATAWHIRI	Change of conditions to adjust Lot areas, extend a Right of Way and provide for a staged subdivision.	Granted

Open Meeting

To	Policy & Regulatory Committee
From	Roger MacCulloch Acting General Manager Service Delivery
Date	11 June 2019
Prepared by	Jordarne Wiggins Community Venues and Events Team Leader
Chief Executive Approved	Y
Reference #	P&R2019
Report Title	Approval to consult on proposed amendments to the Cemeteries Bylaw

I. EXECUTIVE SUMMARY

In 2016, the Waikato District Cemeteries Bylaw was amended following consultation with members of the public and key stakeholders. As a result of this, the Bylaw was updated and came into force on 11 July 2016. Since this time, there has been criticism from the public in relation to section 6.2 which restricts the purchasing of plots to be at the time of a relatives burial only. Staff have since reviewed this clause and believe there is an opportunity to remove the wording specifying when plots may be purchased.

On 20 November 2018, staff presented a report to the Policy & Regulatory Committee requesting permission to commence community consultation to review the Bylaw, and amend section 6.2. At this meeting, Councillors requested a workshop to further discuss the proposal, this occurred on 8 April 2019. During this workshop, the implications of the clause were discussed in depth. Councillors requested information on the impact of projected burials on available land, which would give them confidence that this amendment would not result in a significant reduction in available land for burials.

The purpose of this report is to provide the information as requested, and obtain Council approval to begin consultation which would suggest amending the wording of Section 6.2 of the Bylaw.

In accordance with the provisions of the Local Government Act and Council's Significance and Engagement Policy, targeted consultation is proposed on this matter, to allow for it to be reviewed.

2. RECOMMENDATION

THAT the report from the General Manager Service Delivery be received;

AND THAT the Committee determine that a bylaw amendment is the most appropriate way of addressing the perceived problems; and the proposed bylaw

as amended (set out in Attachment 3 of the staff report), subject to the outcome of the consultation process, is the most appropriate form of bylaw;

AND FURTHER THAT the Committee determines that the proposed bylaw amendment 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 Committee approve to undertake consultation between 26 June and 26 July 2019, in accordance with Sections 83 (Special Consultative Procedure), of the Local Government Act 2002.

3. DISCUSSION AND ANALYSIS OF OPTIONS

3.1 DISCUSSION

Since the Bylaw review in 2016, Cemeteries staff have been contacted by members of the community who want to pre purchase plots. The current bylaw only allows for this to occur in conjunction with the burial of a family member and therefore eliminates the ability for people to make arrangements for burial prior to their death. By doing so, there is the potential to cause unnecessary financial and emotional strain on the deceased persons family members during times of heightened stress.

The decision to include this clause was generated from prior staffs' experiences in other territorial authorities who had this clause included in their bylaw. The reason for the inclusion was due to a lack of available land and the potential that a large amount of cemetery land could be allocated yet not utilised and this could increase the need for additional land purchase for cemeteries in the future. Prior to this bylaw being introduced, staff are aware of one occasion when eight plots were pre-purchased. This is considered to be an anomaly and therefore poses limited risk to the available land within our cemeteries.

WDC Cemetery Strategy

The Waikato District Council Cemetery Strategy 2015-2045 provides an overview of the provision and management of cemeteries managed by Waikato District Council, and sets the future direction for the provision and management of these cemeteries in a co-ordinated and transparent manner.

To assist in writing this strategy, a report was commissioned in 2014 to provide "supply and demand" projections during the 2015-2045 period. This report is attached and predicted that despite some cemeteries being projected to reach capacity by 2045, all parts of the district were forecasted to have surplus supply in nearby cemeteries.

At the time of report writing, it was anticipated that Tuakau cemetery would reach capacity within two years and Rangiriri and Whatawhata Cemeteries would require additional development of available land within five years.

Forecasts at the time suggested the following cemeteries would require additional land to be developed in five to ten years' time:

- Matahura / Waiterimu Cemetery – by 2020
- Huntly Kimihia Cemetery – by 2023
- Waerenga Cemetery – by 2024

The following cemeteries were projected to require additional land to be developed between 2025 and 2045:

- Gordonton Cemetery – by 2027
- Maramarua Cemetery – 2035
- Okete Cemetery – by 2035
- Jackson Street Cemetery – by 2040
- Orini Cemetery – by 2045

The Mercer, Muslim, Onewhero, Raglan and Taupiri cemeteries were all projected to have sufficient capacity for the next 30 years.

Current Capacity

Despite these predictions, there has been a significant reduction in demand for burials. Tuakau cemetery still has 58 plots available and based on current trends and plots still available at this site, the decision to delay the development of Whangarata Cemetery to allow for additional public consultation has been made. Rangiriri and Whatawhata cemeteries have both had additional development which has increased their capacity. It is now anticipated that Rangiriri cemetery will not reach capacity until 2027, and Whatawhata cemetery has sufficient capacity for the next 40 years.

Burials at all other cemeteries have decreased with families moving to alternative options such as cremation. In the future, we may see a demand for other burial methods such as natural burials which could be accommodated within the current Bylaw, but would require changes to industry equipment and burial methods.

3.2 OPTIONS

Options available to the Council

Option 1: Do not review and consult on the Cemeteries Bylaw

Discussions with members of the community have suggested that there is a desire to amend the bylaw to allow for pre-purchase of plots.

This option is not recommended.

Option 2: Approve consultation on the Cemeteries Bylaw

This option allows the community to provide feedback on the proposed amendment. This will identify preferences from our communities with regards to the pre-purchase of plots.

This is the recommended option.

4. CONSIDERATION

4.1 FINANCIAL

Staff resources will be required to develop and deliver community engagement. This will include the receipt of submissions and questions relating to the consultation.

4.2 LEGAL

Consultation on the proposed bylaw is in accordance with section 83 of the Local Government Act.

4.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

The proposed engagement will assist in an amendment to the Waikato District Council Cemeteries Bylaw 2016.

4.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i>	<ul style="list-style-type: none"> Targeted letters to key stakeholders Public notice/advertisements in local papers 				

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

Planned	In Progress	Complete	
	√		Internal
√			Community Boards/Community Committees
			Waikato-Tainui/Local iwi
			Households
√			Business
√			Other: Funeral Directors and Monumental Masons

5. CONCLUSION

Approval is sought to commence consultation. This is a requirement under the Local Government Act 2002 and allows for public feedback on the removal of clause 6.2 of the Cemeteries Bylaw.

6. ATTACHMENTS

- Statement of Proposal including proposed amendments to the Cemeteries Bylaw 2016 - p19
- Waikato District Council Cemetery Strategy - Appendix 2: Waikato District Cemetery Projections - p24
- Proposed Amendments to the Cemeteries Bylaw 2016 - p70



HAVE
YOUR SAY ON
THE PROPOSED
CHANGES

STATEMENT OF PROPOSAL

AMENDMENT TO CEMETERIES
BYLAW 2016

waikatodistrict.govt.nz

0800 492 452

This Statement of Proposal is made for the purposes of Sections 83, 86 and 156 of the Local Government Act 2002.

IT INCLUDES:

- Background to the proposal
- Reasons for the proposal
- Summary of the proposed changes
- 'have your say' details

BACKGROUND

In 2016, Council undertook a review of their Cemeteries Bylaw. Part of this review included clause 6.2, which restricts the pre-purchasing of plots only to when a relative is to be buried and restricting the number of plots that can be purchased to two.

Clause 6.2 of the Cemeteries Bylaw 2016 - *In cemeteries where plot pre-purchase is available a person is entitled to purchase the exclusive right of burial for no more than two plots. Any relative of a person so buried may, at the time of burial, purchase two adjacent plots at the time of burial only.*

At the time the bylaw was drafted there was lack of available land within our cemeteries and there was a potential risk that a large portion of our cemeteries could be allocated and not utilised. Therefore, this would increase the need to purchase additional land for future cemeteries.

The decision to include this clause was in response to addressing an instance whereby eight plots were pre-purchased at a single time. It is now considered that this instance was a one-off and the likelihood of it happening again is low.

Since the bylaw came into force on 11 July 2016 Council has received criticism relating to clause 6.2. In response to this feedback Council is undertaking a review with the intention to amend the bylaw.

KEY CHANGES WE'RE PROPOSING TO MAKE

- Key change 1 - Remove restrictions on when plots can be pre-purchased



KEY CHANGE 1

Here's a summary of the key changes we're proposing to make

What we're doing now

Under the current bylaw, the pre-purchasing of plots can occur only at the time of the burial of a relative. The number of plots that can be pre-purchased is limited to two.

What we're proposing

In response to feedback received from the public, Council is undertaking a review with the intention to amend the bylaw, enabling the public to pre-purchase plots at any stage and leave the two plot purchase restriction in place.

SUBMISSIONS CAN BE:

ONLINE:

www.waikatodistrict.govt.nz/sayit



POSTED:

Waikato District Council
Private Bag 544
Ngaruawahia 3742

DELIVERED:

Waikato District Council
Attn: Corporate Planner
15 Galileo Street, Ngaruawahia 3742



EMAILED:

consult@waidc.govt.nz
Subject heading should read:
"Cemeteries Bylaw – Submission"

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

WHAT HAPPENS NEXT?

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

Following the closing of submissions on 26 July 2019, all submissions will be reviewed. Verbal submissions will be heard and all submissions formally considered at a Council meeting on 20 August 2019 (or as soon thereafter as possible).

This meeting is open to both submitters and the public to attend.

IMPORTANT DATES TO REMEMBER:

SUBMISSIONS OPEN – 26 June 2019

SUBMISSIONS CLOSE – 26 July 2019

HEARING OF SUBMISSIONS – 20 August 2019

If you have any further queries or would like copies of the proposed Bylaw, please contact Jodi Bell-Wymer on 0800 492 452.





macro perspective  micro analysis

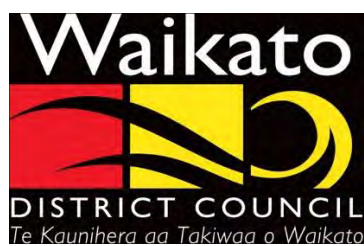
Waikato District Cemetery Strategy Projections

November 2014

Report prepared by:



for:



Quality Assurance Statement

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Rev No.	Date	Revision Details	Prepared by	Reviewed by	Approved by
1	13/10/2014	Draft for Client	WC	KJ/TL	TL
2	01/11/2014	Final	WC	KJ/TL	TL

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Executive Summary

Rationale Limited has been engaged to provide supply and demand projections for the Waikato District Council (WDC) cemeteries. The objective of this study is to assist WDC in developing the cemetery strategy for the management and provision of future land for cemeteries in the district. The study period is 30 years (2015 to 2045).

The WDC is responsible for 22 cemeteries. Of these, the Alexandra Redoubt Cemetery, Pokeno Old Soldiers Cemetery and Rangiriri Old Cemetery are all closed with no further development planned. There are also privately owned cemeteries and numerous Urupa in the district.

The focus of the study is on the plots required for casket burials required on the WDC owned cemeteries. Non-council and private cemeteries, and the small amount of land used for interment of cremations were excluded from the scope of this study. They have however been considered in the demand assessment.

A supply and demand model has been developed to cater for a range of scenarios. The model is informed by historical data and future projections from WDC and Statistics New Zealand.

The study considers both actively maintained land and additional available land, not yet developed for cemetery purposes. The district-wide supply is summarised in the table below:

	Number of Burial Plots
Existing number of burials on actively maintained land	11,700
Residual supply of actively maintained land	4,200
Residual supply of additional land	18,000 to 26,000
Total	33,900 to 41,900

Over the 30 year study period, the number of deaths in the district are projected to increase from around 400 to around 700 per year. The increase is due to population growth and the impact of an ageing population. The number of casket burials at WDC cemeteries over the same period are projected to increase from around 110 per year to over 200 burials per year.

The results focus on the best estimate (base case) and the worst case (assuming lower supply and higher demand). The key findings based on the assumptions under the base case are shown in the following table. The cemeteries are grouped into categories showing the capacity status or redevelopment work required.

Category	Number of cemeteries in category	Cemetery	Year	Residual Capacity at 2045
Already closed	3	Alexandra Redoubt		0
		Pokeno Old Soldiers		0
		Rangiriri Old		0
Total capacity reached within the next 30 years – to be closed	4	Ngaruawahia Old	2016	0
		Tuakau	2016	0
		Huntly Kimihia ¹	2035	0
		Pokeno	2040	0
Redevelopment of additional land required in the next five years	3	Te Mata	2015	190
		Rangiriri	2017	320
		Whatawhata	2017	4,230
Redevelopment of additional land required – 2020 to 2024	3	Matahura/Waiterimu	2020	1,760
		Huntly Kimihia ¹	2023	0
		Waerenga	2024	1,520
Redevelopment of additional land required – 2025 to 2045	5	Gordonton	2027	150
		Maramarua	2035	1,590
		Okete	2035	270
		Jackson Street	2040	2,760
		Orini	2045	340
Sufficient residual capacity available until at least 2045	5	Mercer	n/a	1,620 ²
		Muslim	n/a	25
		Onewhero	n/a	2,860 ²
		Raglan	n/a	240
		Taupiri	n/a	3,350 ²

1. The Huntly Kimihia is projected to require redevelopment in 2023 and reach total capacity around 2035.

2. Includes the residual capacity of additional land not projected to be required until post 2045.

The number of casket burials at WDC cemeteries between 2015 and 2045 is projected to be between 5,000 and 7,200. Under the base case there are projected to be over 21,200 burial plots still available in the WDC cemeteries at the end of the 30 year study period. Under the worst case, this residual capacity in 2045 would be reduced to less than 15,000 burial plots. Despite some cemeteries being projected to reach capacity, all parts of the district are forecast to have surplus capacity in nearby cemeteries.

The appendix includes a detailed overview of the key findings for each cemetery. These have been developed to be inserted as summary information in the cemetery strategy and includes:

- A brief synopsis of the findings, including both the base and worst case scenario.
- A summary supply and demand graph showing both historical figures and future projections under the base case and the worst case.
- A summary table showing the key outputs.

Introduction

The Waikato District Council (WDC) is responsible for 22 cemeteries. There are also privately owned cemeteries and numerous Urupa in the district.

WDC are developing a Cemetery Strategy to examine the current service and availability of cemeteries within the district for future planning requirements. A key component of the strategy is understanding the existing supply of suitable cemetery land and comparing this to the likely demand for burial sites throughout the district. The objective of this study is to provide a supply and demand model to guide WDC in developing the strategy for the management and provision of future land for cemeteries in the district. The study period is 30 years (2015 to 2045).

The cemeteries considered in this study are listed below:

Gordonton Cemetery	Orini Cemetery
Huntly Kimihia Cemetery	Pokeno Cemetery
Jackson Street Cemetery	Raglan Cemetery
Maramarua Cemetery	Rangiriri Cemetery
Matahura/Waiterimu Cemetery	Taupiri Cemetery
Mercer Cemetery	Te Mata Cemetery
Muslim	Tuakau Cemetery
Ngaruawahia Old Cemetery	Waerenga Cemetery
Okete Cemetery	Whatawhata Cemetery
Onewhero Cemetery	

The Alexandra Redoubt Cemetery, Pokeno Old Soldiers Cemetery and Rangiriri Old Cemetery are all closed with no further development planned. Therefore for the purpose of this study, no further demand was allocated to these cemeteries. The non-council and private cemeteries were also excluded from scope of this study.

Method

The focus of this study is on the burial plots available and required for casket burials. Interment of cremations at the WDC cemeteries has not been considered due to the small land area required for these types of internments.

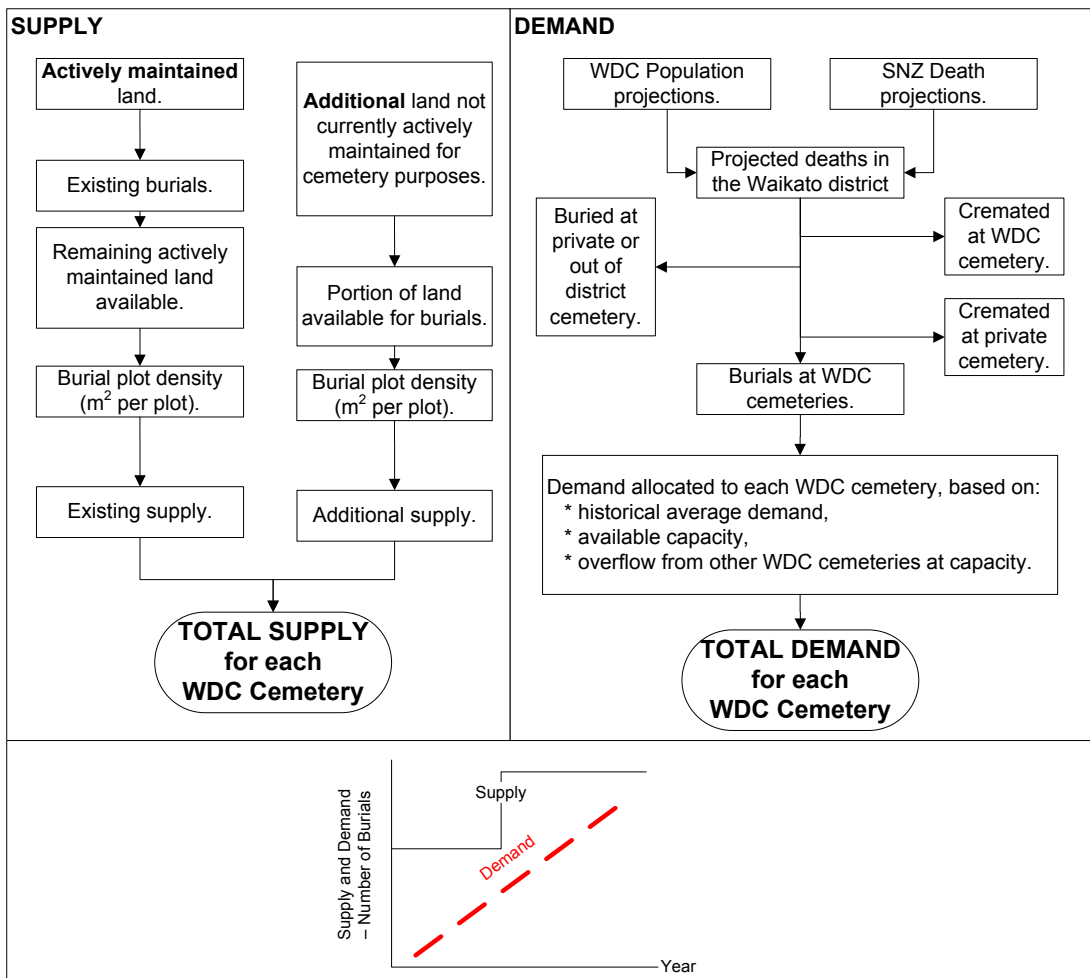
The supply and demand model has been built to consider the following scenarios:

- Base case - this is the most likely scenario based on the data available and the assumptions agreed with council officers.
- Worst case - this is a scenario to demonstrate how each cemetery would be affected if there was higher demand and lower supply.
- Best case - this is a scenario to demonstrate how each cemetery would be affected if there was lower demand and higher supply.

The focus of this report is the base case and the worst case scenario. The best case scenario is of less relevance as it is unlikely to be suitable for planning future development.

An overview of the method is shown in the following diagram.

Figure 1 : Supply and demand methodology overview



The two sides of the supply and demand model are explained in further detail in the following sections.

Supply

The supply for future casket burials is quantified using the number of burial plots available. The supply side has been split into two components:

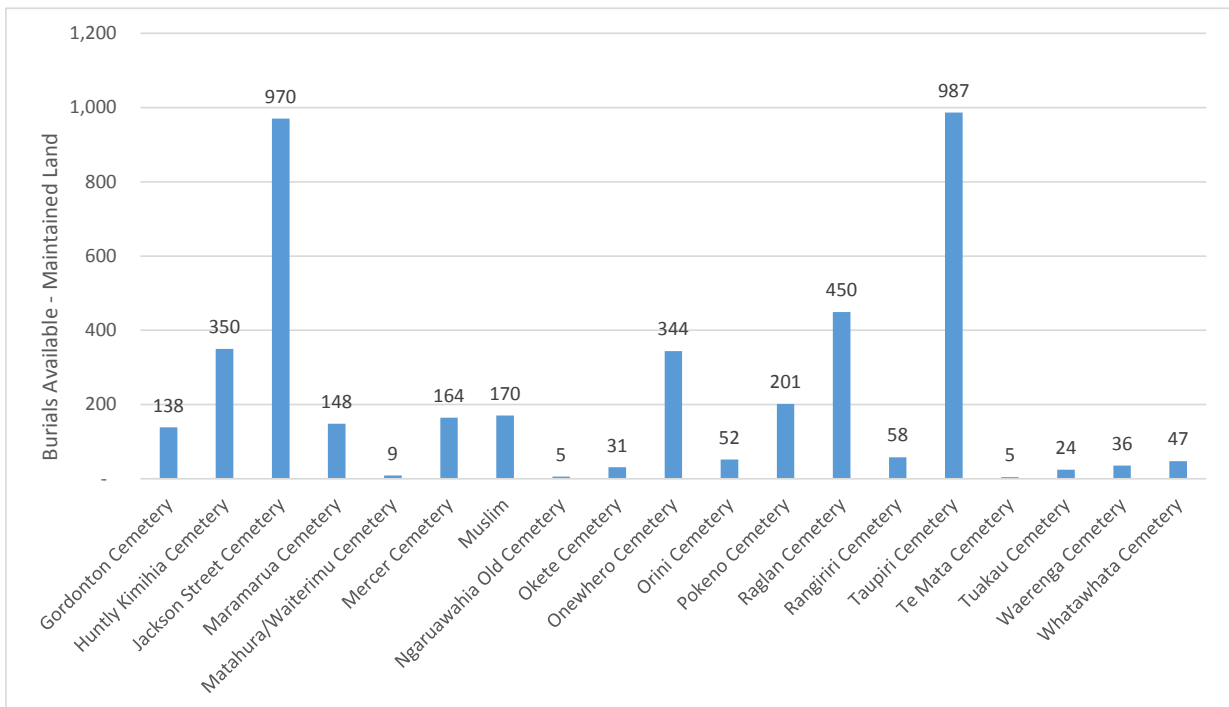
1. Further utilisation of actively maintained land.
2. Development of land that is available but not currently actively maintained for cemetery purposes. Not all cemeteries have this type of land available for future development.

The existing supply (as at 2014) of actively maintained land for each cemetery has been based on the following parameters:

- The total area of actively maintained land that is available for burial plots
- The number of burials to date
- The density of existing burial plots.

The supply outputs on actively maintained land have been agreed with council officers to provide the following 2014 supply of burial plots. The total existing capacity for the district is over 4,000 burial plots, however a number of cemeteries are nearing capacity.

Figure 2 : Burial plots available on actively maintained land

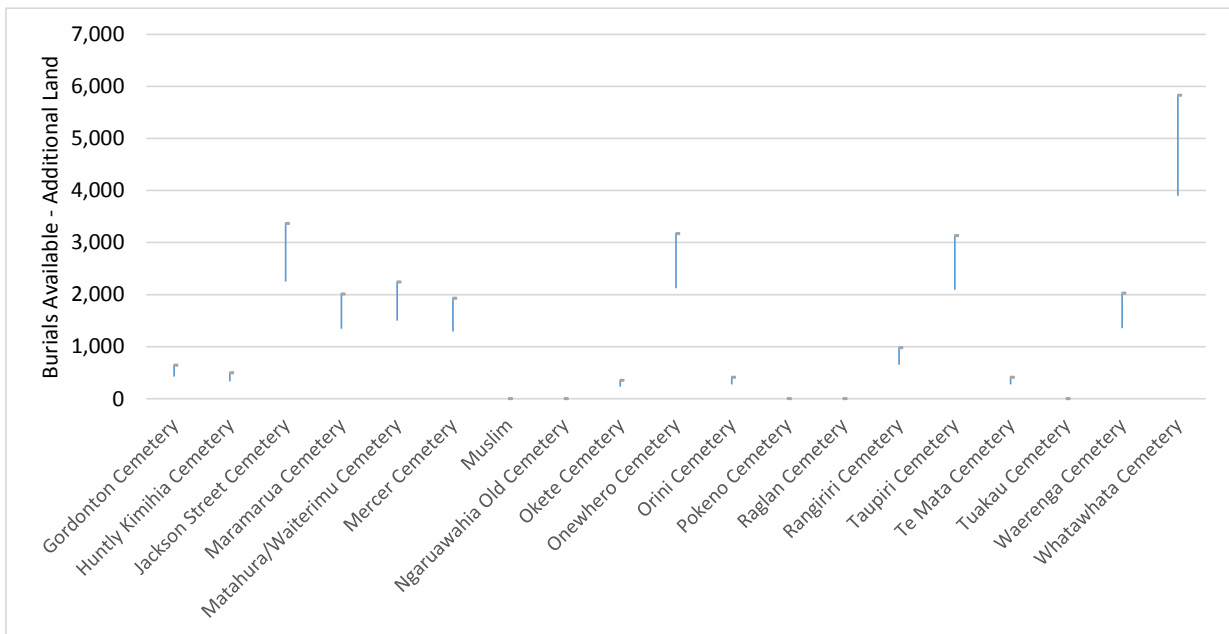


A similar approach has been used for the development of additional land that is not currently maintained for cemetery purposes. However the portion of land available for burials and the density of burial plots are input variables that can be modified to model a range of supply scenarios. The key assumptions are:

- That 80% of the additional land will be suitable for cemetery purposes. The remaining 20% is assumed to be used for green spaces, eco-burials, car parks, driveways and pathways. This assumption has been agreed with Council officers.
- The density of burial plots is 8.3m² per burial plot. This is based on guidance from WDC's Cemetery Planning Manual where each plot is 2.2m x 0.75m with a space of 0.75m on all four sides. This density is applied as an average. In reality there will be some plots that are dug to include two caskets and also some pre-booked plots. The overall average and scenarios discussed below account for these factors and how they influence the overall supply.

The range of potential supply available, excluding the actively maintained land, is summarised in the following graph. The range is based on a +/-10% change in the assumptions for available additional land and burial density to model the best and worst case.

Figure 3 : Range of burials available on additional land



This graph shows that eight cemeteries have at least another 1,000, (and as many as 6,000) burial plots available should all future land be developed. For example Whatawhata Cemetery potentially has between 3,900 and 5,800 burial plots on additional land. A further six cemeteries have several hundred additional burial plots available. The total burial plots across the district on additional land is between 18,000 and 26,000.

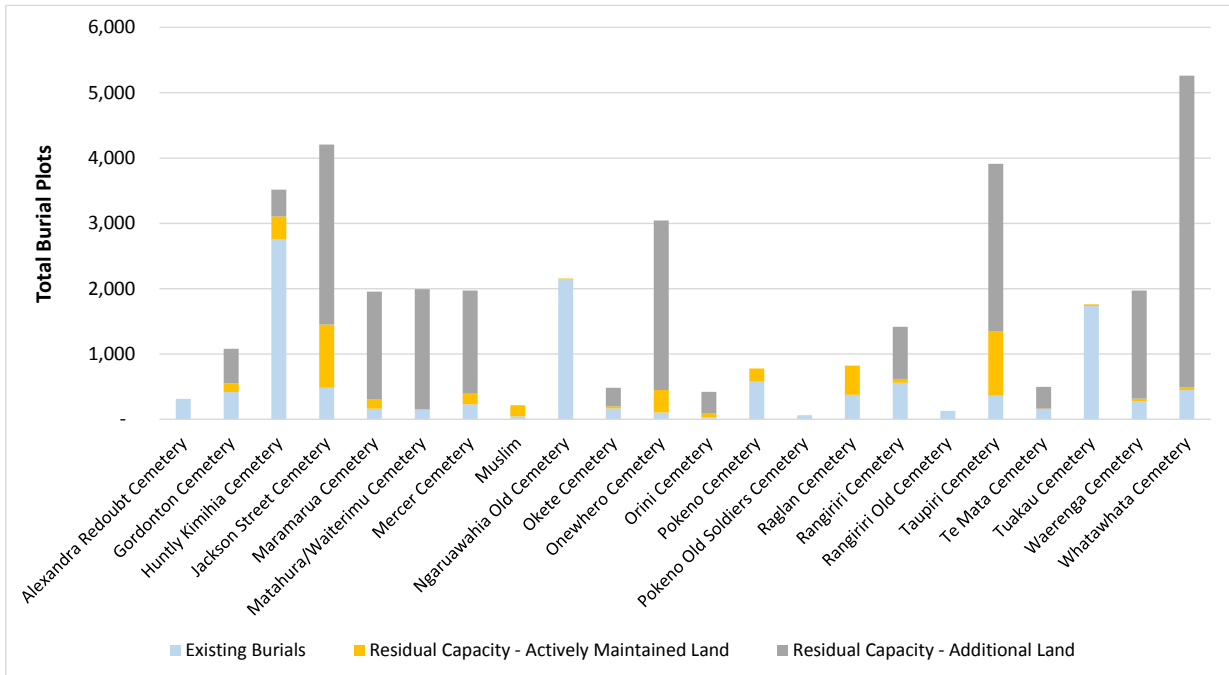
A district wide summary is shown in the following table and a summary of the supply for each cemetery is shown in the graph on the following page. The number of existing burials are also shown for perspective.

Table 1 : District-wide supply summary – base case

	Number of Burial Plots
Existing number of burials on actively maintained land	11,700

Residual supply of actively maintained land	4,200
Residual supply of additional land	18,000 to 26,000
Total	33,900 to 41,900

Figure 4 : Number of existing burials and the number of burials available (base case)



Demand

Historical Background

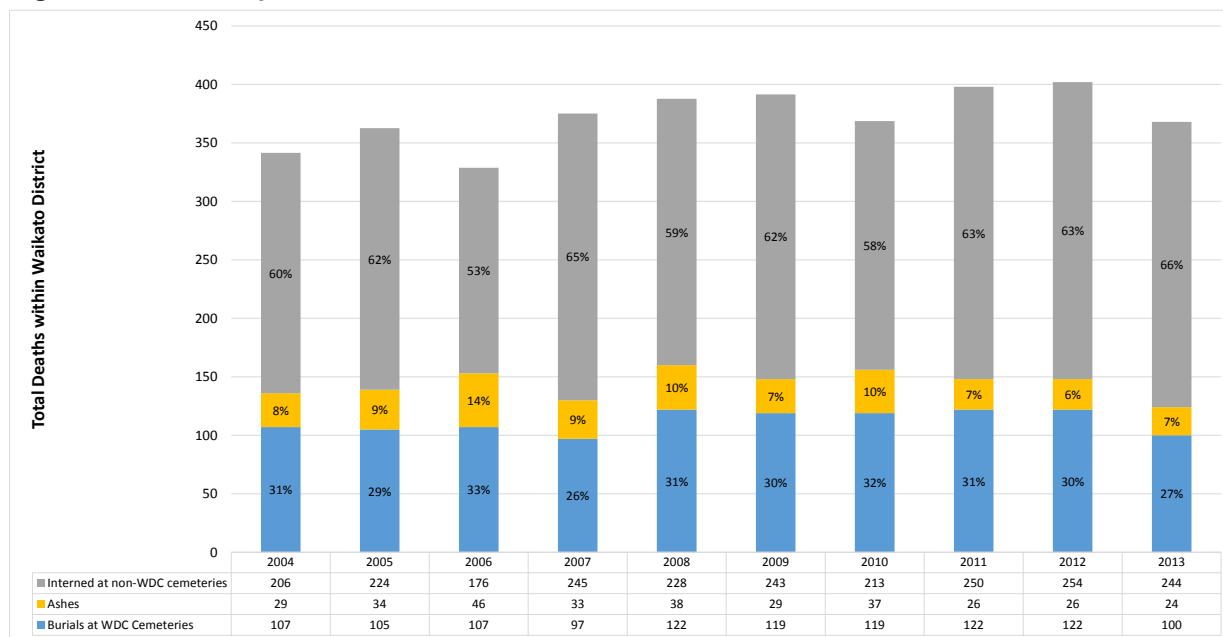
The number of deaths in the Waikato district have increased over the last 15 years from around 350 per year to nearly 400 people per year. This includes the portion of the Franklin District merged into Waikato District to ensure a consistent comparison.

Using WDC data, the deaths over the past decade have been split into burials at WDC cemeteries, ashes interments at WDC cemeteries and burials/cremations at non WDC cemeteries (these include cemeteries outside the district or at private cemeteries). The number of burials at WDC cemeteries ranges from 95 to 125 per year. The following graph shows that the proportion of the Waikato deaths that are buried at WDC cemeteries has ranged from 26% to 33%. This portion also includes the people that pass away elsewhere and are buried at WDC cemeteries.

The largest portion is those that pass away in the Waikato district and are buried or cremated at private, non-council cemeteries or outside the district.

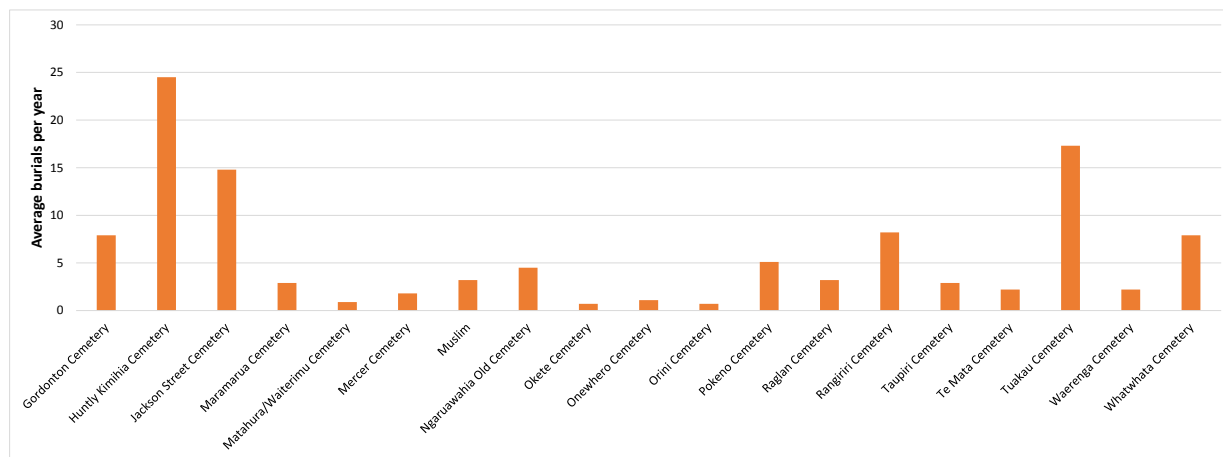
The ashes interments within the district are relatively low, varying from 6% to 14%. As discussed earlier these interments have been excluded from the land area analysis.

Figure 5 : Historic split of Waikato District deaths



The average number of burials at each WDC cemetery over the last 10 years are shown in the following graph. The Huntly Kimihia Cemetery, Jackson Street Cemetery and Tuakau Cemetery have had the highest demand in recent times.

Figure 6: Average burials at Waikato District Council cemeteries - 2004 to 2013



The historical burials at some cemeteries fluctuates over the last 10 years, however the average is an accurate reflection of the annual demand at the cemeteries.

Projected Demand

The projection of demand for burial plots in the Waikato district is based on two assumptions:

1. The projected number of deaths in the district,
2. The ratio of deaths to those that are buried in the WDC cemeteries.

The final step of the demand projections is the allocation of the demand to each cemetery. The assumptions used are explained in the following section.

Projected Deaths

The projected deaths in the Waitako district are based on Statistics New Zealand (SNZ) population projections for the district. These population projections include a low, medium and high series and are informed by a range of birth, death and net migration rates. These are summarised in the following table for each scenario. The district wide projections are provided until 2031. Following this point national projections are used to inform the projections until 2045. The death rate for all three series is projected to increase over time due to population growth and the impact of an ageing population.

Table 2 : Average annual deaths – Waikato District

Scenario	2001 - 2005	2006 - 2010	2011- 2013	2014- 2015	2016- 2020	2021- 2025	2026- 2030	2031- 2035	2036- 2040	2041- 2045
Low	350	370	390	420	440	500	560	620	680	730
Medium				400	440	480	540	595	650	700
High				400	420	460	520	575	630	680

The projected deaths in the district are intrinsically linked to the resident population. The population projections WDC have adopted indicate the district’s population will grow from around 68,000 in 2015 to over 97,000 in 2045. This is an increase of nearly 29,000 people at a growth rate of around 1,000 people per year.

The base case uses the projected death from the SNZ High series as this aligns best with WDC adopted growth projections. This results in a slightly lower number of deaths than under the SNZ Medium and Low series. The worst case scenario uses the SNZ Low series which projects more deaths and therefore places a higher demand on the cemeteries.

Burials at WDC cemeteries

The ratio of the districts deaths to those that are buried at WDC cemeteries is a key assumption in this study. The base case uses the historical average of 0.3 to 1 (30%) of the district deaths. The worst case scenario uses a higher ratio, 0.4 to 1 (40%). This ratio is derived from the burials and internments at non-Waikato district cemeteries and cremations. Therefore the ratio also accounts for people that live outside the district who are buried at WDC cemeteries.

Allocation of Demand

The total projected burials within the district are allocated to each cemetery based on the average historical demand. Consideration of the overflow from other cemeteries is also included.

When the actively maintained land in a cemetery is full, and there is additional land available, then this land is assumed to be developed in time to accommodate further burials. In reality this development may be staged over time.

When a cemetery is full and there is no additional land available (or if the developed additional land is also utilised) then the demand is assumed to be accommodated by other cemeteries within the district.

The overflow is allocated by a two-step process.

1. In the first step the overflow is allocated to the remaining cemeteries based on their respective demand, i.e. the more popular cemeteries receive a greater proportion of the overflow.
2. In the second step the remaining cemeteries with the highest residual capacity receives an equivalent portion of the overflow.

The only exception to the allocation of the overflow is the Muslim cemetery. The demand for this cemetery is based solely on the historic average.

Results

Overview

A summary table of the residual capacity of the WDC cemeteries for the base case is shown in the following table. The 2014 figure represents the current residual capacity, namely the number of burial plots available on the actively maintained land. As the future demand is allocated to each cemetery, the residual capacity decreases. The table shows the annual change for the first 10 years, and then at five year periods from 2025 to 2045. The final column shows the residual capacity of the additional land that is not projected to be required in the next 30 years.

The green (light) cell indicates redevelopment of further additional land is required, this is assumed to occur around three years before the cemetery is full. The red (dark) cell indicates the cemeteries that reach the maximum capacity and do not have any additional land to develop and are therefore closed. The cemeteries that are already closed (Alexandra Redoubt, Pokeno Old Soldiers and Rangiriri Old cemeteries) are not shown.

Table 3 : Residual capacity for all cemeteries

Cemetery	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2030	2035	2040	2045	Remaining additional land
Gordonton Cemetery	138	130	119	108	97	86	75	63	51	38	26	14	470	390	281	147	0
Huntly Kimihia Cemetery	350	324	291	256	222	187	153	115	77	448	410	372	159	0	0	0	0
Jackson Street Cemetery	970	954	934	914	893	872	851	828	805	783	760	737	608	461	3,012	2,758	0
Maramarua Cemetery	148	145	141	137	133	129	125	120	116	111	107	102	77	1,692	1,637	1,586	0
Matahura/Waiterimu Cemetery	9	8	7	6	4	3	1,837	1,836	1,834	1,833	1,832	1,830	1,822	1,802	1,773	1,756	0
Mercer Cemetery	164	162	160	157	155	152	150	147	144	141	139	136	120	102	77	46	1,577
Muslim	170	167	163	160	156	152	149	145	141	137	133	129	107	82	55	26	0
Ngaruawahia Old Cemetery	5	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Okete Cemetery	31	30	29	28	27	26	25	24	23	22	21	20	14	294	282	270	0
Onewhero Cemetery	344	343	341	340	338	337	335	333	332	330	328	326	317	304	287	268	2,596
Orini Cemetery	52	51	50	49	48	47	46	45	44	43	42	41	35	28	18	340	0
Pokeno Cemetery	201	196	189	182	175	167	160	152	145	137	129	121	76	27	0	0	0
Raglan Cemetery	450	446	442	437	433	428	424	419	414	409	404	399	371	338	292	237	0
Rangiriri Cemetery	58	49	38	825	814	802	791	778	765	753	740	727	656	572	457	318	0
Taupiri Cemetery	987	984	980	976	972	967	963	959	954	950	945	941	916	882	835	785	2,564
Te Mata Cemetery	5	337	334	331	328	324	321	318	315	311	308	304	285	262	230	193	0
Tuakau Cemetery	24	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Waerenga Cemetery	36	33	30	27	24	21	18	14	11	8	1,661	1,657	1,638	1,606	1,562	1,523	0

Whatawhata Cemetery	47	39	28	4,784	4,773	4,762	4,750	4,738	4,726	4,714	4,702	4,689	4,621	4,515	4,366	4,227	0
WDC	4,189	4,403	4,277	9,716	9,590	9,464	11,173	11,035	10,896	11,167	12,685	12,546	12,290	13,356	15,164	14,479	6,737

Key Findings

The key findings are summarised below.

The Ngaruawahia Old Cemetery and the Tuakau Cemetery are projected to reach their total capacity within the next two years. The Pokeno Cemetery is projected to reach the total capacity around 2040. The total capacity reflects the fact that there is no additional land to be developed at these cemeteries.

The following cemeteries are projected to require additional land to be developed in the next five years:

- 2015 Te Mata Cemetery.
- 2017 Rangiriri Cemetery.
- 2017 Whatawhata Cemetery.

The following cemeteries are projected to require additional land to be developed in five to ten years' time:

- 2020 Matahura/Waiterimu Cemetery. It should be noted this cemetery only has an existing residual capacity of nine burials. Although the historic demand has been low there is potential for this capacity to be used up before 2020.
- 2023 Huntly Kimihia Cemetery (Despite additional land being developed, this cemetery is projected to reach its total capacity around 2035).
- 2024 Waerenga Cemetery.

The following cemeteries are projected to require additional land to be developed in between 2025 and 2045:

- 2027 Gordonton Cemetery.
- 2035 Maramarua Cemetery.
- 2035 Okete Cemetery.
- 2040 Jackson Street Cemetery.
- 2045 Orini Cemetery.

The Mercer, Muslim, Onewhero, Raglan and Taupiri cemeteries are all projected to have sufficient residual capacity for the next 30 years.

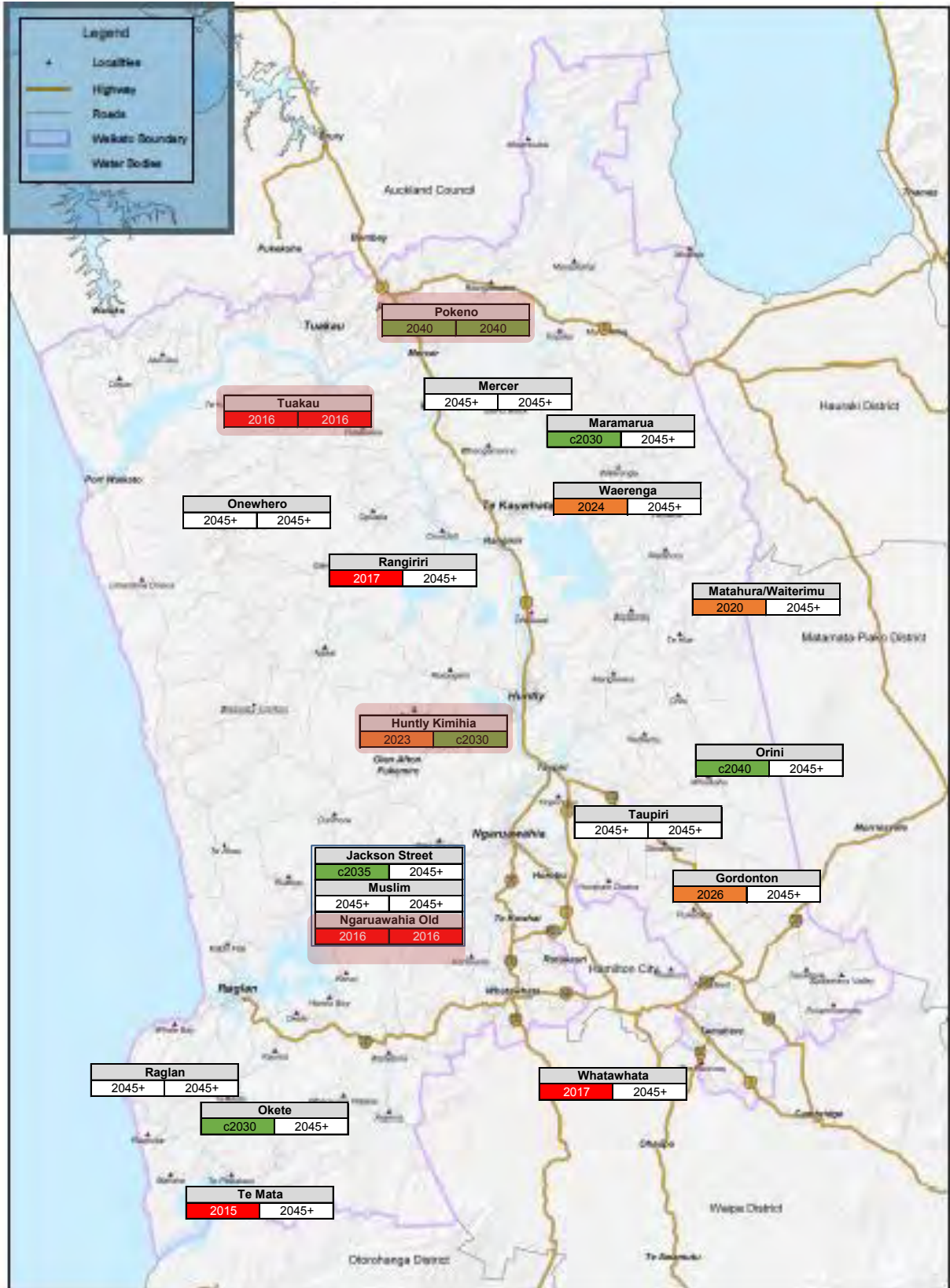
At the end of the 30 year study period there are still nearly 21,200 burial plots available in the WDC cemeteries. The map on the following page provides a visual overview of the districts cemeteries. This shows that most parts of the district have surplus capacity.

The potential exception is the northern part of the district which is the most constrained. Both Tuakau and Pokeno cemeteries are forecast to be closed within the 30 year study period. This constraint is offset by the fact that Maramarua, Mercer and Waerenga cemeteries all have a large residual capacity of over 1,500 burial plots.

The appendix includes a detailed overview of the key findings for each cemetery.

Cemetery Name	
Date that actively maintained land is fully utilised.	Date that the total potential capacity is fully utilised.

0 to 5 years
5 to 15 years
16 to 30 years
Over 30 years



Appendix

This appendix provides the following information about each WDC cemetery:

- A brief synopsis of the findings, including both the base and worst case scenario.
- A summary supply and demand graph showing both historical figures and future projections under the base case (solid line) and the worst case (dashed line).
- A summary table showing the key outputs.

Gordonton Cemetery

The Gordonton Cemetery currently has 416 burials. In the base case the burials per year are projected to increase over the next 30 years from around 10 to nearly 30 burials per year. There is residual capacity on the actively maintained land for a further 140 burials. There is also additional land that can be developed to provide a further 525 burial plots.

The base case scenario projects that redevelopment of Gordonton Cemetery will be required around 2027. This would provide sufficient capacity to meet demand until at least 2045 when the residual capacity would be around 150 burial plots.

Under the worst case scenario the redevelopment of additional land would need to be brought forward six years to 2021. The final closure of the cemetery would be within the 30 year study period, between 2035 and 2040.

Figure 7 : Gordonton Cemetery - Summary graph

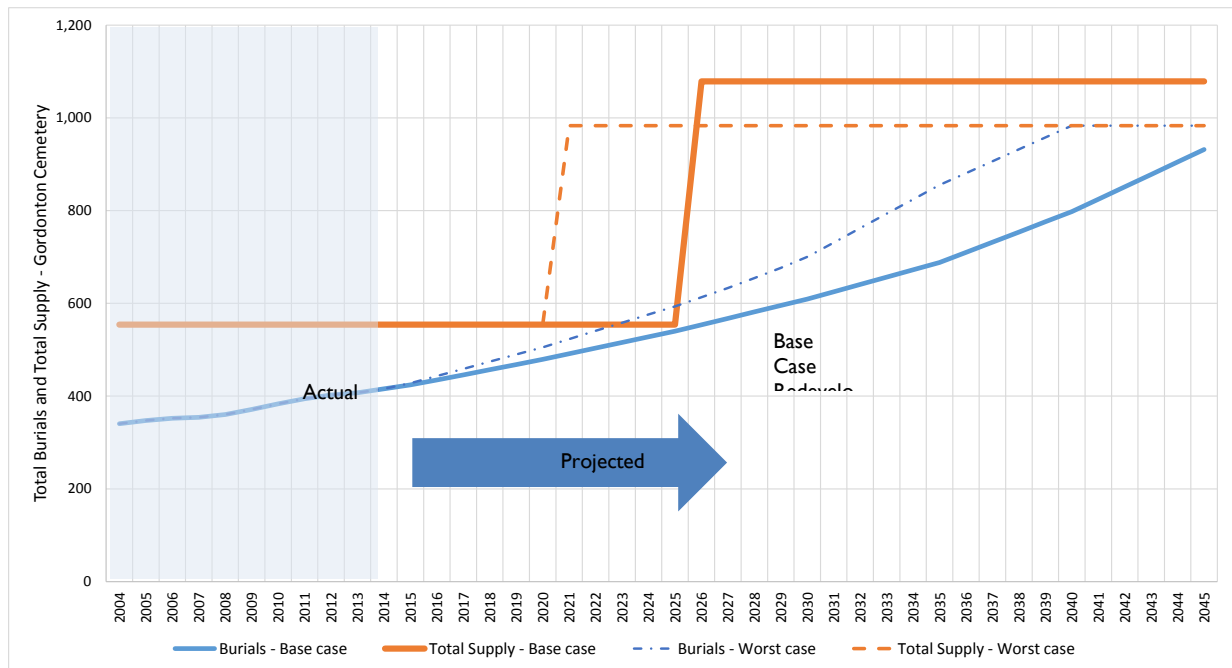


Table 4 : Gordonton Cemetery - Summary table

Supply - Base Case		Burials	Demand - Base Case		Burials
Burials on remaining actively maintained land		138	Existing number of burials (2014)		416
Additional land for burial plots		525	Historical average burials per year (2004 to 2014)		8
Total available residual supply as at 2014		663	Projected burials (2015 to 2045)		516
Total Supply (Residual + existing burials)		1,079	Total burials at 2045		932
CAPACITY DATE			Actively Maintained land	All available land	Residual Capacity at 2045
Base case			2027	2045+	147
Worst case			2021	2040	0

Huntly Kimihia Cemetery

The Huntly Kimihia Cemetery currently has over 2,750 burials. In the base case the burials per year are projected to increase over the next 15 years from around 25 to over 40 burials per year. There is residual capacity on the actively maintained land for a further 350 burials. There is also additional land that can be developed to provide a further 400 burial plots.

The base case scenario projects that redevelopment of Huntly Kimihia Cemetery will be required around 2023. This would provide sufficient capacity to meet demand until around 2035, at which time the cemetery would be full.

Under the worst case scenario the redevelopment of additional land would need to be brought forward four years to 2019. The final closure would also be brought forward eight years to 2027.

Figure 8 : Huntly Kimihia Cemetery - Summary graph

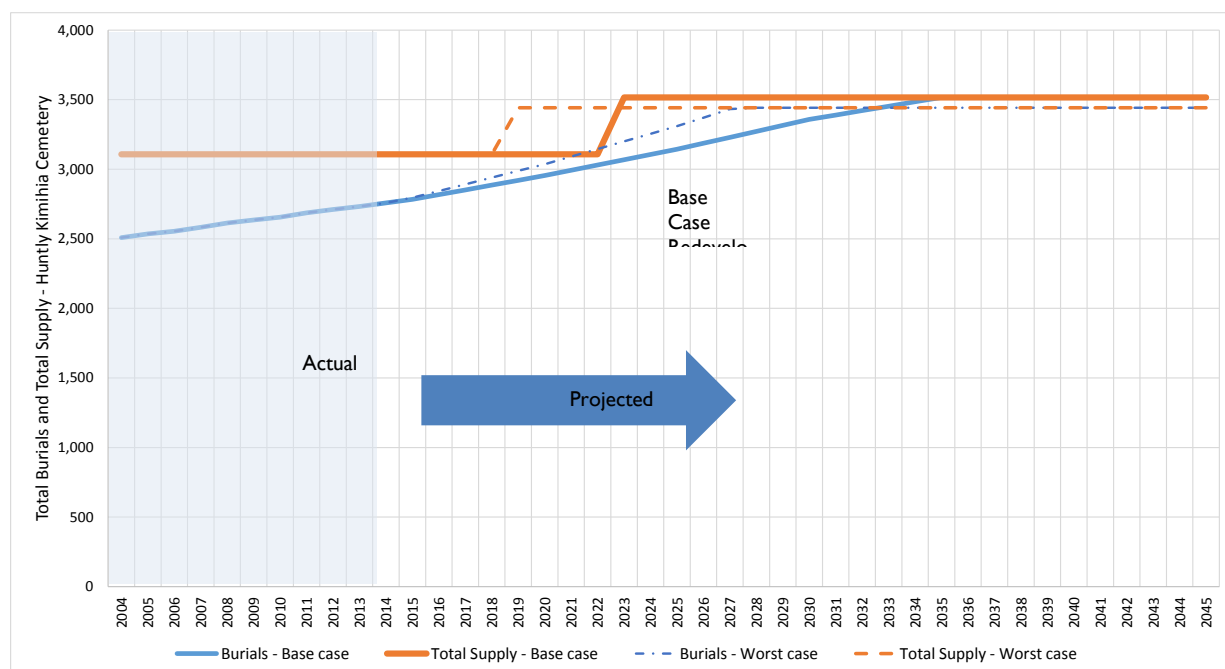


Table 5 : Huntly Kimihia Cemetery - Summary table

Supply - Base Case		Burials	Demand - Base Case		Burials
Burials on remaining actively maintained land		350	Existing number of burials (2014)		2,758
Burials on additional land		408	Historical average burials per year (2004 to 2014)		25
Total available residual supply as at 2014		758	Projected burials (2015 to 2045)		758
Total Supply (Residual + existing burials)		3,516	Total burials at 2045		3,516
CAPACITY DATE		Actively Maintained land	All available land	Residual Capacity at 2045	
Base case		2023	2035	0	
Worst case		2019	2027	0	

Jackson Street Cemetery

The Jackson Street Cemetery currently has over 480 burials. In the base case the burials per year are projected to increase over the next 30 years from around 15 to over 50 burials per year. There is residual capacity on the actively maintained land for a further 970 burials. There is also additional land that can be developed to provide a further 2,750 burial plots.

The base case scenario projects that redevelopment of Jackson Street Cemetery will be required around 2040. This would provide sufficient capacity to meet demand until at least 2045 when the residual capacity is projected to be nearly 2,760 burial plots.

Under the worst case scenario the redevelopment of additional land would need to be brought forward five years to 2035 and the 2045 residual capacity would be around 1,620 burial plots.

Figure 9 : Jackson Street Cemetery - Summary graph

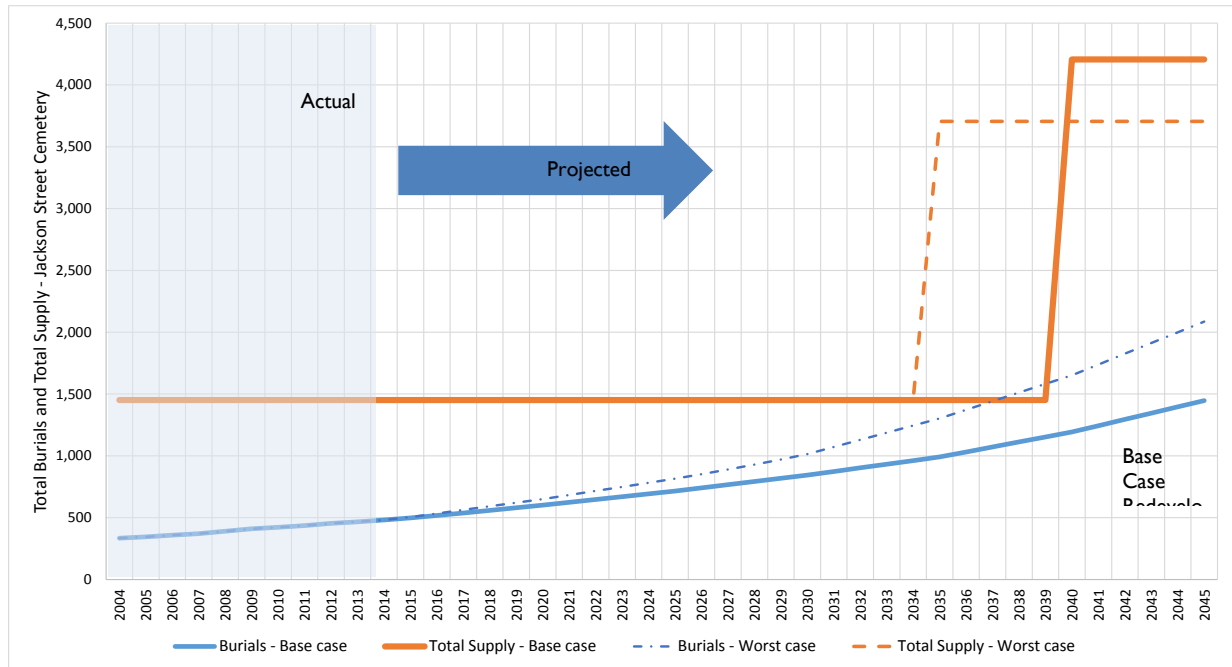


Table 6 : Jackson Street Cemetery - Summary table

Supply - Base Case		Burials	Demand - Base Case		Burials
Burials on remaining actively maintained land		970	Existing number of burials (2014)		482
Burials on additional land		2,753	Historical average burials per year (2004 to 2014)		15
Total available residual supply as at 2014		3,723	Projected burials (2015 to 2045)		965
Total Supply (Residual + existing burials)		4,205	Total burials at 2045		1,447
CAPACITY DATE		Actively Maintained land	All available land	Residual Capacity at 2045	
Base case		2040	2045+	2,758	
Worst case		2035	2045+	1,619	

Maramarua Cemetery

The Maramarua Cemetery currently has over 160 burials. In the base case the burials per year are projected to increase over the next 30 years from around 3 to over 10 burials per year. There is residual capacity on the actively maintained land for a further 150 burials. There is also additional land that can be developed to provide a further 1,640 burial plots.

The base case scenario projects that redevelopment of Maramarua Cemetery will be required around 2035. This would provide sufficient capacity to meet demand until at least 2045 when the residual capacity is projected to be nearly 1,600 burial plots.

Under the worst case scenario the redevelopment of additional land would occur at the same time, however the 2045 residual capacity would be under 1,200 burial plots.

Figure 10 : Maramarua Cemetery - Summary graph

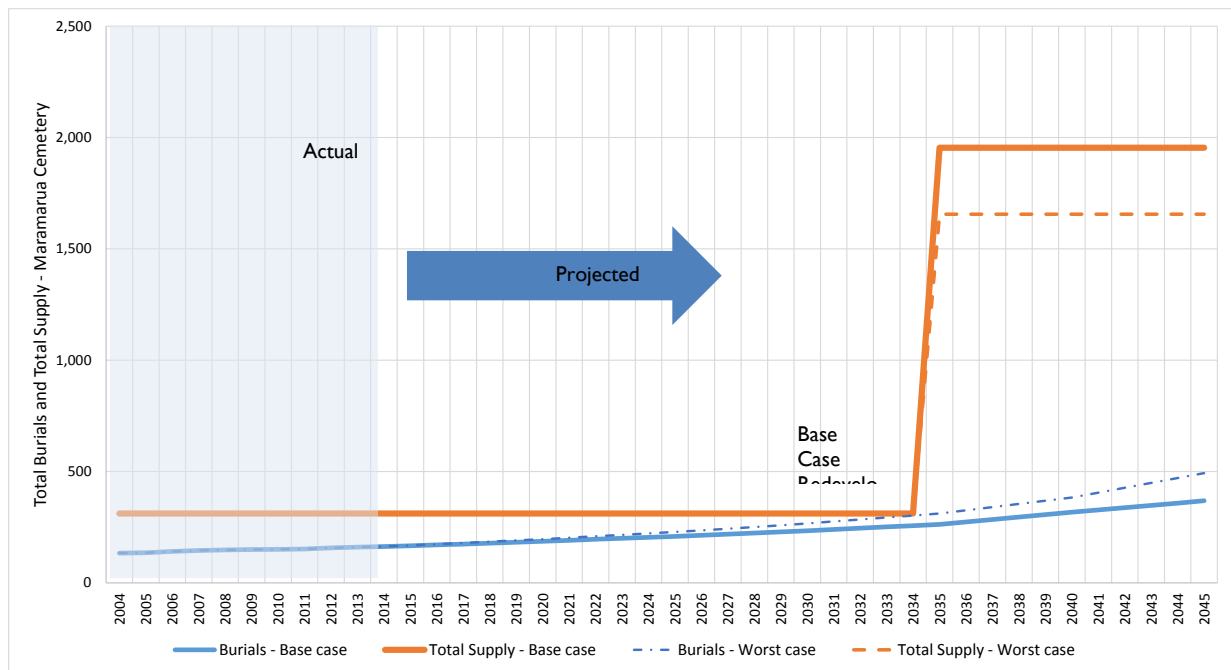


Table 7 : Maramarua Cemetery - Summary table

Supply - Base Case		Burials	Demand - Base Case		Burials
Burials on remaining actively maintained land		148	Existing number of burials (2014)		163
Burials on additional land		1,643	Historical average burials per year (2004 to 2014)		3
Total available residual supply as at 2014		1,791	Projected burials (2015 to 2045)		205
Total Supply (Residual + existing burials)		1,954	Total burials at 2045		368
CAPACITY DATE		Actively Maintained land	All available land	Residual Capacity at 2045	
Base case		2035	2045+	1,586	
Worst case		2035	2045+	1,163	

Matahura/Waiterimu Cemetery

The Matahura/Waiterimu Cemetery currently has nearly 150 burials. In the base case the burials per year are projected to increase over the next 30 years from around one to over five burials per year. There is residual capacity on the actively maintained land for a further nine burials. There is also additional land that can be developed to provide a further 1,835 burial plots.

The base case scenario projects that redevelopment of Matahura/Waiterimu Cemetery will be required around 2020. This would provide sufficient capacity to meet demand until at least 2045 when the residual capacity would be around 1,750 burial plots.

Under the worst case scenario the redevelopment of additional land would need to be brought forward three years to 2017 and the 2045 residual capacity would be around 1,335 burial plots.

Figure 11 : Matahura/Waiterimu Cemetery - Summary graph

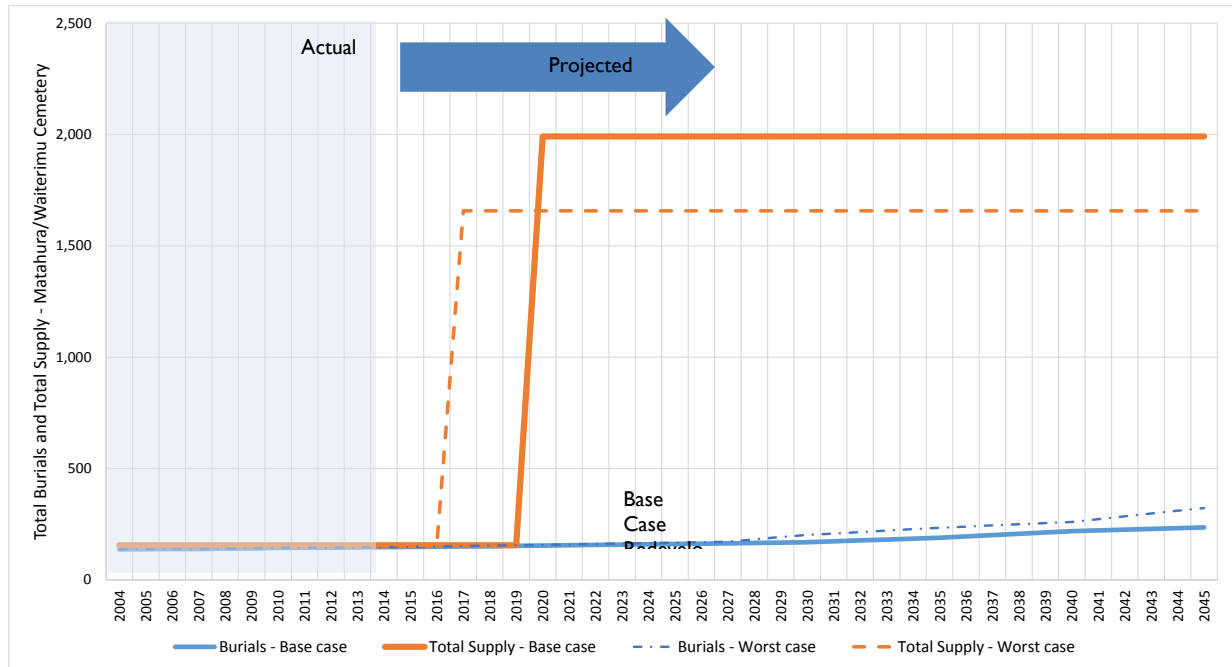


Table 8 : Matahura/Waiterimu Cemetery - Summary table

Supply - Base Case		Burials	Demand - Base Case		Burials
Burials on remaining actively maintained land		9	Existing number of burials (2014)		147
Burials on additional land		1,835	Historical average burials per year (2004 to 2014)		1
Total available residual supply as at 2014		1,844	Projected burials (2015 to 2045)		89
Total Supply (Residual + existing burials)		1,991	Total burials at 2045		235
CAPACITY DATE		Actively Maintained land	All available land	Residual Capacity at 2045	
Base case		2020	2045+	1,756	
Worst case		2017	2045+	1,335	

Mercer Cemetery

The Mercer Cemetery currently has nearly 230 burials. In the base case the burials per year are projected to increase over the next 30 years from around two to over six burials per year. There is residual capacity on the actively maintained land for a further 164 burials. There is also additional land that can be developed to provide a further 1,577 burial plots.

The base case scenario projects that redevelopment of Mercer Cemetery will not be required before 2045. However the residual capacity of the actively maintained land at this time will be only 46 burial lots, with the capacity of the additional land (1,580 burials plots) also still available.

Under the worst case scenario the redevelopment of additional land would be needed around 2035 and the 2045 residual capacity would be around 1,220 burial plots.

Figure 12 : Mercer Cemetery - Summary graph

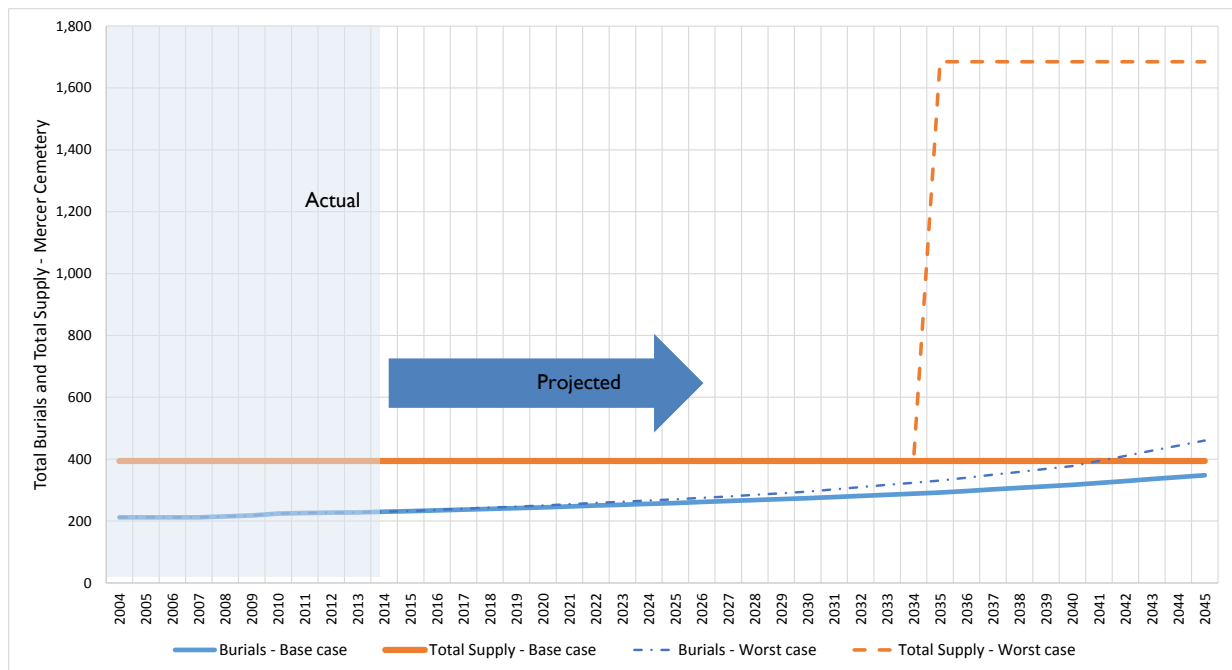


Table 9 : Mercer Cemetery - Summary table

Supply - Base Case		Burials	Demand - Base Case		Burials
Burials on remaining actively maintained land		164	Existing number of burials (2014)		230
Burials on additional land		1,577	Historical average burials per year (2004 to 2014)		2
Total available residual supply as at 2014		1,741	Projected burials (2015 to 2045)		118
Total Supply (Residual + existing burials)		1,971	Total burials at 2045		348
CAPACITY DATE		Actively Maintained land	All available land	Residual Capacity at 2045	
Base case		2045+	2045+	1,623	
Worst case		2035	2045+	1,224	

Muslim Cemetery

The Muslim Cemetery currently has nearly 50 burials. In the base case the burials per year are projected to increase over the next 30 years from around three to nearly six burials per year. There is residual capacity on the actively maintained land for a further 170 burials. There is no additional land available.

The base case scenario projects that Muslim Cemetery will not reach capacity before 2045. The residual capacity at this time will be around 26 burial lots.

Under the worst case scenario the Muslim Cemetery would reach capacity around 2045.

Figure 13 : Muslim Cemetery - Summary graph

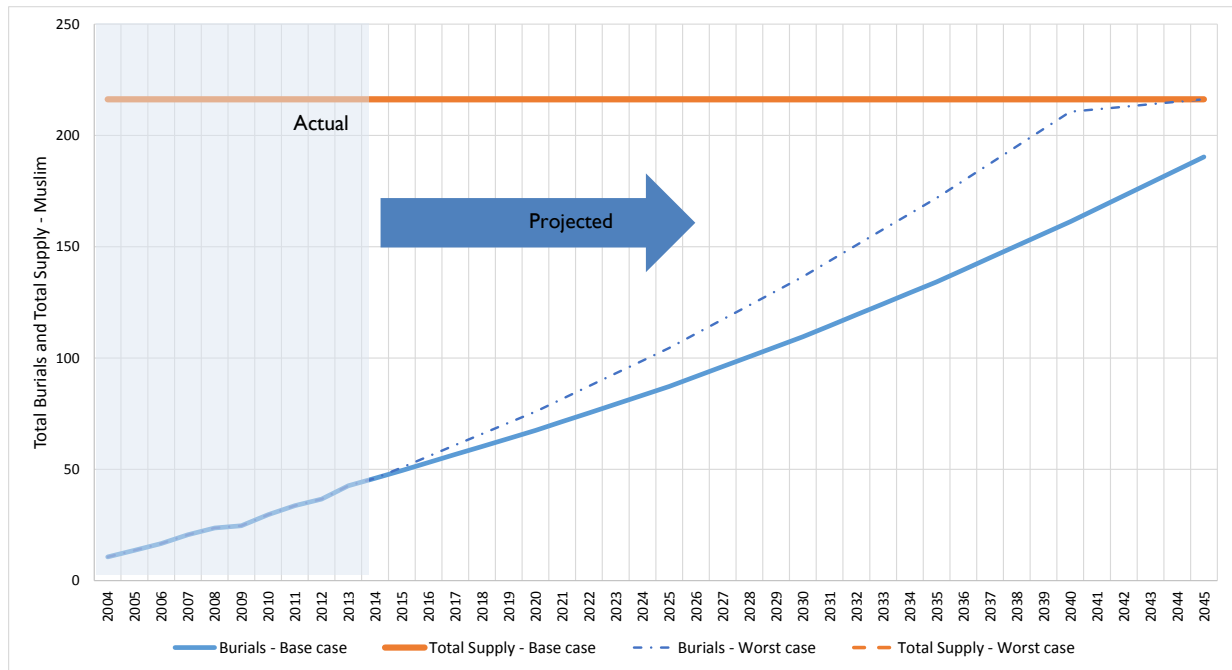


Table 10 : Muslim Cemetery - Summary table

Supply - Base Case		Burials	Demand - Base Case		Burials
Burials on remaining actively maintained land		170	Existing number of burials (2014)		46
Burials on additional land		0	Historical average burials per year (2004 to 2014)		3
Total available residual supply as at 2014		170	Projected burials (2015 to 2045)		144
Total Supply (Residual + existing burials)		216	Total burials at 2045		190
CAPACITY DATE		Actively Maintained land	All available land	Residual Capacity at 2045	
Base case		2045+	2045+	26	
Worst case		2045	2045	0	

Ngaruawahia Old Cemetery

The Ngaruawahia Old Cemetery currently has nearly 2,150 burials. There is only a small residual capacity on the actively maintained land, around five burials. There is no additional land that can be developed therefore the Ngaruawahia Old Cemetery is projected to be full within two years.

Figure 14 : Ngaruawahia Old Cemetery - Summary graph

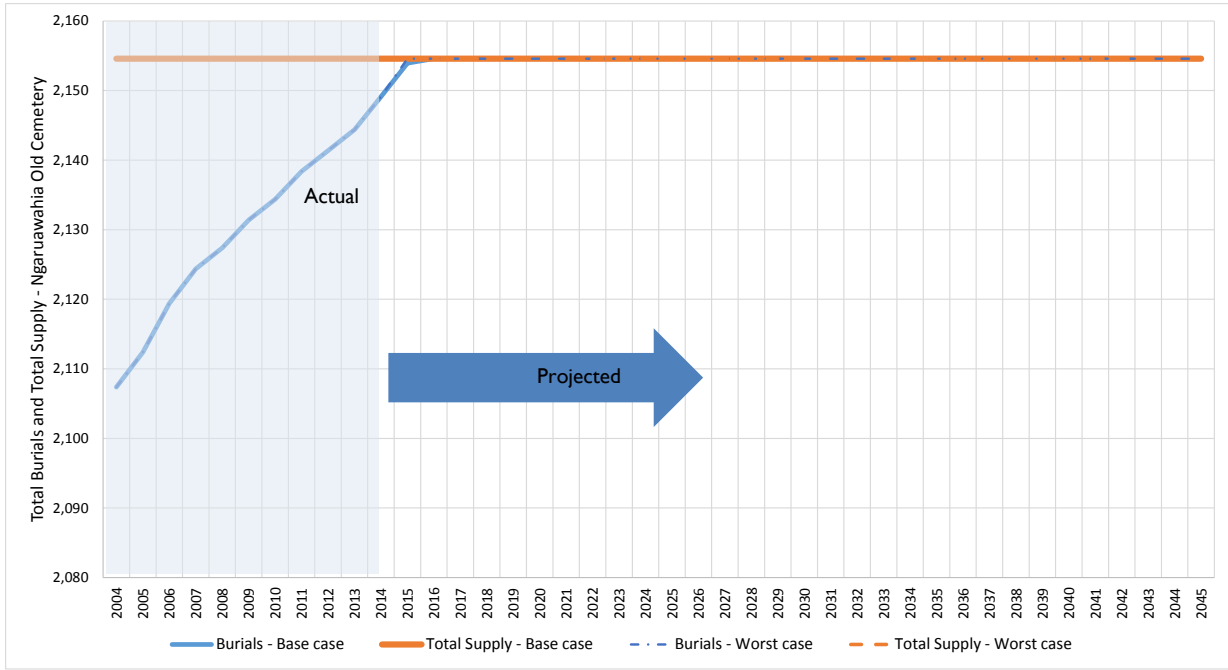


Table 11 : Ngaruawahia Old Cemetery - Summary table

Supply - Base Case		Burials	Demand - Base Case		Burials
Burials on remaining actively maintained land		5	Existing number of burials (2014)		2,149
Burials on additional land		0	Historical average burials per year (2004 to 2014)		5
Total available residual supply as at 2014		5	Projected burials (2015 to 2045)		5
Total Supply (Residual + existing burials)		2,155	Total burials at 2045		2,155
CAPACITY DATE		Actively Maintained land	All available land	Residual Capacity at 2045	
Base case		2016	2016	0	
Worst case		2015	2015	0	

Okete Cemetery

The Okete Cemetery currently has over 160 burials. In the base case the burials per year are projected to increase over the next 30 years from around one to over two burials per year. There is residual capacity on the actively maintained land for a further 31 burials. There is also additional land that can be developed to provide a further 287 burial plots.

The base case scenario projects that redevelopment of Okete Cemetery will be required around 2035. This would provide sufficient capacity to meet demand until at least 2045 when the residual capacity would be around 270 burial plots.

Under the worst case scenario the redevelopment of additional land would still be 2035, however the 2045 residual capacity would be less than 200 burial plots.

Figure 15 : Okete Cemetery - Summary graph

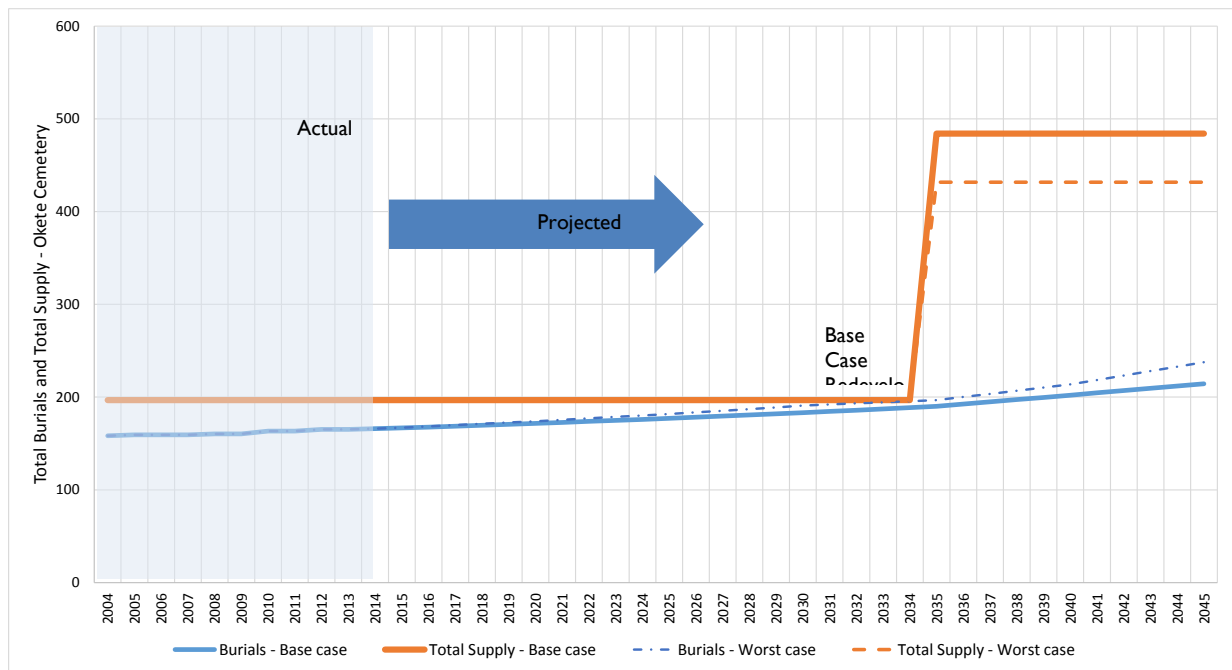


Table 12 : Okete Cemetery - Summary table

Supply - Base Case		Burials	Demand - Base Case		Burials
Burials on remaining actively maintained land		31	Existing number of burials (2014)		166
Burials on additional land		287	Historical average burials per year (2004 to 2014)		1
Total available residual supply as at 2014		318	Projected burials (2015 to 2045)		48
Total Supply (Residual + existing burials)		484	Total burials at 2045		214
CAPACITY DATE		Actively Maintained land	All available land	Residual Capacity at 2045	
Base case		2035	2045+	270	
Worst case		2035	2045+	194	

Onewhero Cemetery

The Onewhero Cemetery currently has over 100 burials. In the base case the burials per year are projected to increase over the next 30 years from around one to nearly four burials per year. There is residual capacity on the actively maintained land for a further 344 burials. There is also additional land that can be developed to provide a further 2,600 burial plots.

The base case scenario projects that redevelopment of Onewhero Cemetery will not be required before 2045. The residual capacity of the actively maintained land at this time will be nearly 270 burial lots, with the capacity of the additional land (2,600 burials plots) also still available.

The worst case scenario is much the same as the base case, with capacity projected to be available well past 2045.

Figure 16 : Onewhero Cemetery - Summary graph

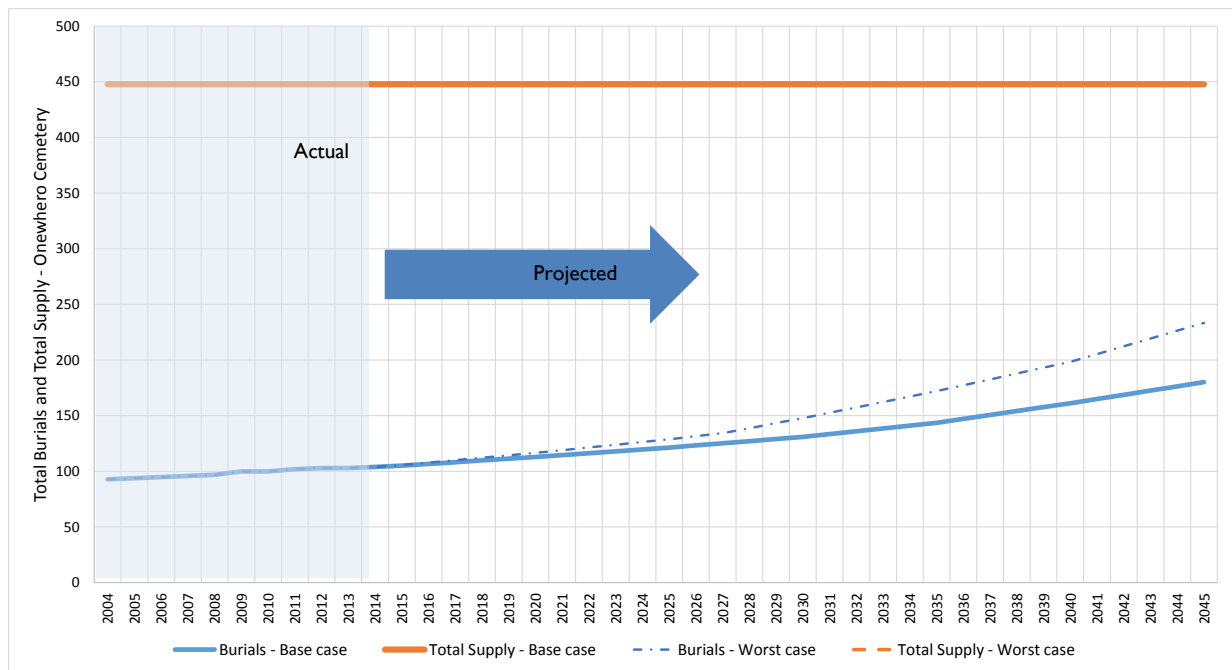


Table 13 : Onewhero Cemetery - Summary table

Supply - Base Case		Burials	Demand - Base Case		Burials
Burials on remaining actively maintained land		344	Existing number of burials (2014)		104
Burials on additional land		2,596	Historical average burials per year (2004 to 2014)		1
Total available residual supply as at 2014		2,939	Projected burials (2015 to 2045)		76
Total Supply (Residual + existing burials)		3,043	Total burials at 2045		180
CAPACITY DATE		Actively Maintained land	All available land	Residual Capacity at 2045	
Base case		2045+	2045+	2,864	
Worst case		2045+	2045+	2,338	

Orini Cemetery

The Orini Cemetery currently has nearly 40 burials. In the base case the burials per year are projected to increase over the next 30 years from around one to over two burials per year. There is residual capacity on the actively maintained land for a further 52 burials. There is also additional land that can be developed to provide a further 334 burial plots.

The base case scenario projects that redevelopment of Orini Cemetery will be required around 2045. This would increase the residual capacity to around 340 burial plots.

Under the worst case scenario the redevelopment of additional land would need to be brought forward ten years to 2035 and the 2045 residual capacity would be reduced to less than 245 burial plots.

Figure 17 : Orini Cemetery - Summary graph

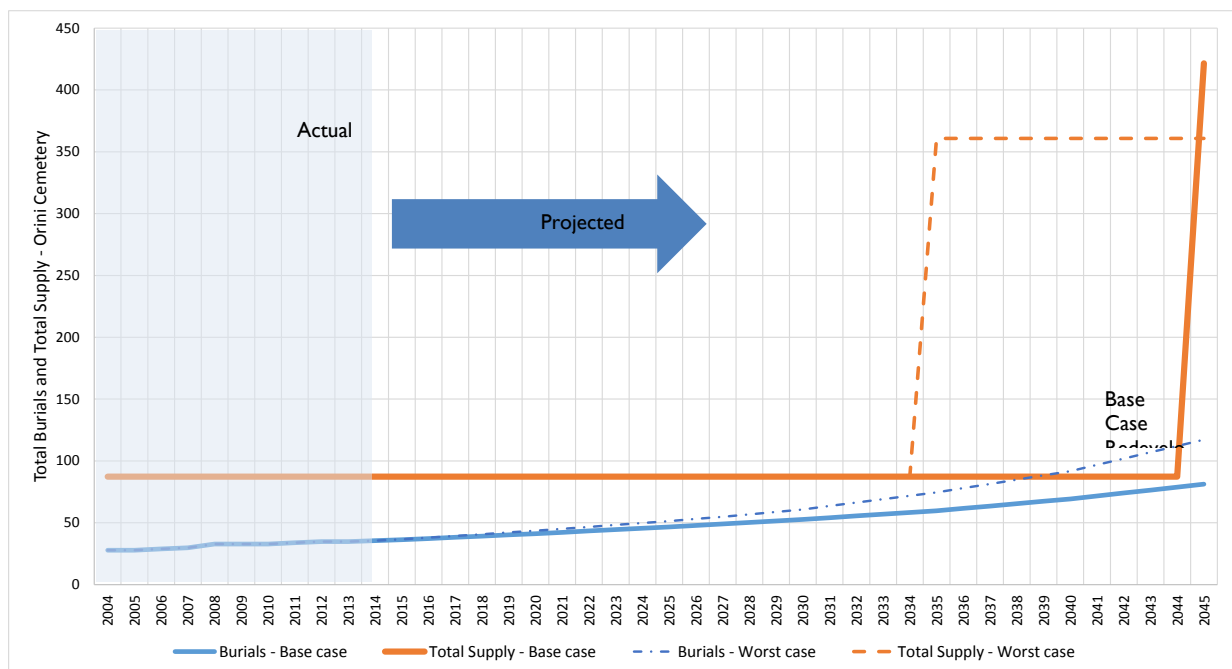


Table 14 : Orini Cemetery - Summary table

Supply - Base Case		Burials	Demand - Base Case		Burials
Burials on remaining actively maintained land		52	Existing number of burials (2014)		36
Burials on additional land		334	Historical average burials per year (2004 to 2014)		1
Total available residual supply as at 2014		386	Projected burials (2015 to 2045)		46
Total Supply (Residual + existing burials)		422	Total burials at 2045		81
CAPACITY DATE		Actively Maintained land	All available land	Residual Capacity at 2045	
Base case		2045	2045+	340	
Worst case		2035	2045+	244	

Pokeno Cemetery

The Pokeno Cemetery currently has nearly 580 burials. In the base case the burials per year are projected to increase over the next 25 years from around five to around ten burials per year. There is residual capacity on the actively maintained land for a further 200 burials. There is no additional land available.

The base case scenario projects that Pokeno Cemetery will reach the total capacity around 2040. Under the worst case scenario the closure is projected to be brought forward five years to around 2035.

Figure 18 : Pokeno Cemetery - Summary graph

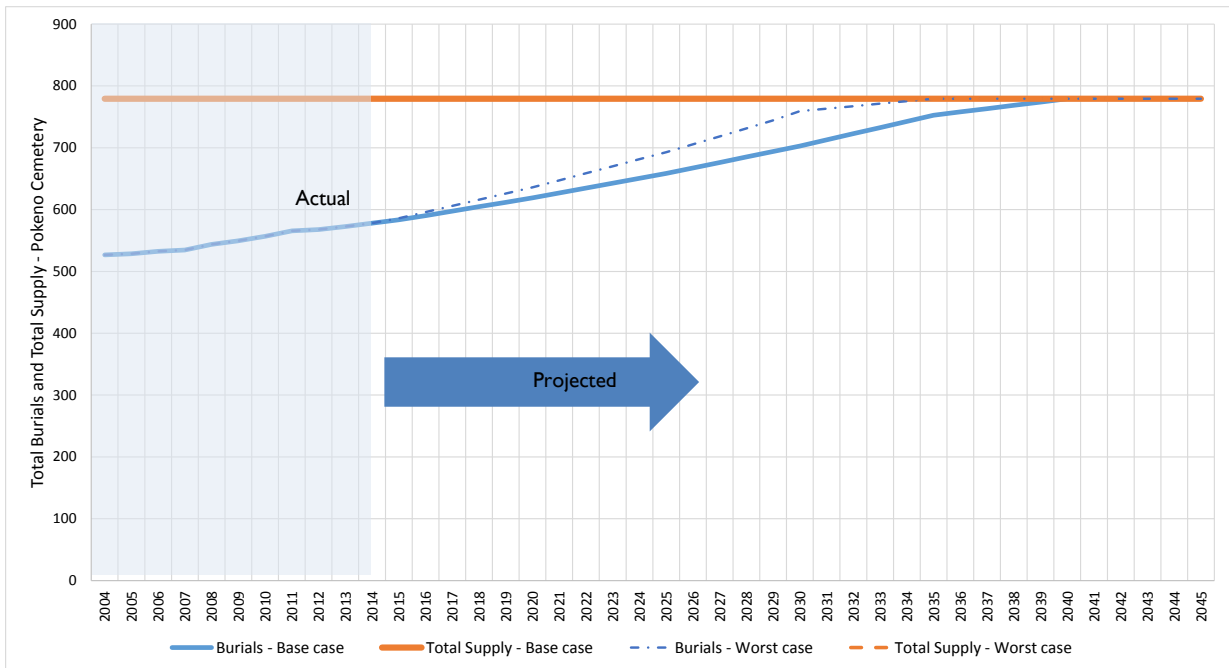


Table 15 : Pokeno Cemetery - Summary table

Supply - Base Case		Burials	Demand - Base Case		Burials
Burials on remaining actively maintained land		201	Existing number of burials (2014)		578
Burials on additional land		0	Historical average burials per year (2004 to 2014)		5
Total available residual supply as at 2014		201	Projected burials (2015 to 2045)		201
Total Supply (Residual + existing burials)		779	Total burials at 2045		779
CAPACITY DATE			Actively Maintained land	All available land	Residual Capacity at 2045
Base case			2040	2040	0
Worst case			2035	2035	0

Raglan Cemetery

The Raglan Cemetery currently has around 375 burials. In the base case the burials per year are projected to increase over the next 30 years from around three to over ten burials per year. There is residual capacity on the actively maintained land for a further 450 burials. There is no additional land available.

The base case scenario projects that Raglan Cemetery will not reach capacity before 2045. The residual capacity at this time will be nearly 240 burial lots.

Under the worst case scenario the Raglan Cemetery will not reach capacity before 2045. The 2045 residual capacity under this scenario is projected to be reduced to around 100 burial lots.

Figure 19 : Raglan Cemetery - Summary graph

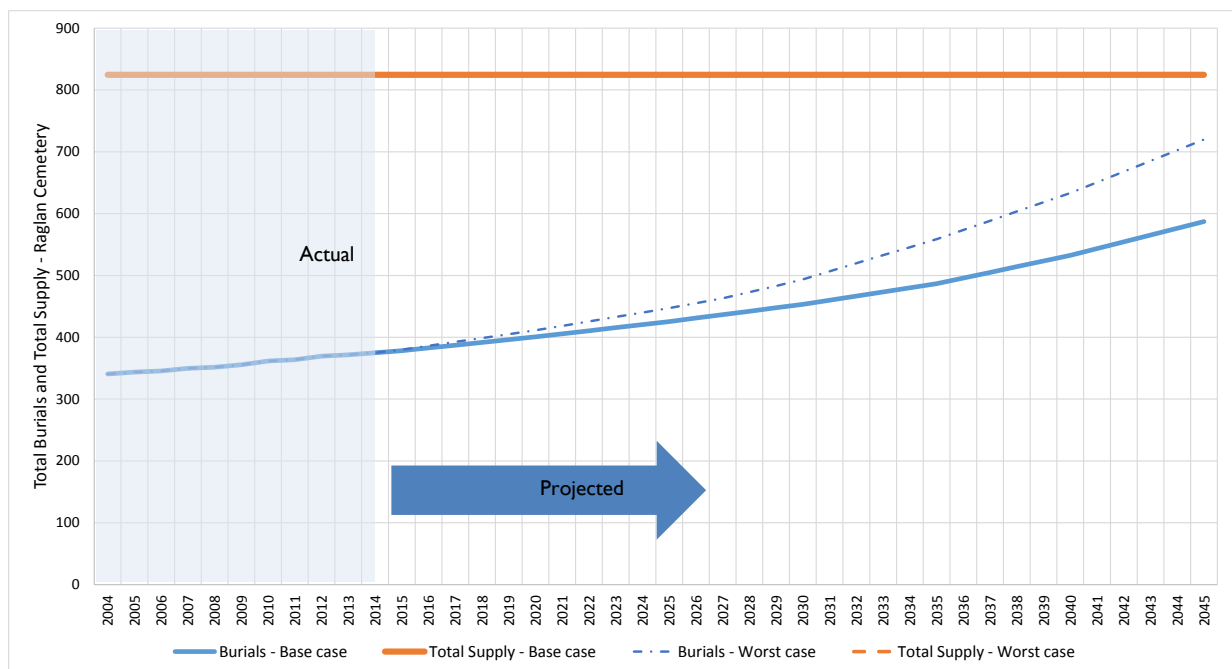


Table 16 : Raglan Cemetery - Summary table

Supply - Base Case		Burials	Demand - Base Case		Burials
Burials on remaining actively maintained land		450	Existing number of burials (2014)		375
Burials on additional land		0	Historical average burials per year (2004 to 2014)		3
Total available residual supply as at 2014		450	Projected burials (2015 to 2045)		212
Total Supply (Residual + existing burials)		825	Total burials at 2045		587
CAPACITY DATE		Actively Maintained land	All available land	Residual Capacity at 2045	
Base case		2045+	2045+	237	
Worst case		2045+	2045+	105	

Rangiriri Cemetery

The Rangiriri Cemetery currently has around 560 burials. In the base case the burials per year are projected to increase over the next 30 years from around eight to over 25 burials per year. There is residual capacity on the actively maintained land for a further 58 burials. There is also additional land that can be developed to provide a further 800 burial plots.

The base case scenario projects that redevelopment of Rangiriri Cemetery will be required around 2017. This would provide sufficient capacity to meet demand until at least 2045 when the residual capacity would be nearly 320 burial plots.

Under the worst case scenario the redevelopment of additional land would need to be brought forward one year 2016 and the Rangiriri Cemetery would reach total capacity around 2045.

Figure 20 : Rangiriri Cemetery - Summary graph

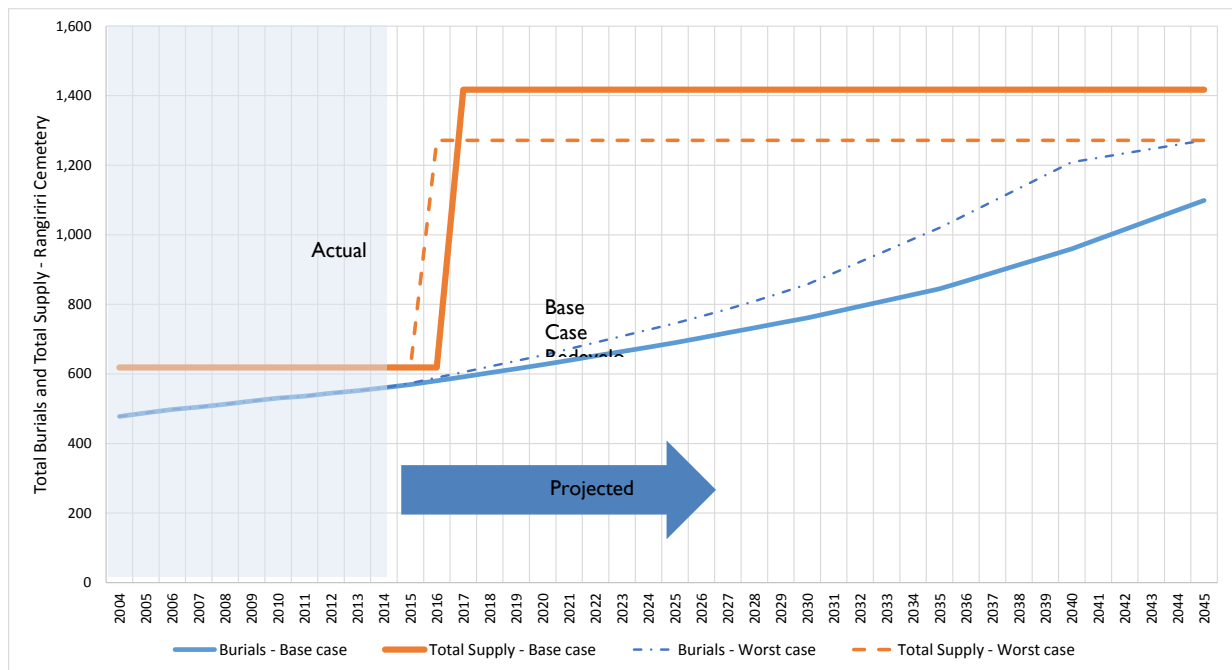


Table 17 : Rangiriri Cemetery - Summary table

Supply - Base Case		Burials	Demand - Base Case		Burials
Burials on remaining actively maintained land		58	Existing number of burials (2014)		560
Burials on additional land		799	Historical average burials per year (2004 to 2014)		8
Total available residual supply as at 2014		857	Projected burials (2015 to 2045)		539
Total Supply (Residual + existing burials)		1,417	Total burials at 2045		1,099
CAPACITY DATE		Actively Maintained land	All available land	Residual Capacity at 2045	
Base case		2017	2045+	318	
Worst case		2016	2045	0	

Taupiri Cemetery

The Taupiri Cemetery currently has over 360 burials. In the base case the burials per year are projected to increase over the next 30 years from around three to nearly ten burials per year. There is residual capacity on the actively maintained land for a further 987 burials. There is also additional land that can be developed to provide a further 2,564 burial plots.

The base case scenario projects that redevelopment of Taupiri Cemetery will not be required before 2045. The residual capacity of the actively maintained land at this time will be over 780 burial lots, with the capacity of the additional land (2,564 burials plots) also still available.

The worst case scenario is much the same as the base case, with capacity projected to be available well past 2045.

Figure 21 : Taupiri Cemetery - Summary graph

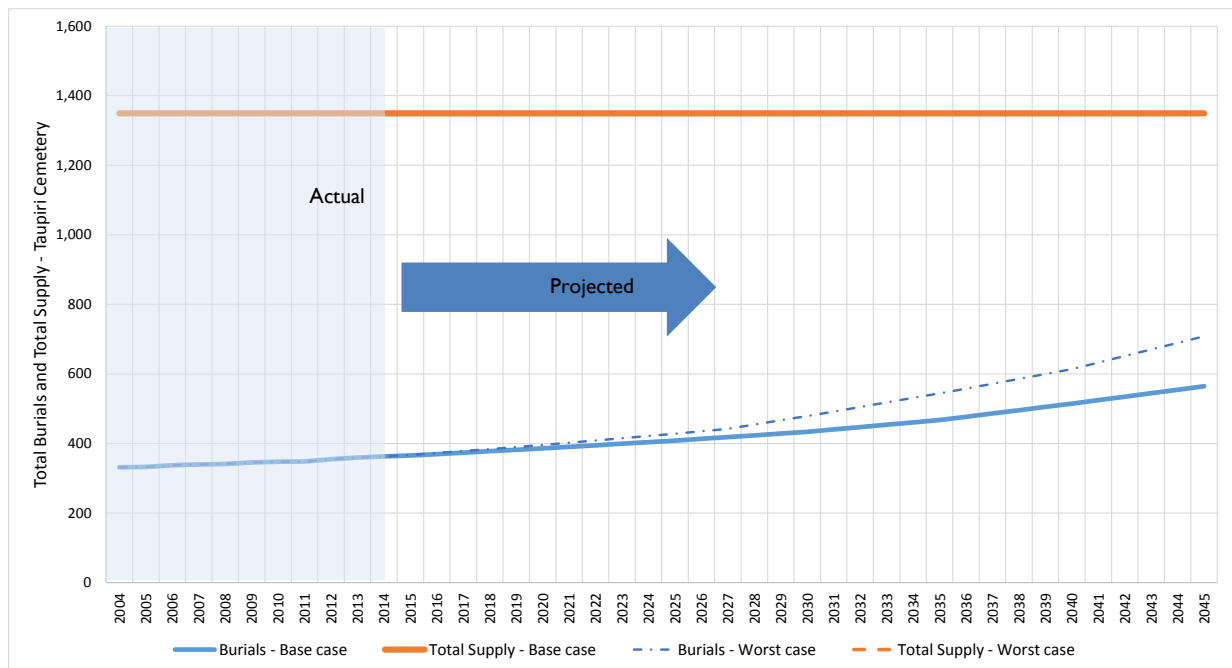


Table 18 : Taupiri Cemetery - Summary table

Supply - Base Case		Burials	Demand - Base Case		Burials
Burials on remaining actively maintained land		987	Existing number of burials (2014)		363
Burials on additional land		2,564	Historical average burials per year (2004 to 2014)		3
Total available residual supply as at 2014		3,551	Projected burials (2015 to 2045)		202
Total Supply (Residual + existing burials)		3,913	Total burials at 2045		565
CAPACITY DATE		Actively Maintained land	All available land	Residual Capacity at 2045	
Base case		2045+	2045+	3,349	
Worst case		2045+	2045+	2,739	

Te Mata Cemetery

The Te Mata Cemetery currently has nearly 160 burials. In the base case the burials per year are projected to increase over the next 30 years from around two to over eight burials per year. There is residual capacity on the actively maintained land for only a further five burials. There is also additional land that can be developed to provide a further 334 burial plots.

The base case scenario projects that redevelopment of Te Mata Cemetery will be required within a year, by 2015. This would provide sufficient capacity to meet demand until at least 2045 when the residual capacity would be over 190 burial plots.

Under the worst case scenario the redevelopment of additional land would still be within the next year and the 2045 residual capacity would be reduced to around 40 burial plots.

Figure 22 : Te Mata Cemetery - Summary graph

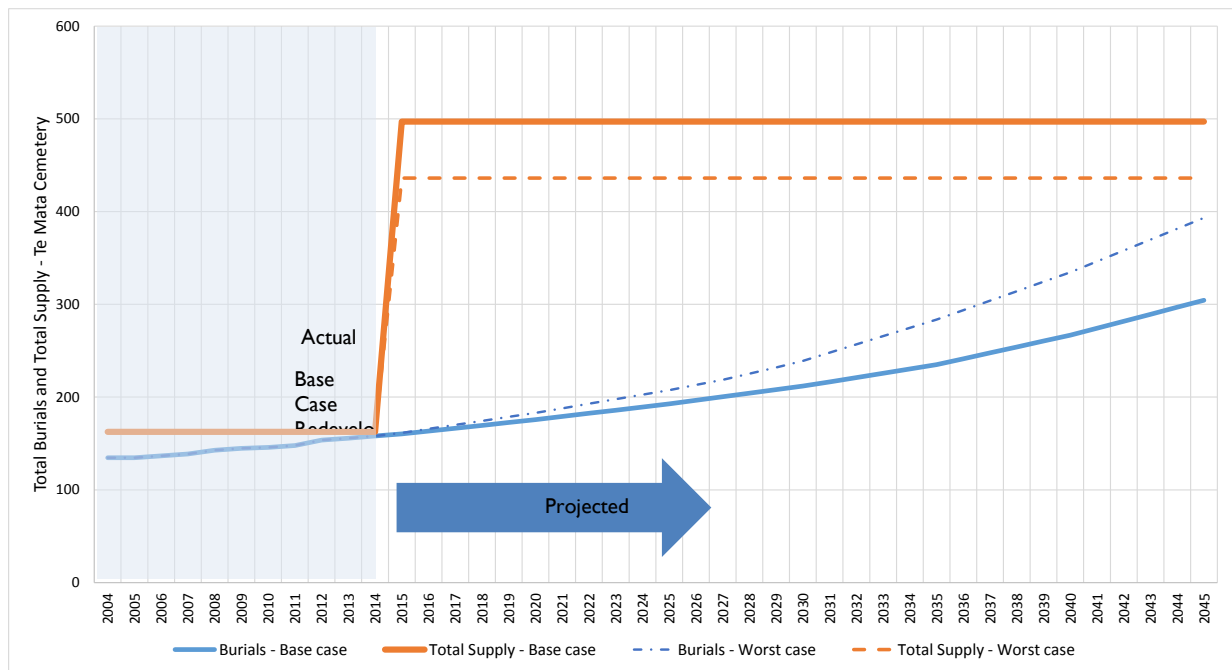


Table 19 : Te Mata Cemetery - Summary table

Supply - Base Case		Burials	Demand - Base Case		Burials
Burials on remaining actively maintained land		5	Existing number of burials (2014)		158
Burials on additional land		334	Historical average burials per year (2004 to 2014)		2
Total available residual supply as at 2014		339	Projected burials (2015 to 2045)		146
Total Supply (Residual + existing burials)		497	Total burials at 2045		304
CAPACITY DATE		Actively Maintained land	All available land	Residual Capacity at 2045	
Base case		2015	2045+	193	
Worst case		2015	2045+	43	

Tuakau Cemetery

The Tuakau Cemetery currently has 1,735 burials. The historical demand has been, on average, 17 burials per year. There is residual capacity on the actively maintained land for only a further 24 burials. There is no additional land available.

The base case scenario projects that Tuakau Cemetery will reach the total capacity within the next two years. Under the worst case scenario the closure is projected to be brought forward a year to around 2016.

Figure 23 : Tuakau Cemetery - Summary graph

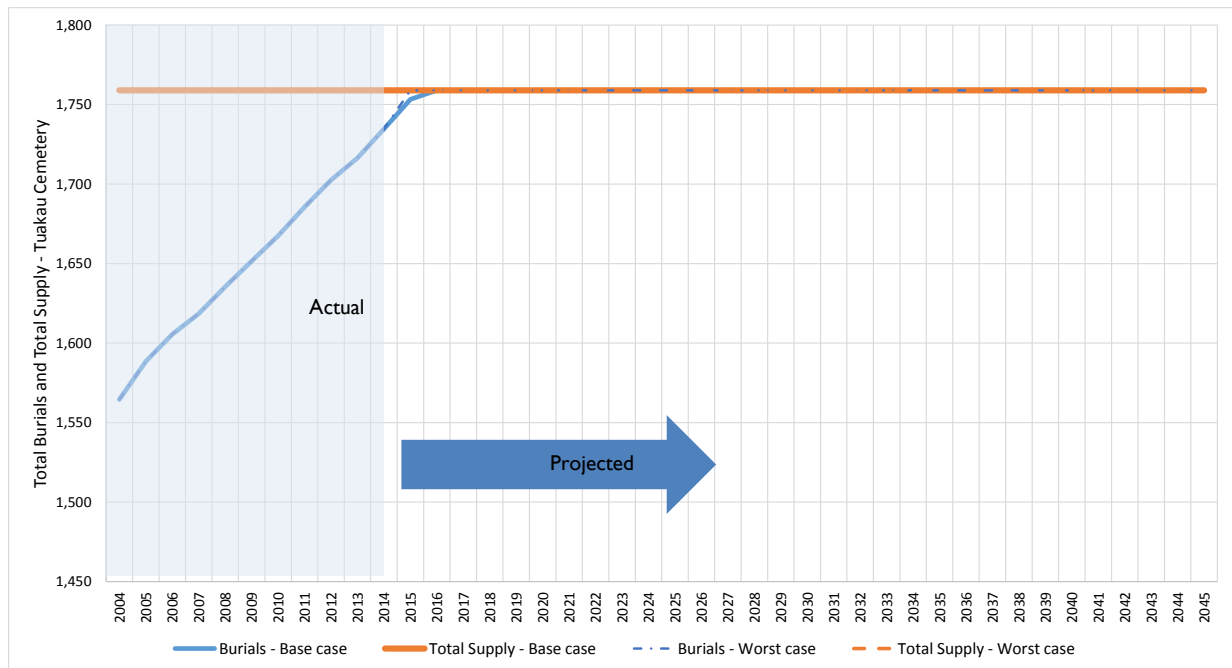


Table 20 : Tuakau Cemetery - Summary table

Supply - Base Case		Burials	Demand - Base Case		Burials
Burials on remaining actively maintained land		24	Existing number of burials (2014)		1,735
Burials on additional land		0	Historical average burials per year (2004 to 2014)		17
Total available residual supply as at 2014		24	Projected burials (2015 to 2045)		24
Total Supply (Residual + existing burials)		1,759	Total burials at 2045		1,759
CAPACITY DATE			Actively Maintained land	All available land	Residual Capacity at 2045
Base case			2016	2016	0
Worst case			2015	2015	0

Waerenga Cemetery

The Waerenga Cemetery currently has nearly 280 burials. In the base case the burials per year are projected to increase over the next 30 years from around two to nearly nine burials per year. There is residual capacity on the actively maintained land for a further 36 burials. There is also additional land that can be developed to provide a further 1,656 burial plots.

The base case scenario projects that redevelopment of Waerenga Cemetery will be required around 2024. This would provide sufficient capacity to meet demand until at least 2045 when the residual capacity is projected to be over 1,520 burial plots.

Under the worst case scenario the redevelopment of additional land would need to be brought forward five years to 2019 and the 2045 residual capacity would be around 1,100 burial plots.

Figure 24 : Waerenga Cemetery - Summary graph

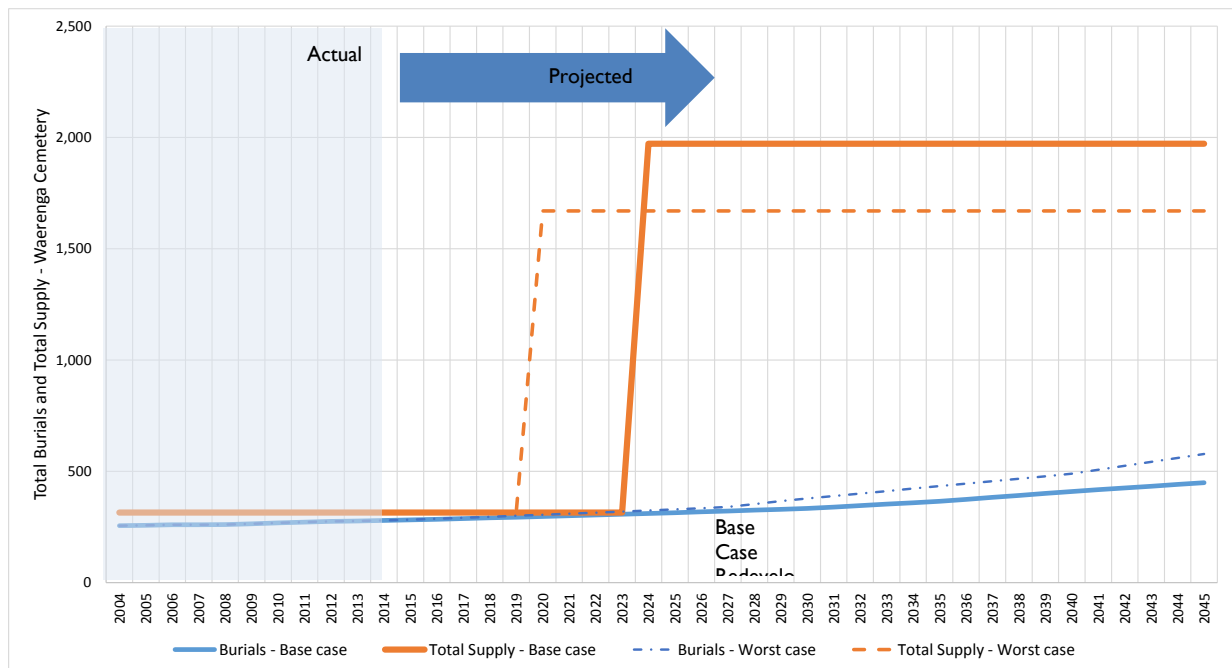


Table 21 : Waerenga Cemetery - Summary table

Supply - Base Case		Burials	Demand - Base Case		Burials
Burials on remaining actively maintained land		36	Existing number of burials (2014)		279
Burials on additional land		1,656	Historical average burials per year (2004 to 2014)		2
Total available residual supply as at 2014		1,692	Projected burials (2015 to 2045)		169
Total Supply (Residual + existing burials)		1,971	Total burials at 2045		449
CAPACITY DATE		Actively Maintained land	All available land	Residual Capacity at 2045	
Base case		2024	2045+	1,523	
Worst case		2019	2045+	1,092	

Whatawhata Cemetery

The Whatawhata Cemetery currently has nearly 450 burials. In the base case the burials per year are projected to increase over the next 30 years from around eight to nearly 30 burials per year. There is residual capacity on the actively maintained land for a further 47 burials. There is also additional land that can be developed to provide a further 4,767 burial plots.

The base case scenario projects that redevelopment of Whatawhata Cemetery will be required around 2017. This would provide sufficient capacity to meet demand until at least 2045 when the residual capacity would be around over 4,220 burial plots.

Under the worst case scenario the redevelopment of additional land would need to be brought forward one year to 2016 and the 2045 residual capacity would still be nearly 3,000 burial plots.

Figure 25 : Whatawhata Cemetery - Summary graph

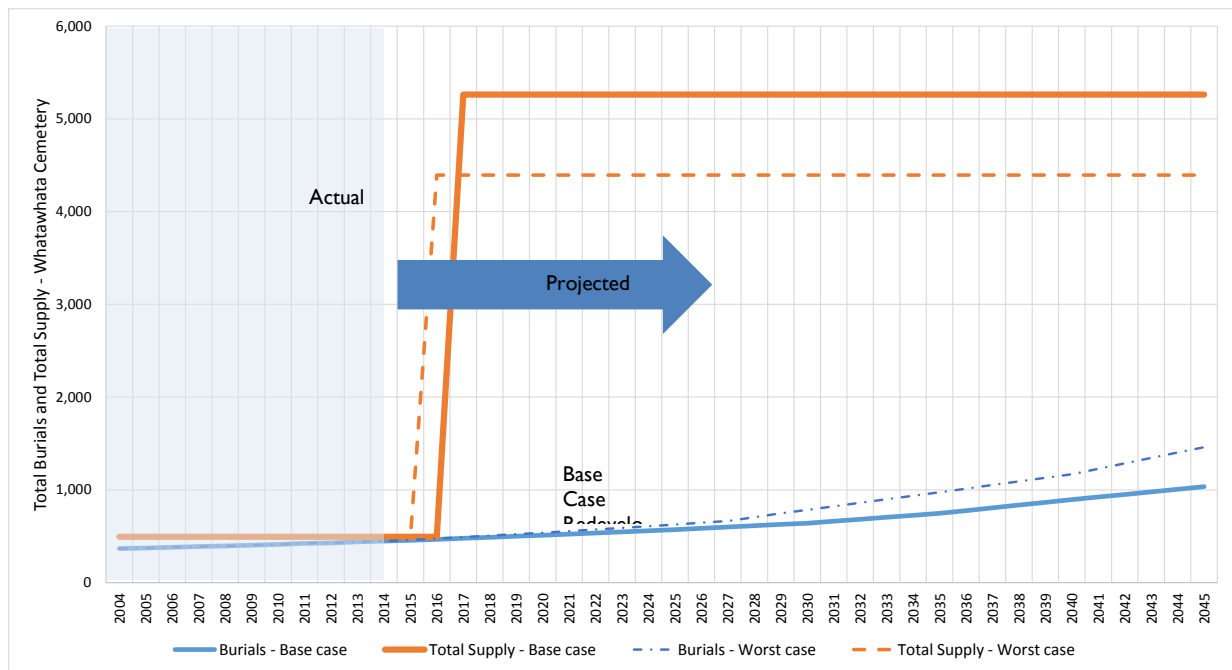


Table 22 : Whatawhata Cemetery - Summary table

Supply - Base Case		Burials	Demand - Base Case		Burials
Burials on remaining actively maintained land		47	Existing number of burials (2014)		447
Burials on additional land		4,767	Historical average burials per year (2004 to 2014)		8
Total available residual supply as at 2014		4,814	Projected burials (2015 to 2045)		586
Total Supply (Residual + existing burials)		5,261	Total burials at 2045		1,034
CAPACITY DATE		Actively Maintained land	All available land	Residual Capacity at 2045	
Base case		2017	2045+	4,227	
Worst case		2015	2045+	2,934	

Appendix 3 – Application forms and Information brochures

Application for Issue of Interment Warrant

Details of interment

Name of deceased:			
Place of residence:			
Age:		Religion:	
Occupation:		Date of death:	
Funeral date:		Time:	
Estimated arrival time at cemetery:			
Funeral director:			
Cemetery:			
Plot previously reserved?		YES / NO	
		If YES, under what name?	
Berm / Row/ Plot number allocated:			
Size of grave: (please tick) Standard <input type="checkbox"/> Extra Depth <input type="checkbox"/> Reopen <input type="checkbox"/> Ashes <input type="checkbox"/>			
Type of Handles: Fixed <input type="checkbox"/> Dropdown <input type="checkbox"/>			
Size of casket: Width :..... Length :..... Height :.....			
Medical Certificate of Causes of Death Attached:		Yes <input type="checkbox"/> No <input type="checkbox"/>	

I/we the undersigned being/in the absence of the person registered/to be registered as the grantee of the grave above mentioned **DO HEREBY REQUEST** to Waikato District Council to allow the grave to be opened and the body of the person below to be interred therein.

I certify I am duly empowered to authorise the opening of the grave and I/we, the undersigned, **DO HEREBY INDEMNIFY** Waikato District Council against all actions, proceedings, claims, demands, damages, costs, losses and expenses whatsoever by reason of Waikato District Council having consented to the opening of such grave and the interment therein.

I/we acknowledge and accept personal liability for the full payment of all fees herein described.

Full name of applicant:	
Street address:	
Postal address: (if different)	
Telephone:	Mobile:
Relationship to deceased:	
Signed:	Date:

0800 492 452

■ If calling from overseas +64 7 824 8633
■ publicenquiries@waidc.govt.nz

■ www.waikatodistrict.govt.nz
■ www.facebook.com/WaikatoDistrictCouncil

Postal Address
Waikato District Council
Private Bag 544
Ngaruawahia 3742

Huntly Office
142 Main Street
Huntly

Ngaruawahia Office
15 Galileo Street
Ngaruawahia

Raglan Office
7 Bow Street
Raglan

Te Kauwhata Office
1 Main Road
Te Kauwhata

Tuakau Office
2 Dominion Road
Tuakau

Payment Details

Payment in full (Preferred)	Payment by arrangement
Plot charge: \$	(to be approved by Finance Manager)
Interment services fee: \$
Total payable: \$
Payment made: \$
Date:
Receipt number:

0800 492 452

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 Te Kauwhata

Tuakau Office

2 Dominion Road
 Tuakau



Application for Monument Permit

**In accordance with New Zealand Standard Headstone and Cemetery Monuments:
NZS 4242: 1995**

Date of application:

Application is hereby made for permission to carry out monumental work in Ce
metery.

Plot Number
.....
.....
.....

Block Number

Only approved Monumental Masons or suitably qualified trades persons will be permitted to erect headstones and monuments in any Waikato District Council cemetery.

On approval of application for monument work an Approval Fax or email will be forwarded and must be carried at all times while working in the cemetery.

I hereby declare that all monumental masonry work carried out by the undersigned will be done in accordance with NZS 4242:1995 (Headstone and Cemetery Monuments), and also in accordance with Waikato District Council’s Cemetery Bylaw 2008 and the Franklin District Council Cemetery ByLaw 2008.

I further understand that failure to comply with the above standards may result in a fine.

Name of Monumental Mason:

Address:

Fax/Ph/Email:

Signature of Monumental Mason:

Authority to be signed by authorized representative/owner of plot(s).

I hereby give my permission for the erection of the work described above, and in consideration of Council permitting the execution of such work on the above plot, I the undersigned hereby indemnify the Council against all actions, proceedings, claims, demands, damages, costs, losses and expenses whatsoever which may be made against or suffered by the Council in any manner whatsoever by reason of the Council having consented to the execution of such work.

0800 492 452

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Raglan

Te Kauwhata Office
1 Main Road
Te Kauwhata

Tuakau Office
2 Dominion Road
Tuakau

Name of authorised representative:

Address:
.....

Signature:

Particulars of Work

Name of deceased:
.....

Activity	Single	Double	Ashes
Headstone			
Renovation			
Additional Inscription (detail below)			
Bronze Plaque			
Others (describe)			

Material the headstone is constructed of: _____

First Inscription:

Scale sketch showing all aspects of work to be carried out (brochure of appropriate monument may be substituted). Dimensions of intended work must also be included.

Second Inscription:

Scale sketch of monument detailing anchor points, layout etc. use separate page.

Please note, burial plot headstone plinth areas must comply with Waikato District Council Headstone specifications.

Proposed date of installation

Permit Number

Approved by
Cemetery Officer

0800 492 452

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■ publicenquiries@waidc.govt.nz

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■ www.facebook.com/WaikatoDistrictCouncil

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Ngaruawahia 3742

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1 Main Road
Te Kauwhata

Tuakau Office
2 Dominion Road
Tuakau

Date

Confirmation of Headstone installation

In accordance with Council Cemetery Bylaws and approved Monument Permit application;

I _____ hereby confirm that the headstone as

approved by Waikato District Council has been erected on Plot _____ Block _____

_____ in the _____

_____ Cemetery on ____ / ____ / 20 ____.

Permit #

Signed _____

Authorized Monumental Mason

This form must be returned to Waikato District Council upon completion of the headstone installation. Failure to do so will be in breach of Council Bylaws and may result in the headstone being removed.

Please note: An electronic photograph of the installed or amended headstone must accompany the Headstone Installation Confirmation form. This will enable Council to ensure its online cemetery database is kept up to date.

Please return this form to:

Post Waikato District Council, Private Bag 544, Ngaruawahia 3720
Email services@waidc.govt.nz
Fax 07 824 8091

0800 492 452

■ If calling from overseas +64 7 824 8633
■ publicenquiries@waidc.govt.nz

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Te Kauwhata

Tuakau Office

2 Dominion Road
Tuakau

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 the date of adoption.

2.0 Revocation

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:

Authorised Officer	means any person appointed by the Council to act on its behalf and with its authority
Beam	means a concrete strip that marks plot row and number and in which a headstone or plaque is placed.
Burial	means interment of a body, remains or ashes
Cemetery	means any cemetery vested in or under the control of Council and dedicated as a cemetery.
Council	means the governing body of the Waikato District Council or any person delegated to act on its behalf.
Disinterment	means the removal of a body (or remains of a body) buried in any cemetery.
Exclusive right of burial	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"> 1. does not create an ownership interest in the designated plot; and 2. lapses in accordance with section 10 of the Burial and Cremation Act 1964.
Grave	means the area where the body of a deceased person is, or their ashes, are buried.
Headstone	means a memorial that projects above the ground.
Interment	means the burial of a body or ashes in a plot.
Lawn cemetery	means a grass lawn cemetery where no headstones project above the ground.
Non-operational cemetery	means a cemetery that has been closed by a closing order, but may accept future ash interments.
NZS 4242: 1995	means the New Zealand Standard for Headstones and Cemetery Monuments.
Operational cemetery	means a cemetery that is accepting of new interments.
Plot	means a specified area set aside for the burial of a casket or ashes.
Sexton	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.~~

~~6.36.2~~ 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.

6.46.3 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

Open Meeting

To	Policy & Regulatory Committee
From	Roger MacCulloch Acting General Manager Service Delivery
Date	4 June 2019
Prepared by	Gareth Bellamy Road Safety Engineer
Chief Executive Approved	Y
Reference #	P&R2019
Report Title	2019 Speed Limit Review

1. EXECUTIVE SUMMARY

Council has completed two of the three years of speed limit reviews as adopted in the Waikato District Speed Limit Review Policy. Areas to be primarily reviewed this year are the Newcastle and Raglan wards as well as the High Risk routes of Buckland Road, Harrisville Road and Hakarimata Road. A section of Tuakau's existing residential area is also being reviewed for support as a slow speed area. Where required engineering works will be installed to support the proposed lower speed limits to ensure that the roads/routes are considered to be self explaining.

Early engagement with the key stakeholders and affected Community Boards will start on 26 June and close on 24 July 2019. Following this staff will report back to Council with the finalised proposal and request for approval to undertake formal consultation, which is anticipated to start on 28 August 2019. Due to the local body elections in October 2019 staff are unable to determine a likely completion date for this process, however we anticipate having completed all engagement and consultation prior to the elections.

2. RECOMMENDATION

THAT the report from Acting General Manager Service Delivery be received.

3. BACKGROUND

The Waikato District Speed Limit Review Policy adopted in May 2017 recommended that speed limits across the district be reviewed over a three-year period. Years one and two have been completed. Year three was initially proposed to cover Eureka, Tamahere, Newcastle and Raglan wards, however due to community pressure reviews for the Eureka and Tamahere wards were brought forward and completed in 2018.

NZTA have highlighted their concern that three main arterial/primary collector high risk rural roads within the District have not been addressed. These roads are Buckland Road, Harrisville Road and Hakarimata Road. Due to the nature of these roads additional engineering features are proposed to support the proposed lower speed limit.

4. DISCUSSION

4.1 DISCUSSION

This year the review will follow the same theme as last year with residential areas being targeted for 40km/hr in line with our goal of safer speeds where we live. Rural residential areas are being targeted with 80km/hr speeds limits where either development levels or road conditions mean that a lower than open road speed is desirable.

Some of the rural roads have been identified on NZTA's Safer Journeys Risk Assessment Tool as having a safe and appropriate speed of 60km/hr due primarily to the alignment and cross section of the road, however to maintain consistency with other areas within the district we are opting for 80km/hr as our lower speed limit on these types of road.

The roads within the Raglan and Newcastle wards to be targeted this year in broad terms are the roads within the residential areas which are proposed to be reduced 40km/hr, while those roads within rural residential environments are proposed to be reduced to 80km/hr. In previous years the 40km/hr areas have been focused in areas where the geometry of the roading network is supportive of the reduced speed limit and considered to be self explaining. This year we are targeting a section of Tuakau's older residential area where the roading network is currently a grid network and as such additional engineering features such as traffic calming features such as islands and/or speed tables will be installed to manipulate the roading environment to support the proposed lower speed limit.

The sections of Buckland Road, Harrisville Road and Hakarimata Road with an open road speed limit currently are proposed to be reduced to 80km/hr. Engineering features such as signage and roadmarking are proposed to be installed on Buckland and Harrisville Roads to enhance the roading environment and support the lower speed limit. Hakarimata Road is already considered to be self explaining.

NZTA have indicated that they will be looking to reduce the speed limit on SH23 and SH39 to 80km/hr and if this is successful then our adjoining local roads will also need to be reduced to provide consistency. Due to the unknown timeframe associated with NZTA's proposed changes our potentially affected roads will not be included in the early engagement process, however they may be added to the consultation phase if appropriate.

4.2 ENGAGEMENT PROCESS

The process to be followed this year will be similar to the previous years with discussions held with Councillors prior to any outside engagement. Once agreement in principle is reached, staff will carry out our early engagement with the key stakeholders required as part of the Setting of Speed Limits process and Community Boards.

Following the success last year using an electronic format for consultation we propose to use a similar format for this year's early engagement. This will reduce the reliance on the production of physical maps for discussion.

The open days last year did not garner much support however due to the extensive changes proposed in Raglan we anticipate holding an open day there to discuss the proposal and supporting works to be implemented.

Due to the local body elections occurring in October 2019 we anticipate having to break the process and any hearing required following public consultation will be held after the elections. As such we are unable to determine the completion date for this process at this stage.

4.3 TIME FRAME

The draft timeline to undertake this year's review is shown below:

Activity	Date
Early engagement period	26 June – 24 July
Review early engagement comments and amend proposal for formal consultation	August
Report to Policy and Regulatory Committee with Statement of proposal	20 August
Consultation period	28 August – 27 September
Raglan open Day (same day as Community Board Meeting)	10 September
Break in process due to local body elections	
Tentative hearing date	TBC
Council sign off	TBC
New speed limits operative	TBC

5. CONSIDERATION

5.1 FINANCIAL

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

5.2 LEGAL

The recommendations in this report are not considered to have any legal implications.

5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

The process outlined in this report is consistent with the Waikato District Council Speed Bylaw Review Policy.

5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

Highest levels of engagement	Inform <input type="checkbox"/>	Consult <input type="checkbox"/>	Involve <input checked="" type="checkbox"/>	Collaborate <input type="checkbox"/>	Empower <input type="checkbox"/>
<i>Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i>	<p>Letters and feedback forms will be sent out to the key stakeholders identified in the Land Transport Rule: Setting of Speed Limit 2017.</p> <p>Reports will be provided to Community Boards for their input as representatives of the community.</p>				

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

Planned	In Progress	Complete	
		√	Internal
√			Community Boards/Community Committees
√			Waikato-Tainui/Local iwi (provide evidence / description of engagement and response)
			Households
			Business
√			Other Please Specify

The Land Transport Rule:

Setting of Speed Limit 2017 has a specific list of key stakeholders that must be engaged with as part of this process. Formal consultation will be undertaken in subsequent phases of this process once agreement in principle has been reached regarding which roads and speed limits are to be put forward as part of the changes to the Speed Limit Bylaw.

6. CONCLUSION

The proposal is to undertake the early engagement for the third and final year of the initial three year review of speed limits across the Waikato District Council roading network. This is consistent with the Speed Bylaw Review Policy which was adopted in 2017. Following this early engagement the Speed Limit Bylaw review process will be undertaken including public consultation on those roads supported in this initial phase.

7. ATTACHMENTS

Nil.

Open Meeting

To	Policy & Regulatory Committee
From	Clive Morgan General Manager Community Growth
Date	23 May 2019
Prepared by	Stacey Solomon Corporate Planner
Chief Executive Approved	Y
Reference #	GOV1318 / 2261325
Report Title	Review of Waikato District Council Psychoactive Substances Policy 2014

1. EXECUTIVE SUMMARY

The Waikato District Council Psychoactive Substances Policy was first developed and approved in July of 2014 after a period of community consultation, in accordance with sections 66-69 of the Psychoactive Substances Act 2013 and section 83 of the Local Government Act 2002.

The Policy is now due for review (July of 2019). Staff believe the current policy continues to function as it should and are proposing that the policy be renewed without amendment or consultation.

Staff seek confirmation to renew the Waikato District Council Psychoactive Substances Policy 2014, with the next review date being July 2024.

2. RECOMMENDATION

THAT the report from the General Manager Community Growth be received;

AND THAT the Committee recommend to Council that the Proposed Waikato District Council Psychoactive Substances Policy 2019 (appendix I to the staff report) be adopted and that the Policy's next review date be July 2024.

3. BACKGROUND

The Waikato District Council Psychoactive Substances Policy (the Policy) was first developed and approved in July 2014, following the commencement of the Psychoactive Substances Act 2013 (the Act).

The Act regulates the importation, manufacture and supply of psychoactive substances, which are the active ingredient in “legal highs” – party pills, energy pills, and herbal highs. The Act also regulates the availability of psychoactive substances to protect the health of, and minimise harm to, individuals who use psychoactive substances.

The Act introduced a process to approve psychoactive substances if satisfied that the substance posed no more than a low risk of harm to individuals using the substances (comparable risk to over-the-counter medication). The Act also imposes restrictions on the sale and supply of psychoactive substances, including:

- Sale is prohibited from dairies, convenience stores, grocery stores, supermarkets, service stations, and liquor outlets;
- Sale is prohibited to persons under 18 years of age;
- Advertising is strictly controlled and only permitted at point of sale. Neither advertising nor labelling that is appealing to minors is permitted; and
- Internet sale of approved products are also subject to restrictions.

Section 66 of the Act allows local authorities to create local approved products policies (LAPP’s) – in this case the Waikato District Council Psychoactive Substances Policy - setting out the areas where approved products (psychoactive substances or “legal highs”) may be sold by reference to areas within the district, or by reference to the proximity of premises of a particular kind (including other premises that sell approved products). The matters that can be addressed through the Policy are:

- Location of premises by reference to broad areas within the district;
- Location of premises by reference to proximity to other premises from which approved products are sold within the district;
- Location of premises by reference to proximity to premises or facilities of a particular kind or kind within the district (sensitive sites identified by Council).

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

During the development of the Policy in 2014, Council undertook community consultation in accordance with section 83 of the Local Government Act 2003 (LGA). In total, Council received 484 submissions from the community between 14 January 2014 and 17 February 2014, of which 81 speakers indicated that they wanted to speak to their submissions at a public hearing.

The purpose of the Policy that was developed (and subsequently adopted) was to set a clear framework to be applied to all applications that the Psychoactive Substances Regulatory Authority (administered by the Ministry of Health) considers when granting licenses for premises that sell approved products in the Waikato district. The policy minimises harm in the community by regulating where retail premises for psychoactive substances can be located, and by ensuring that the community have influence over the location of retail premises in the district (through community consultation).

For example, a clause of the policy might be that premises can only be established if they are in the business district of a particular town, and that they must also be a certain distance from sensitive sites.

Applications to sell approved products may also have to meet other conditions local authorities set out in their policies (ie: hours of operation may only be the same as off-license venues).

The Current Policy

Council's Policy, adopted in 2014, outlines that the potential locations for an outlet selling approved products be:

- Not within 500m of another retail location selling approved products;
- Be located within the business zone identified in the Waikato District Plan; and
- Not within 100m of a sensitive site.

Council controls the use (not purchase) of psychoactive substances in public places through the Waikato District Council Public Places Bylaw 2016 (clause 15.2).

As approved products are considered legal, a policy cannot be so restrictive that it effectively prohibits the sale of psychoactive substances in the district – not enabling any complying locations to sell psychoactive substances would be contrary to the Act.

There is currently only one potential location in the Waikato district where a retailing of approved products could occur – it is on Main Street, Huntly.

Since the Policy was developed in 2014, Council have not received any applications for licenses to sell psychoactive substances in the district. Additionally, the Ministry of Health, to date, have not approved any products, *therefore there are no psychoactive substances that can be sold at this point in time.*

For clarity, the Act stipulates that Council is not required to have a policy addressing the sale of psychoactive substances in the district (the legislation – section 66 of the Act - states Council's *may* have, not *must* have, a local approved products policy). However, were Council not to have a policy, there is no guidance available to the Psychoactive Substances Regulatory Authority if an application to them were to be made in considering approving a license.

Staff believe the Policy continues to provide appropriate controls around potential retail locations of psychoactive substances and that amendments are not required.

4.2 OPTIONS

There are the following options available:

Option 1 – Council amends the Policy

Amending the Policy will involve undertaking consultation with the community in accordance with sections 69 of the Psychoactive Substances Act and 83 of the LGA. This includes:

- minimum 1 month consultation with the public;
- that Council provide an opportunity for the public to present their views in person (usually a hearing).

Option 1 is not recommended.

Option 2 – Council approves the policy remain un-amended and that the next review date be July 2024.

Staff believe that it would be appropriate for the Policy to be renewed unamended for the following reasons:

- no products have been approved by the Ministry of Health, therefore there are no approved products currently able to be sold;
- the current potential retail location for approved products/psychoactive substances is limited to one store in the whole of the district;
- no applications for licenses have been received by Council to retail approved products;
- the policy cannot be more restrictive without contravening the Act.

Option 2 is recommended.

5. CONSIDERATION

5.1 FINANCIAL

Reviewing this policy is accounted for in current budgets.

5.2 LEGAL

Local Authorities are required to review their Local Approved Product Policies within 5 years of the policy having been adopted, and then at 5 yearly intervals, as set out in section 69(4) of The Psychoactive Substances Act 2013.

Local authorities must use the special consultative procedure (section 83, LGA) when creating or reviewing their policies.

5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

NIL.

5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Tick the appropriate box/boxes and specify</i>	Staff are proposing renew without amendment the Waikato District Council Psychoactive Substances Policy				

<i>what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i>	2014.
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Planned	In Progress	Complete	
		y	Internal
			Community Boards/Community Committees
			Waikato-Tainui/Local iwi (provide evidence / description of engagement and response)
			Households
			Business
			Other Please Specify

6. CONCLUSION

Waikato District Council is required to review its Psychoactive Substances Policy within 5 years of it first being made, and then at five yearly intervals thereafter, in accordance with sections 69 of the Psychoactive Substances Act 2013 and section 83 of the Local Government Act 2002.

Staff seek approval to renew without amendment the current Policy. The next review date for the policy would be July of 2024.

7. ATTACHMENTS

The following are attached as appendices to this report:

- Appendix I: Proposed Waikato District Council Psychoactive Substances Policy 2019.

Psychoactive Substances Policy

(Local Approved Products Policy)

Policy Owner:	Regulatory Manager
Date approved:	17 July 2014
Next review date:	July 2024
Document number:	2261425
Engagement required:	Special Consultative Procedure

1 Introduction

This policy is made under the provisions of section 66 of the Psychoactive Substances Act 2013.

A Local Approved Products Policy (LAPP) is a set of policy criteria and decisions made by a Council in consultation with its community which may restrict the location of premises selling psychoactive products in its geographical area. This policy addresses community concerns regarding the location of premises selling psychoactive products, while meeting the statutory requirements of the Psychoactive Substances Act 2013.

A LAPP provides the Psychoactive Substances Regulatory Authority (the Authority) with a policy framework when making decisions on licence applications, to enable the Authority to better meet the purpose of the Psychoactive Substances Act 2013 (the Act) which states that *“The purpose of this Act is to regulate the availability of psychoactive substances in New Zealand to protect the health of, and minimise harm to, individuals who use psychoactive substances.”*

2 Purpose

- 2.1 The purpose of this policy is to set a clear framework to be applied to all applications that the Authority' considers when granting licenses for premises that sell approved products in the Waikato District.
- 2.2 The objectives of this policy are to:
 - a. Minimise the harm to the community caused by psychoactive substances by defining the permitted location of retail premises.
 - b. Ensure that the Council and the community have influence over the location of retail premises in the district.

3 Definitions

Approved location the area identified in Schedule 1 where premises from which approved products may be sold are permitted to be located.

Approved product a psychoactive product approved by the Authority under section 37 of the Act.

Authority the Psychoactive Substances Regulatory Authority established by section 10 of the Act.

Licence a licence, granted under section 16 of the Act, that is in force and an interim licence granted under clause 8 of Schedule 1 of the Act.

Psychoactive product or product has the meaning given in section 8 of the Act.

Psychoactive substance has the meaning given in section 9 of the Act.

Retail premises premises for which a licence to sell approved products by retail has been granted.

Sell includes every method of disposition for valuable consideration, for example:

- a. offering or attempting to sell or giving in possession for sale, or exposing, sending, or delivering for sale, or causing or allowing to be sold, offered, or exposed for sale;
- b. retailing;
- c. wholesaling and **sale** and **sold** have corresponding meanings.

Sensitive site includes:

- a. any library, museum, community hall, or recreational facility, owned and/or operated on behalf of the Council for the benefit of the community;
- b. any marae or place of worship;
- c. any school, kindergarten, early childcare centre, after school care facility or other educational institution;
- d. any premises occupied by a social service agency such as Work and Income, food bank or community houses;
- e. any medical facility or premises providing primary health care services;
- f. any premises providing counselling services to members of the community, including mental health and drug and alcohol counselling;
- g. any public reserve or stand alone public toilets;
- h. any property located in the living or residential zones in the Waikato District Plan.

The Act the Psychoactive Substances Act 2013.

4 Application

The policy applies to any application for a licence under section 16 of the Act to sell approved products from a retail premises from the date that this policy comes into force.

This policy does not apply to retail premises where internet sales only are made or to premises where the sale of approved products is by wholesale only.

The requirements of the Resource Management Act 1991 and Hazardous Substances and New Organisms Act 1996 must be met in respect of any premises holding a licence.

5 Significance

- 5.1 This policy is considered significant in relation to the Significance and Engagement Policy.

6 Policy statements

This policy does not limit the number of retail premises or restrict the issue of new licences, provided the policy criteria outlined below are met.

6.1 Location of retail premises from which approved products may be sold

The location of retail premises from which approved products may be sold is restricted by this policy to an approved location identified in Schedule 1.

6.2 Location of retail premises in relation to other retail premises from which approved products are sold

Retail premises from which approved products may be sold are not permitted within 500 metres of another retail premises from which approved products may be sold.

6.3 Location of retail premises in relation to premises or facilities of a particular kind

Retail premises from which approved products may be sold are not permitted within 100 metres of a sensitive site.

6.4 Note:

- a. Separation distances between retail premises shall be measured from the legal boundaries of each property containing the retail premises.
- b. A property can potentially contain a retail premises so long as:
 - i. no part of the road front boundary of the property is within the 100m setback distance measured from the legal boundary of a sensitive site, and
 - ii. no legal boundary of the property containing the retail premises is directly adjoining a sensitive site.
- c. The LAPP only applies to the sensitive sites existing at the date the LAPP took effect. These sites are listed in Schedule 2.

7 Policy review

This policy shall be reviewed every five years as required by the Psychoactive Substances Act 2013; or

- a. at the request of the Council; or
- b. in response to changed legislative requirements; or
- c. in response to any issues that may arise.

Open Meeting

To	Policy & Regulatory Committee
From	Clive Morgan General Manager Community Growth
Date	31 May 2019
Prepared by	Stacey Solomon Junior Corporate Planner
Chief Executive Approved	Y
Reference #	GOV1318 / 2261428
Report Title	Lapse of Franklin District Council Control of Signs Bylaw 2007

I. EXECUTIVE SUMMARY

This report seeks approval to let the Franklin Control of Signs Bylaw 2007 (the Bylaw) lapse in accordance with section 160A of the Local Government Act 2002 (LGA). The Bylaw will lapse on 1 July 2019, two years after the last date on which the bylaw should have been reviewed under sections 158 and 159 of the LGA.

Reviewing bylaws periodically ensures that they meet the needs of the community and of Council, and are fit for purpose (section 155 of the LGA).

Under section 160A of the LGA, a bylaw that is not revoked or reviewed within a specified timeframe will lapse, becoming unenforceable 2 years after the last date on which the bylaw should have undergone review.

Staff advise that the issues the Bylaw seeks to control can be managed using another Council bylaw or policy, through legislation, through provisions and rules set out in the District Plan. Staff recommend the Bylaw be allowed to lapse.

2. RECOMMENDATION

THAT the report from the General Manager Community Growth be received;

AND THAT the Committee recommends that Council approves that the Franklin Control of Signs Bylaw 2007 lapse on 1 July 2019 in accordance with section 160A of the Local Government Act 2002.

3. BACKGROUND

Waikato District Council inherited a number of legacy bylaws from the former Franklin District Council during amalgamation, and since that time has administered these in the district alongside Waikato District Council bylaws.

The Franklin Control of Signs Bylaw was last reviewed in June of 2007 (with amendments made in 2010), and will lapse in July of 2019.

The purpose of the Bylaw is to ensure that advertising signs are erected, maintained and displayed in such a manner that they do not present a hazard or a danger to public safety.

The Bylaw also ensures that advertising signs do not significantly alter the appearance of buildings and are appropriate in terms of their effect on the surrounding environment. The Bylaw does not apply to traffic, direction, information or naming signs approved by Council, nor does it apply to signs indicating a hazardous substance, signs erected pursuant to any statute or regulation, or signs that require resource consent.

The Bylaw does not affect any conditions placed on a sign by resource consent.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

The Franklin Control of Signs Bylaw relates mainly to the siting of signs, signs over roads and in public places, maintenance of signs, lighting of signs, banners, signs advertising brothels, signs advertising gambling venues, and signs on vehicles in areas of the former Franklin district.

Waikato District Council has no equivalent bylaw and uses a combination of District Plan provisions, as well as provisions in other bylaws and legislation for this purpose.

Council does not require this bylaw for the purpose in which it was made. Staff have reviewed the Bylaw, and the issues it seeks to control are able to be managed using another bylaw or policy already in place in the Waikato district, through legislation, or through provisions and rules set out in the District Plan.

If the Bylaw is allowed to lapse, provisions that are currently used to control signage in the Waikato district will extend into the former Franklin area. It is desirable to have one set of procedures to control signage applicable across the whole of the district.

In particular, clause 20.1 of the Waikato District Council Public Places Bylaw 2016 will allow management of signage:

20.1 No person shall place, leave or permit to be placed or left any material or thing, scaffolding, hoardings, signage, amusement devices, items for sale or hire, on any footpath, grass berm, or public place unless:

- (a) Such an action has first been approved by the Chief Executive or an authorised officer, and then only in accordance with any conditions attached to that approval.

- (b) Such action is taken for the purpose of regular refuse or other collections authorised by Council or is otherwise authorised by law; or
- (c) Such an action is permitted pursuant to any other Bylaw.

A complete breakdown of the Bylaw and how each clause will be managed is attached as Appendix I to this report.

4.2 OPTIONS

Council has the following options to consider.

Option 1 – let the Bylaw lapse in July 2019.

Letting the Bylaw lapse means that Council will no longer use the Franklin Control of Signs Bylaw to regulate signage in the former Franklin district. Staff currently use a different set of mechanisms in the rest of the Waikato district to regulate signage, these mechanisms will be extended to cover the whole district.

This option is recommended.

Option 2 – review the Bylaw.

The Bylaw is reviewed and Council continue to administer it in the former Franklin district alongside other Waikato District Council bylaws.

This option is not recommended.

5. CONSIDERATION

5.1 FINANCIAL

Nil.

5.2 LEGAL

Council has a legal requirement under sections 158 and 159 of the LGA to consult with the public on its bylaws 5 years after their commencements, and then at least once every 10 years following.

If Council chooses not to consult with the public on a bylaw within 10 years, and does not review the bylaw within the two years following (ie: years 11 and 12 of the bylaw), then the bylaw is revoked on the date that is two years after the last date on which the bylaw should have been reviewed (under section 158 or 159) in accordance with section 160A of the LGA.

5.4 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

Nil.

5.3 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i>	This report is to inform. The above policy is not affected by the lapsing of the Franklin Control of Signage Bylaw 2007.				

Planned	In Progress	Complete	
		y	Internal
			Community Boards/Community Committees
			Waikato-Tainui/Local iwi (provide evidence / description of engagement and response)
			Households
			Business
			Other Please Specify

6. CONCLUSION

The Franklin Control of Signs Bylaw 2007 (as amended 2010) is no longer required by Council.

On 1 July 2019 the bylaw will lapse and be automatically revoked in accordance with section 160A of the LGA.

Staff seek approval to allow the Bylaw to lapse.

7. ATTACHMENTS

The following documents are attached as appendices to this report:

- Appendix 1: Clauses of Franklin District Council Control of Signs Bylaw with Staff Comments.
- Appendix 2: Franklin District Council Control of Signs Bylaw 2007 - Amended 24 June 2010.

Appendix I – Clauses of the Franklin Control of Signs Bylaw with Staff Comments

Clause	Franklin Control of Signs Bylaw	Other regulatory legislation
Clause 1	Title and Commencement	
1 (1)	This Bylaw may be cited as the Franklin District Council Control of Signs Bylaw 2007 and shall come into force on 1 March 2007.	
1 (2)	This Bylaw applies to the Franklin District	
Clause 2	Control of Signs Bylaw Validation	
2 (1)	The Franklin District Council Control of Signs Bylaw 2007 was duly made at a meeting of the Franklin District Council held on 22 February 2007 after completion of the Special Consultative Procedure under section 86 of the Local Government Act 2002.	
2 (2)	At its meeting on 24 June 2010, the Franklin District Council amended parts of the Franklin District Council Control of Signs Bylaw 2007 effective from 1 July 2010.	
2 (3)	The Common Seal of the Franklin District Council was affixed hereto, pursuant to a resolution of Council, on 28 June 2010 in the presence of:	
Clause 3	Scope and Purpose	
3 (1)	The purpose of this Bylaw is to ensure that advertising signs are erected, maintained, and displayed in such a manner that they do not present a hazard or a danger to public safety. The Bylaw also seeks to ensure that advertising signs do not significantly alter the appearance of buildings and are appropriate in terms of their effect on the surrounding environment.	
3 (2)	This Bylaw shall be read in conjunction with the operative Franklin District Council District Plan.	
3 (3)	This Bylaw does not apply to: traffic, direction, information and naming signs erected by or with the approval of the Council; signs indicating hazardous substances used at a hazardous facility; signs erected pursuant to any statute or regulation; or signs which require resource consent. This Bylaw does not affect any conditions placed on any sign by a resource consent.	
3 (4)	This Bylaw is made pursuant to Part 8 Subpart 1 of the Local Government Act 2002 and its amendments.	
3 (5)	Transit New Zealand as a road controlling authority has its own bylaws for the control of signs on State Highways.	General information not specifically identified in the Public Places Bylaw, but can be given to people enquiring about signs on State Highway.
Clause 4	Definitions and Interpretation	
	For the purposes of this Bylaw the following definitions shall apply:	
	<u>Authorised Officer</u> means any person warranted by Council in accordance with section 177 of the Local Government Act 2002 to enforce this Bylaw.	
	<u>Banner</u> means any sign made of flexible material suspended in the air and supported on more than one side by poles or cables	
	<u>Balloon or Blimp</u> means any sign made of flexible material, inflated by air, or inflated by a gas lighter than air.	
	<u>Building</u> has the same meaning as ascribed to it in the relevant section of the District Plan that applies to the site on which the sign in question is to be located.	
	<u>Chief Executive</u> means the Chief Executive of the Franklin District Council or a person acting under a delegated authority on behalf of the Chief Executive.	
	<u>Class 4 venue</u> has the same meaning as in section 4(1) of the Gambling Act 2003.	

	<u>Council</u> means the Franklin District Council	
	<u>District Plan</u> means the operative Franklin District Council District Plan	
	<u>Flag</u> means any bunting or other flexible material attached to one end to a staff or halyard and includes pennants.	
	<u>Ladder Board</u> means a sign constructed with two vertical uprights between which are displayed at least two advertising signs belonging to separate businesses.	
	<u>Owner or Occupier</u> in relation to any land includes the registered proprietor of any freehold or leasehold interest in that land, and any mortgagee in possession of that land, and any person occupying all or part of that land.	
	<u>Poster</u> means any sign including a placard or leaflet which is affixed to street furniture, utilities, traffic signage, or placed on any car windscreen, wall or building.	
	<u>Sandwich Board</u> means any portable sign, placed on a public place advertising goods, services or an event.	
	<u>Sign</u> means a visual message or notice conveyed to the public and visible from a public place displayed to advertise, identify a product, business, or service, inform or warn the public, and any frame, supporting device and associated ancillary equipment. It includes but is not limited to any mural, message or notice painted on, affixed to or otherwise incorporated with a building, structure, or site, banner, flag, poster, billboard, sandwich board, wind sock, blimp or projection of light to create an advertising image. A bunting that has symbols or messages on it shall also be considered a sign for the purposes of this Bylaw.	
	<u>Street Verandah</u> means any verandah, portico, balcony or awning over a public place	
	<u>Temporary Sign</u> means any sign advertising: i. A parliamentary or local authority election, or candidates for any such election; or ii. Construction or development works on a building site or demolition site; or iii. An auction or the intention to sell or lease any land or premises; or iv. Any exhibition or entertainment event.	
	<u>Trailer</u> means a vehicle without motive power that is capable of being drawn or propelled by a motor vehicle from which it is readily detached.	
Clause 5	General Requirements for the Siting of Signs	
5 (1)	No person shall:	
5 (1) (a)	Display or erect any sign in, on, over or visible from a public place that does not comply with this Bylaw or with any provisions set out in the District Plan, except where:	Clause 20.1 of the Public Places Bylaw means that no sign can be placed in a public place unless it has CE or authorised officer approval.
5 (1) (a) (i)	A resource consent has been granted for that sign; or	
5 (1) (a) (ii)	An exemption to the requirements of this Bylaw has been granted by the Chief Executive or an authorised officer; or	Clause 20.1 of the Public Places Bylaw means that no sign can be placed in a public place unless it has CE or authorised officer approval.
5 (1) (a) (iii)	The sign is exempted by clause 3(3) of this Bylaw;	
5 (1) (b)	Place any poster on any building or structure without the permission of the owner or occupier of that building or structure unless it is a designated poster board;	If it is in a public place then clause 20.1 of the Public Places Bylaw would apply. If it is on private property then the District Plan provisions would apply. E.g. business zone generally permitted in other zones, must relate to activity taking place on property.

5 (1) (c)	Attach any sign to any tree;	If it is in a public place then clause 20.1 of the Public Places Bylaw would apply. If it is on private property then the District Plan provisions would apply. E.g. business zone generally permitted in other zones, must relate to activity taking place on property.
5 (1) (d)	Erect any sign identified in this Bylaw as requiring a building consent before that building consent is issued;	Clause 20.1 of the Public Places Bylaw means that no sign can be placed in a public place unless it has CE or authorised officer approval.
5 (1) (e)	Place, or allow to remain in place, any sign which explicitly or implicitly:	
5 (1) (e) (i)	Is discriminatory or advocates discrimination based on one or more of the prohibited grounds of discrimination set out in the Human Rights Act 1993;	No express requirements. However would be able to use clause 20.1 of the Public Places Bylaw to remove.
5 (1) (e) (ii)	Is objectionable within the meaning of the Films, Videos and Publications Classification Act 1993;	No express requirements. However would be able to use clause 20.1 of the Public Places Bylaw to remove.
5 (1) (e) (iii)	Is offensive, threatening or insulting;	No express requirements. However would be able to use clause 20.1 of the Public Places Bylaw to remove.
5 (1) (e) (iv)	Incites or counsels any persons to commit any offence; or	No express requirements. However would be able to use clause 20.1 of the Public Places Bylaw to remove.
5 (1) (e) (v)	Is in breach of any Franklin District Council bylaw.	Not required. f
5 (2)	The Council may prescribe fees for the assessment of any sign that is required to, but does not, comply with this Bylaw.	Payment could be required as a condition of approval for the sign to be placed under Clause 20.1(a) of the Public Places Bylaw.
Clause 6	Signs On or Over Roads, Footpaths and Public Places	
6 (1)	Except as otherwise provided by this Bylaw, no person shall place any sign in such a position as to be on, or project over any road, or public place unless the prior permission of the Chief Executive or an authorised officer (or Transit New Zealand in the case of State Highways) has been obtained.	Clause 20.1 of the Public Places Bylaw.
6 (2)	All signs located on verandahs over roads or public places on any land zoned business in the district plan shall:	Performance requirement that can be considered as part of processing a request.
6 (2) (a)	Be no closer than 2.4 metres to the footpath beneath the sign;	Performance requirement that can be considered as part of processing a request.
6 (2) (b)	Be set back at least 600 millimetres from an imaginary vertical line from the road kerb;	Performance requirement that can be considered as part of processing a request.
6 (2) (c)	If located on the verandah fascia, be not more 900 millimetres in depth, or protrude more than 200 millimetres from the fascia;	Performance requirement that can be considered as part of processing a request.
6 (2) (d)	If located under the verandah, be at right angles to the fascia line, and be limited to one per business per site;	Performance requirement that can be considered as part of processing a request.
6 (2) (e)	If located on top of the verandah, be more than 1.2 metres high, not more than 1.8 square metres in area and limited to one per site; and	Performance requirement that can be considered as part of processing a request.
6 (2) (f)	Advertside only businesses, services and products located on the same site as the sign	Performance requirement that can be considered as part of processing a request.
Clause 7	Signs Affecting Traffic Safety	District plan rule 15.4.3 contains provisions
7 (1)	No sign shall be placed or allowed to remain where, in the opinion of the Chief Executive or an authorised officer (or Transit New Zealand in the case of State Highways), that sign would:	Clause 20.1 of the Public Places Bylaw provides for a mechanism that would require CE or Authorised officer to approve placement of sign. The performance criteria can be considered by the officer during the placement of the sign.

7 (1) (a)	Obstruct or be likely to obstruct or impair the view of any corner, bend, intersection, vehicle crossing, traffic sign or traffic signal;	Clause 20.1 of the Public Places Bylaw provides for a mechanism that would require CE or Authorised officer to approve placement of sign. The performance criteria can be considered by the officer during the placement of the sign.
7 (1) (b)	Distract unduly or be likely to distract unduly the attention of road users;	Clause 20.1 of the Public Places Bylaw provides for a mechanism that would require CE or Authorised officer to approve placement of sign. The performance criteria can be considered by the officer during the placement of the sign.
7 (1) (c)	Resemble or be likely to be confused with any traffic sign or signal;	Clause 20.1 of the Public Places Bylaw provides for a mechanism that would require CE or Authorised officer to approve placement of sign. The performance criteria can be considered by the officer during the placement of the sign.
7 (1) (d)	Use reflective materials that may interfere with a road user's vision;	Clause 20.1 of the Public Places Bylaw provides for a mechanism that would require CE or Authorised officer to approve placement of sign. The performance criteria can be considered by the officer during the placement of the sign.
7 (1) (e)	Give rise to excessive levels of glare, or use flashing or revolving lights;	Clause 20.1 of the Public Places Bylaw provides for a mechanism that would require CE or Authorised officer to approve placement of sign. The performance criteria can be considered by the officer during the placement of the sign.
7 (1) (f)	Invite drivers to turn so close to a turning point that there is no time to signal and turn safely; or	Clause 20.1 of the Public Places Bylaw provides for a mechanism that would require CE or Authorised officer to approve placement of sign. The performance criteria can be considered by the officer during the placement of the sign.
7 (1) (g)	Constitute or be likely to constitute in any way a danger to road users.	Clause 20.1 provides for a mechanism that would require CE or Authorised officer to approve placement of sign. The performance criteria can be considered by the officer during the placement of the sign.
7 (2)	No sign shall be placed:	Clause 20.1 of the Public Places Bylaw provides for a mechanism that would require CE or Authorised officer to approve placement of sign. The performance criteria can be considered by the officer during the placement of the sign.
7 (2) (a)	On any median strip, roundabout or any other traffic separation structure on any road;	Clause 20.1 of the Public Places Bylaw provides for a mechanism that would require CE or Authorised officer to approve placement of sign. The performance criteria can be considered by the officer during the placement of the sign.
7 (2) (b)	On any traffic signals or traffic signs;	Clause 20.1 of the Public Places Bylaw provides for a mechanism that would require CE or Authorised officer to approve placement of sign. The performance criteria can be considered by the officer during the placement of the sign.
7 (2) (c)	Within 15 metres of any traffic signals or traffic signs; or	Clause 20.1 of the Public Places Bylaw provides for a mechanism that would require CE or Authorised officer to approve placement of sign. The performance criteria can be considered by the officer during the placement of the sign.
7 (2) (d)	On any kerb projection	Clause 20.1 of the Public Places Bylaw provides for a mechanism that would require CE or Authorised officer to approve placement of sign. The performance criteria can be considered by the officer during the placement of the sign.
Clause 8	General Requirements for Construction and Maintenance of Signs	

8 (1)	All signs and their supporting structures shall be constructed, fixed, placed and maintained in such a manner that they do not pose a danger to property or the public. This shall be the responsibility of the sign owner and the owner of the land or building on which the sign is placed.	Clause 20.1 of the Public Places Bylaw puts conditions on approval of signs - this could be a condition on a sign that is approved.
8 (2)	The following signs and their supporting structures shall require a building consent prior to their erection:	Controlled by Building Act 2004 not required to be enforced through the bylaw.
8 (2) (a)	Free standing signs where the maximum height is 3 metres or more above ground level, or where the sign area exceeds 2 square metres;	Controlled by Building Act 2004 not required to be enforced through the bylaw.
8 (2) (b)	Signs suspended clear of any building where the total weight of the sign and supports exceeds 50 kilograms, or where the sign area exceeds 2 square metres;	Controlled by Building Act 2004 not required to be enforced through the bylaw.
8 (2) (c)	Signs attached to the face of any building where the total weight of sign and supports exceeds 50 kilograms;	Controlled by Building Act 2004 not required to be enforced through the bylaw.
8 (2) (d)	Verandah signs where the total weight of sign and supports exceeds 50 kilograms;	Controlled by Building Act 2004 not required to be enforced through the bylaw.
8 (2) (e)	All banners with a surface area exceeding 12 square metres; and	Controlled by Building Act 2004 not required to be enforced through the bylaw.
8 (2) (f)	All flags with a surface area exceeding 4.5 square metres.	Controlled by Building Act 2004 not required to be enforced through the bylaw.
Clause 9	Lighting of Signs	
9 (1)	Subject to sub-clauses (2) and (3) below, no illuminated sign shall produce more than 1000 cds/m ² for signage areas less than 10 square metres and not more than 800 cds/m ² for signage areas equal to or greater than 10 square metres (cds/m ² = candelas per square metre).	Public Places Bylaw clause 20.1. The District Plan has provisions regarding signs and making sure that they are safe i.e. 15.4.3.1, some zones have specific light spill requirements e.g. industrial and residential 2. Lighting from private properties is more appropriate to be controlled through the District Plan. Waikato section has light and glare provisions for each zone.
9 (2)	No illuminated sign located in a rural environment shall produce more than 600 cds/m ² for signage areas less than 10 square metres, and 400 cds/m ² for signage areas equal to or greater than 10 square metres.	Public Places Bylaw clause 20.1. The District Plan has provisions regarding signs and making sure that they are safe i.e. 15.4.3.1, some zones have specific light spill requirements e.g. industrial and residential 2. Lighting from private properties is more appropriate to be controlled through the District Plan. Waikato section has light and glare provisions for each zone.
9 (3)	Any sign the face of which is at a 90° axis to the road or within 20 metres of a road and 200 of either side of a driver's line of sight, or at road intersections, shall conform to the lower luminance levels as required for rural areas.	Public Places Bylaw clause 20.1. The District Plan has provisions regarding signs and making sure that they are safe i.e. 15.4.3.1, some zones have specific light spill requirements e.g. industrial and residential 2. Lighting from private properties is more appropriate to be controlled through the District Plan. Waikato section has light and glare provisions for each zone.
9 (4)	With the exception of neon signs, the lighting filament used to light any sign shall not be visible from ground level except where approved by an authorised officer.	Public Places Bylaw clause 20.1. The District Plan has provisions regarding signs and making sure that they are safe i.e. 15.4.3.1, some zones have specific light spill requirements e.g. industrial and residential 2. Lighting from private properties is more appropriate to be controlled through the District Plan. Waikato section has light and glare provisions for each zone.
Clause 10	Banners over Public Places	
10 (1)	The maximum area of any banner flown over a public place shall not exceed 21 square metres. Any banner shall be placed at least 5 metres above ground level, at least 6 metres from any intersection and 10 metres from any pedestrian crossing when it extends over a road, and shall meet the following requirements:	Public Places Bylaw requires permission to be provided. In considering the placement of a banner in a public place there are a number of factors to consider and these would be applied to any approval as conditions or information required to be provided prior to approval being given e.g. public

		liability insurance.
10 (1) (a)	The banner shall have reinforced corners with appropriate eyelets to allow the fixing of ropes or cables;	Public Places Bylaw requires permission to be provided. In considering the placement of a banner in a public place there are a number of factors to consider and these would be applied to any approval as conditions or information required to be provided prior to approval being given e.g. public liability insurance.
10 (1) (b)	The safe working load (pullout load) for any banner fixing points certified by a Registered Engineer's calculations shall be a minimum of 1 tonne;	Public Places Bylaw requires permission to be provided. In considering the placement of a banner in a public place there are a number of factors to consider and these would be applied to any approval as conditions or information required to be provided prior to approval being given e.g. public liability insurance.
10 (1) (c)	For banners 1.0 metres and over in depth, vertical stays shall be sown into the banner at a minimum of 3.0 metre intervals to prevent bowing under wind loads;	Public Places Bylaw requires permission to be provided. In considering the placement of a banner in a public place there are a number of factors to consider and these would be applied to any approval as conditions or information required to be provided prior to approval being given e.g. public liability insurance.
10 (1) (d)	(d) All rope connections other than strainer and catch ropes shall be made with eye over steel thimble connections properly shackled to at least 10 millimetres galvanised steel rope.	Public Places Bylaw requires permission to be provided. In considering the placement of a banner in a public place there are a number of factors to consider and these would be applied to any approval as conditions or information required to be provided prior to approval being given e.g. public liability insurance.
10 (2)	Except with the permission of the Chief Executive or an authorised officer, no banner spanning across a road shall be displayed for more than 14 days before and 48 hours after the event that is being advertised.	Public Places Bylaw requires permission to be provided. In considering the placement of a banner in a public place there are a number of factors to consider and these would be applied to any approval as conditions or information required to be provided prior to approval being given e.g. public liability insurance.
Clause 11	Signs Pertaining to Class 4 Gambling Venues	
11 (1)	Signs advertising any Class 4 venue or electronic gaming machines must not:	No specific provisions for class 4 however clause 20.1 means only signs approved by CE or authorised officer can be placed in a public place. There are specific allowances in the Public Places Bylaw for signs. Clause 21.1 and 21.2 do have provisions allowing for the placement of signage.
11 (1) (a)	Be sandwich boards;	
11 (1) (b)	Exceed 1 metre by 0.3 metres (or equivalent surface area) in size;	
11 (1) (c)	Be illuminated by flashing lights or contain neon;	
11 (1) (d)	Be visible from any residential zone as defined in the District Plan.	
11 (2)	Signs advertising prize money must not be visible from the exterior of any Class 4 venue.	
Clause 12	Signs Pertaining to Brothels	
	Restrictions on signs pertaining to brothels can be found in the current Franklin District Council Brothel Bylaw.	District Plan rules and provisions would allow this to be controlled.
Clause 13	Election Signs	

	<i>For the purposes of preparing for the October 2010 triennial general elections for the Auckland Council, the following rules and requirements for election signs shall apply:</i>	No longer applies.
13 (1)	Interpretation In this clause of the Bylaw - election means the October 2010 triennial general elections in Auckland local authority designated site means land identified in accordance with section 29E(1)(a)(ii). sign means a sign erected for the purposes of the election and includes an election hoarding. Road means the formed carriageway of a road.	No longer applies.
13 (2)	No building consent required or fee payable for sign 3 m ² or less in size	No longer applies.
13 (2) (1)	Signs do not require a building consent or fee to be paid.	No longer applies.
13 (2) (2)	Sub clause 2(1) applies only if the sign is 3 m ² or less in size.	No longer applies.
13 (2) (3)	This clause applies whether the sign is erected on a local authority designated site or on private property.	No longer applies.
13 (3)	Time period that sign may be displayed	No longer applies.
13 (3) (1)	A sign may be displayed at any time within the two months preceding the election.	No longer applies.
13 (3) (2)	Every sign must be removed before the day on which the voting period for the election ends (polling day).	No longer applies.
13 (3) (3)	This clause applies whether the sign is erected on a local authority designated site or on private property.	No longer applies.
13 (4)	Prohibited sites for signs	No longer applies.
13 (4) (1)	A sign must not be erected on any footpath, traffic island, or road (except if the sign is on or connected to a legally parked motor vehicle within the meaning of section 2(1) of the Land Transport Act 1998).	No longer applies.
13 (4) (2)	A sign may be erected on private property only -	No longer applies.
13 (4) (2) (a)	with the landowner's consent; or	No longer applies.
13 (4) (2) (b)	where the property is subject to a tenancy agreement, and the erection of a sign is not inconsistent with that agreement, the tenant's consent.	No longer applies.
13 (5)	Signs must be erected in manner that ensures public safety A sign must be erected in a way that, in the opinion of an officer authorised by the existing local authority for the purpose, ensures public safety.	No longer applies.
13 (6)	Signs on local authority designated sites	No longer applies.
13 (6) (1)	A sign erected on a local authority designated site must comply with the following conditions:	No longer applies.
13 (6) (1) (a)	the sign must be less than 3m above ground level:	No longer applies.
13 (6) (1) (b)	there must be at least 1.4m clearance between the base of the sign and the ground:	No longer applies.
13 (6) (1) (c)	the sign must have an area of 3m ² or less:	No longer applies.
13 (6) (1) (d)	the sign must be securely braced and anchored at ground level:	No longer applies.
13 (6) (1) (e)	the sign must be free-standing (for example, it must not be fixed to a tree, building, or furniture):	No longer applies.
13 (6) (1) (f)	the sign must be placed outside the drip line of any tree:	No longer applies.
13 (6) (2)	A sign must also comply with any site-specific requirements.	No longer applies.
13 (6) (3)	Only one sign may be erected per candidate on each site	No longer applies.
13 (7)	Existing local authority may remove signs	No longer applies.

13 (7) (1)	An existing local authority may remove a sign that-	No longer applies.
13 (7) (1) (a)	does not meet the requirements of this schedule; or	No longer applies.
13 (7) (1) (b)	is unsafe in the opinion of an officer referred to in clause 5.	No longer applies.
13 (7) (2)	The existing local authority may recover from the candidate concerned the costs of removing and storing a sign to which this clause applies and any associated administrative costs.	No longer applies.
13 (8)	Candidates must supply contact details of person responsible for signs	No longer applies.
13 (8) (1)	Each candidate must supply the electoral officer with the name and contact details of the person responsible for establishing and maintaining signs for the candidate.	No longer applies.
13 (8) (2)	The electoral officer may make this information available to any existing local authority.	No longer applies.
13 (9)	This part of the Bylaw only applies to that part of the District that will be governed by the Auckland Council from 1 November 2010 under the Local Government (Tamaki Makaurau Reorganisation) Act 2009.	No longer applies.
Clause 14	Signs on Vehicles and Trailers	
	Except with the permission of the Chief Executive or an authorised officer, no person shall display any sign on a vehicle or trailer, whether stationary or moving on a road, where the primary function of that vehicle or trailer is to display advertising material.	Clause 12 of the Public Places Bylaw contains restrictions on advertising from vehicles.
Clause 15	Temporary Signs	
	General	
15 (1)	Except with the permission of the Chief Executive or an authorised officer, temporary signs advertising a forthcoming sporting, community or cultural event shall be restricted to one sign with a maximum area of 1 square metre located on the site of the forthcoming event.	Signs in public places can be given approval under clause 20.1 of the Public Places Bylaw.
15 (2)	Except with the permission of the Chief Executive or an authorised officer, temporary signs shall not be attached in any way to poles, fences, street furniture or other public utilities on any public place.	Signs in public places can be given approval under clause 20.1 of the Public Places Bylaw.
15 (3)	No person shall, on any land or premises, commence or continue to display, fix, erect, re erect or alter the construction of, or permit, suffer or allow any other person to commence or continue to display, fix, erect, re-erect or alter the construction of:	District Plan contains provisions relating to display of signage. i.e. 15.4.3
15 (3) (a)	Any temporary sign for a period greater than 3 months in any 12 month period; and	District Plan contains provisions relating to display of signage. i.e. 15.4.3
15 (3) (b)	Any temporary sign (other than a sign advertising land or premises for sale, auction or lease) for more than 2 days following completion of the event to which the sign relates.	District Plan contains provisions relating to display of signage. i.e. 15.4.3
15 (4)	The Chief Executive or an authorized officer may grant an extension to the time limits specified by sub-clause (3) above.	District Plan contains provisions relating to display of signage. i.e. 15.4.3
	Real Estate Signs	
15 (5)	Temporary signs advertising the sale of land or premises on which the sign is situated shall be restricted to one sign for each real estate agency involved in the sale with a maximum area of 1 square metre per sign, or 2 square metres if there is a sole agency, which must be located on the site to be sold.	Provisions are in the Waikato and Franklin Section of the District Plan. i.e. 15.4.3.6 Temporary Signs.

15 (6)	No person shall, on any land or premises, commence or continue to display, fix, erect, re erect or alter the construction of, or permit, suffer or allow any other person to commence or continue to display, fix, erect, re-erect or alter the construction of any temporary sign advertising land or premises for sale, auction or lease after the date upon which the purchaser or lessee takes possession of that land or premises, or the date of settlement, whichever is the earlier.	Provisions are in the Waikato and Franklin Section of the District Plan. i.e. 15.4.3.6 Temporary Signs.
	Blimps and Balloons	
15 (7)	Advertising blimps or balloons shall not be flown:	Public Places bylaw requires permission to be provided. In considering the placement of a blimp in a public place there are a number of factors to consider and these would be placed on any approval as conditions or information required to be provided prior to approval being given e.g. public liability insurance.
15 (7) (a)	More than 40 metres above the ground;	Public Places bylaw requires permission to be provided. In considering the placement of a blimp in a public place there are a number of factors to consider and these would be placed on any approval as conditions or information required to be provided prior to approval being given e.g. public liability insurance.
15 (7) (b)	Within a 5 kilometre radius of any aerodrome;	Public Places bylaw requires permission to be provided. In considering the placement of a blimp in a public place there are a number of factors to consider and these would be placed on any approval as conditions or information required to be provided prior to approval being given e.g. public liability insurance.
15 (7) (c)	Outside of daylight hours;	Public Places bylaw requires permission to be provided. In considering the placement of a blimp in a public place there are a number of factors to consider and these would be placed on any approval as conditions or information required to be provided prior to approval being given e.g. public liability insurance.
15 (7) (d)	When wind speeds exceed 25 km/h;	Public Places bylaw requires permission to be provided. In considering the placement of a blimp in a public place there are a number of factors to consider and these would be placed on any approval as conditions or information required to be provided prior to approval being given e.g. public liability insurance.
15 (7) (e)	Above or immediately adjacent to any state highway.	Public Places bylaw requires permission to be provided. In considering the placement of a blimp in a public place there are a number of factors to consider and these would be placed on any approval as conditions or information required to be provided prior to approval being given e.g. public liability insurance.
Clause 16	Sandwich Boards	
16 (1)	Sandwich boards shall only advertise services or products available from the business to which they relate.	Clause 21.1 of the Public Places Bylaw contains provisions relating to placement of advertising signage in front of sign owners retail, merchandise, or service establishment.
16 (2)	Sandwich boards shall be limited to two boards for each business.	No provisions.
16 (3)	The maximum size of any sandwich board shall be 1000 millimetres high by 600 millimetres wide. The Chief Executive or an authorised officer may approve larger sandwich boards where they advertise more than one business.	No provisions.

16 (4)	All sandwich boards shall be removed from the public place when the business, service or event advertised on the board is closed or finished.	Clause 21.1 of the Public Places Bylaw.
16 (5)	Subject to sub-clauses (6) and (7) below, sandwich boards shall be generally placed as follows:	
16 (5) (a)	In areas where a grass verge exists, on the grass verge; and	
16 (5) (b)	In areas where no grass verge exists, directly against the shop frontage, Provided that at all times a minimum 2.0 metre wide unobstructed pedestrian right of passage is maintained.	Clause 21.1 of the Public Places Bylaw establishes similar limits i.e. At least 2/3 or 1.5m, whichever is the greater, that the footpath width remains clear of obstruction for pedestrians and mobility devices at all times.
16 (6)	Sandwich boards shall not:	
16 (6) (a)	Obstruct access to or egress from any building;	Clause 21.1 of the Public Places Bylaw contains provisions i.e. kerb and channel crossings for pedestrians or other access to footpaths remain unobstructed; and f) No person is prevented or restricted from exiting their vehicle from any identified parking space.
16 (6) (b)	Be placed within 2 metres of any road corner or intersection;	
16 (6) (c)	Obstruct any taxi stand, bus stop, or loading zone;	Clause 21.1 of the Public Places Bylaw contains provisions i.e. kerb and channel crossings for pedestrians or other access to footpaths remain unobstructed; and f) No person is prevented or restricted from exiting their vehicle from any identified parking space. Clause 16 also applies i.e Obstructing Public Places No person shall: (a) Obstruct the entrances to or exits from a public place; (b) Place or leave any material or thing, including signage, on a public place that could obstruct the public right of passage, without the written permission of an authorised officer and then only in accordance with such conditions as may be imposed.
16 (6) (d)	Be placed on or over any guidance strips for the blind; or	Clause 21.1 contains provisions i.e. kerb and channel crossings for pedestrians or other access to footpaths remain unobstructed; and f) No person is prevented or restricted from exiting their vehicle from any identified parking space.
16 (6) (e)	Be placed on any public garden.	Clause 21.1 of the Public Places Bylaw identifies that damage shall not be caused.
16 (7)	Businesses which do not have road frontage may place one sandwich board on the public place nearest to the entrance to that business. A maximum of 5 sandwich boards may be placed on the footpath outside the entrance to any arcade, plaza or mall.	No restriction on numbers however Public Places Bylaw clause 21.1 identifies: Merchandise, Merchandise Stands or Advertising Signs Notwithstanding the provisions of Clause 20.1, items in the form of merchandise , or advertising signs may be displayed on footpaths or public places fronting the merchandise or sign owner's retail or service establishment.
16 (8)	Notwithstanding sub-clauses (5) and (6) above, the Council may nominate roads or parts of roads on which the placing of sandwich boards or other temporary advertising signs shall be prohibited. In areas where such a prohibition is in place, the Council may approve alternative signage that may be used in the place of such prohibited signs.	
Clause 17	Ladder Boards	

	The Chief Executive or an authorised officer may approve the placement of permanent ladder boards on the public footpath outside arcades, plazas or malls, to replace sandwich boards. If a ladder board is available then sandwich boards shall not be used. A ladder board shall advertise all of the businesses in an arcade or a minimum of five businesses. The maximum size of ladder boards shall be 1500 millimetres high by 600 millimetres wide unless otherwise approved by the Chief Executive or an authorised officer.	Would require approval if in a public place and resource consent if on private property.
Clause 18	Exemptions	
18 (1)	Where a sign lawfully existed prior to the coming in to force of this Bylaw, but does not comply with the requirements of this Bylaw, it may remain in place and be repaired, altered or maintained, provided that such work does not increase its physical size or the extent of its non-compliance with this Bylaw. Every sign shall be removed at the expiry time set as a consent condition.	There are no saving provisions in the new bylaw. However this would be taken into consideration prior to taking further action.
18 (2)	A sign that does not comply with the requirements of this Bylaw and is not a sign referred to in sub-clause (1) above shall be removed or otherwise made to comply within 6 months of the adoption of this Bylaw.	There are no saving provisions in the new bylaw. However this would be taken into consideration prior to taking further action.
18 (3)	(3) Where the Council or an authorised officer is satisfied that compliance with any requirements of this Bylaw would be unreasonable or impracticable, having regards to the circumstances of the case, a dispensation may be granted in whole or in part, with such modifications or conditions as are appropriate in the circumstances.	There are no saving provisions in the new bylaw. However this would be taken into consideration prior to taking further action.
Clause 19	Alteration or Removal of Signs	
19 (1)	In the event that any sign does not comply with the provisions of this Bylaw, the Chief Executive or an authorised officer may, by notice in writing, require the owner of the sign or the owner, occupier or lessee of any land on which the sign is located, to alter or remove the sign within a period stated in the notice.	Clause 37 of the Public Places Bylaw has a provision regarding the issuing of notices.
19 (2)	Where any person has been requested to alter or remove any sign, the altered or any replacement sign must comply with this Bylaw.	
19 (3)	Where any person fails to comply with any notice given under sub-clause (1) above, an authorised officer may have the sign altered or removed. The cost incurred in altering or removing the sign shall be recoverable as a debt against the owner of the sign or the owner of the land on or over which the sign was placed.	Section 164 of the Local Government Act 2002 must be used in the enforcement of bylaws.
19 (4)	Any sign located on land owned or controlled by the Council, that does not comply with the provisions of this Bylaw, may be removed by an authorised officer without notice to the owner of the sign.	Section 164 of the Local Government Act 2002 must be used in the enforcement of bylaws.
19 (5)	Any sign removed by an authorised officer shall be released to the owner of the sign upon payment of the costs incurred in its removal and storage.	Section 1672(b) of the LGA2002 has provisions regarding return of seized property.
19 (6)	Any sign that remains unclaimed for a period exceeding one month or is not released for a period exceeding one month may be sold or otherwise disposed of by the Council.	Sign must be held for 6 months under section 168 the LGA 2002.
Clause 20	Offences and Penalties	
	Every person who breaches this Bylaw commits an offence and is liable on summary conviction to the penalty set out in section 242(4) of the Local Government Act 2002.	Clause 40 of the Public Places Bylaw 2016.



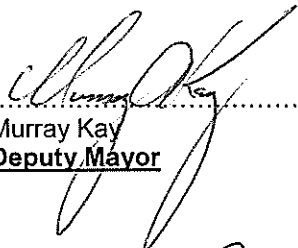
Franklin District Council Control of Signs Bylaw 2007 (as amended 24 June 2010)

1. Title and Commencement

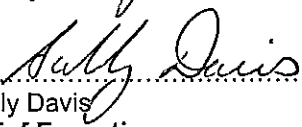
- (1) This Bylaw may be cited as the Franklin District Council Control of Signs Bylaw 2007 and shall come into force on 1 March 2007.
- (2) This Bylaw applies to the Franklin District.

2. Control of Signs Bylaw Validation

- (1) The Franklin District Council Control of Signs Bylaw 2007 was duly made at a meeting of the Franklin District Council held on 22 February 2007 after completion of the Special Consultative Procedure under section 86 of the Local Government Act 2002.
- (2) At its meeting on 24 June 2010, the Franklin District Council amended parts of the Franklin District Council Control of Signs Bylaw 2007 effective from 1 July 2010.
- (3) The Common Seal of the Franklin District Council was affixed hereto, pursuant to a resolution of Council, on 28 June 2010 in the presence of:



 Murray Kay
Deputy Mayor



 Sally Davis
Chief Executive



...28/06/10.....
Date

3. Scope and Purpose

- (1) The purpose of this Bylaw is to ensure that advertising signs are erected, maintained, and displayed in such a manner that they do not present a hazard or a danger to public safety. The Bylaw also seeks to ensure that advertising signs do not significantly alter the appearance of buildings and are appropriate in terms of their effect on the surrounding environment.
- (2) This Bylaw shall be read in conjunction with the operative Franklin District Council District Plan.
- (3) This Bylaw does not apply to: traffic, direction, information and naming signs erected by or with the approval of the Council; signs indicating hazardous substances used at a hazardous facility; signs erected pursuant to any statute or regulation; or signs which require resource consent. This Bylaw does not affect any conditions placed on any sign by a resource consent.
- (4) This Bylaw is made pursuant to Part 8 Subpart 1 of the Local Government Act 2002 and its amendments.
- (5) Transit New Zealand as a road controlling authority has its own bylaws for the control of signs on State Highways.

4. Definitions and Interpretation

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

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

Banner means any sign made of flexible material suspended in the air and supported on more than one side by poles or cables.

Balloon or Blimp means any sign made of flexible material, inflated by air, or inflated by a gas lighter than air.

Building has the same meaning as ascribed to it in the relevant section of the District Plan that applies to the site on which the sign in question is to be located.

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.

Class 4 venue has the same meaning as in section 4(1) of the Gambling Act 2003.

Council means the Franklin District Council.

District Plan means the operative Franklin District Council District Plan.

Flag means any bunting or other flexible material attached to one end to a staff or halyard and includes pennants.

Ladder Board means a sign constructed with two vertical uprights between which are displayed at least two advertising signs belonging to separate businesses.

Owner or Occupier in relation to any land includes the registered proprietor of any freehold or leasehold interest in that land, and any mortgagee in possession of that land, and any person occupying all or part of that land.

Poster means any sign including a placard or leaflet which is affixed to street furniture, utilities, traffic signage, or placed on any car windscreen, wall or building.

Sandwich Board means any portable sign, placed on a public place advertising goods, services or an event.

Sign means a visual message or notice conveyed to the public and visible from a public place displayed to advertise, identify a product, business, or service, inform or warn the public, and any frame, supporting device and associated ancillary equipment. It includes but is not limited to any mural, message or notice painted on, affixed to or otherwise incorporated with a building, structure, or site, banner, flag, poster, billboard, sandwich board, wind sock, blimp or projection of light to create an advertising image. A bunting that has symbols or messages on it shall also be considered a sign for the purposes of this Bylaw.

Street Verandah means any verandah, portico, balcony or awning over a public place.

Temporary Sign means any sign advertising:

- i. A parliamentary or local authority election, or candidates for any such election; or
- ii. Construction or development works on a building site or demolition site; or
- iii. An auction or the intention to sell or lease any land or premises; or
- iv. Any exhibition or entertainment event.

Trailer means a vehicle without motive power that is capable of being drawn or propelled by a motor vehicle from which it is readily detached.

5. General Requirements for the Siting of Signs

(1) No person shall:

- (a) Display or erect any sign in, on, over or visible from a public place that does not comply with this Bylaw or with any provisions set out in the District Plan, except where:
 - (i) A resource consent has been granted for that sign; or
 - (ii) An exemption to the requirements of this Bylaw has been granted by the Chief Executive or an authorised officer; or
 - (iii) The sign is exempted by clause 3(3) of this Bylaw;
- (b) Place any poster on any building or structure without the permission of the owner or occupier of that building or structure unless it is a designated poster board;
- (c) Attach any sign to any tree;
- (d) Erect any sign identified in this Bylaw as requiring a building consent before that building consent is issued;
- (e) Place, or allow to remain in place, any sign which explicitly or implicitly:
 - (i) Is discriminatory or advocates discrimination based on one or more of the prohibited grounds of discrimination set out in the Human Rights Act 1993;
 - (ii) Is objectionable within the meaning of the Films, Videos and Publications Classification Act 1993;
 - (iii) Is offensive, threatening or insulting;
 - (iv) Incites or counsels any persons to commit any offence; or

(v) Is in breach of any Franklin District Council bylaw.

- (2) The Council may prescribe fees for the assessment of any sign that is required to, but does not, comply with this Bylaw.

6. Signs On or Over Roads, Footpaths and Public Places

- (1) Except as otherwise provided by this Bylaw, no person shall place any sign in such a position as to be on, or project over any road, private street, or public place unless the prior permission of the Chief Executive or an authorised officer (or Transit New Zealand in the case of State Highways) has been obtained.
- (2) All signs located on verandahs over roads or public places on any land zoned business in the District Plan shall:
- (a) Be no closer than 2.4 metres to the footpath beneath the sign;
 - (b) Be set back at least 600 millimetres from an imaginary vertical line from the road kerb;
 - (c) If located on the verandah fascia, be not more 900 millimetres in depth, or protrude more than 200 millimetres from the fascia;
 - (d) If located under the verandah, be at right angles to the fascia line, and be limited to one per business per site;
 - (e) If located on top of the verandah, be more than 1.2 metres high, not more than 1.8 square metres in area and limited to one per site; and
 - (f) Advertise only businesses, services and products located on the same site as the sign.

7. Signs Affecting Traffic Safety

- (1) No sign shall be placed or allowed to remain where, in the opinion of the Chief Executive or an authorised officer (or Transit New Zealand in the case of State Highways), that sign would:
- (a) Obstruct or be likely to obstruct or impair the view of any corner, bend, intersection, vehicle crossing, traffic sign or traffic signal;
 - (b) Distract unduly or be likely to distract unduly the attention of road users;
 - (c) Resemble or be likely to be confused with any traffic sign or signal;
 - (d) Use reflective materials that may interfere with a road user's vision;
 - (e) Give rise to excessive levels of glare, or use flashing or revolving lights;
 - (f) Invite drivers to turn so close to a turning point that there is no time to signal and turn safely; or
 - (g) Constitute or be likely to constitute in any way a danger to road users.
- (2) No sign shall be placed:
- (a) On any median strip, roundabout or any other traffic separation structure on any road;
 - (b) On any traffic signals or traffic signs;
 - (c) Within 15 metres of any traffic signals or traffic signs; or
 - (d) On any kerb projection.

8. General Requirements for Construction and Maintenance of Signs

- (1) All signs and their supporting structures shall be constructed, fixed, placed and maintained in such a manner that they do not pose a danger to property or the public. This shall be the responsibility of the sign owner and the owner of the land or building on which the sign is placed.

- (2) The following signs and their supporting structures shall require a building consent prior to their erection:
- (a) Free standing signs where the maximum height is 3 metres or more above ground level, or where the sign area exceeds 2 square metres;
 - (b) Signs suspended clear of any building where the total weight of the sign and supports exceeds 50 kilograms, or where the sign area exceeds 2 square metres;
 - (c) Signs attached to the face of any building where the total weight of sign and supports exceeds 50 kilograms;
 - (d) Verandah signs where the total weight of sign and supports exceeds 50 kilograms;
 - (e) All banners with a surface area exceeding 12 square metres; and
 - (f) All flags with a surface area exceeding 4.5 square metres.

9. Lighting of Signs

- (1) Subject to sub-clauses (2) and (3) below, no illuminated sign shall produce more than 1000 cds/m² for signage areas less than 10 square metres and not more than 800 cds/m² for signage areas equal to or greater than 10 square metres (cds/m² = candelas per square metre).
- (2) No illuminated sign located in a rural environment shall produce more than 600 cds/m² for signage areas less than 10 square metres, and 400 cds/m² for signage areas equal to or greater than 10 square metres.
- (3) Any sign the face of which is at a 90⁰ axis to the road or within 20 metres of a road and 20⁰ of either side of a driver's line of sight, or at road intersections, shall conform to the lower luminance levels as required for rural areas.
- (4) With the exception of neon signs, the lighting filament used to light any sign shall not be visible from ground level except where approved by an authorised officer.

10. Banners over Public Places

- (1) The maximum area of any banner flown over a public place shall not exceed 21 square metres. Any banner shall be placed at least 5 metres above ground level, at least 6 metres from any intersection and 10 metres from any pedestrian crossing when it extends over a road, and shall meet the following requirements:
 - (a) The banner shall have reinforced corners with appropriate eyelets to allow the fixing of ropes or cables;
 - (b) The safe working load (pullout load) for any banner fixing points certified by a Registered Engineer's calculations shall be a minimum of 1 tonne;
 - (c) For banners 1.0 metres and over in depth, vertical stays shall be sown into the banner at a minimum of 3.0 metre intervals to prevent bowing under wind loads;
 - (d) All rope connections other than strainer and catch ropes shall be made with eye over steel thimble connections properly shackled to at least 10 millimetres galvanised steel rope.
- (2) Except with the permission of the Chief Executive or an authorised officer, no banner spanning across a road shall be displayed for more than 14 days before and 48 hours after the event that is being advertised.

11. Signs Pertaining to Class 4 Gambling Venues

- (1) Signs advertising any Class 4 venue or electronic gaming machines must not:
 - (a) Be sandwich boards;
 - (b) Exceed 1 metre by 0.3 metres (or equivalent surface area) in size;
 - (c) Be illuminated by flashing lights or contain neon;

- (d) Be visible from any residential zone as defined in the District Plan.
- (2) Signs advertising prize money must not be visible from the exterior of any Class 4 venue.

12. Signs Pertaining to Brothels

Restrictions on signs pertaining to brothels can be found in the current Franklin District Council Brothel Bylaw.

13. Election Signs

For the purposes of preparing for the October 2010 triennial general elections for the Auckland Council, the following rules and requirements for election signs shall apply:

- (1) Interpretation
In this clause of the Bylaw,—
election means the October 2010 triennial general elections in Auckland
local authority designated site means land identified in accordance with section 29E(1)(a)(ii).
sign means a sign erected for the purposes of the election and includes an election hoarding.
road means the formed carriageway of a road.
- (2) No building consent required or fee payable for sign 3 m² or less in size
(1) Signs do not require a building consent or fee to be paid.
(2) Subclause 2(1) applies only if the sign is 3 m² or less in size.
(3) This clause applies whether the sign is erected on a local authority designated site or on private property.
- (3) Time period that sign may be displayed
(1) A sign may be displayed at any time within the two months preceding the election.
(2) Every sign must be removed before the day on which the voting period for the election ends (polling day).
(3) This clause applies whether the sign is erected on a local authority designated site or on private property.
- (4) Prohibited sites for signs
(1) A sign must not be erected on any footpath, traffic island, or road (except if the sign is on or connected to a legally parked motor vehicle within the meaning of section 2(1) of the Land Transport Act 1998).
(2) A sign may be erected on private property only –
(a) with the landowner's consent; or
(b) where the property is subject to a tenancy agreement, and the erection of a sign is not inconsistent with that agreement, the tenant's consent.
- (5) Signs must be erected in manner that ensures public safety
A sign must be erected in a way that, in the opinion of an officer authorised by the existing local authority for the purpose, ensures public safety.
- (6) Signs on local authority designated sites
(1) A sign erected on a local authority designated site must comply with the following conditions:
(a) the sign must be less than 3m above ground level:
(b) there must be at least 1.4m clearance between the base of the sign and the ground:
(c) the sign must have an area of 3m² or less:

- (d) the sign must be securely braced and anchored at ground level;
- (e) the sign must be free-standing (for example, it must not be fixed to a tree, building, or furniture);
- (f) the sign must be placed outside the drip line of any tree;
- (2) A sign must also comply with any site-specific requirements.
- (3) Only one sign may be erected per candidate on each site.

(7) Existing local authority may remove signs

- (1) An existing local authority may remove a sign that—
 - (a) does not meet the requirements of this schedule; or
 - (b) is unsafe in the opinion of an officer referred to in clause 5.
- (2) The existing local authority may recover from the candidate concerned the costs of removing and storing a sign to which this clause applies and any associated administrative costs.

(8) Candidates must supply contact details of person responsible for signs

- (1) Each candidate must supply the electoral officer with the name and contact details of the person responsible for establishing and maintaining signs for the candidate.
- (2) The electoral officer may make this information available to any existing local authority.

- (9) This part of the Bylaw only applies to that part of the District that will be governed by the Auckland Council from 1 November 2010 under the Local Government (Tamaki Makaurau Reorganisation) Act 2009.

14. Signs on Vehicles and Trailers

Except with the permission of the Chief Executive or an authorised officer, no person shall display any sign on a vehicle or trailer, whether stationary or moving on a road, where the primary function of that vehicle or trailer is to display advertising material.

15. Temporary Signs

General

- (1) Except with the permission of the Chief Executive or an authorised officer, temporary signs advertising a forthcoming sporting, community or cultural event shall be restricted to one sign with a maximum area of 1 square metre located on the site of the forthcoming event.
- (2) Except with the permission of the Chief Executive or an authorised officer, temporary signs shall not be attached in any way to poles, fences, street furniture or other public utilities on any public place.
- (3) No person shall, on any land or premises, commence or continue to display, fix, erect, re-erect or alter the construction of, or permit, suffer or allow any other person to commence or continue to display, fix, erect, re-erect or alter the construction of:
 - (a) Any temporary sign for a period greater than 3 months in any 12 month period; and
 - (b) Any temporary sign (other than a sign advertising land or premises for sale, auction or lease) for more than 2 days following completion of the event to which the sign relates.
- (4) The Chief Executive or an authorized officer may grant an extension to the time limits specified by sub-clause (3) above.

Real Estate Signs

- (5) Temporary signs advertising the sale of land or premises on which the sign is situated shall be restricted to one sign for each real estate agency involved in the sale with a maximum area of 1 square metre per sign, or 2 square metres if there is a sole agency, which must be located on the site to be sold.
- (6) No person shall, on any land or premises, commence or continue to display, fix, erect, re-erect or alter the construction of, or permit, suffer or allow any other person to commence or continue to display, fix, erect, re-erect or alter the construction of any temporary sign advertising land or premises for sale, auction or lease after the date upon which the purchaser or lessee takes possession of that land or premises, or the date of settlement, whichever is the earlier.

Blimps and Balloons

- (7) Advertising blimps or balloons shall not be flown:
 - (a) More than 40 metres above the ground;
 - (b) Within a 5 kilometre radius of any aerodrome;
 - (c) Outside of daylight hours;
 - (d) When wind speeds exceed 25 km/h;
 - (e) Above or immediately adjacent to any state highway.

16. Sandwich Boards

- (1) Sandwich boards shall only advertise services or products available from the business to which they relate.
- (2) Sandwich boards shall be limited to two boards for each business.
- (3) The maximum size of any sandwich board shall be 1000 millimetres high by 600 millimetres wide. The Chief Executive or an authorised officer may approve larger sandwich boards where they advertise more than one business.
- (4) All sandwich boards shall be removed from the public place when the business, service or event advertised on the board is closed or finished.
- (5) Subject to sub-clauses (6) and (7) below, sandwich boards shall be generally placed as follows:
 - (a) In areas where a grass verge exists, on the grass verge; and
 - (b) In areas where no grass verge exists, directly against the shop frontage, Provided that at all times a minimum 2.0 metre wide unobstructed pedestrian right of passage is maintained.
- (6) Sandwich boards shall not:
 - (a) Obstruct access to or egress from any building;
 - (b) Be placed within 2 metres of any road corner or intersection;
 - (c) Obstruct any taxi stand, bus stop, or loading zone;
 - (d) Be placed on or over any guidance strips for the blind; or
 - (e) Be placed on any public garden.
- (7) Businesses which do not have road frontage may place one sandwich board on the public place nearest to the entrance to that business. A maximum of 5 sandwich boards may be placed on the footpath outside the entrance to any arcade, plaza or mall.

- (8) Notwithstanding sub-clauses (5) and (6) above, the Council may nominate roads or parts of roads on which the placing of sandwich boards or other temporary advertising signs shall be prohibited. In areas where such a prohibition is in place, the Council may approve alternative signage that may be used in the place of such prohibited signs.

17. Ladder Boards

The Chief Executive or an authorised officer may approve the placement of permanent ladder boards on the public footpath outside arcades, plazas or malls, to replace sandwich boards. If a ladder board is available then sandwich boards shall not be used. A ladder board shall advertise all of the businesses in an arcade or a minimum of five businesses. The maximum size of ladder boards shall be 1500 millimetres high by 600 millimetres wide unless otherwise approved by the Chief Executive or an authorised officer.

18. Exemptions

- (1) Where a sign lawfully existed prior to the coming in to force of this Bylaw, but does not comply with the requirements of this Bylaw, it may remain in place and be repaired, altered or maintained, provided that such work does not increase its physical size or the extent of its non-compliance with this Bylaw. Every sign shall be removed at the expiry time set as a consent condition.
- (2) A sign that does not comply with the requirements of this Bylaw and is not a sign referred to in sub-clause (1) above shall be removed or otherwise made to comply within 6 months of the adoption of this Bylaw.
- (3) Where the Council or an authorised officer is satisfied that compliance with any requirements of this Bylaw would be unreasonable or impracticable, having regards to the circumstances of the case, a dispensation may be granted in whole or in part, with such modifications or conditions as are appropriate in the circumstances.

19. Alteration or Removal of Signs

- (1) In the event that any sign does not comply with the provisions of this Bylaw, the Chief Executive or an authorised officer may, by notice in writing, require the owner of the sign or the owner, occupier or lessee of any land on which the sign is located, to alter or remove the sign within a period stated in the notice.
- (2) Where any person has been requested to alter or remove any sign, the altered or any replacement sign must comply with this Bylaw.
- (3) Where any person fails to comply with any notice given under sub-clause (1) above, an authorised officer may have the sign altered or removed. The cost incurred in altering or removing the sign shall be recoverable as a debt against the owner of the sign or the owner of the land on or over which the sign was placed.
- (4) Any sign located on land owned or controlled by the Council, that does not comply with the provisions of this Bylaw, may be removed by an authorised officer without notice to the owner of the sign.
- (5) Any sign removed by an authorised officer shall be released to the owner of the sign upon payment of the costs incurred in its removal and storage.
- (6) Any sign that remains unclaimed for a period exceeding one month or is not released for a period exceeding one month may be sold or otherwise disposed of by the Council.

20. Offences and Penalties

Every person who breaches this Bylaw commits an offence and is liable on summary conviction to the penalty set out in section 242(4) of the Local Government Act 2002.

Open Meeting

To	Policy & Regulatory Committee
From	Clive Morgan General Manager Community Growth
Date	May 2019
Prepared by	Stacey Solomon Junior Corporate Planner
Chief Executive Approved	Y
Reference #	GOV1318 / 2261352
Report Title	Lapse of Franklin District Council Food Hygiene Bylaw 2010

I. EXECUTIVE SUMMARY

This report seeks approval to let the Franklin District Council Food Hygiene Bylaw 2010 (the Bylaw) lapse in accordance with section 160A of the Local Government Act 2002 (LGA). The Bylaw will lapse on 1 March 2022, two years after the last date on which the Bylaw should have been reviewed under sections 158 and 159 of the LGA.

Reviewing bylaws periodically ensures that they meet the needs of the community and of Council, and are fit for purpose (section 155 of the LGA).

Under section 160A of the LGA, a bylaw that is not revoked or reviewed within a specified timeframe will lapse, becoming unenforceable 2 years after the last date on which the bylaw should have undergone review.

Staff advise that the issues the Bylaw seeks to control can be managed using another Council Bylaw or policy, through legislation, or through provisions and rules set out in the District Plan. Staff recommend that the Bylaw be allowed to lapse.

2. RECOMMENDATION

THAT the report from the **General Manager Community Growth** be received;

AND THAT the **Committee** recommends that **Council** approves to let the **Franklin District Council Food Hygiene Bylaw 2010** lapse on **1 March 2022** in accordance with section **160A** of the **Local Government Act 2002**.

3. BACKGROUND

Waikato District Council inherited a number of legacy bylaws from the former Franklin District Council during amalgamation, and since that time has administered these in the district alongside Waikato District Council bylaws.

The purpose of the Franklin District Council Food Hygiene Bylaw is to address concerns relating to the negative effects associated with poor food hygiene in food premises that could result in food borne illness in the community. The Bylaw does this by ensuring compliance of food premises with the Food Hygiene Regulations 1974 (since replaced by the Food Act 2014 and Food Regulations 2015).

The Bylaw contains provisions which allow Environmental Health Officers to requisition a food premises owner to undertake repair and other remedial works, or to request temporary closure of premises if businesses repeatedly fail to comply with regulations.

The Bylaw also provides for the grading and re-grading of food premises, issuing of grading certificates and the display requirements of these certificates.

Waikato district does not have an equivalent food hygiene bylaw to the Franklin bylaw.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

Food Act 2014

The Food Act 2014 (the Act) replaced the Food Hygiene Regulations 1974 (which the Franklin Bylaw is based around). The Act recognises that each business is unique and outlines different requirements for businesses based on the food they produce and the associated level of risk.

The Food Act 2014 takes a more risk based approach to food hygiene standards by using a sliding scale where businesses that have a higher food safety risk are required to operate under more stringent food safety requirements (Food Control Plans) and those with lower food safety risks operate under less stringent requirements (National Programmes). This means that individual operators are able to influence their own compliance costs – those that are performing well undergo less frequent checks (outside of what is legislated) and those that are underperforming receive extra attention from Environmental Health officers.

Environmental Health Officers employ risk based assessments to food business around the district and will do so in the former Franklin areas as well.

Infringements

Environmental Health Officers use provisions set out in the Act and Food Regulations 2015 to monitor food premises and to take enforcement action if required in the rest of the district.

The Act provides risk based measures that allow Environmental Health Officers to verify appropriate processes are in place in food businesses. It also sets out a number of enforcement tools available to address any issues that might arise – these include:

- Infringement notices (instant fines) for minor offences;
- Improvement notices and notices of direction requiring business operators to improve food safety without costly court action;
- The ability for Environmental Health Officers to interrupt operations when necessary to assist in any investigation;
- The ability to restrict the use of a food business if food safety or food suitability is threatened; or
- Issue increased penalties for serious food safety offences.

Officers will usually deal with minor food safety issues by providing business owners with suitable advice (preferred method). Officers may otherwise take a graduated response if the offence is considered more serious and issue directions, infringement notices, or for any particularly serious offences, officers may initiate compliance orders to be issued by District Courts or prosecutions. Information related to infringement offences (instant fines) is detailed in Section 7 of the Food Regulations 2015.

Food Business Grading

The Ministry for Primary Industries (MPI) is currently working on a National Grading System that is expected to be applied to territorial authorities towards the end of 2019. MPI plans to consult with territorial authorities before the grading system becomes mandatory. MPI has also advised territorial authorities not to renew their Food Hygiene Bylaws (for those that have them). There is a general lack of consistency in food grading between territorial authorities across the country, the intention of MPI is standardise this.

The Franklin Bylaw is for the most part focused on *process* rather than risk; MPI are mandated to deal with process, while territorial authorities deal with risk.

Bylaw lapse

Council does not require this bylaw for the purpose in which it was made. Staff have reviewed the Bylaw, and all clauses currently included in it are able to be controlled using another bylaw or policy already in place in the Waikato district, or through legislation.

If the Bylaw is allowed to lapse, provisions that are currently used to food hygiene in the Waikato district will extend into the former Franklin area. It is desirable that there be one set of controls for food hygiene across the district.

A complete breakdown of the Bylaw and how each clause will be affected is attached as [Appendix I](#) to this report.

4.2 OPTIONS

Option 1 – let the Bylaw lapse in March 2022.

Letting the Bylaw lapse means that Council will no longer use the Franklin District Council Food Hygiene Bylaw to regulate food hygiene in the former Franklin district. Staff currently use a different set of mechanisms in the rest of the Waikato district to regulate signage, these mechanisms will be extended to cover the whole district.

This option is recommended.

Option 2 – review the Bylaw.

The Bylaw is reviewed and Council continue to administer it in the former Franklin district alongside other Waikato District Council bylaws.

This option is not recommended.

Option 3 – revoke the Bylaw

Revoking the Bylaw will have the same effect as letting it lapse however the bylaw would become ineffective sooner and a consultation process would need to be followed. If this was the desired option, it is expected consultation could be scheduled for early-mid 2020.

This option is not recommended.

5. CONSIDERATION

5.1 FINANCIAL

Nil.

5.2 LEGAL

Council has a legal requirement under sections 158 and 159 of the LGA to consult with the public on its bylaws 5 years after their commencement, and then at least once every 10 years following.

If Council chooses not to consult with the public on a bylaw within 10 years, and does not review the bylaw within the two years following (ie: years 11 and 12 of the bylaw), then the bylaw is automatically revoked on the date that is two years after the last date on which the bylaw should have been reviewed (under section 158 or 159) in accordance with section 160A of the LGA.

5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

Nil.

5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

Highest levels of	Inform	Consult	Involve	Collaborate	Empower
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

engagement					
<i>Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i>	This report is to inform. The above policy is not affected by the lapsing of the Franklin District Council Food Hygiene Bylaw.				

Planned	In Progress	Complete	
		y	Internal
			Community Boards/Community Committees
			Waikato-Tainui/Local iwi (provide evidence / description of engagement and response)
			Households
			Business
			Other Please Specify

6. CONCLUSION

The Franklin District Council Food Hygiene Bylaw is no longer required by Council.

On 1 March 2022 the bylaw will lapse and be automatically revoked in accordance with section 160A of the LGA.

Staff seek approval to allow the Bylaw to lapse.

7. ATTACHMENTS

The following documents are attached as appendices to this report:

- Appendix 1: Clauses of Franklin District Council Food Hygiene Bylaw 2010 with Staff Comments.
- Appendix 2: Franklin District Council Food Hygiene Bylaw 2010.

Appendix I – Clauses of the Franklin District Council Food Hygiene Bylaw with Staff Comments

Clause	Franklin Control of Signs Bylaw	Other Regulatory Legislation
Clause 1	Title and Commencement	
	This Bylaw may be cited as the Franklin District Council Food Hygiene Bylaw and shall come into force on 1 March 2010.	
Clause 2	Food Hygiene Bylaw Validation	
	The Franklin District Council Food Hygiene Bylaw was duly made at a meeting of the Franklin District Council held on 18 February 2010 after completion of the special consultative procedure and will come into force on 1 March 2010.	
	The Common Seal of the Franklin District Council was affixed hereto, pursuant to a resolution of Council, on 23 February 2010 in the presence of:	
Clause 3	Scope and Purpose	
	This Bylaw ensures compliance by Food Premises with the Food Hygiene Regulations 1974. The Bylaw includes measures that will result in closure of premises that repeatedly fail to comply with the Food Hygiene Regulations 1974. The measures contained in this Bylaw are designed to manage the negative impacts of dirty and unhygienic Food Premises in terms of the physical well-being of the Franklin community.	
	The purpose of this Bylaw is to address concerns relating to the negative effects associated with poor food hygiene in food premises that could result in food borne illness in the community.	
Clause 4	Definitions	
	This Bylaw is promulgated pursuant to section 145 of the Local Government Act 2002.	
	In this Bylaw, if not inconsistent with the context:-	
	Act means the Local Government Act 2002.	
	Council means the Franklin District Council.	
	Critical Fault means a condition or set of conditions that would expose food to contamination or taint, or that would allow food to become dirtied or deteriorated.	
	Environmental Health Officer means any person Franklin District Council has appointed as Environmental Health Officer or any person authorised by Franklin District Council.	
	Fault means a condition or set of conditions which do not comply with the Food Hygiene Regulations but are not critical faults.	
	Food Premises are premises which must be registered under the Health (Registration of Premises) Regulations 1966 and the Food Hygiene Regulations 1974.	

	Grade and Grading means the allocated grade as reflected on the Grading Certificate, resulting from an inspection of Food Premises by an Environment Health Officer as follows: Category A: fewer than 5 faults, no critical or repeat faults; Category B: fewer than 10 faults, 5 or more faults, no critical or repeat faults; Category D: 10 or more faults, no critical faults, and/or one or more repeat faults; Category E: one or more critical faults.	
	Grading Certificate means a certificate issued to each Food Premises reflecting the Grade allocated by the Environmental Health Officer following an inspection of the Food Premises concerned.	
	Owner or Occupier shall mean the owner of the Food Premises or persons occupying the premises and shall include the supervisor, food handler, manager or agent acting in the general management or control of the Food Premises.	
Clause 5	Requisitions- Food Premises Closure	
5 (a)	Where any Food Premises which, by reason of their state, situation, construction or disrepair, are in a condition whereby food may be exposed to contamination or taint or may become dirtied or deteriorated, the Environmental Health Officer may serve notice on the Owner or Occupier of the Food Premises:	Regulations set out in the Food Act 2014 (subpart 2, sections 173 and 174) and Food Regulations 2015 (Part 7 - Infringement Offences) allow food safety officers employed by Waikato District Council to use a number of options for ensuring food safety compliance is met. Including infringement notices, notices of direction, power to interrupt or restrict operations, compliance orders compelling operators to take certain actions, penalties.
5 (a) (i)	to carry out, within a time to be stated in the notice, such remedial action as may be specified in the notice;	Regulations set out in the Food Act 2014 (subpart 2, sections 173 and 174) and Food Regulations 2015 (Part 7 - Infringement Offences) allow food safety officers employed by Waikato District Council to use a number of options for ensuring food safety compliance is met. Including infringement notices, notices of direction, power to interrupt or restrict operations, compliance orders compelling operators to take certain actions, penalties.
5 (a) (ii)	(ii) to cease to use, or to clean, reconstruct, or repair an appliance, fittings, fixture or other equipment on those Food Premises in accordance with the requirements and within the time specified in the notice.	Regulations set out in the Food Act 2014 (subpart 2, sections 173 and 174) and Food Regulations 2015 (Part 7 - Infringement Offences) allow food safety officers employed by Waikato District Council to use a number of options for ensuring food safety compliance is met. Including infringement notices, notices of direction, power to interrupt or restrict operations, compliance orders compelling operators to take certain actions, penalties.
5 (b)	During this period so specified, the conditions that render the food liable to contamination or taint, or that would allow food to become dirtied or deteriorated, shall be removed.	Regulations set out in the Food Act 2014 (subpart 2, sections 173 and 174) and Food Regulations 2015 (Part 7 - Infringement Offences) allow food safety officers employed by Waikato District Council to use a number of options for ensuring food safety compliance is met. Including infringement notices, notices of direction, power to interrupt or restrict operations, compliance orders compelling

		operators to take certain actions, penalties.
5 (c)	Any such notice may require that the Owner or Occupier cease using those Food Premises or cause the use of those Food Premises to cease for a period specified in the notice.	Regulations set out in the Food Act 2014 (subpart 2, sections 173 and 174) and Food Regulations 2015 (Part 7 - Infringement Offences) allow food safety officers employed by Waikato District Council to use a number of options for ensuring food safety compliance is met. Including infringement notices, notices of direction, power to interrupt or restrict operations, compliance orders compelling operators to take certain actions, penalties.
5 (d)	Failure to comply with the requisitions issued by the Environmental Health Officer is an offence under this Bylaw.	Regulations set out in the Food Act 2014 (subpart 2, sections 173 and 174) and Food Regulations 2015 (Part 7 - Infringement Offences) allow food safety officers employed by Waikato District Council to use a number of options for ensuring food safety compliance is met. Including infringement notices, notices of direction, power to interrupt or restrict operations, compliance orders compelling operators to take certain actions, penalties.
Clause 6	Grading	
6 (a)	Prior to an annual registration of any Food Premises, an Environmental Health Officer shall, following an inspection, grade the Food Premises according to the Grades outlined in this Bylaw.	Ministry for Primary Industries (MPI) is currently working on a National Grading System to apply to all territorial authorities (ETA end of 2019). MPI will consult with territorial authorities before the national food business grading system becomes mandatory. MPI has advised territorial authorities not to review/renew their Food Hygiene bylaws.
6 (b)	The Grading shall be notified to the Owner or Occupier of the Food Premises to which it pertains following the inspection and a Grading Certificate issued to the Food Premises.	Ministry for Primary Industries (MPI) is currently working on a National Grading System to apply to all territorial authorities (ETA end of 2019). MPI will consult with territorial authorities before the national food business grading system becomes mandatory. MPI has advised territorial authorities not to review/renew their Food Hygiene bylaws.
6 (c)	The current Grading Certificate shall be conspicuously displayed in a public part of the Food Premises to which it relates, and must be visible to members of the public visiting the Food Premises.	Ministry for Primary Industries (MPI) is currently working on a National Grading System to apply to all territorial authorities (ETA end of 2019). MPI will consult with territorial authorities before the national food business grading system becomes mandatory. MPI has advised territorial authorities not to review/renew their Food Hygiene bylaws.
6 (d)	The Grading Certificate shall be valid for a period of 12 months from the date of issue, and will remain the property of Franklin District Council. In the event of further food hygiene inspections during any such 12 month period, the Grading Certificate may be cancelled, withdrawn or amended by an Environmental Health Officer if the hygiene of the Food Premises has either improved or worsened when compared to the current Grading Certificate.	Ministry for Primary Industries (MPI) is currently working on a National Grading System to apply to all territorial authorities (ETA end of 2019). MPI will consult with territorial authorities before the national food business grading system becomes mandatory. MPI has advised territorial authorities not to review/renew their Food Hygiene bylaws.

6 (e)	It is an offence under this bylaw to not display a current Grading Certificate in a prominent public place which is visible to the public.	Ministry for Primary Industries (MPI) is currently working on a National Grading System to apply to all territorial authorities (ETA end of 2019). MPI will consult with territorial authorities before the national food business grading system becomes mandatory. MPI has advised territorial authorities not to review/renew thier Food Hygiene bylaws.
6 (f)	An application for regrading of premises may be made in writing to the Council, provided that no such application shall be considered until the expiry of two months following receipt of the notification referred to in section 6(b). This inspection will be at an additional fee as reflected in the Franklin District Council Fees and Charges Schedule.	Ministry for Primary Industries (MPI) is currently working on a National Grading System to apply to all territorial authorities (ETA end of 2019). MPI will consult with territorial authorities before the national food business grading system becomes mandatory. MPI has advised territorial authorities not to review/renew thier Food Hygiene bylaws.
Clause 7	Appeals	
7 (a)	An Owner or Occupier of Food Premises of which a Grading or requirement has been made, may appeal in writing to the Council against that Grading or requirement within 14 days after receiving notice thereof.	
7 (b)	On hearing the appeal, Council may confirm, reverse or modify that Grading or requirement.	
Clause 8	Offences and Penalty	
	Every person who commits a breach of this Bylaw is liable on summary conviction to the penalty set out in section 242 (4) of the Local Government Act 2002.	



Franklin District Council Food Hygiene Bylaw 2010

1. Title

This Bylaw may be cited as the Franklin District Council Food Hygiene Bylaw and shall come into force on 1 March 2010.

2. Food Hygiene Bylaw Validation

The Franklin District Council Food Hygiene Bylaw was duly made at a meeting of the Franklin District Council held on 18 February 2010 after completion of the special consultative procedure and will come into force on 1 March 2010.

The Common Seal of the Franklin District Council was affixed hereto, pursuant to a resolution of Council, on 23 February 2010 in the presence of:

.....
Sally Davis
 Sally Davis
Chief Executive Officer

.....
M. Ball
 Mark Ball
Mayor



.....
 23/02/10
Date

3. Scope and Purpose

This Bylaw ensures compliance by Food Premises with the Food Hygiene Regulations 1974. The Bylaw includes measures that will result in closure of premises that repeatedly fail to comply with the Food Hygiene Regulations 1974. The measures contained in this Bylaw are designed to manage the negative impacts of dirty and unhygienic Food Premises in terms of the physical well-being of the Franklin community.

The purpose of this Bylaw is to address concerns relating to the negative effects associated with poor food hygiene in food premises that could result in food borne illness in the community.

4. Definitions

This Bylaw is promulgated pursuant to section 145 of the Local Government Act 2002.

In this Bylaw, if not inconsistent with the context:-

Act means the Local Government Act 2002.

Council means the Franklin District Council.

Critical Fault means a condition or set of conditions that would expose food to contamination or taint, or that would allow food to become dirtied or deteriorated.

Environmental Health Officer means any person Franklin District Council has appointed as Environmental Health Officer or any person authorised by Franklin District Council.

Fault means a condition or set of conditions which do not comply with the Food Hygiene Regulations but are not critical faults.

Food Premises are premises which must be registered under the Health (Registration of Premises) Regulations 1966 and the Food Hygiene Regulations 1974.

Grade and Grading means the allocated grade as reflected on the Grading Certificate, resulting from an inspection of Food Premises by an Environment Health Officer as follows:

Category A: fewer than 5 faults, no critical or repeat faults;

Category B: fewer than 10 faults, 5 or more faults, no critical or repeat faults;

Category D: 10 or more faults, no critical faults, and/or one or more repeat faults;

Category E: one or more critical faults.

Grading Certificate means a certificate issued to each Food Premises reflecting the Grade allocated by the Environmental Health Officer following an inspection of the Food Premises concerned.

Owner or Occupier shall mean the owner of the Food Premises or persons occupying the premises and shall include the supervisor, food handler, manager or agent acting in the general management or control of the Food Premises.

5. Requisitions- Food Premises Closure

(a) Where any Food Premises which, by reason of their state, situation, construction or disrepair, are in a condition whereby food may be exposed to contamination or taint or may become dirtied or deteriorated, the Environmental Health Officer may serve notice on the Owner or Occupier of the Food Premises:

(i) to carry out, within a time to be stated in the notice, such remedial action as may be specified in the notice;

(ii) to cease to use, or to clean, reconstruct, or repair an appliance, fittings, fixture or other equipment on those Food Premises in accordance with the requirements and within the time specified in the notice.

- (b) During this period so specified, the conditions that render the food liable to contamination or taint, or that would allow food to become dirtied or deteriorated, shall be removed.
- (c) Any such notice may require that the Owner or Occupier cease using those Food Premises or cause the use of those Food Premises to cease for a period specified in the notice.
- (d) Failure to comply with the requisitions issued by the Environmental Health Officer is an offence under this Bylaw.

6. Grading

- (a) Prior to an annual registration of any Food Premises, an Environmental Health Officer shall, following an inspection, grade the Food Premises according to the Grades outlined in this Bylaw.
- (b) The Grading shall be notified to the Owner or Occupier of the Food Premises to which it pertains following the inspection and a Grading Certificate issued to the Food Premises.
- (c) The current Grading Certificate shall be conspicuously displayed in a public part of the Food Premises to which it relates, and must be visible to members of the public visiting the Food Premises.
- (d) The Grading Certificate shall be valid for a period of 12 months from the date of issue, and will remain the property of Franklin District Council. In the event of further food hygiene inspections during any such 12 month period, the Grading Certificate may be cancelled, withdrawn or amended by an Environmental Health Officer if the hygiene of the Food Premises has either improved or worsened when compared to the current Grading Certificate.
- (e) It is an offence under this bylaw to not display a current Grading Certificate in a prominent public place which is visible to the public.
- (f) An application for regrading of premises may be made in writing to the Council, provided that no such application shall be considered until the expiry of two months following receipt of the notification referred to in section 6(b). This inspection will be at an additional fee as reflected in the Franklin District Council Fees and Charges Schedule.

7. Appeals

- (a) An Owner or Occupier of Food Premises of which a Grading or requirement has been made, may appeal in writing to the Council against that Grading or requirement within 14 days after receiving notice thereof.
- (b) On hearing the appeal, Council may confirm, reverse or modify that Grading or requirement.

8. Offences and Penalty

Every person who commits a breach of this Bylaw is liable on summary conviction to the penalty set out in section 242 (4) of the Local Government Act 2002.

Open Meeting

To	Policy & Regulatory Committee
From	Clive Morgan General Manager Community Growth
Date	31 May 2019
Prepared by	Stacey Solomon Junior Corporate Planner
Chief Executive Approved	Y
Reference #	GOV1318 / 2261388
Report Title	Lapse of Franklin District Council Brothel Bylaw 2010

I. EXECUTIVE SUMMARY

This report seeks approval to let the Franklin District Council Brothel Bylaw 2010 (the Bylaw) lapse in accordance with section 160A of the Local Government Act 2002 (LGA). The Bylaw will lapse on 1 March 2022, two years after the last date on which the bylaw should have been reviewed under sections 158 and 159 of the LGA.

Reviewing bylaws periodically ensures that they meet the needs of the community and of Council, and are fit for purpose (section 155 of the LGA).

Under section 160A of the Act, a bylaw that is not revoked or reviewed within a specified timeframe will lapse, becoming unenforceable 2 years after the last date on which the bylaw should have undergone review.

Staff advise that the issues the Bylaw seeks to control can be managed using another Council Bylaw or policy, through legislation, or through provisions and rules set out in the District Plan. Staff recommend that the Bylaw be allowed to lapse.

2. RECOMMENDATION

THAT the report from the **General Manager Community Growth** be received;

AND THAT the Committee recommends that Council approves to let the **Franklin Brothel Bylaw 2010** lapse on **1 March 2022** in accordance with section **160A** of the **Local Government Act 2002**.

3. BACKGROUND

Waikato District Council inherited a number of legacy bylaws from the former Franklin District Council during amalgamation, and since that time has administered these in the district alongside Waikato District Council bylaws.

The Franklin District Council Brothel Bylaw was last reviewed in 2010 and will lapse in March of 2022.

The scope of the Bylaw controls the location and signage relating to the operating of prostitution businesses throughout the former Franklin district. The Bylaw includes controls that are designed to manage the potential negative impacts of brothels in terms of the social, economic, and cultural well-being of the community.

The purpose of the Bylaw is to address concerns relating to the presence/location of brothels, and the potential damage that the open presence, signage and practice of prostitution and brothel keeping may have on the community.

The Bylaw also takes in to consideration the potential negative effects of brothels on the amenity of certain areas of towns in terms on late night operation, traffic and parking.

Staff are not aware of any commercial brothels operating in the district, or the number of home occupation brothels operating in the district.

There have been no instances where the bylaw has needed to be enforced since amalgamation.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

Prostitution Reform Act 2003

The Prostitution Reform Act 2003 (the Act) makes commercial sex work a legal activity, with rights afforded to all other commercial enterprises.

For local authorities, key sections of the Act:

- Require that operators of brothels have appropriate resource consents (section 15);
- Restrict advertising in newspapers (not including classifieds), on radio, and on television (section 11); and
- Enables Council to create bylaws restricting locations of, and signage relating to, brothels (sections 12 and 14).

Location of Brothels

Section 14 of the Prostitution Reform Act 2003 gives Council the authority to create a bylaw regulating the location of Brothels. Council also has the power to make planning rules regulating the commercial sex industry as it does other commercial enterprises. This power does not permit Council's to prohibit brothels from their districts completely. The Act

directs territorial authorities to determine if a business will cause a nuisance or be incompatible with the existing character or use of the land if they are considering approval of resource consent

The Franklin District Council Brothel Bylaw 2010 approached the management of the commercial sex industry by addressing the potential effects of the industry on its communities – specifically through signage, public health and safety, appropriate location and zoning, and public nuisance.

Waikato District Council does not have a comparable brothel bylaw, and instead uses district plan rules that regulate the location of commercial enterprises within the district boundaries. The rules minimise potential adverse effects of commercial sex industry premises in the same way as other activities that have a similar scale and nature of effects. Any person who would operate a brothel type of business from their home would be subject to rules that are applied to home occupations in living zones. If their activities did not meet the requirements for a home occupation, it would be considered commercial activity and require a consent per the rules of the district plan.

Signage relating to Brothels

Section 12 of the Act gives Council the ability to make bylaws that control signage related to the advertising of commercial sexual services. The Franklin District Council Brothel Bylaw addresses signage relating to brothels by stipulating what can and cannot be included on the signs and where they can be placed. Per the Bylaw, signs must only display the trading name of the business (which cannot be explicit or otherwise offensive), must not exceed one square meter, must not be portable, must not be in residential or rural areas or be visible from a public place or anywhere other than the business zone.

Signs must otherwise be compliant with rules of the district plan or relevant bylaws/policies.

Clause 20.1 of the Waikato District Council Public Places Bylaw 2016 allows authorised officers to determine the appropriateness of the content of a sign, as well as the effect of a sign's placement on communities. Any sign that is deemed offensive would not be approved by an authorised officer in the first instance.

A complete breakdown of the Bylaw and how each clause will be affected is attached as Appendix 1 to this report.

4.2 OPTIONS

Option 1 – let the Bylaw lapse in March 2022.

Option 1 would allow the use of planning rules and topic specific bylaws (ie: Public Places Bylaw) to regulate the industry (location and signage of brothels) in the district.

This option is recommended.

Option 2 – revoke the Bylaw.

Revoking the Bylaw will have the same effect as letting it lapse however the bylaw would become ineffective sooner and a consultation process would need to be followed. If this was the desired option, it is expected consultation could be scheduled for early-mid 2020.

Option 3 – revoke the Franklin District Council Brothel Bylaw, and create a Waikato District Council Brothel Bylaw that would cover the entire district.

Option 3 would mean staff undertake work to prepare a draft bylaw that would apply to the whole of the district. This work would need to be carried out under sections 83, 86, and 156 (1) of the LGA.

Establishing a bylaw would not give additional powers over what is available in the district plan, but it would ensure clarity and consistency if rules in the district plan needed to be applied.

5. CONSIDERATION

5.1 FINANCIAL

Nil.

5.2 LEGAL

Council has a legal requirement under sections 158 and 159 of the LGA to consult with the public on its bylaws 5 years after their commencement, and then at least once every 10 years thereafter.

If Council chooses not to consult with the public on a bylaw within 10 years, and does not review the bylaw within the two years following (ie: years 11 and 12 of the bylaw), then the bylaw is revoked on the date that is two years after the last date on which the bylaw should have been reviewed (under section 158 or 159) in accordance with section 160A of the LGA.

5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

Nil.

5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

Highest levels of engagement	Inform <input checked="" type="checkbox"/>	Consult <input type="checkbox"/>	Involve <input type="checkbox"/>	Collaborate <input type="checkbox"/>	Empower <input type="checkbox"/>
<i>Tick the appropriate box/boxes and specify what it involves by providing a brief explanation of the tools which will be used to engage (refer to the project engagement plan if applicable).</i>	The above policy is not affected by the lapsing of the Franklin Brothel Bylaw 2010.				

Planned	In Progress	Complete	
		y	Internal
			Community Boards/Community Committees
			Waikato-Tainui/Local iwi (provide evidence / description of engagement and response)
			Households
			Business
			Other Please Specify

6. CONCLUSION

The Franklin District Council Brothel Bylaw is no longer required by Council.

On 1 March 2022 the bylaw will lapse and be automatically revoked in accordance with section 160A of the LGA.

Staff seek approval to allow the Bylaw to lapse.

7. ATTACHMENTS

The following documents are attached as appendices to this report:

- Appendix 1: Clauses of Franklin District Council Brothel Bylaw with Staff Comments.
- Appendix 2: Franklin District Council Brothel Bylaw 2010.

Appendix I – Franklin District Council Brothel Bylaw 2010 Clauses with Staff Comments

Clause	Franklin Brothel Bylaw	Other Regulatory Legislation
1	Title	
	This Bylaw may be cited as the Franklin District Brothel Bylaw and shall come into force on 1 March 2010.	
2	Brothel Bylaw Validation	
	The Franklin District Council Brothel Bylaw was duly made at a meeting of the Franklin District Council held on 18 February 2010 after completion of the special consultative procedure and will come into force on 1 March 2010.	
	The Common Seal of the Franklin District Council was affixed hereto, pursuant to a resolution of Council, on 23 February 2010 in the presence of:	
3	Scope and Purpose	
	This Bylaw controls the location and signage relating to businesses of prostitution throughout the Franklin District. The Bylaw includes control measures that are designed to manage the potential negative impacts of brothels in terms of the social, economic, and cultural well-being of the Franklin community.	
	The purpose of this Bylaw is to address concerns relating to the offence that the presence or possible presence of brothels can cause to members of the public, especially in sensitive locations, and the potential damage that the open presence, signage and practice of prostitution and brothel keeping may have on children. Further, the potential negative effects of brothels on the amenity of some areas in terms of late night noise, traffic and parking are addressed this bylaw.	
4	Definitions	
	This Bylaw is promulgated pursuant to section 145 and 146 of the Local Government Act 2002 and sections 12 and 14 of the Prostitution Reform Act 2003.	
	In this bylaw, if not inconsistent with the context, -	
	Act means the Local Government Act 2002.	
	Brothel means any premises kept or habitually used for the purposes of prostitution; but does not include premises at which accommodation is normally provided on a commercial basis if the prostitution occurs under an arrangement initiated elsewhere. In this Bylaw a Small Owner Operated Brothel as defined in the Prostitution Reform Act 2003 is a brothel.	
	Business of Prostitution means a business of providing, or arranging the provision of, commercial sexual services.	
	Business Zone means any land with a business	

	activity zoning in the Franklin District Plan.	
	Commercial Sexual Services means sexual services that: (a) involve physical participation by a person in sexual acts with, and for the gratification of, another person; and (b) are provided for payment or other reward (irrespective of whether the reward is given to the person providing the services or another person).	
	Community Facility means any building or land used for the purpose of providing recreation, swimming pools, libraries, public halls, community house, marae, cultural centres, scouts and guide dens.	
	Council means the Franklin District Council.	
	District Plan means the Franklin District Council Operative District Plan 2000 or any succeeding district plan prepared under the provisions of the Resource Management Act 1991.	
	Educational Facility for Children means any building or land used as a day care facility, preschool, primary school, intermediate school; college/high school, kohanga reo, kura kaupapa or kura maori.	
	Main Street means: King Street, Pukekohe; Queen Street, between Victoria and King Streets, Waiuku; and George Street, between Liverpool Street and Henderson Avenue, Tuakau.	
	Place of Worship means land and buildings primarily used for public and or private assembly of people primarily for worship.	
	Prostitution means the provision of commercial sexual services.	
	Residential areas include: residential, coastal village and rural village zones as defined in the District Plan.	
	Rural areas include: rural, coastal and village countryside living zones as defined in the District Plan.	
	Sensitive Sites means land and buildings used for an Educational Facility for Children, a Place of Worship and Community Facilities.	
	Sign means every advertising device or display of advertising matter intended to attract attention and which, together with any frame or support structure is visible to the public.	
5	Location of Brothels	
5 (a)	A Brothel shall not be located within 250 metres of a Sensitive Site in the Franklin District.	The activity would be managed through the District Plan provisions relating to business.
5 (b)	A brothel located within the main streets of a Business zone shall not be located at street level and the entrance must not be located on the main streets.	The activity would be managed through the District Plan provisions relating to business.
6	Signage Relating to Brothels	

6 (a)	Where any business premises include a Brothel within the Business zone, no person may place or be allowed to place any Sign on or in the building or structure that is visible from a public place and that advertises commercial sexual services, except in accordance with the following requirements:	The activity would be managed through the District Plan provisions relating to business.
6 (a) (i)	The Sign shall display only the trading name of the business which in the opinion of Council must not be sexually explicit, lewd or otherwise offensive;	The activity would be managed through the District Plan provisions relating to business.
6 (a) (ii)	The total area of the Sign shall not exceed one square metre in area;	The activity would be managed through the District Plan provisions relating to business.
6 (a) (iii)	No sandwich board or other type of portable sign may be located off the site including on the adjoining road.	The activity would be managed through the District Plan provisions relating to business.
6 (b)	There will be no Sign of any type or description advertising commercial sexual services placed within the residential and rural areas.	The activity would be managed through the District Plan provisions relating to business.
6 (c)	No person may place or be allowed to place any Sign that is visible from a public place and that advertises Commercial Sexual Services on or in any building or structure other than in the Business Zone, and within the site at which those Commercial Sexual Services are offered.	The activity would be managed through the District Plan provisions relating to business.
6 (d)	All signs must comply with the relevant rules in the District Plan.	The activity would be managed through the District Plan provisions relating to business.

Franklin District Council Brothel Bylaw 2010

1. Title

This Bylaw may be cited as the Franklin District Brothel Bylaw and shall come into force on 1 March 2010.

2. Brothel Bylaw Validation

The Franklin District Council Brothel Bylaw was duly made at a meeting of the Franklin District Council held on 18 February 2010 after completion of the special consultative procedure and will come into force on 1 March 2010.

The Common Seal of the Franklin District Council was affixed hereto, pursuant to a resolution of Council, on 23 February 2010 in the presence of:

.....*Sally Davis*.....
 Sally Davis
Chief Executive Officer

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



.....*23/02/10*.....
Date

3. Scope and Purpose

This Bylaw controls the location and signage relating to businesses of prostitution throughout the Franklin District. The Bylaw includes control measures that are designed to manage the potential negative impacts of brothels in terms of the social, economic, and cultural well-being of the Franklin community.

The purpose of this Bylaw is to address concerns relating to the offence that the presence or possible presence of brothels can cause to members of the public, especially in sensitive locations, and the potential damage that the open presence, signage and practice of prostitution and brothel keeping may have on children. Further, the potential negative effects of brothels on the amenity of some areas in terms of late night noise, traffic and parking are addressed this bylaw.

4. Definitions

This Bylaw is promulgated pursuant to section 145 and 146 of the Local Government Act 2002 and sections 12 and 14 of the Prostitution Reform Act 2003.

In this bylaw, if not inconsistent with the context, -

Act means the Local Government Act 2002.

Brothel means any premises kept or habitually used for the purposes of prostitution; but does not include premises at which accommodation is normally provided on a commercial basis if the prostitution occurs under an arrangement initiated elsewhere. In this Bylaw a Small Owner Operated Brothel as defined in the Prostitution Reform Act 2003 is a brothel.

Business of Prostitution means a business of providing, or arranging the provision of, commercial sexual services.

Business Zone means any land with a business activity zoning in the Franklin District Plan.

Commercial Sexual Services means sexual services that:

- (a) involve physical participation by a person in sexual acts with, and for the gratification of, another person; and
- (b) are provided for payment or other reward (irrespective of whether the reward is given to the person providing the services or another person).

Community Facility means any building or land used for the purpose of providing recreation, swimming pools, libraries, public halls, community house, marae, cultural centres, scouts and guide dens.

Council means the Franklin District Council.

District Plan means the Franklin District Council Operative District Plan 2000 or any succeeding district plan prepared under the provisions of the Resource Management Act 1991.

Educational Facility for Children means any building or land used as a day care facility, preschool, primary school, intermediate school; college/high school, kohanga reo, kura kaupapa or kura maori.

Main Street means: King Street, Pukekohe; Queen Street, between Victoria and King Streets, Waiuku; and George Street, between Liverpool Street and Henderson Avenue, Tuakau.

Place of Worship means land and buildings primarily used for public and or private assembly of people primarily for worship.

Prostitution means the provision of commercial sexual services.

Residential areas include: residential, coastal village and rural village zones as defined in the District Plan.

Rural areas include: rural, coastal and village countryside living zones as defined in the District Plan.

Sensitive Sites means land and buildings used for an Educational Facility for Children, a Place of Worship and Community Facilities.

Sign means every advertising device or display of advertising matter intended to attract attention and which, together with any frame or support structure is visible to the public.

5. Location of Brothels

- a) A Brothel shall not be located within 250 metres of a Sensitive Site in the Franklin District.
- b) A brothel located within the main streets of a Business zone shall not be located at street level and the entrance must not be located on the main streets.

6. Signage Relating to Brothels

- a) Where any business premises include a Brothel within the Business zone, no person may place or be allowed to place any Sign on or in the building or structure that is visible from a public place and that advertises commercial sexual services, except in accordance with the following requirements:
 - (i) The Sign shall display only the trading name of the business which in the opinion of Council must not be sexually explicit, lewd or otherwise offensive;
 - (ii) The total area of the Sign shall not exceed one square metre in area;
 - (iii) No sandwich board or other type of portable sign may be located off the site including on the adjoining road.
- b) There will be no Sign of any type or description advertising commercial sexual services placed within the residential and rural areas.
- c) No person may place or be allowed to place any Sign that is visible from a public place and that advertises Commercial Sexual Services on or in any building or structure other than in the Business Zone, and within the site at which those Commercial Sexual Services are offered.
- d) All signs must comply with the relevant rules in the District Plan.

Open Meeting

To	Policy & Regulatory Committee
From	Gavin Ion Chief Executive
Date	7 June 2019
Chief Executive Approved	Y
Reference #	GOV1318
Report Title	Chief Executive's Business Plan

1. EXECUTIVE SUMMARY

The Chief Executive's Business Plan is a summary of progress on the Chief Executive's Performance Agreement. This report covers 2018/2019 items.

2. RECOMMENDATION

THAT the report from the Chief Executive be received.

3. BACKGROUND

The Chief Executive's Business Plan is a summary of progress on a number of issues targeted by Councillors.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

The Plan is a summary of progress on specific issues. It enables staff and Councillors to focus on the big issues and ensures that attention is given to those things that really matter. The Plan is in line with the Chief Executive's Performance Agreement for 2018/2019 as amended at the March review meeting.

4.2 OPTIONS

The list of projects has been agreed by Council.

The Plan is consistent with the Chief Executive's Performance Agreement approved by Council but incorporates amendments to several KPIs agreed by the Chief Executive Performance Review Sub-committee in March.

5. CONSIDERATION

5.1 FINANCIAL

Nil at this stage.

5.2 LEGAL

As part of undertaking the work detailed in this plan, Council needs to ensure that the approach taken is consistent with the Purpose of Local Government.

In other words, to meet the current and future needs of communities for good quality local infrastructure, local public services and performance of regulatory functions in a way that is most cost-effective for households and businesses.

5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

This report contains the strategic issues that Council is focused on. The Chief Executive's Business Plan has been updated to align to the Chief Executive's Performance Agreement.

Iwi and Tangata Whenua have been, or will be consulted on at least some of the key projects or initiatives referred to in the report. Iwi are involved as a strategic partner of Council.

Iwi have been engaging in Blueprints, the waters management project and with Council and government on the Hamilton to Auckland Corridor.

The projects in the list link to at least one community outcome or wellbeing. They also link to at least one LTP key goal.

The list has been updated in line with the Chief Executive's Performance Agreement for 2018/2019.

5.4 ASSESSMENT OF SIGNIFICANCE AND ENGAGEMENT POLICY AND OF EXTERNAL STAKEHOLDERS

The report does not trigger any concerns about significance of the projects being discussed.

Highest levels of engagement	Inform	Consult	Involve	Collaborate	Empower
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	The report provides a summary of what progress is being made on the various issues. It is for information at this stage of the year.				

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

Planned	In Progress	Complete	
		✓	Internal
	✓		Community Boards/Community Committees
	✓		Waikato-Tainui/Local iwi

	✓		Households
	✓		Business
			Other Please Specify

The assessment depends on the issues involved.

6. CONCLUSION

The schedule summarises progress on the key issues agreed with Council.

7. ATTACHMENTS

Chief Executive's KPI worksheet.

Chief Executive's KPIs – 2018/2019

Key project/priority	Key deliverables/KPIs		Progress	Final Achievement Met/Not Met
1. Delivery and achievement of LTP year 1 (covers normal business activities and the delivery of the annual work programme)	1.1	LTP financial year 2018/2019 work programmes are completed on time, cancelled, agreed for deferral or carried forward as agreed with Council.	The work programmes are progressing. The vast majority is in the Service Delivery area and this is reported at each Infrastructure Committee meeting.	
	1.2	The LTP year 1 is completed within agreed budget and variations approved by Council.	Regular financial reviews are undertaken to review progress. Concerns are reported to the appropriate Committees.	
	1.3	80% of the 2018/2019 year LTP controllable non-financial KPIs are achieved.	A quarterly report on this is provided to the Strategy & Finance Committee meeting. At the end of April 2019, 71% of the controllable KPIs were achieved.	
	1.4	a) A comprehensive review of the Economic Development Implementation Plan is to be completed by the end of May 2019. b) The agreed 2018/2019 projects in the Implementation Plan are delivered by 30 June 2019.	a) This work is on track. b) Once the review of the Implementation Plan is completed, this goal will be triggered.	
	1.5	Provide evidence that services are being delivered in an efficient, innovative (where possible, taking into account available Council resources) and cost effective manner e.g. Regional Library Service.	Work is underway on the feasibility of a Regional Library Service. The Alliance with Downer delivered a gain share for 2017/18 which is an indication of cost effectiveness. The Waikato Building Cluster is seeking efficiencies through reducing auditing from eight audits (one per council) to one audit (for all eight councils). Approval has been sought from government on	

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			<p>this idea.</p> <p>The resourcing structure of the Building Cluster is being looked at in order to address strategic challenges facing the cluster.</p> <p>Work continues on the review of the i-Site contracts.</p>	
	1.6	Demonstrate progress with delivering or completing action points on the Audit & Risk Committee's work programme at each meeting.	<p>Progress has been made in reducing outstanding items on the work programme.</p> <p>A detailed deep dive into a specific topic has been undertaken. In September, this related to the zero harm strategic risk. In December the focus was on our waters management. The focus in March was on strategic planning which has been a significant area of focus for Council in the past year.</p>	
2. Continued improvements in customer service	2.1	Completion of more than 87% of service requests within set timeframes for the year.	At the end of April 86.77% of service requests have been completed within the set timeframes.	
	2.2	Overdue service requests are less than 118 on average for the year.	Overdue service requests at the end of May averaged 123. This is behind the target but considerable progress was made in May with the overdue service requests reducing to 64.	
	2.3	The agreed programme items in the Council agreed customer strategy are implemented by 30 June 2019.	The Customer Experience Strategy work plan is being developed in conjunction with Gearing for Growth and Greatness. A number of projects will be required.	
3. Partnerships, relationships, regional initiatives and engagement with external stakeholders	3.1	a) Engage with key stakeholders, including developers, community organisations, Community Boards/Committees, Iwi, key regional contacts and other council contacts about how relationships	<p>(a) The Chief Executive has met with Iwi, central government, neighbouring councils and developers on strategic issues. Feedback to date has been constructive. Council has a growing relationship with Waikato-Tainui.</p> <p>There have also been several community meetings attended by the Chief Executive to</p>	

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		<p>with the Chief Executive and Council can be strengthened and made more productive.</p> <p>b) Provide evidence of progress against the current action plan and update the action plan to incorporate new feedback at each sub-committee meeting.</p>	<p>build stronger relationships.</p> <p>(b) <u>Leadership</u> The Chief Executive has been working with developers and Waikato Regional Council about water allocation. This led to a successful agreement that will benefit our community and economic development activities.</p> <p>Changes to WLASS to transform the company have been approved by the majority of shareholders. Approval from the one remaining council is being sought.</p> <p><u>Interpersonal Ability</u> A key focus has been engagement with Iwi. Three hui have been held to advance engagement. In one case, historical issues dating back to 1947 are being worked through.</p> <p><u>Visibility</u> More time is being allocated for key regional meetings. This is evident in the Hamilton to Auckland Corridor work and the Waikato Economic Development Forum held at the end of August.</p> <p>The Chief Executive, Mayor and Councillor Thomson attended the National Maaori Housing Conference in November and this presented some important networking opportunities particularly with government Ministers and Chief Executives. The Chief Executive has been active in progressing</p>	

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			Future Proof initiatives.	
	3.2	Provide evidence of collaboration with NZTA to deliver key outcomes.	<p>Discussions were held at the Local Government Conference and through several meetings. This engagement is the basis for further collaboration.</p> <p>The Mayor, Deputy Mayor, Chief Executive and staff recently met with the Acting Director Regional Relationships to renew and develop the relationship.</p>	
	3.3	Provide evidence of collaboration and engagement with Iwi including the key outcomes achieved.	<p>The Chief Executive has attended several Waikato-Tainui events. The Mayor and Chief Executive have now established regular meetings with the Waikato-Tainui Te Arataura Chair and Chief Executive.</p> <p>There is a new level of understanding and partnership developing with Iwi.</p> <p>As noted above, The Chief Executive, Mayor and Councillor Thomson also attended the National Maaori Housing Conference which was well received by local and national Iwi.</p>	
	3.4	Agreed milestones are met in implementing the Strategic Plan for the Waikato Building Cluster Group.	<p>Work is progressing on the Strategic Plan:</p> <ul style="list-style-type: none"> ▪ Additional customer research has been undertaken. The results are being summarised for use in a work plan. ▪ Contact has been made with Government in relation to audit fees for the Cluster. ▪ A plan is being implemented for staff development and the establishment of a training and development centre. ▪ A review of resourcing for the cluster is being finalised. 	

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	3.5 <ul style="list-style-type: none"> ▪ An implementation plan for the Waters Governance Board is agreed by 31 October 2018. ▪ The agreed action items for 2018/2019 are completed on time and to budget. 	<ul style="list-style-type: none"> ▪ The implementation plan is in place and being worked through. ▪ We are approaching a critical deadline to complete the contract. ▪ The Waters Governance Board has met a number of times and is starting to provide valuable input into our Waters Management. 	
	3.6 Provide evidence of community engagement on key initiatives.	Work continues on engagement in relation to the notified District Plan. The Blueprints project has also been progressing master planning in the District.	
4. Staff and Culture (including leadership, engagement, retention, zero harm)	4.1 Leadership – The Staff Survey indicates a positive movement of 2% or more in relation to the leadership provided by senior management.	The survey will be undertaken during 17-28 June.	
	4.2 The Engagement Index shows a positive movement of 2% or more in the Annual Staff Survey.	The survey will be undertaken during 17-28 June.	

Key project/priority	Key deliverables/KPIs	Progress	Final Achievement Met/Not Met
	<p>4.3 Performance on key HR measures is as follows:</p> <ul style="list-style-type: none"> a) Staff movement due to general turnover is less than 16%. b) Outstanding leave balances reduce by 5% or more by 30 June. c) Sick leave taken reduces by 5% or more by 30 June (noting this is an indication only of staff welfare and wellbeing). d) The score on the survey question “This organisation cares about the well-being of its people” increases by 2% or more. e) Provide a quarterly update summary and associated actions based on feedback from exit interviews. 	<ul style="list-style-type: none"> a) Annual staff turnover is 16.32% at 31 May (previous year 15.27%). b) This goal was achieved for 2018. This measure relates to 2019. c) For the year 1 July 2017 to 30 June 2018 – Total sick leave taken 20,993.07 hours From 1 July 2018 to 31 May 2019 - Sick leave taken 18,051 hours - For comparison: For 1 July 2017 to 31 May 2018 – sick leave taken 18,891 hours This means the sick leave used for 2018/2019 year so far is tracking 4.45% less than the same period in the year 2017/2018 d) The survey will be undertaken during 17-28 June. e) A summary of exit interview material was provided to the Chief Executive Performance Review Sub-committee for the 2017/2018 year. 	
	<p>4.4 Provide quarterly updates to Council on progress with implementing the 100 day plan.</p>	<p>Implementation is well underway with Gearing for Growth & Greatness. This included a Team Up event on 15 January which involved all available staff.</p> <p>The new Executive Leadership Team is functioning well.</p> <p>The recruitment activity undertaken has been highly successful. We have secured some key</p>	

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			people in difficult to find roles. We are not fully resourced and are currently carrying 40 vacancies.	
	4.5	The Zero Harm Strategic Plan actions for 2018/19 are completed by 30 June.	<p>Regular updates are provided on progress to Council and the Audit & Risk Committee.</p> <p>A summary dashboard presents the key information.</p> <p>The team is making good progress in a complex and challenging area.</p>	