

Agenda for a meeting of the Policy & Regulatory Committee to be held in the Council Chambers, District Office, 15 Galileo Street, Ngaruawahia on **MONDAY, 20 JULY 2020** commencing at **9.30am**.

- 1. APOLOGIES AND LEAVE OF ABSENCE**
- 2. CONFIRMATION OF STATUS OF AGENDA**
- 3. DISCLOSURES OF INTEREST**
- 4. CONFIRMATION OF MINUTES**
Meeting held on Monday, 16 March 2020 5
- 5. ACTIONS REGISTER** 13
- 6. REPORTS**
 - 6.1 Delegated Resource Consents Approved for the months of March and April 2020 16
 - 6.2 Summary of Applications determined by the District Licensing Committee
October – December 2020 33
 - 6.3 Summary of Applications determined by the District Licensing Committee
January – March 2020 39
 - 6.4 Review of the Significance and Engagement Policy 44
 - 6.5 Lapsing of the Waikato District Council Fires in the Open Air Bylaw 2012 57
 - 6.6 Chief Executive’s Business Plan 93

GJ Ion
CHIEF EXECUTIVE

TERMS OF REFERENCE AND DELEGATION

Reports to:	Council
Chairperson:	Cr Jan Sedgwick
Deputy Chairperson:	Cr Noel Smith
Membership:	The Mayor, all Councillors and one appointed Maangai Maaori
Meeting frequency:	Six-weekly
Quorum:	Majority of the members (including vacancies) ¹

Purpose

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

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

Terms of Reference:

1. To establish, implement and review the governance policy framework that will assist in achieving the Council's strategic priorities and outcomes.
2. To develop, review and approve the consultation process for Council bylaws.
3. To consider and determine changes to the schedules and parking restrictions in the Public Places Bylaw 2016, including hearing any submissions relating to those proposed changes.
4. To hear and determine matters arising under current bylaws, including applications for dispensation from compliance with the requirements of bylaws, unless such matters are otherwise delegated by Council.
5. To administer the Council's District Plan in accordance with the Resource Management Act 1991.
6. To monitor the performance of regulatory decision-making by the District Licensing Committee², Regulatory Subcommittee and officers under their respective delegations.
7. To monitor the Council's Civil Defence and Emergency Management framework.

¹ Quorum will be half of Committee members (including vacancies) until Maangai Maaori are appointed.

² For clarity, the District Licensing Committee is a committee of Council under the Sale and Supply of Alcohol Act 2012.

The Committee is delegated the following powers to act:

Governance Policies

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

Bylaws

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

District Plan

- Review and approve for notification a proposed district plan, a proposed change to the District Plan, or a variation to a proposed plan or proposed plan change (excluding any plan change notified under clause 25(2)(a), Schedule 1 of the Resource Management Act 1991)
- Withdraw a proposed plan or plan change under clause 8D, Schedule 1 of the Resource Management Act 1991.
- Make the following decisions to facilitate the administration of plan changes, variations, designation and heritage order processes:
 - a. To decide whether a decision of a Requiring Authority or Heritage Protection Authority will be appealed to the Environment Court by the Council and authorise the resolution of any such appeal, provided such decisions are consistent with professional advice.
 - b. To consider and approve Council submissions on a proposed plan, plan changes, and variations.
 - c. To monitor the private plan change process.
 - d. To accept, adopt or reject private plan change applications under clause 25, Schedule 1, Resource Management Act 1991.

Other Resource Management Issues

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

Civil Defence and Emergency Management

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

Other Delegations

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

Open Meeting

To	Policy & Regulatory Committee
From	Gavin Ion Chief Executive
Date	8 July 2020
Prepared by	Lynette Wainwright 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 Monday, 16 March 2020.

2. RECOMMENDATION

THAT the minutes of a meeting of the Policy & Regulatory Committee held on Monday, 16 March 2020 be confirmed as a true and correct record of that meeting.

3. ATTACHMENTS

P&R Minutes – 16 March 2020

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 **MONDAY, 16 MARCH 2020** commencing at **9.30am**.

Present:

Cr JD Sedgwick (Chairperson)
His Worship the Mayor, Mr AM Sanson
Cr AD Bech
Cr JA Church
Cr C Eyre
Cr JM Gibb
Cr SD Lynch
Cr RC McGuire
Cr FM McNally
Cr EM Patterson
Cr NMD Smith
Cr LR Thomson
Cr CT Woolerton

Attending:

Mr G Ion (Chief Executive)
Mrs S O’Gorman (General Manager Customer Support)
Ms AM D’Aubert (Consents Manager)
Mr W Hill (Consents Team Leader)
Ms D Scott Consents Team Leader – East)
Mr J Wright (Senior Planner)
Mrs S Bourke (Community Safety Manager)
Ms T Oakes (Animal Control Team Leader)
Ms J Bell-Wymer (Corporate Planner)
Ms M Russo (Corporate Planner)
Mr J Fuller (Senior Environmental Planner)
Mrs LM Wainwright (Committee Secretary)

APOLOGIES AND LEAVE OF ABSENCE

Resolved: (Crs Eyre/Thomson)

THAT an apology be received from Cr Henderson.

CARRIED

P&R2003/01

CONFIRMATION OF STATUS OF AGENDA ITEMS

Resolved: (Crs McInally/Gibb)

THAT the agenda for a meeting of the Policy & Regulatory Committee held on Monday, 16 March 2020 be confirmed and all items therein be considered in open meeting with the exception of those items detailed at agenda item 6 which shall be considered with the public excluded, subject to the inclusion of the additional information tabled at the meeting:

- **Minor amendments to the Schedules attached to the 2019 Proposed Speed bylaw 2011 – Item 5.5; and**
- **Policy and Bylaw Review work programme amendments – Item 5.6.**

AND THAT all reports be received;

AND FURTHER THAT in accordance with Standing Order 9.4 the order of business be changed with agenda item 5.2 [*Chief Executive's Business Plan*] being considered after agenda item 5.7.

CARRIED

P&R2003/02

DISCLOSURES OF INTEREST

There were no disclosures of interest.

CONFIRMATION OF MINUTES

Resolved: (Crs Gibb/Bech)

THAT the minutes of a meeting of the Policy & Regulatory Committee held on Monday, 3 February 2020 be confirmed as a true and correct record of that meeting.

CARRIED

P&R2003/03

Resolved: (Crs Woolerton/Patterson)

THAT the Speed Limit Bylaw hearing minutes of a meeting of the Policy & Regulatory Committee held on Monday, 3 February 2020 be confirmed as a true and correct record of that meeting.

CARRIED

P&R2003/04

REPORTS

Delegated Resource Consents Approved for the months of January and February 2020 Agenda Item 5.1

The report was received [*P&R2003/02 refers*]. The Consents Manager summarised the report. With the support of the Consents Team Leader, Consents Team Leader – East and Senior Planner, the following matters were discussed:

- Lakeside Residential Limited – the Consents Team Leader – East outlined how compliance of glazing in a public space was triggered through the consents process.
- TI Fisher & S Holden – Zoning of property.

ACTION: The Consents Team Leader to advise elected members of the correct zoning of the property at 389 Ngaruawahia Road.

LGNZ Remits – LGNZ Annual General Meeting 2020 Agenda Item 5.3

The report was received [*P&R2003/02 refers*]. His Worship the Mayor summarised the remit process and advised that a request had been received from Hamilton City Council to support a remit proposing a 4-year term for local government.

Resolved: (His Worship the Mayor/Cr Smith)

THAT the Policy & Regulatory Committee advise the Chief Executive of any remits for the Council to submit to LGNZ for the 2020 AGM.

CARRIED

P&R2003/05

2018/19 Annual Dog Control Report
Agenda Item 5.4

The report was received [*P&R2003/02 refers*]. The Regulatory Manager summarised the report. With the support of the Animal Control Team Leader, the following matters were discussed:

- Wandering stock – Animal Control had the power to impound stock found wandering.
- 7.1% of dogs in the Waikato District were currently unregistered.
- Repercussions for Council on submitting a late report to Local Government New Zealand.

Resolved: (Crs Church/Gibb)

THAT the Policy & Regulatory Committee recommends that Council approves the 2018/19 Animal Control Report (as attached to the staff report) to be released to Local Government NZ and the community.

CARRIED

P&R2003/06

Recommended 2019 Amendments to schedules attached to the Waikato District Council Speed Limit Bylaw 2011
Agenda Item 5.5

Tabled document: Amendments to Speed Limit Bylaw schedules.

The report was received [*P&R2003/02 refers*]. The Corporate Planner summarised the amendments to the Speed Limit Bylaw schedule and advised the change to the speed limit on Bruntwood Road had received support from the community.

Resolved: (Crs Smith/Bech)

THAT subject to any amendments from the Committee, the Committee recommends that Council adopt the 2019 proposed amendments to the schedules attached to the Speed Limit Bylaw 2011 (as detailed in Appendix 2 and Appendix 3 of the staff report, and as tabled at the meeting).

CARRIED

P&R2003/07

Policy and Bylaw Review Programme
Agenda Item 5.6

Tabled document: Appendix to Policy & Review Programme

The report was received [*P&R2003/02 refers*]. The Corporate Planner summarised the report and amendments. The following points were raised:

- Changes would be made to the Livestock Movement Bylaw prior to consultation with Federated Farmers.
- Petitions Policy - should elected members be notified of a petition being prepared, they should guide the public to the rules and regulations on the Council's website.
- The new Solid Waste Bylaw would not have any implications on the solid waste review of services that was underway.
- Bylaws must be reviewed to enable enforcement to be carried out.

Resolved: (Crs McNally/Woolerton)

THAT the Policy & Regulatory Committee provide feedback on the proposed timeframes for policy and bylaw reviews, to inform the Corporate Planning work programme.

CARRIED

P&R2003/08

Submission on the Resource Management Systems Review
Agenda Item 5.7

The report was received [*P&R2003/02 refers*]. The Senior Environmental Planner summarised the report. The following point was raised:

- Transferrable Development Rights were not supported by Council.

Resolved: (His Worship the Mayor/Cr Lynch)

THAT the Policy and Regulatory Committee notes that the approved submission on the Resource Management Systems: Review (as attached to the staff report) was lodged with the Ministry for the Environment on 12 February 2020.

CARRIED

P&R2003/09

Cr Woolerton requested his dissenting vote be recorded.

Chief Executive's Business Plan
Agenda Item 5.2

The report was received [P&R2003/02 refers].

EXCLUSION OF THE PUBLIC

Agenda Item 6

Resolved: (Crs Gibb/Patterson)

THAT the report of the Chief Executive be received;

AND FURTHER THAT the public be excluded from the following parts of the proceedings of this meeting.

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

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
I.1 Confirmation of Public Excluded Minutes – Monday, 3 February 2020	Good reason to withhold exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, for the reasons noted in the Committee Agenda of Monday, 3 February 2020.

CARRIED

P&R2003/10

Resolutions P&R2003/11 – P&R2003/12 are contained in the public excluded section of these minutes.

There being no further business the meeting was declared closed at 10.47am.

Minutes approved and confirmed this day of 2020.

JD Sedgwick
CHAIRPERSON

Open Meeting

To	Policy & Regulatory Committee
From	Sue O’Gorman General Manager Customer Support
Date	10 July 2020
Prepared by	Lynette Wainwright Committee Secretary
Chief Executive Approved	Y
Reference #	GOV1301
Report Title	Actions

1. EXECUTIVE SUMMARY

To update the Policy & Regulatory Committee on actions arising from previous meetings.

2. RECOMMENDATION


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

3. ATTACHMENTS

Actions Table

Policy and Regulatory Committee
Actions Register

Date	Action	Team Responsible	Status
16/3/2020	<p><u>Delegated Resource Consents Approved for the months of January and February 2020</u> Agenda Item 5.1</p> <p>The report was received [P&R2003/02 refers]. The Consents Manager summarised the report. With the support of the Consents Team Leader, Consents Team Leader – East and Senior Planner, the following matters were discussed:</p> <ul style="list-style-type: none"> Lakeside Residential Limited – the Consents Team Leader – East outlined how compliance of glazing in a public space was triggered through the consents process. TI Fisher & S Holden – Zoning of property. <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>ACTION: The Consents Team Leader to advise elected members of the correct zoning of the property at 389 Ngaruawahia Road.</p> </div>	Consents Central Team	<p>The following reply has been provided to Councillor Smith via email on Monday 16th March, following the meeting:</p> <p>Good morning Councillor Smith,</p> <p>Following up from your enquiry about this application.</p> <p>As you said the site is Maori Land. However, the site is located in the Rural Zone. Although as you would be aware it is in relatively close proximity to Waikeri Marae, which is located within the Pa Zone.</p> <p>As the site is within the Rural Zone, the rules of that zone apply to the proposal and for that reason the development on the site is treated the same as any other such development on a Rural zoned site of that size. The two reasons why it required consent was because it was on a site less than 2500m² (which relates to the minimum size for a site which does not have reticulated wastewater) and encroaching setbacks from boundaries with adjoining sites.</p> <p>However, I note that under the Proposed District Plan, Papakainga Housing Development is provided for as a permitted activity in the Rural Zone (the PDP has its own definition of what comprises Papakainga housing development), subject to other relevant development standards such as setbacks.</p> <p>So depending on the nature of any future development on this site or any of the other Maori land adjacent to the site and the Marae, it could well be permitted.</p>

			 <p>I hope this is helpful,</p> <p>Kind regards</p> <p>Wade</p> <p>Wade Hill Consents Team Leader - Central Waikato District Council</p>

Open Meeting

To	Policy & Regulatory Committee
From	Sue O’Gorman General Manager Customer Support
Date	18 May 2020
Prepared by	Jessica Thomas Senior Consents Administrator
Chief Executive Approved	Y
Reference #	GOV1301
Report Title	Delegated Resource Consent Approved for the months of March and April 2020

1. EXECUTIVE SUMMARY

This report gives information relating to all delegated Resource Consents processed for the months of March and April 2020 excluding hearings.

2. RECOMMENDATION

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

3. APPOINTMENT OF COMMISSIONERS

Commissioner appointed in the month of April 2020.

David Hill Appointed for the hearing scheduled for the 17th June 2020 of the application by G & S Singleton Heritage Limited to create eight additional lots from two existing titles in the Rural Zone

There were no Commissioners appointed in the month of May 2020.

4. ATTACHMENTS

Delegated Authority Reports

- March 2020
- April 2020

17 Delegated Authority Report

Period from 1 March 2020 to 31 March 2020

Awaroa ki Tuakau		Ward Total: 28		
Applicant	ID No	Address	Details	Decision
Pokeno Self Storage Property Limited	FST0012/20	32 Gateway Park Drive POKENO	Construct a storage building in the Franklin Light Industrial Zone.	Granted
D I McIntosh, A J McIntosh, W J McIntosh, T K McIntosh	LUC0011/20	16 Cambridge Street POKENO	Operate a storage facility which includes an ancillary area of outdoor storage in the Franklin Business Zone.	Granted
Archihomes Limited	LUC0180/20	106 Great South Road POKENO	Establish and Operate a Travellers Accommodation, comprising of a 26 unit motel and managers residence in the Residential 2 Zone	Granted
Greig & Bovill Developments Limited	LUC0227/20	33 Gibson Road TUAKAU	Construction of two duplexes in a multi-unit development on Lots 1 and 6 of SUB0014/18 where all four units are less than the minimum notional lot size of 350 m ² by 150 m ² , and exceed the maximum permitted building coverage within each notional lot by 8 m ² or 4%.	Granted
Barfoot & Thompson Limited, Contract Design & Management Limited	LUC0234/20	63 Great South Road POKENO	Replace and formalise an existing sign on a site containing a heritage item in the Business Zone under the Operative Waikato District Plan: Franklin Section and in the Business Town Centre under the Proposed Waikato District Plan.	Granted
Holcim (New Zealand) Limited - Christchurch	LUC0239/17.01	611 Ridge Road BOMBAY	S127 Application for Change of Consent Condition to an existing consented managed fill facility (LUC0239/17) to allow for the acceptance of asbestos and asbestos containing materials.	Granted
Parangon Building Limited	LUC0239/20	17 Ascension Lane PVT POKENO	Earthworks to construct a building platform that exceed the maximum permitted volume of 100 m ³ by 1,483 m ³ , maximum permitted area of 1,000 m ² by 240 m ² , maximum permitted cut depth of 1.5 m by 1.0 m, and fill height of 1.5 m by 1.3 m. Construction of a dwelling that encroaches on the northern side yard of 10 m by 1.998 m.	Granted
D J Smith, S V Smith	LUC0245/20	149A Pinnacle Hill Road PINNACLE HILL	Undertake earthworks that exceed permitted volume and area of earthworks and maximum depth of cut in the Franklin Rural Zone.	Granted

Delegated Authority Report

Period from 1 March 2020 to 31 March 2020

Milestone Homes Franklin Limited	LUC0285/20	5 Herbert Oldham Road POKENO	Construct a dwelling which exceeds the permitted building coverage with an outdoor living court which is predominately located in the southern quarter in the Franklin Residential 2 Zone.	Granted
J P Neale, M Neale	LUC0290/20	235 Pinnacle Hill Road PINNACLE HILL	Earthworks in the Rural Zone to construct a building platform that exceeds the maximum permitted volume of 250 m ³ by 10 m ³ , and the maximum permitted cut depth of 1.5 m by 1.245 m, and fill height by 0.5 m.	Granted
Milestone Homes Franklin Limited	LUC0297/20	9 Herbert Oldham Road POKENO	Construction of a dwelling in the Residential 2 Zone with an outdoor living area in the southern quadrant of the site, and that exceeds the maximum permitted building coverage of 35% of the site area (211.05 m ²) by 2.02% (12.21 m ²).	Granted
P P Kumar, L P Kumar	LUC0310/20	32 Harry Richards Way POKENO	Construct a dwelling within the rear boundary setback (to a stormwater reserve) within the Residential 2 Zone.	Granted
B D O'Shea, T C Morrison	LUC0315/20	10 Skiffington Road POKENO	Undertake earthworks which exceed the permitted volume per 12 month period in the Franklin Residential 2 Zone.	Granted
C E Summerville, K L Rattrie	LUC0317/20	45 Codlin Road WAIUKU	Earthworks in the Rural Zone to construct a building platform that exceeds the maximum permitted volume of 250m ³ by 119 m ³ and the maximum permitted excavation depth of 1.5 m by 0.4 m.	Granted
S J Paterson, K D Paterson	LUC0323/20	45 Harrisville Road TUAKAU	Alter a building in the Rural-Residential Zone to create a second dwelling inside	Granted
Z Mao	LUC0326/20	10 Matipo Drive TUAKAU	Construct two additional dwellings with the relocation of an existing dwelling as part of a multi-unit development supporting SUB0105/20, where the notional lots fail the minimum permitted size	Granted
WTS Homes Limited	LUC0336/20	216 Pinnacle Hill Road PINNACLE HILL	To undertake earthworks that exceed the permitted volume for the purpose of creating a building platform within the Rural Zone.	Granted
Shivam Aniket Pokeno Properties Limited	LUC0341/20	39 Great South Road POKENO	Application for Planning Certificate - Tavern - On Licence	Approved

Delegated Authority Report

Period from 1 March 2020 to 31 March 2020

Idiya Limited	LUC0343/20	64 Hitchen Road POKENO	Construct a dwelling in the Residential 2 Zone that has a non-compliant outdoor living court and fails permitted earthworks provisions.	Granted
Idiya Limited	LUC0344/20	62 Hitchen Road POKENO	Construct a dwelling in the Residential 2 Zone that has a non-compliant outdoor living court and fails permitted earthworks provisions.	Granted
L P Patel, R N Patel	LUC0354/20	4 George Street TUAKAU	Planning Certificate for Off Licence Grocery Store.	Approved
Synlait Milk Limited	LUC0375/18.02	45 McDonald Road POKENO	Changes to conditions 1, 3 and 19 regarding the volume of cleanfill imported to the site.	Granted
B Ganger	LUC0378/20	14 Gordon Paul Place TUAKAU	To undertake earthworks in excess of the permitted volumes within the Residential Zone associated with forming the proposed access lot for a residential subdivision.	Granted
Z Mao	SUB0105/20	10 Matipo Drive TUAKAU	Three lot subdivision in the Residential Zone to create allotments that are below the minimum lot size of 350 m2 by up to 50 m2.	Granted
B Ganger	SUB0177/19	14 & 15 Gordon Paul Place TUAKAU	Subdivision to create seven freehold titles from two existing Records of Title where the common access lot fails to provide the minimum legal width of 8m, within the Residential Zone.	Granted
Parangon Building Limited	VAR0008/20	17 Ascension Lane PVT POKENO	Vary an existing Consent Notice (10470133.4) registered on the Record of Title for 741165.	Granted
G L & D W George Limited	VAR0010/20	285 Razorback Road BOMBAY	Cancellation of Consent Notice 9817782.1 which relates to the amalgamated lots comprised within legal description Lot 2 Deposited Plan 476269, being considered one rural lot.	Granted
G L & D W George Limited	VAR0016/20	285 Razorback Road BOMBAY	To partially discharge encumbrance instruments registered numbers 9000787.2 and 10816451.4 ("the encumbrance instruments") in so far as they relate to Lot 2 on Deposited Plan 524138 comprised in Record of Title 835585.	Granted

Delegated Authority Report

Period from 1 March 2020 to 31 March 2020

Eureka		Ward Total: 3		
Applicant	ID No	Address	Details	Decision
Livestock Improvement Corporation Limited	LUC0325/20	605 Ruakura Road RUAKURA	To construct additions to an existing non-residential building that does not comply with permitted total gross floor area for a non-residential building and is within the permitted building setback in the Rural Zone.	Granted
E M Douglas	LUC0382/19.01	5 Royal Oaks Lane PVT NEWSTEAD	Section 127 Change of conditions relating to construction of a dwelling within the permitted building setback in the Rural Zone.	Granted
Venture Developments Limited	VAR0015/20	51A Waverley Road EUREKA	Vary consent notice 9650858.1 condition 3 to enable the construction of a new replacement dwelling on land previously described as Lot 2 DPS 19674.	Granted
Hukanui - Waerenga		Ward Total: 9		
Applicant	ID No	Address	Details	Decision
W P Piso	LUC0058/20	82 Graham Road ROTOTUNA	Retrospective Land Use Consent for the placement of 14000m ³ of cleanfill already placed and consent for an additional 1,169m ³ to be placed on a property in the Rural Zone	Granted
Homestead Oaks Limited	LUC0308/20	133 Goodin Road WAERENGA	To establish a 20m x 70m standoff shed that exceeds the permitted gross floor area for a rural productive building and earthworks provisions in the Rural Zone	Granted
Rural Connectivity Group Limited	LUC0334/20	428A Keith Road WAERENGA	Certificate of Compliance pursuant to section 139 Resource Management Act 1991 to establish, operate and maintain a Telecommunications Facility	Approved
Urban Homes NZ Limited	LUC0339/20	328A Gordonton Road ROTOTUNA	To construct a dwelling that exceeds total building coverage within the Rural Zone.	Granted
ESTATE OF M G Hodgkinson	SUB0086/20	375 Waring Road TAUPIRI	General lot subdivision and simultaneous boundary relocations in the rural zone	Granted
Caselin Enterprise Limited	SUB0108/20	303 Whitikahu Road WHITIKAHU	A two stage subdivision to create three general lots and simultaneous boundary relocations in the Rural Zone	Granted
B S Scott	SUB0166/14.03	1801 Tahuna Road TE HOE	S127 application to amend condition 8 and add conditions 8A and 10A (Stage 2) of SUB0166/14.02 to allow the provision of wireless telecommunications.	Granted

Delegated Authority Report

Period from 1 March 2020 to 31 March 2020

B R Keibell, D R Keibell	VAR0017/20	843 Puketaha Road PUKETAHA	Vary Consent Notice B683874.2 to partially cancel clause 1, which relates to building setbacks on the site, insofar as it relates to Lot 3 DPS 91874.	Granted
A C Clements, F E Clements, Mainstay Trustees Limited	VAR0018/20	242B Horsham Downs Road HORSHAM DOWNS	To amend condition 7 of Consent Notice 8799767.1 to allow for a dwelling to be constructed within the permitted building setback in the Rural Zone.	Granted

Huntly		Ward Total: 5		
Applicant	ID No	Address	Details	Decision
A S Savage	LUC0232/20	97 Hakanoa Street HUNTLY	Construct a dependent person's dwelling on a site within the Living Zone where the building's eaves will protrude into a boundary setback and the existing vehicle entrance does not comply with the required separation distance.	Granted
Terra Firma Mining Limited	LUC0312/20	137A Rotowaro Road HUNTLY	To continue operating a temporary mineral processing plant in the Heavy Industrial Zone for a 12 month duration	Granted
M C Henderson	LUC0333/20	230 Ginn Road ROTOWARO	Relocate a second-hand dwelling to a site in the Rural Zone and construct a shed that infringes the 25m boundary setback.	Granted
Eastside Heights Limited	SUB0022/20.02	6 Waugh Lane HUNTLY	S127 Application for Change or Cancellation of Consent Conditions for SUB0022/20 – amend the stormwater disposal method resulting in the imposition of new consent notices to draw attention to the recommendations for stormwater disposal in the Stormwater and Wastewater Management report..	Granted
Rockhill Farms Limited	SUB0100/20	272 Broughton Road ROTONGARO	To undertake a subdivision in the Rural Zone (containing a significant natural area) and amalgamate one of the resultant allotments with a neighbouring title so that no additional titles are created.	Granted

Delegated Authority Report

Period from 1 March 2020 to 31 March 2020

Newcastle		Ward Total: 6		
Applicant	ID No	Address	Details	Decision
K Wong, S M Bull	LUC0211/20	Hockly Road ROTOKAURI	Relocate two used dwellings to a site within the Rural Zone, where both will be located within 300m of the boundaries of two sites containing intensive farming activities. One dwelling will be used as a dependent person's dwelling.	Granted
R P Crawford, A Y Crawford	LUC0301/20	23 Glenwood Grove WHATAWHATA	To construct two dwellings to be used as one household unit, where the required earthworks do not comply with the permitted volume in the Country Living Zone.	Granted
G D Cunningham, C A Bennett	LUC0319/20	30 Duval Way WHATAWHATA	To construct a new portico addition to an existing dwelling that encroaches on to the road boundary setback in the Country Living Zone.	Granted
S J Darby, C J Darby, Darby Family Trust	LUC0324/20	10 Byron Way PVT TE KOWHAI	To construct a dwelling that encroaches the 12 metre boundary setbacks and accessory building that exceeds the permitted building coverage provisions and earthworks provisions in the Country Living Zone	Granted
The Arthritis Physio Limited	LUC0410/18.01	714 Te Kowhai Road TE KOWHAI	To amend conditions 1 and 17 of consent LUC0410/18, to add in a conditions 13a, 18a and advisory note 10 and to vary a consent notice in relation to the reorientation of the physio clinic and car park and construction of a new entrance of Te Kowhai Road.	Granted
The Arthritis Physio Limited	VAR0012/20	714 Te Kowhai Road TE KOWHAI	To amend conditions 1 and 17 of consent LUC0410/18, to add in a conditions 13a, 18a and advisory note 10 and to vary a consent notice in relation to the reorientation of the physio clinic and car park and construction of a new entrance of Te Kowhai Road.	Granted

Delegated Authority Report

Period from 1 March 2020 to 31 March 2020

Ngaruawahia		Ward Total: 6		
Applicant	ID No	Address	Details	Decision
Waikato Regional Council	LUC0261/20	21 & 25 Innovation Way HOROTIU	Construct an industrial building and ancillary office and undertake an industrial activity on a site within the Horotiu Industrial Park, where the building will be situated within the road boundary setback, and where the vehicle access does not comply with separation and sight distance, and queuing space requirements of the Horotiu Industrial Park Zone.	Granted
Kelhaus Limited	LUC0305/20	10 Bradley Street NGARUAWAHIA	To relocate a dwelling onto a property within the Living Zone where the existing vehicle entrance is unable to comply with the required separation distance.	Granted
Versatile Buildings Limited - Frankton	LUC0321/20	25 Rangimarie Road NGARUAWAHIA	Construct a non-residential building that exceeds the maximum permitted gross floor area and earthworks that exceed the maximum permitted volume for the New Residential Zone.	Granted
D J Ridley	LUC0322/20	7C Driver Road West NGARUAWAHIA	Construct a Dependent Persons Dwelling at a site within the Rural Zone.	Granted
River Road North (I) Limited	LUC0429/19.01	75 River Road NGARUAWAHIA	Section 127 to change conditions to allow a previously consented show home on Lot 16 of SUB0178/16, to be established instead within Lot 5 of SUB0178/16	Granted
Y K Mistry	VAR0013/20	2139C River Road HOROTIU	Vary Consent Notice 5169152.2 to amend condition 6 in relation to an esplanade reserve setback.	Granted
Onewhero-Te Akau		Ward Total: 7		
Applicant	ID No	Address	Details	Decision
Taylor Family Trust, C L Taylor, P J Taylor	LUC0258/20	Morrison Road TUAKAU	Conversion of an existing dwelling in the Rural Zone into a subsidiary dwelling for farm workers on a site that fails the minimum size of 5 ha by 1.24 ha	Granted
M A Roxas, M H Roxas	LUC0296/20	386A Kauri Road TUAKAU	Construct a dwelling and retaining wall and also undertake greater than 25m ³ of earthworks within the development setback of a wetland in the Franklin Rural Zone and construct a dwelling and retaining wall within the development setback of a wetland in the Proposed Waikato District Plan.	Granted

Delegated Authority Report

Period from 1 March 2020 to 31 March 2020

S J Laurie, A R Both	LUC0306/20	1372 Highway 22 TUAKAU	To undertake earthworks for a dwelling, shed and driveway exceeding the maximum permitted volume in the Rural Zone.	Granted
Onewhero Society of Performing Arts	LUC0340/20	14 Hall Road TUAKAU	Application for club licence	Approved
G J Simpson	SUB0097/20	367A Wairamarama Onewhero Road TUAKAU	Operative Plan: Transferable Rural Lot Right subdivision in the Rural Zone, outside the Environmental Enhancement Overlay Area, to create one new allotment. Proposed Plan: Subdivision on a site in the Rural Zone containing a Significant Natural Area.	Granted
M D Ferguson	SUB0104/20	93 Punga Punga Road TUAKAU	Operative District Plan: Environmental Lot subdivision outside of the Environmental Enhancement Overlay Area, creating one additional allotment that exceeds the maximum lot size of 1.0 ha by 2.0 ha, in exchange for the protection of 4.17 ha of a Qualifying Natural Feature. Proposed District Plan: Subdivision on a site containing a Significant Natural Area, creating one additional allotment over high-class soils on a site with a record of title issued after 06 December 1997.	Granted
A D Lewis	SUB0110/20	789 Tikotiko Road NAIKE	Undertake a boundary relocation in the Franklin Rural Zone.	Granted

Raglan Ward Total: 8

Applicant	ID No	Address	Details	Decision
R S Fraser, C J Fraser	FST0011/20	31 Upper Wainui Road RAGLAN	To construct a veranda and extensions to existing decks within the Coastal Zone	Granted
R C Buchanan, J L Buchanan, ACL Trustees Limited	FST0016/18.01	1580 Whaanga Road RUAPUKE	To alter a condition of consent and vary a consent notice to allow for a dwelling to be constructed in the Coastal Zone.	Granted
R J Zylstra, A C E Zylstra	LUC0302/20	16A Puka Place RAGLAN	Undertake Earthworks at a site within the Residential Zone	Granted
C J McIndoe, A C McIndoe	LUC0307/19.01	69 Wainui Road RAGLAN	S127 application to change conditions 1, 3 and 5 of LUC0307/19 to relocate the consented dwelling closer to the Karekare Avenue road boundary within the Living Zone.	Granted

Delegated Authority Report

Period from 1 March 2020 to 31 March 2020

J P Munns	LUC0320/20	730 Te Mata Road TE MATA	Relocate a second-hand dwelling onto a vacant site which will be located within the required internal boundary setback and to undertake earthworks where the cut, volume and area will exceed permitted thresholds within the Rural Zone.	Granted
A C Hibberd, P A Hibberd	LUC0338/20	10 Simon Road RAGLAN	To construct a boardwalk across a conservation area that encroaches the setback provisions from boundaries and waterways in the New Residential Zone	Granted
R Ridley, S M Ridley,	LUC0348/20	82 Maungatawhiri Road TE MATA	Dwelling additions in the Coastal Zone that are not located within an approved building envelope.	Granted
K A Jensen, L S Jensen	VAR0014/20	1580 Whaanga Road RUAPUKE	S221 Request to vary a consent condition for an existing consent notice 10287240.1	Granted

Tamahere

Ward Total: 5

Applicant	ID No	Address	Details	Decision
H Li	LUC0194/20	17D Vintners Lane TAMAHERE	To construct a dwelling, attached garage and accessory building that exceeds the maximum impervious surface and gross floor area of all accessory buildings, and where the required earthworks do not comply with the permitted volume, area and fill in the Country Living Zone.	Granted
J F Baker, D M Seoghe	LUC0237/20	66A Twin Oaks Drive TAMAHERE	To construct a dwelling that exceeds the maximum permitted height and impervious surfaces in the Country Living Zone	Granted
M R Jenkins, A G Jenkins	LUC0262/20	58D Newell Road TAMAHERE	To construct an attached shed and pool house that does not comply with the permitted boundary setback, exceeds impervious surface in the Country Living Zone.	Granted
J Quilter, P Quilter	LUC0386/20	117A Newell Road TAMAHERE	To create one additional lot in the Country Living Zone, with impervious surfaces and building coverage on Lot 2 being exceeded	Granted
J Quilter, P Quilter	SUB0101/20	117A Newell Road TAMAHERE	Combined Subdivision and Land Use Consent, to create one additional lot in the Country Living Zone, with impervious surfaces and building coverage on Lot 2 being exceeded.	Granted

Delegated Authority Report

Period from 1 March 2020 to 31 March 2020

Whangamarino		Ward Total: 8		
Applicant	ID No	Address	Details	Decision
Rocket Lab Limited	LUC0102/20.01	389 Coalfields Road KOPUKU	To change conditions relating to the duration, number of tests and days testing of rocket testing allowed to be undertaken at a rocket testing facility in the Rural Zone.	Granted
Te Kauwhata Retirement Trust Board	LUC0230/20	14 Waerenga Road TE KAUWHATA	Undertake alterations and additions to the existing main building and car park at the Aparangi Village, with non-compliances relating to earthworks volume and area and the number of car parking spaces within the Living Zone.	Granted
U M Schwinn, R H Schwinn	LUC0272/20	56 Mahi Road TE KAUWHATA	Relocate a second hand dwelling to a site in the Te Kauwhata Living Zone.	Granted
WTS Homes Limited	LUC0307/20	146 Travers Road TE KAUWHATA	To undertake earthworks that exceeds the permitted volume and area of earthworks in the Te Kauwhata Living Zone.	Granted
Rocket Lab Limited	LUC0335/20	387 Coalfields Road KOPUKU	Construct an access road within a site that exceeds earthworks volumes and area within the Rural Zone	Granted
Invivo Wines NZ Ltd	LUC0355/20	55 Te Kauwhata Road TE KAUWHATA	Planning Certificate for remote sales off licence.	Approved
NA Rewa Limited	SUB0065/20	38 Jeffs Road MANGATAWHIRI	To undertake a Transferable Rural Lot Right Subdivision outside the EEOA to transfer two titles to the subject site in the Rural Zone	Granted
Anexa FVC Limited	SUB0099/20	2220 State Highway 2 MARAMARUA	To undertake a boundary adjustment between a common boundary where no additional titles are created in the Rural Zone.	Granted

Delegated Authority Report

Period from 1 April 2020 to 30 April 2020

Awaroa ki Tuakau		Ward Total: 7		
Applicant	ID No	Address	Details	Decision
P N W Burns	LUC0330/20	15 Lippiatt Crescent POKENO	Construct a principal dwelling with an attached second dwelling which exceeds the permitted earthworks excavation depth and volume per 12month period in the Franklin Residential 2 Zone.	Granted
CJX Construction Limited	LUC0346/20	1 Bellenden Crescent POKENO	Construct a dwelling where the outdoor living court fails the area requirement and retrospectively undertake earthworks which exceed the permitted cut depth in the Franklin Residential 2 Zone.	Granted
Compass Homes (Franklin) Limited	LUC0356/20	7 Herbert Oldham Road POKENO	Construct a principal dwelling with an attached second dwelling where the principal dwelling fails the outdoor living court position requirement in the Franklin Residential 2 Zone.	Granted
H B Bhavsar, B K Bhavsar	LUC0373/20	15 Skiffington Road POKENO	Earthworks to construct a dwelling that exceeds the maximum permitted volume of 100 m ³ by 190 m ³ , and the maximum permitted cut depth of 1.5 m by 0.5 m. Construction of a dwelling with an outdoor living area in the southern quadrant of the site.	Granted
W Xie, N An	LUC0374/20	36 Old Lexie Way PVT POKENO	Construction of a building in the Village Zone that contains two dwellings.	Granted
Compass Homes (Franklin) Limited	LUC0380/20	4 Harriet Johnston Drive POKENO	Operate a showhome in the Residential 2 Zone that exceeds the maximum permitted duration.	Granted
K Kaur	VAR0019/20	19 Peet Row PVT POKENO	Amendment to Condition 3 of Consent Notice 10470133.4 to allow for the construction of a dwelling in the 'Visually Sensitive Zone' identified on the site.	Granted
Eureka		Ward Total: 1		
Applicant	ID No	Address	Details	Decision
C Homes Limited	LUC0295/20	49 Trentham Road MATANGI	To construct a second dwelling to be used as a Dependent Person's Dwelling that is within the permitted building setback and exceeds total building coverage within the Rural Zone.	Granted

Delegated Authority Report

Period from 1 April 2020 to 30 April 2020

Hukanui - Waerenga		Ward Total: 3		
Applicant	ID No	Address	Details	Decision
V M Hattie	FST0008/20	726 Waikare Road WAERENGA	Relocate a used dwelling to a property within the Rural Zone.	Granted
M K MacDonald, C R Badger	SUB0049/20	64 Graham Road ROTOTUNA	Stage 1: Create one additional Rural Residential allotment. Stage 2: Boundary relocate two allotments using the subdivision general rules. Resulting in two rural residential allotments and a balance allotment in the Rural Zone.	Granted
C L Bourke, M E Bourke, S M Bourke, TJ & J Bourke Family Trust	SUB0113/20	150A Gower Road GORDONTON	To undertake a two lot subdivision from one existing Record of Title in the Rural Zone with existing non-compliances relating to an unsealed right of way with a reduced legal width and vehicle entrance sightline distance for Lot 1.	Granted
Huntly		Ward Total: 6		
Applicant	ID No	Address	Details	Decision
Ministry Of Education	DES0020/20	26 McDiarmid Crescent HUNTLY	Outline Plan of Works relating to the construction of a new seven classroom block and associated decks pursuant to Section 176A of the Resource Management Act 1991.	AcceptPlan
Builtsmart Properties GP Limited	LUC0236/20	478 & 492 Great South Road 2B & 4 Jackson Road HUNTLY	Land Use Consent to authorise earthworks and filling within the Builtsmart Expansion area, located in the Residential Zone	Granted
Two Degrees Networks Limited	LUC0371/20	Road Reserve – Lignite Street HUNTLY	Certificate of Compliance pursuant to section 139 Resource Management Act 1991 to establish, operate and maintain a 2Degrees telecommunication facility located in road reserve adjacent the Living Zone.	Approved
J D Beddis, S M Beddis	LUC0377/20	270 Hetherington Road HUNTLY	Construct a Dependent Persons Dwelling (DPD) within the Rural Zone, that does not share an outdoor living court with the main dwelling and the existing vehicle entrance does not comply with separation distances	Granted
M C Henderson	SUB0085/20	116 Mahuta Station Road ROTOWARO	Simultaneous general lot subdivision, boundary relocation and boundary adjustment in the Rural Zone	Granted

Delegated Authority Report

Period from 1 April 2020 to 30 April 2020

L T Thomson	SUB0111/20	1161 Hetherington Road RUAWARO	Create one additional lot from an existing Record of Title and simultaneously undertake a boundary relocation within the Rural Zone, with non-compliances relating to sight and separation distances.	Granted
-------------	------------	-----------------------------------	---	---------

Ngaruawahia		Ward Total: 8		
Applicant	ID No	Address	Details	Decision
RPS Quality Homes	LUC0292/20	11 Mahutonga Terrace NGARUAWAHIA	To construct a dwelling that does not comply with daylight admission, building setback, volume of earthworks, earthworks using imported fill and does not provide on-site parking or manoeuvring in the New Residential Zone.	Granted
Y K Mistry	LUC0293/20	2139C River Road HOROTIU	Operative District Plan: Construct a pool house in the Country Living Zone that does not comply with boundary setbacks, building coverage, daylight admission and earthworks. Proposed District Plan: Construct a pool house that encroaches on the 37m Waikato River Setback by 2.6m.	Granted
Perjuli Developments Limited	LUC0350/20	5851 Great South Road NGARUAWAHIA	To undertake bulk earthworks in the New Residential Zone	Granted
Ultimate Global Builders Limited	LUC0358/20	2848D River Road NGARUAWAHIA	To construct multiple dwellings on two Records of Title situated within the New Residential Zone; and To construct three show homes as a commercial activity and to erect signage that is unable to comply with number of signs per title and size of signs, on two Records of Title situated within the New Residential Zone.	Granted
J A Koppers, A A R Koppers	LUC0382/20	2 Akakura Lane PVT NGARUAWAHIA	To construct a dwelling that exceeds building coverage provisions in the New Residential Zone	Granted
Swordfish Projects Limited	LUC0392/20	15 Galbraith Street NGARUAWAHIA	Undertake earthworks in the Living Zone (New Residential)	Granted
Ultimate Holdings Limited	LUC0399/20	2848D River Road NGARUAWAHIA	To construct multiple dwellings on two Records of Title (LUC0358/20); and To construct three show homes as a commercial activity and to erect signage that is unable to comply with number of signs per title and size of signs (LUC0399/30).	Granted

Delegated Authority Report

Period from 1 April 2020 to 30 April 2020

B I Dyson	SUB0118/20	682A Kainui Road TAUPIRI	To undertake subdivision by way of boundary relocation between two common boundaries to create an additional allotment to be amalgamated with an adjoining Record of Title in the Rural Zone.	Granted
-----------	------------	-----------------------------	---	---------

Onewhero-Te Akau		Ward Total: 3		
Applicant	ID No	Address	Details	Decision
A M Brewster, C L Knarston	LUC0331/20	199B Highway 22 TUAKAU	Operative District Plan: Construction of a dwelling that encroaches on the 30 m development setback from a wetland by 3.1 m. Proposed District Plan: Construction of a dwelling that encroaches on the 32 m setback from a wetland by 5.1 m.	Granted
Rural Connectivity Group Limited	LUC0396/20	275 Matira Road MATIRA	Construction of a telecommunications facility in the Rural Zone.	Approved
A L Dahm	SUB0106/20	654 Klondyke Road TUAKAU	Environmental Lot subdivision creating two additional lots from one existing title through the protection of one Qualifying Natural Features outside the Environmental Enhancement Overlay Area in the Rural Zone.	Granted

Raglan		Ward Total: 6		
Applicant	ID No	Address	Details	Decision
Waikato District Council	DES0021/20	186 Te Hutewai Road TE HUTEWAI	Outline Plan of works for the Waikato District Council to undertake the addition of a non-residential building at the Raglan Transfer Station and Recycling Centre for the purposes of education around recycling and disposal of waste.	AcceptPlan
R J Gaddes, D T T Samuel	LUC0243/20	44 Cambrae Road RAGLAN	To construct a dwelling that breaches the earthworks provisions and road setback in the Living Zone	Granted
M J Judge	LUC0345/20	34 Cambrae Road RAGLAN	Infill an existing open level of a dwelling, where the required number of car parking spaces under Appendix A will not be provided.	Granted
D S Attard-Manche	LUC0366/20	806 Wainui Road RAGLAN	Retrospective consent to construct an accessory building that encroaches on the road boundary setback.	Granted

Delegated Authority Report

Period from 1 April 2020 to 30 April 2020

A M Kingsbury	LUC0376/20	1655 Whaanga Road RAGLAN	Replace an existing fire-damaged dwelling with a new dwelling that encroaches upon a road boundary setback within the Rural Zone and for an existing water tank located within this setback.	Granted
P P A Knuiman, W A Knuiman	SUB0092/20	1549 Whaanga Road RAGLAN	Subdivision of land to create 4 additional lots in the Coastal Zone from a combination of general lot and conservation subdivision entitlements and revocation of Consent Notice Conditions.	Granted

Tamahere

Ward Total: 3

Applicant	ID No	Address	Details	Decision
C Isaac, B J Hughes, R L Hughes, Blair and Rebecca Hughes Family Trust	LUC0351/20	20 Mangaomapu Lane PVT TAMAHERE	Establish a new dwelling and shed where total building coverage exceeds the maximum permitted gross floor area within the Rural Zone.	Granted
H Xu, X Liu	LUC0364/20	803J Bruntwood Road TAMAHERE	To construct a Dependent Persons Dwelling and total building coverage exceeds permitted area in the Rural Zone.	Granted
Urban Homes NZ Limited	LUC0383/20	143 Webster Road MATANGI	To construct a dwelling and dependent persons dwelling that does not share outdoor living court with the main dwelling and the dependent persons dwelling is within the permitted building setback in the Rural Zone.	Granted

Whangamarino

Ward Total: 8

Applicant	ID No	Address	Details	Decision
Rangiriri Hotel 2019 Limited	LUC0349/20	8 Rangiriri Road RANGIRIRI	Application for Sale of Alcohol for an On and Off licence on a site in the Business Zone pursuant to Section 100 of the Sale and Supply of Alcohol Act 2012.	Approved
HD Land Limited	LUC0357/20	20 Hampton Downs Road HAMPTON DOWNS	To establish and operate an annual temporary event at the Hampton Downs Motorsport Park being a three day motor sport event for up to 30,000 people, including temporary structures and car parking	Granted
Riverview Oaks Limited	LUC0360/20	448 Churchill East Road TE KAUPHATA	Earthworks within a Maaori Site of Significance identified in Schedule 30.3 (Maaori Site of Significance) and shown on the Planning maps of the Proposed Waikato District Plan.	Granted

Delegated Authority Report

Period from 1 April 2020 to 30 April 2020

Maisdale Limited / P Koppens, A Koppens	LUC0387/20	733 Kopuku Road KOPUKU	Land use Consent to construct a third dwelling within RT 314202 within the notional boundaries of Lot 1 created as part of the subdivision SUB0122/20	Granted
D K Lloyd, A S Lloyd	SUB0006/20.01	205 Swan Road TE KAUWHATA	S127 to amend the conditions of consent relating to connections to power and telecommunication networks and an associated consent notice.	Granted
Hornsby Earthmovers Limited	SUB0107/17.02	40 Te Kauwhata Road TE KAUWHATA	Section 127 to a subdivision consent to change conditions 21, 33, 40, 52 and the addition of conditions 52A, 52B and 52C. These conditions relate to the cancellation of existing easements, establishment of a new easements and the transfer of the drainage pond to Waikato District Council.	Granted
H S V Browne, R D Budd	SUB0115/20	1672 Miranda Road MIRANDA	To undertake a two Stage Subdivision creating two additional lots in the Rural Zone. Stage 1 an environmental lot and Stage 2 transferable lot subdivision that results in two additional titles in the Rural Zone outside the EEOA	Granted
Maisdale Limited	SUB0122/20	733 Kopuku Road KOPUKU	Subdivision consent to undertake a boundary relocation between three Records of Title within the Rural Zone with a non-compliance relating to road frontage.	Granted

Open Meeting

To	Waikato District Council
From	S O’Gorman General Manager Customer Support
Date	24 June 2020
Prepared by	Christine Cunningham
Chief Executive Approved	Y
Reference #	GOV1301
Report Title	Summary of Applications Determined by the District Licensing Committee October – December 2019

1. EXECUTIVE SUMMARY

This report provides a summary of applications determined by the District Licensing Committee between October and December 2019.

2. RECOMMENDATION

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

3. ATTACHMENTS

Report: The Schedule of Applications Determined by the District Licensing Committee between October and December 2019.

LICENCES

Applicant/s Name	Application Type	Premises	Decision	Date Issued	Licence No.
Everest Limited	Temporary Authority	Super Liquor, Huntly	Granted	8/10/19	14/TA/03/19
Ozone Isobar Limited	Temporary Authority	Isobar Raglan	Granted	12/11/19	14/TA/04/19
Raglan Club Incorporated	Renewal Club	Raglan Bowling Club	Granted	8/10/19	14/CL/13/2019
Swaad Foods NZ Limited	New On	Kochi Restaurant, Raglan	Granted	15/10/19	14/ON/19/2019
Huntly Quoit Club Incorporated	Renewal Club	Huntly Quoit Club	Granted	12/11/19	14/CL/14/2019
Red Fox Empire Limited	Renewal Off	Red Fox Tavern, Maramarua	Granted	26/11/19	14/OFF/10/2019
Red Fox Empire Limited	Renewal On	Red Fox Tavern, Maramarua	Granted	26/11/19	14/ON/20/2019
Rizak Pvt Limited	Renewal Off	Tuakau Wholesale Liquor	Granted	3/12/19	14/OFF/11/2019
Ngaruawahia Memorial Club Limited	New On	Market St Eatery, Ngaruawahia	Granted	5/12/19	14/ON/21/2019
Rangiriri Hotel 2019 Limited	Temporary Authority (On)	Rangiriri Hotel	Granted	10/12/19	14/TA/05/19
Rangiriri Hotel 2019 Limited	Temporary Authority (Off)	Rangiriri Hotel	Granted	10/12/19	14/TA/06/19
Maramarua Squash Club Incorporated	Renewal Club	Maramarua Squash Club	Granted	10/12/19	14/CL/15/2019
Bhrahmadev Holdings Limited	Renewal Off	Tuakau Foodmarket	Granted	10/12/19	14/OFF/12/2019
Ulo's Kitchen Limited	Temporary Authority On	Ulo's Kitchen, Raglan	Granted	17/12/19	14/TA07/19
Hahei Beach Limited	New On	Raglan Sunset Motel	Granted	18/12/19	14/ON/22/2019
Riverside Golf Club Incorporated	Special	Riverside Golf Club, Tamahere	Granted	26/11/19	14/SP/087/2019
Karl Richard Edmonds	Special	Mangatangi School	Granted	26/11/19	14SP/088/2019

Teddy Apiata Wharawhara	Special	Matangi Hillcrest Sports Club	Granted	1/10/19	14/SP/067/2019
Riverside Golf Club Incorporated	Special	Riverside Golf Club, Tamahere	Granted	1/10/19	14/SP/068/2019
Jenny Smith	Special	Glaxo Building, Matangi Dairy Factory	Granted	15/10/19	14/SP/072/2019
Raglan Community Radio Incorporated	Special	Raglan Town Hall	Granted	15/10/19	14/SP/076/2019
Soundsplash Limited	Special	Wainui Reserve, Raglan	Granted	15/10/19	14/SP/066/2019
Waikare Golf Club Te Kauwhata Incorporated	Special	Waikare Golf Club, Te Kauwhata	Granted	24/10/19	14/SP/079/2019
Gaynor Tierney	Special	The Hangar, Limmer Road, Te Kowhai	Granted	24/10/19	14/SP/081/2019
TK Airfield Land Limited	Special	Te Kowhai Airfield	Granted	24/10/19	14/SP/075/2019
The Cocktail Cart Limited	Special	Ex Matangi Dairy Factory/Glaxo Building	Granted	29/10/19	14/SP/071/2019
Raglan Club Incorporated	Special	Raglan Club	Granted	29/10/19	14/SP/082/2019
Mercer Rowing Club Incorporated	Special	Mercer Rowing Club	Granted	5/11/19	14/SP/080/2019
Rhianna Maria Annear	Special	Community Hall, Gordonton	Granted	5/11/19	14/SP/078/2019
Riverside Golf Club Incorporated	Special	Riverside Golf Club, Tamahere	Granted	5/11/19	14/SP/070/2019
Villa Italia Limited	Special	Tamahere Markets	Granted	5/11/19	14/SP/077/2019
Ngaruawahia Golf Club Incorporated	Special	Ngaruawahia Golf Club	Granted	5/11/19	14/SP/074/2019
Huntly Returned Services Association Incorporated	Special	RSA Huntly	Granted	12/11/19	14/SP/073/2019
Waikare Golf Club Incorporated	Special	Waikare Golf Club	Granted	12/11/19	14/SP/085/2019
Riverside Golf Club Incorporated	Special	Riverside Golf Club, Tamahere	Granted	19/11/19	14/SP/083/2019

Lions Club of Te Kauwhata And Districts Incorporated	Special	Lions Club Hall, Te Kauwhata	Granted	19/11/19	14/SP/086/2019
Raglan Club Incorporated	Special	Raglan Bowling Club	Granted	10/12/19	14/SP/090/2019
Tuakau Cosmopolitan Club Incorporated	Special	Tuakau Cosmopolitan Club	Granted	10/12/19	14/SP/091/2019

MANAGER'S CERTIFICATES

Applicant's Name	Application Type	Premises	Decision	Date Issued	Certificate No.
Ratna Marwini Ida Ayu	Renewal	Delta Hotel, Ngaruawahia	Granted	1/10/19	14/Cert/124/2016
Jared Joseph Lavery	New	Supervalu Raglan	Granted	1/10/19	14/Cert/053/2019
Laura Wendy Geering	New	Te Akau Waingaro Community Complex	Granted	1/10/19	14/Cert/052/2019
Danielle Randle	New	Camarsa Café, Ruakura	Granted	8/10/19	14/Cert/054/2019
Khushveen Kaur	Renewal	Fred's Store, Huntly	Granted	8/10/19	14/Cert/116/2016
Frances Bronwyn Clark	Renewal	Raglan Club	Granted	8/10/19	14/Cert/061/2018
Morgan Falconer	Renewal	Orca Restaurant & Bar, Raglan	Granted	24/10/19	14/Cert/136/2016
Helen Louise Rowling	Renewal	Wharf Kitchen and Bar, Raglan	Granted	24/10/19	14/Cert/091/2015
Emily Rhian Eldin	Renewal	West Coast Tacos, Raglan	Granted	24/10/19	14/Cert/057/2019
Barry Charles Jarvis	Renewal	Rangiriri Hotel	Granted	24/10/19	14/Cert/109/2016
Barry Douglas Connor	Renewal	Wharf Kitchen and Bar, Raglan	Granted	24/10/19	14/Cert/090/2015
Liu Yi Fan Zhang	Renewal	Zealong Tea Estate, Gordonton	Granted	24/10/19	14/Cert/069/2018
Terrance Roy Pascoe	Renewal	Taupiri Bowling Club	Granted	24/10/19	14/Cert/093/2015
Dean Raymond Teddy	Renewal	George's Beach Club, Raglan	Granted	24/10/19	14/Cert/055/2019
Tracy Maree Stratford	Renewal	George's Beach Club, Raglan	Granted	24/10/19	14/Cert/056/2019
Anna Louise Muller	New	Zender's Café, Ruakura	Granted	29/10/19	14/Cert/062/2019
Monique Reymer	New	Zender's Café, Ruakura	Granted	29/10/19	14/Cert/061/2019
Christina M Reymer	New	Zender's Café, Ruakura	Granted	29/10/19	14/Cert/060/2019

Teresa Doreen Bowe	New	Zender's Café, Ruakura	Granted	29/10/19	14/Cert/059/2019
Jacqueline Ann Jones	New	Countdown Huntly	Granted	29/10/19	14/Cert/058/2019
Ajay Lad	Renewal	Supervalu Ngaruawahia	Granted	5/11/19	14/Cert/106/2016
Rakesh Nanubhai Patel	Renewal	Supervalu Tuakau	Granted	12/11/19	14/Cert/142/2016
Ross Alexander Caird	Renewal	Waierimu Golf Club	Granted	19/11/19	14/Cert/028/2017
Madeline Grace Black	Renewal	Onewhero Rugby Football Club	Granted	19/11/19	14/Cert/070/2018
Gurjeet Kaur	New	Thirsty Liquor, Huntly	Granted	19/11/19	14/Cert/064/2019
Lysandra Moana Waterhouse	New	Raglan Club	Granted	19/11/2019	14/Cert/063/2019
Laurel Alison Pratt	Renewal	Waikato Clay Target Club, Newstead	Granted	26/11/19	14/Cert/067/2018
Angela Pam Crawshay	Renewal	Profs @ Woodlands Cafe Gordonton	Granted	26/11/19	14/Cert/078/2018
Huia Phyliss Heke	Renewal	Rangiriri Hotel	Granted	3/12/19	14/Cert/020/2014
Gael Frances MacKay	Renewal	Essex Arms, Huntly	Granted	3/12/19	14/Cert/129/2016
Jaskaran Vir Singh	Renewal	The India Restaurant & Bar, Tuakau	Granted	3/12/19	14/Cert/071/2018
Sylvia Dwen	Renewal	Sylvia's Café, Port Waikato	Granted	10/12/19	14/Cert/098/2015
Daljit Singh	Renewal	Meremere Superette & Takeaways	Granted	10/12/19	14/Cert/003/2017
Abigail Rose Stacey Guest	New	West Coast Tacos, Raglan	Granted	10/12/19	14/Cert/068/2019
Jemma Gilfillan	New	West Coast Tacos, Raglan	Granted	10/12/19	14/Cert/067/2019
Anu Thomas	Renewal	Tuakau Wholesale	Granted	10/12/19	14/Cert/066/2019
Beryl Mary Pairama Stowers	Renewal	Raglan Club	Granted	10/12/19	14/Cert/4258/2016
Bianca Sosfina Walley	New	Waingaro Hotel	Granted	10/12/19	14/Cert/065/2019
Colleen Mary Woodman	Renewal	Waikato Clay Target Club, Newstead	Granted	10/12/2019	14/Cert/068/2018
Claire Louise Henwood	Renewal	Maramarua Golf Club	Granted	10/12/19	14/Cert/147/2016
Bernard Francis Potts	Renewal	Rangiriri Hotel	Granted	10/12/19	14/Cert/149/2016
Cian O'Donnell	New	Ulo's Kitchen, Raglan	Granted	17/12/19	14/Cert/070/2019
Alexandra Antonia Holmes	New	The Shack, Raglan	Granted	17/12/19	14/Cert/071/2019

Valentina Pigozzo	Renewal	Harbour View Hotel Raglan	Granted	17/12/19	14/Cert/007/2017
Andrew David Meek	Renewal	Yot Club, Raglan	Granted	17/12/19	14/Cert/030/2017
Kathleen Puawai Ngahiwi	Renewal	Ngaruawahia RSA	Granted	17/12/19	14/Cert/152/2016
Wayne Evan Morris	New	Supervalu Raglan	Granted	17/12/19	14/Cert/069/2019

Applications Determined at a District Licensing Committee HEARING LICENCES

Applicant's Name	Application Type	Premises	Decision	Date Of Hearing	Licence No.
East to West Trading Limited	Renewal On	Orca Eatery and Bar	Granted	16/12/19	14/ON/03/2020

Open Meeting

To	Waikato District Council
From	S O’Gorman General Manager Customer Support
Date	28 April 2020
Prepared by	Christine Cunningham
Chief Executive Approved	Y
Reference #	GOV1301
Report Title	Summary of Applications Determined by the District Licensing Committee January – March 2020

1. EXECUTIVE SUMMARY

This report provides a summary of applications determined by the District Licensing Committee between January and March 2020.

2. RECOMMENDATION

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

3. ATTACHMENTS

Report: The Schedule of Applications Determined by the District Licensing Committee between January and March 2020.

LICENCES

Applicant/s Name	Application Type	Premises	Decision	Date Issued	Licence No.
Nandani Foods Limited	Renewal On	Curry Delight Indian Restaurant, Ngaruawahia	14/1/2020	Granted	14/ON/01/2020
To The Table Limited	Renewal On	Sylvia's Café, Port Waikato	14/1/2020	Granted	14/ON/02/2020
Huntly Thistle Association Football Club Incorporated	Renewal Club	Huntly Thistle Football Club	21/1/2020	Granted	14/CL/01/2020
KK Neel Limited	Variation Off	Supervalue Ngaruawahia	21/1/2020	Granted	14/OFF/01/2020
Huntly Fish Game & Clay Target Club Incorporated	Renewal Club	Huntly Fish Game & Clay Target Club	28/1/2020	Granted	14/CL/02/2020
Woodside Estate Limited	Renewal On	Woodside Estate Café, Matangi	4/2/2020	Granted	14/ON/04/2020
East to West Trading Limited	Renewal Off	Orca Eatery and Bar Raglan	4/2/2020	Granted	14/OFF/02/2020
East to West Trading Limited	Renewal On	Orca Eatery and Bar Raglan	4/2/2020	Granted	14/ON/03/2020
Daniel Roarke Hodgson	Special	Waingaro Te Akau Sheep Dog Trail	12/2/2020	Granted	14/SP/094/2019
Ngaruawahia Golf Club Incorporated	Special	Ngaruawahia Golf Club	18/2/2020	Granted	14/SP/001/2020
Ozone Isobar Limited	Temporary Authority	Isobar, Raglan	5/2/2020	Granted	14/TA/04/19.01
Philip John Shea	Special	Karioi Sheep Dog Trial Te Mata	25/2/2020	Granted	14/SP/003/2020
Jeffery Neville Holloway	New On	Harbour View Hotel, Raglan	25/2/20	Granted	14/ON/07/2020
Jeffery Neville Holloway	New Off	Harbour View Hotel, Raglan	25/2/20	Granted	14/OFF/04/2020
Shivamaniket Holdings Limited	Renewal Off	Super Liquor Pokeno	25/2/2020	Granted	14/OFF/05/2020
Camarosa Café Limited	Renewal On	Camarosa Café, Ruakura	25/2/2020	Granted	14/ON/06/2020
Ozone Isobar Limited	New	Isobar, Raglan	25/2/2020	Granted	14/ON/08/2020
Riverside Golf Club Incorporated	Special	Riverside Golf Club, Tamahere	3/3/2020	Granted	14/SP/002/2020
Raglan Rugby Sports Club Incorporated	Special	Raglan Rugby Sports Club	3/3/2020	Granted	14/SP/007/2020

Raglan Golf Club Incorporated	Special	Raglan Golf Club	3/3/2020	Granted	I4/SP/004/2020
Raglan Club Incorporated	Special	Raglan Club	3/3/2020	Granted	I4/SP/006/2020
Raglan Club Incorporated	Special	Raglan Bowling Club	10/3/2020	Granted	I4/SP/005/2020
Ulo's Kitchen Limited	Temporary Authority	Ulo's Kitchen, Raglan	10/3/2020	Granted	I4/TA/07/19.01
Jodie Warner	Special	Aka Aka Community Hall & School	10/3/2020	Granted	I4/SP/093/2019
Rangiriri Hotel 2019 Limited	Temporary Authority	Rangiriri Hotel	10/3/2020	Granted	I4/TA/06/19.01
Rangiriri Hotel 2019 Limited	Temporary Authority	Rangiriri Hotel	10/3/2020	Granted	I4/TA/05/19.01
Sneha Bali Limited	Renewal On	Sartaj Indian Restaurant, Ngaruawahia	10/3/2020	Granted	I4/ON/09/2020
KK Neel Limited	Renewal Off	Supervalue Ngaruawahia	10/3/2020	Granted	I4/OFF/06/2020
Raglan Golf Club Incorporated	Special	Raglan Golf Club	17/3/2020	Granted	I4/SP/013/2020
Omkaar Groups Limited	Renewal Off	Tamahere Four Square	17/3/2020	Granted	I4/OFF/07/2020

MANAGER'S CERTIFICATES

Applicant's Name	Application Type	Premises	Decision	Date Issued	Certificate No.
Xiaoxia Li	New	Horsham Downs Golf Club	Granted	14/1/2020	14/Cert/001/2020
Maia Catherine Reidy Miller	New	Ngaruawahia RSA	Granted	14/1/2020	14/Cert/002/2020
Karina Hua Wu	Renewal	Woodside Estate Café, Matangi	Granted	14/1/2020	14/Cert/006/2016
Emma Blair	New	Camarosa Cafe, Ruakura	Granted	14/1/2020	14/Cert/003/2020
Ranjana Bali	Renewal	Sartaj Indian Restaurant, Ngaruawahia	Granted	14/1/2020	14/Cert/122/2015
Gurpinder Singh Gill	Renewal	Delta Hotel, Ngaruawahia	Granted	14/1/2020	14/Cert/004/2019
Leslie Raymond Cox	Renewal	Woodside Estate Café, Matangi	Granted	14/1/2020	14/Cert/007/2016
Carmen Ko	Renewal	Fire Pot Café, Gordonton	Granted	21/1/2020	15/Cert/3862/2016
Jesse-Jane Du Plessis	New	Café by Day, Pokeno	Granted	21/1/2020	14/Cert/004/2020
Leslie Wootton	Renewal	Waikato Stock and Saloon Car Club, Huntly	Granted	28/1/2020	14/Cert/005/2016
Siobhain Norah Oliver	New	Elsie's Restaurant & Bar, Tuakau	Granted	28/1/2020	14/Cert/005/2020
Jula Te Hurahanga Komene	New	Raglan Rugby Sports Club	Granted	4/2/2020	14/Cert/006/2020
Samantha Onehou Ruby Bluett-Davis	New	Camarosa Café, Ruakura	Granted	12/2/2020	14/Cert/007/2020
Claire Lorraine Cormack	Renewal	Huntly RSA	Granted	18/2/2020	14/Cert/010/2014
Safia Pitel	Renewal	Harbour View Hotel, Raglan	Granted	18/2/2020	14/Cert/011/2019
Jobandeep Singh	Renewal	Thirsty Liquor, Huntly	Granted	18/2/2020	14/Cert/003/2019
Gabrielle Francesca Bregmen	Renewal	Te Akau Waingaro Community Complex	Granted	25/2/2020	14/Cert/072/2018
Timothy Joseph Ryan	New	Raglan Golf Club	Granted	25/2/2020	14/Cert/008/2020
Bhavnaben Lad	Renewal	Supervalu Ngaruawahia	Granted	25/2/2020	14/Cert/021/2014
Eleanor Skeet	Renewal	Isobar, Raglan	Granted	25/2/2020	14/Cert/009/2019

Dilpreet Singh	Renewal	Elsie's Restaurant and Bar, Tuakau	Granted	25/2/2020	14/Cert/007/2019
Baljit Kaur	Renewal	Delta Hotel, Ngaruawahia	Granted	25/2/2020	15/Cert/3882/2016
Jodie Lee Soppet	Renewal	Red Fox Tavern, Maramarua	Granted	25/2/2020	14/Cert/015/2014
Fanny Amelle Mobe	Renewal	Rock it Kitchen, Raglan	Granted	25/2/2020	14/Cert/009/2020
Harpreet Kaur	Renewal	The India Restaurant and Bar, Tuakau	Granted	3/3/2020	14/Cert/010/2020
Eunbi Ro	Renewal	Chez Bean Café, Tuakau	Granted	10/3/2020	14/Cert/051/2019
Phornorry Bormey They	New	Zealong Café, Gordonton	Granted	10/3/2020	14/Cert/011/2020
Cindy Lee Mihiroa Thompson-Tarau	New	Camarosa Café, Ruakura	Granted	10/3/2020	14/Cert/012/2020
Preeti Sharma	Renewal	Essex Arms, Huntly	Granted	17/3/2020	14/Cert/064/2018
Ellen Margaret Lever	Renewal	Tuakau Cosmopolitan Club	Granted	17/3/2020	14/Cert/014/2020
Avril Louise Thomson	Renewal	Maramarua Golf Club	Granted	17/3/2020	14/Cert/028/2014
Misaki Horikoshi	Renewal	Sylvia's, Port Waikato	Granted	17/3/2020	07/Cert/9402/2016
Piyush Bhardwaj	New	Bottle O Huntly	Granted	17/3/2020	14/Cert/013/2020

Open Meeting

To	Policy and Regulatory Committee
From	Vishal Ramduny Acting General Manager Community Growth
Date	30 June 2020
Prepared by	Melissa Russo Corporate Planning Team Leader
Chief Executive Approved	Y
Reference #	GOV1318 / 2662227
Report Title	Review of the Significance and Engagement Policy

I. EXECUTIVE SUMMARY

Under the Local Government Act 2002 councils are required to adopt a significance and engagement policy for the purposes of:

- Enabling councils and their communities to identify the degree of significance of a particular issue or decision.
- Providing clarity about how and when communities can expect to be engaged on decisions.
- Informing decisions on the extent and type of engagement with the community.

As part of the Long Term Plan 2021-31 (LTP), staff have proposed some amendments to the existing Significance and Engagement Policy. These proposed amendments were presented to Councillors and Community Board and Committee Chairs at an LTP workshop on 30 June 2020.

The purpose of this report is to seek approval to consult with the community on the proposed Significance and Engagement Policy.

2. RECOMMENDATION

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

AND THAT the Policy and Regulatory Committee approves the proposed changes to the Significance and Engagement Policy as attached to the staff report, subject to any further changes as recommended by the Committee, for the purpose of public consultation;

AND FURTHER THAT the proposed Significance and Engagement Policy, as amended, is publicly consulted on under Section 82 of the Local Government Act 2002;

AND FURTHER THAT submissions to the proposed Significance and Engagement Policy be presented to the October 2020 Policy and Regulatory Committee for consideration.

3. BACKGROUND

Under the Local Government Act 2002 Councils are required to adopt a significance and engagement policy. Council first adopted its policy in October 2014 and the policy has not been reviewed since. Staff are therefore proposing to review the policy as part of the LTP 2021-2031 process.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

Although Council is required to adopt a significance and engagement policy, the legislation does not specify how frequently the policy must be reviewed. Given Council is in the process of developing the LTP for 2021-31, staff consider it appropriate that the Significance and Engagement Policy be reviewed as part of the process.

The proposed amendments are largely to reflect the amendments to the Local Government Act 2002 and to provide more flexibility in determining the significance of an issue or decision.

4.2 OPTIONS

Option 1 – approve the proposed Policy for consultation, with amendments as attached and including any further amendments raised by the Policy and Regulatory Committee.

This is the recommended option as the Policy was adopted in 2014 and has not been reviewed since. The proposed amendments will align the Policy with legislative changes and current practice.

Option 2 – not approve the Policy for consultation and to not review it.

This option is not recommended as the Policy has not been reviewed for six years and, as a result, the current version does not reflect changes in legislation. The proposed amendments will create greater operating efficiencies.

5. CONSIDERATION

5.1 FINANCIAL

The financial impact of reviewing and consulting on the Policy is minimal and will be funded within existing operational budgets.

5.2 LEGAL

Section 76AA of the Local Government Act 2002 requires Council to adopt a significance and engagement policy, however the legislation does not specify the frequency of review.

5.3 STRATEGY, PLANS, POLICY AND PARTNERSHIP ALIGNMENT

Staff are currently working on a draft Communications and Engagement Strategy. Despite the purposes of the two documents being different, they must be aligned.

5.4 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>	The policy will be broadly consulted (not targeted) on using a mix of online and printed media.				

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

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

6. CONCLUSION

Councils are required to adopt a significance and engagement policy to enable them and their communities to assess the degree of significance of an issue and to provide a consistent approach to when and how consultation will take effect.

Council's current policy was first adopted in 2014 and has not been reviewed since, and therefore staff consider it an appropriate time to review the policy and consult on the proposed amendments.

7. ATTACHMENT

Proposed Significance and Engagement Policy

Significance and Engagement Policy

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

1 Introduction

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

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

2 Purpose

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

3 Definitions

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

~~**Core Service:** is a term defined in Section 11A of the LGA2002 “In performing its role, a local authority must have particular regard to the contribution that the following core services make to its communities:~~

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

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

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

Significance: as defined in Section 5 of the [Local Government Act 2002](#) ~~GA2002~~ 'in relation to any issue, proposal, decision, or other matter that concerns or is before a local authority, means the degree of importance of the issue, proposal, decision, or matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for,—

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

Significant: as defined in Section 5 of the Local Government Act 2002 'means that the issue, proposal, decision, or other matter has a high degree of significance'.

Significant Activity: is a term used to describe those groups of activities which ~~are both a core service of Council and which~~ Council has historically invested substantial funding. These include:

- Roading
- Water
- Wastewater
- Stormwater
- Libraries
- ~~Museums~~
- Reserves
- Recreational facilities
- Solid waste

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

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

4 Application

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

5 Policy statements

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

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

- ~~a. Whether there is a legal requirement to engage with the community.~~
- ~~a.~~
- b. The degree to which the issue has a financial impact on Council or the rating levels (both targeted and general) of its communities:
 - ~~i. Any transfer of ownership or control, or the construction, replacement or abandonment, of a strategic asset as defined in the Local Government Act 2002 (LGA) or listed in this policy.~~
 - ~~ii.i.~~
 - ~~iii. Decisions or proposals in excess of 7.5% of operating expenditure or which would result in a 5% or more increase to rates that are charged to all properties in the district, including the General Rate and the Uniform Annual General Charge, which has not been provided for in the Long Term Plan.~~
 - ~~iv. Decisions or proposals which would result in a new or increased targeted rate of more than 10% of existing rates per property.~~
 - ~~v. Decisions or proposals relating to capital expenditure in excess of 7.5% of operating expenditure, which has not been provided for in the of the Long Term Plan.~~
 - ~~vi.ii.~~ The formation of a new Council Controlled Organisation (CCO), or any decision or proposal relating to the sale of more than 40% of the Council's shareholding in any CCO.
- c. Whether the proposal or decision will affect a large portion of the community
- d. The likely impact on present and future interests of the community, recognising Maori cultural values and their relationship to land and water
- e. Whether the proposal affects the level of service of a significant activity
- f. Whether community interest is high
- g. Whether the likely consequences are controversial
- h. Whether community views are already known, including the community's preferences about the form of engagement
- i. The form of engagement used in the past for similar proposals and decisions
- ii.i. Whether there is more than one viable option.

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

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

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

Council is required to undertake a ~~Special~~ ~~Consultative~~ ~~Procedure~~ as set out in Section 83 of the ~~Local Government Act 2002~~, or to carry out consultation in accordance with or giving effect to Section 82 of the ~~LGA Local Government Act 2002~~ on certain matters (regardless of whether they are considered significant as part of this policy).

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

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

As a starting point, Council will organise engagement with the Maaori community in forums including long-standing hui such as poukai and Marae committee hui, where possible. Hui associated with formal agreements such as Joint Management Agreement and MOU's will also be utilised when appropriate.

When Council makes a decision that is significantly inconsistent with this policy, the steps identified in Section 80 of the ~~LGA Local Government Act 2002~~ will be undertaken.

6 Policy review

This policy shall be reviewed at ~~five-three~~ yearly intervals or as otherwise required by the Chief Executive or ~~XX Manager~~ [Corporate Planning Team Leader](#).

Schedule I – Strategic Assets

Section [76AA5](#) of the ~~LGALocal Government Act~~ requires the following to be listed in this Policy:

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

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

Waikato District Council's strategic assets

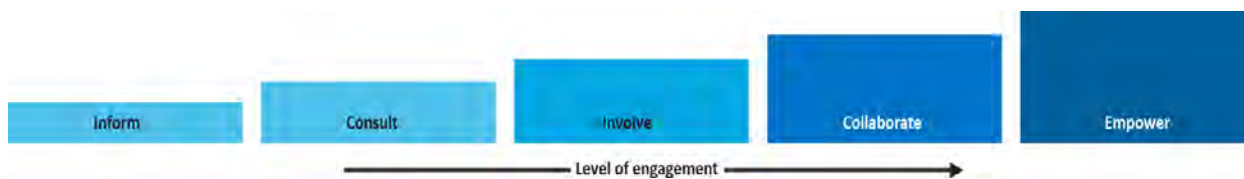
- The roading network as a whole
- Reserves listed and managed under the Reserves Act 1977
- Water plants and reticulation network as a whole
- [Consents for watertakes](#)
- Wastewater treatment plants and network as a whole
- Stormwater network as a whole
- Raglan Wharf and Raglan Harbour endowment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

Schedule 2 – Community Engagement Guide

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

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

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



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

Forms of engagement

The Council will use the Special Consultative Procedure (as set out in section 83 of the LGA 2002) where required to do so by law, including for the following issues requiring decisions:

- The adoption or amendment of a Long Term Plan (in accordance with section 93 A of the LGA 2002)
- The adoption, amendment, or revocation of bylaws if required under section 156(1)(a) of the LGA 2002
- The adoption, amendment or revocation of a Local Alcohol Policy
- [The adoption, amendment or revocation of an Easter Trading Policy](#)
- The adoption or review of a Local Approved Products (Psychoactive Substances) Policy
- The adoption or review of a class 4 venue policy under the Gambling Act 2003
- The preparation, amendment or revocation of a waste management and minimisation plan

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

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

The Council will consult in accordance with, or using a process or a manner that gives effect to the requirements of, section 82 of the LGA 2002 where required to do so by law, including for the following specific issues requiring decisions:

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

For such consultation, Council will develop information fulfilling the requirements of Section 82A of the LGA 2002, will make this available to the public, allow written submissions for a period [deemed](#)

appropriate by Council but which is not usually less than four weeks~~of up to 4 weeks~~, and will consider all submissions prior to making decisions.

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

Level	Inform	Consult	Involve	Collaborate	Empower
What does it involve	One-way communication providing balanced and objective information to assist understanding about something that is going to happen or has happened.	Two-way communications designed to obtain public feedback about ideas on rationale, alternatives and proposals to inform decision making.	Participatory process designed to help identify issues and views to ensure that concerns and aspirations are understood and considered prior to decision-making.	Working together to develop understanding of all issues and interests to work out alternatives and identify preferred solutions.	The final decision making is in the hands of the public. Under the LGA 2002, the Mayor and Councillors are elected to make decisions on behalf of their constituents.
Types of issues that we might use this for	<ul style="list-style-type: none"> - Water restrictions - Fire Season - Library office hours - Legislative changes 	<ul style="list-style-type: none"> - Long Term Plan or Annual Plan Consultation Document (CD) - proposed District Plan - Rates review - Local Alcohol & Gambling Policy - Bylaws* e.g. Solid Waste - Walking and Cycling Strategy - Plan Changes 	<ul style="list-style-type: none"> - Community Plans - District Plan Review* - Long Term Plan* - Annual Plan* - Polices and Strategies 	<ul style="list-style-type: none"> - JMA with Waikato Tainui and Ngati Maniapoto - MOU with Ngati Maahanga - Any other JMAs or MOUs - Reserve Management Plans* - Structure Plans - Management Plans* - Blueprints 	<ul style="list-style-type: none"> - Local Authority Elections
Tools Council might use	<ul style="list-style-type: none"> - Websites - Information flyer - Public notices - Social media - Media releases - Community notices - Community Boards 	<ul style="list-style-type: none"> - Formal submissions and hearings - Focus groups - Phone surveys - Online surveys - Surveys - Community Boards 	<ul style="list-style-type: none"> - Workshops - Focus groups - Citizens Panel - Community Boards 	<ul style="list-style-type: none"> - External working groups (involving community experts) - Community Boards 	<ul style="list-style-type: none"> - Binding referendum (Local body elections) - Community Boards

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

* Will require Special Consultative Procedure as per relevant legislation.

Engagement tools and techniques

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

Open Meeting

To	Policy and Regulatory Committee
From	Vishal Ramduny Acting General Manager Community Growth
Date	2 July 2020
Prepared by	Bessie Clarke Junior Corporate Planner
Chief Executive Approved	Y
Reference #	GOV1318 / 2662218
Report Title	Lapsing of the Waikato District Council Fires in the Open Air Bylaw 2012

I. EXECUTIVE SUMMARY

This report is to advise the Policy and Regulatory Committee, that the Waikato District Council Fires in the Open Air Bylaw 2012 has lapsed, in accordance with Section 160A of the Local Government Act 2002 (LGA). The bylaw was not reviewed within the specified timeframe required under Section 159 of the LGA and therefore has been automatically revoked.

Furthermore, under s.152B of the LGA, the bylaw would have been inconsistent with the new Fire and Emergency New Zealand Act 2017 (the “Act”) and would no longer have been required, as the provisions and responsibilities contained within the bylaw are sufficiently covered under the act, its accompanying documentation and other relevant legislation. Under Section 152B (3) of the LGA, had the bylaw not lapsed, then Council would have been required to revoke the bylaw to remove this inconsistency.

Staff advise that FENZ have been contacted, in relation to the bylaw; FENZ have confirmed they are satisfied that they have been consulted (Appendix 2).

2. RECOMMENDATION

THAT the report from the Acting General Manager Community Growth be received.

3. BACKGROUND

The purpose of the Fires in the Open Air Bylaw, was to allow Council to exercise control over the lighting of fires in the open air in urban areas of the Waikato district and prevent smoke from fires in the open causing a nuisance, as well as preventing the spread of fire to vegetation.

The bylaw contained provisions which allowed for an authorised officer to prescribe a restricted fire season, issue fire permits and impose conditions and restrictions, prescribe a prohibited fire season, revoke or suspend fire permits, extinguish a fire in breach of the bylaw and require the removal of gorse and other growth.

The bylaw also contained provisions regarding the storage of combustible materials and the storage of hay.

4. DISCUSSION AND ANALYSIS OF OPTIONS

4.1 DISCUSSION

Fire and Emergency New Zealand Act 2017

The Fire and Emergency New Zealand (FENZ) Act 2017, repealed the two acts which previously governed fires services, being the Fire Service Act 1975 and the Forest and Rural Fires Act 1977, to form a single unified fire service organisation in New Zealand. The act serves to unify Fire Services in New Zealand, by better providing for FENZ's objectives, functions, powers and operating principles, as well as strengthening the role of communities and volunteers in the provision of fire services.

The act provides increased power and responsibilities for FENZ, in regards to fire control and safety. FENZ is now the primary issuer of fire permits. FENZ can now also prescribe a fire season when appropriate, prohibit fires in the open air, prohibit or restrict activities that may cause a fire to spread, require the destruction or removal of vegetation that will increase fire risk or is an imminent danger and enter premises to ensure compliance with fire safety legislation. In addition to such new powers, new offences and penalties have also been added under the act and their severity increased, with an individual potentially liable on conviction to a term of imprisonment now prescribed under the act.

Furthermore, Section 152B (3) of the act states: if any bylaw made by a territorial authority is inconsistent with the Fire and Emergency New Zealand Act 2017 or any regulations or notice under that Act,—

- (a) the act, regulations or notice prevails and the bylaw has no effect to the extent of the inconsistency; and
- (b) the territorial authority must amend or revoke the bylaw to remove the inconsistency.

Various matters contained within the bylaw, for example, declaration of fire seasons and fire permits are inconsistent with the act. These sections would have to have been revoked, regardless of the automatic revocation of the bylaw, under Section 160A of the LGA. Other matters such as smoke nuisance, storage of combustible materials, hay, gorse and other growth, although not directly addressed under the new act, can be managed through various mechanisms, as follows:

Smoke nuisance can be dealt with by Council, under powers conferred to it by the Health Act. The storage of combustible materials is covered under Section 12 of the Fire Safety and Evacuation of Buildings Regulations 2006, which is administered in conjunction with the FENZ act. While the act does not directly address the storage of hay, there are various provisions within it which allow FENZ to remove vegetation that increases fire risk or is an imminent danger to life or property. This matter is also covered under Section 12 of the Fire Safety and Evacuation of Buildings Regulations 2006.

Similarly, while the act does not directly address gorse and other growth, there are various provisions which allow FENZ to remove vegetation that increases the fire risk or is an imminent danger to life or property.

The newly available powers and functions of FENZ and the inconsistency of the bylaw, with the new Fire and Emergency New Zealand Act 2017, mean that the provisions previously contained within Council's Fires in the Open Air Bylaw, are now essentially superseded under the new act. A recommendation to revoke the bylaw would have otherwise been made due to the inconsistencies with the FENZ Act.

Fire and Emergency New Zealand (Fire Permits) Regulation 2017

These regulations are an accompanying document to the Fire and Emergency New Zealand Act 2017 and are made under Section 190 of the act.

Section 190, allows the Governor-General to make regulations relating to the granting of permits by FENZ, to allow for the lighting of fires in open air that would otherwise be prohibited under Part 2 of the act.

Such regulations are made for the purposes of providing for the application for permits and also the grant, renewal, variation, cancellation, surrender and expiry of permits, prescribing conditions that attach to every permit, prescribing additional conditions to a permit, as well as prescribing the circumstances in which permits or a type of permit may or may not be granted.

Under the bylaw, Council had the ability to grant fire permits, as well as cancel or revoke fire permits. Council also had the ability to prescribe conditions to permits, in the interest of safety. Under the new regulations, such powers in relation to the granting of fire permits sit with a qualified authorised person within FENZ, where the ability to invoke conditions on a fire permit remains.

Revocation of the bylaw

Under Section 160A of the LGA, if Council do not review a bylaw reviewed required under Section 158 or 159 or the LGA, if not earlier revoked by the Council, the bylaw is revoked on the date that is two years after the last date, on which the bylaw should have been reviewed under that section.

The Waikato District Council Fires in the Open Air bylaw, came into force on 1 February 2013 and the review was to be completed by 1 February 2020. The first review was to occur within five years, meaning it should have commenced on or before 1 February 2018 and then there is the two year 'grace period', allowing the review and consultation to occur. Because it was not reviewed within the specified timeframe, the bylaw is automatically revoked. The provisions around controlling the lighting of fires in the open air, are sufficiently covered under the new Fire and Emergency New Zealand Act 2017, its accompanying documents and other relevant legislation.

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

5. CONSIDERATION

5.1 FINANCIAL

Nil.

5.2 LEGAL

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

Under Section 160A of the LGA, the bylaw was not reviewed in the specified timeframe, therefore it is automatically revoked. The review was to be completed by 1 February 2020 (the first review was to occur within five years, meaning it should have commenced on or before 1 February 2018 and then there is the two year 'grace period', allowing the review and consultation to occur).

Various sections of the bylaw were inconsistent with the new Fire and Emergency New Zealand Act 2017. Under Section 152B (3) of the act, had the bylaw not lapsed, then Council would have been required to revoke the bylaw to remove the inconsistency.

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 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 intended to inform. The Significance and Engagement Policy does not suggest more intensive engagement is appropriate with regard to revoking the Fires in the Open Air Bylaw 2012.				

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

Planned	In Progress	Complete	
		Y	Internal
			Community Boards / Community Committees
			Waikato-Tainui / Local iwi (provide evidence / description of engagement and response)
			Households
			Business
		Y	Other Please Specify: Fire and Emergency New Zealand (FENZ)

6. CONCLUSION

Under Section 160A of the LGA, the Fires in the Open Air Bylaw 2012, has been automatically revoked.

The provisions covered under the bylaw, are now sufficiently covered under the Fire and Emergency Act 2017, its accompanying documentation and other relevant legislation.

7. ATTACHMENTS

Appendix 1 - Clauses of Fires in the Open Air Bylaw with Staff Comments

Appendix 2 - Correspondence and Consultation with Fire and Emergency New Zealand

Appendix 3 - Waikato District Council Fires in the Open Air Bylaw 2012

Appendix I – Clauses of the Fires in the Open Air Bylaw 2012 with Staff Comments

Clause	Fires in the Open Air Bylaw	Staff Comments
Clause 1	Short Title and Commencement	
1 (1)	The bylaw shall be known as the “Waikato District Council Fires in the Open Air Bylaw 2012” and shall consist of the “New Zealand Model General Bylaw 9201: Part II: 2000- Fires in the Open Air” attached hereto, subject to the modifications set out in the First Schedule annexed to the bylaw.	
1 (2)	The bylaw shall come into force on 1 February 2013.	
Clause 2	Revocation of Previous Bylaws	
2 (1)	The “Waikato District Council Fires in the Open Air Bylaw 2007” is revoked from the day the new bylaw comes into force.	
2 (2)	The “Franklin District Council Fires in the Open Air Bylaw 2008” is revoked from the day the new bylaw comes into force, insofar as it relates to that part of the former Franklin District Council area transferred to Waikato District Council pursuant to the Local Government (Auckland Boundaries) Determination 2010. (Order in Council dated 15 March 2010 – NZ Gazette No.31, page 858).	
Clause 3	Purpose of Bylaw	
3 (1)	To allow the Council to exercise control over the lighting of fires in the open air in urban areas of the Waikato district and prevent smoke from fires in the open causing a nuisance.	
3 (2)	To prevent the spread of fires involving vegetation	

3 (3)	The Common Seal of Waikato District Council was hereto affixed in the presence of:	
First Schedule	<p>Modifications to New Zealand Standard Model General Page Bylaw 9201:Part II:2000, to form part of the Waikato District Council Fires in the Open Air Bylaw 2012.</p> <p><u>Page 3 Forward</u> First paragraph: Replace “Local Government Act 1974” with “Local Government Act 2002.” Last paragraph: Delete the last paragraph.</p> <p><u>Page 5 1100 Scope</u> 1100.1: Delete 1100.1(b) and replace with: “To prevent the spread of fires involving vegetation.” 1100.4: Delete this clause and replace with: “This bylaw is made pursuant to Part 8 of the Local Government Act 2002.”</p> <p>Page 6 1106 Definitions 1102.1 Add the following definitions: <u>Authorised officer</u> means any person appointed or authorized by the Council to enforce this bylaw.</p> <p><u>Authorised agent</u> means any person who is not an employee of the Council but is authorized by the Council to act on its behalf.</p> <p><u>Council</u> means Waikato District Council or any officer authorized to exercise the authority of the Council.</p> <p><u>District</u> means the district within the jurisdiction and the control of the Council.</p>	

	<p><u>Occupier</u> means the inhabitant occupier of any property, and in any case where any building, house, tenement, or premises is or are unoccupied shall be deemed to include the owner as defined herein.</p> <p><u>Owner</u> of any property, or as applied to any land, building, or premises, means any person for the time being entitled to receive the rent of such property, or who would be so entitled if the same were let to a tenant at a rack rent, and where any such person is absent from New Zealand, shall include their attorney or agent.</p> <p><u>Person</u> includes a corporation and also a body of persons, whether corporate or unincorporated.</p> <p><u>Premises</u> means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building, or part of same, or enclosed space separately occupied, and all lands, buildings and places adjoining each other and occupied together shall be deemed to be the same premises.</p> <p><u>Urban area</u> means an area used mainly for commercial, industrial, or residential purposes, or where there is a conglomeration of buildings in close proximity (except in the country living or rural zone).</p> <p><u>Page 8 1105 Prohibited Fire Season</u></p> <p>1105.2: Add after "...gas fire barbecues" the words "gas patio heaters and gas braziers."</p>	
--	---	--

	<p><u>Page 12 Add new clauses</u> <u>1114 and 1115:</u></p> <p>1114 Offences and Breaches: Any person commits a breach of this bylaw who:</p> <ul style="list-style-type: none"> (a) Does or omits, or causes to be done or omitted any act, matter or thing, or who causes knowingly permits or suffers any condition or thing to exist contrary to any provision contained in this bylaw shall be deemed to have committed a breach of such provision, and shall be liable accordingly; or (b) Does anything or causes any condition to exist for which a permit or approval from the Council is required under this bylaw without first obtaining that permit or approval; or (c) Fails to comply with any notice or direction given under this bylaw. <p>1115 Penalties Every person who commits a breach of this bylaw shall be liable to a penalty not exceeding Twenty Thousand Dollars (\$20,000).</p>	
--	---	--

1100	Scope	
1100.1	<p>The purpose of this Part of the bylaw is:</p> <p>(a) To allow Council to exercise control over burning in the open air in urban areas of the District and prevent smoke from fires in the open causing a nuisance.</p> <p>(b) To meet the requirements of the Local Government Act 1974 section 649 for territorial authorities to have a bylaw to prevent the spread of fires involving vegetation.</p>	
1100.2	<p>Council has a further avenue of control over smoke nuisance in the Nuisances provisions of the Health Act and persons responsible for causing a smoke nuisance may be prosecuted under the provisions of either the Health Act or the bylaw.</p>	<p>Such controls remain. Section 30 of the Health Act 1956 prescribes penalties for permitting or causing nuisances, including smoke nuisance.</p>
1100.3	<p>Regional Councils have responsibility for discharges into air. Consents and approvals may be required from Regional Councils for discharges into air from fires in the open air.</p>	
1100.4	<p>This bylaw is made pursuant to section 684 of the Local Government Act 1974 and Section 20 of the Forest and Rural Fires Act 1977.</p>	<p>Forest and Rural Fires Act 1977 has been repealed and replaced by the Fire and Emergency New Zealand Act 2017.</p>
1101	<p>General</p> <p>Nothing in this Part of this bylaw shall be regarded as derogating from the provisions of the Forest and Rural Fires Act 1977 and Forest and Rural Fires Regulations 1979.</p>	

1102	Definitions and Interpretation	
1102.1	For the purposes of this bylaw the following definitions shall apply:	
	<u>Acceptable means of fire suppression</u> means a hose connected to a reticulate water supply or an alternative means of fire suppression in writing in a particular case by the authorized officer.	
	<u>Barbecue</u> means any fixed or portable gas or solid fuel burning equipment or device designed or intended for the cooking of food in the open air.	
	<u>Ethnic Cooking Fire</u> means any hangi, umu or similar fire in the open air and used for the preparation of food using ethnic cooking methods.	
	<u>Fire Permit</u> means a permit to light a fire in the open air granted in accordance with 1104.4 of this Part of this bylaw.	
	<u>Incinerator</u> means a container used for burning of waste material, which is made of non-combustible materials and which has a grate and a lid or spark arrester.	
	<u>Incinerator Fire</u> means a fire within an incinerator.	
	<u>Open Air</u> means in the open whether on or above ground level.	
	<u>Open Fire Season</u> means a period of time, whether fixed or indefinite during which the lighting of fires in the open air is permitted.	
	<u>Prohibited Fire Season</u> means the period of time, whether fixed or indefinite during which the lighting of fires in the open air is prohibited in accordance with 1105.1 of this Part of this bylaw.	

	<p><u>Restricted Fire Season</u> means a period of time whether of fixed or indefinite duration during which period permits or authorities are required for the lighting of fires in the open air in accordance with 1104.1 of this Part of this bylaw.</p>	
1102.2	<p>For the purposes of this Standard the word “shall” refers to practices that are mandatory for compliance with this Standard, while the word “should” refers to practices which are advised or recommended.</p>	
1103	<p>Fires in the Open No person shall in any open fire season light any fire in the open air including a barbecue, ethnic cooking fire, or an incinerator under the following conditions:</p> <ul style="list-style-type: none"> (a) Where the location, wind, or other conditions cause or are likely to cause the fire to become: <ul style="list-style-type: none"> (i) A danger to any person or property; or (ii) Out of control or spread beyond the limits of the premises on which it is lit: or (iii) A smoke or ash nuisance to any person; (b) Within three metres of any part of a building, tree, hedge, fence or other combustible material; or (c) Without continuous supervision being maintained at all times; or (d) Without an acceptable means of fire suppression being available where the fire is located on residential premises, or land adjoining such premises. 	<p>Section 52, 53, 57, 58, 61 and 190 of the Fire and Emergency New Zealand Act 2017 set out the various restrictions and controls on the ability to light fires in the open.</p>

1104	Restricted Fire Season	
1104.1	An authorized officer may at any time prescribe a restricted fire season or seasons within the District or in any specified part of parts thereof, and may at any time cancel or vary such a prescription.	Section 56 of the Fire and Emergency New Zealand Act 2017 allows Fire and Emergency New Zealand to declare a Restricted Fire Season.
1104.2	Any person wishing to obtain a fire permit during a restricted fire season shall apply to the authorized officer.	Section 5 of the Fire and Emergency New Zealand (Fire Permits) Regulations 2017 states an individual may apply to FENZ for a fire permit and outlines the information required for a fire permit application.
1104.3	The authorized officer may from time to time prescribe a form of application for the purposes of 1104.2.	
1104.4	<p>Upon receiving an application under 1104.2 an authorized officer may issue a fire permit and may impose such conditions and restrictions in respect of the permit as the authorized officer considers reasonable necessary having regard to:</p> <ul style="list-style-type: none"> (a) Any cultural requirements or practices; (b) The location, terrain, natural vegetation, and the existence of buildings or other structures and any other fuels; and (c) Protection of the safety, health and convenience, of persons on the premises in respect of which the permit is issued and adjoining lands and premises. 	<p>Section 7 of the Fire and Emergency New Zealand (Fire Permits) Regulations 2017 outlines the conditions that are attached to every fire permit issued. These include that:</p> <p><i>(1) Every fire permit is granted on the condition that the permit holder must not light a fire in fire risk conditions that make it likely that the fire will spread beyond the limits of the location or property specified in the permit as the location of the fire.</i></p> <p><i>(2) In addition, every fire permit for a proposed fire,—</i></p> <p><i>(a) in an area that is in a restricted fire season, is granted on the condition that, immediately before lighting a fire, the permit holder must make reasonable efforts to confirm that, in the location of the fire,—</i></p> <p><i>(i) no prohibition on the lighting of fires in open air under section 52(1) of the Act is in place; and</i></p> <p><i>(ii) no prohibited fire season under section 56(1) of the Act is in place:</i></p> <p><i>(b) in an area in which the lighting of fires in open air has been prohibited under section 52(1) of the Act, is granted on the condition that, immediately before lighting a fire, the permit holder must make reasonable efforts to confirm that no restricted or prohibited fire season under section 56(1) of the Act is in place in the location of the fire.</i></p>

		Section 8 of the Fire and Emergency New Zealand (Fire Permits) Regulations 2017 also allows FENZ to attach additional conditions to a fire permit that they consider necessary.
1104.5	Nothing in section 1104 shall apply to an ethnic cooking fire, an incinerator or a barbecue. Provided that Council may in certain circumstances include the above where it considers it necessary to do so.	
1105	Prohibited Fire Season	
1105.1	An authorized officer may at any time prescribe a prohibited fire season or seasons within the District or in any specified part of parts thereof, and may at any time cancel or vary such a prescription.	Section 56 of the Fire and Emergency New Zealand Act 2017 allows FENZ to be able to declare a prohibited fire season.
1105.2	In a prohibited season no person shall light any fire in the open air including an ethnic cooking fire, an incinerator or a barbecue, and no person being the occupier of any premises shall cause, permit or suffer any fire to be lit or continue to burn in the open air on those premises.	Section 57 of the Fire and Emergency New Zealand Act 2017 reiterates the restrictiveness of a prohibited fire season, as well as stating individual who commits an offence under this section of the act is liable on conviction to a term of imprisonment and/or a fine.
1105.3	Nothing in 1105.2 applies to the use of gas fire barbecues. The authorized officer may in certain circumstances prohibit the use of gas barbecues.	

1106	<p>Public notice of Restricted of Prohibited Fire Season</p> <p>Public notice of the prescription of a restricted or a prohibited fire season made under 1104.1 or 1105.1 or the cancellation or variation of such a prescription, shall be made by:</p> <ul style="list-style-type: none"> (a) Broadcast or other similar means within the District; or (b) By a notice inserted in a daily or community newspaper circulating within the District. (c) By any effective means. 	
1107	<p>Revocation or Suspension of Permits</p>	
1107.1	<p>Subject to 1107.2, every fire permit issued in accordance with 1104.4 shall remain in force from the date of issue until the expiry of the period, date or time specified in the permit, unless a prohibited fire season is declared.</p>	<p>Section 190 (7) of the Fire and Emergency New Zealand Act 2017 states that a permit granted under the regulations within this section expires 5 years after the date on which the permit was issued.</p>
1107.2	<p>Notwithstanding any other provisions in this bylaw, any permit issued under this Part of this bylaw may be revoked or suspended by an authorized officer at any time, or suspended for such periods of time on such terms and conditions, as the authorized officer may consider reasonable in the circumstances.</p>	<p>Section 9 of the Fire and Emergency New Zealand (Fire Permits) Regulations 2017 requires fire permits to be suspended if fires in the open air are prohibited or a prohibited fire season is declared.</p> <p>Section 10 of the Fire and Emergency New Zealand (Fire Permits) Regulations 2017 allows FENZ to suspend or cancel fire permits due to fire risk conditions or for fire control purposes.</p> <p>Section 11 of Fire and Emergency New Zealand (Fire Permits) Regulations 2017 also provides a mechanism to cancel fire permits if the conditions of the permit are breached.</p>

1108	<p>Fees for Permits</p> <p>The Council may from time to time, by resolution publicly notified, specify the fees or fees payable in respect of the issue of any permit under this Part of this bylaw. Any fee prescribed shall be paid upon uplifting the permit.</p>	No fees required when applying for a permit from FENZ.
1109	Council may extinguish fires	
1109.1	<p>Where a fire has been lit or allowed to burn in:</p> <ul style="list-style-type: none"> (a) An open fire season in breach of section 1103; or (b) A restricted fire season in breach of the conditions of a fire permit issued in accordance with 1104.4; or (c) A prohibited fire season, in breach of 1105.2; <p>Any officer or agent of the Council (including the New Zealand Fire Service) may extinguish any such fire or direct the occupier of premises on which the fire is located, or the person who lit the fire, to extinguish such fire.</p>	
1109.2	<p>Where an authorized officer or agent of the Council has extinguished a fire pursuant to 1109.1, the Council may recover any costs incurred in extinguishing the fire from the occupier of premises on which the fire was located, or the person who lit the fire.</p>	

1109.3	Where any occupier of premises upon which a fire in the open air is located, or person who lit such a fire, disregards a Council direction under 1109.1 to extinguish the fire, the authorized officer may authorize an agent of the Council (including the New Zealand Fire Service) to extinguish the fire and to take such other steps as may be reasonably necessary to ensure the safety of any person or to protect the premises, or any other property.	
1109.4	The Council may recover from the occupier of the premises, or the person who lit the fire, any costs incurred by it as a result of its officer or agents taking any action authorized by the authorized officer under 1109.3.	
1110	<p>Live Ashes</p> <p>No Person shall place any live cinders, embers or ashes in or upon any premises other than:</p> <ul style="list-style-type: none"> (a) In a container made and constructed of concrete or other similarly fire resistance material to prevent the transmission of heat to any combustible material; or (b) In a pit or upon any fire-resistant substance in a manner which will prevent the spreading of fire or heat by the action of wind or otherwise. (c) As part of an ethnic cooking process including hangi and umu. 	

IIII	Removal of Gorse and other growth	
IIII.1	No occupier or any other person having the control of any land shall allow any broom, gorse, bushes, scrub, dry grass, or similar growth to exist within 6 metres of any building or adjoining premises, in such a condition or state that it is likely to become a source of risk from fire.	<p>Removal of gorse and other growth is not directly addressed under the act however various sections within it provide similar mechanism of control.</p> <p>Section 65 of the Fire and Emergency New Zealand Act allows FENZ to require the occupier to remove or destroy vegetation or other things that increase the fire risk, such as gorse, scrub, dry grass etc.</p> <p>Section 68 of the Fire and Emergency New Zealand Act also provides a similar mechanism, allowing FENZ to remove vegetation or other things that are an imminent danger from fire to life, property or any road.</p>
IIII.2	An authorized officer of the Council may, by written notice, require an occupier or person having control of any land to remove any dangerous growth.	<p>Section 43 of the Fire and Emergency New Zealand Act 2017 delegates certain powers to authorised persons in relation to vegetation. Authorised persons (i.e. FENZ) can require any vegetation that is on fire or adjacent to a fire can be cut or pulled down, and vegetation can be set fire to in an effort to cause back burn or burnout of a fire for the purposes of extinguishing/preventing the spread of fire and/or reducing danger.</p> <p>Section 65 of the Fire and Emergency New Zealand Act also allows FENZ to require the occupier to remove or destroy vegetation or other things that increase the fire risk, such as gorse, scrub, dry grass etc.</p> <p>Section 68 of the Fire and Emergency New Zealand Act also provides a similar mechanism, allowing FENZ to remove vegetation or other things that are an imminent danger from fire to life, property or any road.</p>

1111.3	<p>The Council may cut down or otherwise eradicate and remove any broom, gorse, bushes, scrub, dry grass or similar growth to which 1111.1 applies, after giving oral notice to the occupier or where there is no occupier, to the owner of the land, if life, property or any road is in imminent danger. The cost of the work shall be a charge against the land.</p>	<p>Removal of gorse and other growth is not directly addressed under the act however various sections within it provide similar mechanism of control.</p> <p>Section 43 of the Fire and Emergency New Zealand Act 2017 delegates certain powers to authorised persons in relation to vegetation. Authorised persons (i.e. FENZ) can require any vegetation that is on fire or adjacent to a fire can be cut or pulled down, and vegetation can be set fire to in an effort to cause back burn or burnout of a fire for the purposes of extinguishing/preventing the spread of fire and/or reducing danger.</p> <p>Section 65 of the Fire and Emergency New Zealand Act allows FENZ to require the occupier to remove or destroy vegetation or other things that increase the fire risk, such as gorse, scrub, dry grass etc.</p> <p>Section 68 of the Fire and Emergency New Zealand Act also provides a similar mechanism allowing FENZ to remove vegetation or other things that are an imminent danger from fire to life, property or any road.</p>
1111.4	<p>Should the owner or occupier fail to comply with the written request of the Council to remove the dangerous growth then the Council may arrange the removal of such growth and recover the cost of removal from the owner or occupier.</p>	

1112	Storage of Combustible Materials	
1112.1	Except as provided in 1112.2 and 1112.3, no occupier of any premises shall permit the storage or stacking in the open of any combustible material, unless the distance of the stack from any boundary other than a street boundary is at least equal to the height of the stack, but in any case not less than 1.4 metres.	Section 12 of the Fire Safety and Evacuation of Buildings Regulations 2006 relating to storage of certain materials inside or outside buildings prohibits flammable packing materials or any other flammable material being stored outside a building in a way that creates a fire hazard to the building, another building, or to any road or other public place. Under Section 159 of the Fire and Emergency Act 2017 it is an offence to knowingly or recklessly store spontaneously combustible material in breach of requirements, punishable by imprisonment and fine.
1112.2	A stack may be placed closer to the boundary than the distance specified in 1112.1 if a brick, stone, or concrete wall extending not less than 450 millimetres above and not less than 1.4 metres beyond the length of the stack, is situated between the stack and the boundary.	Section 12 of the Fire Safety and Evacuation of Buildings Regulations 2006 relating to storage of certain materials inside or outside buildings prohibits flammable packing materials or any other flammable material being stored outside a building in a way that creates a fire hazard to the building, another building, or to any road or other public place.
1112.3	A stack may, with the written approval of the adjoining owner and of the authorized officer, be placed closer to the boundary than the distance specified in 1112.1 where any of the following conditions continue to exist: <ul style="list-style-type: none"> (a) Where there is a brick, stone or concrete wall as defined in 1112.2 without openings situated on the adjoining property and within 1.4 metres of the common boundary; or (b) Where there are no buildings of the adjoining land; or (c) Where there is no danger of a stack adjacent to a boundary increasing the risk of the spread of fire. 	Section 12 of the Fire Safety and Evacuation of Buildings Regulations 2006 relating to storage of certain materials inside or outside buildings prohibits flammable packing materials or any other flammable material being stored outside a building in a way that creates a fire hazard to the building, another building, or to any road or other public place.

1113	Storage of Hay	
1113.1	No occupier of any premises shall permit the storage or stacking in the open of more than 3 cubic metres of hay, or similar material unless the distance of the stack from any building, boundary, fence, private road, public place, or adjacent land is not less than 6 metres and the intervening space is at all times kept from any rubbish or obstruction of any kind.	<p>Section 12 of the Fire Safety and Evacuation of Buildings Regulations 2006 relating to storage of certain materials inside or outside buildings prohibits hay (straw, or other dry plant cuttings) being stored outside a building in a way that creates a fire hazard to the building, another building, or to any road or other public place.</p> <p>Section 65 of the Fire and Emergency New Zealand Act also allows FENZ to require the occupier to remove or destroy vegetation or other things that may increase the fire risk, such as dry grass/hay.</p>
1113.2	No occupier of any premises shall permit the storage of more than 1 cubic metre of hay or similar material in any building attached to, or at a distance of less than 6 metres from, any other building unless the first mentioned building has a roof of approved fire-resistant material and walls constructed wholly of brick, stone, or concrete or any combination of brick, stone and concrete and complying with the specifications mentioned in 1112.2.	<p>Section 12 of the Fire Safety and Evacuation of Buildings Regulations 2006 relating to storage of certain materials inside or outside buildings prohibits hay (straw, or other dry plant cuttings) being stored outside a building in a way that creates a fire hazard to the building, another building, or to any road or other public place.</p> <p>Section 65 of the Fire and Emergency New Zealand Act also allows FENZ to require the occupier to remove or destroy vegetation or other things that may increase the fire risk, such as dry grass/hay.</p>
1113.3	The provisions of 1113.2 shall not apply in any case where agricultural produce required for the keeping of horses is kept or stored in any building used only for the purpose of or in connection with a stable.	

Fire and Emergency New Zealand

National Headquarters
Level 12
80 The Terrace
PO Box 2133
Wellington

New Zealand

Phone+64 4 496 3600, Fax +64 4 496 3700

30 June 2020

Bessie Clarke
Corporate Planner
Waikato District Council

By email: bessie.clarke@waidc.govt.nz

Dear Bessie

Waikato District Council Fires in the Open Air Bylaw 2012 consultation

I am responding to your request seeking confirmation that it is appropriate to revoke the Waikato District Council's (the Council) Fires in the Open Air Bylaw 2012 (the Bylaw).

As you are aware, under the Fire and Emergency New Zealand Act 2017 (the Fire and Emergency Act), from 1 July 2017, Fire and Emergency New Zealand gained a number of powers covering matters formerly controlled by councils under the Local Government Act 2002 (the LGA). The FENZ Act made amendments to the LGA (new section 152B) under which councils must amend or revoke any bylaws that are inconsistent with the Act or any regulations or notice under the Act.

The Bylaw 2012 deals with various matters that are now covered by – and therefore inconsistent with – the Fire and Emergency Act: e.g. fire seasons and fire permits. These aspects of the bylaws must be revoked. It is noted that that some matters of the Bylaw such as smoke nuisance (when not linked to a fire that may constitute an emergency), and gorse and other growth are not directly addressed the Fire and Emergency Act. We note that the Council can also deal with smoke nuisance under Health Act powers.

I am satisfied and confirm that Waikato District Council has consulted with Fire and Emergency New Zealand with regard to its relevant fire bylaws as required under section 152B(1) of the LGA.

Fire and Emergency New Zealand will continue to work closely with Council representatives in relation to arrangements for Fire and Emergency New Zealand exercising fire control powers within the Waikato District.

Yours sincerely

Rhys Jones
Chief Executive

WAIKATO DISTRICT COUNCIL**FIRES IN THE OPEN AIR BYLAW 2012**

Waikato District Council, in exercise of its powers under the Local Government Act 2002 and its respective amendments, and all other relevant powers, made the following bylaw pursuant to a resolution passed on 27 November 2012.

1.0 SHORT TITLE AND COMMENCEMENT

- 1.1 The bylaw shall be known as the “Waikato District Council Fires in the Open Air Bylaw 2012” and shall consist of the “New Zealand Model General Bylaw 9201:Part II:2000 – Fires in the Open Air” attached hereto, subject to the modifications set out in the First Schedule annexed to the bylaw.
- 1.2 The bylaw shall come into force on 1 February 2013.

2.0 REVOCATION OF PREVIOUS BYLAWS

- 2.1 The “Waikato District Council Fires in the Open Air Bylaw 2007” is revoked from the day the new bylaw comes into force.
- 2.2 The “Franklin District Council Fires in the Open Air Bylaw 2008” is revoked from the day the new bylaw comes into force, insofar as it relates to that part of the former Franklin District Council area transferred to Waikato District Council pursuant to the Local Government (Auckland Boundaries) Determination 2010. (Order in Council dated 15 March 2010 – NZ Gazette No.31, page 858).


3.0 PURPOSE OF BYLAW

- 3.1 To allow the Council to exercise control over the lighting of fires in the open air in urban areas of the Waikato district and prevent smoke from fires in the open causing a nuisance.
- 3.2 To prevent the spread of fires involving vegetation.

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



Mayor



Chief Executive



FIRST SCHEDULE

Modifications to New Zealand Standard Model General Bylaw 9201:Part II:2000, to form part of the Waikato District Council Fires in the Open Air Bylaw 2012.

Page 3 Forward

First paragraph: Replace “Local Government Act 1974” with “Local Government Act 2002”.

Last paragraph: Delete the last paragraph.

Page 5 1100 Scope

1100.1: Delete 1100.1(b) and replace with:
“To prevent the spread of fires involving vegetation”.

1100.4: Delete this clause and replace with:
“This bylaw is made pursuant to Part 8 of the Local Government Act 2002”.

Page 6 1106 Definitions

1102.1 Add the following definitions:

AUTHORISED OFFICER means any person appointed or authorized by the Council to enforce this bylaw.

AUTHORISED AGENT means any person who is not an employee of the Council but is authorized by the Council to act on its behalf.

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

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

OCCUPIER means the inhabitant occupier of any property, and in any case where any building, house, tenement, or premises is or are unoccupied shall be deemed to include the owner as defined herein.

OWNER of any property, or as applied to any land, building, or premises, means any person for the time being entitled to receive the rent of such property, or who would be so entitled if the same were let to a tenant at a rack rent, and where any such person is absent from New Zealand, shall include their attorney or agent.

PERSON includes a corporation and also a body of persons, whether corporate or unincorporated.

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

URBAN AREA means an area used mainly for commercial, industrial, or residential purposes, or where there is a conglomeration of buildings in close proximity (except in the country living or rural zone).

Page 8

1105 Prohibited Fire Season

1105.2

Add after "...gas fire barbecues" the words "gas patio heaters and gas braziers".

Page 12

Add new clauses 1114 and 1115:

1114

OFFENCES AND BREACHES

Any person commits a breach of this bylaw who:

- (a) Does or omits, or causes to be done or omitted any act, matter or thing, or who causes or knowingly permits or suffers any condition or thing to exist contrary to any provision contained in this bylaw shall be deemed to have committed a breach of such provision, and shall be liable accordingly:
or
- (b) Does anything or causes any condition to exist for which a permit or approval from the Council is required under this bylaw without first obtaining that permit or approval; or
- (c) Fails to comply with any notice or direction given under this bylaw.

1115

PENALTIES

Every person who commits a breach of this bylaw shall be liable to a penalty not exceeding Twenty Thousand Dollars (\$20,000).

CONTENTS	PAGE
Committee representation	IFC
Copyright	IFC
New Zealand legislation	2
Foreword	3
 <i>Section</i>	
1100 Scope	5
1101 General	5
1102 Definitions and interpretation	6
1103 Fires in the open	7
1104 Restricted fire season	7
1105 Prohibited fire season	8
1106 Public notice of restricted or prohibited fire season	9
1107 Revocation or suspension of permits	9
1108 Fees for permits	9
1109 Council may extinguish fires	10
1110 Live ashes	10
1111 Removal of gorse and other growth	11
1112 Storage of combustible materials	11
1113 Storage of hay	12

NZS 9201:Part 11:2000

NEW ZEALAND LEGISLATION

Forest and Rural Fires Act 1977
Forest and Rural Fires Regulations 1979
Health Act 1956
Local Government Act 1974

FOREWORD

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

This Standard supersedes NZS 9201:Chapter 11:1972 *Nuisances*. The Committee felt that this model was redundant as its provisions are already covered by existing legislation. However it has been recognized that smoke from fires in the open air can cause a nuisance. Hence the revision has been given a new title *Fires in the open air* to address this situation.

The bylaw also addresses the requirement of the Local Government Act 1974 for local authorities to have a bylaw to prevent the spread of fires involving vegetation.

The bylaw must be used in conjunction with the provisions of the Forest and Rural Fires Act 1977 where a Restricted or Prohibited Fire Season is declared. Separate declarations must be made under the Forest and Rural Fires Act 1977 for rural areas and under this bylaw for urban areas. For declarations for both rural and urban areas both the Forest and Rural Fires Act 1977 and this bylaw should be used.

New terms related to fires have been defined in this Part but for other definitions reference should be made to NZS 9201: Part 1 *Introductory*.

NEW ZEALAND STANDARD**MODEL GENERAL BYLAWS****Part 11****FIRES IN THE OPEN AIR**

1100 SCOPE**1100.1**

The purpose of this Part of the bylaw is:

- (a) To allow Council to exercise control over burning in the open air in urban areas of the District and prevent smoke from fires in the open causing a nuisance.
- (b) To meet the requirements of the Local Government Act 1974 section 649 for territorial authorities to have a bylaw to prevent the spread of fires involving vegetation.

1100.2

Council has a further avenue of control over smoke nuisance in the Nuisances provisions of the Health Act and persons responsible for causing a smoke nuisance may be prosecuted under the provisions of either the Health Act or the bylaw.

1100.3

Regional Councils have responsibility for discharges into air. Consents and approvals may be required from Regional Councils for discharges into air from fires in the open air.

1100.4

This bylaw is made pursuant to section 684 of the Local Government Act 1974 and section 20 of the Forest and Rural Fires Act 1977.

1101 GENERAL

Nothing in this Part of this bylaw shall be regarded as derogating from the provisions of the Forest and Rural Fires Act 1977 and Forest and Rural Fires Regulations 1979.

1102 DEFINITIONS AND INTERPRETATION**1102.1**

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

ACCEPTABLE MEANS OF FIRE SUPPRESSION means a hose connected to a reticulated water supply or an alternative means of fire suppression approved in writing in a particular case by the authorized officer.

BARBECUE means any fixed or portable gas or solid fuel burning equipment or device designed or intended for the cooking of food in the open air.

ETHNIC COOKING FIRE means any hangi, umu or similar fire in the open air and used for the preparation of food using ethnic cooking methods.

FIRE PERMIT means a permit to light a fire in the open air granted in accordance with 1104.4 of this Part of this bylaw.

INCINERATOR means a container used for burning of waste material, which is made of non-combustible materials and which has a grate and a lid or spark arrester.

INCINERATOR FIRE means a fire within an incinerator.

OPEN AIR means in the open whether on or above ground level.

OPEN FIRE SEASON means a period of time, whether fixed or indefinite during which the lighting of fires in the open air is permitted.

PROHIBITED FIRE SEASON means the period of time, whether fixed or indefinite during which the lighting of fires in the open air is prohibited in accordance with 1105.1 of this Part of this bylaw.

RESTRICTED FIRE SEASON means a period of time whether of fixed or indefinite duration during which period permits or authorities are required for the lighting of fires in the open air in accordance with 1104.1 of this Part of this bylaw.

1102.2

For the purposes of this Standard the word "shall" refers to practices that are mandatory for compliance with this Standard, while the word "should" refers to practices which are advised or recommended.

1103 FIRES IN THE OPEN

No person shall in any open fire season light any fire in the open air including a barbecue, ethnic cooking fire, or an incinerator fire under the following conditions:

- (a) Where the location, wind, or other conditions cause or are likely to cause the fire to become:
 - (i) A danger to any person or property; or
 - (ii) Out of control or spread beyond the limits of the premises on which it is lit; or
 - (iii) A smoke or ash nuisance to any person;
- (b) Within three metres of any part of a building, tree, hedge, fence or other combustible material; or
- (c) Without continuous supervision being maintained at all times; or
- (d) Without an acceptable means of fire suppression being available where the fire is located on residential premises, or land adjoining such premises.

1104 RESTRICTED FIRE SEASON**1104.1**

An authorized officer may at any time prescribe a restricted fire season or seasons within the District or in any specified part or parts thereof, and may at any time cancel or vary such a prescription.

1104.2

Any person wishing to obtain a fire permit during a restricted fire season shall apply to the authorized officer.

1104.3

The authorized officer may from time to time prescribe a form of application for the purposes of 1104.2.

NZS 9201:Part 11:2000

1104.4

Upon receiving an application under 1104.2 an authorized officer may issue a fire permit and may impose such conditions and restrictions in respect of the permit as the authorized officer considers reasonably necessary having regard to:

- (a) Any cultural requirements or practices;
- (b) The location, terrain, natural vegetation, and the existence of buildings or other structures and any other fuels; and
- (c) Protection of the safety, health and convenience, of persons on the premises in respect of which the permit is issued and adjoining lands and premises.

1104.5

Nothing in section 1104 shall apply to an ethnic cooking fire, an incinerator or a barbecue. Provided that Council may in certain circumstances include the above where it considers it necessary to do so.

1105 PROHIBITED FIRE SEASON**1105.1**

An authorized officer may at any time prescribe a prohibited fire season or seasons within the District or in any specified part or parts thereof, and may at any time cancel or vary such a prescription.

1105.2

In a prohibited season no person shall light any fire in the open air including an ethnic cooking fire, an incinerator or a barbecue, and no person being the occupier of any premises shall cause, permit or suffer any fire to be lit or continue to burn in the open air on those premises.

1105.3

Nothing in 1105.2 applies to the use of gas fire barbecues. The authorized officer may in certain circumstances prohibit the use of gas barbecues.

1106 PUBLIC NOTICE OF RESTRICTED OR PROHIBITED FIRE SEASON

Public notice of the prescription of a restricted or a prohibited fire season made under 1104.1 or 1105.1 or the cancellation or variation of such a prescription, shall be made by:

- (a) Broadcast or other similar means within the District; or
- (b) By a notice inserted in a daily or community newspaper circulating within the District.
- (c) By any effective means.

1107 REVOCATION OR SUSPENSION OF PERMITS**1107.1**

Subject to 1107.2, every fire permit issued in accordance with 1104.4 shall remain in force from the date of issue until the expiry of the period, date or time specified in the permit, unless a prohibited fire season is declared.

1107.2

Notwithstanding any other provisions in this bylaw, any permit issued under this Part of this bylaw may be revoked or suspended by an authorized officer at any time, or suspended for such periods of time on such terms and conditions, as the authorized officer may consider reasonable in the circumstances.

1108 FEES FOR PERMITS

The Council may from time to time, by resolution publicly notified, specify the fee or fees payable in respect of the issue of any permit under this Part of this bylaw. Any fee prescribed shall be paid upon uplifting the permit.

1109 COUNCIL MAY EXTINGUISH FIRES**1109.1**

Where a fire has been lit or allowed to burn in:

- (a) An open fire season in breach of section 1103; or
- (b) A restricted fire season in breach of the conditions of a fire permit issued in accordance with 1104.4; or
- (c) A prohibited fire season, in breach of 1105.2;

any officer or agent of the Council (including the New Zealand Fire Service) may extinguish any such fire or direct the occupier of premises on which the fire is located, or the person who lit the fire, to extinguish such fire.

1109.2

Where an authorized officer or agent of the Council has extinguished a fire pursuant to 1109.1, the Council may recover any costs incurred in extinguishing the fire from the occupier of premises on which the fire was located, or the person who lit the fire.

1109.3

Where any occupier of premises upon which a fire in the open air is located, or person who lit such a fire, disregards a Council direction under 1109.1 to extinguish the fire, the authorized officer may authorize an agent of the Council (including the New Zealand Fire Service) to extinguish the fire and to take such other steps as may be reasonably necessary to ensure the safety of any person or to protect the premises, or any other property.

1109.4

The Council may recover from the occupier of the premises, or the person who lit the fire, any costs incurred by it as a result of its officer or agents taking any action authorized by the authorized officer under 1109.3.

1110 LIVE ASHES

No person shall place any live cinders, embers or ashes in or upon any premises other than:

- (a) In a container made and constructed of concrete or other similarly fire resistant material to prevent the transmission of heat to any combustible material; or

- (b) In a pit or upon any fire-resistant substance in a manner which will prevent the spreading of fire or heat by the action of wind or otherwise.
- (c) As part of an ethnic cooking process including hangi and umu.

1111 REMOVAL OF GORSE AND OTHER GROWTH

1111.1

No occupier or any other person having the control of any land shall allow any broom, gorse, bushes, scrub, dry grass, or similar growth to exist within 6 metres of any building or adjoining premises, in such a condition or state that it is likely to become a source of risk from fire.

1111.2

An authorized officer of the Council may, by written notice, require an occupier or person having control of any land to remove any dangerous growth.

1111.3

The Council may cut down or otherwise eradicate and remove any broom, gorse, bushes, scrub, dry grass or similar growth to which 1111.1 applies, after giving oral notice to the occupier or where there is no occupier, to the owner of the land, if life, property or any road is in imminent danger. The cost of the work shall be a charge against the land.

1111.4

Should the owner or occupier fail to comply with the written request of the Council to remove the dangerous growth then the Council may arrange the removal of such growth and recover the cost of removal from the owner or occupier.

1112 STORAGE OF COMBUSTIBLE MATERIALS

1112.1

Except as provided in 1112.2 and 1112.3, no occupier of any premises shall permit the storage or stacking in the open of any combustible material, unless the distance of the stack from any boundary other than a street boundary is at least equal to the height of the stack, but in any case not less than 1.4 metres.

1112.2

A stack may be placed closer to the boundary than the distance specified in 1112.1 if a brick, stone, or concrete wall extending not less than 450 millimetres above and not less than 1.4 metres beyond the length of the stack, is situated between the stack and the boundary.

1112.3

A stack may, with the written approval of the adjoining owner and of the authorized officer, be placed closer to the boundary than the distance specified in 1112.1 where any of the following conditions continue to exist:

- (a) Where there is a brick, stone or concrete wall as defined in 1112.2 without openings situated on the adjoining property and within 1.4 metres of the common boundary; or
- (b) Where there are no buildings on the adjoining land; or
- (c) Where there is no danger of a stack adjacent to a boundary increasing the risk of the spread of fire.

1113 STORAGE OF HAY**1113.1**

No occupier of any premises shall permit the storage or stacking in the open of more than 3 cubic metres of hay, or similar material unless the distance of the stack from any building, boundary, fence, private road, public place, or adjacent land is not less than 6 metres and the intervening space is at all times kept free from any rubbish or obstruction of any kind.

1113.2

No occupier of any premises shall permit the storage of more than 1 cubic metre of hay or similar material in any building attached to, or at a distance of less than 6 metres from, any other building unless the first mentioned building has a roof of approved fire-resistant material and walls constructed wholly of brick, stone, or concrete or any combination of brick, stone and concrete and complying with the specifications mentioned in 1112.2.

1113.3

The provisions of 1113.2 shall not apply in any case where agricultural produce required for the keeping of horses is kept or stored in any building used only for the purpose of or in connection with a stable.

Open Meeting

To	Policy & Regulatory Committee
From	Gavin Ion Chief Executive
Date	7 July 2020
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 2019/2020 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 which was updated in May 2020 to reflect the impact of Covid-19.

4.2 OPTIONS

The list of projects has been agreed by Council.

The Plan is consistent with the Chief Executive's Performance Agreement approved through workshops and the meeting of the Chief Executive Performance Review Sub-committee in May 2020.

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. The underpinning criteria is the council vision of "liveable, thriving and connected communities"

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 (evidenced at Team Up 2020 and in the Raglan Wastewater Consent renewal process).

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

The list has been updated in line with the Chief Executive's Performance Agreement which was updated in May 2020 for the impact of Covid-19.

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 – May-June 2020 - Updated 07 May 2020

Overarching Council Vision: “Liveable, Thriving and Connected Communities”

Staff & Wellbeing Vision: “Work Safe, Home Safe”

Key project/priority	Key deliverables/KPIs		Progress	Final Achievement Met/Not Met
1. To deliver the 2020/21 Draft Annual Plan	1.1	The 2020/21 Draft Annual Plan, incorporating agreed targeted Covid-19 related areas, is complete by 30 June.	The Annual Plan was approved by Council on 29 June.	
	1.2	Provide evidence (tangible examples) of alignment between the implementation of Council's work plan and the Council vision of Liveable, Thriving and Connected Communities.	Recent discussions were held at a briefing where staff proposed a prioritisation matrix that aligned to recovery and other factors in order to deliver projects to meet the Council vision. The proposed formation of mana whenua fora will also help with engagement with the community at a local level.	
2. Develop a targeted Recovery Plan in respect of Covid-19 for the organisation and the District.	2.1	Ensure the plan incorporates and defines the role of the Council and organisation as a facilitator, coordinator and/or leader in: (a) Getting people safely back to work, and the organisation fully functional as quickly as possible. (b) Economic and community recovery and development.	(a) Staff have returned to work albeit through various ways (working from home, in the office, a mixed approach, mobile in the District). (a) (b) An economic assessment report has been prepared and approved by the Strategy & Finance Committee reflecting the effects of Covid-19.	
2.2	Fully implement all agreed			

Key project/priority		Key deliverables/KPIs		Progress	Final Achievement Met/Not Met
		2.3	<p>strategies to agreed parameters.</p> <p>Ensure the financial sustainability of Council, including staying within banking covenants and treasury policies as a result of this crisis.</p>	<p>A full recovery plan is being developed.</p> <p>The financial position is being closely monitored and managed at present. We are operating within agreed parameters.</p>	
3.	Strategic Management & Delivery (key projects and priorities includes regional and national matters)	3.1	<p>Hamilton to Auckland Corridor - At each performance review, demonstrate the role that the Chief Executive has played in unlocking the opportunities for the Waikato District in relation to the Hamilton to Auckland Corridor e.g. objective feedback, tangible progress.</p>	<p>The corridor work is currently focused on the spatial planning components and on the Sub-regional 3 waters work.</p> <p>Council has been fully briefed on this work with the Chief Executive working to ensure alignment between the spatial planning and infrastructure planning.</p>	
		3.2	<p>Strategic Review of Waters Management - Provide updates at each performance review of progress on the strategic review of the waters business and future direction. The updates should focus on the role that the Chief Executive has played in advancing the process.</p>	<p>The Waters Governance Board is functioning well and the positive impact of Watercare is being noticed already.</p> <p>The Chief Executive is playing an active role around the Board table and with Watercare.</p>	
4.	Relationship Development	4.1	<p>Demonstrate progress in terms of strategic partner relationship development. This could include initiatives undertaken, collaboration successes and demonstrating how the relationships have directly</p>	<p>The Chief Executive continues to play a key part in developing Iwi relationships and other key stakeholder relationships (for example, the Regional Housing Initiative, government departments and other Councils).</p>	

Key project/priority	Key deliverables/KPIs	Progress	Final Achievement Met/Not Met
	benefited the District.		
	4.2 Waikato District Alliance – Conduct a review of the Waikato District Alliance contractual relationship to assess if it has delivered on expectations, and recommend a future direction (extend/re-tender/change contractual arrangement).	The review has been completed and an extension to the contract has been granted by Council.	
5. Staff and Culture (including leadership, engagement and retention)	5.1 Outline what initiatives have been undertaken to strengthen the internal culture and leadership of the organisation, and provide supporting information of the impact of these initiatives.	During the Covid-19 lockdown and move to Alert Level 1, two staff surveys were undertaken which demonstrated strong support for the culture and the way Management had handled the crisis from a staff perspective.	
6. Zero Harm (Work Safe, Home Safe)	6.1 Update the work plan to reflect the impact of Covid-19 and related activities.	The work plan was refocused in response to safety issues associated with Covid-19. The material used to brief staff and to work with contractors and other PCBUs was clear and in a simplified version. Expectations were clearly identified.	

Footnote:

1. Progress on the Solid Waste Review has been delayed until 2020/21 and will be incorporated in Key Performance indicators for that year.
2. The above KPIs have been agreed with the Chief Executive on the understanding where he can directly control the delivery of the outcomes. Associated remedial actions are to be developed by the Chief Executive and recommended for the appropriate Committee's or Council approval.