

environmental lots sought for the White House and Lower Stockyards clusters cannot be secured.

Part 2 RMA

64. No section 6 RMA matters of national importance or s8 (Treaty of Waitangi principles), were identified as being directly engaged by this application.
65. In terms of the section 7 other matters to which particular regard is to be had by us, we note that the following are, arguably to some extent, engaged:
 - (b) the efficient use and development of ... physical resources;
 - (c) the maintenance and enhancement of amenity values; and
 - (f) maintenance and enhancement of the quality of the environment.
66. We confirm that we have taken those matters into consideration. In case of any doubt, we have found that the area proposed for covenanting has significant natural value – almost certainly at a regional level – and is highly deserving of protection. However, that cannot be at the expense of the operative planning provisions in place. Such expediency, whilst tempting, would not be appropriate.
67. Overall we find that the applications will not promote the sustainable management purpose of the RMA and must be refused.

Decisions

68. In exercising our delegation under sections 34 and 34A of the RMA and having regard to the foregoing matters, sections 104, 104B, 106 and Part 2 of the RMA, we determine that the following resource consents (respectively known as Stage 3 and Stage 4) applied for by Sunset Views Limited are refused for the reasons discussed in this Decision and as summarised below:
 - (a) a fourteen (14) lot environment lot subdivision of Part Te Akau A5 Block and Part Lot 1 DP 7398 comprised in Computer Freehold Register SA12B/1108 at Port Waikato-Waikaretu Road, Port Waikato; and
 - (b) a thirteen (13) lot subdivision of Putataka No 1C No 1 Block and 1C2A2 Parish of Putataka, Putataka No 1C No 3A Block and Putataka No 1C No 4 Block and Lot 1 Deposited Plan South Auckland 91607 comprised in Certificate of Title 668016 at Daff Road, Port Waikato.

Reasons for the decisions

69. After having regard to the actual and potential effects on the environment of allowing the proposed activities, and taking into account the relevant statutory provisions, we find that the proposed Stage 3 and Stage 4 subdivisions cannot be granted consent for the reasons we have discussed throughout our decision and that, in summary, consent should be refused on the basis that:

- (a) the proposals are not consistent with the provisions of the relevant statutory provisions and documents and the avoidance, remediation or mitigation of effects therein anticipated;
- (b) the long-term maintenance and protection of the proposed covenant area of 369ha, which is the pre-requisite for an environmental lot subdivision, cannot be assured; and
- (c) the proposed subdivisions do not satisfy the statutory requirements of Part 2 of the RMA and will not promote sustainable management.

70. Overall we have found that a refusal of consent for both applications is appropriate.



David Hill

Chairperson

Date: 15 February 2016

Open Meeting

To	Policy & Regulatory Committee
From	G J Ion
Date	26 February 2016
Chief Executive Approved	Y
DWS Document Set #	1468823
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 which took effect on 1 July 2015. Two recent amendments are also included.

2. Recommendation

THAT the report of the Chief Executive – *Chief Executive's Business Plan* - 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 has been updated in line with the Chief Executive's Performance Agreement for 2015/2016. The Plan incorporates two recent changes agreed at the February review.

4.2 Options

The list of projects has been agreed by Council.

The existing Plan is consistent with the Chief Executive's Performance Agreement recently approved by Council.

5 Considerations

5.1 Financial

Council has agreed to contribute additional funding towards the management of water services project. Both Waipa District and Hamilton City Councils have also approved the extra amount.

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 & Partnership Alignment

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

Iwi and Tangata Whenua have been, or will be consulted on at least some of the key projects or initiatives referred to in the report.

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

The list has been updated in line with the Chief Executive's Performance Agreement including a recent amendments in February 2016.

5.4 Assessment of Significance & Engagement

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

6. Consultation

The following stakeholders have been/or will be consulted:

Planned	In Progress	Complete	
		✓	Internal
	✓		Community boards/Community committees
	✓		Waikato-Tainui/Local iwi
	✓		Households
	✓		Business
			Other Please Specify

Comment (if any):

7. Conclusion

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

8. Attachments

Chief Executive's KPI worksheet.

Chief Executive's KPIs

Key project/priority	Key deliverables/KPIs		Progress		Final achievement Met/Not Met
I. Responsiveness and resolution of Service Requests logged (linked to LTP key goal of community engagement)	I.1	Complete the implementation of the Service Request review by 31 December 2015.	I.1	<ul style="list-style-type: none"> The Service Request review has been completed and reported to Council in November. Staff will continue to look to refine the process. 	
	I.2	Completion of service requests within set timeframes for the six months to 31 December 2015 > 80%	I.2	<ul style="list-style-type: none"> Owing to the impact of the establishment and implementation of the Alliance, an interim target was set which will be subject to review at the February 2016 meeting. As a result of the review, the target may increase or decrease by mutual agreement. After six months 87.39% of service requests have been processed on time. Completed. 	
	I.2 A	Completion of service requests within set timeframes for the period January – June 2016 > 89% (new goal).		<ul style="list-style-type: none"> 88.3% of service requests for the period 1 January – 29 February have been completed on time. 	
	I.3	The total of overdue service requests to be an average of < 130 for the financial year (goal amended).	I.3	<ul style="list-style-type: none"> The total overdue service requests has averaged 128 for the year to date. Work is continuing and the level of outstanding service requests is reducing. 	

Key project/priority	Key deliverables/KPIs		Progress		Final achievement Met/Not Met
2. Reduction in carry forward works (linked to LTP key goals of affordability and community engagement)	2.1	Reduction in controllable carry forward works by more than 20% in dollar terms for the year ended 30 June 2016 (e.g., non-controllable projects such as development contribution funded projects, grants and donations and discretionary funds are not included in this calculation).	2.1	<ul style="list-style-type: none"> Good progress is being made to reduce outstanding carry forwards from 2014/15. The real test will be the completion of work for 2015/2016 which is being planned, designed and constructed now. Appears to be on track at present. 	
	2.2	Fully implement the carry forward strategy to reduce the level of carry forwards by 30 June 2016 in terms of the seven actions: <ul style="list-style-type: none"> Delegations Deferral of work Uncontrollable works (including developer-led) Phasing of work Realistic works programme Adapting to market conditions Advance design works (not supported at this time) 	2.2	<ul style="list-style-type: none"> The delegations review was completed and approved by Council in July. The revised delegations are now in effect. Other elements of the strategy are already in operation but will be reviewed again later in the year. Improvements in reporting have been implemented to provide regular updates on completion of the capital programme. 	
3. Regional Initiatives – undertake works across councils and across the Waikato Regional that promote:	3.1	Waters Review: <ul style="list-style-type: none"> a) Facilitate an interim decision by Council about the future management of water services. b) Undertake public 	3.1	<ul style="list-style-type: none"> All three Councils have approved funding for additional work around shareholding, governance and decision making. The Councils have agreed to a revised timetable which means that a formal decision to progress the CCO (or not) will not be made until 	

Key project/priority	Key deliverables/KPIs		Progress		Final achievement Met/Not Met
<ul style="list-style-type: none"> ▪ Efficiency ▪ Common purpose ▪ Affordability ▪ Collaboration ▪ Community engagement <p>(Linked to LTP key goals of affordability, economic development and community engagement)</p>		consultation as necessary to advance the preferred option. c) Facilitate a final decision by Council no later than 30 June 2016.		2017 at the earliest. <ul style="list-style-type: none"> ▪ The Chief Executive has actively facilitated meetings and discussions both at a staff and political level in order to advance the process. 	
	3.2	Waikato Plan a) Provide work stream leadership to enable the Joint Committee to progress this project. b) Support and inform the Council's representative to the Joint Committee and Councillors generally.	3.2	(a) <ul style="list-style-type: none"> ▪ The Chief Executive is playing an active role in the Chief Executive's Steering Group. He has recently been appointed Deputy Chair of this group. ▪ The group meets monthly to drive progress. ▪ The Waikato Plan is on track in terms of timeframe and cost. ▪ The Chief Executive is also involved in advancing the Regional Sports Facility Plan as a sub project of the Waikato Plan. (b) His Worship the Mayor and Councillors have been fully briefed on progress.	
4. Economic Development – the District grows and prospers (linked to LTP key goal of economic development).	4.1	Complete the review of the economic development roadmap (Version 2) by 31 December 2015.	4.1	<ul style="list-style-type: none"> ▪ The Economic Development Strategy was adopted by Council on 14 December. ▪ The Ports of Auckland decision to establish an inland port at Horotiu is an example of the strategy in action. 	

Key project/priority	Key deliverables/KPIs		Progress		Final achievement Met/Not Met
	4.2	Develop an implementation plan by 31 March 2016 for the economic development roadmap (version 2).	4.2	<ul style="list-style-type: none"> The implementation plan has been workshopped with Councillors twice and will be presented to the Strategy & Finance Committee in March. 	
	4.3	Commence implementation of the economic development roadmap including meeting agreed deadlines for the 2015/2016 year.	4.3	<ul style="list-style-type: none"> This goal is dependent on the roadmap and the implementation plan being completed. 	
5. Rooding Alliance – Council has let a \$150 million contract to the Alliance with Downers/HEB for the delivery of road maintenance and related services (linked to the LTP key goals of affordability and community engagement).	5.1	Complete the implementation of the Rooding Alliance operational plan by 31 December 2015.	5.1	<ul style="list-style-type: none"> Alliance KPIs as agreed with Council by 31 March 2016 will be implemented by the Chief Executive. The operational plan is being implemented. Key decision points in December were the target cost estimate, the gross margin and the formal agreement. These were completed on 21 December. The Chief Executive has endeavoured to facilitate a decision on the location but no response was received from the property owner. The Strada site in Brownlee Avenue is now the preferred location. Subject to Council approval, a relocation date of 1 July has been agreed in principle. 	
	5.2	Provide a report to each Infrastructure Committee meeting that outlines the performance of road maintenance services. This will include dashboard	5.2	<ul style="list-style-type: none"> The target cost estimate has been completed. Costs have been managed in line with budget. The Infrastructure Committee has been fully briefed. Anecdotal evidence from staff, 	

Key project/priority	Key deliverables/KPIs		Progress		Final achievement Met/Not Met
		reporting detailing audit reviews and progress of work programmes.		Councillors and the community indicate a significant improvement in road maintenance services.	
6. Transformational organisational change. - Outline what initiatives and actions are being undertaken to ensure an engaged and committed workforce (linked to the LTP key goal of community engagement).	6.1	Achieve secondary level accreditation with the Work Safety Management Practices programme by 30 June 2016.	6.1	<ul style="list-style-type: none"> A Zero Harm Policy and action plan has been completed. One of the outcomes is an application to the Work Safety Management Practices scheme. An audit has been scheduled for May 2016. The Health & Safety Manual has been updated. 	
	6.2	An improvement of 5% or more is demonstrated in the engagement profile from the staff culture survey.	6.2	<ul style="list-style-type: none"> The final staff survey results are being compiled. The level of staff engagement has increased by 3%. The increase has predominantly come from a reduction in disengaged staff. 	
7. General Management	7.1	To cover decision making and judgement.	7.1	<ul style="list-style-type: none"> Council is being kept busy through numerous workshops and meetings which reflects significant activity in the industry and district. The Chief Executive is working closely with Waikato-Tainui around cultural tourism and other matters. 	

Open Meeting

To	Policy & Regulatory Committee
From	G J Ion Chief Executive
Date	3 March 2016
Prepared By	T I King Executive Assistant
Chief Executive Approved	Y
DWS Document Set #	1471799
Report Title	2016 Meeting Calendar

1. Executive Summary

A monthly report is provided on the meeting calendar. Recent changes are incorporated so that Councillors are kept up to date.

2. Recommendation

THAT the report of the Chief Executive – 2016 Meeting Calendar - be received;

3. Background

Council has already approved a meeting timetable for 2016. It was agreed that I would provide a monthly update on the meeting calendar including as much relevant information as possible.

4. Discussion and Analysis of Options

4.1 Discussion

As discussed, Councillors should rely on the latest calendar and dispense with previous copies.

The workshop schedule for the remainder of the year is as follows:

MARCH 2016

Monday 14 March	Tuesday 15 March
Discretionary & Funding 9am – 11.30am Workshop 11.30am – 12pm <ul style="list-style-type: none"> Waikato Plan Strategic Direction Summary convened by Vishal Ramduny 	Policy & Regulatory 9am – 12pm

Lunch 12pm Council Meeting 1.15pm – 3.30pm Workshop 3.30pm – 4pm <ul style="list-style-type: none"> Ecological Framework convened by Andrew Corkill 	Lunch 12pm Workshops 12.30pm – 3.30pm <ul style="list-style-type: none"> Fresh Water Management: 12.30pm – 1.30pm convened by Jenni Vernon District Plan Review: 1.30pm – 2.30pm convened by Sandra Kelly Sea Level Rise Presentation 2.30 – 3.30 convened by Rick Liefing (Waikato Regional Council)
Monday 21 March	Tuesday 22 March
Workshops 9am – 12pm <ul style="list-style-type: none"> Economic Development Programme 9am – 9.45am convened by Clive Morgan Waikato Regional Council Annual Plan Presentation 9.45am – 10.15am (Vishal Ramduny) Options Report for Sunset Beach Erosion Retreat Project 10.30am – 11am convened by Ben Wolf Freedom Camping Bylaw 11am – 12pm convened by Craig Birkett 	Strategy & Finance 9am – 12.30pm
Wednesday 23 March	
Audit & Risk 1pm – 3pm	

4.2 Options

Council could choose to approve the calendar or not. The idea of providing a monthly update is beneficial because there are a number of changes that arise on a regular basis. The calendars provide the most up to date information that we have but will not take account of short notice events.

5 Considerations

5.1 Financial

Nil.

5.2 Legal

Nil.

5.3 Strategy, Plans, Policy & Partnership Alignment

The report is about keeping Councillors informed and up to date with regards to forthcoming meetings and workshops. Items discussed will cover a range of community outcomes and one or more of the four well beings.

5.4 Assessment of Significance & Engagement

None of the matters raised in the report trigger any significance concerns.

6. Consultation

The following stakeholders have been/or will be consulted:

Planned	In Progress	Complete	
		✓	Internal
			Community boards/Community committees
			Waikato-Tainui/Local iwi
			Households
			Business
			Other Please Specify

7. Conclusion

Council is being asked to receive and review a monthly update on the meeting calendar for the remainder of 2016.

8. Attachments

Nil.

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ANNUAL CALENDAR - 2016

Updated 3 March 2016

	JAN		FEB		MAR		APR		MAY		JUN		JUL		AUG		SEP		OCT		NOV		DEC		
	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	AM	PM	
Sat Sun									1										1 2					Sat Sun	
MON			1 Auckland Anniversary						2 OTCB						1 OTCB				3 W/S CCL					MON	
TUES			2 P&R Hrg (Public Places Bylaw) OTCB		1				3						2				4		1			TUE	
WED			3		2				4		1 TKCC				3				5		2			WED	
THU			4		3				5		2 TKCC				4		1 TKCC		6		3		1	THU	
FRI	1 New Year's Day		5		4		1		6		3		1		5		2		7		4		2	FRI	
Sat Sun	2 3		6 7		5 6		2 3		7 8		4 5		2 3		6 7		3 4		8 9	ELECTION DAY	5 6		3 4	Sat Sun	
MON	4 New Year's Day Observed		8 Waitangi Day Observed		7 OTCB		4		9 D&F CCL		6 Queen's Birthday		4		8 D&F CCL Citizenship		5		10		7		5	MON	
TUE	5		9 INF W/S RCB NCB		8 INF W/S RCB NCB		5		10 INF W/S RCB NCB		7 OTCB		5 W/S		9 INF W/S RCB NCB		6 OTCB W/S		11		8		6	TUE	
WED	6		10 P&R Hrg (Public Places) Deliberations		9		6 TKCC		11		8		6 P&R Hrg Freedom Camping TKCC		10		7 TKCC		12		9		7	WED	
THU	7		11 MMCC		10 MMCC		7		12 MMCC		9 MMCC		7		11 MMCC		8 MMCC		13		10		8	THU	
FRI	8		12		11 DLC Hearing (Twigs at Avant Garden)		8 DLC Hearing (Tentative)		13		10		8		12 Nominations Close		9		14		11		9	FRI	
Sat Sun	9 10		13 14		12 13		9 10		14 15		11 12		9 10		13 14		10 11		15 16		12 13		10 11	Sat Sun	
MON	11		15 W/S CCL Citizenship TCB		14 D&F CCL		11 W/S CCL Citizenship		16 W/S CCL Citizenship		13 W/S CCL Citizenship		11 W/S CCL		15		12 W/S CCL Citizenship		17		14		12	MON	
TUE	12		16 P&R W/S HCB		15 P&R W/S HCB		12		17 P&R W/S HCB		14 TCB RCB NCB		12 P&R Hrg Freedom Camping Deliberations		16 P&R W/S HCB		13 INF RCB NCB		18		15		13	TUE	
WED	13		17 CEPR Hearing (L Coombes) Day 1 Hearing (L Coombes) Day 2		16		13		18		15 CEPR		13		17		14		19		16		14	WED	
THU	14		18		17		14		19		16		14		18		15		20		17		15	THU	
FRI	15		19 DLC Hearing (The Local Eatery)		18		15		20		17		15 Nominations Open		19		16		21		18		16	FRI	
Sat Sun	16 17		20 21		19 20		16 17		21 22		18 19		16 17		20 21		17 18		22 23		19 20		17 18	Sat Sun	
MON	18		22		21 W/S		18		23		20 P&R hrg (Cemeteries Bylaw) Tentative		18 W/S		22		19		24 Labour Day		21		19	MON	
TUE	19		23 S&F W/S		22 S&F		19 W/S		24 S&F W/S		21 P&R HCB		19		23 S&F W/S		20 P&R HCB		25		22		20	TUE	
WED	20		24 W/S		23 A&R		20		25		22 P&R hrg Reserves & BeachesBylaw Tentative		20		24		21		26		23		21	WED	
THU	21		25		24		21		26		23		21 Hearing (Neighbourhood Parks)Tentative		25		22		27		24		22	THU	
FRI	22 DLC Hearing (Lat 35 Wines/ McKenzie)		26		25 Good Friday		22		27		24		22 Hearing (Neighbourhood Parks)Tentative		26 CCS		23		28		25		23	FRI	
Sat Sun	23 24		27 28		26 27		23 24		28 29		25 26		23 24		27 28		24 25		29 30		26 27		24 25	Sat Sun	
MON	25		29		28 Easter Monday		25 ANZAC Day		30		27 W/S		25 LGNZ Conf LGNZ Conf		29		26 CEPR		31 CCL Inaugural TBC		28		26 Boxing Day	MON	
TUES	26				29		26		31		28 S&F A&R		26 LGNZ Conf		30		27 S&F A&R				29		27 Christmas Day Observed	TUE	
WED	27				30		27				29 P&R hrg Trade Waste & Waste Water Bylaw(Tentative)		27		31		28				30		28	WED	
THU	28				31 CCS		28				30		28				29						29	THU	
FRI	29						29						29				30						30	FRI	
SAT SUN	30 31						30						30 31										31	Sat Sun	
KEY	JAN Waikato DISTRICT COUNCIL		FEB Infrastructure Committee (9.00am) LTP(Long term Plan) Workshop)		MAR CCL: Council (1.15pm) CEPR: Chief Executive's Performance Review SubCtee (9.00am)		APR Policy & Regulatory Committee (9.00am) CCS: Creative Communities (10.30am)		MAY Strategy & Finance (9.00am) Discretionary & Funding (10.30am)		JUN Citizenship		JUL		AUG TCB: Taupiri CB (6.30pm) NCB: Ngaruawahia CB (6.00pm)		SEP RCB: Raglan CB (2.00pm) HCB: Huntly CB (6.00pm)		OCT OTCB: Onewhero-Tuakau CB (4.30 & 7.30pm) TKCC: Te Kauwhata Community Committee (7.00pm)		NOV MMCC: Meremere Community Committee (7.00pm) CDEM: Civil Defence Management Group		DEC W/S: Councillors' workshops Other Meetings		KEY

Open Meeting

To	Policy & Regulatory Committee
From	G J Ion Chief Executive
Date	23 February
Prepared By	D M Lee Executive Assistant
Chief Executive Approved	Y
DWS Document Set #	1463222
Report Title	Attendance at the LGNZ Conference and Excellence Awards 2016

1. Executive Summary

The Local Government New Zealand Conference and Excellence Awards for 2016 will be held in Dunedin in July 2016. It has been practice for Council to send a delegation each year.

2. Recommendation

THAT the report of the Chief Executive – *Attendance at the LGNZ Conference and Excellence Awards 2016* - be received;

AND THAT the following delegates attend the LGNZ Conference and Excellence Awards in Dunedin from 24 July 2016 to 26 July 2016:

His Worship the Mayor
Deputy Mayor
The Chief Executive
Councillor

AND FURTHER THAT His Worship the Mayor is the presiding delegate at the Local Government New Zealand Annual General Meeting on 24 July 2016;

AND FURTHER THAT the Deputy Mayor is the alternate delegate at the Local Government New Zealand Annual General Meeting on 24 July 2016;

AND FURTHER THAT the Chief Executive is the third delegate (with no voting rights) at the Local Government New Zealand Annual General Meeting on 24 July 2016.

3. Background

The Local Government New Zealand Conference and Excellence Awards for 2016 will be held in Dunedin from 24 to 26 July 2016.

4. Discussion and Analysis of Options

4.1 Discussion

This year the focus of the conference is on place making – creating places where people love to live, work and play. There will be a strong focus on leading change and building places for tomorrow where families and businesses can prosper.

The conference programme is attached.

Accommodation will also be required by the delegates attending.

4.2 Options

Council normally sends the Mayor, Deputy Mayor and the Chief Executive to this conference. Historically, one or two Councillors have also been sent.

5. Considerations

5.1 Financial

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

5.2 Legal

Nil.

5.3 Strategy, Plans, Policy & Partnership Alignment

The conference is likely to provide good insight into best practice in New Zealand and overseas. It is of benefit to Councillors and the community at large.

5.4 Assessment of Significance

Nil.

6. Consultation

The following stakeholders will be consulted:

Planned	In Progress	Complete	
	✓		Internal

7. Conclusion

Council is being asked to confirm the attendance of members at the Local Government Conference and Excellence Awards to be held in Dunedin in July 2016.

Open Meeting

To	Policy & Regulatory Committee
From	G J Ion Chief Executive
Date	March 2016
Prepared By	T I King Executive Assistant
Chief Executive Approved	Y
DWS Document Set #	1469251
Report Title	Local Government New Zealand Remit Process for 2016 Annual General Meeting

1. Executive Summary

To consider whether Waikato District Council wishes to submit a remit to the Local Government New Zealand (LGNZ) 2016 Annual General Meeting to be held on 24 July 2016.

2. Recommendation

THAT the report of the Chief Executive – Local Government New Zealand Remit Process for 2016 Annual General Meeting - be received;

AND THAT Waikato District Council submits any proposed remits to the Local Government New Zealand Annual General Meeting by 13 June 2016.

3. Background

The criteria for submission of remits to the LGNZ 2016 Annual General Meeting are outlined on the attached memorandum from LGNZ.

4. Discussion and Analysis of Options

To date, Council has not indicated there are any issues which it wishes Local Government New Zealand to pursue. In other words, no issues come immediately to mind as a remit.

Should Council wish to submit a remit to the LGNZ 2016 Annual General Meeting on 24 July 2016, information is provided on the attached memorandum.

4.1 Discussion

4.2 Options

Council should consider whether it wishes to submit a remit to the LGNZ 2016 Annual General Meeting. This report is for the information of Councillors for a decision.

5. Considerations

5.1 Financial

Dependent on the nature of any remits, this could have financial implications.

5.2 Legal

Dependent on the nature of any remits, this could have legal implications.

5.3 Strategy, Plans, Policy & Partnership Alignment

Dependent on the nature of any remits, this could have policy implications.

5.4 Assessment of Significance

Dependent on the nature of any remits, this could have Significance implications.

6. Consultation

The following stakeholders have been/or will be consulted:

Planned	In Progress	Complete	
		✓	Internal
			Community boards/Community committees
			Waikato-Tainui/Local iwi
			Households
			Business
			Other Please Specify

Dependent on the nature of any remits, this could affect Tangata Whenua.

7. Conclusion

Council is being asked whether or not it choose to submit a remit to the LGNZ 2016 Annual General Meeting on 24 July 2016.

8. Attachments

Remit Application Form

Annual General Meeting 2016**Remit application**

Council Proposing Remit:	
Contact Name:	
Phone:	
Email:	
Fax:	
Remit passed by: (zone/sector meeting and/or list 5 councils as per policy)	
Remit:	

Background information and research:

Please attach separately and include:

- nature of the issue;
- background to its being raised;
- new or confirming existing policy;
- how the issue relates to objectives in the current Work Programme;
- what work or action on the issue has been done on it, and the outcome;
- any existing relevant legislation, policy or practice;
- outcome of any prior discussion at a Zone or Sector meeting;
- evidence of support from Zone/Sector meeting or five councils; and
- suggested course of action envisaged.

Please forward to: Local Government New Zealand

Leanne Brockelbank, Chief Financial Officer

P O Box 1214, Wellington 6140

leanne.brockelbank@lgnz.co.nz

No later than 5pm, Monday 13 June 2016.

Open Meeting

To	Policy & Regulatory
From	G J Ion Chief Executive
Date	4 March 2016
Chief Executive Approved	Y
DWS Document Set #	1471307
Report Title	Code of Conduct

1 Executive Summary

The draft Code of Conduct has been updated for greater clarity, to reflect the impact of matters such as social media and to provide guidance around changes to legislation.

2 Recommendation

THAT the report of the Chief Executive – *Code of Conduct* – be received;

AND THAT the current *Code of Conduct* be replaced by the updated draft *Code of Conduct* and take effect immediately.

3 Background

The Local Government Act 2002 (Schedule 7 clause 15) requires all Councils to put a Code of Conduct in place. The current version has been in place since 2013.

4 Discussion and Analysis of Options

4.1 Discussion

The Code of Conduct sets out what is expected of elected members and how they should behave in Council situations. There is an expectation that elected members will behave with dignity and respect towards staff, the public, other elected members and other interested parties.

A review of the Code of Conduct is not required at this time but there have been issues of clarity and other changes that suggest a review would be timely. In practice, the Code of Conduct may only be amended if 75% of Councillors present support the changes.

Staff have suggested some minor amendments to the existing Code of Conduct. The changes can be summarised as follows:

- a) Broadening the definition of media to include social media.
- b) Clarifying issues around conflicts of interest.
- c) Reviewing the process should an alleged breach occur.
- d) Updating Health & Safety matters, specifically the Health & Safety at Work Act 2015.

4.2 Options

Elected members need to be aware of the Code of Conduct. In practice it is there as a guideline and for reference.

The options available to Council are to:

- (i) Accept the draft Code of Conduct
- (ii) Amend the draft Code of Conduct
- (iii) Leave the existing Code of Conduct in place.

The preferred option is option (i) as this will address the issues of clarity and application of the Code of Conduct.

5 Considerations

5.1 Financial

Nil.

5.2 Legal

Council is required to have a Code of Conduct in place as a requirement of the Local Government Act.

5.3 Strategy, Plans, Policy & Partnership Alignment

This is a core document that outlines what the community can expect from Councillors in terms of function, behaviour and interaction. The existing Code of Conduct was approved by Council in October 2013. 75% or more of Councillors present would need to support the draft Code of Conduct to effect a change from the status quo.

5.4 Assessment of Significance & Engagement

Nil.

6 Consultation

The following stakeholders have been/or will be consulted:

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

7 Conclusion

Changes are being requested to update and modernise the Code of Conduct. If 75% or more of Councillors present support the change, the revised code will take effect immediately.

8 Attachments

Draft Code of Conduct

Code of Conduct – Council and Community Committees

Policy Owner	Chief Executive
Approved By:	Waikato District Council
Resolution Number	WDC1310/25
Effective Date	October 2013
Next Review Date:	October 2016

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PART ONE: INTRODUCTION

Schedule 7 of the Local Government Act 2002 (the Act) requires Council to adopt a code of conduct. Once adopted, all elected members are required to comply with the code.

In the context of this report, the term “elected members” refers to Councillors, and Community Committee representatives.

This code of conduct provides guidance on the standards of behaviour that are expected from all the elected members of the Waikato District Council. The code applies to elected members in their dealings with:

- each other
- the Chief Executive
- all staff employed by the Chief Executive on behalf of the Council
- the media
- the general public.

This code also applies to all Council committees, sub-committees and Community Committees.

In accordance with section 54 (2) of the Local Government Act 2002, the Code of Conduct does not apply to Community Boards. Community Boards are, however, not excluded from adopting their own Code of Conduct.

The objective of the code is to enhance:

- the effectiveness of the Council as the autonomous local authority with statutory responsibilities for the good local government of the Waikato District
- the credibility and accountability of the Council within its community
- mutual trust, respect and tolerance between the elected members as a group and between the elected members and management.

This code of conduct seeks to achieve its objectives by recording:

- an agreed statement of roles and responsibilities (recorded in Part Two of this Code)
- agreed general principles of conduct (recorded in Part Three of this Code)
- specific codes of conduct applying to particular circumstances or matters (also recorded in Part Three of this Code).

Elected members are primarily accountable to the electors of the district through the democratic process. However elected members must note that the Auditor-General may hold them to account for unlawful actions or expenditure or for breaches of the Local Authorities (Members’ Interests) Act 1968.

The code of conduct that follows is based on the following general principles of good governance:

- **Public interest.** Elected members should serve only the interests of the district as a whole and should never improperly confer an advantage or disadvantage on any one person.
- **Honesty and integrity.** Elected members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

- **Objectivity.** Elected members should make decisions on merit including making appointments, awarding contracts, or recommending individuals for rewards or benefits. Elected members should also note that, once elected, their primary duty is to the interests of the entire district, not the ward that elected them.
- **Accountability.** Elected members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should cooperate fully and honestly with the scrutiny appropriate to their particular office.
- **Openness.** Elected members should be as open as possible about their actions and those of the Council, and should be prepared to justify their actions.
- **Personal judgment.** Elected members can and will take account of the views of others, but should reach their own conclusions on the issues before them, and act in accordance with those conclusions.
- **Respect for others.** Elected members should promote equality by not discriminating unlawfully against any person and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation, or disability. They should respect the impartiality and integrity of the Council staff.
- **Duty to uphold the law.** Elected members should uphold the law, and on all occasions, act in accordance with the trust the public places in them.
- **Stewardship.** Elected members must ensure that the Council uses resources prudently and for lawful purposes, and that the Council maintains sufficient resources to meet its statutory obligations.
- **Leadership.** Elected members should promote and support these proposals by example, and should always endeavour to act in the best interests of the community.

PART TWO: ROLES AND RESPONSIBILITIES

This part of the code describes the roles and responsibilities of elected members, the additional roles of the Mayor and Deputy Mayor, and the role of the Chief Executive.

Mayor

The Mayor is elected by the district as a whole and as one of the elected members shares the same responsibilities as other members of Council. The Mayor also has the following roles as a:

- presiding member at Council meetings. The Mayor is responsible for ensuring the orderly conduct of business during meetings (as determined in standing orders);
- advocate on behalf of the community. This role may involve promoting the community and representing its interests. Such advocacy will be most effective where it is carried out with the knowledge and support of the Council;
- ceremonial head of Council;
- providing leadership and feedback to other elected members on teamwork and Chairmanship of committees; and
- Justice of the Peace (while the Mayor holds office).

The Mayor must follow the same rules as other elected members about making public statements and committing the Council to a particular course of action, unless acting in accordance with the rules for media contact on behalf of the Council under a delegation of authority from the Council.

Recent changes to the Local Government Act have provided additional powers to the Mayor. These powers relate to:

- The appointment of the Deputy Mayor and Committee Chairpersons
- The determination of the Committee structure
- Leadership of budget, plans and key policy discussions.

Deputy Mayor

The Deputy Mayor may be appointed by the Mayor. If the Mayor declines to do this, then the Deputy Mayor must be elected by the members of Council, at the first meeting of the Council. The Deputy Mayor exercises the same roles as other elected members, and if the Mayor is absent or incapacitated, the Deputy Mayor must perform all of the responsibilities and duties, and may exercise the powers, of the Mayor (as summarised above). The Deputy Mayor may be removed from office by resolution of Council.

Committee Chairpersons

As noted above, the Mayor has the power to appoint Chairpersons and to form Committees. If the Mayor declines to do this then the Council may create one or more committees of Council. A committee Chairperson presides over all meetings of the committee, ensuring that the committee acts within the powers delegated by Council, and as set out in the Council's Delegations Manual. Committee Chairpersons may be called on to act as an official spokesperson on a particular issue. They may be removed from office by resolution of Council.

Councillors

Councillors acting as the Council are responsible for:

- the development and adoption of Council policy
- monitoring the performance of the Council against its stated objectives and policies
- prudent stewardship of Council resources
- employment of the Chief Executive
- representing the interests of the residents and ratepayers of the Waikato District Council. (On election, the members' first responsibility is to the district as a whole.)

Unless otherwise provided in the Local Government Act 2002 or in standing orders, the Council can only act by majority decisions at meetings. Each elected member has one vote. Any individual elected member (including the Mayor) has no authority to act on behalf of the Council unless the Council has expressly delegated such authority.

Community Boards

Within the Waikato District there are five community boards:

- Huntly Community Board
- Ngaruawahia Community Board
- Onewhero-Tuakau Community Board
- Raglan Community Board
- Taupiri Community Board

The community board elected members, acting as the community board, have the role to:

- represent, and act as an advocate for, the interests of its community

- consider and report on all matters referred to it by the Waikato District Council, or any matter of interest or concern to the community board
- maintain an overview of services provided by the Waikato District Council within the community
- prepare an annual submission to the Waikato District Council for expenditure within the community
- communicate with community organisations and special interest groups within the community
- undertake any other responsibilities that are delegated to it by the Waikato District Council.

Chief Executive

The Chief Executive is appointed by the Council in accordance with section 42 of the Local Government Act 2002. The Chief Executive is responsible for implementing and managing the Council's policies and objectives within the budgetary constraints established by the Council. In terms of section 42 of the Act, the responsibilities of the Chief Executive are:

- implementing the decisions of the Council
- providing advice to the Council and community boards
- ensuring that all responsibilities, duties and powers delegated to the Chief Executive or to any person employed by the Chief Executive, or imposed or conferred by any Act, regulation or bylaw are properly performed or exercised
- managing the activities of the local authority effectively and efficiently
- maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the local authority
- providing leadership for the staff of the local authority
- employing staff on behalf of the local authority (including negotiation of the terms of employment for the staff of the local authority).

The Chief Executive is accountable to Council directly and not to Community Boards or Community Committees.

Under section 42 of the Local Government Act 2002 the Chief Executive employs all other staff on behalf of the local authority.

Meeting Attendance

Elected members are expected to attend and participate in all Council meetings, Standing Committee meetings and sub-committee meetings to which they have been appointed, unless they have submitted an apology or obtained a leave of absence in advance for non-attendance.

Councillors are expected to attend all workshops and those hearings that are held as part of the consultation process on Council documents, such as the Annual Plan and Long Term Plan.

From time to time, working parties will be established by the Council or a Standing Committee to achieve specific outcomes. Elected members are expected to make themselves available to be appointed to an equitable share of these working parties, and to attend all meetings of those to which they are appointed.

Appointments to Other Bodies

At the first meeting following the triennial elections and on other occasions (as appropriate) Council will appoint elected members to a variety of other bodies.

These appointments will be made on the basis of the best person for the specific role bearing in mind the skills required, the views of the Council and location of the elected member.

PART THREE: RELATIONSHIPS AND BEHAVIOURS

This part of the code sets out the agreed standards of behaviour. Some of the matters described in this part of the code reflect other legislation such as the Local Authorities (Members' Interests) Act 1968. The majority of the code is material that the Council has decided to include of its own initiative.

Relationships with Other Elected Members

Successful teamwork is a critical element in the success of any democratically elected organisation. No team will be effective unless mutual respect exists between members. With this in mind elected members will conduct their dealings with each other in ways that:

- maintain public confidence in the office to which they have been elected
- are open and honest
- focus on issues rather than personalities
- avoid aggressive, offensive or abusive conduct
- treat people with courtesy and respect
- remain attentive and engaged in meetings.

Elected members shall maintain the respect and dignity of their office in their dealings with each other, Council officers and the public.

Elected members should also note that discussions are not subject to privilege.

Elected members will act in good faith (i.e. honestly, for the proper purpose, and without exceeding their powers) in the interests of the Council and the community.

Elected members should remember that they have no personal power to commit the Council to any particular policy, course of action or expenditure and must not represent they have such authority if that is not the case.

Elected members will not make comments regarding other elected members or Council officers which are improper or derogatory.

In the performance of their official duties, elected members should refrain from any form of conduct which may cause any reasonable person unwarranted offence or embarrassment.

Elected members should dress in business attire for the meeting, function or gathering, they are attending on behalf of Council.

Relationships with Staff

The effective performance of Council also requires a high level of cooperation and mutual respect between elected members and staff. To ensure that level of cooperation and trust is maintained, elected members will:

- recognise that the Chief Executive is the employer (on behalf of Council) of all Council employees, and as such only the Chief Executive may hire, dismiss, instructor censure an employee

- make themselves aware of the obligations that the Council and the Chief Executive have as employers and observe those requirements at all times
- treat all employees with courtesy and respect (including the avoidance of aggressive, offensive or abusive conduct towards employees)
- observe any guidelines that the Chief Executive puts in place regarding contact with employees
- not do anything which compromises, or could be seen as compromising, the impartiality of an employee
- avoid publicly criticising any employee in any way, but especially in ways that reflect on the competence and integrity of the employee
- raise concerns about employees only with the Chief Executive, and concerns about the Chief Executive only with the Mayor or the Chief Executive's Performance Review Sub-Committee.

Elected members should be aware that failure to observe this portion of the code of conduct may compromise the Council's obligations to act as a good employer and may expose the Council to civil litigation and audit sanctions.

Elected members should raise operational issues with the Chief Executive in the first instance. If it is a routine matter such as repairing a pothole, cutting of vegetation or footpath repairs, the issue should be logged with Customer Delivery who will enter the issue into our service request system. This enables progress on these issues to be monitored.

Relationships with the Community

Effective Council decision-making depends on productive relationships between elected members and the community at large.

Members should ensure that individual citizens are accorded respect in their dealings with the Council, have their concerns listened to, and deliberated on in accordance with the requirements of the Act.

Members should act in a manner that encourages and values community involvement in local democracy.

Contact with the Media

The media plays an important part in local democracy. In order to fulfil this role the media needs access to accurate, timely information about the affairs of Council. Media spans the full range of traditional, current and emerging social mediums including, but not limited to printed material, verbal discussions and all forms of electronic and digital material.

From time to time, individual elected members will be approached to comment on a particular issue either on behalf of Council, or as an elected member in their own right. This part of the code deals with the rights and duties of elected members when speaking to the media on behalf of Council, or in their own right.

The following rules apply for media contact on behalf of Council:

- the Mayor is the first point of contact for the official view on any issue. Where the Mayor is absent, any matters will be referred to the Deputy Mayor or relevant committee Chairperson
- the Mayor may refer any matter to the relevant committee Chairperson or to the Chief Executive for their comment
- no other elected member may comment on behalf of Council without having first obtained the approval of the Mayor. The only exception is providing

information on Council activities through columns in community newspapers or newsletters or websites.

Elected members are free to express a personal view in the media, at any time, provided the following rules are observed:

- media comments must not state or imply that they represent the views of Council
- where an elected member is making a statement that is contrary to a Council decision or Council policy, the member must not state or imply that his or her statements represent a majority view
- media comments must observe the other requirements of the code of conduct, e.g. not disclose confidential information, or compromise the impartiality or integrity of staff.
- the elected member should ensure that any comments made do not compromise Council's statutory responsibilities. In other words, it would not be appropriate to comment on matters before the Regulatory Committee, where this might compromise the Resource Management Act process.

Meeting Decisions

Every elected member who has the right to speak can lawfully express his or her opinion at any Council or Committee meeting within the limits imposed by Standing Orders. These meetings are open to the media and their comments may be reported.

Once a matter has been determined at a Council meeting, it becomes the Council's position until it is lawfully changed by a subsequent Council decision. All elected members and staff will respect this position.

The Mayor can make statements that accurately report Council decisions.

Committee Chairs can make statements that accurately report their Committee's decisions, or factual statements about Council or Committee decisions.

Elected members have the right to voice their own opinion to the news media, on Council/committee decisions, but they must state clearly when they are expressing a majority, collective Council view and when they are expressing a personal, minority opinion.

Confidential Information

In the course of their duties elected members will occasionally receive information that may need to be treated as confidential. This will generally be information that is either commercially sensitive or is personal to a particular individual or organisation.

Elected members must not use, circulate or disclose (verbal or written) confidential information for any purpose other than the purpose for which the information was supplied to the elected member.

Elected members should be aware that failure to observe these provisions will impede the performance of Council by inhibiting information flows and undermining public confidence in the Council. Failure to observe these provisions may also expose Council to prosecution under the Privacy Act 1993 and/or civil litigation.

Information Received in Capacity as an Elected Member

Any information received by an elected member in his/her capacity as an elected member that relates to the ability of Council to give effect to any provision of the Local Government Act 2002 or any other statute under which Council has responsibilities shall be disclosed by that elected member to the Mayor, all other applicable elected members and, if appropriate, the Chief Executive.

This duty of disclosure will require elected members to whom information may be offered on the basis that confidence be preserved to inform the intended provider of the information of the duty of disclosure and to decline to receive the information if that duty is likely to be compromised.

Responding to Queries Involving Liability Issues

Elected members need to ensure they respond to queries in an appropriate manner and with due regard to the legal position of Council. At times, elected members are asked to become involved in legal disputes or insurance claims. Such matters should be referred to the Chief Executive. It is important that Council act in an appropriate manner with regard to legal and insurance issues. Often our insurance cover depends on the way we address or manage an issue.

Training, Conferences and Induction

Following the triennial election, the Chief Executive will organise induction training for all elected members who require it. This will address the role of elected members and provide valuable information about what an elected member needs to know.

Council has a budget for training and development of elected members. From time to time consideration will be given to attendance at the Local Government Conference, Zone meetings and Planning Conference. Other conferences or meetings may also be considered.

If an elected member wishes to attend a conference or meeting, then he or she should discuss this with the Mayor.

Decisions on training, attendance at meetings, and attendance at conferences will be made by Council.

In the case of a Community Board or Community Committee elected member, an approach should be made to the Chairperson.

Conflicts of Interest

Elected members must be careful that they maintain a clear separation between their personal interests and their duties as an elected member. This is to ensure that people who fill positions of authority carry on their duties free from bias (whether real or perceived). Elected members therefore need to familiarise themselves with the provisions of the Local Authorities (Members' Interests) Act 1968 which concerns financial interests, and with other legal requirements concerning non-financial conflicts of interest.

The Act provides that an elected member is disqualified from office, or from election to office, if that member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year.

Additionally, elected members are prohibited from participating in any Council discussion or vote on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the elected member's immediate family or business interests contract with the authority or have a pecuniary interest. Elected members must declare their interests at Council meetings where matters in which they have a pecuniary interest arise.

Elected members shall annually make a general declaration of interest as soon as practicable after becoming aware of any such interests. These declarations are recorded in a register of interests maintained by Council. The declaration must notify the Council of the nature and extent of any interest, including:

- any employment, trade or profession carried on by the elected member or the elected member's immediate family for profit or gain
- any company, trust, partnership etc for which the elected member or their immediate family is a director, partner, trustee or beneficiary
- the address of any land in which the elected member has a beneficial interest and which is in the Waikato District Council
- the address of any land where the landlord is the Waikato District Council and:
 - the elected member or their immediate family is a tenant, or
 - the land is tenanted by a firm in which the elected member or immediate family is a partner, or a company of which the elected member or immediate family is a director, or a trust of which the elected member or immediate family is a trustee or beneficiary
- any other matters which the public might reasonably regard as likely to influence the elected member's actions during the course of their duties as an elected member.

If the elected member is in any doubt as to whether or not a particular course of action (including a decision to take no action) raises a conflict of interest, then the elected member should seek guidance from the Chief Executive immediately.

Elected members should be guided by best practice, transparency and prudence in assessing interest situations. Bearing these principles in mind, elected members must disclose the interest so it can be considered.

Elected members may also contact the Office of the Auditor General for guidance as to whether that member has a pecuniary interest. If there is a pecuniary interest, the elected member may seek an exemption to allow that elected member to participate or vote on a particular issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote. The Chief Executive must also seek approval from the Office of the Auditor General for contractual payments to elected members, their spouses or their companies that exceed the \$25,000 annual limit.

Failure to observe the requirements of the Local Authorities (Members' Interests) Act 1968 could potentially invalidate the particular decision made, or the action taken, by Council. Failure to observe these requirements could also leave the elected member open to prosecution under the Local Authorities (Members' Interests) Act 1968. In the event of a conviction elected members can be ousted from office.

Standing Orders

Elected members must adhere to any standing orders adopted by Council under the Local Government Act 2002. These standing orders are subject to the same legal requirements as a code of conduct with regard to their adoption and amendment.

Ethics

Waikato District Council seeks to promote the highest standards of ethical conduct amongst its elected members. Accordingly, elected members will:

- claim only for legitimate expenses as laid down by any determination of the Remuneration Authority then in force, and any lawful policy of Council developed in accordance with that determination
- not influence, or attempt to influence, any Council employee to take actions that may benefit the elected member, or the elected member's family or business interests
- Only use Council resources (including facilities, staff, equipment and supplies) effectively and economically in the course of their duties, and within other guidelines, and not in connection with any election campaign or other personal business.
- not solicit, demand, or request any gift, reward or benefit by virtue of their position
- where a gift or hosted event in excess of \$100 excluding GST or more in value is offered to an elected member, this must be declared on Council's interest register.

Acceptance of substantial gifts, favours or hospitality may be construed as a bribe or perceived as undue influence. Working meals and social occasions should be undertaken in an appropriate manner.

Disqualification of Members from Office

Elected members are automatically disqualified from office if they are convicted of a criminal offence punishable by two or more years' imprisonment, or if they cease to be or lose their status as an elector or are convicted of certain breaches of the Local Authorities (Members' Interests) Act 1968.

Under the Local Government Act 2002, local authorities, when adopting a code of conduct, must consider whether or not they will require elected members to declare whether they are an undischarged bankrupt. This Council believes that bankruptcy does raise questions about the soundness of a person's financial management skills and their judgment in general. The Council therefore requires elected members who are declared bankrupt to notify the Chief Executive as soon as practicable after being declared bankrupt.

PART FOUR: COMPLIANCE AND REVIEW

This part deals with ensuring that elected members adhere to the code of conduct and mechanisms for the review of the code of conduct.

Compliance

Elected members must note that they are bound to comply with the provisions of this code of conduct (Local Government Act 2002, Schedule 7, section 15(4)).

Elected members are also bound by the Local Government Act 2002, the Local Authorities (Members' Interests) Act 1968, the Local Government Official Information and Meetings Act 1987, the Secret Commissions Act 1910, the Crimes Act 1961 and the Securities Act 1978. The Chief Executive will ensure that an explanation of these Acts is made at the first meeting after each triennial election and that copies of these Acts are freely available to elected members.

Short explanations of the obligations that each of these has with respect to conduct of elected members is attached in the Appendix to this code.

Dealing with Complaints

There are two stages to a complaint:

- (a) Receiving and/or informally mediating the complaint.
- (b) Formalisation and investigation of the complaint, should it remain unresolved.

- (a) Receiving and/or informally mediating the complaint

When an issue arises the complainant should attempt to resolve the issue themselves with the party or elected member involved.

Should this be unsuccessful, the complainant should approach the Mayor (or Deputy Mayor in the absence of the Mayor) for an informal mediation between the parties.

If the informal mediation is unsuccessful, the complaint should be submitted in writing to the Mayor, (or Deputy Mayor in the absence of the Mayor). The complaint is confidential and will be acted on immediately.

Any allegation of a breach of a code of conduct must make a specific allegation of a breach of the code of conduct, and provide corroborating evidence.

- (b) Formalisation and Investigation of the Complaint

The Mayor (or Deputy Mayor in the absence of the Mayor) or nominee will convene an internal investigative group of four persons comprising a representative of both parties and two independent internal parties, (determined by the convener). Please note that a person can be either a witness or a representative (on the internal investigative group) but not both.

In extenuating circumstances, external parties may become involved as determined by the convener.

The internal investigative group will be chaired by the convener and will investigate, determine and make a decision on the breach and related consequences. The internal investigative group will provide a confidential report to Council.

The report once considered by Council will remain confidential.

Responses to Breaches of the Code

The exact nature of the action the internal investigative group may take depends on the nature of the breach and whether there are statutory provisions dealing with the breach.

Where there are statutory provisions:

- breaches relating to members' interests render elected members liable for prosecution by the Auditor-General under the Local Authority (Member's Interests) Act 1968
- breaches which result in the Council suffering financial loss or damage may be reported on by the Auditor-General under the Local Government Act 2002,

which may result in the elected member having to make good the loss or damage

- breaches relating to the commission of a criminal offence may leave the elected member liable for criminal prosecution.

In these cases the internal investigative group (via Council) may refer an issue to the relevant body, any member of the public may make a complaint, or the body itself may take action of its own initiative.

Where there are no statutory provisions, the internal investigative group may decide on any of the following actions:

- censure
- removal of the elected member from Council committees and/or other representative type bodies
- dismissal of the elected member from a position as Deputy Mayor or Chair of a committee.

The internal investigative group will work with Council to implement its decision.

Review

Once adopted, a code of conduct continues in force until amended by the Council. The code can be amended at any time but cannot be revoked unless the Council replaces it with another code. Once adopted, amendments to the code of conduct require a resolution supported by 75 per cent or more of the elected members of the Council present.

Council will formally review the code as soon as practicable after the beginning of each triennium. The results of that review will be presented to Council for their consideration and vote.

APPENDIX TO THE CODE OF CONDUCT

Legislation Bearing on the Role and Conduct of Elected Members

This is a summary of the legislation requirements that has some bearing on the duties and conduct of elected members. Copies of these statutes can be found in the Council library or in the office of the Chief Executive.

Local Authority (Members' Interests) Act 1968

This Act regulates situations where an elected member's personal interests impinge, or could be seen as impinging on their duties as an elected member.

The Act provides that an elected member is disqualified from office if that elected member is concerned or interested in contracts under which payments made by or on behalf of the local authority exceed \$25,000 in any financial year.

Additionally, elected members are prohibited from participating in any Council discussion or voting on any matter in which they have a pecuniary interest, other than an interest in common with the general public. The same rules also apply where the elected member's spouse or partner contracts with the authority or has a pecuniary interest.

Members may also contact the Office of the Auditor General for guidance as to whether that elected member has a pecuniary interest, and if so, may seek an

exemption to allow that elected member to participate or vote on a particularly issue in which they may have a pecuniary interest. The latter must be done before the discussion or vote. The Chief Executive must also seek approval from the Office of the Auditor General for contractual payments to elected members, their spouses or their companies that exceed the \$25,000 annual limit.

Failure to observe these requirements could also leave the elected member open to prosecution under the Local Authority (Members' Interests) Act 1968. In the event of a conviction elected members can be ousted from office.

Local Government Official Information and Meetings Act 1987

The Local Government Official Information and Meetings Act 1987 sets out a list of meeting procedures and requirements. Of particular importance for the roles and conduct of elected members is the fact that the Chair has the responsibility to maintain order at meetings, but all elected members should accept a personal responsibility to maintain acceptable standards of address and debate. No elected member should:

- create a disturbance or a distraction while another elected member is speaking
- be disrespectful when they refer to each other or other people
- use offensive language about the Council, other elected members, any employee of the Council or any member of the public.

The Local Government Official Information and Meetings Act 1987, sets out the rules around provision of information. These are summarised as follows:

Official Information

The term "Official Information" refers to all information (with a few exceptions) held by a local authority. The Local Government Official Information and Meetings Act 1987 requires all official information to be available to the public unless there are good reasons for withholding it.

Requesting Information

In brief, the Act states:

- requests should be made with "due particularity" (rather than asking for all files about a general topic, which creates a large amount of work) (section 10)
- it is the duty of Council to assist people making requests (section 11)
- the Council must convey its decision on whether to grant the request within 20 working days and must also indicate any charges (section 13)
- information in documents may be made available by providing an opportunity for reading it or by providing a copy of it or by providing a summary or excerpt; however, it should be made available in the way preferred by the requestor unless there are reasons for not doing so (section 15).

Refusing Requests for Information

A request may be refused (section 17) if:

- there is good reason to withhold it under section 6 or 7 of the Act
- the information will soon be publicly available
- the local authority does not actually hold the information
- the information cannot be made available without substantial collation or research
- the request is frivolous or vexatious.

Where a request is refused the Council must give its reasons and advise the requestor that there is a right to have the decision review by the Ombudsmen.

Sections 6 and 7 give the following reasons for withholding information:

- making it available would be likely to prejudice the maintenance of the law, or endanger safety
- withholding the information is necessary to:
 - protect privacy
 - protect information where its release would disclose a trade secret or would prejudice the commercial position of the person who supplied, or who is the subject of the information
 - avoid offence to tikanga Maori or avoid disclosure of wahi tapu locations
 - protect any obligations of confidentiality where making it available would affect the future supply of information or would otherwise damage the public interest
 - maintain free and frank discussion or protect officers and elected members from harassment
 - maintain legal professional privilege
 - enable the Council to carry out without prejudice or disadvantage commercial activities or negotiations
 - prevent the use of information for improper gain.

Crimes Act 1961

Under this Act it is unlawful for an elected member (or officer) to:

- accept or solicit for themselves (or anyone else) any gift or reward for acting or not acting in relation to the business of Council
- use information gained in the course of their duties for their, or another person's, monetary gain or advantage.

These offences are punishable by a term of imprisonment of seven years or more. Elected members convicted of these offences will also be automatically ousted from office.

Securities Act 1978

The Securities Act 1978 essentially places elected members in the same position as company directors whenever Council offers stock to the public. Elected members may be personally liable if investment documents such as a prospectus contain untrue statements and may be liable for criminal prosecution if the requirements of the Act are not met.

Please note that Council is not required to produce a prospectus following the enactment of the Securities (Local Authority Exemption) Amendment Act 2008. In its place a shorter investment statement is required.

Local Government Acts 1974 and 2002

The various provisions of the Local Government Act 1974 and 2002 form the basis of local government. Local government is a creature created by statute and in place to meet the requirements of the Local Government Act.

Elected members should be aware of the purpose of local government (section 10 Local Government Act 2002)

1. The purpose of local government is:

- (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
 - (b) 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.
2. In this Act, good quality, in relation to local infrastructure, local public services and performance of regulatory functions, means infrastructure, services and performance that are:
- (a) efficient; and
 - (b) effective; and
 - (c) appropriate to present and anticipated future circumstances.

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, recreational facilities and other community infrastructure

“(1) In performing its role, as outlined in section 14 of the Local Government Act 2002, a local authority must act in accordance with the following principles:

- (a) a local authority should -
 - (i) conduct its business in an open, transparent and democratically accountable manner; and
 - (ii) give effect to its identified priorities and desired outcomes in an efficient and effective manner.
- (b) a local authority should make itself aware of, and should have regard to, the views of all of its communities; and
- (c) when making a decision, a local authority should take account of:
 - (i) the diversity of the community, and the community’s interests, within its district or region; and
 - (ii) the interests of future as well as current communities; and
 - (iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii)
- (d) a local authority should provide opportunities for Maaori to contribute to its decision-making processes:
- (e) a local authority should collaborate and co-operate with other local authorities and bodies as it considers appropriate to promote or achieve its priorities and desired outcomes, and make efficient use of resources; and
- (f) a local authority should undertake any commercial transactions in accordance with sound business practices; and
- (fa) a local authority should periodically -
 - (i) assess the expected returns to the authority from investing in, or undertaking a commercial activity; and
 - (ii) satisfy itself that the expected returns are likely to outweigh the risks inherent in the investment or activity; and
- (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region; and
- (h) in taking a sustainable development approach, a local authority should take into account:
 - (i) the social, economic, and cultural interests of people and communities; and

- (ii) the need to maintain and enhance the quality of the environment; and
- (iii) the reasonably foreseeable needs of future generations.”

Sections 44-46 of the Local Government Act 2002 outline action that can be taken by the Auditor General to recover a loss incurred by a local authority:

- “(1) For the purposes of this section and sections 45 and 46, a local authority is to be regarded as having incurred a loss to the extent that any of the following actions and omissions has occurred and the local authority has not been fully compensated for the action or omission concerned:
- (a) money belonging to, or administrable by, a local authority has been unlawfully expended; or
 - (b) an asset has been unlawfully sold or otherwise disposed of by the local authority; or
 - (c) a liability has been unlawfully incurred by the local authority; or
 - (d) a local authority has intentionally or negligently failed to enforce the collection of money it is lawfully entitled to receive.”

The Auditor General has the right to recover any such loss from each member of the local authority jointly and severally.

The Local Government Act deals with issues of governance, structure of local government, planning, decision-making and accountability, regulatory and enforcement, offences, penalties and other proceedings.

Resource Management Act 1991

This Act governs how Council should deal with land use and other planning processes. The Resource Management Act sets out to provide a range of rules that support a sustainable environment but also permits local autonomy based around the development of a District Plan that applies to each individual local authority.

Privacy Act 1993

The Privacy Act 1993 explains how Council should manage issues to do with information it holds to conduct its business. This could involve individual records relating to ratepayers or staff records for employees of Council.

Council must comply with the requirements of this Act and as part of this process a staff member has been appointed as the designated Privacy Officer. Any queries in relation to the Privacy Act should be directed to the Chief Executive in the first instance.

Public Audit Act 2001

Council is publicly accountable under the provisions of the Public Audit Act 2001. As a result of this, an annual audit is undertaken under the direction of the Auditor General. This audit reviews the financial and non-financial performance of Council through the development and reporting of the Annual Report.

[WDC0710/24, WDC1011/25/1/3 refer]

Health and Safety at Work Act 2015 (replaces the Health & Safety in Employment Act 1992)

The Health & Safety at Work Act took effect on 4 April 2016. Elected members are deemed officers under the legislation. Whilst elected members can't be prosecuted under this legislation, they are not exempt from prosecution under other legislation. As officers, elected members are required to take a responsible attitude to health and safety and undertake due diligence to ensure compliance with the legislation.

Open Meeting

To	Policy & Regulatory Committee
From	S Duignan General Manager Customer Support
Date	1 March 2016
Prepared By	S Monrad Corporate Planner
Chief Executive Approved	Y
DWS Document Set #	1467707
Report Title	Proposed Public Places Bylaw 2015 following Hearings and Deliberations

1. Executive Summary

On 12 October 2015 Council resolved to consider and approve the Proposed Public Places Bylaw (subject to any amendments) for public notification and consultation, in accordance with section 83 of the Local Government Act 2002 (special consultative procedure) provisions.

The proposed bylaw was notified for public consultation on 28 October 2015, with submissions closing on 30 November 2015. Public notices to this effect were placed in the Waikato Times, North Waikato News, Franklin County News and Raglan Chronicle.

In total, 19 submissions were received. On 2 February 2016 a hearing was held and 11 submitters verbally presented their submissions. The Committee considered all submissions and made recommendations on what changes needed to be made to the policy.

The purpose of this report is to provide the revised bylaw and submission report incorporating the recommendations from the committee and to recommend that Council approve the changes made.

2. Recommendation

THAT the report of the General Manager Customer Support – *Proposed Public Places Bylaw 2015 following Hearings and Deliberations* be received;

AND THAT subject to any amendments and pursuant to section 83 of the Local Government Act 2002, the Committee having heard and considered submissions on the proposed Waikato District Council Public Places Bylaw 2015 recommend to Council to adopt the amended bylaw as the Waikato District Council Public Places Bylaw 2016.

AND THAT the Franklin District Council Public Places Bylaw 2007; the Franklin District Council Traffic Control Bylaw 2006; the Franklin District

Council Trading in Public Places Bylaw 2008; the Waikato District Council Parking, Traffic Control and Public Places Bylaw 2007 and the Waikato District Council Trading in Public Places Bylaw 2008 be revoked the day the Waikato District Council Public Places Bylaw 2016 comes into force.

3. Background

Currently the Council has five bylaws in place that relate to public places. These are:

1. Franklin District Council Public Places Bylaw 2007;
2. Franklin District Council Traffic Control Bylaw 2006;
3. Franklin District Council Trading in Public Places Bylaw 2008;
4. Waikato District Council Parking, Traffic Control and Public Places Bylaw 2007
5. Waikato District Council trading in Public Places Bylaw 2008

The proposed, updated Bylaw combines these bylaws to create a consistent approach to managing public places across the district.

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

On 2 February 2016 a hearing was held and 11 submitters verbally presented their submissions. Deliberations were then held where the Committee considered all submissions and made recommendations on what changes needed to be made to the policy.

Each submission was considered and a determination made on each of the issues raised. Each submitter is entitled to be informed of the outcome of their submission, including the reasons for the decision.

A list of submitters and the issues raised by submitters with an accompanying Council decision for the proposed Public Places Bylaw is provided as Appendix 1 of this report. A revised copy of the bylaw, incorporating the changes following deliberations is provided as Appendix 2 of this report. The Raglan Maps (3 and 4) have been updated to reflect these changes.

4. Discussion

As a result of the hearings and deliberations there have been recommended changes to the bylaw. The changes that were identified are:

1. The establishment of a 15 minute parking spot outside the Raglan library.
2. To change the two parking spaces at the wharf from 15 minute parking to 30 minute parking.
3. To remove the 4 carparks introduced in the proposed bylaw and return these back to one boat trailer park.

These changes have been reflected within the revised bylaw in Appendix 2 and in the council decisions report.

In addition to these changes to the bylaw it was identified that the following actions are to occur in response to the submissions:

- That a sign is to be placed at the entrance to Opotoru Road identifying that Opotoru Road is not to be used by any heavy vehicles associated with the construction of any civil works on the Rangitahi Peninsula.
- Incorporate the provision of parking into the assessment of boat ramps which is due to be undertaken next year.

5. Considerations

5.1 Financial

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

5.2 Legal

The Local Government Act 2002 requires Council to review the bylaw and follow the Special Consultative Procedure.

5.4 Strategy, Plans, Policy & Partnership Alignment

There have been no implications identified.

5.5 Assessment of Significance

The Proposed Public Places Bylaw 2015 triggers Council's Significance and Engagement Policy as the Special Consultative Procedure was required and undertaken.

6. Consultation

Early engagement was undertaken with Community Boards prior to notifying the draft bylaw. The special consultative procedure was then undertaken and the community boards, committees and community groups were directly notified.

Other means of notifying the bylaw were undertaken through the website, public notices, link and face book. As a result of the consultation undertaken in accordance with the special consultative procedure we are satisfied that the stakeholders noted in the table below have been consulted in accordance with the significance and engagement policy.

7. Conclusion

The proposed Public Places Bylaw 2015 was notified and followed the Special Consultative Procedure as required under the Local Government Act. Following receipt of submissions and holding a hearing the Committee has made determinations on each of the points raised by submitters and recommended changes to the bylaw. These changes have been made to the bylaw and the decisions report. This report is to confirm those changes and recommend to Council for adoption.

Attachments

The following documents are included as appendices to this report:

- Appendix 1 - A summary report incorporating staff comments and Council decisions on submissions to the Proposed Waikato District Council Public Places Bylaw
- Appendix 2 - Proposed Public Places Bylaw 2016 (incorporating changes as a result of submissions and deliberations)

(Appendix 1)



Proposed Public Places Bylaw 2015

Council Decisions Report on Submissions

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Readers Guide

The proposed Public Places Bylaw 2015 was notified on 28 October 2015 with submissions closing on 30 November 2015.

Each submitter has been allocated a unique submitter number.

The electronic pdf copy of this document is hyperlinked for ease of locating the relevant submitter and/or issue/matter.

This report has three key sections. Each of these sections is outlined in detail below:

Issues Raised

This section of the report outlines the numbers of submitters that lodged submissions against the respective issue listed and outlines the page number that each of the respective issues start on within this document for a quick reference guide.

Submitter Index

This section outlines the list of submitters in submitter number order. It outlines which issues they submitted against.

Council report on submissions

This report provides councils decisions on all issues/matters received by the submitters in relation to the proposed Public Places Bylaw 2015. This report is sorted by topic/matter raised and then by submitter number.

Issues Raised

Category	No. Submission Points	Page No.
Do you support the Bylaw?	35	8
Change to the parking maps	11	12
Any other activities that need to be controlled	9	20
Any specific conditions for people that sell goods	2	23
Additional comments	10	24

Submitter Index

Sub No	Submitter	Organisation	Issue/matter submitted on
1	Gillian Hansen		Do you support the bylaw? Additional Comments
2	Toni Grace	Te Kauwhata Community Committee	Do you support the bylaw?
3	Jenny Kelly		Do you support the bylaw? Changes to the parking maps Any other activities that need to be controlled? Any specific conditions for people that sell goods?
4	Richard Smith		Do you support the bylaw? Any other activities that need to be controlled?
5	Kelly Murphy	Raglan Community Board	Do you support the bylaw? Changes to the parking maps Any other activities that need to be controlled? Additional Comments
6	Robert MacLeod		Any other activities that need to be controlled?
7	Genette Wilson		Any other activities that need to be controlled?
8	Susan Marrow		Do you support the bylaw? Changes to the parking maps
9	Marie de Jong	Soul Shoes	Do you support the bylaw? Changes to the parking maps
10	Bob MacLeod	Oporu Road Protecting Raglan Character	Do you support the bylaw? Any other activities that need to be controlled?
11	Bob MacLeod	Raglan Residents & Ratepayers Association	Do you support the bylaw? Changes to the parking maps Any other activities that need to be controlled?
12	Chrissy Hodgkinson	The Raglan House	Do you support the bylaw? Changes to the parking maps Any other activities that need to be controlled?
13	Helen Clotworthy	Pokeno Community Group	Do you support the bylaw? Changes to the parking maps Any other activities that need to be controlled? Any specific conditions for people that sell goods? Additional Comments
14	John Lawson		Do you support the bylaw? Changes to the parking maps
15	Kylie Hall		Do you support the bylaw?

16	Sheryl Hart	Raglan Sport Fishing Club	Changes to the parking maps Additional Comments
17	C Bridgman		Do you support the bylaw? Changes to the parking maps Additional Comments
18	Bronwyn Watson		Changes to the parking maps Additional Comments
19	Trish Forsyth	Ngaruawahia Community Board	Change to the parking maps

Council Decisions on submissions received

Category: Do you support the Bylaw?		No. of Submissions: 14	
Submitter No	Submitter Name	Organisation/On Behalf Of	
1	Gillian Hansen		
Submission		Staff Comment	Council Decision
Yes		Your support has been acknowledged.	Your support has been acknowledged.
Submitter No	Submitter Name	Organisation/On Behalf Of	
2	Toni Grace	Te Kauwhata Community Committee	
Submission		Staff Comment	Council Decision
Yes - The Te Kauwhata Community Committee support the Council's stance, particularly in Section 15.2 of the proposed Bylaw.		Your support has been acknowledged.	Your support has been acknowledged
Submitter No	Submitter Name	Organisation/On Behalf Of	
3	Jenny Kelly		
Submission		Staff Comment	Council Decision
Yes - All proposals seem quite sensible to me. We certainly need restrictions around the use of legal highs. Freedom camping creates health and environmental hazards and so needs appropriate legislation as does roadside trading.		Your support has been acknowledged.	Your support has been acknowledged
Submitter No	Submitter Name	Organisation/On Behalf Of	
4	Richard Smith		
Submission		Staff Comment	Council Decision
No - PART 3 -ACTIVITIES IN PUBLIC PLACES 22. SKATEBOARDS, ROLLER SKATES, INLINE SKATES AND WHEELEDRECREATIONAL DEVICESI feel people should have the ability to transport themselves in a respectful, sustainable and healthy manner. Having a bylaw deterring these forms of movement reduces the number of people willing to partake in these endeavours or to move around more responsibly in fear of prosecution. Bringing people into public spaces helps to create more connected, vibrant and creative communities		The purpose of the bylaw is to prevent a nuisance situation occurring. The use of these devices in a public place where there are a large number of people is likely to create a nuisance. In order to enable Council to take action where a nuisance is being caused this clause has been included in the bylaw.	The purpose of the bylaw is to prevent a nuisance situation occurring. The use of these devices in a public place where there are a large number of people is likely to create a nuisance. In order to enable Council to take action where a nuisance is being caused this clause has been included in the bylaw.

Submitter No	Submitter Name	Organisation/On Behalf Of	
5	Kelly Murphy	Raglan Community Board	
Submission		Staff Comment	Council Decision
No - Yes and No. We would like to see a change and an introduction.		This bylaw follows a format that has been developed by Council and is used in other bylaws.	This bylaw follows a format that has been developed by Council and is used in other bylaws.
Submitter No	Submitter Name	Organisation/On Behalf Of	
8	Susan Marrow	Raglan Vintage & Retro	
Submission		Staff Comment	Council Decision
No		Your position on the bylaw has been noted.	Your position on the bylaw has been noted.
Submitter No	Submitter Name	Organisation/On Behalf Of	
9	Marie de Jong	Soul Shoes	
Submission		Staff Comment	Council Decision
No		Your position on the bylaw has been noted.	Your position on the bylaw has been noted.
Submitter No	Submitter Name	Organisation/On Behalf Of	
10	Bob MacLeod	Oporu Road Protecting Raglan Character	
Submission		Staff Comment	Council Decision
Yes		Your support has been acknowledged.	Your support has been acknowledged.
Submitter No	Submitter Name	Organisation/On Behalf Of	
11	Bob MacLeod	Raglan Residents & Ratepayers Association	
Submission		Staff Comment	Council Decision
No - Section 22.1 remove Bow street and the footbridge from Schedule 4. This has been unenforceable since it was imposed on the community.		Your position on the bylaw has been noted. This area has been identified as a high use area and was put in place in order to prevent a possible accident. Should a nuisance arise this enable council to undertake appropriate action.	Your position on the bylaw has been noted. This area has been identified as a high use area and was put in place in order to prevent a possible accident. Should a nuisance arise this enable council to undertake appropriate action.

Submitter No	Submitter Name	Organisation/On Behalf Of	
12	Chrissy Hodkinson	The Raglan House	
Submission		Staff Comment	Council Decision
Yes - We commend Council on the inclusion of a proposal to ban the use of legal highs in all public places and fully endorse and support this proposal. We also support the removal of one boat/trailer park to create our new parking spaces.		Your support has been acknowledged. The removal of one boat trailer park and the addition of 4 car parks at the Raglan Wharf will allow for a mix of parking on the wharf. There are retail outlets on the wharf and the creation of 4 car parks will allow for greater use of this area. If agreed by Council the map will be updated in the bylaw and the physical marking of these parks will be amended once the bylaw is adopted.	Council has determined to amend the proposed bylaw that was put out for consultation and retain the status quo. The existing boat trailer park will be retained.
Submitter No	Submitter Name	Organisation/On Behalf Of	
13	Helen Clotworthy	Pokeno Community Group	
Submission		Staff Comment	Council Decision
Yes - With the expected growth in Pokeno there could be a need for managed use of our public places.		Your support has been acknowledged. There are currently no specific controls for Pokeno in the bylaw. The development of controls will need to be developed following consultation with that community.	Your support has been acknowledged. There are currently no specific controls for Pokeno in the bylaw. Controls will need to be developed following consultation with that community.
Submitter No	Submitter Name	Organisation/On Behalf Of	
14	John Lawson		
Submission		Staff Comment	Council Decision
No - The skateboarding rules aren't enforced and discourage law abiding skateboarders from most of Raglan accessing the skateboard park. It also makes no provision for cycle lanes in Raglan. Bow St is 20 metres wide, so it should be possible to fit in two 1.5 metre cycle/skateboard lanes either side of the central reservation (Table 4.1 of http://www.nzta.govt.nz/assets/resources/nz-supplement-austroads-gtep-part-14-bicycles/docs/nz-supplement-austroads-gtep-part-14-bicycles.pdf shows the Desirable Minimum Width of lanes as 1.5m).		The skateboard rules are put in place to enable Council to take action should a dangerous situation be identified. Where this occurs the provisions in the bylaw are able to be used to address the issue. Council's Roding engineers have been informed of your request for cycle lanes in Raglan.	The skateboard rules are put in place to enable Council to take action should a dangerous situation be identified. Where this occurs the provisions in the bylaw are able to be used to address the issue. Council's Roding engineers have been informed of your request for cycle lanes in Raglan.

Submitter No	Submitter Name	Organisation/On Behalf Of	
15	Kylie Hall		
Submission		Staff Comment	Council Decision
Yes - We're in Waiuku - Totally in support of anything that prohibits use of legal highs so support the Activities change.		Your support has been acknowledged.	Your support has been acknowledged.
Submitter No	Submitter Name	Organisation/On Behalf Of	
17	C Bridgman		
Submission		Staff Comment	Council Decision
No - Process is not open transparency and in good faith. Better options to be considered. Short term fix questionable. No long term thought.		Your position on the bylaw has been noted. Council is required to apply the special consultative process in the making or reviewing of a bylaw.	Your position on the bylaw has been noted. Council is required to apply the special consultative process in the making or reviewing of a bylaw.

Category: Change to the parking maps		No. of Submissions: 11	
Submitter No	Submitter Name	Organisation/On Behalf Of	
3	Jenny Kelly		
Submission		Staff Comment	Council Decision
Local knowledge means that I never use them, so cannot comment.		Your comment has been noted.	Your comment has been noted.
Submitter No	Submitter Name	Organisation/On Behalf Of	

5	Kelly Murphy	Raglan Community Board	
Submission		Staff Comment	Council Decision
<p>Map 3 Add: 'No Stopping or Parking Lines' vii) Any Part of Bankart St viii) Fire Station, Helipad and 11 Wainui Rd Add: 'Parking Places' viii) James St ix) Stewart St Add: Loading Zones ii) Any part of Wainui Rd Map 4 'Emergency' not included on map (ie. coast guard) Add: 'Bus Stops' ii) Any part of Wallis St.</p> <p><i>Please refer to the Raglan CBD Parking Report which was provided with the submission which summarises results received during the "Raglan Business Parking Survey".</i></p>		<p>The changes identified need to be added to the maps.</p> <p>It is noted that the survey document attached to the submission identifies that the majority of shop owners support a 2 hour limit applied however this is not identified in the submission.</p>	<p>The amendments identified in the submission have been included and changes have been made to the parking map to reflect this.</p>
Submitter No	Submitter Name	Organisation/On Behalf Of	
8	Susan Marrow	Raglan Vintage & Retro	
Submission		Staff Comment	Council Decision
<p>I would like a sign to be erected along the 'board walk' area to say 'Cars only' to prevent boat trailers from parking there all day, as is the current situation, as per the attached photos. In addition to this more car parks need to be allowed for, to cater for the customers of the retail shops that are now on the wharf. As the WDC has provided retail space on the wharf, and as a tenant of one of these units, we are constantly receiving complaints from people saying there is not sufficient parking. A lot of the car parks are taken up by people that park all day to go fishing, or boaties, and their friends.</p> <p><i>Please refer to original submission which contains 3 parking photos to support the submission.</i></p>		<p>The car parking identified in the photos is a breach of the current bylaw and the vehicle can be fined for this breach. It is understood that there is a shortage of parking in the vicinity of the boat ramp. In order to accommodate more parking at the wharf one of the boat trailer parks can be converted into 4 car parking spaces. If agreed by Council the map will be updated in the bylaw and the physical marking of these parks will be amended once the bylaw is adopted.</p>	<p>The car parking identified in the photos is a breach of the current bylaw and the vehicle can be fined for this breach. It is understood that there is a shortage of parking in the vicinity of the boat ramp. In order to allow for cars to park longer at the wharf Council has amended the 15 minute parks at the wharf to be 30 minutes.</p> <p>Council has determined to amend the proposed bylaw that was put out for consultation and retain the existing boat trailer park that is on the wharf until a study has been undertaken to investigate the boat trailer parking issues in Raglan.</p> <p>In relation to the parking along the board walk Council has determined that it is not</p>

			appropriate to restrict the parallel parking to cars only as this area is intended to also be used by cars with boat trailers.
Submitter No	Submitter Name	Organisation/On Behalf Of	
9	Marie de Jong	Soul Shoes	
Submission	Staff Comment	Council Decision	
Parking chaos down at the raglan wharf...have been waiting for the past 3 years for something to change..Staff from all the retail spaces on the wharf come and take the prime parks first thing in the morning staying all day as well as the fishing charter customers and the Waihine Moe charter boat staff. Most days Huge Tour buses take up space bringing people to go out on the Harbour Cruise on the Waihine Moe Charter Boat ... I make all the Soul Shoes Staff park down the road. If only the other business would do the same.. but they don't.	It is understood that there is a shortage of parking in the vicinity of the boat ramp. There are time limits for some of the parking at the Raglan Wharf but it does not apply to the whole area. Council officers enforce the time limits in these locations. In order to accommodate more parking at the wharf one of the boat trailer parks can be converted into 4 car parking spaces. If agreed by Council the map will be updated in the bylaw and the physical marking of these parks will be amended once the bylaw is adopted.	It is understood that there is a shortage of parking in the vicinity of the boat ramp. There are time limits for some of the parking at the Raglan Wharf but it does not apply to the whole area. Council officers enforce the time limits in these locations. Council has determined to amend the proposed bylaw that was put out for consultation and retain the existing boat trailer park that is on the wharf until a study has been undertaken to investigate the boar trailer parking issues in Raglan	
Submitter No	Submitter Name	Organisation/On Behalf Of	
11	Bob MacLeod	Raglan Residents & Ratepayers Association	
Submission	Staff Comment	Council Decision	
Add a additional Map to include Parking in the Camp area. to include boat parking, motorhome parking and overflow parking	There has not been a need to implement parking controls in the Kopua camp area. No issues have been reported to Council regarding parking in this area. Should there be issues identified, signage could be placed to inform people visiting this area.	There has not been a need to implement parking controls in the Kopua camp area. No issues have been reported to Council regarding parking in this area. Should there be issues identified, signage could be placed to inform people visiting this area	
Submitter No	Submitter Name	Organisation/On Behalf Of	

12	Chrissy Hodkinson	The Raglan House	
Submission		Staff Comment	Council Decision
Parking - disabled			
<p>1. There is a disabled car park outside the Community House at 45 bow Street. This is not shown on the map.</p> <p>2. The disabled car park outside Blacksand café should be moved to outside the Laundromat on Wainui Road. It should be the last parking space in that block. It is extremely difficult for the mobility impaired to get into and out of their vehicles and get laundry into and out of the Laundromat.</p> <p>3. The park outside Blacksand café on Wainui road could usefully be turned into motorcycles car parking.</p>		<p>Change 1 has been updated on the map to show the disabled park at 45 Bow Street.</p> <p>Change 2 has been put to board in the past and they have not supported the placement of a disabled park in this location. It is considered that there are already a sufficient number of disabled parks in this area.</p> <p>In regards to suggested change 3 there is currently an issue with a lack of available parking for motorcycles. Parking for motorcycles does occur on the median in Bow Street however this is not a designated motorcycle area. Staff recommend that a feasibility study be undertaken before the motorcycle parking can be included. If this parking is considered feasible then the bylaw can be amended at a later date in accordance with clause 41 of the bylaw.</p>	<p>Change 1 has been updated on the map to show the disabled park at 45 Bow Street.</p> <p>Change 2 request will not result in a change to the parking maps. It is considered that there are already a sufficient number of disabled parks in this area. There are also concerns regarding the suitability of the park that has been suggested in terms of safety given that there is a curb in front of the park and that the park is an angle park. The remarking to take into account a disabled park is also likely to affect other parking in this area. In regards to suggested change 3 there is currently an issue with a lack of available parking for motorcycles. Council has requested a feasibility study be undertaken for parking motorcycles on the median. If this parking is considered feasible then the bylaw can be amended at a later date in accordance with clause 41 of the bylaw.</p>
No Parking zones			
<p>1. The centre strip of Wainui Road between Bankart Street and Bow Street should be designated as a no parking zone as the centre strip in Bow Street is so designated. The Wainui Road centre strip is constantly used as a car park - particularly in summer by people accessing the dairy and the liquor store and this is hazardous to pedestrians and vehicular traffic alike.</p>		<p>This is a median and cars are not permitted to park in the area. Council does undertake parking patrols of Raglan and does issue infringement notices for cars that breach the parking restrictions.</p>	<p>This is a median and cars are not permitted to park in the area. Council does undertake parking patrols of Raglan and does issue infringement notices for cars that breach the parking restrictions.</p>

Parking General			
<div><div><div>1. We question why there needs to be unlimited parking outside the hardware store in Wallis Street. This should be 2 hour parking.</div><div>2. We also question why there needs to be unlimited parking in a strip in Wi Neera Street outside the Council building.</div><div>3. We believe that parking in Bankart Street should be 2 hour parking - provided that Council can identify a "business" car park for use by staff who work in town and need to bring their cars to work.</div><div>4. We believe that the parking on the left hand side of Wallis Street, close to the Raglan Wharf should be 2 hour parking - not unlimited. We endorse the removal of one boat/trailer park to enable four new car parks at the wharf.</div></div><div>Wallis Street is spelt differently in several places in the bylaw appearing as Walls and also as Wallace. The bylaw should be corrected to reflect the correct spelling as "Wallis Street".</div></div>		<div>These parking spaces are located in outer limit for parking in Raglan and it has been identified that it is appropriate to allow for unlimited parking in the area. Changes 1 and 2 in these areas are not supported.</div> <div>The 2 hour parking in Bankart Street seems appropriate as this is identified as a business area and is near the supermarket in Raglan.</div> <div>This area is available and is heavily used by boat trailers. Incorporating a time limit may result in boat trailers not using this area. A two hour time limit being placed on the parking area nearest the wharf buildings does not seem suitable. However, these parks should be for a maximum of 48 hours and this change has been included in a revised bylaw.</div> <div>In order to accommodate more parking at the wharf one of the boat trailer parks will be converted into 4 car parking spaces. If agreed by Council the map will be updated in the bylaw and the physical marking of these parks will be amended once the bylaw is adopted.</div> <div>The schedule has been amended to show the correct spelling of Wallis Street.</div>	<div>These parking spaces are located in outer limit for parking in Raglan and it has been identified that it is appropriate to allow for unlimited parking in the area. Requested changes 1 and 2 in these areas have therefore not been included the final bylaw.</div> <div>The 2 hour parking in Bankart has been included in the Bylaw.</div> <div>The parking area on the left hand side of Wallis Street, close to the Raglan Wharf is available and is heavily used by boat trailers. Incorporating a time limit may result in boat trailers not using this area. A time limit will not be implemented for these parks.</div> <div>The schedule has been amended to show the correct spelling of Wallis Street.</div>
Submitter No	Submitter Name	Organisation/On Behalf Of	
13	Helen Clotworthy	Pokeno Community Group	

Submission		Staff Comment	Council Decision
Pokeno - not on the map, our future needs should be identified (Taxi stands, camper vans, bus stops, toilets and loading zones.)		There are currently no parking controls for the northern part of the district. Council does not provide a parking service to either Pokeno or Tuakau at this stage. Parking controls could be put place following consultation with the community about what is needed.	There are currently no parking controls for the northern part of the district. Council does not provide a parking service to either Pokeno or Tuakau at this stage. Parking controls can be put in place following consultation with the community about what is needed.
Submitter No	Submitter Name	Organisation/On Behalf Of	
14	John Lawson		
Submission		Staff Comment	Council Decision
Map 3 shows 31 empty parking spaces in the Raglan Club car park (membership \$25 a year includes free parking). It was taken before the addition of 57 parking spaces in James St, but shows only 14 vehicles parked on that street. It was also taken before the private area off Wi Neera St became available for parking at \$10 a week (NB the recent Community Board survey showed that only 7 businesses consider parking in the CBD of sufficient value to them to pay \$10 a week). Long term parking should be encouraged in these areas and the whole of the Bow St and Wainui Rd CBD area reduced to 15 minute parking. This would allow many more to make a quick visit to a shop. For those staying longer a walk of a minute or two would not add greatly to their stay times and the extra pedestrian traffic would increase the viability of shops on the CBD fringe. It would also allow the area between Wallis St and Cliff St to be converted from a car park to a park, including safe provision for pedestrians walking from the CBD to Cliff St and the jetty/footbridge from the north side of Bow St. Part of the 43.3m no parking area on the corner of Wallis St and Bow St should be restored to a bus stop, or arrangements should be made to re-route the bus to use the Library stop in both directions. The map shows no provision for buses from Hamilton to stop and the current stopping place conflicts with cars parking in the Hotel carpark and is inconvenient for most bus passengers. No parking areas should be		<p>Council does not control the use of parking on private property but is working on increasing the availability of long term parking in Raglan.</p> <p>The current 60 minute parking in the CBD is considered to be appropriate and allows for a turnover of traffic in the CBD whilst also allowing people sufficient time to shop. 15 minutes is considered too short a time for parking in this area.</p> <p>A bus stop is unable to be put in place on the corner of Wallis and Bow Street due to the width of road and traffic at this intersection. We will refer the comment regarding re-routing the bus to the Waikato Regional Council for their consideration as the Regional Council is responsible for bus timetables and routes.</p> <p>The suggested changes to the parking map in relation to No parking area seems</p>	<p>Council does not control the use of parking on private property but is working on increasing the availability of long term parking in Raglan.</p> <p>The current 60 minute parking in the CBD is considered to be appropriate and allows for a turnover of traffic in the CBD whilst also allowing people sufficient time to shop. 15 minutes is considered too short a time for parking in this area.</p> <p>A bus stop is unable to be put in place on the corner of Wallis and Bow Street due to the width of road and traffic at this intersection. Council is meeting with Regional Council regarding the bus route and options will be discussed.</p> <p>The suggested changes to the parking map in relation to the No parking areas have been incorporated into the parking map.</p>

shown between the parking spaces on the south side of Wallis St, such that the parking restrictions extend to the same length of the street on both sides.		appropriate. Changes have been made to the map to show the No parking areas on the south side of Wallis Street.	
Submitter No	Submitter Name	Organisation/On Behalf Of	
16	Sheryl Hart	Raglan Sport Fishing Club	
Submission		Staff Comment	Council Decision
<p>Present Situation</p> <p>Wharf The history of the wharf officially started in 1916 with the official opening of the Raglan wharf, nearly 100 years of shipping/fishing & boating from the area. Some years ago WDC brought two sections on Wallis Street to be used for boat parking, however they were never developed and later sold. Then the council in its wisdom has created a retail area without providing the necessary parking to cater for the increase use. The creation of new car parks needs to be addressed.</p> <p>Problems with the Wharf area</p> <ul style="list-style-type: none"> With maintenance upgrade on ramp surface would be an excellent boat ramp. Insufficient parking during the period October through to April or exceptional fine weather during the winter. We accept that during periods of bad weather this area is under-utilized. <p>Possible Solutions</p> <ul style="list-style-type: none"> Council need to police the present parking bylaws. The length of the present marked parks is insufficient to take the units that use the area, which is up to 13 metres, this needs to include lengthening both those car/trailer parks in front of the silos and those on Wallis Street. As already agreed the width of the multi-purpose car/trailer 		<p>This area is available and is heavily used by boat trailers. Incorporating a time limit may result in boat trailers not using this area. A two hour time limit being placed on the parking area nearest the wharf buildings does not seem appropriate. However, these parks should be for a maximum of 48 hours and this change has been included in a revised bylaw.</p> <p>In order to accommodate more parking at the wharf one of the boat trailer parks can be converted into 4 car parking spaces. If agreed by Council the map will be updated in the bylaw and the physical marking of these parks will be amended once the bylaw is adopted.</p> <p>Boat Ramps – There is funding in the 2016/17 financial year for a boat ramp rationalisation study to look at why and where Council should be providing boat ramps to help inform future capital spend.</p> <p>Scheduled parking patrols are undertaken in Raglan.</p>	<p>This area is available and is heavily used by boat trailers. Incorporating a time limit may result in boat trailers not using this area. A maximum of 48 hour time limit for boat trailer parking has been included in a revised bylaw.</p> <p>Council has determined to amend the proposed bylaw that was put out for consultation and retain the existing boat trailer park that is on the wharf until a study has been undertaken to investigate the boat trailer parking issues in Raglan.</p> <p>Boat Ramps – There is funding in the 2016/17 financial year for a boat ramp rationalisation study to look at why and where Council should be providing boat ramps to help inform future capital spend.</p> <p>Council officers carry out scheduled parking patrols are undertaken in Raglan.</p> <p>The length of the parking areas in front of the silos are marked to ensure that they are safe and have been assessed by Council</p>

<p>parks on both sides of Wallis Street need to be remarked.</p> <ul style="list-style-type: none"> • The area in front of the present retail area does not need to be closed to parking except for one space in front of the Coastguard shed for emergencies. • Council need to remove the yacht repair business operating at the top of the boat ramp. This is meant to be available for emergency services parking and a turning bay for boat users. • All car and trailer parks must have a 48 hour time frame. Both in front of the silos and those multipurpose parks along Wallis Street. This allows for extended trips out to sea, but does not allow the area to become a storage facility. 	<p>The length of the parking areas in front of the silos are marked to ensure that they are safe and have been assessed by Council engineers. The parking on Wallis Street is to accommodate both cars and vehicles with trailers. This area is not exclusively for vehicles with boat trailers.</p> <p>Council is aware of the issue with the width of the car parking areas on this section of Willis Street and the need to remark this area.</p> <p>We have not identified a yacht repair business operating in this area. A container is in this area but is used by the coastguard. Should it be identified that this activity is occurring in this area then further action can be taken.</p> <p>The area in front of the retail area is closed to parking in order to allow for room to manoeuvre large boats/trailers.</p> <p>The need for a timeframe for use of the boat ramp area is noted. In order to allow for this a change to the parking map and schedule will occur limiting the parking in this area for 48 hours. The bylaw has been amended accordingly.</p>	<p>engineers. The parking on Wallis Street is to accommodate both cars and vehicles with trailers. This area is not exclusively for vehicles with boat trailers.</p> <p>Council is aware of the issue with the width of the car parking areas on this section of Willis Street and the need to remark this area. Councils roading team have reported that there was some erosion undermining the road that has been recently fixed, which was required before any further work could happen. This has given light to a couple of other issues. Firstly, the road corridor is not wide enough in some areas to accommodate the enlarged parking markings and there is some water ponding/overflows happening at times also. Council is working through fixes for these and will remark the parks once all other issues are remedied.</p> <p>We have not identified a yacht repair business operating in this area. A container is in this area but is used by the coastguard. Should it be identified that this activity is occurring in this area then further action can be taken.</p> <p>The area in front of the retail area is closed to parking in order to allow for room to manoeuvre large boats/trailers.</p> <p>The need for a timeframe for use of the boat ramp area is noted. In order to allow for this a change to the parking map and schedule will occur limiting the parking in</p>
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		this area for 48 hours. The bylaw has been amended accordingly.
Kopua <ul style="list-style-type: none"> Great all tide boat ramp. Swift currents can at times hinder loading and unloading. Problem with height under walk bridge for large vessels even with the increase in height of the new bridge. Will need more parking in the future during heavy summer usage. Can't access from the harbour at low tide. Possible Solutions <ul style="list-style-type: none"> The entrance to the Kopua needs to be dredged to provide access at low tide. Extra parking could be provided by opening up the football field nearest the ramp for parking. 	<p>Council has no plan to increase the height of the Kopua Bridge.</p> <p>The dredging of the entrance is outside the scope of the bylaw, there are no proposals in council's current plans to undertake this. Further information may be available from the Waikato Regional Council on any plans for dredging this channel for navigation reasons.</p>	<p>Council has no plan to increase the height of the Kopua Bridge.</p> <p>The dredging of the entrance is outside the scope of the bylaw, there are no proposals in council's current plans to undertake this. Further information may be available from the Waikato Regional Council on any plans for dredging this channel for navigation reasons.</p>
Manu Bay <ul style="list-style-type: none"> Sufficient parking presently. Only able to be used at mid tide, except in very calm conditions. Only able to be used by very experienced users and small vessels. Possible Solutions <ul style="list-style-type: none"> Development of this area as an all-purpose boat ramp and parking area is a possibility. Would need council backing to see it through. 		<p>There is funding in the 2016/17 financial year for a boat ramp rationalisation study to look at why and where Council should be providing boat ramps to help inform future capital spend.</p>
Submitter No	Submitter Name	Organisation/On Behalf Of
17	C Bridgman	
Submission	Staff Comment	

<p>Would like a copy of all submissions re: raglan parking prior to verbal hearing.</p> <p>Raglan Wharf current situation</p> <p>The wharf area is used by a large number of people for all reasons. Some of these are shoppers to the local shops, commercial users to the fishing industry, recreational boat owners and fisherman who fish from the wharf. Visitors to the newly opened bar and restaurant. It doesn't take a rocket scientist to visit at the peak usage times and quickly realize the current parking area is not large enough for the usage. Any amount of robbing boat car parks for vehicle car parking is not going to fix the problem.</p> <p>Suggested solutions</p> <ul style="list-style-type: none">• Make other boat ramps more attractive for vessel owners to use (Kopua and Manu Bay).• Construct a new ramp with in the harbour area.• Reclamation at the wharf.• Park and ride at high vehicle and pedestrian usage periods. <p>Conclusion</p> <p>There needs to be more thought and consultation with all interested parties prior to a decision being made.</p> <p>Leave as status quo and form a working party of interested parties from all wharf users to find a common sense suitable solution that is financially viable to all.</p>	<p>The existing controls for parking are designed to try and cater for a mix of boat user and visitor parking. In order to accommodate more parking at the wharf one of the boat trailer parks can be converted into 4 car parking spaces. If agreed by Council the map will be updated in the bylaw and the physical marking of these parks will be amended once the bylaw is adopted.</p> <p>The development of an all-purpose boat ramp is outside scope of the bylaw however Council does not intend to construct a further new ramp or undertake a reclamation.</p> <p>Boat Ramps – There is funding in the 2016/17 financial year for a boat ramp rationalisation study to look at why and where Council should be providing boat ramps to help inform future capital spend.</p> <p>The provision of a park and ride facility is not current undertaken by Council however this will be identified as a future option for managing traffic flows.</p>	<p>The existing controls for parking are designed to try and cater for a mix of boat user and visitor parking. Council has determined to amend the proposed bylaw that was put out for consultation and retain the existing boat trailer park that is on the wharf until a study has been undertaken to investigate the boat trailer parking issues in Raglan.</p> <p>The development of an all-purpose boat ramp is outside scope of the bylaw however Council does not intend to construct a further new ramp or undertake a reclamation.</p> <p>Boat Ramps – There is funding in the 2016/17 financial year for a boat ramp rationalisation study to look at why and where Council should be providing boat ramps to help inform future capital spend.</p> <p>The provision of a park and ride facility is not current undertaken by Council however this will be identified as a future option for managing traffic flows.</p>	
Submitter No	Submitter Name	Organisation/On Behalf Of	
18	Bronwyn Watson		
Submission	Staff Comment	Council Decision	

<p>Parking Times</p> <p>Signs for off loading loading etc 5, 30, 60 and 120 minutes where applicable.</p> <p>Loading or Offloading zones - none</p>	<p>Signs are put in place in accordance with the Road User Rules that sets out a prescribed format.</p>	<p>Signs are put in place in accordance with the Road User Rules that sets out a prescribed format.</p>
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Category: Any other activities that need to be controlled		No. of Submissions: 9	
Submitter No	Submitter Name	Organisation/On Behalf Of	
3	Jenny Kelly		
Submission		Staff Comment	Council Decision
Dog bylaws have recently been revised. Fireworks might be an issue.		The proposed bylaw does not restrict the use of fireworks in a public place. A clause regarding controlling the use of fireworks in a public place would be very difficult to enforce.	The proposed bylaw does not restrict the use of fireworks in a public place. A clause regarding controlling the use of fireworks in a public place would be very difficult to enforce.
Submitter No	Submitter Name	Organisation/On Behalf Of	
4	Richard Smith		
Submission		Staff Comment	Council Decision
Less not more		Comment noted.	Comment noted.
Submitter No	Submitter Name	Organisation/On Behalf Of	
5	Kelly Murphy	Raglan Community Board	
Submission		Staff Comment	Council Decision
Map 3 Bankart St change from 'No Limit' to 'P120' Map 4 Introduce 48Hr Parking Restriction @ (19.5m) (27.0m)		The requested change has been incorporated into the parking maps.	The requested change has been incorporated into the parking maps.
Submitter No	Submitter Name	Organisation/On Behalf Of	
6	Robert MacLeod	Resident	
Submission		Staff Comment	Council Decision
Add to: PART 4 - TRAFFIC CONTROL section 25 ROADS RESTRICTED TO SPECIFIC CLASSES OF VEHICLES. As determined by the Waikato District Council Land Use Consent 0249/06 including amended conditions dated 23rd September 2015. Section 25 A 'OPOTORU ROAD IS NOT TO BE USED BY ANY HEAVY VEHICLES associated with the construction of any civil works on the Rangitahi Peninsula'. be included in Schedule 3		The activity is already controlled by the conditions of the resource consent it is not necessary to replicate this in the Bylaw.	The activity is already controlled by the conditions of the resource consent. No change has been made to the Bylaw. However, Council has identified that a sign will be placed at the entrance to the road informing that Opotoru Road is not to be used by any heavy vehicles associated with

			the construction of any civil works on the Rangitahi Peninsula.
Submitter No	Submitter Name	Organisation/On Behalf Of	
7	Genette Wilson		
Submission		Staff Comment	Council Decision
Add to: PART 4 - TRAFFIC CONTROL section 25 ROADS RESTRICTED TO SPECIFIC CLASSES OF VEHICLES. As determined by the Waikato District Council Land Use Consent 0249/06 including amended conditions dated 23rd September 2015. Section 25 A 'OPOTORU ROAD IS NOT TO BE USED BY ANY HEAVY VEHICLES associated with the construction of any civil works on the Rangitahi Peninsula'. be included in Schedule 3: Opororu Road not to be used by heavy vehicles except for access to residential properties on Opororu Rd or Goodare St. Any heavy vehicle access to Rangitahi Peninsula will be via Te Hutewai Road.		The activity is already controlled by the conditions of the resource consent it is not necessary to replicate this in the Bylaw.	The activity is already controlled by the conditions of the resource consent. No change has been made to the Bylaw. However, Council has identified that a sign will be placed at the entrance to the road informing that Opororu Road is not to be used by any heavy vehicles associated with the construction of any civil works on the Rangitahi Peninsula.
Submitter No	Submitter Name	Organisation/On Behalf Of	
10	Bob MacLeod	Opororu Road Protecting Raglan Character	
Submission		Staff Comment	Council Decision
Add to: PART 4 - TRAFFIC CONTROL section 25 ROADS RESTRICTED TO SPECIFIC CLASSES OF VEHICLES. As determined by the Waikato District Council Land Use Consent 0249/06 including amended conditions dated 23rd September 2015. Section 25 A 'OPOTORU ROAD IS NOT TO BE USED BY ANY HEAVY VEHICLES associated with the construction of any civil works on the Rangitahi Peninsula'. be included in Schedule 3		The activity is already controlled by the conditions of the resource consent it is not necessary to replicate this in the Bylaw.	The activity is already controlled by the conditions of the resource consent. No change has been made to the Bylaw. However, Council has identified that a sign will be placed at the entrance to the road informing that Opororu Road is not to be used by any heavy vehicles associated with the construction of any civil works on the Rangitahi Peninsula.
Submitter No	Submitter Name	Organisation/On Behalf Of	
11	Bob MacLeod	Raglan Residents & Ratepayers Association	
Submission		Staff Comment	Council Decision

Add, Map 3: 'No Stopping or Parking Lines' vii) Any Part of Bankart St viii) Fire Station, Helipad and 11 Wainui Rd Add, Map 3: 'Parking Places' viii) James St ix) Stewart St Add, Map 3: Loading Zones ii) Any part of Wainui Rd Add, Map 3: 'Bus Stops' ii) Any part of Wallis St Add, Map 3: Bankart St 'no Stopping or Parking lines at the top on both sides. Section 5, Map 3 Bankart St change from 'No Limit' to 'P120' Remove, Map 3 the NP outside of the Orca Restaurant, this has been redundant for years Map 4 'Emergency' not included on map (ie. coast guard) Section 5, Map 4 Introduce 48Hr Parking Restriction @(19.5m) (27.0m)		The no parking lines have been added to map 4 for Bankart Street and helipad area. It is not necessary to add parking lines for James Street as this area will remain continue to remain a no limit parking area	The no parking lines have been added to map 4 for Bankart Street and helipad area. It is not necessary to add parking lines for James Street as this area will continue to remain a no limit parking area The no parking area outside ORCA has been remarked as a normal park.
Submitter No	Submitter Name	Organisation/On Behalf Of	
12	Chrissy Hodkinson	The Raglan House	
Submission		Staff Comment	Council Decision
There is no mention in this bylaw of the raglan Liquor ban. Is this covered under another bylaw? Clause 15.2 stipulates that no mind altering substance (excluding alcohol) can be consumed in a public place. We would be extremely concerned to see any loss of our liquor ban.		Liquor Bans are managed by a different Bylaw. This bylaw can be found on Councils website and is the Liquor control bylaw 2009.	Liquor Bans are managed by a different Bylaw. This bylaw can be found on Councils website and is the Liquor control bylaw 2009.
Submitter No	Submitter Name	Organisation/On Behalf Of	
13	Helen Clotworthy	Pokeno Community Group	
Submission		Staff Comment	Council Decision
Provision for our future growth; Toilets - currently 2 ladies and 2 mens and at least 3 tourist buses a day stopping.		The provision of toilets are outside the scope of the bylaw review however Council has a Toilet Strategy which was adopted last year and can be found on our website. The Pokeno toilets are classed as high use toilets and are maintained as such. They are in good condition and no replacement/renewal budgeted for in the current LTP. Consideration for provision of toilets can be a part of the future 'Pokeno Town Square' project, proposed by Strategic team as part of the Pokeno Structure Plan	The provision of toilets are outside the scope of the bylaw review however Council has a Toilet Strategy which was adopted last year and can be found on our website. The Pokeno toilets are classed as high use toilets and are maintained as such. They are in good condition and no replacement/renewal budgeted for in the current LTP. Consideration for provision of toilets can be a part of the future 'Pokeno Town Square' project, proposed by Strategic team as part of the Pokeno Structure Plan

Category: Any specific conditions for people that sell goods		No. of Submissions: 2	
Submitter No	Submitter Name	Organisation/On Behalf Of	
3	Jenny Kelly		
Submission		Staff Comment	Council Decision
Hygiene, situation and signage would be my main concerns.		Further information is required on what the submitter is requesting.	Further information is required on what the submitter is requesting.
Submitter No	Submitter Name	Organisation/On Behalf Of	
13	Helen Clotworthy	Pokeno Community Group	
Submission		Staff Comment	Council Decision
As far away as from retailers paying rent.		Council officers can exercise control over where a mobile trader operates in a public place as a condition of the licence. If there are concerns then clause 32.2 of the bylaw can be used to move that trader on from that location.	Council officers can exercise control over where a mobile trader operates in a public place as a condition of the licence. If there are concerns then clause 32.2 of the bylaw can be used to move that trader on from that location.

Category: Additional comments		No. of Submissions: 6	
Submitter No	Submitter Name	Organisation/On Behalf Of	
1	Gillian Hansen		
Submission		Staff Comment	Council Decision
<p>The Te Kauwhata Lions Club established a Soldiers Memorial Wall on a Railway Reserve in Te Kauwhata. This area is proposed to become part of the Park and Reserves under control of the WDC. Funding for this project was gathered from various trusts and the local district, both individual contributions and many organizations. The WDC contributed ratepayers money, expertise etc. We were lead to believe it was proposed to include the names of local men and women who served New Zealand in both World Wars and the Korean and Vietnamese Wars, from this area. Although it states at the top of the plaques 'Te Kauwhata and Districts' the names displayed are only from the Roll of Honour Boards from the RSA hall in Te Kauwhata , the Waerenga Taniwha War Memorial Church and the Waiterimu Matahuru Hall . By doing this with no research whatsoever many mistakes have been repeated and at least one hundred (100) names omitted. This is causing on going distress to family members still residing in the district. The Lions Club has made a unanimous decision to add no further names. It needs to be clarified as to who owns the Memorial Wall, who is responsible for maintenance , what happens if it is damaged and who will attend to future additions if there is another war. This is a public place and instead of being something the district could take pride in the Soldiers Memorial Wall has become a farce.</p>		<p>Thank you for your submission regarding omissions from the list of names inscribed on the Te Kauwhata Soldiers' Memorial. We acknowledge the level of research that has been undertaken in identifying soldiers that have served their country from Te Kauwhata and surrounding districts.</p> <p>The Soldiers' Memorial was erected by the Lions Club of Te Kauwhata. We appreciate the concerns you have raised but unfortunately this is not a matter for Council involvement. We would recommend that you consult with the Lions Club and that you contact the New Zealand RSA as I'm sure their views on the matter would be of interest to both yourselves and to the Lions Club.</p>	<p>Thank you for your submission regarding omissions from the list of names inscribed on the Te Kauwhata Soldiers' Memorial. We acknowledge the level of research that has been undertaken in identifying soldiers that have served their country from Te Kauwhata and surrounding districts.</p> <p>The Soldiers' Memorial was erected by the Lions Club of Te Kauwhata. We appreciate the concerns you have raised but unfortunately this is not a matter for Council involvement. We would recommend that you consult with the Lions Club and that you contact the New Zealand RSA as I'm sure their views on the matter would be of interest to both yourselves and the Lions Club.</p> <p>For clarification the Council is responsible for maintenance of the park and the RSA is responsible for the memorial.</p>
Submitter No	Submitter Name	Organisation/On Behalf Of	
5	Kelly Murphy	Raglan Community Board	
Submission		Staff Comment	Council Decision
<p>Please see the supporting document (Raglan CBD Parking Report) which supports our move to limit parking time on Bankart St (to keep CBD employees from parking all day in this Street). This is</p>		<p>The bylaw has been amended to include a 120 minute time limit for Bankart Street.</p>	<p>The bylaw has been amended to include a 120 minute time limit for Bankart Street.</p>

one of a few actions to both encourage and support longer parkers to park in the No Limit spaces within 3 mins walk to the Raglan CBD.			
Submitter No	Submitter Name	Organisation/On Behalf Of	
13	Helen Clotworthy	Pokeno Community Group	
Submission		Staff Comment	Council Decision
<p>Skateboarding in Pokeno Main Street.</p> <p>Use of distributing/sale of mind altering substances.</p>		<p>Pokeno does not currently have any controls for skateboarding. There are no reported problems associated with this occurring in Pokeno.</p> <p>Clause 15.2 would apply to Pokeno.</p>	<p>Pokeno does not currently have any controls for skateboarding. There are no reported problems associated with this occurring in Pokeno.</p> <p>Clause 15.2 would apply to Pokeno.</p>
Submitter No	Submitter Name	Organisation/On Behalf Of	
16	Sheryl Hart	Raglan Sport Fishing Club	
Submission		Staff Comment	Council Decision
<p>The Raglan Sport Fishing Club was founded in the year 2000 and we currently have 580 members with another 400 angler contacts who fish the Raglan area. Although the club was only founded 15 years ago, our fishing club is the largest club of its kind in the Waikato.</p> <p>It is a known fact that only 10% of recreational fishers belong to any fishing or boating club, so the Raglan Sport Fishing club takes on the responsibility of representing all fishers, fishing from Raglan by default. This also includes those who visit from other areas.</p> <p>The Raglan Sport Fishing Club has a long history of recorded concerns about facilities for the boating public who use Raglan with council. WDC has let this town down by never taking into account the increase patronage Raglan receives from the fishing public of the Waikato and yet this has been highlighted time and again through our many submissions and letters to council.</p> <p>Recently council approved a 400 home development, this will possibly increase the population of Raglan by 2000 people. With SPARC figures of participation in fishing of 1/3 of the population this could mean another 133 boat owners in Raglan alone. Where are they going to go?</p>		<p>The development of the Aro Aro area is outside the scope of the bylaw however Council does not intend to construct a further new ramp or undertake a reclamation.</p> <p>The development of boat trailer park in the CBD is not considered appropriate as there is a lack of parking in this area during peak times.</p> <p>The provision of a park and ride facility is not current undertaken by Council however this will be identified as a future option for managing traffic flows.</p> <p>The placement of a toll is not supported and a change to the provision of this service may result in a requirement for a long term plan change.</p>	<p>The development of the Aro Aro area is outside the scope of the bylaw however Council does not intend to construct a further new ramp or undertake a reclamation.</p> <p>The development of boat trailer park in the CBD is not considered appropriate as there is a lack of parking in this area during peak times.</p> <p>The provision of a park and ride facility is not current undertaken by Council however this will be identified as a future option for managing traffic flows.</p> <p>The placement of a toll is not supported and a change to the provision of this service may result in a requirement for a change to the long term plan (LTP).</p>

Submitter No	Submitter Name	Organisation/On Behalf Of	
17	C Bridgman		
Submission	Staff Comment	Council Decision	
<p>As a Raglan resident and a frequent user of the wharf as a charter boat operator I am concerned that once again the community board and council has let Raglan town down in regards to parking. In particular its view to remove a single boat parking space at the wharf and replace it with extra vehicle parking spaces. With the proposals and grantings of the many sub division consents there has been lack of foresight into a long term fix for Raglan parking. Is it being replaced with strong enforcement and parking time restrictions.</p> <p>As far as I can research the raglan Wharf has been used for shipping, commercial fishing and a place where recreational fisherman and vessel users can safely launch to enjoy all benefits of the ocean and inner harbour region that Raglan has. the usage is increased with the warmer summer months peaking from November to February with all persons who choose to visit Raglan. They bring with them money to spend in Raglan. Their economic input is necessary for Raglan to grow.</p>	<p>The existing controls for parking at the wharf are designed to try and cater for a mix of boat user and visitor parking. In order to accommodate more parking at the wharf one of the boat trailer parks can be converted into 4 car parking spaces. If agreed by Council the map will be updated in the bylaw and the physical marking of these parks will be amended once the bylaw is adopted.</p>	<p>The existing controls for parking are designed to try and cater for a mix of boat user and visitor parking. Council has determined to amend the proposed bylaw that was put out for consultation and retain the existing boat trailer park that is on the wharf.</p>	
Submitter No	Submitter Name	Organisation/On Behalf Of	
18	Bronwyn Watson		
Submission	Staff Comment	Council Decision	
<p>Tuakau and Surrounding Districts, Port Waikato, Glen Murray, Waikaretu, Nike, Pukekawa, Onewhero, Pokeno, Meremere, Mercer, Puni, Aka Aka, Otua and Waiuku.</p> <p>This whole area of around 30 hectares is said to be short on green spaces. could be more. As the population of the above areas grows this matter needs attention asap by the right staff of Waikato District Council.</p> <p>Sports fields, walking tracks, BMX cycleways, horse treks, skate parks, swimming pools, picnic areas, toilets, playgrounds, the list if long.</p>	<p>The development of these areas is outside the scope of the bylaw review however Councils facilities team have been informed of your submission. The provision of facilities will need to be addressed through the 10 year plan process or as a submission to reserve management plans for this area.</p>	<p>The development of these areas is outside the scope of the bylaw review however Councils facilities team have been informed of your submission. The provision of facilities will need to be addressed through the 10 year plan process or as a submission to reserve management plans for this area.</p>	

<p>Bus stops</p> <p>No properly painted stop signs or timetables, tuakau or Pokeno at townships. Leaves from outside Tuakau Hotel 7.20am Mon-Fri. No weekend services.</p> <p>Trains? and platform in budget but nothing done about it yet. For Park n Ride.</p> <p>Taxi Stands - None</p> <p>Heavy traffic and by passes</p> <p>Signs need to stick out more. Truck and Trailors with heavy loads still go through Main Street of Tuakau wrecking the road (juddar bars) - Jellicoe Ave end and Liverpool end.</p> <p>Braking restrictions - trucks, early hours causing road damage.</p> <p>Bicycle stands - none - Tuakau/Pokeno and beyond.</p> <p>There used to be 3 sets along George Street but have never been replaced. Elderly people have problems walking around them or on their mobility scooters.</p> <p>Road Safety - vehicle parking, cycle lanes, no stopping.</p> <p>Lighting and CTV cameras - upgrade and also Batkin Reserve - Lightbody Reserve, Port Waikato and hot spots.</p> <p>Footpaths</p> <p>These need a few repairs.</p>	<p>Bus stops - Staff will enquire from Auckland Transport if bus timetables could be provided. A Bus Stop could be marked at the kerbside but this would then prevent other use of the space for most of the day, so is not recommended.</p> <p>Roading staff will investigate your comments about :</p> <ol style="list-style-type: none"> 1. Heavy traffic detour signage 2. Braking Restrictions 3. Cycle Stands 4. George St Bin and seat location <p>And arrange for any works required.</p> <p>Bicycle stands - Scoping of where or if bike stands are appropriate is underway.</p> <p>Footpaths - Regarding the footpaths we do inspect these regularly, but could you please advise us of specific locations that need repair. This will enable us to respond more quickly.</p> <p>The Tuakau Bridge is programmed to have some concrete repair work during the summer, following which the above deck structure will be repainted.</p>	<p>Bus stops - Staff will enquire from Auckland Transport if bus timetables could be provided. A Bus Stop could be marked at the kerbside but this would then prevent other use of the space for most of the day, so is not recommended.</p> <p>Roading staff will investigate your comments about :</p> <ol style="list-style-type: none"> 1. Heavy traffic detour signage 2. Braking Restrictions 3. Cycle Stands 4. George St Bin and seat location <p>And arrange for any works required.</p> <p>Bicycle stands - Scoping of where or if bike stands are appropriate is underway.</p> <p>Footpaths - Regarding the footpaths we do inspect these regularly, but could you please advise us of specific locations that need repair. This will enable us to respond more quickly.</p>
<p>Skate boarders - Use George Street and with judder bars as jumps, also the footpaths as well as going down to 2 Domain Road shop frontages. We need a skate board park at Dr John Lightbody Reserve asap.</p> <p>Bench seat/Rubbish bin - George Street - Tuakau</p> <p>This seat and bin needs moving away from the pedestrian crossing - teenagers hanging about vehicles stopping thinking they're going to walk over.</p> <p>Advertising signs - sizes for street.</p>	<p>Skate Boarders - The Reserve Management Plan includes a policy to: Permit expansion of the existing skate park facilities as demand and resources permit. Skatepark is currently unfunded though a community group in Tuakau is mobilising to investigate this.</p> <p>Bench Seat/Rubbish bin - There are located in the most prominent places for use by the public.</p>	<p>Skate Boarders - The Reserve Management Plan includes a policy to: Permit expansion of the existing skate park facilities as demand and resources permit. Skatepark is currently unfunded though a community group in Tuakau is mobilising to investigate this.</p> <p>Bench Seat/Rubbish bin - There are located in the most prominent places for use by the public.</p>

WAIKATO DISTRICT COUNCIL PUBLIC PLACES BYLAW 2016

WAIKATO DISTRICT COUNCIL in exercise of its powers under the Local Government Act 2002 and the Land Transport Act 1998 and their respective amendments, and all other relevant powers, hereby makes the following bylaw.

PART 1 – INTRODUCTION

1 SHORT TITLE, COMMENCEMENT AND APPLICATION

- 1.1 This bylaw shall be known as the “Waikato District Council Public Places Bylaw 2016”
- 1.2 This bylaw shall come into force on 26 April 2016.
- 1.3 This bylaw applies to all property owned by, or under the control and management of the Waikato District Council.

This Bylaw contains the following parts:

- Part 1 – Introduction
- Part 2 – Parking
- Part 3 – Activities in Public Places
- Part 4 – Traffic Control
- Part 5 – Trading in a Public Place
- Part 6 - Control of Electoral Signage
- Part 7 – Exemptions, Offences and Penalties

2 REVOCATIONS

- 2.1 The following bylaws are revoked the day this new bylaw come into force:
 - a) The Franklin District Council Public Places Bylaw 2007
 - b) The Franklin District Council Traffic Control Bylaw 2006
 - c) The Waikato District Council Parking, Traffic Control and Public Places Bylaw 2007
 - d) The Franklin District Council Trading in Public Places Bylaw 2008
 - e) The Waikato District Council Trading in Public Places Bylaw 2008
- 2.2 All resolutions of the Council which were in force in respect of the now revoked bylaws shall continue in force.
- 2.3 The revocation of the bylaws specified in 2.1 above shall not prevent any legal proceedings, criminal or civil, being taken to enforce those bylaws and such proceedings shall continue to be dealt with and completed as if the bylaws had not been revoked.

3 INTERPRETATION

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

Authorised Officer means an employee or a contractor of the Waikato District Council appointed or authorised to carry out general or specific duties arising from any of the provisions of this bylaw, and includes a Police Officer, Parking Warden and any enforcement officers appointed and warranted by Council under the Local Government Act 2002.

Beach means the area of sand between high and low water level.

Bus means a passenger service vehicle with more than nine seating positions (including the driver's seating position), that is being used solely for hire and reward.

Camping vehicle means any wheeled vehicle or device whether self-propelled or not which is used for the purpose of sleeping in or remaining overnight and includes any vehicle commonly described as a campervan, caravan, motor home, house-bus or house-truck.

Chief Executive means the Chief Executive of the Waikato District Council.

Council means the Waikato District Council and includes any person authorised by the Council to act on its behalf.

Courtesy Vehicle means any vehicle provided at no charge for the transportation of patrons of licensed premises.

Cycle/Bicycle means a vehicle that has at least two wheels and that is designed primarily to be propelled by the muscular energy of the rider and includes a power-assisted cycle.

Emergency Vehicle means a vehicle used for attendance at emergencies and operated:

- a) by an enforcement officer
- b) by an ambulance service
- c) as a fire service vehicle
- d) as a coastguard rescue service vehicle
- e) as a civil defence emergency vehicle
- f) as a defence force emergency vehicle.

Election Advertisement has the same meaning as Section 3A of the Electoral Act 1993.

Footpath means a path or way principally designed for and used by pedestrians and includes any footbridge or grass berm.

Goods means any product or service

Goods Vehicle means a motor vehicle that is designed exclusively or principally for the carriage of goods, and used for the collection or delivery of goods in the course of trade.

Grass berm means any area of footpath or road which is laid out in grass.

Heavy Motor Vehicle means a motor vehicle (other than a motorcar that is not used, kept, or available for the carriage of passengers for hire or reward), having a gross laden weight exceeding 3,500 kilograms.

Item includes but is not limited to any vehicle, sign, merchandise, merchandise stand, household furnishings, appliances, fixtures or fittings, building materials, scaffolding, skip bins, and produce.

Lane (in relation to any road) means a longitudinal strip of the roadway intended for the passage of vehicles that is separated from other parts of the roadway by a longitudinal line or lines of paint or raised studs; and includes a lane for the use of vehicular traffic that is at least 2.5m wide and a lane of a two-way road divided by a centre line.

Livestock means all animals that are likely to be kept for commercial purposes.

Loading Zone means an area of marked roadway designated solely for the purpose of loading or unloading goods or passengers.

Mobility Card or Operation Mobility Concession Card means a card issued by the New Zealand Crippled Children's Society Inc. that is to be displayed in vehicles operated by disabled persons for which certain parking concessions are available.

Mobility Device means a vehicle that is designed and constructed, and not just adapted, for the use of persons suffering from a disability. It must also be powered solely by a motor with a maximum power output not exceeding 1500 watts, or have been declared by the Director of Land Transport to have a maximum power output not exceeding 1500 watts.

Motor Cycle means a motor vehicle running on 2 wheels, or not more than 3 wheels when fitted with a sidecar; and includes any vehicle with motor cycle controls declared by the Director of Land Transport to be a motorcycle, but does not include a moped.

Motor Vehicle has the same meaning as that defined in the Land Transport Act 1998.

Ornamental Verge or Plot includes every flowerbed, grass berm or plot, shrubbery or planted area which has been constructed as such and which is separated from the roadway by kerbing or other well-defined edging.

Owner (in relation to a motor vehicle) means the person lawfully entitled to possession thereof, except where:

- a) The motor vehicle is subject to a bailment that is for a period not exceeding 28 days; or
- b) The motor vehicle is let on hire pursuant to the terms of a rental-service licence – in which case “owner” means the person who, but for the bailment or letting on hire, would be lawfully entitled to possession of the motor vehicle; and “owned” and “ownership” have corresponding meanings.

Parking and Park means:

- a) In relation to any portion of a road where parking is for the time being governed by parking restriction signs, placed pursuant to a bylaw of a local authority, the stopping or standing of a vehicle on that portion of the road for any period exceeding 5 minutes;
- b) In relation to any other portion of a road, the stopping or standing of a vehicle (other than a vehicle picking up or setting down passengers in a loading zone or reserved parking area, and entitled to do so) on that portion of the road.
- c) In relation to a parking space within a time limited area, a vehicle including a motor vehicle first parked then manoeuvred within and parked within the same parking space shall be deemed to have continuously parked in that location until it has been entirely moved therefrom.

Parking Area or Parking Place means an area of road, land or building which the Council has declared to be a place which may be used by the public for the parking of vehicles including motor vehicles.

Parking Permit means a written authority issued by the Waikato District Council allowing a specified vehicle(s) to park in a designated Permit Only Parking Area.

Parking Space means a space or section indicated by and lying within markings made by the Council for the accommodation of a vehicle.

Parking Warden means a parking warden appointed under Section 128D of the Land Transport Act 1998.

Passenger Service Vehicle has the same meaning as in the Land Transport Act 1998.

Permit Holder means a person who has applied for and been issued with a permit to park a vehicle in a designated parking space or area.

Permit Only Parking Area means any parking space or parking area which has been designated by the Council for use by permit holders only, and which is clearly marked as such.

Person includes a corporation sole, and also a body of persons, whether incorporated or unincorporated.

Power Assisted Cycle means a cycle attached to one or more auxiliary propulsion motors with a maximum power output of 200W.

Prescribed Sign means regulatory traffic control signs and markings as prescribed in the Land Transport (Road User) Rule 2004.

Public Place means every road, footpath, court, land, access way, mall, thoroughfare and walkway of a public nature, that is open to or used by the public as of right or not and with or without payment of any fee. Every park, reserve, beach, place of public resort or place the public have access with or without the payment of fee.

Reserve includes every reserve under the Reserves Act 1977 and any open space, plantation, park, garden or grounds set apart for public recreation or enjoyment which is now or hereafter may be under the management of the Council.

Road includes

- a) a street, motorway, or service lane
- b) a beach
- c) Council parking areas
- d) any place to which the public have access whether as of right or not
- e) bridges and culverts
- f) ferries and fords forming part of any road or street or motorway, or a place referred to in d) above.

Roadway means that portion of the road devoted particularly to the use of travelling vehicles, including shoulders.

Road Reserve means any uncultivated margin of a road adjacent to but not forming part of either the roadway or the footpath (if any).

Scooter means a platform fitted with wheels, steering mechanisms and brakes used to support a person and propelled by a person.

Service delivery vehicle means any vehicle being used for the purpose of delivering goods to the premises of any business or organisation and does not involve the sale of the goods to the general public in any public place.

Service Lane means any lane laid out or constructed either by the authority of the Council or the Minister of Lands for the purpose of providing the public with a side or rear access for vehicular traffic to any land.

Skateboard means a short narrow board fitted with wheels used for riding on while standing. In terms of the Land Transport Act 1998 a skateboard falls within the definition of a vehicle.

Special Parking Area means any parking space or parking area which has been designated by the Council for use as a bus stop, taxi stand, loading area, disabled park, or as a “permit only” park or parking area, and which is clearly marked for such use.

Taxi has the same meaning as in the Land Transport Act 1989.

Time Limited Parking Area means any parking space or parking area which has been designated by the Council for use as a parking area with time limit restrictions.

Trailer means a vehicle without motive power that is capable of being drawn or propelled by a vehicle from which it is readily detachable, but does not include a sidecar attached to a motorcycle, or a vehicle normally propelled by mechanical power while it is being temporarily towed without the use of its own power.

Urban Community means any part of the Waikato District with a speed limit of 70km/h or less.

Vehicle has the same meaning as in the Land Transport Act 1998.

PART 2 – PARKING

4. PROVISION OF PARKING PLACES

4.1 The Council may by resolution and subject to the erection of the prescribed signs:

- a) Declare any piece of land, or any length of road, or any other place owned, controlled, or occupied by Council to be a parking place.
- b) Define the times, manner and conditions for parking of vehicles in any such parking place.
- c) Define the vehicles or classes of vehicles that may be entitled to use any such parking place and the conditions to which such parking place may be used.
- d) Impose conditions and charges payable for the parking of vehicles, whether by permit fee or rental, and including penalty fees.
- e) Fix the charge to be paid by the owner of a vehicle in return for the sole right to park such vehicle in the space allotted, and define the hours during which the owner of a vehicle or their agent shall be entitled to the sole use of the allotted space.
- f) Make provision for the efficient management and control of any such parking place.

4.2 Any such resolution may be amended or rescinded by a further resolution of the Council.

5. TIME LIMITED PARKING AREAS

5.1 The Council may by resolution:

- a) Declare a designated parking space, parking place or parking area to be a Time Limited Parking Area.
- b) Specify that the designation shall only apply during certain hours of the day and/or certain days of the week.

5.2 Any such resolution shall:

- a) Specify the maximum duration of time a motor vehicle may be parked within the Time Limited Parking Area.
- b) Specify the Time Limited Parking Area by reference to the name of the road or land, the length of the Time Limited Parking Area, and other such details as may be necessary to enable a reasonable person to identify the approximate location of the Time Limited Parking Area.

5.3 No driver of any vehicle shall exceed a parking time limit when parking a vehicle in a Time Limited Parking Area.

- 5.4 No driver of any vehicle shall park a vehicle in a Time Limited Parking Area for a period exceeding that specified on any traffic sign alongside or near or at each end of the Time Limited Parking Area.
- 5.5 If a motor vehicle is moved or driven from their original parking place in a Time Limited Parking Area, but it remains within the boundaries of the same Time Limited Parking Area, the total time the vehicle has been parked will include the time in the previous parking place.

6. NO STOPPING OR PARKING AREAS

6.1 Provision of No Stopping or No Parking Areas

- 6.1.1 The Council may prohibit vehicles from stopping at kerbsides indefinitely or for a specified time, on any Council controlled land or road.
- 6.1.2 Council shall clearly mark areas where kerbside stopping of vehicles is prohibited with a broken yellow line and/or the prescribed signs or markings.

6.2 Offences in Respect of No Stopping Areas

- 6.2.1 A driver of a vehicle shall not stop on any road or land where Council has prohibited kerbside stopping of vehicles at all times.
- 6.2.2 A driver of a vehicle shall not stop on any road or land during the designated time that Council has prohibited the kerbside stopping of vehicles.
- 6.2.3 A driver of a vehicle shall not stop on any road or land or part thereof that has a broken yellow line marked. If no kerb exists parallel to such broken yellow line then it shall not be an offence if the vehicle is stopped or parked so that no part of the vehicle is closer to the centre of the roadway than the broken yellow line, and the vehicle is not parked on a footpath or berm, lawn or garden.

7. SPECIAL AND PERMIT ONLY PARKING AREAS

7.1 Special Parking Areas - including Bus Stops, Taxi Stands, Emergency Vehicles, Loading Zones, Cars and Trailers, and Disabled Parking Areas

- 7.1.1 The Council may by resolution:
- a) Declare a designated parking space, parking place or parking area to be for the sole use as a bus stop, taxi stand or loading zone, or reserved for disabled persons displaying a mobility card, or other specified persons, type of use, or type of vehicle.
- 7.1.2 Any resolution shall specify each special parking area or space, by reference to the name of the road or land, and any other details that may be necessary to enable a reasonable person to identify the approximate location of the special parking area.

- 7.1.3 Any person stopped or parked in a designated disabled persons parking space, must clearly display a relevant Mobility Card or Operation Mobility Concession Card inside the vehicle.

8. Permit Only Parking Areas

- 8.1 The Council may by resolution:

- a) Declare a designated parking space, parking place or parking area to be for the sole use of a permit holder or permit holders;
- b) Define the person(s) or vehicles that may be entitled to use any such parking place or area and the conditions upon and subject to which such parking place may be used;
- c) Set the terms and conditions, including whether a permit fee or rental is applicable, for the sole right to park in the designated space or area.

- 8.2 The Council may grant a parking permit on the terms and conditions set for the use of the parking space, parking area or any specified lot or lots, and in return may require the payment of a permit fee or rental. Such permit fee or rental will be specified on the Council's Schedule of Fees and Charges.

- 8.3 Where the Council has granted a permit to use a parking place or area:

- a) The parking permit must be displayed inside the vehicle in the permit holder's exclusive parking area. The parking permit must be displayed so it is readable by an Authorised Officer standing outside the vehicle;
- b) The Parking permit shall identify the person or vehicle for who it has been issued to. The permit shall apply only to the person or vehicle described in the permit;
- d) The parking permit shall be valid and effective only during the times specified on the permit and in the park, street or area specified on the permit.
- e) The Council may revoke or cancel the permit at any time.

9 PARKING RESTRICTIONS PRESCRIBED IN SCHEDULE I AND/OR IDENTIFIED ON TRAFFIC MAPS

No person shall stop, stand, or park, or cause to be stopped, stood, or parked, any vehicle, or specified class or description of vehicle, in contravention of the restrictions, limitations and prohibitions identified on the Traffic Maps and/or described in Schedule I appended to this bylaw.

10. UNLAWFUL PARKING IN PARKING SPACES

- 10.1 No person shall:

- a) cause, allow, permit any vehicle to be stopped or parked in any parking space or parking area except in accordance with the provisions of this Bylaw and of any resolutions, schedules, or traffic maps made pursuant to this bylaw;
- b) place, stand, stop, park, leave or keep any cycle on any parking space that prevents or interfere with the use of that space for the parking of a motor vehicle;
- c) park any trailer not attached to its towing vehicle in any parking space on any road or land under the control of the Council except in accordance with the provisions of this bylaw and after payment of the prescribed fee if any.

11 Signs And Markings

- 11.1 Council shall identify the stopping, standing or parking of any vehicle, or specified class or description of vehicle, whether attended or unattended, is prohibited, limited or restricted by prescribed signs, markings, notices or devices erected or placed in a conspicuous location in or on any road or other area controlled by it.
- 11.2 Council may erect portable parking restriction signs to temporarily prohibit parking in any particular location.

12.0 PARKING RESTRICTIONS AND PROHIBITIONS ON ROADS AND PUBLIC PLACES

12.1 Displaying Vehicles and Advertising

- 12.1.1 No person shall keep, place or park any vehicle on any road or public place where it is used or may reasonably be assumed to be used for the principal purpose of selling that vehicle or storing that vehicle pending its sale.
- 12.1.2 No person shall park or leave any vehicle on a road or public place where it is used or may reasonably be assumed to be used for the purpose of drawing attention to any advertising sign, notice or placard carried upon or affixed to the same, without the written permission of the Council.
- 12.1.3 Provided that clauses 12.1.1 and 12.1.2 above shall not apply to the parking of any trade vehicle on any road in the normal course of business.
- 12.1.4 No person operating any business shall use any road or part of any road for the purpose of storing any vehicle or any goods without the consent of the Council and only in compliance with any conditions specified in that consent.

12.2 Immobilised / Immobile Vehicles

- 12.2.1 No person shall leave standing on any road or public place for any continuous period exceeding seven days any motor vehicle, with or without wheels, which is mechanically immobilised, without the written consent from the Council.

12.2.2 Any vehicle left standing in breach of this clause may be removed by the Council to such place that is nominated by an Authorised Officer.

12.2.3 The Council shall not be liable for any loss or damage resulting from the removal or sale of any such vehicle.

12.3 Working on Vehicles

12.3.1 No person shall park any vehicle on any road or public place to carry out any repairs unless:

- a) Those repairs are of an urgent or minor nature; or
- b) It is impracticable to carry out those repairs elsewhere;

and in either case the owner or person in charge of the vehicle shall take all reasonable care to prevent the occurrence of any accident, mishap, collision or damage or any injury to or interference with any person, animal or property arising from the placement of the vehicle.

12.4 Cranes, Concrete Trucks, Excavators or Drill Rigs

No person shall operate any crane, mobile crane, concrete truck, excavator or drill rig, parked on a road, without the prior consent of an Authorised Officer. Conditions may be imposed in granting such consent.

12.5 Waste Bins or Skips

12.5.1 Waste bins, skips and similar receptacles may be placed on the road provided that the bin or receptacle is :

- a) contained within a parking space, or within an unmarked parking area that has been temporarily fenced off;
- b) positioned as far as practicable to the left of the road to ensure the safe passage of vehicles and pedestrians;
- c) flagged at its ends with a clearly visibly clean white, or fluorescent red, orange or yellow marker;
- d) not left on the road overnight unless it has been hurdled off and prominently reflectorised so that it is easily visible to oncoming traffic.

12.5.2 Upon the removal of any waste bin or skip from the road, the road should be left clean and free of debris. Any damage to the road may be charged to the bin or skip owner or the property owner for whom the skip has been provided.

12.5.3 Where any waste bin or similar receptacle is placed on the road and the above conditions have not been complied with, such bin or receptacle may be removed by the

Council and the cost of removal and damage shall be charged to the owner of the bin or receptacle.

12.6 Shipping Containers

- 12.6.1 No person shall place, or allow to be placed, a shipping container on any road or public place without the prior written consent of Council. Conditions may be imposed in respect of such written consent.

13 EFFECT OF THIS BYLAW ON OTHER LAWS

Nothing in this Bylaw shall relieve any person from any obligation to observe or comply with any law, bylaw or regulation prohibiting or regulating the stopping, standing or parking of vehicles.

14. REMOVAL OF ILLEGALLY PARKED VEHICLES

- 14.1 An authorised officer may remove or cause to be removed any vehicle or other thing from any road or other area controlled by the Council, if that vehicle or thing is parked or present in breach of this Bylaw, or any resolution made under this Bylaw.
- 14.2 The Council may recover from any person responsible for committing the breach or offence all expenses incurred by the Council in connection with the removal of the vehicle or thing.
- 14.3 The Council shall use reasonable care in the removal and storage of any vehicle or other thing removed under this clause but shall not be liable for any loss or damage arising directly or indirectly from the removal or storage of any vehicle.
- 14.4 If the vehicle or other thing is not claimed within 14 days of its removal, the Council may deal with that vehicle in accordance with Section 356 of the Local Government Act 1974 as if it were an abandoned vehicle.
- 14.5 The powers that may be exercised under this clause are in addition to those provided by any other enactment.

PART 3 –ACTIVITIES IN PUBLIC PLACES

15 Nuisance

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

16 Obstructing Public Places

No person shall:

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

17. Damage to Public Places

- 17.1 Except with the permission of the Chief Executive or an authorised officer, no person shall in any public place:

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

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

18. VEHICLES

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

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

19. HORSES

19.1 No person shall ride, drive, lead, or take any horse across or along any footpath or berm within the Huntly, Ngaruawahia, Pokeno, Raglan or Tuakau urban areas, except:

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

20. Placing of Articles on Public Places

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

- (a) Such action has first been approved by the Chief Executive or an authorised officer, and then only in accordance with any conditions attached to that approval.
- (b) Such action is taken for the purpose of regular refuse or other collections authorised by Council or is otherwise authorised by law; or
- (c) Such action is permitted pursuant to any other Bylaw.

21. Approved use of footpaths, berms

21.1 Merchandise, Merchandise Stands or Advertising Signs

Notwithstanding the provisions of Clause 20.1, items in the form of merchandise, or advertising signs may be displayed on footpaths or public places fronting the merchandise or sign owner's retail or service establishment, provided that:

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

21.2 Advertising Signs - Provisions for Huntly

In addition to the provisions of Clauses 20 and 21.1 above, the following special provisions shall apply to Main Street, Huntly:

- a) Only two advertising signs per operating business entranceway are permitted; and
- b) The maximum size of any advertising sign shall be 600mm wide x 750mm high; and
- c) The signs are to be placed against the building and not placed on the kerb side of the footpath.

21.3 Dining Tables on Footpaths

Notwithstanding the provisions of Clause 20.1, small dining tables and chairs may be set up on footpaths fronting the food outlet's establishment provided that:

- a) No less than 2/3 or 1.5m, whichever is the greater, of the footpath width remains clear of obstruction for pedestrians at all times; and
- b) Kerb and channel crossings for pedestrians or other access to footpaths remain unobstructed; and
- c) The tables and chairs are not permanently fixed to the footpath space; and

- d) The tables and chairs are removed from the footpath whenever the retail or service establishment is closed for business; and
- e) The tables and the footpath area frontage are presented and maintained to a clean and tidy standard at all times; and
- f) No person is prevented or restricted from exiting their vehicle from any identified parking space.

22. SKATEBOARDS, ROLLER SKATES, INLINE SKATES AND WHEELED RECREATIONAL DEVICES

- 22.1 No person shall ride or use any skateboard, roller skates, inline skates or wheeled recreational device on any road or footpath, on any footbridge, or in any public place within the prohibited areas specified in Schedule 4 attached.
- 22.2 The Council may by resolution add to or amend to Schedule 4.
- 22.3 Nothing in this clause shall restrict or prevent the use of any wheelchair, pushchair, pram, trolley, cart or invalid carriage or other similar device constructed for and used for the purpose of the transportation of disabled persons, young persons or personal effects, on any such footpath.
- 22.4 A Police Officer, or an Authorised Officer may impound at the offices of the Council or at any Police Station, any skateboard used in breach of this bylaw by a person who has been personally requested to refrain from using the skateboard in breach of the bylaw, and has been advised of this power to impound the skateboard.
- 22.5 A skateboard impounded in accordance with Clause 22.4 may be recovered after the expiry of five days after the day of impounding upon payment of any costs associated with the impounding, but not exceeding \$100.00.

23. LIVESTOCK IN PUBLIC PLACES

- 23.1 Any person being the owner or having the care, custody or control of any livestock, shall keep and prevent the livestock from wandering, or being at large in any public place without proper guidance and control.
- 23.2 No person shall tether livestock in any public place other than on the grass area directly adjacent to their property except with prior written permission from the Council and subject to such conditions as are considered necessary by the Council.

PART 4 – TRAFFIC CONTROL

24. ONE-WAY STREETS

- 24.1 Council may by resolution designate any road or part of any road for travel in one specified direction only. Such roads shall be recorded on Schedule 2 to this bylaw.
- 24.2 Council shall on making such a resolution erect the appropriate signs to indicate such specified direction.
- 24.3 No person shall drive a vehicle on any road or part thereof designated by the Council for one way travel, in a direction other than the specified direction.

25. ROADS RESTRICTED TO SPECIFIC CLASSES OF VEHICLES

Council may designate any road as a road on which any specified class of traffic (including heavy vehicles) shall be prohibited or restricted because of its size or the nature of the goods carried. Any such restrictions shall be detailed in Schedule 3 to this bylaw.

26. ENGINE BRAKING RESTRICTIONS

- 26.1 No person shall, within any urban community of the Waikato District, use engine braking.

PART 5 – TRADING IN PUBLIC PLACES

27 Licence Required

- 27.1 Unless exempted by clause 34 of this Bylaw, no person, in any public place, shall engage in the sale of goods of any description whatsoever without first having obtained a licence from Council.

28. Restricted Trading Activities

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

29. Application for Licence

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

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

30. Licence Details

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

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

31. Licence Fees

- 31.1 Licence fees are contained in the Fees and Charges section of the Waikato District Council Long Term Plan. Changes to these fees may be made by resolution of Council. Fees may differ for any class of licence as prescribed.
- 31.2 The Chief Executive has the discretion to waive payment of the licence fee for any applicant applying for a licence solely for fundraising purposes.

32. Production of Licence

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

33. Licence Not Transferable

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

34. Exemptions

- 34.1 The exemptions allowed under Part 5 of the Bylaw are as follows:
- (a) Selling by commercial fishermen of limited quantity of fish in the vicinity of a fishing vessel as specified in section 191 of the Fisheries Act 1996;
 - (b) Service delivery vehicles including milk vendors;
 - (c) Any market, stall or stand which has a current approval under any other bylaw, legislation, resource consent or specific resolution of Council;
 - (d) Any market, stall or stand which has been initiated by Council for the benefit of the community;
 - (d) Any motor vehicle advertising any business or service;
 - (e) Buskers and street entertainers provided that no sale of any items is involved and provided that permission is first obtained from the owners or occupiers of any business premises outside which they intend to perform.

PART 6 CONTROL OF ELECTORAL SIGNAGE

35 Restrictions applying to Electoral advertising

- 35.1 No signs advertising candidates for an election or referendum shall exceed 3m² in area.
- 35.2 No sign for an election or referendum shall be placed on any reserve or public place except those specially approved by the Council.
- 35.3 No temporary sign for an election or a referendum shall be erected earlier than 2 months before polling day and shall be removed the day before polling day.
- 35.4 No sign shall be placed or be allowed to remain where in the opinion of an authorised officer (or New Zealand Land Transport Authority) that sign would:
- a) Obstruct or be likely to obstruct the view of any corner, bend, intersection, vehicle crossing, traffic sign or traffic signal;
 - b) Distract unduly or be likely to distract unduly the attention of road users;
 - c) Resemble or likely to be confused with any traffic sign or signal;
 - d) Give rise to excessive levels of glare, use flashing or revolving lights or use reflective material that may interfere with a road users vision;
 - e) Constitute or be likely to constitute in any way a danger to road users.
- 35.5 Nothing in this bylaw purports to authorise any matters which are prohibited or otherwise controlled by legislation governing an election or referendum.

PART 7 – EXEMPTIONS, OFFENCES AND PENALTIES

36. EXEMPTIONS TO THIS BYLAW

- 36.1 The driver or person in charge of an “emergency vehicle” attending an emergency or other call-out, or of a vehicle being used for the emergency repair of any public or network utility, shall be exempt from the provisions of this bylaw.
- 36.2 The Chief Executive may on application from any person or organisation grant that person or organisation an exemption from such of the provisions of the bylaw as the Chief Executive deems fit. Any such exemption shall be in writing, signed by the Chief Executive and shall specify:
- a) the provisions of the Bylaw in respect of which an exemption has been granted; and
 - b) name of the person or organisation in whose favour the exemption has been granted; and
 - c) road or land or portion thereof to which the exemption applies; and
 - d) the dates on which the exemption will apply.

37. NOTICES

- 37.1 Any notice, order or document issued under this bylaw by the Council may be delivered to the recipient either personally or by sending the same, by messenger, post, fax or e-mail, to the recipient at their last-known place of residence or business.
- 37.2 If such person is absent from New Zealand the order or notice may be sent to their agent in any manner mentioned in clause 37.1 of this bylaw.
- 37.3 If the recipient is not known or is absent from New Zealand and has no known agent in New Zealand, and the order or notice relates to any land or building, the order or notice addressed to the owner or occupier of such building or land may be served on the person in occupation thereof, or left with some inmate of his/her abode; or, if there is no person in occupation, may be put up on some conspicuous part of such building or land. It shall not be necessary in such notice to name the occupier or the owner of such land or building.

38. OFFENCES

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

39. OBSTRUCTION OF AUTHORISED OFFICER

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

40. PENALTIES

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

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

41. POWER TO AMEND SCHEDULES BY RESOLUTION

41.1 Council may from time to time by resolution substitute, or make additions or alterations to any Schedule or Traffic Map of this bylaw.

This bylaw was made pursuant to a resolution passed by the Waikato District Council on 11 April 2016.

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

Mayor

Chief Executive

Schedule I

Waikato District Parking Restrictions

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

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

TIME LIMITED PARKING AREAS

Type of Restriction	Applicable to (Specified Type of Vehicle)	Applicable to (Specified Area/Road)
MAXIMUM PARKING TIME LIMIT 120 MINUTES		
No person shall allow any vehicle to stop, stand or park for a longer period than one hundred and twenty minutes, on any of the following roads or portions of road	All vehicles.	Huntly Community (as identified on Map 1) i) Any part of Shand Lane ii) Any part of Station Place iii) Apart of Venna Fry Lane
		Ngaruawahia Community (as identified on Map 2) i) Any part of Galileo Street ii) Any part of Martin Street iii) Any part of Newcastle Street
		Raglan Community The specified time limits for the following roads shall apply between the hours of 8.00am and 6.00pm daily, including public holidays: i) Any part of Bow Street (as identified on Map 3) ii) Any part of Wallis Street (as identified on Map 3) iv) Any part of Wallis Street - Raglan Wharf (as identified on Map 4) v) Any part of Bankart Street (as identified on Map 3)

MAXIMUM PARKING TIME LIMIT 60 MINUTES	All vehicles	Huntly Community (as identified on Map 1) i) Any part of Venna Fry Lane iii) Any part of Shand Lane iv) Any part of Mine Square (BNZ Carpark) v) Any part of Main Street
No person shall allow any vehicle to stop, stand or park for a longer period than sixty minutes, on any of the following roads or portions of road		Ngaruawahia Community (as identified on Map 2) i) Any part of Jesmond Street
MAXIMUM PARKING TIME LIMIT 60 MINUTES (contd)	All vehicles	Raglan Community (as identified on Map 3) The specified time limits for the following roads shall apply between the hours of 8.00am and 6.00pm daily, including public holidays: i) Any part of Bow Street ii) Any part of Wainui Road iii) Any part of Wi Neera Street iv) Any part of Wallis Street
MAXIMUM PARKING TIME LIMIT 30 MINUTES	All vehicles	Huntly Community (as identified on Map 1) i) Any part of Main Street
No person shall allow any vehicle to stop, stand or park for a longer period than thirty minutes, on any of the following roads or portions of road		Raglan Community (as identified on Map 3) The specified time limits for the following roads shall apply between the hours of 8.00am and 6.00pm daily, including public holidays: i) Any part of Bow Street ii) Any part of Wainui Road
MAXIMUM PARKING TIME LIMIT 15 MINUTES	All Vehicles	Huntly Community (as identified on Map 1) i) Any part of Main Street
No person shall allow any vehicle to stop, stand or park for a longer period than fifteen minutes, on any of the following roads or portions of roads.		Ngaruawahia Community i) Any part of Great South Road

		<p><i>Raglan Community</i> The specified time limits for the following roads shall apply between the hours of 8.00am and 6.00pm daily, including public holidays:</p> <ul style="list-style-type: none"> i) Any part of Bow Street (as identified on Map 3) ii) Any part of Raglan Wharf (as identified on Map 4)
MAXIMUM PARKING TIME LIMIT 5 MINUTES	All vehicles	<p><i>Ngaruawahia Community</i> (as identified on Map 2)</p> <ul style="list-style-type: none"> i) Any part of Great South Road
No person shall allow any vehicle to stop, stand or park for a longer period than five minutes, on any of the following roads or portions of road		

SPECIAL PARKING AREAS

Type of Restriction	Applicable to (Specified Type of Vehicle)	Applicable to (Specified Area/Road)
PERMIT ONLY PARKING AREAS		
The following portions of roads are hereby constituted as reserved or permit-only parking areas and no person except those who have been issued with a relevant permit shall allow any vehicle to stop, stand or park in these parking spaces or areas.	All Vehicles except those displaying relevant parking permits.	Huntly Community (as identified on Map 1) i) Any part of Venna Fry Lane and the carpark between the railway overbridge and No. 178 Main Street ii) Any part of Shand Lane iii) Any part of Mine Square (BNZ Carpark) iv) Any part of Station Place
		Raglan Community (as identified on Map 3) i) Bow Street - any part of the carpark located on the eastern side of the Town Hall
DISABLED PARKING AREAS		
The following portion of roads are hereby constituted as disabled parking areas for the exclusive use of any disabled person. No person, except those holding and displaying an Operation Mobility Concession Card on the inside of their vehicle, shall stop, stand or park any vehicle in these parking spaces or areas.	All Vehicles except those clearly displaying Operation Mobility Concession Card.	Huntly Community (as identified on Map 1) i) Any part of Main Street ii) Any part of Venna Fry Lane or the carparks accessed from Venna Fry Lane iii) Any part of Shand Lane iv) Any part of Mine Square (BNZ Carpark)
		Ngaruawahia Community (as identified on Map 2) i) Any part of Jesmond Street ii) Any part of Galileo Street iii) Any part of Newcastle Street
		Raglan Community (as identified on Map 3) i) Any part of Bow Street ii) Any part of Wainui Road iii) Any part of Wallis Street iii) Any part of Wi Neera Street

Type of Restriction	Applicable to (Specified Type of Vehicle)	Applicable to (Specified Area/Road)
EMERGENCY VEHICLE PARKING AREAS		
The following portions of roads are hereby constituted as reserved for emergency service vehicles only and no person shall allow any vehicle other than an emergency service vehicle to stop, stand or park on any of the following roads or portions of roads 24 hours a day.	All Vehicles except emergency vehicles.	Raglan Community i) Any part of Raglan Wharf as indicated on Map 4
TAXI STANDS		
The following portions of roads are hereby constituted as a taxi stand and no person shall allow any vehicle other than a clearly identified taxi to stop, stand or park, on any of the following roads or portions of roads	All Vehicles except taxis	Huntly Community (as identified on Map 1) i) Any part of Main Street
		Ngaruawahia Community (as identified on Map 2) i) Any part of Jesmond Street
BUS STOPS		
The following portions of roads are hereby constituted bus stops and restricted to use for stopping, standing or parking by Large Passenger Vehicles and no person shall allow any other vehicle to stop, stand or park, on any of the following roads or portions of roads	All Vehicles except Buses	Huntly Community (as identified on Map 1) i) Any part of Main Street
		Ngaruawahia Community (as identified on Map 2) i) Any part of Great South Rd (SH1)
		Raglan Community (as identified on Map 3) i) Any part of Bow Street

Type of Restriction	Applicable to (Specified Type of Vehicle)	Applicable to (Specified Area/Road)
LOADING ZONES		
The following portion of road is hereby constituted as a loading zone and no person shall allow any vehicle, except a Goods Vehicle, to stop, stand or park on any of the following roads or portions of roads.	All Vehicles – Except Goods Vehicles	Huntly Community (as identified on Map 1) i) Any part of Main Street ii) Any part of Venna Fry Lane
		Ngaruawahia Community (as identified on Map 2) i) Any part of Jesmond Street
		Raglan Community (as identified on Map 3) i) Any part of Bow Street
CAR AND TRAILER PARKING AREAS 48 HOURS		
The following portions of roads are hereby constituted as reserved for the parking of cars with boat trailers only and no person shall allow any vehicle other than a car and boat trailer to stand or park, on any of the following roads or portions of roads. A car and trailer is only permitted to park in these areas for a maximum of forty eight hours (2 days).		Raglan Community i) Raglan Wharf (as identified on Map 4)

PARKING PLACES

Type of Restriction	Applicable to: (Specified Type of Vehicle)	Applicable to (Specified Area/Road)
PARKING PLACES OR PARKING AREAS		
The following portions of road or land are hereby constituted as parking places or parking areas.	All Vehicles	Huntly Community (as identified on Map 1) i) Main Street ii) Shand Lane iii) Station Place iv) Mine Square (BNZ Carpark) v) Venna Fry Lane
		Ngaruawahia Community (as identified on Map 2) i) Jesmond Street ii) Galileo Street iii) Market Street iv) Newcastle Street v) Newcastle Street Carpark vi) Martin Street vii) Great South Road
		Raglan Community (as identified on Maps 3 and 4) i) Bow Street ii) Wainui Road iii) Wi Neera Street iv) Bankart Street v) Wallis Street (western end) vi) Wallis Street (eastern end) vii) Raglan Wharf

NO STOPPING RESTRICTIONS

Type of Restriction	Applicable to (Specified Type of Vehicle)	Applicable to (Specified Area/Road)
NO STOPPING OR PARKING AT ALL TIMES		
<p>The following portions of roads are hereby constituted as no stopping areas and no person shall allow any vehicle to stop, stand or be parked whether attended or unattended in any of the following 'No Parking' areas where a traffic sign is erected or marked on the road (in accordance with the provisions of the Land Transport Rule "Traffic Control Devices 2004"), except in conformity with the terms of any prohibition, limitation or restriction applying to that zone. This restriction shall apply 24 hours a day unless otherwise stated.</p>	All Vehicles	<p>Huntly Community (as identified on Map 1)</p> <ul style="list-style-type: none"> i) Any part of Venna Fry Lane ii) Any part of Civic Place iii) Any part of Main Street iv) Any part of Station Place v) Any part of Shand Lane vi) Any part of Mine Square (BNZ Plaza)
		<p>Ngaruawahia Community (as identified on Map 2)</p> <ul style="list-style-type: none"> i) Any part of Jesmond Street ii) Any part of Market Street iii) Any part of Lower Waikato Esplanade iv) Any part of Galileo Street v) Any part of Great South Road vi) Any part of Martin Street
		<p>Raglan Community (as identified on Map 3)</p> <ul style="list-style-type: none"> i) Any part of Bow Street ii) Any part of Wi Neera Street iii) Any part of Cliff Street iv) Any part of Wallis Street vi) Any part of Wainui Road (including Helipad Area) vii) Any part of Bankart Street vi) Any part of Wallis Street/Raglan Wharf (as identified on Map 4)







Legend

Bus Stop

Car and Boat Trailer

Disabled

Emergency

Loading Zone

No Limit

No Parking

P15

P30

P60

P120

Reserved

Taxi



Schedule 2

One-Way Street Restrictions

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

Type of Restriction

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

Applicable to

All vehicles

Specified Area/Road

Huntly	Shand Lane, in a northerly direction from Station Place to the northern end of the Permit Only parking area shown on Map I.
	Shand Lane in a northerly direction from the northern side of Mine Square (BNZ Plaza) its intersection with Main Street.
	Venna Fry Lane in a northerly direction from Garden Place to Main Street.

Schedule 3

Roads Restricted to Specific Classes of Vehicles

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

Type of Restriction

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

Applicable to (specified type of prohibited vehicle)

Nil.

Specified Area/Road

Nil.

Schedule 4

Areas where skateboards are prohibited

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

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

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

Open Meeting

To	Policy & Regulatory Committee
From	TG Whittaker General Manager Strategy & Support
Date	3 March 2016
Prepared By	M Russo Corporate Planner
Chief Executive Approved	Y
DWS Document Set #	1089492
Report Title	Policy Review Programme – Policies to be Revoked

1. Executive Summary

Waikato District Council ('hereafter referred to as 'WDC' or 'Council') had 194 active policies (as at February 2015) relating to a range of council functions and services. At the March 2015 Council meeting (Document Set number 945931) 30 policies were revoked following a review of all Council's policies. The policies that were revoked were either no longer required or have been merged with other policies. This reduced the total number of policies to 164.

Staff have continued to identify policies that are no longer required and therefore have identified a further 45 policies to be revoked. This will reduce the total active policies to 119. Staff are currently working through a review programme to determine the most appropriate action for the remaining policies.

2. Recommendation

THAT the report of the General Manager Strategy & Support – Policy Review Programme – Policies to be revoked - be received;

AND THAT the Policy & Regulatory Committee considers the list of policies contained in appendix I to this report and recommend to Council that these policies be revoked.

3. Background

When Franklin District Council ('hereafter referred to as FDC') and WDC amalgamated in 2010, the legislation determined that WDC inherited all policies of the former FDC. In many instances this resulted in WDC having two operative policies addressing similar issues experienced by both councils. A review of bylaws and policies post amalgamation has resulted in WDC revoking a number of former FDC policies and replacing them with combined policies that apply to the entire district. However there are many policies that are still to be reviewed.

Staff have compiled a list of Council's external policies which have been reviewed by subject matter experts, corporate planners, team leaders, managers and general managers. Each policy has been assessed as follows:

- New (yet to be adopted)
- Keep as is (needs to be reviewed but no issues have been identified)
- Review
- Revoke
- To be revoked (cannot revoke just as yet as this is reliant on adoption of another document etc.)
- Up to date

Staff are yet to determine a priority and hence review timeframes for the remaining policies.

4. Discussion and Analysis of Options

Policies formally establish Council's position on a wide variety of strategic, operations, legislative and governance matters. They are an important tool for decision making and provide guidance to staff. However many of these policies are now outdated and are no longer relevant to Council's operations.

Appendix I contains a further list of policies proposed to be revoked by Council. These have been identified by staff who manage the policy and has been approved by the relevant general manager.

Council has three options in managing its policies.

4.1 Options

Option one - Revoke a policy only when it is reviewed and an updated policy put in place.

Council could revoke outdated policies as they are updated and adopted. This is common practice. However, this is not practical as the *sole* means of revoking outdated policies as many such policies deal with issues that no longer require a policy directive and hence do not need to be reviewed.

Option two - Revoke a policy when it is reviewed or when it is deemed outdated or no longer relevant (recommended option)

This option enables Council to revoke outdated policies either when they are reviewed or when they are deemed redundant (either because of legislative changes, or if the issue the policy is seeking to address no longer requires a policy directive). In terms of this option, it is therefore proposed that the policies listed in appendix I of this report be revoked as they are no longer required by Council. A justification for revocation is provided for each in the policy list. This option would also prevent the accumulation of redundant policies that are not subject to any policy review process.

Option three - Do nothing

This option is not recommended as it will result in poor policy management.

5. Considerations

5.1 Financial

Revoking policies is a simple administrative process that does not have any impact on budgets.

5.2 Legal

The list of policies to be revoked has been legally reviewed to ensure that matters and issues covered within these policies are suitably managed under other policies, bylaws, or through national legislation.

5.3 Strategy, Plans, Policy & Partnership Alignment

Policies to be reviewed or recommended to be revoked have been assessed with regards to relevant strategies, plans, bylaws, related policies and legislation.

5.4 Assessment of Significance

The revocation of these policies is not considered to be significant as they are mostly out of date, or being managed under updated policies, bylaws, legislation or processes. Council's Significance & Engagement Policy is therefore not triggered.

6. Consultation

Internal consultation with team leaders, managers and general managers has been vital in the policy stocktake. Each policy that is recommended for revocation has been confirmed by the relevant policy owner as no longer being required and approved by the respective general manager to be revoked by Council.

Revoking redundant policies will not change or affect Council's operations or services and therefore consultation with the community is not required.

7. Conclusion

It is recommended that the policies contained in appendix I be revoked as they are no longer required by Council.

Staff will conduct such stocktakes on a regular basis and will inform Council when further redundant policies will need to be revoked.

8. Attachments

Appendix I: List of policies to be revoked.