FOR DECISION
MŌ TE WHAKATAUNGA

TO The Mayor and Councillors

AUTHOR Charan Mischewski
Strategic Planner

FILE REFERENCE Document: 2782222
Appendix A: Draft Dangerous and Insanitary Buildings Policy
Statement of Proposal - 2735471
Appendix B: Draft Dangerous and Insanitary Buildings Policy 2020
- 2497807

PORTFOLIO HOLDER/S The Mayor
Policy portfolio

MEETING DATE Wednesday, 15 July 2020

SUBJECT Adoption report Draft Dangerous and Insanitary Buildings
Policy 2020 and Statement of Proposal

SUMMARY | TE WHAKARĀPOPOTANGA

This report presents the draft Dangerous and Insanitary Buildings Policy to the Council (the policy) for approval before public consultation. The Council needs to decide whether it wants to approve the policy as attached and adopt the Statement of Proposal or request further changes to the policy prior to public consultation.

The Council must have a Dangerous and Insanitary Buildings Policy in place and the current policy is overdue for review. As part of the review process the Councillor working party agreed to several changes to the policy, which are outlined in the Statement of Proposal.

RECOMMENDATION | TE WHAIKUPU

THAT the report be received.

THAT the Council:
a) In accordance with section 131 of the Building Act 2004 approve the draft Dangerous and Insanitary Buildings Policy 2020 as attached for community consultation and in accordance with section 83 of the Local Government Act 2002 adopt the Statement of Proposal as attached

OR

b) In accordance with section 131 of the Building Act 2004 amend and approve the draft Dangerous and Insanitary Buildings Policy 2020 for community consultation and in accordance with section 83 of the Local Government Act 2002 adopt the Statement of Proposal as amended

THAT the Council use the special consultative procedure for community engagement on the draft Dangerous and Insanitary Buildings Policy 2020 and the timeframes and approach are approved.
1 PURPOSE | TE ARONGA

This report seeks the Council approval of the draft Dangerous and Insanitary Buildings Policy 2020 for community engagement and the adoption of the Statement of Proposal.

2 BACKGROUND | TE KŌRERO Ā MUA

A Councillor working party was formed in February 2020 to work with staff on the review of the Earthquake-prone, Dangerous and Insanitary Buildings Policy 2010 and the implementation of the national earthquake-prone building system. Due to COVID-19 staff recommend to place the implementation of the earthquake-prone building system on hold until late 2021. The community consultation on the draft Dangerous and Insanitary Buildings Policy is proposed to continue.

2.1 The Building Act 2004

The Building Act 2004 (the Act) requires every territorial authority to have a dangerous and insanitary buildings policy.1 The definition of a ‘Dangerous Building’ and ‘Insanitary Building’ is contained in the Act and noted in the attached draft policy. The Act also outlines what a policy must cover. The policy provides guidance to authorised officers (building officers and environmental health officers) on how the Council expects them to identify and inspect potentially dangerous and/or insanitary buildings and the enforcement approach to be undertaken.

The Council’s Earthquake-prone, Dangerous and Insanitary Buildings Policy 2010 is overdue for review. The five-year review was placed on hold by the Council in 2015 because, at the time, the changes to the earthquake-prone building system were pending and it was uncertain how legislative changes would affect the policy.

2.2 Past Notices Issued by the Council

If a building is deemed to be dangerous and/or insanitary an authorised officer has the power to issue a ‘section 124 notice’ in line with the Council’s policy requiring the owner(s) of the building to remediate it. Examples of situations where notices have been issued in the past include:

- Fire hazard, where people are not permitted to remain in the residential part of a building due to risk to life.
- Insanitary dwelling because it did not have an adequate water supply nor water to sanitary facilities.
- Evidence of ‘structural deflection of load bearing members’ within the building due to removal of an internal wall.
- Carport could collapse.
- Rafters in new roof undersized and over span and not compliant with the Building Code, causing a safety issue.

There have also been several notices issued under the Health Act 19562 for substandard dwellings. An example of a substandard dwelling includes a building that has no hot water, no toilet facilities or is overly damp. This is another tool that can be used by the environmental health officers.

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1 Section 131-133, Building Act 2004
2 Section 29, Health Act 1956.
2.3 The Draft Policy

Several changes have been made to the draft policy. They are listed below and outlined in the attached Statement of Proposal in more detail:

- Removal of policies for earthquake-prone buildings as the Council no longer has discretion on how to manage earthquake-prone building,
- Amended policy objectives,
- Inclusion of how the Council will deal with ‘affected’ buildings,
- Inclusion of a policy that Council officers will issue notices to fix a building when the work is urgent, e.g. it is required to protect life or property. Officers can use a more ‘user-friendly’ approach when the work is not urgent.

The approach Council takes to building inspections and heritage buildings has not changed in the draft policy.

The Franklin District Council Dangerous and Insanitary Buildings Policy needs to be revoked and this is proposed as part of the Statement of Proposal within Appendix A. This is the last Franklin policy to be revoked. The current policies can be viewed on the Council’s website https://www.hauraki-dc.govt.nz/our-council/policies/

3 THE ISSUES | NGĀ TAKE

The Council must review its Earthquake-prone, Dangerous and Insanitary Buildings Policy 2010. The Council can approve the attached policy for public consultation and adopt the attached Statement of Proposal or it can request changes prior to public consultation.

4 ENGAGING WITH OUR COMMUNITIES | KIA UIA TE HAPORI WHĀNUI

Before a council adopts a policy it must use the special consultative procedure in section 83 of the Local Government Act 2002 to consult (i.e. two-way communication to obtain public feedback) on the policy. The Council must:

- Prepare and adopt a statement of proposal,
- Provide at least 1 month for interested persons to provide their views to the Council,
- Provide persons interested in the proposal with an opportunity to present their views to the Council in a manner and format that is appropriate to the preferences and needs of those persons.

Suggested forms of engagement include:

- Information available on our website (including the option to submit online),
- Media releases, articles in print (Waihi Ward Reflections, Hauraki Herald, Whiritoa Tidings, Kaitaia Compass and the Valley Profile),
- Facebook, e-newsletter, mentioned in the Mayor’s radio spots,
- Hardcopy feedback forms.

5 OUR OPTIONS | NGĀ KŌWHIRINGA A MĀTOU

Staff have identified the following options for the Council to consider:

- Approve the draft Policy and adopt the Statement of Proposal as attached.
- Request amendments to the draft Policy and Statement of Proposal prior to public consultation.

These options and their advantages and disadvantages are outlined below.
Retaining the status quo is not an option in this case because the policy must be reviewed and the previous policy is no longer legally fit for purpose.

5.1 OPTION 1: Adopt the draft Policy and Statement of Proposal as attached

ABOUT THIS OPTION
The attached draft policy and Statement of Proposal has been considered by staff and the Councillor working party and is deemed a fair and practical approach to inspecting dangerous and insanitary building and undertaking enforcement.

ADVANTAGES
The draft policy addresses all the matters the Council must consider. It takes a practical approach to building inspections and issuing notices. It provides guidance to staff on enforcement matters while allowing some flexibility to take a ‘user-friendly’ approach. The policy gives the public reassurance that buildings will be issued with a notice in urgent situations and the Council will follow up on the matter.

DISADVANTAGES
There are no disadvantages associated with adopting the draft policy. The Council can choose to make changes to the policy after consultation with the community.

FINANCIAL COSTS

<table>
<thead>
<tr>
<th>Whole of life costs</th>
<th>One off operating cost for consultation is approximately $300-$500</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budget source</td>
<td>Policy Development</td>
</tr>
<tr>
<td>Changes to budgets</td>
<td>In order to accommodate these costs there will not be changes to budgets as will be funded through the Strategic Planning budget.</td>
</tr>
<tr>
<td>Impact on the Council’s debt</td>
<td>There is no impact on the Council’s debt.</td>
</tr>
<tr>
<td>Potential impact on rates</td>
<td>There will be no impact on rates because this is budgeted expenditure.</td>
</tr>
</tbody>
</table>

5.2 OPTION 2: Request amendments to the draft Policy and Statement of Proposal prior to public consultation

ABOUT THIS OPTION
The Council can request further changes to the draft Policy and Statement of Proposal prior to public consultation. For example the Council could choose to inspect a certain type and number of building each year, it could decide to issue notices for every identified dangerous and insanitary building in the District no matter the issue, and it could choose to change the policy in relation to heritage buildings.

ADVANTAGES
To be determined as a result of Council discussion during the meeting.

DISADVANTAGES
A different approach to building inspections would result in additional expense to the Council and result in a minimal reduction in risk to property, life and health. The Council could issue a notice for every dangerous or insanitary building, however some may see this as being heavy handed.

FINANCIAL COSTS ARE THE SAME AS OPTION ONE
6  PREFERRED OPTION | TE KŌWHIRINGA MATUA

Staff recommend proceeding with option 1 – Approve the draft Dangerous and Insanitary Buildings Policy 2020 and adopt the Statement of Proposal as attached.

6.1 LINKAGES

<table>
<thead>
<tr>
<th>STRATEGIC DIRECTION</th>
<th>The preferred option IS consistent with the Council’s strategic direction, including community outcomes.</th>
<th>The policy provides for the performance of regulatory services, a core function of councils.</th>
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</thead>
<tbody>
<tr>
<td>LONG TERM PLAN / ANNUAL PLAN ALIGNMENT</td>
<td>The preferred option IS consistent with the long term plan and/or annual plan programmes and budgets.</td>
<td>This work has been scheduled for some time.</td>
</tr>
<tr>
<td>POLICIES, BYLAWS AND PLANS ALIGNMENT</td>
<td>The preferred option IS consistent with the Council’s other strategies, policies, bylaws and plans.</td>
<td>This policy does not conflict with any policies or bylaws and references relevant District Plan provisions.</td>
</tr>
<tr>
<td>SIGNIFICANCE ASSESSMENT</td>
<td>The decision IS NOT considered significant under the Council’s Significance and Engagement Policy 2017.</td>
<td>The policy does not relate to a significant activity and will not likely impact the community in a significant way.</td>
</tr>
<tr>
<td>IMPLICATIONS FOR MĀORI</td>
<td>The decision DOES NOT involve a significant decision in relation to land or a body of water.</td>
<td>NA</td>
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</table>

6.2 ASSESSING THE RISKS

Staff have not identified any risks associated with the preferred option.

7  NEXT STEPS | TE ARA KI MUA

<table>
<thead>
<tr>
<th>Timeframe</th>
<th>Action</th>
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<tbody>
<tr>
<td>17 July – 17 August</td>
<td>Written feedback period</td>
</tr>
<tr>
<td>9 September</td>
<td>Hearing of written and verbal feedback and Deliberations</td>
</tr>
<tr>
<td>1 October</td>
<td>Policy becomes effective</td>
</tr>
</tbody>
</table>

8  Approval

<table>
<thead>
<tr>
<th>Prepared by</th>
<th>Charan Mischewski</th>
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<tbody>
<tr>
<td></td>
<td>Strategic Planner</td>
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<table>
<thead>
<tr>
<th>Approved by</th>
<th>Peter Thom</th>
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<tr>
<td></td>
<td>Group Manager Planning and Environmental Services</td>
</tr>
</tbody>
</table>
Hey, we need to talk
me kōrero ngātahi tātou

We’re proposing some changes to our Earthquake-Prone, Dangerous and Insanitary Buildings Policy. Some of the changes may affect you or your family and we’d like to know what you think. When we’ve taken into account all the feedback received, we’ll finish off the policy and it will become effective.

IMPORTANT DATES
Open for feedback from: Friday, 17 July 2020 to Monday, 17 August 2020.

TALK TO US
Tell us what you think in person: 9 September 2020 in the Hauraki District Council Chambers, William Street, Paeroa.

WHERE CAN I FIND MORE INFORMATION?
The proposed policy is available at Council offices, online at https://weneedtotalk.hauraki-dc.govt.nz or give us a call and a copy can be sent to you.

See page 3 for the various ways you can Tell us what you think.
What we’re proposing
We’ve made some proposed changes to our Dangerous and Insanitary Buildings Policy and we want to know what you think. The proposals and alternative approaches we could have taken, are explained in more detail below.

What we want to achieve
See clause 2.1 of the proposed policy
Our previous policy objectives only related to earthquake-prone buildings so we’ve replaced them to reflect what we want to achieve now. We want to ensure buildings are safe for use, that they will not endanger people’s health, and that there are adequate fire systems in place.

Our approach to inspections
See clause 4.1 of the proposed policy
We take a ‘reactionary approach’ to identifying dangerous and insanitary buildings. This means we inspect buildings if we receive a complaint from a community member or if our building control officers have concerns. We don’t routinely check every building in the district because we don’t have an ongoing issue with dangerous and insanitary buildings. Assessing all buildings would also take considerable time and money and the cost would outweigh the potential benefits. Most (if not all) councils take a ‘reactionary approach’ to inspections and we’re not proposing to change that.

Our approach to issuing notices
See clause 4.2 of the proposed policy
Our current policy states our building control or environmental health officers may use powers to issue notices to require a building to be fixed or remain vacant. The proposed policy states our officers will issue a formal notice for the building to be vacated or fixed if the work is urgent. Urgent work is work needed to save or protect life or health, or prevent serious damage to property.

If the work is non-urgent our officers have discretion to use a more ‘user-friendly’ approach. The officer will discuss options to fix the building with the owner without issuing a formal notice. However, if the work to fix the building is not carried out, a notice will be issued.

Affected buildings
See clause 4.3 of the proposed policy
We must have a policy on how we will manage affected buildings. Affected buildings are those that are close to, or connected to, a dangerous building. Our officers have the ability to stop people from accessing an affected building, or getting too close to it. Our proposed policy is our officers will use these powers when necessary on a case-by-case basis.

Heritage buildings
See clause 4.4 of the proposed policy
We’re proposing that heritage buildings that are dangerous or insanitary are treated a bit differently to other buildings, on a case-by-case basis. We don’t believe heritage buildings can be dealt with in the same way as other buildings. This is because we have to consider district plan matters and consult with Heritage New Zealand Pouhere Taonga.

Enforcement
See clause 5 of the proposed policy
We don’t want people’s lives or health to be put at risk and we have multiple avenues through the Building Act to follow up on non-compliance. If we deem it necessary further action may include taking the building owner to court.

Ex Franklin Policy
We’re proposing to revoke the Franklin District Council Dangerous and Insanitary Buildings Policy 2006. The proposed 2020 Policy will apply to all buildings in the Hauraki District.

FURTHER INFORMATION
The current Earthquake-Prone, Dangerous and Insanitary Buildings Policy 2010 and the Franklin District Council Policy can be viewed on our website: https://www.hauraki-dc.govt.nz/our-council/policies/
A guide to giving feedback

Any organisation or member of the public can give us feedback in writing, on the phone, in person or all of these. This is your chance to tell us your thoughts about what we’re proposing.

Good feedback is clear, concise and to the point. Tell us which parts you support, and which ones you don’t. Let us know why. You are most welcome to provide additional pages or supporting material with your feedback.

Remember to provide your contact details if you would like to be kept informed of the decisions made after considering your feedback.

Your feedback will be a council record, so may be reproduced as an attachment to a Council agenda, made publicly available and remain on Council minute records. If you aren’t providing feedback on behalf of an organisation and would like your contact details to be kept private, please let us know.

We’ll notify everyone who provides feedback of the outcome in writing.

Special assistance
We can offer assistance with special requirements at a hearing in terms of language translation, including that of sign language, or presenting through audio visual mechanisms. If assistance is required, please let us know and we will make the appropriate arrangements.

What’s the review process?

We’re up to step 3 in the review process. Check out the diagram below to see how your feedback will be included in the policy review.

1. We review how well the policy is working
2. Proposed changes are made to the policy
3. You tell us what you think of the proposed changes to the policy
4. We look at the feedback and may make further changes as a result of your views
5. The policy is adopted and then effective

How you can have your say

If you want to talk to us:

- call one of your local councillors to have a chat.
- contact us to book in to speak to the Council at a hearing in Paeroa on 9 September 2020, or tick the box on the feedback form to show us you’re keen to attend. We’ll contact you closer to the date of the hearing to arrange a time for you to speak.
- give us a call and speak with a member of the strategic planning team – we can draft your feedback into a written statement and we’ll provide you with a copy.

If you want to write to us:

- fill out the online feedback form on our website https://weneedtotalk.hauraki-dc.govt.nz
- private message or comment on our Facebook page
- email your feedback to info@hauraki-dc.govt.nz
- write a letter, or fill in the printed feedback form (available at our service centres, or downloadable from our website)
Appendix

2020
Draft Dangerous and Insanitary Buildings Policy

our home, our future
tō tātou rohe kāinga, tō tatou ao tūroa
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1. Introduction

1.1. This Dangerous and Insanitary Buildings Policy (the policy) provides a framework of how the Hauraki District Council will manage dangerous, affected and/or insanitary buildings in the Hauraki District. The Council is required by law to adopt this policy in accordance with the Building Act 2004 and set out:
   • the approach it will take in relation to at risk buildings in performing its functions under the Building Act 2004,
   • its priorities in performing those functions, and
   • how this policy applies to heritage buildings.¹

1.2. This policy does not apply to dams.

2. Objective

2.1. In managing dangerous, affected and/or insanitary buildings in the District, the Council’s objectives are to:
   • ensure buildings are safe for use,
   • enable people to use a building without endangering their health,
   • ensure people can escape from a building in a fire, and
   • reduce the potential risk posed to people and property by these buildings.

3. Definitions

3.1. Unless the context requires otherwise, the definitions of words or terms used in this policy that are also used in the Building Act 2004 are those defined in that Act.

| Affected Building | A building adjacent to, adjoining, or nearby –
|                  | a) a dangerous building, or
|                  | b) a dangerous dam. |

| Dangerous Building | A building is dangerous if-
|                   | a) in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause—
|                   | (i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or
|                   | (ii) damage to other property; or
|                   | b) in the event of fire, injury or death to any persons in the building or to persons on other property is likely. |

¹ In accordance with section 131 of the Building Act 2004.
A building is insanitary if it -
a) is offensive or likely to be injurious to health because—
   (i) of how it is situated or constructed; or
   (ii) it is in a state of disrepair; or
b) has insufficient or defective provisions against
moisture penetration so as to cause dampness in
the building or in any adjoining building; or
c) does not have a supply of potable water that is
   adequate for its intended use; or
d) does not have sanitary facilities that are adequate
   for its intended use.

Urgent action means action taken for the purpose of
saving or protecting life or health or preventing
serious damage to property. Also see section 41(1)(c)

4. Policy

4.1. Approach to identifying buildings as dangerous and/or insanitary
   a) The Council will take a reactionary approach to inspecting buildings within the
district. When a complaint is received, or an authorised officer has concerns, the
   Council will make it a priority to investigate whether or not the building concerned
   is dangerous and/or insanitary.2

   b) In all instances an authorised officer will investigate the information received and
   undertake an inspection of the building in question as soon as possible. This will
   involve an assessment of the buildings condition in terms of the Building Act
   2004, the Health Act 1956 and the current building code requirements. In doing
   this, the Council may seek advice from Fire and Emergency New Zealand, or any
   other professional or organisation deemed appropriate.

   c) When a building consent application is received to alter, change the use or add to
   a building, an authorised officer will decide whether the building is dangerous
   and/or insanitary. Where a building is considered dangerous and/or insanitary, the
   building consent will identify further building work to be undertaken to such an
   extent that the building will not continue to be dangerous and/or insanitary after
   the alteration.

4.2. Priorities for remedying dangerous and/or insanitary buildings
   a) Once the building has been assessed and Fire and Emergency New Zealand
   notifications are complete, an authorised officer will identify if the action required
   to remediate the building is urgent or non-urgent.

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2 Identifying dangerous and insanitary buildings across the District would require investing considerable
resources to undertake inspections and evaluations of buildings. Consequently, many councils take the
‘reactionary’ approach of responding to complaints.
4.2.1 Urgent action

a) When a building is considered to be immediately dangerous the Council will act urgently, for the purpose of saving or protecting life or health or preventing serious damage to property.3

b) An authorised officer will make contact with the owner(s) of the building to discuss options and will take action. The action will include:
   • issuing a notice requiring work to be carried out on the building to reduce or remove the danger, or prevent the building from remaining insanitary,4 and
   • where necessary, issuing a notice restricting entry to the building for particular purposes or restricting entry to particular people or groups.5

c) An authorised officer may also take the following action where necessary:
   • attaching a notice to the building that warns people not to approach it, and
   • where needed, requiring a hoarding or fence be put up to prevent people from approaching the building nearer than is safe.

d) The owner(s) of the dangerous and/or insanitary building will be contacted at the expiry of the time period set down in any notice issued (as referred to above), in order to gain access to the building to ascertain whether it has been complied with.

e) If the building is considered immediately dangerous, and the required work is not undertaken, the Council will decide on a case-by-case basis if it will:
   • undertake works to remove the danger and take action to recover costs from the owner(s), and
   • inform the owner(s) the amount recoverable by the Council will become a charge on the land on which the building is situated.6

4.2.2 Non-urgent action

a) Where there is a mutual agreement with the building owner(s) to rectify any non-urgent deficiency with a dangerous or insanitary building, an authorised officer may choose to waive the issue of a formal notice described above.

b) Where a mutually acceptable agreement with the building owner cannot be reached, a formal notice will be issued and action taken where needed as per clause 4.2.1 above.7

4.2.3 The Process

a) Attached as Appendix One is an example of the steps that can be taken by authorised officers and the Council when inspecting, identifying and enforcing the remediation of dangerous and insanitary buildings.

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3 A building consent to do this urgent work for this purpose is not required as set out by section 41(1)(c)(i) of the Building Act 2004.
4 The notice must comply with section 125(1) of the Building Act 2004. This includes setting out the time within which the building work must be carried out (which must not be less than a period of 10 days after the notice is given) and state whether a building consent is needed.
5 The notice must comply with section 125(1A) of the Building Act 2004 and can be issued for a maximum period of 30 days and reissued once after that.
4.3. **Affected Buildings**

a) An authorised officer will contact the owner(s) of any building adjacent, adjoined or near to the dangerous building (also called an affected building) and provide them with a copy of any notice served on the dangerous building.

b) The affected building may need to be inspected. This will only be done in consultation with the owner(s) of that building. Where necessary an authorised officer may:
   - put up a hoarding or fence to prevent people from approaching the building nearer than is safe,
   - attach to the building a notice that warns people not to approach the building.

4.4. **Heritage Buildings**

a) Heritage Buildings will be dealt with on a case-by-case basis. The Building Act 2004 recognises that heritage buildings may require a variation to the standard approach outlined in this policy if their particular heritage values are not to be compromised. For instance, the council can consider dispensations and waivers for issues of safety and sanitary conditions for heritage buildings and consider lateral or innovative approaches to achieving the desired level of compliance.

b) Where repair, alteration or demolition of the heritage building is proposed (in whole or in part) to prevent immediate danger to life or potential excessive damage to adjacent property, the owner of the heritage building or feature must obtain:
   - a report by a registered structural engineer on the state of the building, and
   - a report from a suitably qualified and experienced conservation architect.8

c) Urgent work can only proceed without a resource consent if the reports confirm the urgency needed.

d) Where the Council receives information on buildings that have a heritage classification under Heritage New Zealand Pouhere Taonga, the Council will seek advice from Heritage New Zealand Pouhere Taonga as well as consulting with affected owners.

4.5. **Right of Appeal**

a) Building owners have the right of appeal as outlined in the Building Act 2004.

4.6. **Building Information**

a) The Council will keep a record of all dangerous and insanitary buildings on the property files. The record will be updated once the required actions have been completed and the building is no longer considered to be dangerous or insanitary.

b) Access to this information will be available through a Land Information Memorandum (LIM) application or formal request for information through the Local Government Official Information and Meetings Act 1987 (LGOIMA).

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8 See section 6.1.5(1)(d) of the Hauraki District Plan.
5. **Enforcement**

5.1. The Council is responsible for the enforcement of this Policy.

5.2. In accordance with the Building Act 2004, the Council may decide to prosecute a person(s) if:
   - work is not undertaken on a building to reduce or remove the danger, or prevent the building from remaining insanitary, and/or
   - a person(s) use or occupy the building, or permit another person to use or occupy the building where a notice requires otherwise.

5.3. If the Court decides an offence has been committed the owner(s) could receive a fine.\(^9\)

6. **Review**

6.1. This policy must be reviewed within five years after the policy is adopted by the Council.

6.2. This policy does not cease to have effect because it is due for review or is being reviewed.\(^10\)

7. **Document management and control**

<table>
<thead>
<tr>
<th>Title</th>
<th>Draft Dangerous and Insanitary Buildings Policy 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sponsor</td>
<td>Strategic Planning and Regulatory Services</td>
</tr>
<tr>
<td>Approved by:</td>
<td>The Hauraki District Council</td>
</tr>
<tr>
<td>Adoption date:</td>
<td>[date]</td>
</tr>
<tr>
<td>Review by:</td>
<td>[date]</td>
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<tr>
<td>File ref:</td>
<td>2497807</td>
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Property of Hauraki District Council


8. Appendix One

Procedure for remediying dangerous and insanitary buildings

Building brought to local authority attention as possibly determined as dangerous/insanitary– is the building dangerous and/or insanitary?

- YES
  - Has owner undertaken action to remedy?
    - YES
    - Section 124 – Put up fence warning signs
    - NO
    - Is immediate action required?
      - YES
      - TA may seek costs from property owner – Section 221 and costs become charge on land.
      - NO
    - NO
    - Give notice under Section 125 to reduce or remove danger, being not less than 10 days
      - NO
      - Has owner undertaken immediate action to remedy?
        - YES
        - TA considers Section 129, warrant from CEO and application to District Court to confirm warrant Section 30.
        - NO
        - TA applies to District Court for an order authorising TA to carry out work under Section 126.
        - Council will consult with the Medical Officer of Health if there is evidence the occupants maybe neglected or infirm.
      - NO
    - Issue resolved
  - NO

- NO
  - No further action

YES
For more information:

- W www.hauraki-dc.govt.nz
- E info@hauraki-dc.govt.nz
- P 07 862 8609 or 0800 734 834 (from within District)

Visit us at one of our offices:

- Paeroa: 1 William Street
- Ngatea: 84 Orchard West Road
- Waihi: 40 Rosemont Road
FOR DECISION
MŌ TE WHAKATAUNGA

TO            Mayor and Councillors

AUTHOR         Michelle Clive
                Strategic Planner

FILE REFERENCE Document: 2770737
                Appendix A: Statement of Proposal (2770895) and proposed
                amendment to the Nuisances Bylaw (2770736)

PORTFOLIO HOLDER/S Mayor Toby Adams
                Policy Portfolio

MEETING DATE  Wednesday, 15 July 2020

SUBJECT       Nuisances Bylaw amendment – Statement of Proposal and
                proposed amendment to the Nuisances Bylaw

SUMMARY | TE WHAKARĀPOPOTANGA

- During the separation of the bylaws under the Hauraki District Council’s consolidated bylaw in 2019 the clauses for Vehicles Crossings were revoked.
- Vehicle crossing is considered necessary by staff to be contained within a bylaw to ensure adequate controls are available to Council not currently covered elsewhere.
- The statement of proposal and proposed Nuisances bylaw amendment (Appendix B) been prepared for consideration by the Council and for potential consultation with the community.
- The recommended option is to undertake a special consultative procedure with the Statement of Proposal with proposed policy (Appendix B) from 17 July to 17 August 2020.

RECOMMENDATION | TE WHAIKUPU

THAT the report be received, and

THAT in accordance with section 155(1) of the Local Government Act 2002 the proposed amendment to the Nuisance Bylaw 2019 is the most appropriate way of addressing the perceived problems, and

THAT in accordance with section 155(2) of the Local Government Act 2002 the proposed amendment to the Nuisance Bylaw 2019 is the most appropriate form of bylaw and does not have any implications under the New Zealand Bill of Rights Act 1990, and

THAT in accordance with section 145 and section 159 of the Local Government Act 2002 the Council approves the proposed amendment to the Nuisance Bylaw 2019 (as contained in the Statement of Proposal attached) for public consultation, and

THAT the special consultative procedure is used for community engagement on the proposed amendment to the Nuisance Bylaw 2019 and will proceed from 17 July to 17 August 2020.
THAT in accordance with sections 156(1)(a) and 86 of the Local Government Act 2002 the Council adopt the attached Statement of Proposal for the proposed amendment to the Nuisance Bylaw 2019.

1 PURPOSE | TE ARONGA

To present the statement of proposal and proposed amendment to the Nuisances Bylaw to Council for adoption for consideration.

2 BACKGROUND | TE KŌRERO Ā MUA

The Hauraki District Council’s Consolidated Bylaw 2007 was split into ten Parts. The various Parts had different review deadlines, with several Parts due for review by 1 July and 1 November 2019. At its meeting of 29 August 2018 the Council resolved to form a councillor working party to work with staff on the review of the various Parts of the Consolidated Bylaw and passed the following resolution of the Council:

THAT during the review process the various Parts of the Hauraki District Council Consolidated Bylaw 2007 are separated into individual bylaws

The bylaw clauses in Part 2: Land Transport, with the exception of clause 5.0 Vehicle Crossings, are made in accordance with the Land Transport Act 1998. Bylaws made under that Act do not have a review ‘deadline’ so do not lapse. However, clause 5.0 Vehicle crossings was developed under the Local Government Act 2002 meaning it was revoked on 12 July 2019.

Clause 5.0 Vehicle crossings sets out the requirements for the construction, maintenance and use of vehicle crossings across footpaths, berms and water channels, including:

- No person is to use a motor vehicle across a footpath, berm or water channel unless using an approved crossing (e.g. access from the road to your driveway).
- A person must get the Council’s permission to construct, repair or renew a crossing, except where it is being renewed to its original state.
- Application must be made in writing and the Council can apply standards; require that the Council undertakes the work; or refuse the application if the existence of the crossing causes or may cause any danger or obstruction.
- The Council may, after giving notice in writing, require the owner or occupier of the land to which the crossing gives access to, to remove or repair the crossing if it is in an unsafe state. The Council can undertake the work itself and charge the owner or occupier.

3 THE ISSUES | NGĀ TAKE

The Council is required by law to consider the following questions before adopting a bylaw.

1 Section Land Transport (Speed Limits Validation and Other Matters) Act 2015, Transport Act 1962, section 224B Land Transport Act 1998.
2 If a bylaw is made under the Local Government Act 2002 (LGA) it must be reviewed within five years after it was first adopted by the Council and then at intervals of no later than ten years after it was last reviewed. If a bylaw is not reviewed within these timeframes it is automatically revoked 2 years after the last date on which it should have been reviewed.
3.1 Is a bylaw the most appropriate way of addressing the problem?

Since the Vehicle Crossing clauses in the consolidated bylaw were revoked there have been limited options available to staff when managing service requests related to vehicle crossings. We need to define, by means of a Bylaw, what a properly constructed crossing is (LGA74 clause 335), otherwise we are unable to deal with maintenance issues on existing vehicle crossings which are substandard. There also needs to be a process for new vehicle entranceways, done by a permitting system, which would also be outlined in a Bylaw.

**Vehicle crossings**

(1) Where vehicles are being taken or, in the opinion of the council, are likely to be taken, on to or from any land across any footpath on any road or any water channel on or adjoining any road otherwise than by means of a crossing properly constructed under the provisions of any bylaw made by the council, the principal administrative officer or other officer authorised by the council may, by notice in writing, require the occupier or, in any case where there is no occupier, the owner of the land to pay to the council such sum of money as the council from time to time fixes as payment for the cost of the construction of a crossing by the council.

The Council’s District Plan contains standards for vehicle crossings. The various rules in the District Plan have been considered by staff to establish whether or not a bylaw empowering it to put controls on vehicle crossings, including the power to remove the works if the crossing is non-compliant, was the most appropriate way of addressing the matter. It is common for councils to control these matters via a council bylaw, the controls in the District Plan are not considered sufficient.

The Council’s Traffic and Parking Bylaw 2007 has controls in place for the parking of vehicles. The clauses of the Traffic and Parking Bylaw fall under the Land Transport Act 1998.

Therefore a bylaw is the most appropriate way of addressing the issues as without the enforcement powers enabled under the LGA Council would not be able to adequately resolve these issues related to vehicle crossings.

3.2 Is the proposed bylaw the most appropriate form of a bylaw?

Given that vehicle crossing sits under the Local Government Act 1974 it is considered appropriate that the Nuisances Bylaw is amended to include the vehicle crossing clauses. All clauses within the Nuisances Bylaw fall within the Local Government Act. The Nuisance Bylaw has control on what people can do and can’t do in public places or on council land.

The proposed amendment to the Nuisance Bylaw is included as Appendix A of this report (amendments to the bylaw are shown in red). In summary the clauses allow:

- No new vehicle crossing or alterations to an existing vehicle crossing without a permit from the Council.
- Permits given will be subject to conditions (location, thickness, dimensions, reinforcements and materials) deemed appropriate by the Council.
- If a vehicle crossing is not maintained to an appropriate level and considered substandard by the Council, the Council may issues a notice in writing to the owner of the land and if the owner does not comply will be in breach of the bylaw.
- If any owner does not undertake the necessary repairs the Council have deemed necessary the Council can undertake the work themselves and seek costs from the owner of the land.

Fees and charges associated with permitting and inspections will be documented in the Council’s Schedule of fees and charges. Any penalties associated with a breach of this bylaw will be enforced under the powers provided by the Local Government Act 2002.

---

3 Rule 8.4.3.3 of the Hauraki District Council District Plan
4 Section 335(1) of the Local Government Act 1974.
3.3 Are there any implications under the New Zealand Bill of Rights?

A bylaw that unreasonably interferes with the rights and freedoms in the NZ Bill of Rights Act 1990 will be held to be unreasonable and invalid by the Courts. However, a human right can be interfered with if the issue is critical and the bylaw to address the issue is proportionate and therefore reasonable. Thus justifying the interference. Rights likely affected by bylaws include freedom of expression, freedom of peaceful assembly, freedom of association and freedom of movement, and freedom from discrimination.

On review, staff believe the proposed amendment to the Nuisance Bylaw 2019 does not have any implications on the rights and freedoms contained in the Bill of Rights Act 1990. There are no bans or unjustified limitations on any of the rights and freedoms contained in the Act.

4 ENGAGING WITH OUR COMMUNITIES | KIA UIA TE HAPORI WHĀNUI

Staff consider that the Council does not have enough of an understanding of community views and preferences on this matter. The level of engagement considered appropriate for this matter, at this point in time, is to consult (i.e. two-way communication to obtain public feedback).

A bylaw made, reviewed or revoked under the Local Government Act 2002 must be publicly consulted on before the decision is made. If it is deemed significant or the local authority considers that there is a significant impact on the public due to changes or proposals, then the more prescriptive ‘special consultative procedure’ must be followed (section 83) in addition to the general consultation approach (section 82).

The special consultative procedure requires that a statement of proposal is adopted by the Council and people must be given a period of at least one month to provide their views to the Council. This can be done by written or verbal feedback. Any person who wishes to present their views must be given a reasonable opportunity to do so.

The alternative engagement approach (if these significance ‘triggers’ do not apply) is to solely use section 82 ‘principles of consultation’ in the LGA which still requires that anyone who is affected or has an interest in a matter should be provided with clear information and encouraged to provide feedback to the Council, however the required one month feedback period is not mandatory. In reality, these two approaches can be quite similar when put into practice.

Therefore, a special consultative procedure is recommended as the most appropriate way of obtaining the communities feedback and is proposed to be included as a package of community engagement undertaken from 17 July to 17 August 2020.

5 OUR OPTIONS | NGĀ KŌWHIRINGA A MĀTOU

Staff have identified the following options for the Council to consider:

- Retaining the status quo, providing no formal process or bylaw for vehicle crossings to be managed.
- Undertake the special consultative procedure on the statement of proposal and proposed amendment to the Nuisance Bylaw as attached.
- Make further changes to the proposed bylaw and undertake the special consultative procedure as legally required amending a bylaw.

These options and their advantages and disadvantages are outlined below.

---

5 Section 5 New Zealand Bill of Rights Act 1990.
5.1 OPTION 1: Retain Status Quo

**ABOUT THIS OPTION**
Council could choose not have a bylaw in place for vehicle crossings, with limited ability to manage vehicle crossings within the district.

<table>
<thead>
<tr>
<th>ADVANTAGES</th>
<th>DISADVANTAGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Nothing further required.</td>
<td>• There is no mechanism/process available for Council to manage substandard vehicle crossings within the district.</td>
</tr>
<tr>
<td></td>
<td>• There is no mechanism/process available to Council to manage applications for new vehicle crossings within the district.</td>
</tr>
</tbody>
</table>

**FINANCIAL COSTS**

<table>
<thead>
<tr>
<th>Whole of life costs</th>
<th>Variable costs associated with this option dependent on the process.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Potentially the only method of managing substandard vehicle crossing where the landowner was unwilling would be pursuing costs in the court under the District Plan.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Budget source</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>Changes to budgets</td>
<td>Unknown</td>
</tr>
<tr>
<td>Impact on the Council’s debt</td>
<td>Unknown</td>
</tr>
<tr>
<td>Potential impact on rates</td>
<td>Unknown</td>
</tr>
</tbody>
</table>

5.2 OPTION 2: Consult on the proposed SOP and Bylaw amendment

**ABOUT THIS OPTION**
Undertaking the special consultative procedure on the Statement of Proposal and proposed amendment to the Nuisance Bylaw as attached.

<table>
<thead>
<tr>
<th>ADVANTAGES</th>
<th>DISADVANTAGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Council would have the mechanism/process in place to enable managing of substandard vehicle crossings within the district.</td>
<td>• No disadvantages identified.</td>
</tr>
<tr>
<td>• Council would have the mechanism/process in place to enable managing of vehicle crossings within the district.</td>
<td></td>
</tr>
<tr>
<td>• Community are engaged through their preferred option.</td>
<td></td>
</tr>
<tr>
<td>• Community feedback can be considered and reflected in the bylaw amendment where appropriate.</td>
<td></td>
</tr>
</tbody>
</table>

**FINANCIAL COSTS**

<table>
<thead>
<tr>
<th>Whole of life costs</th>
<th>One off operating cost:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Approximately $250 for combined public notification with the other SOP’s being proposed for as part of this Council agenda (responsible freedom camping, nuisance bylaw</td>
</tr>
</tbody>
</table>
The document discusses the proposed bylaw amendment and statement of proposal for consultation. The proposed changes include the management of substandard vehicle crossings within the district. The council may wish to make amendments to the proposed bylaw amendment and statement of proposal before it is consulted on.

**Advantages**
- Council would have the mechanism/process in place to enable managing of substandard vehicle crossings within the district.
- Community are engaged through their preferred option.
- Community feedback can be considered and reflected in the bylaw amendment where appropriate.
- The policy reflects changes the Council considers appropriate.

**Disadvantages**
- May add a small delay in consultation to allow staff time to make changes to proposed bylaw amendment and statement of proposal for consultation.

**Financial Costs**

<table>
<thead>
<tr>
<th>Whole of life costs</th>
<th>One off operating cost:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Approximately $250 for combined public notification with the other SOP's being proposed for as part of this Council agenda (responsible freedom camping, nuisance bylaw (vehicle crossings) dangerous and insanitary buildings policy and gambling policy), document publication costs which would be met from existing printing budgets, staff time for implementing consultation process and the collating public feedback for the consideration of the Council.</td>
</tr>
</tbody>
</table>

**Budget source**

Existing Strategic Planning budget

**Changes to budgets**

In order to accommodate these costs there will not need to be changes to budgets.
Impact on the Council’s debt | There is no impact on the Council’s debt.
---|---
Potential impact on rates | There will be no impact on rates because this comes out of existing budgets.

## 6 PREFERRED OPTION | TE KŌWHIRINGA MATUA

Staff recommend proceeding with option 2 – Consult on proposed SOP and bylaw amendment.

### 6.1 LINKAGES

<table>
<thead>
<tr>
<th>STRATEGIC DIRECTION</th>
<th>The preferred option IS consistent with the <strong>Council’s strategic direction</strong>, including community outcomes.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Progress Hauraki</strong></td>
<td>We are a proactive council that provides leadership and communicates effectively with all sectors of our district.</td>
</tr>
<tr>
<td><strong>Kotahitanga Hauraki</strong></td>
<td>We take a collaborative approach with both Mana Whenua and Tangata Whenua in our district.</td>
</tr>
<tr>
<td><strong>Interactive Hauraki</strong></td>
<td>We have a positive climate that encourages balanced and sustained economic growth throughout the district.</td>
</tr>
<tr>
<td><strong>Lifestyle Hauraki</strong></td>
<td>We provide an environment that encourages vibrant communities and an enhanced quality of life.</td>
</tr>
<tr>
<td><strong>Please note, as at the drafting of this report staff were in the process of being advised of the new Community Outcomes as adopted at 24 June 2020 Council meeting.</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LONG TERM PLAN / ANNUAL PLAN ALIGNMENT</th>
<th>The preferred option IS consistent with the <strong>long term plan and/or annual plan programmes and budgets.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>This option meets out legal obligations and fits within existing programmes and budgets.</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>POLICIES, BYLAWS AND PLANS ALIGNMENT</th>
<th>The preferred option IS consistent with the Council’s <strong>other strategies, policies, bylaws and plans.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>This option does not contradict any other strategies, policies, bylaws or plans.</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SIGNIFICANCE ASSESSMENT</th>
<th>The decision IS <strong>considered significant</strong> under the Council’s Significance and Engagement Policy 2017.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>This decision is significant as a review of a bylaw triggers the requirement for a special consultative procedure under the Local Government Act 2002.</strong></td>
<td></td>
</tr>
</tbody>
</table>
6.2 ASSESSING THE RISKS

Staff have not identified any risks associated with the preferred option.

7 NEXT STEPS | TE ARA KI MUA

<table>
<thead>
<tr>
<th>Timeframe</th>
<th>Action</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>17 Jul – 17 Aug 2020</td>
<td>Special Consultative Procedure (Consultation)</td>
<td></td>
</tr>
<tr>
<td>9 Sep 2020</td>
<td>Council hearings and deliberations</td>
<td></td>
</tr>
<tr>
<td>30 Sep 2020</td>
<td>Council adoption of the bylaw amendment</td>
<td></td>
</tr>
</tbody>
</table>

Approval

<table>
<thead>
<tr>
<th>Prepared by</th>
<th>Michelle Clive</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Strategic Planner</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Approved by</th>
<th>Peter Thom</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Group Manager Planning &amp; Environmental Services</td>
</tr>
</tbody>
</table>
Hey, we need to talk
me kōrero ngātahi tātou

We’re amending our Nuisance Bylaw and we want to know what you think.

When we’ve taken into account all your feedback, we’ll finish off the bylaw and it will be adopted by Council.

IMPORTANT DATES

Open for feedback from
17 July 2020 to 17 August 2020

TALK TO US

Tell us what you think in person: 9 September 2020 in the Hauraki District Council Chambers, William Street, Paeroa.

WHERE CAN I FIND MORE INFORMATION?

The proposed nuisance bylaw is available at Council offices, online at https://weneedtotalk.hauraki-dc.govt.nz or give us a call and we’ll send a copy to you.

See the next page for the various ways you can have your say.

What we’re proposing

We want to change the Nuisance Bylaw that was adopted last year. Why are we doing this so soon? At the moment, we can’t always control where a vehicle can cross from a road onto a private property – called a vehicle crossing.

So we want to change the bylaw so you have to apply for a permit to build or change a vehicle crossing.

Permit conditions will include details like thickness, dimensions, reinforcement and materials that we consider necessary for safety reasons.

This will help us to ensure new or altered vehicle crossings are safe for other users of shared spaces (such as a mobility scooter on a footpath). It also means we could issue fines and seek costs from the landowner if vehicle crossings are installed that don’t comply.
A guide to giving feedback

Any organisation or member of the public can give us feedback in writing, on the phone, in person or all of these. This is your chance to tell us your thoughts about what we’re proposing.

Good feedback is clear, concise and to the point. Tell us which parts you support, and which ones you don’t. Let us know why. You are most welcome to provide additional pages or supporting material to your feedback.

Remember to provide your contact details if you would like to be kept informed of the decisions made after considering your feedback.

Your feedback will be a council record, so may be reproduced as an attachment to a Council agenda, made publicly available and remain on Council minute records. If you aren’t providing feedback on behalf of an organisation and would like your contact details to be kept private, please let us know.

We’ll notify everyone who provides feedback of the outcome in writing.

Special assistance

We can offer assistance with special requirements at a hearing in terms of language translation, including that of sign language, or presenting through audio visual mechanisms. If assistance is required, please let us know and we will make the appropriate arrangements.

How you can have your say

If you want to talk to us:

- contact an Elected Member to discuss your thoughts. You can find their contact details on our website [https://www.hauraki-dc.govt.nz/our-council/mayor-councillors/](https://www.hauraki-dc.govt.nz/our-council/mayor-councillors/).
- contact us to book in to speak to the Council at a hearing in Paeroa on 9 September 2020, or tick the box on the feedback form to show us you’re keen to attend. We’ll contact you closer to the date of the hearing to arrange a time for you to share your thoughts with the Elected Members.
- give us a call and speak with a member of the strategic planning team – we can draft your feedback into a written statement and we’ll provide you with a copy.

If you want to write to us:

- fill out the online feedback form on our website [https://weneedtotalk.hauraki-dc.govt.nz](https://weneedtotalk.hauraki-dc.govt.nz)
- private message or comment on our Facebook page
- email your feedback to [info@hauraki-dc.govt.nz](mailto:info@hauraki-dc.govt.nz)
- write a letter, or fill in the printed feedback form (available at our service centres, or downloadable from our website)

Huh?! What’s a bylaw?

Our bylaws only apply to the Hauraki District. They’re rules that local councils can develop to make our district a safe and healthy place. They can protect the public from nuisance; protect, promote and maintain public health and safety; and minimise the potential for offensive behaviour in public places. We make them in consultation with you – that’s why your feedback is important to us.

A bylaw can be enforced by us, or others we’ve nominated, such as the New Zealand Police.

1. We review how well the policy is working, involving key groups
2. Changes are made to the policy as a result of early discussions
3. You tell us what you think of the proposed changes to the policy
4. We look at the feedback and may make further changes as a result of your views
5. The policy is adopted and then effective
Nuisance Bylaw 2019

Effective 1 July 2019
Contents

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7.0 Fees 12
8.0 Permits/licences/consent 13
9.0 Enforcement 13
10.0 Offences and penalties 13
11.0 Dispensations 13
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Schedule 1: Prohibited areas for skating 15

Title  Nuisance Bylaw 2019
Sponsor  Strategic Planning
Group Manager Planning and Environmental Services
Approved by  The Hauraki District Council
Adoption date  26 June 2019
Adoption report  2592110
Review by  26 June 2029
Document reference  2580602
Property of the Hauraki District Council
1.0 Introduction

1.1 Purpose

This bylaw facilitates the enjoyment of living in and visiting the Hauraki District by managing and regulating the use of public places and certain activities on private land, including the keeping of animals and bees.

1.2 Title

This bylaw is the Hauraki District Council Nuisance Bylaw 2019.

1.3 Enabling enactments

This bylaw is made in accordance with the Local Government Act 2002 and the Health Act 1956.

1.4 Commencement

This bylaw comes into force on 1 July 2019.

This bylaw revokes and replaces the relevant clauses of Part 3 (Public Safety) of the Hauraki District Council Consolidated Bylaw 2007.

1.5 Review

The review of this bylaw will be undertaken no later than 10 years after the last review.

1.6 Related information

There is related information in comment boxes in this bylaw. Related information does not form part of this bylaw and may be inserted, changed or removed without any formality.
### Definitions

For the purposes of this bylaw the following definitions apply:

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal</td>
<td>means stock, poultry and any other vertebrate animal of any age or sex that is kept in a state of captivity or is dependent upon humans for its care and sustenance.</td>
</tr>
<tr>
<td>Authorised officer</td>
<td>means any person delegated, appointed or authorised in writing by the Council to act on its behalf.</td>
</tr>
<tr>
<td>Barbed wire</td>
<td>means any wire that contains barbs, spikes, blades, jagged edges or pointed projections along its length and is used to make fences and barriers.</td>
</tr>
<tr>
<td>Beach</td>
<td>means the foreshore (including the inter-tidal zone above the mean low water spring) and any adjacent area that can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation and includes the adjacent coastal marine area.</td>
</tr>
<tr>
<td>Council</td>
<td>means the Hauraki District Council or any person delegated or authorised to act on its behalf.</td>
</tr>
<tr>
<td>District</td>
<td>means the district of the Hauraki District Council.</td>
</tr>
<tr>
<td>Low Density Residential Zone</td>
<td>has the same meaning as defined in the Hauraki District Plan.</td>
</tr>
<tr>
<td>Nuisance</td>
<td>has the meaning given by section 29 of the Health Act 1956 and its amendments and includes a person, animal, thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person whether or not that person is in a public place.</td>
</tr>
<tr>
<td>Occupier</td>
<td>means the inhabitant occupier of any property, and in any case where any building, house, tenement, or premises is or are unoccupied shall be deemed to include the owner.</td>
</tr>
<tr>
<td>Poultry</td>
<td>means any bird including, but not limited to domestic fowl, ducks, geese, turkeys, guinea-fowl, pheasants, peacocks and pigeons.</td>
</tr>
<tr>
<td>Premises</td>
<td>means any private land that is occupied or unoccupied and includes any dwelling, building, shop, yard, or part of the same.</td>
</tr>
<tr>
<td>Public performance</td>
<td>includes public speaking, busking, miming, singing, dancing, acting or the playing of musical instruments.</td>
</tr>
<tr>
<td>Public place</td>
<td>is a place under the control of the Hauraki District Council, and is open to, or being used by the public, whether or not there is an admission charge, and includes:</td>
</tr>
<tr>
<td></td>
<td>(i) any road within the district, whether or not the road is under the control of the Council; and</td>
</tr>
<tr>
<td></td>
<td>(ii) any part of a public place.</td>
</tr>
<tr>
<td></td>
<td>Examples of a public place include a reserve (including road reserve), public square, cemetery, beach, wharf, footpath, Hauraki Rail Trail.</td>
</tr>
</tbody>
</table>
### Urban area

means land within a Residential, Township, Marae Development (Waihi Community Marae only), Town Centre, Industrial and Reserve (Active) Zones as defined in the Hauraki District Plan.

For the purpose of this bylaw the term ‘Urban area’ does not include a Low Density Residential Zone.

### Reserve

means any reserve, park, domain or recreational area under the control or ownership of the Council.

### Rural area

means land zoned Rural, Coastal, Marae Development (excluding the Waihi Community Marae), Conservation (Indigenous Forest or Wetland), or Karangahake Gorge Zones in the Hauraki District Plan.

### Skating device

means roller skates, roller blades, inline skates, skateboard, scooter or other or similar recreational devices but does not include any wheelchair, baby or invalid carriage or bicycles.

### Slaughter

means the process of killing, skinning, and dismemberment of any animal, the retention of parts for use, and disposal of the balance and slaughtered and slaughtering shall have a corresponding meaning.

### Stock

means cattle, deer, llamas, alpacas, donkeys, mules, horses, sheep, goats, and any other animal farmed, and dependant on humans for their care and sustenance. It does not include pigs, poultry or bees.

### Vehicle crossing

means a formed access for vehicles to enter or leave private land from or to a road.

Maps showing the various urban and rural areas in the District can be found on our website: [www.hauraki-dc.govt.nz/our-council/district-plan/dp-maps](http://www.hauraki-dc.govt.nz/our-council/district-plan/dp-maps)
3.0 Public places

3.1 Prohibited conduct in public places

A person must not in any public place:

a) deposit any household or trade refuse in a public litter receptacle;
b) use any item or object, including skating devices, bicycles or motorised scooters, recklessly or in a manner which may intimidate, be dangerous, injurious, or cause a nuisance to any person, or damage a public place;
c) place or leave any material or object, including signage or items for sale or hire, in a way that interferes with or obstructs the free movement of pedestrians or traffic in any way;
d) solicit any subscription, collection or donation or provide a public performance in a way that does or is likely to create a nuisance.

3.2 Restricted conduct in a public place

Except with the prior written permission of the Council, a person must not in any public place:

a) set off any fireworks, flare or other explosive material;
b) install, construct, or abandon any object, vehicle, material or structure on, over, or under a public place;
c) obstruct any entrance to or exit from a public place;
d) allow any gate or door on property neighbouring a public place to swing over or across the public place;
e) hang an awning, blind or screen from a premises or a structure, or erect or maintain an awning over any public place;
f) take off or land any aircraft, hot air balloon, hang glider, parachute or similar aircraft except in an emergency;
g) carry out any work on any motor vehicle, except in the case of any accident or emergency when repairs are necessary to allow the vehicle to be removed;
h) damage, interfere with, destroy or remove any grass plot, ornamental verge, flowerbed, tree, shrub or plant, or any inscription or label relating to it;
i) remove any sand, soil or other naturally occurring material found in a public place;

j) open a drain or sewer on, or disturb or remove the surface of any public place.

3.3 Electrical or barbed wire fencing

a) Except with the prior written permission of the Council, a person must not erect any electrified fencing or barbed wire fencing along the boundary or within one metre of a public place.

b) Clause 3.3 a) does not apply within a rural area, except when the fence abuts or adjoins a footpath.

3.4 Ban on use of skating devices

The riding of skating devices is prohibited in certain public places in Paeroa, Ngatea and Waihi as contained in the maps in Schedule 1 of this bylaw.

3.5 Encroachment on public places

If any building, structure or object or any part thereof is installed, constructed or placed upon, under, over or across any public place; or

If any vegetation is permitted or allowed to encroach onto or over any public place so as to obstruct or interfere with the free movement of persons using that public place without the permission of the Council, the Council may by notice in writing require the owner of such building, structure, object or vegetation to remove the same or part thereof as specified in the notice.

3.6 Trading in public places

A person must not trade, or provide a service to the public, or display for sale any article or service in a public place, except with the prior written permission of the Council.
3.7  **Fires in public places**

A person must not light a fire in any public place unless:

a) the fire is contained in an appliance designed for outdoor cooking provided by the Council, or

b) the fire is contained in a portable gas barbeque in a Council reserve, or

c) the Council has given prior written approval.

3.8  **Access to beach**

Any person wanting to gain access from a public place to a beach must use a designated access where this is available.

3.9  **Horses on beach**

A person must not ride a horse on a beach under the control of the Council in a way as to endanger the safety of persons, or be an annoyance or inconvenience to persons, either on the beach or the foreshore.

3.10  **Vehicles on beach**

3.10.1  A person must not ride, drive, stop, stand, or park a vehicle on Whiritoa Beach except:

a) when launching or retrieving a boat or Kontiki (long line fishing) from the sea, or other body of water; or

b) when the vehicle is an emergency vehicle used to save or protect life or health, or serious damage to property, or a vehicle used in an official capacity at the time by an authorised officer; or

c) the person in control of the vehicle, or a passenger, holds a valid New Zealand mobility parking permit.

3.10.2  A person must not drive a vehicle on a beach under the control of the Council in a way as to endanger the safety of persons, or be an annoyance or inconvenience to persons, either on the beach or the foreshore.
3.11 Animals on public places (excluding dogs)

a) A person in control of an animal on any public place must ensure that the animal is kept under proper control so as not to create a nuisance or danger for other people using the public place.

b) A person in control of an animal on any public place must ensure that the animal is kept under proper control to ensure that no damage is caused to the public place or to any object in the public place.

c) A person in control of an animal on any public place must immediately remove any faeces deposited by that animal.

3.12 Slaughter of animals

a) A person must not slaughter any animals or dismember, handle, process or dispose of the carcass or remains of an animal on any premises which, in the opinion of an authorised officer, causes or is likely to cause nuisance or threat to public safety.

3.13 Reserves

3.13.1 A person must not enter or remain on a reserve that Council has:

a) restricted or closed access to the public (for example, to protect public safety from unsafe or damaged areas, protect flora from disease, or for maintenance activity); or

b) set aside for exclusive use of a particular group for the duration of that use, unless that person is part of that group (for example, to allow areas to be temporarily booked for small and large events such as weddings, triathlons, concerts or festivals).

3.13.2 Except with the prior written permission of the Council, a person must not distribute any printed or written material advertising any product, service or public entertainment on a Council reserve.

3.14 Reinstatement on completion of authorised works

A person doing authorised works on a public place must, on completion of the works, reinstate the place to the satisfaction of the Council.
3.15 Road and building identification

a) The Council may alter the number of a building, complex or property when it is necessary or advisable to do so.

b) Numbers required are to be maintained by the owner or occupier in such a manner so as to readily identify the property at all times.

3.16 Vehicle crossings

3.16.1 No person shall construct, repair, remove or widen any vehicle crossing without a permit from council.

3.16.2 Any permit for works in relation to a vehicle crossing shall be subject to such conditions concerning location, thickness, dimensions, reinforcement and materials as the council or an authorised officer considers reasonably necessary to:

a) ensure safe and efficient operation of the vehicle crossing
b) protect the road, including any footpath or berm, adjacent to the vehicular crossing;
c) ensure the vehicle crossing can withstand the weight of vehicles likely to use it;
d) ensure safe and convenient use of the road and/or footpath by pedestrians and vehicles.
e) ensure that the vehicle crossing does not have a detrimental effect on the intended drainage flowpaths of the road and berm areas

3.16.3 Every owner of land to which a vehicle crossing provides access, shall maintain the vehicle crossing in order to meet the requirements of clause 3.16.2. If in the opinion of an authorised officer, any crossing is in a bad or unsafe state of repair, or fails to meet the requirements of clause 3.16.2, the authorised officer may by notice in writing, require the owner of the land to which the crossing provides access, to repair, reconstruct, or renew such crossing to the satisfaction of the council. Every owner who fails to comply with such a notice within the period specified commits an offence against this bylaw.

3.16.4 If any owner of land is in default in carrying out works as required under clause 3.16.3, the council may carry out those works itself and recover from the owner the cost of doing so, together with reasonable administrative and supervision charges.
4.0 Nuisance on private property

4.1 Prohibited conduct on private property

On any private property a person must not:

a) burn, cause, or permit to be burnt, any matter or thing in a way that creates a nuisance,

b) deposit in or discharge, or cause or permit the deposit or discharge of any litter, animal or other offensive matter or thing into a stream, watercourse, pond, lagoon, open drain, gutter or channel that creates or is likely to create a nuisance,

c) being the owner or occupier of premises, cause or permit offensive liquid or matter to remain in or on, or flow from those premises in a way that creates, or is likely to create a nuisance,

d) being the owner or occupier of premises to cause or permit conditions on those premises likely to contribute to the outbreak or spread of disease by the agency of flies, mosquitoes, or other insects, or of rats, mice, or other vermin.

5.0 Keeping of animals (excluding dogs)

5.1 General nuisance created by animals

Every person keeping an animal on private property must ensure it is kept in a manner that the animal does not create a nuisance to any person, as determined by an authorised officer.

5.2 Keeping of stock in urban areas

a) A person must not keep any stock on or within any premises in the urban areas of the District, except where the stock is less than 12 months of age and is being kept for participation in a children’s agricultural day event.

b) Clause 5.2 (a) does not apply where the premises is part of a Structure Plan in the District Plan and is not yet subdivided into lots as permitted by the Structure Plan, or where the section is in pasture and rural in nature.

5.3 Pig keeping

a) A person must not keep any pigs on or within any premises in...
urban areas of the District.

b) With the prior written permission of the Council, up to four pigs may be kept on a property in the Low Density Residential Zone in the District.

c) A person must not keep any pigs in a manner that is a nuisance or offensive, in the opinion of an authorised officer.

d) Except with the prior written permission of the Council, no person is to construct or allow any pigsty to remain, or any pigs to range, less than 50 metres from any boundary of any adjoining property or road.

5.4 Poultry keeping

a) A person must not keep, or permit to be kept, any rooster or cockerel on or within any premises in the urban area and Low Density Residential Zone in Paeroa, Ngatea and Waihi.

b) A person must not keep more than six head of poultry on or within any premises in urban areas, except with the prior written permission of the Council.

c) A person must not keep more than twelve head of poultry on or within any premises in the Low Density Residential Zone, except with the prior permission of the Council.

d) In urban areas and the Low Density Residential Zone all poultry must be kept in a poultry house, to which a poultry run may be attached. Every poultry run shall be enclosed to confine the poultry within the poultry run, with the exception of coops used to keep pigeons, doves and similar birds.

e) No poultry house or poultry run is to be installed or maintained so that any part of it is within 10 metres of any dwelling or any other building on an adjoining property, whether wholly or partially occupied, or within 2 metres of the boundary of an adjoining property or road.
f) Every poultry house and poultry run is to be maintained in good repair, in a clean condition free from any offensive smell or overflow, and free from vermin.

g) A person must not keep on or within any premises in the urban area or Low Density Residential Zone, any noisy poultry which is causing a nuisance, in the opinion of an authorised officer.

h) If a nuisance is created as a result of any poultry house or poultry run or the keeping of poultry, the Council may serve a notice on the owner or keeper of the poultry house, poultry run or poultry requiring that person to stop the nuisance.

6.0 Bee keeping

a) A person must not keep bees or cause or permit bees to be kept on or within any premises in the urban area or Low Density Residential Zone, except with the prior written permission of the Council.

b) A person must not keep bees or cause or permit bees to be kept at or on any public place, except with the prior written permission of the Council.

c) When making a decision on the keeping of bees, the Council will consider, amongst other things, the size of the property where the hives and bees are to be kept and the opinions of the owner and occupier of any adjacent property.

d) Where a bee hive is located in close proximity to an adjacent property or public place the bee hive entrance must face away from the adjacent property or public place and a flyway barrier of at least 1.8 metres in height must be used to ensure the bee flight path is high enough to prevent a nuisance. A flyway barrier could include amongst other things a fence, hedge or shade cloth.

e) Every person keeping bees or causing or permitting bees to be kept on private property must ensure that:
   i) the bees do not create, nor are likely to create a nuisance or cause distress to any person; and
   ii) the bees are not kept in such conditions that create or are likely to create a nuisance or cause distress to any person.

7.0 Fees

Any relevant licence, permit, consent or approval fees are documented in the Council’s Schedule of Fees and Charges.
8.0 Permits/licences/consent

8.1 Transfer
No licence, permit, consent or approval issued to a person named in that licence, permit, consent or approval is transferable to any other person.

8.2 Revocation
If circumstances change, the Council may revoke the licence, permit, consent or approval or suspend it for as long as the Council thinks fit.

8.3 Appeal
There shall be a right of appeal by the applicant from any decision by an authorised officer to the relevant Group Manager. After consultation with the Chief Executive the Group Manager may refer the appeal to the Council, or relevant Committee of the Council, when in the Chief Executive’s opinion this is justified.

9.0 Enforcement

9.1
The Council may use its powers under the Local Government Act 2002 and the Health Act 1956 to enforce this bylaw.

9.2
The Council may pull down, remove or alter or cause to be pulled down, removed or altered any work, material or thing erected or being in breach of this bylaw and recover costs of the removal or alteration from the person who committed the breach.

10.0 Offences and penalties
Every person who fails to comply with any part of this bylaw commits an offence and will be subject to the penalty provisions outlined in the offences, penalties, infringement offences, and legal proceedings provisions of the Local Government Act 2002 and the Health Act 1956.

11.0 Dispensations
The Council may at its discretion waive any of the requirements of this bylaw except any prescribed
by statute if it believes good reason to do so exists.

12.0 Transitional Provisions

Any licence, permit, consent or other form of approval granted under Part 3 (Public Safety) of the Hauraki District Council Consolidated Bylaw 2007 continues in force but;

a) expires on the date specified in that approval; or

b) if no expiry date is specified, it expires on the date 1 month after the commencement of this bylaw; and

c) can be renewed only by application made and determined under this bylaw.

Nuisance Bylaw validation

This bylaw was adopted at a meeting of the Hauraki District Council on 26 June 2019, following public consultation.

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

______________________________  Mr. John Tregidga, Mayor

______________________________  Mr. Langley Cavers, Chief Executive
Schedule 1: Prohibited areas for skating
For more information:

- **W** www.hauraki-dc.govt.nz
- **E** info@hauraki-dc.govt.nz
- **P** 07 862 8609 or 0800 734 834 (from within District)

Visit us at one of our offices:

- Paeroa: 1 William Street
- Ngatea: 84 Orchard West Road
- Waihi: 40 Rosemont Road
FOR DECISION
MŌ TE WHAKATAUNGA

TO
Mayor and Councillors

AUTHOR
Charan Mischewski & Michelle Clive
Strategic Planners

FILE REFERENCE
Document: 2781819
Appendix A: Draft Responsible Freedom Camping Bylaw Statement of Proposal - 2780942
Appendix B: Draft Responsible Freedom Camping Bylaw 2020-2783478

PORTFOLIO HOLDER/S
Mayor Toby Adams
Policy portfolio

MEETING DATE
15 July 2020

SUBJECT
Draft Responsible Freedom Camping Bylaw and Statement of Proposal

SUMMARY | TE WHAKARĀPOPOPOTANGA

The Freedom Camping Act 2011 (the Act) enables council’s to create bylaws for managing freedom camping within their district on council owned or controlled land. The Council’s Freedom Camping Bylaw 2013 (the bylaw) is due for review.

Any restrictions or prohibitions on freedom camping must be considered against the criteria in the Act; to protect an area, to protect the health and safety of people who might visit the area, and to protect access to an area. After considering these matters, the Councillor working party recommends the following changes to the bylaw:

- The freedom camping sites in Paeroa and Ngatea are included in the bylaw so the Council has the ability to enforce breaches of the bylaw at these locations.
- Freedom camping is prohibited on the Wharekawa Coast, with the exception of Rays Rest and the Hauraki Rail Trail terminus.
- Two new locations for freedom camping are proposed in Waihi; the Council carpark off Mueller Street and Haszard Street, and the carpark at Morgan Park, Kenny Street.
- The inclusion of a restriction limiting freedom camping to one night stay per calendar month in the 50km/hr and 70km/hr zones in the district towns and townships – unless people are camping in a designated freedom camping location, then they can stay for two nights.

Staff believe the draft bylaw made under the Freedom Camping Act 2011 is the most appropriate way of managing the issues that can arise from freedom camping. The proposed bylaw does not have any implications under the Bill of Rights Act 1990.

There is a requirement to undertake the special consultative procedure when reviewing a freedom camping bylaw and this is recommended to run from 17 July to 17 August 2020, with a hearing and deliberations meeting on 9 September 2020.

Staff recommend consulting on the proposed statement of proposal and proposed bylaw as attached.
RECOMMENDATION | TE WHAIKUPU

THAT the report be received, and

THAT in accordance with section 155(1) of the Local Government Act 2002 and section 11(2) of the Freedom Camping Act 2011 the proposed Responsible Freedom Camping Bylaw is the most appropriate way of addressing the perceived problems, and

THAT in accordance with section 155(2) of the Local Government Act 2002 the proposed Responsible Freedom Camping Bylaw is the most appropriate form of bylaw and does not have any implications under the New Zealand Bill of Rights Act 1990, and

THAT in accordance with section 145 and section 159 of the Local Government Act 2002 the Council approves the proposed Responsible Freedom Camping Bylaw [as attached/as amended] for public consultation, and

THAT the special consultative procedure is used for community engagement on the draft Responsible Freedom Camping Bylaw, and

THAT in accordance with sections 156(1)(a) and 86 of the Local Government Act 2002 the Council adopt the attached Statement of Proposal for the proposed Responsible Freedom Camping Bylaw.

1 PURPOSE | TE ARONGA

To present the statement of proposal and draft Responsible Freedom Camping Bylaw to the Council for approval and adoption prior to consultation with the community.

2 BACKGROUND | TE KÖRERO Ā MUA

The Council’s current Freedom Camping Bylaw is due for review by 30 June 2021. At its meeting on 12 February 2020 the Council resolved to review the bylaw and formed a Councillor working party to work on the review. The working party have met several times and considered the various issues that must be taken into account during the review.

2.1 The Freedom Camping Act 2011

The Council may adopt a bylaw to manage freedom camping within the district on Council owned or controlled land. Freedom camping is defined in the Act, and includes tenting or sleeping in a vehicle.

A council cannot ban freedom camping across a district/city. When placing a prohibition or restriction on freedom camping the Council must be satisfied that the bylaw is necessary for one or more of the following reasons as outlined in the Act:

- To protect the area, e.g. the amenity value, indigenous flora or fauna, historic sites, the cultural value.
- To protect the health and safety of people who may visit the area, e.g. public toilet availability, site suitability, crime, littering.
- To protect access to the area e.g. protect public access to the beach, use of a boat ramp, to ensure fair use of the site if it is busy.

1 The bylaw was due for review by 1 October 2020, however following the Covid-19 pandemic’s impacts on public consultation there was a temporary amendment made to the Local Government Act 2002. The result is all bylaws due for review during this time will not lapse until 30 June 2021.
A bylaw made under section 11 of the Freedom Camping Act allows a council to issue infringements for freedom camping in prohibited areas or restricted areas where the rules are not followed.

Other means of regulating freedom camping in local authority areas, apart from a bylaw made under section 11 of the Freedom Camping Act, include section 44 of the Reserves Act 1977 (where freedom camping is prohibited on reserves unless allowed for in the reserve management plan), and rules in a district or regional plan made under the Resource Management Act 1991. The recent proposed District Plan Change will ensure the Hauraki District Plan is consistent with the Council’s draft bylaw.

2.2 The draft bylaw

During the review of the bylaw the Councillor working party considered service request data, community feedback received through engagement on the Hauraki Rail Trail terminus and Wharekawa Coast 2120 process, and survey data of freedom campers collated by the Council. Initial discussions have also taken place with some key stakeholders including the New Zealand Motor Caravan Association.

A total of 50 complaints were received by the Council about freedom camping from 2013-2019. When compared to other districts this is not a large number. However, there were some reoccurring issues such as campers staying more than the permitted number of nights, littering, and people camping on land they should not be on e.g. reserve land. The areas with the most reported issues were Kaiapua and Paeroa. The issues in Paeroa were predominantly about freedom campers staying longer than the two nights allowed. The issues in Kaiapua were mainly about people freedom camping in prohibited areas or not camping in approved sites.

2.2.1 Existing freedom camping sites in the 2013 bylaw

Currently the bylaw includes the following prohibitions and restrictions on freedom camping:

<table>
<thead>
<tr>
<th>Area</th>
<th>Status</th>
<th>Reason for status</th>
</tr>
</thead>
<tbody>
<tr>
<td>South end of Rays Rest, Kaiapua</td>
<td>Prohibited</td>
<td>Protection of wildlife in the area. The land sits between a DOC reserve and the Firth of Thames and is located in a RAMSAR site, which is a wetland of international importance. The area is particularly important for seabirds. The Council also wanted to maintain access to the narrow beach area.</td>
</tr>
<tr>
<td>Rays Rest Reserve, Kaiapua</td>
<td>Approved site with restrictions in place - limited to self-contained vehicles only, maximum of two night stay in any one calendar month.</td>
<td>This is a suitable location for freedom camping so the wider coastline can be preserved. There are no facilities on the site so self-containment is essential. The reserve is very popular with freedom campers and NZ Motor Caravan Association members and the Council wanted to maintain public access to the area, therefore the campers may stay for two nights.</td>
</tr>
</tbody>
</table>

The working party are not recommending any changes to the existing prohibited and restricted areas in the bylaw as the reasons for putting these in place are still valid.

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2 Changes made to the Reserves Act 1977 by the Conservation (Infringement System) Act 2018 mean infringements can be issued for occupying or using any land in a reserve for cultivation or any other purpose. The Council can also issue infringements if people camp on reserve land without permission, without having to list every single Council reserve in the Freedom Camping Bylaw.
**2.2.2 Proposed sites for inclusion—Approved freedom camping areas with restrictions**

The Council provides a freedom camping site in Ngatea and two in Paeroa. The working party is proposing these sites be included in the draft bylaw. This will give the Council the ability to infringe people if they choose, if the rules in the bylaw are broken. The Council does not currently provide a designated site for freedom camping in Waihi. The working party are proposing two sites in Waihi for consultation with the community. The table below outlines the proposed freedom camping sites for inclusion in the draft bylaw and the restrictions for each site.

<table>
<thead>
<tr>
<th>Area</th>
<th>Restrictions</th>
<th>Reason for status</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hauraki Rail Trail Terminus, Wharekawa Coast</strong></td>
<td>Open to all vehicles. Maximum of two-night stay in a calendar month. Must use designated parking areas.</td>
<td>Plans for the Terminus include day and overnight parking areas with natural landscaping, picnic areas and safety bollards. This project is aimed to be complete by October 2020. There will be a public toilet available so non self-contained vehicles and some tenting is permitted. The Coast is very popular with freedom campers and to maintain fair access to the area, the working party recommends a maximum two-night stay in a calendar month.</td>
</tr>
<tr>
<td><strong>Railway Reserve, Marshall Street, Paeroa</strong></td>
<td>Open to all vehicles. Must use designated parking area. Maximum of two-night stay in a calendar month.</td>
<td>There is a public toilet available so non self-contained vehicles and some tenting is permitted. The reserve is very popular with freedom campers and the Council wants to maintain public access to the area, therefore campers may stay for two nights.</td>
</tr>
<tr>
<td><strong>Hauraki District Council Office carpark, Marshall Street, Paeroa</strong></td>
<td>Available for two-night stay, only between the hours of 6pm Friday evening and 7pm Sunday evening of the same week.</td>
<td>This is used as a staff carpark during Monday-Friday office hours. It provides overflow parking from Railway Reserve during peak periods and is still within a short distance of same facilities. Therefore, non self-contained vehicles are permitted.</td>
</tr>
<tr>
<td><strong>Hugh Hayward Domain, off Orchard West Rd, Ngatea</strong></td>
<td>All vehicles permitted, must use designated carparks. Two-night stay in a calendar month.</td>
<td>There is a public toilet so non self-contained vehicles are permitted. It is proposed freedom camping be permitted for a two-night stay in a calendar month to preserve access to the area for other campers.</td>
</tr>
<tr>
<td><strong>Kenny St carpark, Morgan Park, Waihi</strong></td>
<td>Only self-contained vehicles permitted, must use designated carparks. Two-night stay in a calendar month.</td>
<td>No public toilets are available so vehicles need to be self-contained. The site is walking distance to the town centre, with minimal impact of residential and commercial communities. It is a highly visible area so there will be passive surveillance increasing the safety of those staying there. Due to the carpark being in high demand there will only be a small number of carparks designated for freedom camping. Sport ‘N’ Action believe a small number of sites could be accommodated at the location.</td>
</tr>
<tr>
<td><strong>Council carpark off Mueller &amp; Hazard Streets, Waihi</strong></td>
<td>Two-night stay in a calendar month.</td>
<td>There are public toilets near the site so self-containment is not essential. The site is within the town centre, and will likely have minimal impact on residential or commercial communities as the designated area will be backing on to the fire station premises. The area is somewhat visible from the street.</td>
</tr>
</tbody>
</table>
Alternative sites were considered for freedom camping in Waihi at Rocket Park and the southern end of Victoria Street, by the dump station. However, these sites were not considered as appropriate as the two listed in the table above. The site at the southern end of Victoria Street is not flat and does not have good passive surveillance, making it not as safe as the other sites. The site at Victoria Park is further from the town centre than the other locations and freedom camping could have a bigger impact on the amenity value of the area as it is in the residential zone.

2.2.3 Proposed sites - Prohibited areas for freedom camping

The working party are proposing to prohibit freedom camping on the Wharekawa Coast, with the exception of Rays Rest and the Hauraki Rail Trail terminus. The Working Party are recommending the following amendments to the current bylaw:

<table>
<thead>
<tr>
<th>Area</th>
<th>Reason for status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council land on and adjacent to East Coast Road, including the beach, from the northern part of Rays Rest Reserve to the Hauraki Rail Trail Terminus.</td>
<td>The land next to the Firth of Thames south of Kaiaua is located in a RAMSAR site, which is a wetland of international importance. The area is particularly important for seabirds. It is important we protect the wildlife in the area and their habitat. This prohibition means people will no longer be permitted to freedom camp at Tauwhare Koiora, Kaiaua (sometimes referred to as Swing Bridge reserve). This site is on the coast within the township of Kaiaua. It is not suitable for freedom camping because of the cultural value of the site for local iwi – it is wahi tapu or sacred. It is important to preserve access to the site for people wanting to visit for cultural reasons. The coastal area is very popular for freedom camping and the community have told us they want to preserve the amenity value of the area and access to the beach for residents and visitors alike. Community feedback included some concerns with the number of freedom campers on the Wharekawa Coast, and a desire to protect the natural environment.</td>
</tr>
<tr>
<td>Council land within the 50 km/hr speed limit area the Kaiaua township.</td>
<td>Due to the popularity of freedom camping on the Wharekawa Coast there is some concern freedom camping may spread past the designated sites onto road reserve and allow for a greater area of impact than anticipated. The streets in Kaiaua are narrow and not well placed to accommodate freedom camping. There is also the matter of allowing people to enjoy their views and use of their property without the impact of a lot of people freedom camping in the town. There is also wider risk to freedom campers if they are located around Kaiaua town and not in a designated area, as the area has experienced some flooding in the past from both the Huarahi Stream and also coastal inundation. If freedom campers are in one location it is easier to notify them if there is an incident.</td>
</tr>
<tr>
<td>Council land on and adjacent to East Coast Road, including the beach, from the Hauraki Rail Trail Terminus to the District boundary north of Waharau. Including Whakatiwai and Waharau.</td>
<td>This area is included as a prohibited area for the same rational noted above. The coastal area is very popular for freedom camping and the community have told us they want to preserve the amenity value of the area and access to the beach for residents and visitors alike. Community feedback included some concerns with the number of freedom campers on the Wharekawa Coast, and a desire to protect the natural environment and neighbourhood amenity. In addition the road reserve on this stretch of Coast is not suited to freedom camping with narrow shoulders and sharp turns.</td>
</tr>
</tbody>
</table>

The working party also considered prohibiting freedom camping only on council land adjacent to East Coast Road and not include the townships of Kaiaua, Whakatiwai and Waharau.
However, this was not seen as a practical approach to managing freedom camping in the area. There are a lot of people that freedom camp on the Wharekawa Coast and if a designated area is at capacity this option means people could park on road reserve anywhere in those townships for an unlimited number of nights.

At past meetings of the Tauwhare Koiora Co-governance Committee it was noted that freedom camping should be prohibited at Tauwhare Koiora. At the time of writing this report a meeting will be held with the Tauwhare Koiora Co-governance Committee on Friday 10 July 2020. Any additional feedback will be reported back to the Council.

2.2.4 Proposed Areas in the draft Bylaw – Restricted areas for freedom camping

Previously the Council had a camping bylaw made under the Local Government Act 2002 that limited camping in the district to a one-night stay per calendar month in any town/area. Unless you were in an approved area where you were allowed to stay for two nights. With that bylaw now revoked the district wide restriction on camping is no longer in place.

Instead of a district wide restriction the working party is proposing to restrict freedom camping to a one overnight stay in a calendar month on Council land open to the public in several 50km/hr and 70 km/hr speed limit areas in the district – unless you are in an approved area. Please see the maps in the draft bylaw attached. This is to ensure freedom camping does not take place on road reserve adjacent to residential homes for extended periods of time. People deserve to enjoy the unimpeded view from their homes and a certain level of privacy. In Whiritoa there is also the matter of preserving access to the beach. This approach also encourages freedom campers to camp in approved sites, identified in conjunction with the community as being appropriate sites for this activity.

Other options considered by the working party included; having no restriction in place or limiting the one night stay restriction to Paeroa, Waihi and Ngatea. These approaches do not fit with the intention to proactively guide freedom campers into the approved areas within the community. It also leaves the Council with no tools to move on people if there is an issue with freedom camping in these areas. The Council has received complaints in the past about people freedom camping in front of residential properties for extended periods of time and we need the ability to move these people on to more appropriate locations. The working party wants to enable people to enjoy their property.

3 THE ISSUES | NGĀ TAKE

3.1 Is the bylaw appropriate and proportionate

A council can only make a bylaw under the Act if it is satisfied it is the most appropriate and proportionate way of addressing the perceived problem in relation to that area. The working party has considered the issues associated with freedom camping in various areas of the district and believes the draft bylaw is proportionate to those issues and community expectations. Where the working party is proposing to prohibit freedom camping there is clear rationale for this.

3.2 Implications under the New Zealand Bill of Rights

A bylaw that unreasonably interferes with the rights and freedoms in the New Zealand Bill of Rights Act 1990 will be held to be unreasonable and invalid by the Courts. However, a human right can be interfered with if the issue is critical and the bylaw to address the issue is proportionate and therefore reasonable. Rights likely affected by bylaws include freedom of expression, freedom of peaceful assembly, freedom of association and freedom of movement, and freedom from discrimination.
On review, staff believe the draft bylaw does not have any implications on the rights and freedoms contained in the Bill of Rights Act 1990. The draft bylaw does not restrict people’s movement, only where they can stay overnight. There are no bans or unjustified limitations on any of the rights and freedoms contained in the Act.

4 ENGAGING WITH OUR COMMUNITIES | KIA UIA TE HAPORI WHĀNUI

When reviewing a bylaw made under the Freedom Camping Act 2011 the special consultative procedure must be undertaken (i.e. two-way communication to obtain public feedback). The Council must:

- Prepare and adopt a statement of proposal,
- Provide at least 1 month for interested persons to provide their views to the Council,
- Provide persons interested in the proposal with an opportunity to present their views to the Council in a manner and format that is appropriate to the preferences and needs of those persons.

Suggested forms of engagement include:

- Information available on our website (including the option to submit online),
- Media releases, articles in print (Waihi Ward Reflections, Hauraki Herald, Whiritoa Tidings, Kaitaia Compass and the Valley Profile),
- Facebook, e-newsletter, mentioned in the Mayor’s radio spots,
- Hardcopy feedback forms.

5 OUR OPTIONS | NGĀ KŌWHIRINGA A MĀTOU

Staff have identified the following options for the Council to consider:

- Retaining the status quo, make no changes to the current bylaw.
- Approve the draft bylaw as attached and adopt the statement of proposal.
- Make further changes to the draft bylaw and amend and adopt the statement of proposal prior to consultation.

These options and their advantages and disadvantages are outlined below.

5.1 OPTION 1: Retain Status quo – Consult on the 2013 bylaw with no changes

<table>
<thead>
<tr>
<th>ABOUT THIS OPTION</th>
<th>DISADVANTAGES</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Council can choose to make no changes to the existing bylaw, however as part of the legislatively required review a special consultative procedure would still need to be undertaken.</td>
<td>This option does not incorporate feedback received from the community via other Council processes. This option does not reflect an analysis of the current environment and the issues reported to date with freedom camping. This option limits the Council’s use of enforcement tools – it only allows the Council to infringe people for not following the rules for freedom camping areas on the Wharekawa Coast.</td>
</tr>
</tbody>
</table>

ADVANTAGES
The community is still provided with the opportunity to provide feedback.
FINANCIAL COSTS

<table>
<thead>
<tr>
<th>Whole of life costs</th>
<th>One off operating cost for consultation is approximately $300-$500.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Budget source</td>
<td>Policy Development</td>
</tr>
<tr>
<td>Changes to budgets</td>
<td>In order to accommodate these costs there will not be changes to budgets as will be funded through the Strategic Planning budget.</td>
</tr>
<tr>
<td>Impact on the Council’s debt</td>
<td>There is no impact on the Council’s debt.</td>
</tr>
<tr>
<td>Potential impact on rates</td>
<td>There will be no impact on rates because this is budgeted expenditure.</td>
</tr>
</tbody>
</table>

5.2 OPTION 2: Approve the bylaw and adopt the Statement of Proposal as attached

ABOUT THIS OPTION
The Council can approve the attached bylaw for community consultation and adopt the Statement of Proposal.

ADVANTAGES
The draft bylaw encourages responsible camping within the district by providing suitable locations for freedom camping across the district. It provides the Council with the power to issue infringements when people do not adhere to the rules about where they can freedom camp and any rules for the site. Community feedback can be considered and reflected in the bylaw amendment where appropriate.

DISADVANTAGES
There are no disadvantages identified.

FINANCIAL COSTS ARE THE SAME AS OPTION ONE.

5.3 Option 3 - Make changes to the proposed bylaw and Statement of Proposal before consultation

ABOUT THIS OPTION
The Council may make amendments to the proposed bylaw and statement of proposal before it is consulted on. The Council may wish to include some of the alternative approaches considered by the working party in the draft bylaw.

ADVANTAGES
This is to be determined in the Council meeting.

DISADVANTAGES
May add a small delay in consultation to allow staff time to make changes to proposed bylaw amendment and statement of proposal for consultation.

FINANCIAL COSTS ARE THE SAME AS OPTION ONE.

6 PREFERRED OPTION| TE KÖWHIRINGA MATUA

Staff recommend proceeding with option 2 – Approve the draft bylaw for community consultation and adopt the proposed Statement of Proposal as attached.
6.1 LINKAGES

<table>
<thead>
<tr>
<th>STRATEGIC DIRECTION</th>
<th>The preferred option IS consistent with the Council’s strategic direction, including community outcomes.</th>
<th>In particular this bylaw reflects Lifestyle Hauraki where we provide an environment that encourages vibrant communities and an enhanced quality of life.</th>
</tr>
</thead>
<tbody>
<tr>
<td>LONG TERM PLAN / ANNUAL PLAN ALIGNMENT</td>
<td>The preferred option IS consistent with the long term plan and/or annual plan programmes and budgets.</td>
<td>This option meets our legal obligations and fits within existing programmes and budgets.</td>
</tr>
<tr>
<td>POLICIES, BYLAWS AND PLANS ALIGNMENT</td>
<td>The preferred option IS consistent with the Council’s other strategies, policies, bylaws and plans.</td>
<td>This option does not contradict any other strategies, policies, bylaws or plans.</td>
</tr>
<tr>
<td>SIGNIFICANCE ASSESSMENT</td>
<td>The decision IS considered significant under the Council’s Significance and Engagement Policy 2017.</td>
<td>This decision is significant as a review of a bylaw triggers the requirement for a special consultative procedure under the Local Government Act 2002.</td>
</tr>
<tr>
<td>IMPLICATIONS FOR MĀORI</td>
<td>The decision DOES involve a significant decision in relation to land or a body of water.</td>
<td>The Tauwhare Koiora Co-Governance Committee’s position has been taken into account with the prohibition of freedom camping at Tauwhare Koiora.</td>
</tr>
</tbody>
</table>

6.2 ASSESSING THE RISKS

Staff have not identified any risks associated with the preferred option.

7 NEXT STEPS | TE ARA KI MUA

<table>
<thead>
<tr>
<th>Timeframe</th>
<th>Action</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>17 July – 17 August</td>
<td>Written feedback period</td>
<td></td>
</tr>
<tr>
<td>9 September 2020</td>
<td>Council hearing of written and verbal feedback and deliberations</td>
<td></td>
</tr>
<tr>
<td>1 November 2020</td>
<td>Bylaw becomes effective</td>
<td>This provides time to put signs up and designate parking areas.</td>
</tr>
</tbody>
</table>

8 Approval

<table>
<thead>
<tr>
<th>Prepared by</th>
<th>Charan Mischewski &amp; Michelle Clive Strategic Planners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved by</td>
<td>Jolene Nelson Strategic Planning Manager</td>
</tr>
</tbody>
</table>
Hey, we need to talk
me kōrero ngātahi tātou

We’re proposing some changes to our Responsible Freedom Camping Bylaw.

Some of the changes may affect you or your family and we’d like to know what you think.

When we’ve taken into account all the feedback received, we’ll finish off the bylaw and it will become effective.

We know many New Zealanders and visitors love to freedom camp in our beautiful country. We want to balance this with the need to protect our environment and our communities’ enjoyment of our public places. We want to encourage responsible freedom camping in our district by providing suitable locations that are set up to cater for this.

IMPORTANT DATES

Open for feedback from Friday 17 July 2020 4pm to Monday 17 August 2020

TALK TO US

Tell us what you think in person: Wednesday 9 September 2020 in the Hauraki District Council Chambers, William Street, Paeroa.

WHAT IS A BYLAW?

See page 3 for a brief description of what a bylaw is, and how it works for you.

See page 3 for the various ways you can have your say.

What we’re proposing

We’ve made some proposed changes to our Responsible Freedom Camping Bylaw and we want to know what you think. In a nutshell, we’re proposing:

• Including our freedom camping sites in Ngatea and Paeroa in the bylaw (this means we can issue fines if people break the rules).

• With the exception of Rays Rest and the Hauraki Rail Trail car park area just north of the pink dairy, we won’t allow freedom camping on our land on the Wharekawa Coast.

• Including two potential sites for freedom camping in Waihi; designated parks at our carpark off Mueller Street and Haszard Street, and at Morgan Park.

• Restricting overnight stays to one a night stay in a calendar month in any 50km/hr and/or 70km/hr area, unless you’re in a designated freedom camping area, then you can stay for two nights.

These proposals are explored further on the following page.

Freedom Camping Act 2011

It’s important to remember we have to work within the rules made by central government when we make bylaws. In this case, councils cannot ban freedom camping across an entire district. Also, when prohibiting or placing restrictions on freedom camping there has to be a reason for this, such as:

• To protect the area e.g. to protect indigenous flora and fauna or historic sites.

• For health and safety reasons e.g. public toilet availability, crime, littering.

• To protect access to the site e.g. use of boat ramps, access to beaches.
Freedom camping locations

Paeroa
We provide about 20 parks at Railway Reserve, Marshall Street, for freedom camping. People can stay for a maximum two-night stay in a calendar month because the reserve is very popular and we want to make sure it’s available for all campers to enjoy. Public toilets are available 24/7 so campers with non self-contained vehicles can also stay at this site. We also provide a site for freedom camping at our Marshall Street carpark. People can stay for a two-night stay in a calendar month, however only between 6pm Friday evening and 7pm Sunday evening because we need this carpark for our staff during the week. This site is within a short distance of the same facilities as Railway Reserve.

Ngatea
We provide a freedom camping area behind our office at the Hugh Hayward Domain, off Orchard West Road. There are about 20 parks available. Tenting/parking is not allowed on the grass areas. We want to allow a maximum two-night stay in a calendar month because the reserve is popular and we want to make sure it’s available for all campers to enjoy. Public toilets are available 24/7 so campers with non self-contained vehicles can also stay at this site.

Waihi
At the moment, we don’t have a specific area for freedom camping in Waihi. We want to create an area for this in our carpark, which is accessed from either Mueller or Haszard Street. Campers with non self-contained vehicles could also use the site because the Haszard Street public toilet is open 24/7. We also think it’s a safe location because it can be seen from the street and it’s in the town centre zone so will have minimal impact on residents. We want to allow a maximum two-night stay in a calendar month so it’s available for all campers to enjoy.

We’d also like to provide some freedom camping parks at our Morgan Park carpark on Kenny Street. There are no public toilets available nearby, so vehicles would need to be self-contained to stay there. We want to allow a maximum two-night stay in a calendar month to make sure all campers have the opportunity to enjoy the site. The site is walking distance to town, and there will be minimal impact on residential properties. We’ve talked with Sport n Action and they think a small number of freedom camping parks will work at the site.

Wharekawa (Seabird) Coast
We still want to allow freedom camping at Rays Rest Reserve off East Coast Road. It will remain restricted to self-contained vehicles as there are no nearby public toilets. We also want to keep the maximum two-night stay in a calendar month in place as it is a very popular spot. We want to provide a freedom camping area just north of Kaiaua at the start of the Hauraki Rail Trail. We think this will be a great location for freedom camping as it has great views, is a short walk to shops and will have public toilet facilities. It will also be a great alternative to Tauwhare Koiora, which we want to protect because of its cultural value – you can read more about that below.

No go zones
We want to continue to prohibit freedom camping at the south end of Rays Rest to protect wildlife in the area. The land is located in a RAMSAR site, which is a wetland of international importance. The area is particularly important for seabea. We also want to preserve access to the narrow beach area. In addition, we are proposing to put in place a prohibition for freedom camping north of Rays Rest along the Wharekawa Coast to our district boundary north of Waharau. This will also extend into the townships of Kaiaua and Whakatiwai. The Coast is very popular for freedom camping and we want to protect the RAMSAR site by limiting disruption to the environment and wildlife. We also want to preserve the amenity value of the area and access to the beach for our residents and visitors. People will no longer be permitted to freedom camp at Tauwhare Koiora, Kaiaua (sometimes referred to as Swing Bridge reserve). This site is not suitable for freedom camping because of the cultural value of the site for local iwi – it is wahi tapu.

One-night stay restrictions
Our previous camping bylaw (made under the Local Government Act 2002) included a one-night stay restriction in any area across the District (except at our freedom camping locations). That bylaw is no longer in place. Instead we’re proposing to include a one-night stay restriction in the 50 km/hr and 70 km/hr speed limit areas in the District - this doesn’t apply if you’re in a designated freedom camping area, then you can stay for two nights. We need some rules in place as we’ve had complaints in the past about people freedom camping in front of properties for extended periods of time and we need the ability to move these people on to more appropriate locations. We want to protect people’s rights to enjoy their property, including for health and safety reasons and the amenity value.

Check out the maps in the draft bylaw to see the proposed areas:
https://weneedtotalk.hauraki-dc.govt.nz
A guide to giving feedback

Any organisation or member of the public can give us feedback in writing, on the phone, in person or all of these. This is your chance to tell us your thoughts about what we’re proposing.

Good feedback is clear, concise and to the point. Tell us which parts you support, and which ones you don’t. Let us know why. You are most welcome to provide additional pages or supporting material to with your feedback.

Remember to provide your contact details if you would like to be kept informed of the decisions made after considering your feedback.

Your feedback will be a council record, so may be reproduced as an attachment to a Council agenda, made publicly available and remain on Council minute records. If you aren’t providing feedback on behalf of an organisation and would like your contact details to be kept private, please let us know.

Everyone who provides feedback will be notified in writing of the outcome.

Special assistance

We can offer assistance with special requirements at a hearing in terms of language translation, including that of sign language, or presenting through audio visual mechanisms. If assistance is required, please let us know and we will make the appropriate arrangements.

Huh?! What’s a bylaw?

Our bylaws are only applicable to the Hauraki District. They’re rules that local councils can develop to make our district a safe and healthy place. We make them in consultation with you – that’s why it’s important to have your say. We can enforce bylaws in various ways, including educating people and giving verbal warnings, issuing infringements (fines), or in extreme cases prosecuting people.

We’re up to step 3 in the process, you’re feedback is crucial and could result in changes to our proposal.

How you can have your say

If you want to talk to us:

• contact us to book in to speak to the Council at a hearing in Paeroa on 9 September 2020, or tick the box on the feedback form to show us you’re keen to attend. We’ll contact you closer to the date of the hearing to arrange a time for you to speak.
• give us a call and speak with a member of the strategic planning team – we can draft your feedback into a written statement and we’ll provide you with a copy.

If you want to write to us:

• fill out the online feedback form on our website https://weneedtotalk.hauraki-dc.govt.nz
• private message or comment on our Facebook page
• email your feedback to info@hauraki-dc.govt.nz
• write a letter, or fill in the printed feedback form (available at our service centres, or downloadable from our website)
Appendix

Draft Responsible Freedom
Camping Bylaw 2020

Effective 1 November 2020
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Title
Responsible Freedom Camping Bylaw 2020

Sponsor
Strategic Planning
Community Services

Approved by
The Hauraki District Council

Adoption date

Adoption report

Review by
November 2030

File ref
2783478

Property of Hauraki District Council
1.0 Introduction

1.1 Purpose
The purpose of this bylaw is to encourage responsible freedom camping in the Hauraki District, whilst recognising that freedom camping is part of our traditional Kiwi culture and is a valued tourist experience. This bylaw regulates freedom camping in council areas and the effects on our community and environment to:

a) protect areas,
b) protect the health and safety of people who may visit the area,
c) protect access to the area.

1.2 Title
This bylaw is the Hauraki District Council Responsible Freedom Camping Bylaw 2020.

1.3 Enabling enactments
This bylaw is made in accordance with section 11 of the Freedom Camping Act 2011. This bylaw should be read alongside that Act.

1.4 Commencement
This bylaw comes into force on 1 November 2020.

1.5 Review
A review of this bylaw will be undertaken no later than 10 years after the commencement date above.

1.6 Related information
There is related information in comment boxes in this bylaw. Related information does not form part of this bylaw and may be inserted, changed or removed without any formality.
### Definitions

In this bylaw, the following definitions apply, unless the context requires otherwise:

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Authorised Officer</strong></td>
<td>means any person delegated, appointed or authorised in writing by the Council to act on its behalf.</td>
</tr>
<tr>
<td><strong>Council</strong></td>
<td>means the Hauraki District Council, or any officer authorised to exercise the authority of the Council.</td>
</tr>
<tr>
<td><strong>District</strong></td>
<td>means the Hauraki District.</td>
</tr>
<tr>
<td><strong>Enforcement Officer</strong></td>
<td>means a person appointed as an enforcement officer under section 32 or 33 of the Freedom Camping Act 2011.</td>
</tr>
<tr>
<td><strong>Freedom Camp</strong></td>
<td>has the meaning given in section 5 of the Freedom Camping Act 2011; which means to camp (other than at a camping ground) within 200 metres of a motor vehicle accessible area or the mean low-water springs line of any sea or harbour, or on or within 200 metres of a formed road or a Great Walks Track, using 1 or more of the following: a) a tent or other temporary structure, b) a caravan, c) a car, campervan, van, housetruck, or other motor vehicle.</td>
</tr>
<tr>
<td><strong>Local authority area (council area)</strong></td>
<td>a) means an area of land- i) that is within the boundary of the Hauraki District Council; and ii) that is controlled or managed by the Hauraki District Council under any enactment; and b) includes any part of an area of land referred to in paragraph (a); but c) does not include an area of land referred to in paragraph (a) or (b) that is permanently covered by water.</td>
</tr>
<tr>
<td><strong>Prohibited Area</strong></td>
<td>means an area identified in Schedule 1: Prohibited Areas for Freedom Camping in which freedom camping is prohibited.</td>
</tr>
<tr>
<td><strong>Restricted Area</strong></td>
<td>means an area identified in Schedule 2: Approved Sites for Freedom Camping with restrictions, or an area identified in Schedule 3: Restricted Areas for Freedom Camping, where freedom camping is permitted subject to restrictions.</td>
</tr>
<tr>
<td><strong>Self-contained Vehicle</strong></td>
<td>means a vehicle designed and built for the purpose of camping which has the capability of meeting the ablutionary and sanitary needs of occupants of that vehicle for a minimum of three days without requiring any external services or discharging any waste and complies with New Zealand Standard 5465:2001 Self Containment of Motor Caravans and Caravans and displays a current self containment warrant issued under New Zealand Standard 5465: 2001.</td>
</tr>
</tbody>
</table>
3.0 Freedom camping areas

3.1 Freedom camping
Freedom camping is permitted in any local authority area within the District unless it is restricted or prohibited in an area:
   a) in accordance with this bylaw; or
   b) under any other enactment.¹

3.2 Prohibited areas for freedom camping
i. A person must not freedom camp in any prohibited area identified in Schedule 1: Prohibited Areas for Freedom Camping.
ii. Despite subclause (i) a person may freedom camp in any prohibited area if he or she has obtained the prior written consent of the Council, granted under clause 4, and complies with any conditions on the consent.

3.3 Approved sites for freedom camping with restrictions
i. A person may freedom camp in any area identified in Schedule 2: Approved Sites for Freedom Camping, but must comply with the restrictions listed below and any additional restrictions listed for that site in Schedule 2:
   (a) Freedom camping is restricted to a maximum of two consecutive nights in a calendar month.
ii. Despite subclause (i), a person may freedom camp in any approved site for more than two consecutive nights if he or she has obtained the prior written consent of the Council, granted under clause 4, and complies with any conditions on the consent.

3.4 Restricted Areas for freedom camping
i. A person may freedom camp on Council land that is open to the public and is not a reserve, in any area identified in Schedule 3: Restricted Areas for Freedom Camping, but must comply with the restrictions listed below and any additional restrictions listed for that area in Schedule 3:

¹ In accordance with section 44 the Reserves Management Act 1977 freedom camping is not permitted on Council Reserves unless it is identified as a permitted activity in the Hauraki District Reserve Management Plan and listed in Schedule 2: Approved Sites for Freedom Camping, of this Bylaw.
(a) Freedom camping is restricted to a maximum of a one night stay in a calendar month, and
(b) Freedom camping in a non self-contained vehicle or a tent must occur within 100m of a public toilet that is open for use.

ii. Despite subclause (i), a person may freedom camp in any restricted area if he or she has obtained the prior written consent of the Council, granted under clause 4, and complies with any conditions on the consent.

4.0 Prior consent from Council

4.1 The Council may grant consent to a person to freedom camp in a prohibited area or a restricted area, with or without conditions. Consent must be applied for in writing to the Chief Executive Officer of the Council at least 14 days in advance of the date planned for freedom camping in the prohibited area or restricted area.

5.0 Offences and penalties

5.1 The Council may use its powers under the Freedom Camping Act 2011 to enforce this bylaw.

5.2 As specified in section 20(1) of the Act, every person commits an offence who;
   a) Freedom camps in a local authority area in breach of any prohibition or restriction in this bylaw that applies to the area; or
   b) Makes preparations to freedom camp in a local authority area in breach of any prohibition or restriction in this bylaw that applies to the area.

5.3 As specified by section 23(1) of the Act, every person who commits an offence in accordance with section 20(1)(a) and (c) of the Act is liable to an infringement offence penalty of $200.
6.0 Relationship of bylaw with Treaty Settlement Act

This bylaw does not limit or affect the rights in relation to Hauraki Iwi entitlements under the Claims Settlement Act 1998.

List of schedules passed

Schedule 1 – Prohibited Areas for Freedom Camping.
Schedule 2 – Approved Sites for Freedom Camping with restrictions.
Schedule 3 - Restricted Areas for Freedom Camping.

Freedom Camping Bylaw validation

This bylaw was adopted at a meeting of the Hauraki District Council on [XXXX], following public consultation.

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

_________________________________ Mr. Toby Adams, Mayor

_________________________________ Mr. Langley Cavers, Chief Executive
Schedule 1 – Prohibited sites for freedom camping

South end and north end of Rays Rest Reserve, Kaihua

Freedom camping is prohibited on the southern end and northern part of Rays Rest Reserve, including the beach. The reserve is off East Coast Road, approximately 4 km south of the Kaihua township and adjacent to the Firth of Thames.
Kaiaua township and East Coast Road, Wharekawa Coast

Freedom camping is prohibited on council land, including the beach and Tauwhare Koiora Reserve, starting one kilometre south of Kaiaua extending along East Coast Road to the Hauraki Rail Trail Terminus north of Kaiaua. Freedom camping is prohibited on Council land in the 50km/hr speed limit area of the township of Kaiaua.
**Whakatiwai and East Coast Road, Wharekawa Coast**

Freedom camping is prohibited on council land on and adjacent to East Coast Road, including the beach, north of the Hauraki Rail Trail terminus to Waharau. Freedom camping is prohibited on Council land in the 50 km/hr speed limit area of Whakatiwai.
East Coast Road between Whakatiwai and Waharau, Wharekawa Coast.

Freedom camping is prohibited on Council land on and adjacent to East Coast Road, including the beach, north of Whakatiwai to Waharau.
Waharau township and East Coast Road, Wharekawa Coast.

Freedom camping is prohibited on Council land on and adjacent to East Coast Road, including the beach, north of Waharau to the District boundary. Freedom camping is prohibited on council land in Waharau.
Schedule 2 – Approved sites for freedom camping with restrictions

Hauraki Rail Trail Terminus, East Coast Road, Kaiaua

The Hauraki Rail Trail terminus is just north of the Kaiaua township. Freedom camping is restricted to designated carparks.
Rays Rest, East Coast Road, Kaiaua

The reserve is approximately 4 km south of Kaiaua township and adjacent to the Firth of Thames. Freedom camping is restricted to self-contained vehicles.
Hauraki District Council Area Office Carpark, Orchard West Road, Ngatea

The carpark area is behind the Council building. Freedom camping is restricted to designated carparks. Note: Freedom camping is not permitted on the adjacent grass area.
Railway Reserve, Marshall Street, Paeroa

Freedom camping is restricted to designated carparks and the directly adjacent grass area.
Hauraki District Council carpark, Marshall Street, Paeroa

This site can only be used for freedom camping from 6pm Friday to 7pm Sunday of the same week.

Map Legend

- Freedom Camping

- Prohibited

- Two Night Stay

- One Night Stay

- Railtrail

Hauraki District Council Responsible Freedom Camping Bylaw 2020
Hauraki District Council carpark, off Mueller Street and Haszard Street, Waihi

Freedom camping is restricted to designated carparks.
Kenny Street carpark, Morgan Park, Waihi

Freedom camping is restricted to designated carparks.
Schedule 3 – Restricted areas for freedom camping

On council land within the 50km/hr and 70 km/hr speed limit areas of Waihi.
On Council land within the 50km/hr and 80 km/hr speed limit areas of Paeroa.
On Council land within the 50km/hr and 70 km/hr speed limit areas of Ngatea.
On Council land, including the beach, within the 50km/hr speed limit areas and lower speed limit areas of Whiritoa.
On Council land within the 50km/hr and 80 km/hr speed limit areas of Karangahake.
On Council land within the 50km/hr and 70 km/hr speed limit areas of Waikino.
On Council land within the 50 km/hr and 70 km/hr speed limit areas of Mackaytown.
On Council land within the 50km/hr speed limit areas of Turua.
On Council land within the 50km/hr speed limit areas of Kerepehi.
On Council land within the 70 km/hr speed limit areas of Waitakaruru.
List of Dump Stations

Hauraki District Council Area Office, Orchard West Road, Ngatea
A dump station is available next to the designated freedom camping area located behind the Council Area Office.

Railway Reserve, Marshall Street, Paeroa
A dump station is available at the designated freedom camping area.

Victoria Street, Waihi
A dump station is available at the southern end of Victoria Street.

East Coast Road, Waharau
A dump station is available at Waharau Reserve.
For more information:

- **W** www.hauraki-dc.govt.nz
- **E** info@hauraki-dc.govt.nz
- **P** 07 862 8609 or 0800 734 834 (from within District)

Visit us at one of our offices:

- **Paeroa: 1 William Street**
- **Ngatea: 84 Orchard West Road**
- **Waihi: 40 Rosemont Road**