



**Time:** 9.00am  
**Date:** Tuesday 2 June 2020  
**Meeting:** Audio Visual Meeting

## INDEX

Agenda – 2 June 2020

Minutes of the Previous Meeting – 5 May 2020

Report to amend Fire Control Bylaw

District Plan work programme

Rata-tu Renaming

Resolution to Exclude the Public

# STRATEGIC PLANNING AND POLICY COMMITTEE AGENDA



## AGENDA ITEMS

### 1 MEMBERS

---

#### **Chairperson**

SC O'Regan

#### **Members**

His Worship the Mayor JB Mylchreest, EM Andree-Wiltens, EH Barnes, AW Brown, LE Brown, PTJ Coles, RDB Gordon, ML Gower, MJ Pettit, EM Stolwyk, CS St Pierre, BS Thomas, GRP Webber and P Davies (Iwi representative).

### 2 APOLOGIES

---

### 3 DISCLOSURE OF MEMBERS' INTERESTS

---

Members are reminded to declare and stand aside from decision making when a conflict arises between their role as an elected member and any private or other external interest they may have.

### 4 LATE ITEMS

---

Items not on the agenda for the meeting require a resolution under section 46A of the Local Government Official Information and Meetings Act 1987 stating the reasons why the item was not on the agenda and why it cannot be dealt with at a subsequent meeting on the basis of a full agenda item. It is important to note that late items can only be dealt with when special circumstances exist and not as a means of avoiding or frustrating the requirements in the Act relating to notice, agendas, agenda format and content.

### 5 CONFIRMATION OF ORDER OF MEETING

---

#### **Recommendation**

*That the order of the meeting be confirmed.*



**To:** The Chairperson and Members of the Strategic Planning and Policy Committee  
**From:** Governance  
**Subject:** **CONFIRMATION OF MINUTES**  
**Meeting Date:** 2 June 2020

---

## **1 EXECUTIVE SUMMARY**

---

To confirm the minutes of the Strategic Planning and Policy Committee meeting held on 5 May 2020.

## **2 RECOMMENDATION**

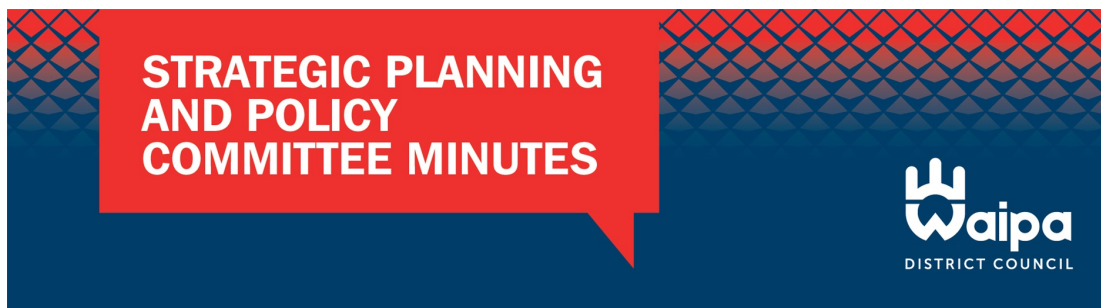
---

*That the open minutes of the Strategic Planning and Policy Committee meeting held on 5 May 2020, having been circulated, be taken as read and confirmed as a true and correct record of that meeting.*

## **3 ATTACHMENTS**

---

Strategic Planning and Policy Minutes – 5 May 2020



**Time:** 9.00am  
**Date:** Tuesday 5 May 2020  
**Meeting:** Audio Visual Meeting

## **1 PRESENT**

---

### **Chairperson via Zoom**

SC O'Regan

### **Members via Zoom**

His Worship the Mayor JB Mylchreest, EM Andree-Wiltens, EH Barnes, AW Brown, LE Brown, PTJ Coles, RDB Gordon, ML Gower, MJ Pettit, EM Stolwyk, CS St Pierre, BS Thomas, GRP Webber and P Davies (Iwi representative).

### **In attendance via Zoom**

Hazel Wander, Tu Clarke, Linda Te Aho

## **2 APOLOGIES**

---

There were no apologies.

## **3 DISCLOSURE OF MEMBERS' INTERESTS**

---

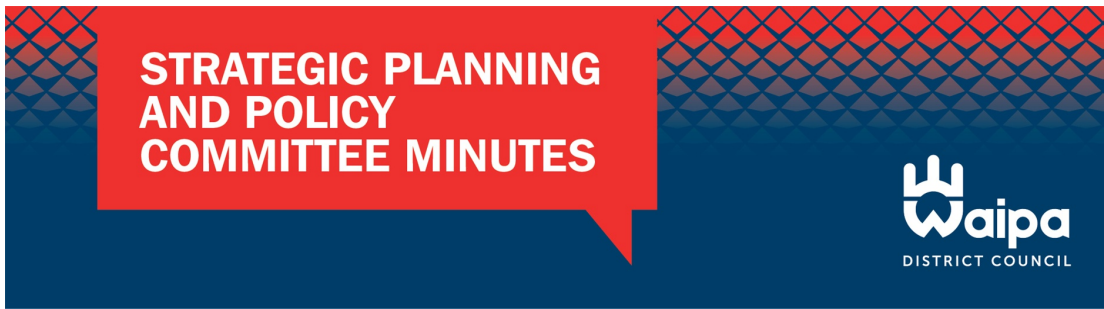
Councillor Lou Brown advised of a conflict of interest in Item 8.  
Member Davies advised of a conflict of interest in Item 9 and 10.

## **4 LATE ITEMS**

---

There were no late items.





## 5 CONFIRMATION OF ORDER OF MEETING

---

**RESOLVED**

02/20/23

*That the order of the meeting be confirmed.*

Cr Gower/ Mayor Mylchreest

## 6 MINUTES OF PREVIOUS MEETING

---

**RESOLVED**

02/20/24

*That the open minutes of the Strategic Planning and Policy Committee meeting held on 3 March 2020, and the open minutes of the Extraordinary Strategic Planning and Policy Committee held on 17 March 2020, having been circulated, be taken as read and confirmed as a true and correct record of that meeting subject to the inclusion of Member Davies being present at the 3 March 2020 meeting and the change on page 2 of the 3 March 2020 minutes, item 7 resolution to read "report which was presented".*

Cr Pettit/ Cr L Brown

## 7 AMENDMENT TO FIRE CONTROL BYLAW 2015

---

This item was withdrawn from the agenda and will be presented to the next Strategic Planning and Policy Committee meeting in June 2020.

## 8 DRAFT MEMORIAL PARK CONCEPT PLAN TE AWAMUTU

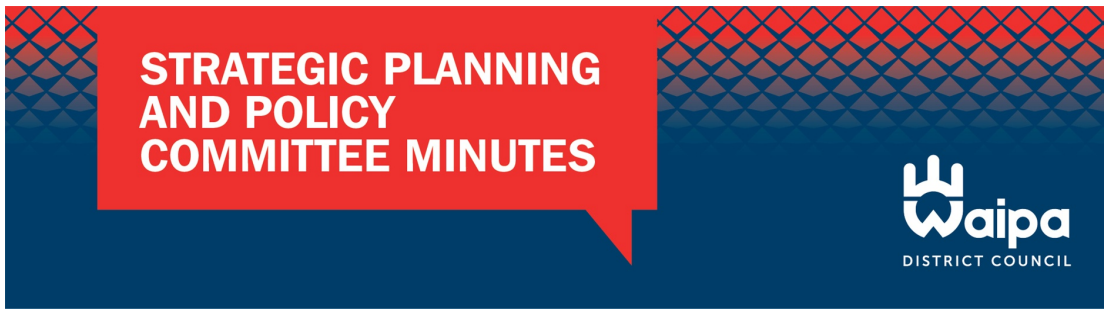
---

[Councillor L Brown had previously declared a conflict of interest in this item and took no part in discussions or deliberations.]

Kristina Barnes, Biodiversity Planner and Hazel Wander, mana whenua presented the Draft Memorial Park Concept Plan to the Strategic Planning and Policy Committee including a power point presentation.

The Service Delivery Committee had approved the development of a concept plan for Memorial Park, Te Awamutu in October 2018 (15/18/72) and Boffa Miskell Ltd were subsequently awarded a contract to complete this work.

To inform the development of the draft Memorial Park concept plan, Community Services staff workshopped aspirations for the future of Memorial Park with the Strategic Planning and Policy Committee in September 2019. This input, together with information from the Te Awamutu Community Board, Te Awamutu Netball



Association, Returned and Services' Association and historic reports have informed the draft concept plan development by Boffa Miskell Ltd and Community Services staff in partnership with mana whenua.

Approval was sought for public consultation in order to receive community feedback before finalising the concept plan.

Ms Barnes acknowledged the community's close connection with Memorial Park and reiterated that the draft plan was a guiding document and more consultation would be undertaken with the RSA and manu whenua to guide changes.

Discussion was held around the need to include more history of the park and involvement from the locals to collate the local knowledge as this was seen as very important.

It was noted that this was a long-term project.

Communications and Engagement Manager Charlotte Fitzpatrick advised that a well-balanced approach to engagement would be undertaken. A Stakeholder database would be established, and people would be directly contacted. It was advised that the newspapers were advertising again, and the users of the park would be targeted through the installation of signage around the park which would allow people to provide feedback.

It was noted that this was an enhancement to the memorial of the site and an opportunity to also recognise and celebrate the pre-European history alongside the memorial aspect of the park.

Councillors emphasised that the concept plan was still in draft and they want to hear community views, even from those groups that have already been spoken to as part of the early consultation.

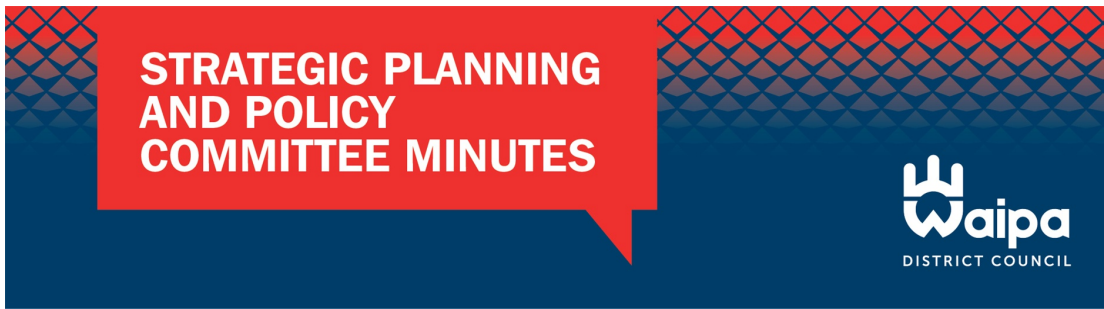
Group Manger Strategy and Community Services Debbie Lascelles advised that the consultation process could be flexible and be extended from 6 to 8 weeks and allow more time for consultation and progress if CIP funding was successful.

**RESOLVED**

02/20/25

*That*

- a) *The Draft Memorial Park Concept Plan, Te Awamutu report (Doc Set ID 10374214) of Tofeeq Ahmed (Reserves Planner) and Krissy Barnes (Biodiversity Planner) be received;*
- b) *The Strategic Planning and Policy Committee approves the Draft Memorial Park Concept Plan (Doc Set ID 10368551) and the Summary Draft Memorial Park*



*Concept Plan (Doc Set ID 10367781) set out in Appendix 1 and Appendix 2 of this report respectively for the purposes of public consultation.*

Cr Barnes/ Cr Gower

## **9 DRAFT LAKE TE KOO UTU CONCEPT PLAN CAMBRIDGE**

---

[Member Davies had previously declared a conflict of interest in this item and took no part in discussions or deliberations.]

Kristina Barnes, Biodiversity Planner and Tu Clarke mana whenua presented the Draft Lake Te Koo Utu Concept Plan to the Strategic Planning and Policy Committee including a power point presentation.

Approval was sought for public consultation in order to receive community feedback before finalising the concept plan.

The Service Delivery Committee approved the development of a reserve concept plan for Lake Te Koo Utu Reserve in October 2018 (15/18/72) and Boffa Miskell Ltd were subsequently awarded a contract to complete the work.

To inform the development of the draft Lake Te Koo Utu concept plan, Community Services staff workshopped aspirations for the future of Lake Te Koo Utu Reserve with the Strategic Planning & Policy Committee in September 2019. This input, together with information from the Cambridge Community Board, lessees, historic reports, water quality monitoring results and further investigations, have informed the draft concept plan development by Boffa Miskell Ltd and Community Services staff in partnership with mana whenua.

There was consensus that the consultation process should be extended due to Covid-19 to allow full public engagement.

Discussion was held around the many suggestions over the years that have been presented to Council to improve the water quality of the Lake from removing the sludge and having it burnt offsite, to adding water to the lake, to sealing the lake bed with alum.

Tu Clarke advised that mana whenua had yet to be consulted on the adding of three million litres of water to the lake. Mr Clarke would be open to receiving more information on the use of alum. Concerns were raised that this could change the Mauri of the lake.



Ms Barnes advised that there was a minor correction to the key features plan. Number 30 the lake outfall structure was incorrectly located and should have been located between the play area on the bottom terrace and the proposed meeting place.

Discussion was held around Stormwater management and it was advised that an in-depth investigation was outside of the scope of this draft concept plan. The Committee were advised of business cases currently being developed to look at stormwater management in the Long Term Plan. This would align with the current Lake Te Koo Utu concept plan in timing.

Recommendations c and d were added to the staff report.

#### **RESOLVED**

02/20/26

That

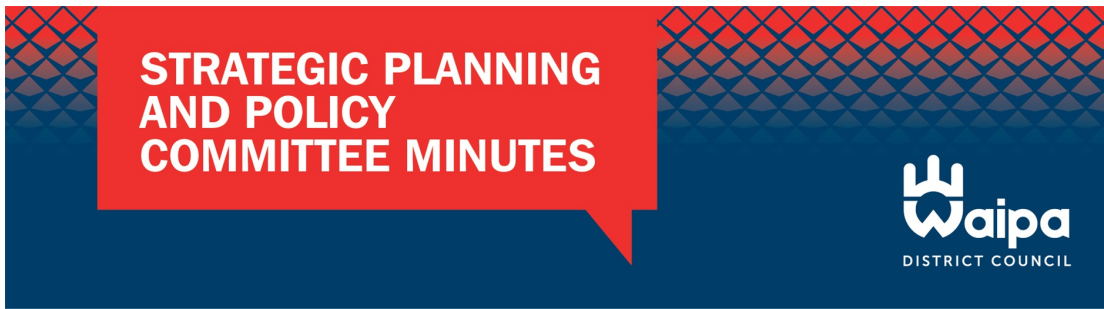
- a) *The Draft Lake Te Koo Utu Concept Plan, Cambridge report (Doc Set ID 10373914) of Toffeeq Ahmed (Reserves Planner) and Krissy Barnes (Biodiversity Planner) be received;*
- b) *The Strategic Planning and Policy Committee approves the Draft Lake Te Koo Utu Concept Plan (Doc Set ID 10368546) and the Summary Draft Lake Te Koo Utu Concept Plan (Doc Set ID 10365457) set out in Appendix 2 and Appendix 3 of this report respectively for the purposes of public consultation;*
- c) *That after the completion of the public consultation, Council work with Iwi, the Waikato Regional Council and interested parties to explore options for additional water to be put in to the lake;*
- d) *That Council apply for funding to the Waikato River Authority and other funding agencies for the implementation of the Final Lake Te Koo Utu Concept Plan so that full burden of these costs does not fall on the Waipa District Council ratepayers.*

Cr Webber/ Cr Gordon

## **10 DRAFT MAUNGATAUTARI RESERVE MANAGEMENT PLAN 2020**

[Member Davies had previously declared a conflict of interest in this item and took no part in discussions or deliberations.]

The Maungatautari Reserve Management Plan 2005 was reviewed in accordance with section 75(6) of the Ngāti Koroki Kahukura Claims Settlement Act 2014, in accordance with section 41 of the Reserves Act 1977, and with the assistance of a Reference Group



in accordance with section 75(7) of the Ngāti Koroki Kahukura Claims Settlement Act 2014.

The Draft Maungatautari Reserve Management Plan 2020 (Draft RMP) reflected the changing legislative context arising from the Ngāti Koroki Kahukura Claims Settlement Act 2014, changes in practice since the 2005 Reserve Management Plan was adopted, input from a reference group comprising Ngāti Koroki Kahukura trustees, and input received from the public in accordance with section 41(5) of the Reserves Act and subsequent stakeholder engagement.

The report also requested Council's approval to appoint a hearings panel consisting of two independent commissioners, with skills in Te Ao Maori, Maori tikanga, park management and conservation to hear and recommend a decision to Council.

A power point presentation was co-presented by Anna McElrea, Senior Reserves Planner and Linda Te Aho Ngāti Koroki Kahukura.

The proposed vision:

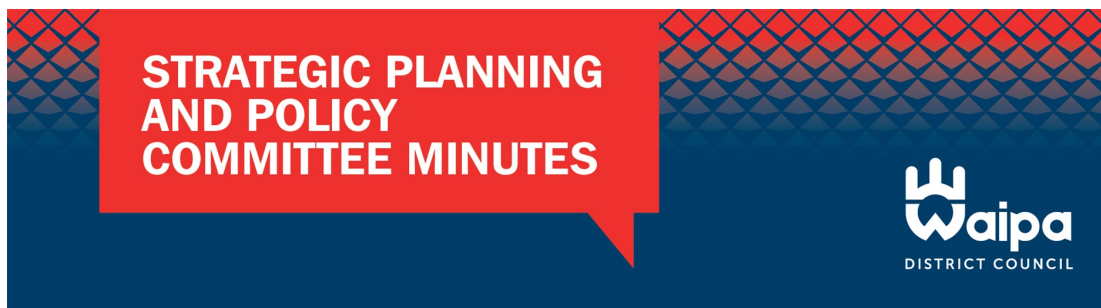
“ He taonga tuku iho a Maungatautari,  
He whenua taurika, he pae haumako,  
He kura tangihia moo te maataamuri.”

“Maungatautari Scenic Reserve is a living treasure, a place where our cultural and natural history are respected, enjoyed and enhance, where people work together as guardians of this legacy for future generations.”

A key shift in this proposal was identified as explaining why there are rules and regulations and to shift the focus of the plan to the Maunga itself so that manu whenua are not seen as barriers to the use of the Maunga but as protectors of the Maunga as a taonga and a gift left by ancestors. There was also a greater emphasis in the proposed objectives and policies on respectful governance and partnership, volunteers, tikanga and matauranga Maaori and commitments to work with adjacent landowners.

It was noted that who was responsible for exact policies needed to be clarified and determined.

Ms McElrea advised that public consultation would begin on 25 May 2020 and extended to 10 weeks. This would then be followed by hearings, final adoption by Council and sent to the Minister of Conservation for final approval.



**RESOLVED**

02/20/27

That

- a) *The report titled 'Draft Maungatautari Reserve Management Plan 2020 (document number 10374613) of Emily Auton, Consultant Planner be received;*
- c) *The Strategic Planning and Policy Committee approves the Draft Maungatautari Reserve Management Plan 2020 as set out in Appendix 1 of this report (document number 10374613) for public consultation for a two-month period in accordance with section 41(6) of the Reserves Act 1977;*
- d) *The Strategic Planning and Policy Committee delegates to the Group Manager Strategy and Community Services to make minor amendments to the Draft Maungatautari Reserve Management Plan 2020 prior to public consultation;*
- d) *The Strategic Planning and Policy Committee approves the appointment of a hearings panel consisting of two independent commissioners; ideally with the following mix of skills between them: in Te Ao Maori, Maori tikanga, park management and conservation, to hear and recommend a decision on the Reserve Management Plan to Council, in accordance with section 41(6)(d) of the Reserves Act 1977; and*
- e) *The Strategic Planning and Policy Committee delegates to the Group Manager Strategy and Community Services the responsibility of appointing two independent commissioners.*

Cr Stolwyk/ Cr Pettit

## **11 QUARTERLY DISTRICT GROWTH REPORT**

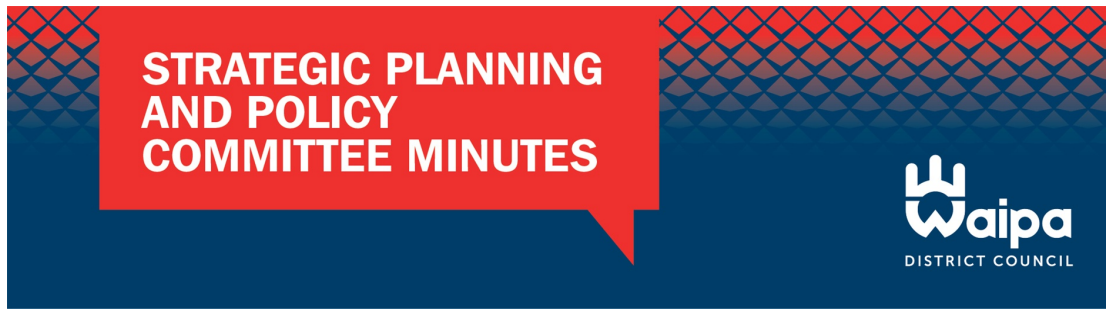
---

The purpose of the report was to provide the Committee with a quarterly update on matters relating to growth in the Waipā District. This included matters arising at national, sub-regional, regional and district levels. This report was provided for information purposes and did not require any decision-making on the part of Elected Members. It was noted that matters pertaining to capital projects and their associated risks would be separately reported to Council's Service Delivery and Audit & Risk committees respectively.

The report presented by Mr Wayne Allan Group Manager District Growth and Regulatory Services covered the following topics:

- Waipa District growth cells





- Major resource consent applications
- Building consents issues
- Applications determined by the District Licensing Committee
- Quarterly statistics for 2019/20
- Year on year statistics
- Submissions submitted by behalf of Council

Mr Allan advised that the preliminary work was well advanced to facilitate further development of the C2 area. The expression of interest design for the Victoria Road and Norfolk Drive intersection was currently being worked on.

It was noted that building consent applications have been monitored over the last two weeks and had returned to normal levels of approximately 30 per week and building inspections had also now resumed. Resource consent applications numbers had also remained steady.

Manager Strategy Kirsty Downey advised the Committee that the Hamilton – Waikato Metro spatial plan first draft report would now be delayed due to Covid-19. Other studies that are currently being progressed through Future Proof have included the Sub-Regional Three Waters, Housing Preference and the Industrial land Survey which has been completed.

At a local level it was advised that Council had endorsed the T6 and T11 structure plans. The Ngahinapouri Village concept plan has been deferred for public engagement due to Covid-19 and the Pirongia Town Concept Plan refresh which was currently out for consultation would have the public consultation period extended in accordance with agreement with Committee members that no community engagement would come to a close while we are still in lockdown.

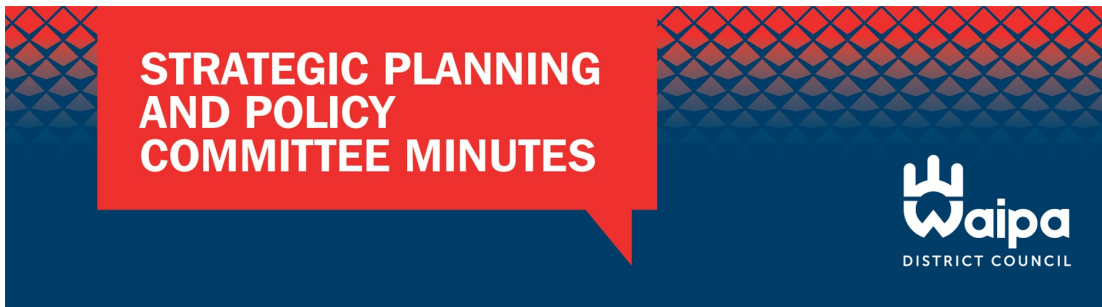
**RESOLVED**

02/20/28

*That the Strategic Planning and Policy Committee receive report titled 'Quarterly District Growth Report' (document number 10359847) of Wayne Allan, Group Manager District Growth and Regulatory Services.*

Cr Gordon/ Cr Coles

There being no further business the meeting closed at 11.38am



---

**CONFIRMED AS A TRUE AND CORRECT RECORD**

**CHAIRPERSON:** .....

**DATE:** .....



## STRATEGIC PLANNING AND POLICY COMMITTEE REPORT



---

**To:** The Chairperson and Members of the Strategic Planning & Policy Committee

**From:** Strategic Projects Driver

**Subject:** **Amendment to Fire Control Bylaw 2015**

**Meeting Date:** 2 June 2020

### 1 EXECUTIVE SUMMARY

---

The Fire Control Bylaw was considered by the Strategic Planning and Policy Committee on 4 December 2019. The Committee resolved by resolution 2/19/90 that the draft Fire Control Bylaw 2019 [document number 10087909] was the most appropriate form of the bylaw for addressing Council's fire control responsibilities, and recommended to Council that this document should be adopted as a new bylaw.

The draft Fire Control Bylaw 2019 referenced in resolution 2/19/90 was described as a 'new' bylaw. Staff had considered the draft Fire Control Bylaw 2019 to have been so significantly amended from Council's 2015 bylaw that it constituted a new bylaw. However, in essence all that was achieved by the proposals for a new bylaw was the deletion of the parts required to be revoked by legislation, plus a minor amendment regarding the ability of an Environmental Health Officer to authorise agents such as FENZ to assist with extinguishing nuisance fires.

Since the meeting on 4 December 2019 further legal discussion and consideration of legislation has concluded that because Council is technically only revoking several clauses where it no longer has any regulatory powers, this should be regarded as an amended bylaw. Under section 152B of the Local Government Act 2002 Council is not required to consult if amending a bylaw under these circumstances and it is not making any other amendments which would warrant consultation.

The Fire Control Bylaw 2015 has therefore been redrafted and reformatted so that it retains the original clause numbers and shows which clauses have been deleted. The remaining clauses are worded exactly as accepted by the Committee on 4 December 2019. The draft amended Fire Control Bylaw 2015 is attached to this report for the Committee's determination.

The following appendices accompany this report:

- Appendix 1 – Draft Fire Control Bylaw 2015 (2020 amendments) [document number 10356804].
- Appendix 2 – Fire Control Bylaw 2015 (2020 amendments – tracked change version) [document number 10356816].

## 2 RECOMMENDATION

---

*That the Strategic Planning and Policy Committee:*

- a) **RECEIVES** the report of Graham Pollard Strategic Projects Driver on behalf of the Chief Executive “Amendment to Fire Control Bylaw 2015” [document number 10356753]; and
- b) **REVOKES** part (c) and part (d) of Resolution 2/19/90 of the Strategic Planning and Policy Committee on 4 December 2019 and determines that the draft amended Fire Control Bylaw 2015 [document number 10356804] is in the most appropriate method and form for addressing Council’s fire control responsibilities and does not give rise to any implications under the New Zealand Bill of Rights Act 1990; and
- c) **RECOMMENDS** that Council approves the proposed amendments to the Fire Control Bylaw 2015 as set out in Appendix 1 [document number 10356804], effective from 1 July 2020.

## 3 OPTIONS AND ASSESSMENT

---

### Determination

By agreeing that the amended Fire Control Bylaw 2015 is the most appropriate form of the bylaw, the Committee is also agreeing that an amended bylaw (as opposed to a new bylaw) is the most appropriate method for addressing Council’s fire control responsibilities.

The Fire and Emergency New Zealand Act 2017 has removed most of the functions contained within the Fire Control Bylaw 2015 from Council’s jurisdiction, so that Council now only has responsibility for:

- prevention of nuisance caused by fires; and
- permitting the extinguishing of nuisance fires on private property.

The options for Council are:

- a. Retain the parts relating to nuisance fires in an updated Fire Control Bylaw; or
- b. Utilise an alternative method of dealing with nuisance fires; or

- c. Discontinue dealing with nuisance fires.

#### *Options analysis*

- a. The legislative environment in which the Fire Control Bylaw 2015 was determined and made has not changed other than the passing of the Fire and Emergency New Zealand Act 2017; this has had the effect of removing most of the content of the bylaw, leaving only two substantive parts plus those sections necessary to administer it. It has previously been appropriate for Council to deal with nuisance fires, and in 2005 Council successfully prosecuted for a failure to extinguish nuisance fires as directed under a previous version of the bylaw. That case confirmed the legitimacy of Council's bylaw. There remains a need to be able to deal with nuisance fires and therefore, it is appropriate to continue with the Fire Control Bylaw.
- b. The alternative to Council dealing with nuisance fires is for them to be managed by FENZ. However, this has been excluded from the FENZ Act 2017 indicating an expectation that FENZ will not be the agency of first response in these circumstances. During pre-consultation correspondence FENZ confirmed that nuisance fires are not within their remit unless there is an imminent threat to life and/or property. The responsibility for responding to complaints about small, nuisance fires has been left with local authorities. However FENZ advised including clause 9 regarding the ability of an Environmental Health Officer to authorise agents such as FENZ to assist with extinguishing nuisance fires.
- c. If Council were to rescind the Fire Control Bylaw and not replace it, officers would need to rely on the provisions of the Health Act 1956. Under section 34, Council has the power to deal with nuisance fires through an "engineer or environmental health officer". Council could rely solely on the Health Act 1956 for dealing with nuisance fires and authorise in writing anyone (including contractors) to enter premises under section 128. However, these people duly authorised would have limited power to act if they were not also an engineer or Environmental Health Officer who could apply section 34. By retaining the Fire Control Bylaw, Council could warrant a broader range of enforcement staff to enter premises and direct people to take action. Both a bylaw and the Health Act 1956 allow for prosecutions only in respect of offences.

A bylaw, therefore, would enable Council to better respond to nuisance fires by having more authorised officers duly warranted. It is recommended, following discussion with FENZ, an amended Fire Control Bylaw remains the appropriate mechanism for dealing with nuisance fires.

#### **Form of the bylaw**

Council is faced with two options:

1. **Retain** - and mark-up as 'deleted' - the relevant sections of the Fire Control Bylaw 2015; this would retain the numbering of clauses, although only a few will have relevant text.
2. **Redraft** the remaining parts of the bylaw and thereby make a new Fire Control Bylaw 2019; this would require full public consultation. As Council has an existing Fire Control Bylaw, a 'new' bylaw is not considered appropriate.

As required by the Fire and Emergency New Zealand Act 2017, Council has consulted with FENZ and taken advice on the form of the draft amended bylaw. Feedback from FENZ has been incorporated into the draft bylaw. Therefore, Council can be confident that **option 1** (above) is an appropriate form of a Fire Control Bylaw.

### **New Zealand Bill of Rights Act 1990**

The Fire and Emergency New Zealand Act 2017 removed responsibilities from Council. The Fire Control Bylaw 2015 was consistent with the New Zealand Bill of Rights Act 1990 as a legal necessity. The draft amended bylaw merely retains clauses and has no additional responsibilities. Therefore, Council can be confident that the amended Fire Control Bylaw 2015 remains consistent with the New Zealand Bill of Rights Act 1990.

### **Consultation**

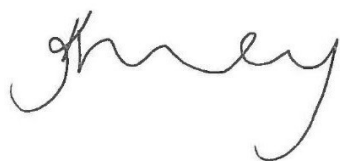
Section 156 of the Local Government Act requires local authorities to give consideration to the views and preferences of persons likely to be affected by, or who may have an interest in, the subject matter at every stage of the process.

However, the Fire and Emergency New Zealand Act 2017 inserted new section 152B into the Local Government Act 2002. This enables Council to amend a relevant fire bylaw by resolution publicly notified without being required to consult in accordance with sections 82 or 83 of the Local Government Act. However, there is a requirement in section 152B for Council to consult with FENZ. Consultation with FENZ has been sought and feedback from FENZ has been received and has been incorporated into the draft amended bylaw attached.

Therefore, Council can be confident that it can amend the Fire Control Bylaw 2015 without further public consultation.



Graham Pollard  
**STRATEGIC PROJECTS DRIVER**



Reviewed by Kirsty Downey  
**MANAGER STRATEGY**



Approved by Debbie Lascelles  
**GROUP MANAGER STRATEGY AND COMMUNITY SERVICES**

## SUPPORTING INFORMATION: ASSESSMENT OF PROPOSAL

---

### 1 Statutory and policy requirements

---

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

In accordance with section 145 of the LGA territorial authorities are authorised to make bylaws. The LGA sets out requirements for the creation and review process for bylaws in sections 155, 156 and 158. Sections 83 and 86 outline the special consultative procedure used to draft or review bylaws.

The purpose of local government is defined in section 10 of the LGA, as follows:

#### ***“10 Purpose of local government***

- 1 *The purpose of local government is—*
  - a *to enable democratic local decision-making and action by, and on behalf of, communities; and*
  - b *to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.*

#### ***“Section 145 General bylaw making power for territorial authorities***

*A territorial authority may make bylaws for its district for 1 or more of the following purposes:*

- a *protecting the public from nuisance:*
- b *protecting, promoting, and maintaining public health and safety:*
- c *minimising the potential for offensive behaviour in public places.”*

#### ***“Section 152B Effect of Fire and Emergency New Zealand Act 2017 on bylaws***

1 *If a territorial authority is satisfied, after consultation with Fire and Emergency New Zealand, that it is appropriate to amend or revoke a relevant fire bylaw, the territorial authority may, despite anything in this Act, amend or revoke the bylaw by resolution publicly notified without being required to—*

- a *consult in accordance with section 82; or*
  - b *use the special consultative procedure set out in section 83.*
- 2 *In subsection (1), **relevant fire bylaw** means a bylaw that—*
- a *relates to the removal of fire hazards; or*
  - b *declares prohibited or restricted fire seasons; or*
  - c *prohibits or otherwise regulates or controls the lighting of fires in open air;*  
*or*
  - d *relates to the prevention of the spread of fires involving vegetation.*

3 *If any bylaw made by a territorial authority is inconsistent with the Fire and Emergency New Zealand Act 2017 or any regulations or notice under that Act,—*

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

4 *The territorial authority may, despite anything in this Act, amend or revoke the bylaw to remove the inconsistency by resolution publicly notified, without being required to—*

- a consult in accordance with section 82; or*
- b use the special consultative procedure set out in section 83.*

5 *A territorial authority must not make a bylaw that is inconsistent with the Fire and Emergency New Zealand Act 2017 or any regulations or notice under that Act.”*

***“Section 155 Determination whether a bylaw made under this Act is appropriate***

*1AA This section applies to a bylaw only if it is made under this Act.*

1 *A local authority must, before commencing the process for making a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived problem.*

2 *If a local authority has determined that a bylaw is the most appropriate way of addressing the perceived problem, it must, before making the bylaw, determine whether the proposed bylaw—*

- a is the most appropriate form of bylaw; and*
- b gives rise to any implications under the New Zealand Bill of Rights Act 1990.”*

3 *No bylaw may be made which is inconsistent with the New Zealand Bill of Rights Act 1990, notwithstanding section 4 of that Act.*

***“Section 160 Procedure for and nature of review***

1 *A local authority must review a bylaw to which section 158 or 159 applies by making the determinations required by section 155.*

2 *For the purposes of subsection (1), section 155 applies with all necessary modifications.*

3 *If, after the review, the local authority considers that the bylaw—*

- a should be amended, revoked, or revoked and replaced, it must act under section 156:*
- b should continue without amendment, it must—*
  - i consult on the proposal using the special consultative procedure if—*

A the bylaw concerns a matter identified in the local authority's policy under section 76AA as being of significant interest to the public; or

B the local authority considers that there is, or is likely to be, a significant impact on the public due to the proposed continuation of the bylaw; and

ii in any other case, consult on the proposed continuation of the bylaw in a manner that gives effect to the requirements of section 82."

4 For the purposes of subsection (3)(b), the local authority must make available

a a copy of the bylaw to be continued; and

b the reasons for the proposal; and

c a report of any relevant determinations by the local authority under section 155.

5 This section does not apply to any bylaw to which section 10AA of the Dog Control Act 1996 applies."

### **Health Act 1956**

#### **"Section 34 Power to abate nuisance without notice**

1 Where by reason of the existence of a nuisance on any premises within the district of any local authority immediate action for the abatement of the nuisance is necessary in the opinion of the engineer or environmental health officer of the local authority, the engineer or environmental health officer, with such assistants as may be necessary, and without notice to the occupier, may enter on the premises and abate the nuisance.

2 All expenses incurred in the abatement of a nuisance under this section shall be recoverable from the owner or the occupier of the premises in respect of which they are incurred, as a debt due to the local authority."

#### **"Section 128 Power of entry and inspection**

For the purposes of this Act any medical officer of health, or any health protection officer, or any other person authorised in writing in that behalf by the medical officer of health or by any local authority, may at all reasonable times enter any dwelling, house, building, land, ship, or other premises and inspect the same, and may execute thereon any works authorised under or pursuant to this Act."



## APPENDIX 1

---

Fire Control Bylaw 2015 (*document number 10356804*)



# FIRE CONTROL BYLAW

2015

( a m e n d e d 2 0 2 0 )



## Table of Contents

<b>Part One - Introduction</b> .....	<b>5</b>
Definitions.....	5
<b>Part Two – Fires in Rural Fire Areas [revoked]</b> .....	<b>7</b>
<b>Part Three – Fires in Urban Districts [revoked]</b> .....	<b>7</b>
<b>Part Four – Fires in Permanently Restricted Rural Fire Areas [revoked]</b> .....	<b>7</b>
<b>Part Five – Use of Barbeques, Braziers and Traditional Cooking Fires [revoked]</b> .....	<b>7</b>
<b>Part Six – Fires in Buildings [revoked]</b> .....	<b>7</b>
<b>Part Seven - Prevention of Nuisance Caused by Fire</b> .....	<b>7</b>
<b>Part Eight – Authorised Officer May Extinguish Fires</b> .....	<b>7</b>
<b>Part Nine – Storage and Disposal of Flammable Material [revoked]</b> .....	<b>8</b>
Live Ashes.....	8
Flammable Material in Rubbish .....	8
Storage of Goods and Safeguarding of Premises .....	8
Storage of Timber and other Combustible Materials.....	8
Storage of Tyres .....	9
General.....	9
<b>Part Ten – Permits and Conditions [revoked]</b> .....	<b>9</b>
<b>Part Eleven – Fees [revoked]</b> .....	<b>9</b>
Payment.....	9
Fees and charges.....	9
<b>Part Twelve - Offences and Penalties</b> .....	<b>9</b>
<b>Part Thirteen – Amendments [revoked]</b> .....	<b>10</b>
<b>Part Fourteen - Revocation</b> .....	<b>10</b>
<b>First Schedule: Guidelines for Storage of Vehicle Tyres in Urban Fire Districts [revoked by resolution xxxxxx of Waipa District Council]</b> .....	<b>11</b>
<b>Second Schedule: Guidelines for Storage of Vehicle Tyres in Rural Fire Areas and Permanently Restricted Rural Fire Areas [revoked by resolution xxxxxx of Waipa District Council]</b> .....	<b>11</b>

First adopted: 2007  
Revision dates/versions: *Fire Control Bylaw 2007 revoked 1 November 2011*  
*Fire Control Bylaw operative from 1 November 2011; revoked 7 April 2015*  
*Fire Control Bylaw 2015 operative from 7 April 2015; amendments and*  
*revocations by resolution XXXXX of the Waipa District Council adopted 30*  
*June 2020*  
Next review date: 2020  
Engagement required: *(generally) Sec 82 LGA2002*  
Document number: 13056804  
Associated documents: *Proposed District Plan*  
Policy Owner: *Manager - Compliance*

Waipa District Council Fire Control Bylaw 2015  
(amended 2020)

In pursuance and exercise of the Powers and Authorities vested in it by the Local Government Act 2002 and of each and every other Power and Authority thereto enabling it, the Waipa District Council makes and ordains this Bylaw.

## Part One - Introduction

- 1 This Bylaw shall be cited and referred to as the "Waipa District Council Fire Control Bylaw 2015."
- 2 This Bylaw shall apply within the boundaries of the Waipa District. All provisions shall apply to the entire Waipa District unless otherwise stated at the beginning of the section or within the clause.
- 3 This Bylaw is in addition to the following:
  - (a) Forest and Rural Fires Act 1977;
  - (b) Forest and Rural Fires Regulations 2005;
  - (c) Fire Service Act 1975;
  - (d) Operative Waipa District Plan; and
  - (e) Proposed District Plan.

## Definitions

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

Term	Definition
Authorised Officer	any person, authorised under the Local Government Act 2002, or under the Health Act 1956, or authorised by Council to administer and enforce its Bylaws, and includes a Rural Fire Officer
Barbeque	any outdoor fixed or portable solid fuel or gas fired equipment designed and used exclusively for the cooking of food.
Brazier	any fixed or portable solid fuel or gas fired equipment or appliance designed for heating and used outdoors.
Bylaw	refers to the Waipa District Council Fire Control Bylaw 2015.
Council	refers to the Waipa District Council.
FENZ	refers to Fire and Emergency New Zealand
<i>Fire Authority</i>	<i>[revoked]<sup>1</sup></i>
<i>Fire Hazard</i>	<i>[revoked]<sup>1</sup></i>

<sup>1</sup> Revoked by resolution XXXXX of the Waipa District Council adopted 30 June 2020

Term	Definition
<i>Fire Service Officer</i>	<i>[revoked]</i> <sup>1</sup>
Nuisance	any smoke, odour, debris or fumes produced by a fire (including a barbeque, brazier or traditional cooking fire) in such quantity or of such nature or in such manner as to be offensive or likely to be injurious to the health of anyone.
Occupier	includes an owner, tenant, licensee or any agent, manager, foreperson or other person apparently acting in the general management of any premises.
<i>Permanently Restricted Rural Fire Area</i>	<i>[revoked]</i> <sup>1</sup>
<i>Permit</i>	<i>[revoked]</i> <sup>1</sup>
Person	has the same meaning as in the Interpretation Act 1999.
Premises	means and includes both land and buildings.
<i>Prohibited Fire Season</i>	<i>[revoked]</i> <sup>1</sup>
<i>Restricted Fire Season</i>	<i>[revoked]</i> <sup>1</sup>
<i>Rural Fire Area</i>	<i>[revoked]</i> <sup>1</sup>
<i>Rural Fire Authority</i>	<i>[revoked]</i> <sup>1</sup>
<i>Rural Fire District</i>	<i>[revoked]</i> <sup>1</sup>
<i>Rural Fire Officer</i>	<i>[revoked]</i> <sup>1</sup>
Traditional Cooking Fire	any hangi or similar fire in the open air for the sole purpose of food preparation using traditional cooking methods.
<i>Urban Fire District</i>	<i>[revoked]</i> <sup>1</sup>

## **Part Two – Fires in Rural Fire Areas** *[revoked]*

---

5 *[revoked]*<sup>1</sup>

## **Part Three – Fires in Urban Districts** *[revoked]*

---

6 *[revoked]*<sup>1</sup>

## **Part Four – Fires in Permanently Restricted Rural Fire Areas** *[revoked]*

---

7 *[revoked]*<sup>1</sup>

## **Part Five – Use of Barbeques, Braziers and Traditional Cooking Fires**

*[revoked]*<sup>1</sup>

---

8 *[revoked]*<sup>1</sup>

## **Part Six – Fires in Buildings** *[revoked]*

---

9 *[revoked]*<sup>1</sup>

## **Part Seven - Prevention of Nuisance Caused by Fire**

---

- 10** No person shall burn, or permit, or suffer to be burnt (including on a barbeque, in a brazier or in connection with a traditional cooking fire) any matter or thing in such a manner as to cause a nuisance.
- 11** No person shall allow any fire to cause smoke of such a nature or extent as to interfere with the operation of any road way, airport, railway or other similar public facility.
- 12** Where any Authorised Officer considers that a nuisance is being caused by smoke, odour, debris or fumes, or that a breach of clause 11 exists, that Authorised Officer may require the occupier of the premises or the person otherwise responsible for the fire to immediately take all practicable steps to abate the nuisance.

## **Part Eight – Authorised Officer May Extinguish Fires**

---

- 13** Where a fire (including a barbeque, brazier or traditional cooking fire) has been lit or allowed to burn in contravention of any part of this Bylaw, any Authorised Officer may enter the premises (excluding a dwelling) and do any or all of the following things:



- a) extinguish the fire, and/or
- b) direct the occupier of the premises on which the fire is located or the person who lit the fire, to extinguish the fire; and/or
- c) take all practicable steps to abate any nuisance which, in the reasonable opinion of the Authorised Officer is being caused by that fire.

**14** Where any person disregards a direction to extinguish a fire, and an Authorised Officer considers that immediate action is necessary to extinguish the fire, an Authorised Officer who is also an Environmental Health Officer may, under section 34 of the Health Act 1956, extinguish that fire, or authorize an agent of the Council (including FENZ) to extinguish the fire and to take such other steps as may be reasonably necessary to abate any nuisance which, in the reasonable opinion of the authorised officer, is being caused by the fire.

## **Part Nine – Storage and Disposal of Flammable Material** *[revoked]<sup>1</sup>*

---

### **Live Ashes**

**15** *[revoked]<sup>1</sup>*

### **Flammable Material in Rubbish**

**16** *[revoked]<sup>1</sup>*

**17** *[revoked]<sup>1</sup>*

### **Storage of Goods and Safeguarding of Premises**

**18** *[revoked]<sup>1</sup>*

**19** *[revoked]<sup>1</sup>*

**20** *[revoked]<sup>1</sup>*

**21** *[revoked]<sup>1</sup>*

**22** *[revoked]<sup>1</sup>*

### **Storage of Timber and other Combustible Materials**

**23** *[revoked]<sup>1</sup>*

## Storage of Tyres

24 [revoked]<sup>1</sup>

## General

25 [revoked]<sup>1</sup>

## Part Ten – Permits and Conditions [revoked]

---

26 [revoked]<sup>1</sup>

27 [revoked]<sup>1</sup>

28 [revoked]<sup>1</sup>

29 [revoked]<sup>1</sup>

30 [revoked]<sup>1</sup>

31 [revoked]<sup>1</sup>

32 [revoked]<sup>1</sup>

## Part Eleven – Fees [revoked]<sup>1</sup>

---

### Payment

33 [revoked]<sup>1</sup>

### Fees and charges

34 [revoked]<sup>1</sup>

## Part Twelve - Offences and Penalties

---

35 Every person or permit holder who:

- (a) Fails to comply with or acts in contravention of any provision of this Bylaw; or
- (b) [revoked]<sup>1</sup>
- (c) Fails to comply with a notice served under this Bylaw.

**COMMITTS AN OFFENCE** under the Local Government Act 2002, and is liable to a fine not exceeding \$20,000 (twenty thousand dollars).

**36** In addition to any fine imposed pursuant to clause 35 of this Bylaw, the Council may recover from the occupier of the premises, the person who lit the fire or the person who is responsible for the fire, any costs incurred by it as a result of its officer or agents taking any action authorised under any Part of this Bylaw, including but not limited to the costs of extinguishing the fire.

**Part Thirteen – Amendments** *[revoked]*<sup>1</sup>

---

**37** *[revoked]*<sup>1</sup>

**Part Fourteen - Revocation**

---

**38** The Waipa District Council Fire Control Bylaw 2011 is hereby revoked.

The foregoing Bylaw was made by the **WAIPA DISTRICT COUNCIL** by Special Consultative Procedure and confirmed at a meeting of Council held on 31 March 2015. This Bylaw becomes operative on 7 April 2015.

The foregoing Bylaw was amended by resolution XXXXX of the Waipā District Council at a meeting of Council held on 30 June 2020, the amendments becoming operative on 1 July 2020.

**IN WITNESS WHEREOF** the Common Seal of the **WAIPA DISTRICT COUNCIL** was hereunto affixed pursuant to a resolution of Council passed on 31 March 2015 in the presence of:

.....Mayor.....Chief Executive

**First Schedule: Guidelines for Storage of Vehicle Tyres in Urban Fire Districts** *[revoked]*<sup>1</sup>

---

**Second Schedule: Guidelines for Storage of Vehicle Tyres in Rural Fire Areas and Permanently Restricted Rural Fire Areas** *[revoked]*<sup>1</sup>

---

## APPENDIX 2

---

Fire Control Bylaw 2015 (2020 amendments – tracked change version) (*document number 10356816* )



# FIRE CONTROL BYLAW

2015

(amended 2020)

Tracked change version

Tracked change version

## Table of Contents

Part One - Introduction.....	5
Definitions.....	5
<del>Part Two – Fires in Rural Fire Areas.....</del>	<del>7</del>
<del>Part Three – Fires in Urban Districts.....</del>	<del>7</del>
<del>Part Four – Fires in Permanently Restricted Rural Fire Areas.....</del>	<del>7</del>
<del>Part Five – Use of Barbeques, Braziers and Traditional Cooking Fires.....</del>	<del>7</del>
<del>Part Six – Fires in Buildings.....</del>	<del>8</del>
Part Seven - Prevention of Nuisance Caused by Fire.....	8
Part Eight – Authorised Officer May Extinguish Fires.....	8
<del>Part Nine – Storage and Disposal of Flammable Material.....</del>	<del>9</del>
<del>Live Ashes.....</del>	<del>9</del>
<del>Flammable Material in Rubbish.....</del>	<del>9</del>
<del>Storage of Goods and Safeguarding of Premises.....</del>	<del>9</del>
<del>Storage of Timber and other Combustible Materials.....</del>	<del>10</del>
<del>Storage of Tyres.....</del>	<del>11</del>
<del>General.....</del>	<del>11</del>
<del>Part Ten – Permits and Conditions.....</del>	<del>11</del>
<del>Part Eleven – Fees.....</del>	<del>12</del>
<del>Payment.....</del>	<del>12</del>
<del>Fees and charges.....</del>	<del>12</del>
Part Twelve - Offences and Penalties.....	12
<del>Part Thirteen – Amendments.....</del>	<del>13</del>
Part Fourteen - Revocation.....	13
First Schedule: Guidelines for Storage of Vehicle Tyres in Urban Fire Districts.....	15
Tyre Storage Areas.....	15
Access.....	16
Location of Tyre Storage Piles.....	16
Water Supplies.....	16
Second Schedule: Guidelines for Storage of Vehicle Tyres in Rural Fire Areas and Permanently Restricted Rural Fire Areas.....	17



Tyre Storage Areas .....17  
 Location of Tyre Storage Piles.....17

**Appendix One: Gazetted Urban Fire Districts and Permanently Restricted Rural Fire Areas ... 18**

First adopted: 2007  
 Revision dates/version: ~~Version 1 Fire Control Bylaw 2007 revoked 1 November 2011~~  
*Fire Control Bylaw operative from 1 November 2011; revoked 7 April 2015*  
*Fire Control Bylaw 2015 operative from 7 April 2015; amendments and*  
*revocations by resolution XXXXX of the Waipa District Council adopted 30*  
*June 2020*  
 Next review date: 2020  
 Engagement required: (generally) Sec 82 LGA2002  
 Document number: [1035680415010641](#)  
 Associated documents: *Proposed District Plan*  
 Policy Owner: [Manager - Compliance](#) *Environmental Services Team Leader*

In pursuance and exercise of the Powers and Authorities vested in it by the Local Government Act 2002 and of each and every other Power and Authority thereto enabling it, the Waipa District Council makes and ordains this Bylaw.

## Part One - Introduction

- 1 This Bylaw shall be cited and referred to as the "Waipa District Council Fire Control Bylaw 2015."
- 2 This Bylaw shall apply within the boundaries of the Waipa District. All provisions shall apply to the entire Waipa District unless otherwise stated at the beginning of the section or within the clause.
- 3 This Bylaw is in addition to the following:
  - (a) Forest and Rural Fires Act 1977;
  - (b) Forest and Rural Fires Regulations 2005;
  - (c) Fire Service Act 1975;
  - (d) Operative Waipa District Plan; and
  - (e) Proposed District Plan.

## Definitions

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

Term	Definition
Authorised Officer	any person, authorised under the Local Government Act 2002, or under the Health Act 1956, or authorised by Council to administer and enforce its Bylaws, and includes a Rural Fire Officer
Barbeque	any outdoor fixed or portable solid fuel or gas fired equipment designed and used exclusively for the cooking of food.
Brazier	any fixed or portable solid fuel or gas fired equipment or appliance designed for heating and used outdoors.
Bylaw	refers to the Waipa District Council Fire Control Bylaw 2015.
Council	refers to the Waipa District Council.
Fire Authority	any fire authority within the meaning of the Forest and Rural Fires Act 1977.
Fire Hazard	the danger of potential harm and degree of exposure arising from: <ol style="list-style-type: none"> <li>(a) The start and spread of fire; and</li> <li>(b) The smoke and gases that are generated by the start and spread of fire.</li> </ol>
Fire Service Officer	<del>the Chief Fire Officer, Deputy Chief Fire Officer or the person for the time being in charge of a fire brigade pursuant to the Fire Service Act 1975.</del>

Term	Definition
Nuisance	any smoke, odour, debris or fumes produced by a fire (including a barbeque, brazier or traditional cooking fire) in such quantity or of such nature or in such manner as to be offensive or likely to be injurious to the health of anyone.
Occupier	includes an owner, tenant, licensee or any agent, manager, foreperson or other person apparently acting in the general management of any premises.
Permanently Restricted Rural Fire Area	those townships gazetted as Restricted Rural Fire Areas pursuant to the Forest and Rural Fires Act 1977 and shown on the maps in Appendix One and include the following areas: (a) Te Pahu Township (b) Tokanui Settlement (c) Rukuhia township, including the Rukuhia large lot residential area (d) Pirongia township (e) Ohaupo township (f) Ngahinapouri township (g) Karapiro township; and (h) St Leger Road and the large lot residential area.
Permit	means a permit issued by the Council or Rural Fire Authority under either this bylaw, or the Forest and Rural Fires Act 1977.
Premises	means and includes both land and buildings.
Prohibited Fire Season	a period of time, whether of fixed or indefinite duration, specified pursuant to the Forest and Rural Fires Act 1977 during which period the lighting of fires in the open air is prohibited.
Restricted Fire Season	a period of time, whether of fixed or indefinite duration, specified pursuant to the Forest and Rural Fires Act 1977, during which period permits are required for the lighting of fires in the open air.
Rural Fire Area	all areas outside of the urban fire district and outside of the permanently restricted rural fire areas.
Rural Fire Authority	means the Waipa Rural Fire Authority as formed under section 10 of the Forest and Rural Fires Act 1977, or in the case of Department of Conservation areas, that department.
Rural Fire District	means a rural fire district constituted under the Forest and Rural Fires Act 1977
Rural Fire Officer	as defined by the Forest and Rural Fires Act 1977 and appointed by the Waipa Rural Fire Authority, and includes a Principal Rural Fire Officer.
Traditional Cooking Fire	any hangi or similar fire in the open air for the sole purpose of food preparation using traditional cooking methods.
Urban Fire District	those urban areas in the Waipa District that have been gazetted by the New Zealand Fire Service as urban fire districts and that are shown as such on the maps in Appendix One.

## **Part Two – Fires in Rural Fire Areas**

---

- ~~5~~ — No person shall light any fire and no person being the occupier of any premises shall cause, allow or suffer any such fire to be lit or to continue to burn:
- ~~(a)~~ — While a strong wind is blowing or when conditions are such that the fire is likely to spread beyond the limits of the premises;
  - ~~(b)~~ — Within five metres of any part of a building, tree, hedge, fence or other combustible material;
  - ~~(c)~~ — Between the hours of sunset and sunrise, unless a written permit has been issued by a Rural Fire Officer and then only in accordance with the conditions of that permit;
  - ~~(d)~~ — Without maintaining adequate supervision during any burning;
  - ~~(e)~~ — During any restricted fire season unless a written permit has been issued in accordance with clause 28 of this Bylaw and then only in accordance with the conditions of that permit; and
  - ~~(f)~~ — During a prohibited fire season.

## **Part Three – Fires in Urban Districts**

---

- ~~6~~ — No person shall light any fire in an urban fire district and no person being the occupier of any premises in an urban fire district shall cause, allow or suffer any such fire to be lit or to continue to burn unless a written permit has been issued by an authorised officer and then only in accordance with the conditions of that permit.

## **Part Four – Fires in Permanently Restricted Rural Fire Areas**

---

- ~~7~~ — No person shall light any fire in any permanently restricted rural fire area, and no person being the occupier of any premises in a permanently restricted rural fire area, shall cause, allow or suffer any such fire to be lit or to continue to burn, unless a written permit has been issued by a Rural Fire Officer and then only in accordance with the conditions of that permit.

## **Part Five – Use of Barbeques, Braziers and Traditional Cooking Fires**

---

- ~~8~~ — Notwithstanding Part Two, Part Three, Part Four and Part Ten of this Bylaw, barbeques, braziers and traditional cooking fires may be used in any part of the Waipa District provided:
- ~~(a)~~ — There is no immediate or likely danger to any person or property;
  - ~~(b)~~ — An appropriate means of extinguishment is immediately available;

- ~~(c) Adequate supervision is maintained at all times;~~
- ~~(d) No nuisance is caused; and~~
- ~~(e) The fire season is not suspended or prohibited.~~

## **Part Six – Fires in Buildings**

---

- ~~9 No person shall light any fire or allow any fire to be lit in a building other than a fire:~~
  - ~~(a) In a properly constructed and maintained fireplace, New Zealand approved gas appliance or fixed or portable heating device burning liquid or fuel; or~~
  - ~~(b) Where a written permit has been issued by an authorised officer and then only in accordance with the terms and conditions of that permit; or~~
  - ~~(c) Where the fire is lit by an officer of the Fire Service for the purposes of training.~~

## **Part Seven - Prevention of Nuisance Caused by Fire**

---

- 10** No person shall burn, or permit, or suffer to be burnt (including on a barbeque, in a brazier or in connection with a traditional cooking fire) any matter or thing in such a manner as to cause a nuisance, whether the holder of a permit or not.
- 11** No person shall allow any fire to cause smoke of such a nature or extent as to interfere with the operation of any road way, airport, railway or other similar public facility.
- 12** Where any authorised officer considers that a nuisance is being caused by smoke, odour, debris or fumes, or that a breach of clause 11 exists, that authorised officer may require the occupier of the premises or the person otherwise responsible for the fire to immediately take all practicable steps to abate the nuisance.

## **Part Eight – Authorised Officer May Extinguish Fires**

---

- 13** Where a fire (including a barbeque, brazier or traditional cooking fire) has been lit or allowed to burn in contravention of any part of this Bylaw, or any permit issued pursuant to this bylaw, any authorised officer ~~or Fire Service Officer~~ may enter the premises (excluding a dwelling) and do any or all of the following things:
  - a) extinguish the fire, and/or
  - b) direct the occupier of the premises on which the fire is located or the person who lit the fire, to extinguish the fire; and/or
  - c) take all practicable steps to abate any nuisance which, in the reasonable opinion of the authorised officer ~~or Fire Service Officer~~, is being caused by that fire.

- 14** Where any person disregards a direction to extinguish a fire, an authorised officer ~~or Fire Service Officer~~ may extinguish the fire, or authorise an agent of the Council (including the New Zealand Fire Service) to extinguish the fire and to take such other steps as may be reasonably necessary to ensure the safety of any person, or to protect the premises, or any other property or to abate any nuisance which, in the reasonable opinion of the authorised officer, is being caused by the fire.

## ~~Part Nine – Storage and Disposal of Flammable Material~~

---

### ~~Live Ashes~~

- 15** ~~No person shall place or allow to be placed any live cinders or ashes in or upon any premises except:~~
- ~~(a) In a container made and constructed of steel or other fire resistant material and in such a way as to prevent the transmission of heat or fire to any flammable material; or~~
  - ~~(b) In a pit or upon any fire-resistant substance and in such a way as to prevent the spreading of fire or heat by the action of wind or otherwise.~~

### ~~Flammable Material in Rubbish~~

- 16** ~~No person shall place any explosive, highly combustible or highly flammable materials into a rubbish receptacle or include any explosive, highly combustible or highly flammable material in any rubbish sent or intended to be sent to any area used for storage or destruction.~~
- 17** ~~Every occupier of premises shall ensure that highly combustible waste and rubbish are deposited in fire resistant containers and regularly removed from the premises.~~

### ~~Storage of Goods and Safeguarding of Premises~~

- 18** ~~Every occupier of premises shall take all reasonable precautions in the storage of any items to prevent or reduce to a minimum the risk of the items:~~
- ~~(a) Causing or spreading fire;~~
  - ~~(b) Causing danger from fire;~~
  - ~~(c) Constituting an obstacle to the exit of persons from the premises in the event of fire; or~~
  - ~~(d) Hampering the operations of the fire authority in the event of fire on the premises.~~

- ~~19~~ — Every occupier of premises shall take all reasonable precautions to prevent danger from fire with respect to:
- ~~(a)~~ — Any business or manufacturing operations carried on, in or about the premises;
  - ~~(b)~~ — The installation, use or maintenance of any electrical equipment on the premises;
  - ~~(c)~~ — The construction, situation and control of any device using a naked flame, light or fire; and
  - ~~(d)~~ — Any heating equipment in or about the premises.
- ~~20~~ — The occupier of any premises where manufacturing, packing or unpacking, or other operations are carried out which involve the use of packing material shall ensure that:
- ~~(a)~~ — Such operations are carried out in a room situated in a part of the building to which the public has no access and which is not directly connected with any stairway, lift well or other vertical opening between floors which is not protected against transmission of fire, smoke or fumes;
  - ~~(b)~~ — No naked flame, light or heating device capable of igniting the packing material is used or introduced into the room where the manufacturing, packing or unpacking operations are carried out; and
  - ~~(c)~~ — After working hours all packing materials are either removed from the building to a safe place or stored in securely enclosed containers capable of minimising any fire risk.
- ~~21~~ — Where the occupier of any premises fails to take all reasonable precautions for the safe storage of items and/or the safeguarding of premises (including the safe packing and unpacking of goods) an authorised officer may require the occupier of the premises by notice in writing to take such steps as the authorised officer shall think fit to eliminate or reduce the risk of fire.
- ~~22~~ — Any notice issued pursuant to clause 21 of this Bylaw shall be signed by the authorised officer and shall specify the requirements of the Council and the time within which the occupier is to comply with those requirements.
- ~~23~~ — Failure to comply with the requirements of any notice issued under clause 21 of this Bylaw shall constitute an offence against this Bylaw.

### ~~Storage of Timber and other Combustible Materials~~

- ~~24~~ — No materials of the following type may be stored in a way that, in reasonable opinion of the authorised officer, creates a fire hazard:
- ~~(a)~~ — Timber;
  - ~~(b)~~ — Firewood, or other wooden materials;

- ~~(c) Hay, straw, or other dry plant cuttings;~~
- ~~(d) Flammable packaging materials;~~
- ~~(e) Waste of a type that is likely to burn if lit; or~~
- ~~(f) Any other flammable material.~~

### **Storage of Tyres**

- ~~25 No person shall store or permit the storage of any vehicle tyres except in strict compliance with the guidelines set out in the First and Second Schedule to this Bylaw.~~

### **General**

- ~~26 Any storage of any material pursuant to Part Nine must in addition comply with the provisions of the Resource Management Act 1991 and the operative Waipa District Plan.~~

### **Part Ten – Permits and Conditions**

---

- ~~27 Any person desiring to light a fire in a rural fire area between sunset and sunrise, or who intends to have a fire burning during that time, must first obtain a permit from the relevant Fire Authority, signed by an authorised officer, and provide any information that may reasonably be required in relation to the application.~~
- ~~28 Any person desiring to light a fire in a rural fire area during a restricted fire season must first obtain a permit from the relevant Fire Authority pursuant to the Forest and Rural Fires Act 1977.~~
- ~~29 Any person desiring to light a fire in an urban fire district must first obtain a permit from the Council and provide the Council with any information that it may reasonably require in relation to the application.~~
- ~~30 Any person desiring to have a fire in a building in accordance with clause 9(b) of this Bylaw must first obtain a permit from the Council or relevant Fire Authority and provide any information that it may reasonably require in relation to the application.~~
- ~~31 Any person desiring to light a fire in a permanently restricted rural fire area must first obtain a permit from the relevant Rural Fire Authority pursuant to the Forest and Rural Fires Act 1977.~~
- ~~32 A permit must be signed by an authorised officer and may be issued upon payment of the prescribed fee and subject to such terms, conditions and restrictions as the authorised officer may specify, including but not limited to the following matters:~~
- ~~(a) The premises to which the permit relates;~~



- ~~(b) The period and the times during which a fire may be lit and allowed to burn;~~
- ~~(c) Any fire safety precautions that are to be adopted for the duration of the fire including but not limited to the provision of an appropriate means of extinguishment;~~
- ~~(d) What is to be burnt;~~
- ~~(e) The duration of time for which the permit is valid;~~
- ~~(f) Any requirements for supervision of the fire; and~~
- ~~(g) Such other conditions as the authorised officer may impose.~~

~~33 The Council or the Waipa Rural Fire Authority may suspend or revoke any fire permit that has been granted where, in the reasonable opinion of the Authorised Officer, there is an elevated fire risk.~~

## Part Eleven – Fees

---

### Payment

~~34 Fees for the issue of permits under this Bylaw are as set out in Council’s Schedule of Fees and Charges.~~

### Fees and charges

~~35 Fees and Charges for the issue of permits under this Bylaw may be amended from time to time in accordance with section 150 of the Local Government Act 2002.~~

## Part Twelve - Offences and Penalties

---

- 36 Every person or permit holder who:
- (a) Fails to comply with or acts in contravention of any provision of this Bylaw; or
  - (b) Breaches the conditions of any permit granted pursuant to this Bylaw; or
  - (c) Fails to comply with a notice served under this Bylaw.

**COMMITTS AN OFFENCE** under the Local Government Act 2002, and is liable to a fine not exceeding \$20,000 (twenty thousand dollars).

37 In addition to any fine imposed pursuant to clause 37 of this Bylaw, the Council may recover from the occupier of the premises, the person who lit the fire or the person who is responsible for the fire, any costs incurred by it as a result of its officer or agents

taking any action authorised under any Part of this Bylaw, including but not limited to the costs of extinguishing the fire.

### **Part Thirteen – Amendments**

---

~~38~~ — The Council may, by resolution, vary or amend the maps of any fire district or fire area as shown in Appendix 1 of this Bylaw.

### **Part Fourteen - Revocation**

---

39 The Waipa District Council Fire Control Bylaw ~~2011~~2015 is hereby revoked.

The foregoing Bylaw was made by the **WAIPA DISTRICT COUNCIL** by Special Consultative Procedure and confirmed at a meeting of Council held on 31 March 2015. This Bylaw becomes operative on 7 April 2015.

The foregoing Bylaw was amended by resolution XXXXX of the Waipā District Council at a meeting of Council held on 30 June 2020, the amendments becoming operative on 1 July 2020.

**IN WITNESS WHEREOF** the Common Seal of the **WAIPA DISTRICT COUNCIL** was hereunto affixed pursuant to a resolution of Council passed on ~~31 March 2015~~ in the presence of:

.....Mayor.....Chief Executive

## ~~First Schedule: Guidelines for Storage of Vehicle Tyres in Urban Fire Districts~~

~~1 In compliance with clause 25 of this Bylaw, the storage of vehicle tyres in the open air in the urban fire district is prohibited except in strict compliance with the following:~~

### ~~Tyre Storage Areas~~

~~1.1 Tyres must not be stored on wetlands, flood plains, ravines or steep graded surfaces. Flat level ground is preferred.~~

~~1.2 Tyres must only be stored on a concrete or hard-packed surface.~~

~~1.3 Prior to the commencement of storage a minimum three metre high close wire fence must be constructed so as to fully enclose the area of storage. Access to the storage area shall be provided, with minimum of one gateway of at least six metre width, and gates shall be of an appropriate construction and capable of adequately securing the storage area. All gates/gateways must remain unobstructed at all times.~~

~~1.4 Piles of tyres must not be permitted to accumulate under power structures or lines.~~

~~1.5 The following minimum internal separation distances shall apply where there are two or more tyre storage piles:~~

Exposed Pile Face (length in metres)	Tyre Storage Pile Height (m)						
	0-2.5	2.6-3	3.1-4	4.1-4.5	4.6-5	5.1-5.5	5.6-6
0-8	17m	19m	21m	22m	24m	25m	26m
8.1-16	23m	26m	29m	30m	33m	35m	37m
16.1-30	30m	36m	40m	43m	45m	48m	50m
30.1-48	30m	36m	40m	43m	45m	48m	50m
48.1-64	30m	36m	40m	43m	45m	48m	50m
64.1-80	30m	36m	40m	43m	45m	48m	50m

~~**Advice Note:** by way of example only, if the exposed face of the tyre storage pile is 16 metres long and the height of the tyre storage pile is three metres, then the distance between each pile of tyres must be no less than 26 metres.~~

~~Storage of tyres may also be managed under the Waipa District Council's district plan requirements.~~

## **Access**

~~1.6 — Access to all tyre storage areas must be provided via an emergency access road so that no part of the storage area is more than 45 metres from the road. This road must be able to carry the weight of standard water pumping appliance of 13 tonnes.~~

## **Location of Tyre Storage Piles**

~~1.7 — None of the following are permitted within a 25 metre radius of any tyre storage area if, in the opinion of the Council's authorised officer, such items pose a fire hazard to:~~

- ~~(a) — Trees, plants or other vegetation;~~
- ~~(b) — Ignition sources; or~~
- ~~(c) — Buildings.~~

~~1.8 — Where compliance with clause 1.7 above is not possible, a dirt bund wall one and a half times the total height of the tyre pile must be constructed between the tyre storage area and the offending item or area.~~

## **Water Supplies**

~~1.9 — Where the storage capacity for tyres is less than 20,000 tyres or 1500 m<sup>3</sup> (whichever is greater) a water supply capable of delivering 75 litres per second must at all times be provided within 60 metres of the tyre storage area.~~

~~1.10 — Where the storage capacity for tyres is greater than 20,000 or 1500 m<sup>3</sup> (whichever is greater) a water supply capable of delivering 150 litres per second for a six hour continuous period must at all times be provided within 60 metres of the tyre storage area.~~

## ~~Second Schedule: Guidelines for Storage of Vehicle Tyres in Rural Fire Areas and Permanently Restricted Rural Fire Areas~~

---

~~2 — In compliance with clause 25 of this Bylaw, the storage of vehicle tyres in the rural fire area and permanently restricted rural fire area is prohibited except in strict compliance with the following:~~

### ~~Tyre Storage Areas~~

~~2.1 — Tyres must not be stored on wetlands, flood plains, ravines or steep graded surfaces. Flat level ground is preferred.~~

~~2.2 — Tyres must only be stored on a concrete or hard-packed surface that is capable of serving as a vehicle accessway for a standard water pumping appliance of 13 tonnes.~~

~~2.3 — Piles of tyres must not be permitted to accumulate under power structures or lines.~~

### ~~Location of Tyre Storage Piles~~

~~2.4 — Piles of tyres must be at least 15 metres from all property boundary lines.~~

~~2.5 — None of the following are permitted within a 25 metre radius of any tyre storage area if, in the opinion of the Council's authorised officer, such items pose a fire hazard to:~~

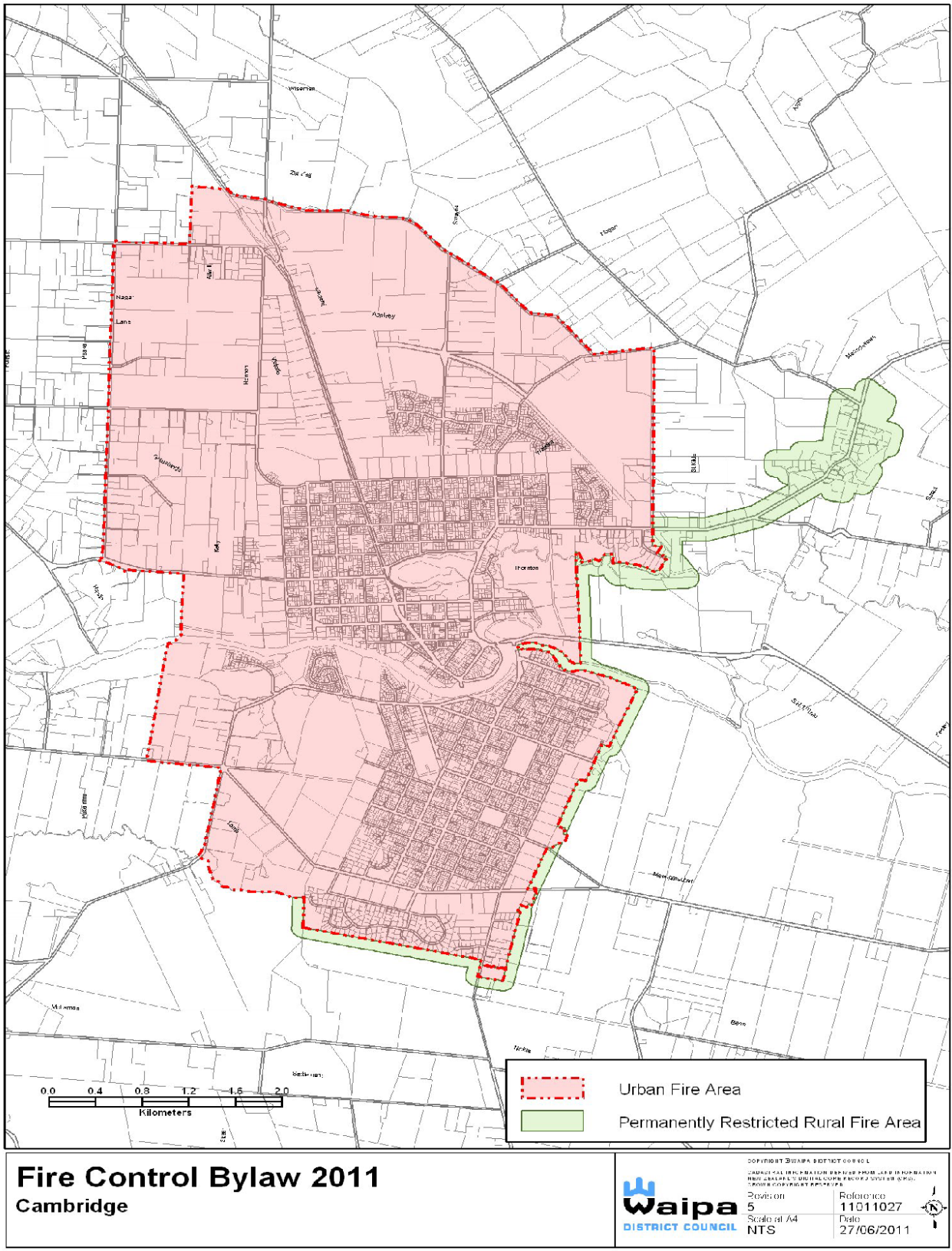
- ~~(a) — Trees, plants or other vegetation;~~
- ~~(b) — Ignition sources;~~
- ~~(c) — Buildings; or~~
- ~~(d) — Any other combustible material.~~

~~**Advice Note:** Properties within 1 kilometre of a Department of Conservation reserve are administered by the Department of Conservation.~~

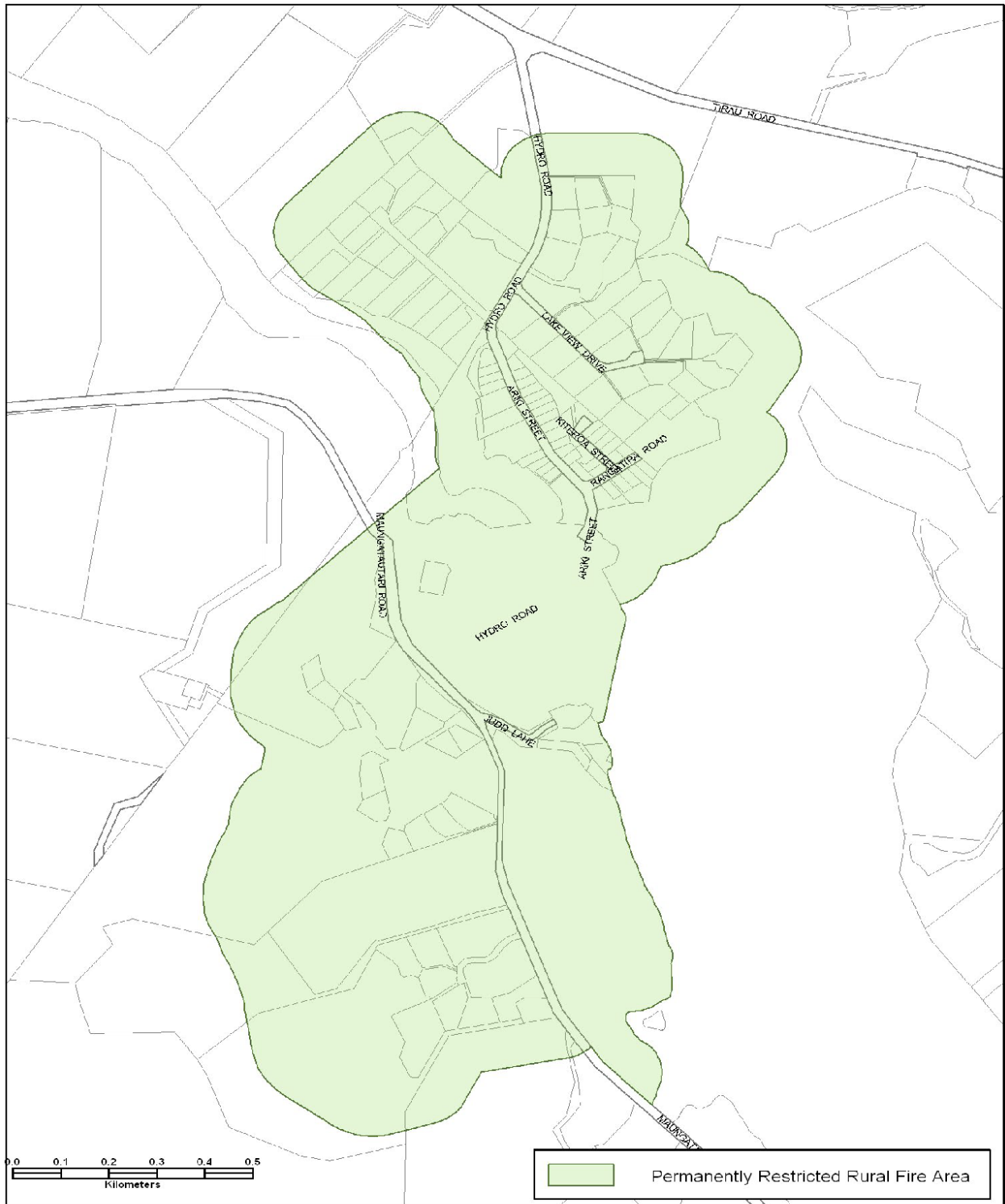
## **~~Appendix One: Gazetted Urban Fire Districts and Permanently Restricted Rural Fire Areas~~**


~~The boundaries of the urban fire district may be subject to change. The map showing the permanently restricted rural fire area adopts the urban fire district boundaries as at the date of this Bylaw. When considering whether a property is within the urban fire area or the permanently restricted rural fire district, enquiries should be made to Council to determine whether any amendments to the urban fire district have been made.~~

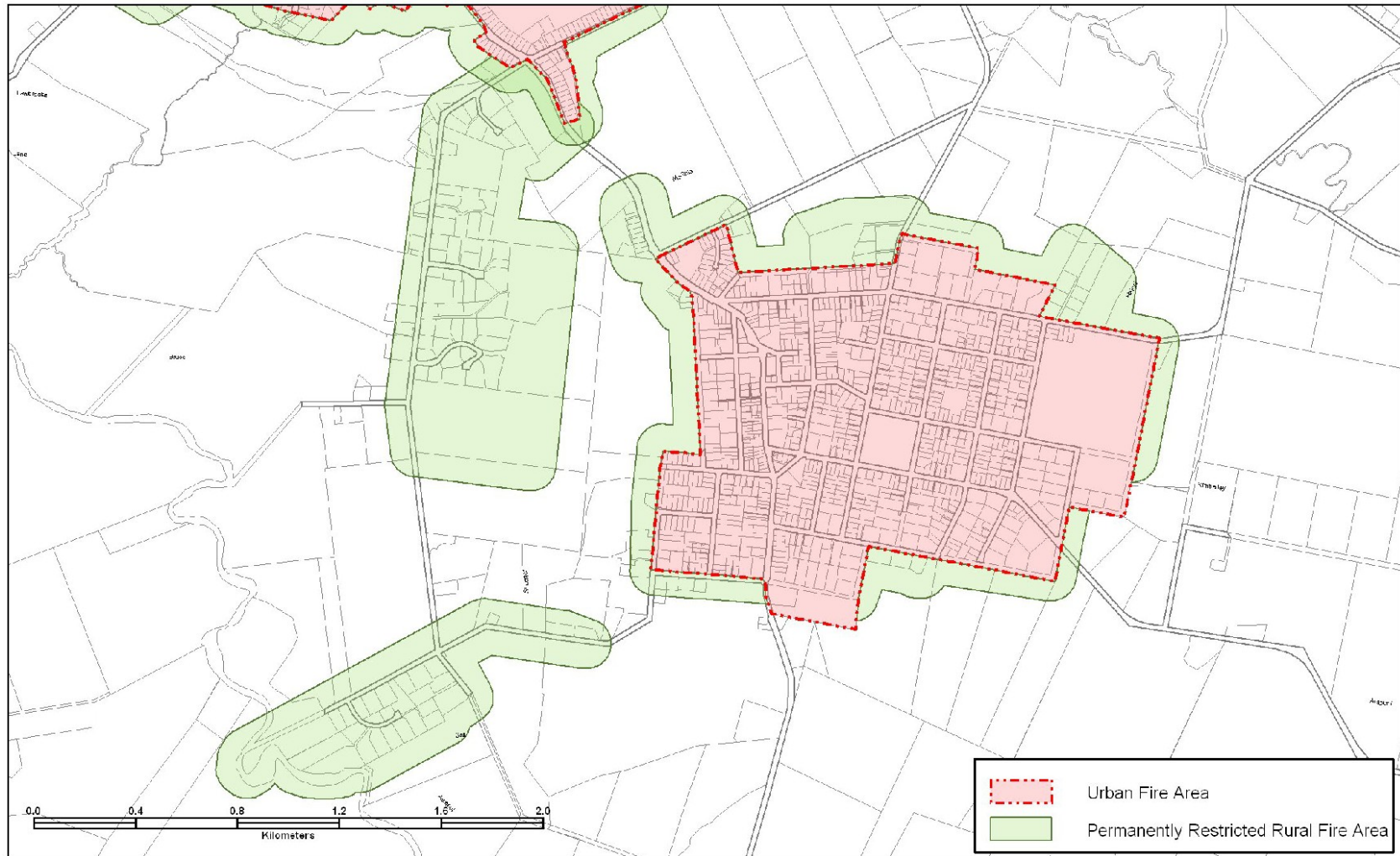
---







<p><b>Fire Control Bylaw 2011</b> Karapiro</p>	<p>Copyright © Waipa District Council Copyright Reserved. All Rights Reserved. No part of this publication may be reproduced without the prior written permission of the Council.</p> <p><b>Waipa</b> DISTRICT COUNCIL</p> <p>Revision: 3 Scale: at A4 NTS</p> <p>Reference: 11011027 Issue: 27/06/2011</p> 
--	---

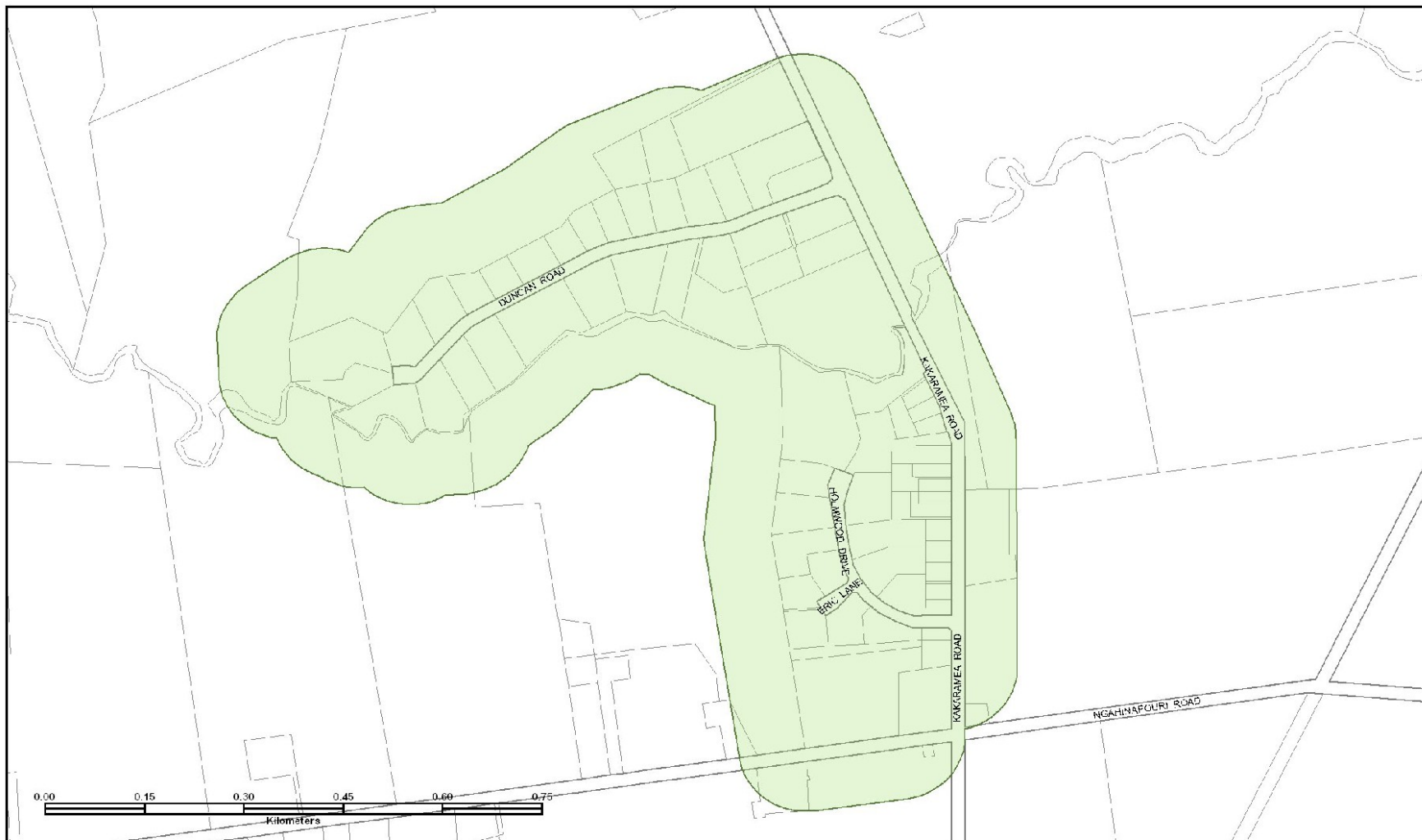


**Fire Control Bylaw 2011**  
 Kihikihi & St Leger Road and Large Lot Residential


 Waipa  
 DISTRICT COUNCIL

© CROWN COPYRIGHT BY THE GOVERNMENT OF NEW ZEALAND. ALL RIGHTS RESERVED. THIS DOCUMENT IS THE PROPERTY OF THE DISTRICT COUNCIL AND IS NOT TO BE REPRODUCED WITHOUT PERMISSION.


Rev 5/11	Reference
5	11011027
Scale of A4	Date
NTS	27/06/2011

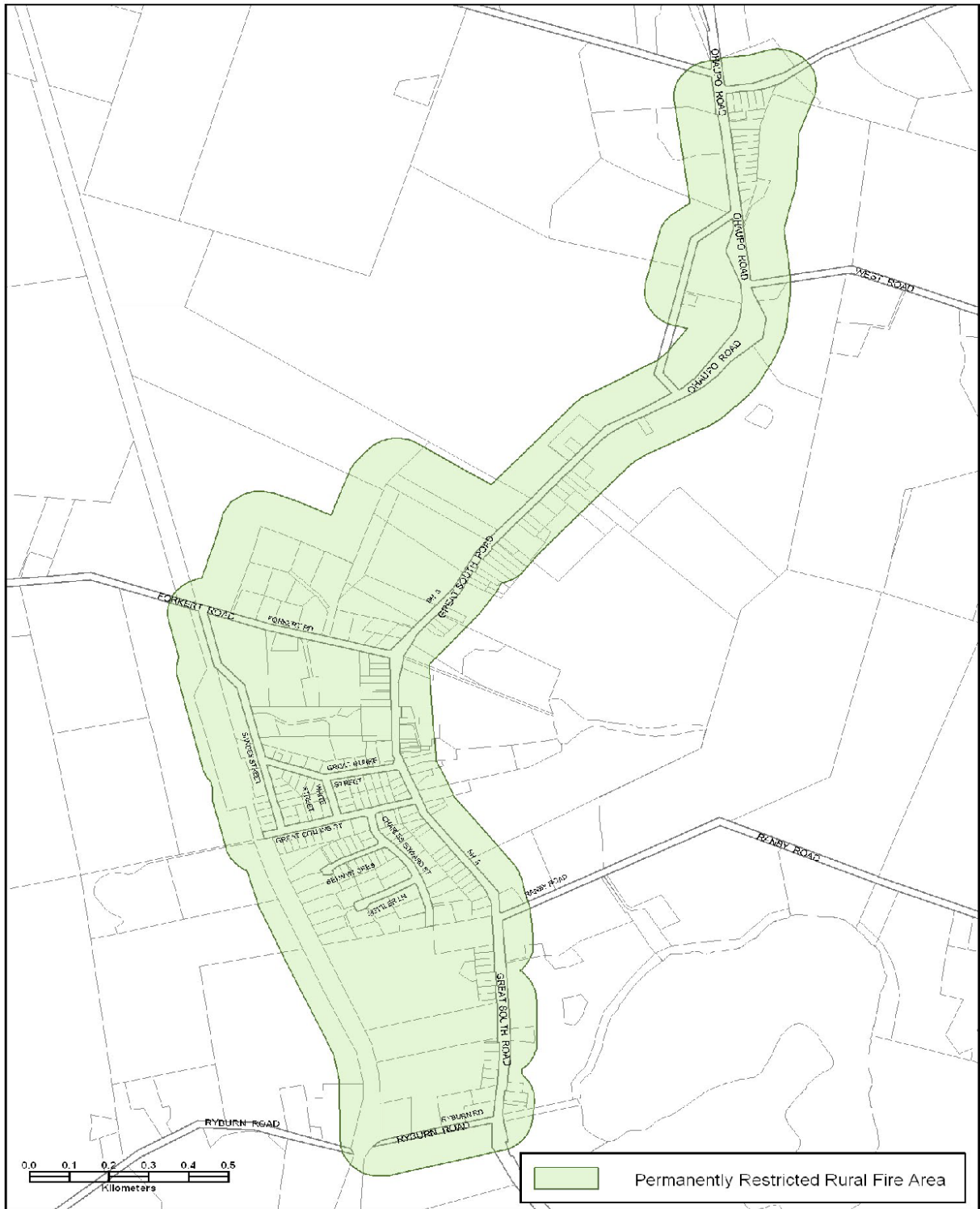


**Fire Control Bylaw 2011**  
Ngahinapouri

 Permanently Restricted Rural Fire Area

COPYRIGHT © WAIPA DISTRICT COUNCIL  
CARTOGRAPHIC DESIGN AND LAYOUT BY GUY HARRISON  
REVISIONS TO THE ORIGINAL SYSTEM © 2015  
BY GUY HARRISON

<b>Waipa</b> DISTRICT COUNCIL	Revisor: 2 Scale of A4 NTS	Reference: 11011027 Date: 27/06/2011	
----------------------------------	-------------------------------------	---	---



**Fire Control Bylaw 2011**  
**Ohaupo**

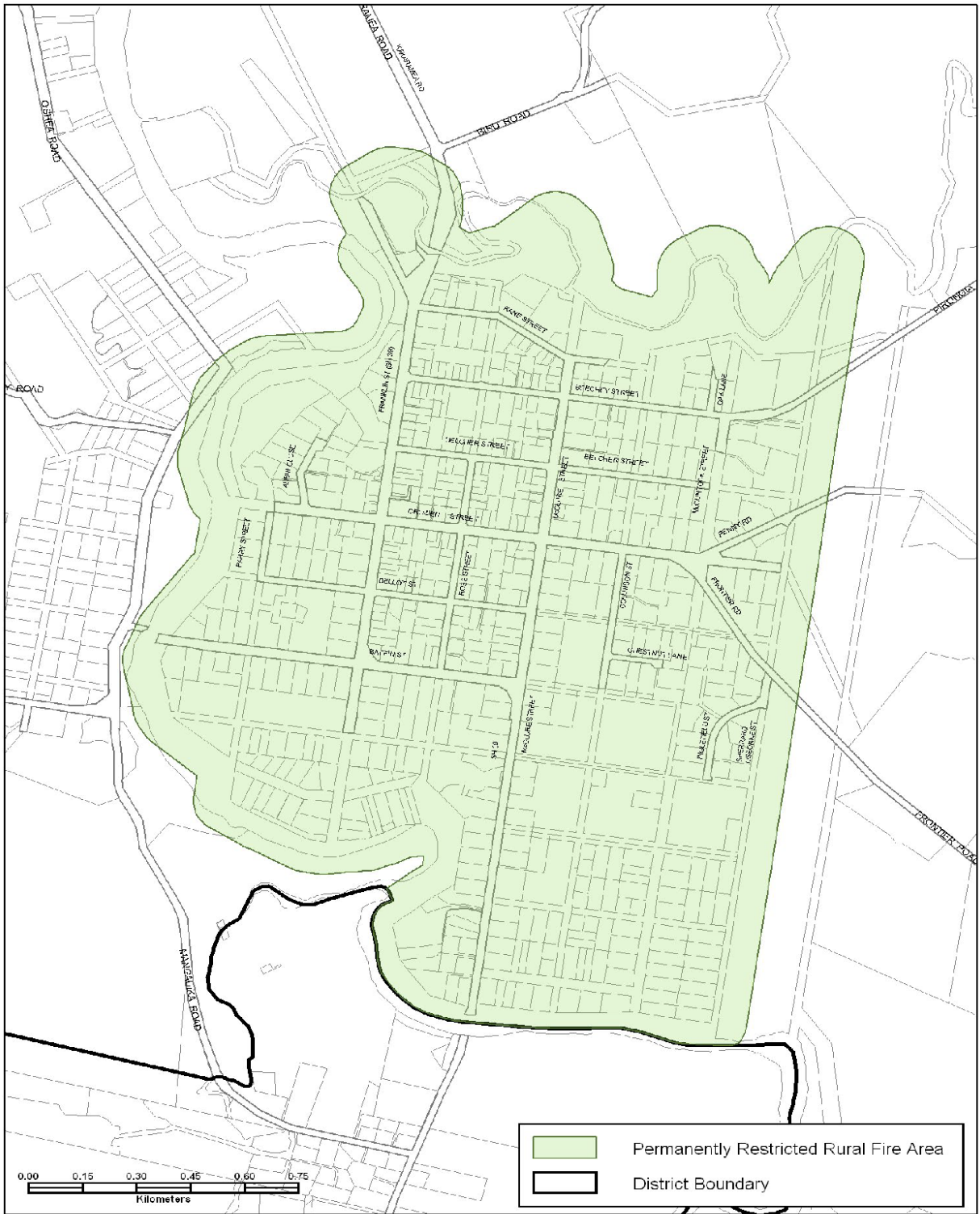


Copyright Waipā District Council  
 All rights reserved. No part of this publication may be reproduced without the prior written permission of the Council.

Revision 2  
 Scale: A4 NTS  
 Reference 11011027  
 Date 27/06/2011







**Fire Control Bylaw 2011**  
Pirongia

Waipa DISTRICT COUNCIL

Revision	Reference
2	11011027
Scale at A4	Date
NTS	27/06/2011

© 2011 Waipa District Council. All rights reserved. This document is the property of Waipa District Council and is loaned to you. It is not to be reproduced or distributed without the written consent of Waipa District Council.



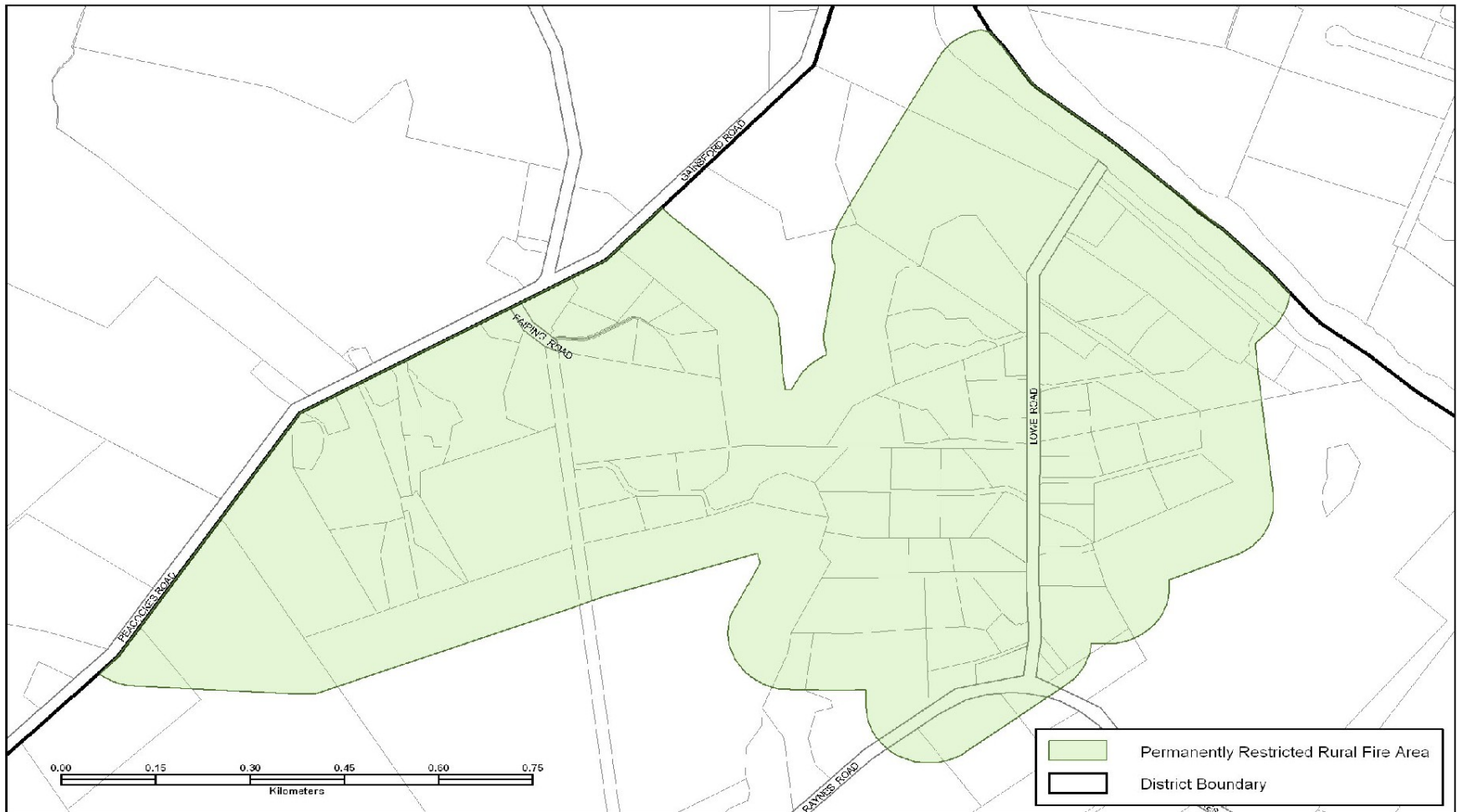
**Fire Control Bylaw 2011**  
**Rukuhia**

 Permanently Restricted Rural Fire Area



Copyright © Waipa District Council.  
 Copyright information is deleted from this document or  
 other documents if received.

Revision 2	Reference 11011027
Scale at A1 NTS	Date 27/06/2011

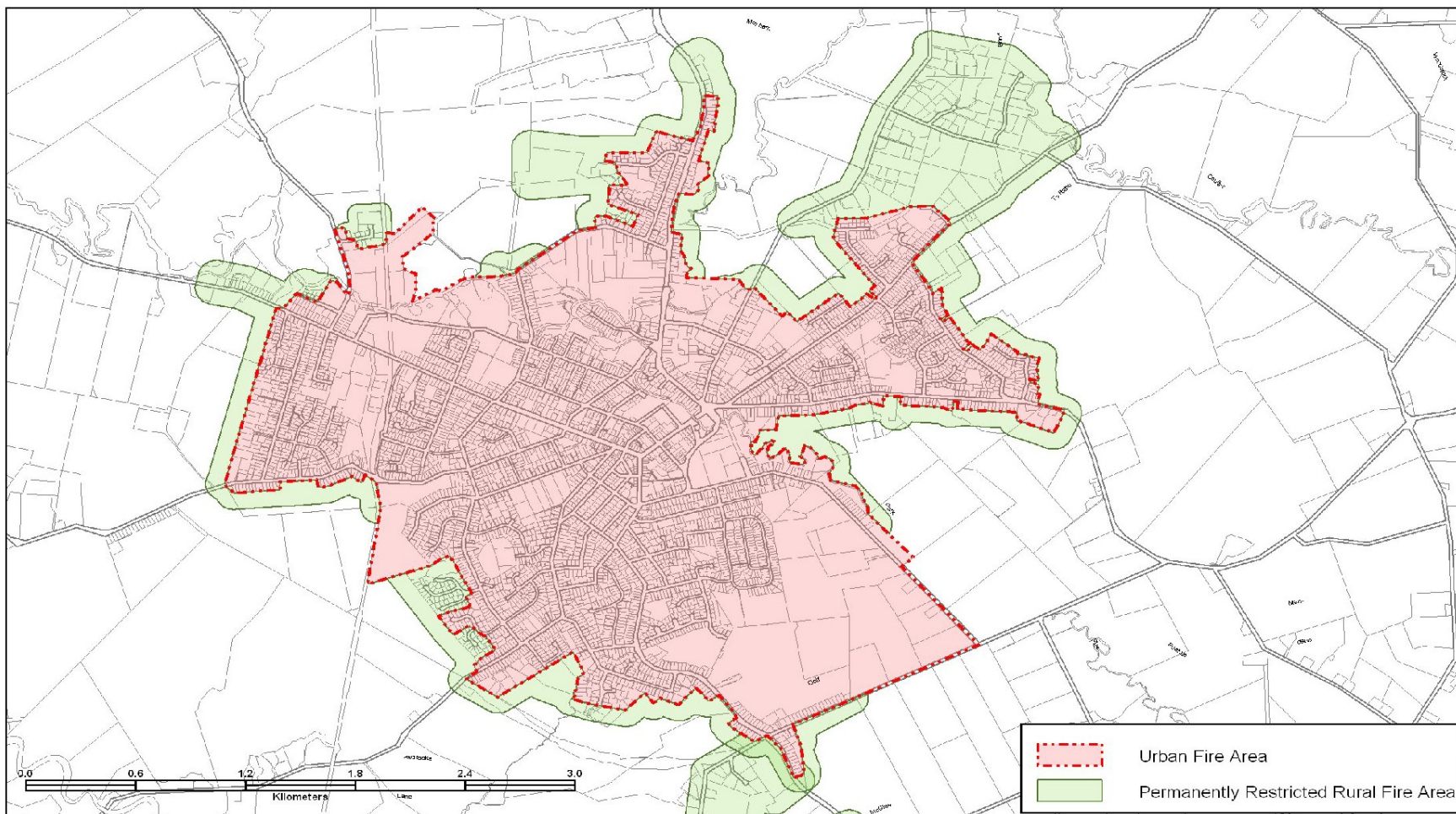


**Fire Control Bylaw 2011**  
**Rukuhia Large Lot Residential**



 COPYRIGHT © 2011 WAIPA DISTRICT COUNCIL  
 ALL INFORMATION DERIVED FROM THIS INFORMATION  
 AND THE DISTRICT COUNCIL'S WEBSITE AND  
 OTHER COMMUNITY SERVICES.  
 Revision 2 Reference 11011027  
 Scale at A4 Date 27/06/2011  
 NTS
 



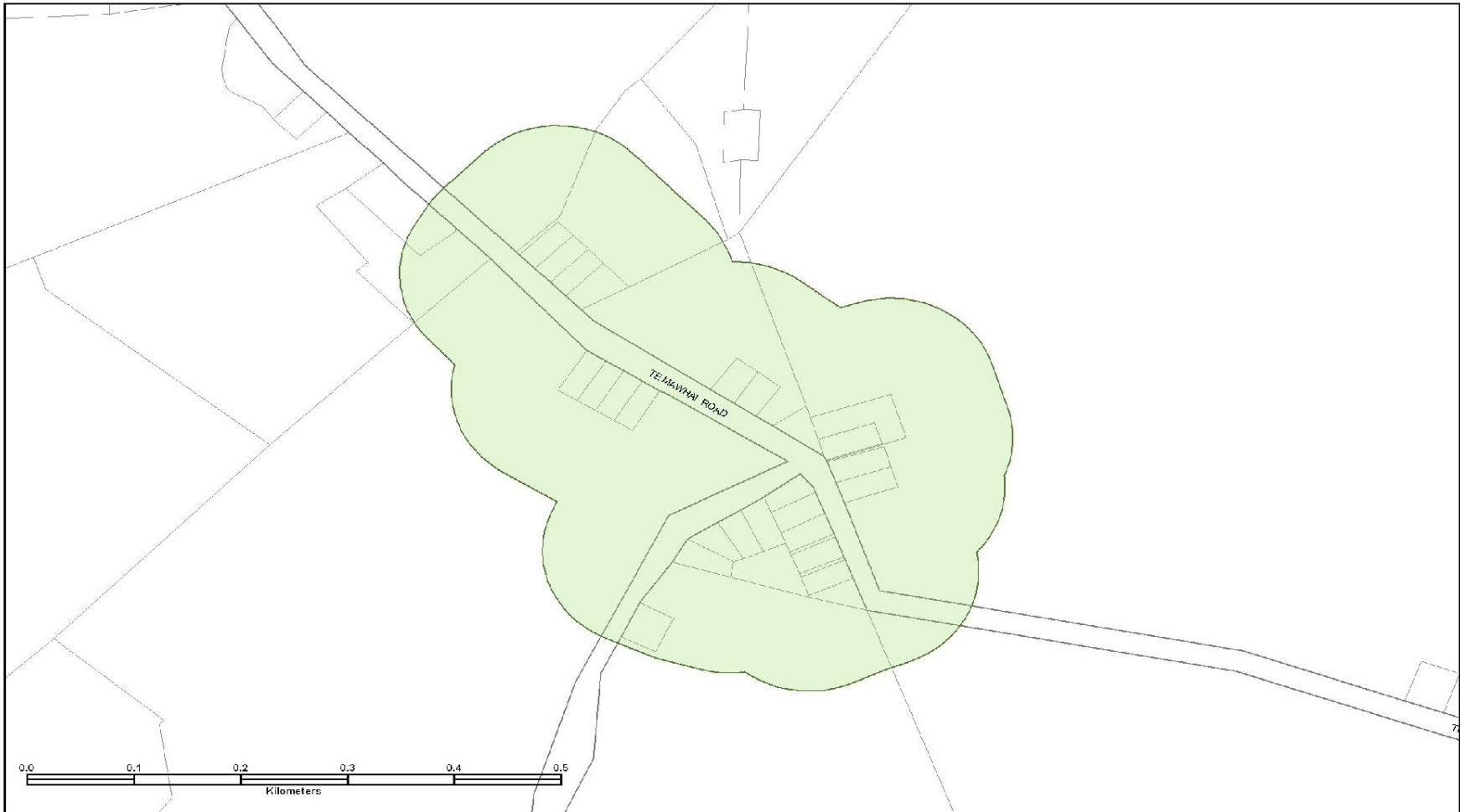
**Fire Control Bylaw 2011**  
Te Awamutu



 COPYRIGHT © WAIPA DISTRICT COUNCIL.  
 ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM THE DISTRICT COUNCIL.

Revision: 6	Reference: 11011027
Scale at A4	Date: 27/06/2011
NTS	





**Fire Control Bylaw 2011**  
Tokanui

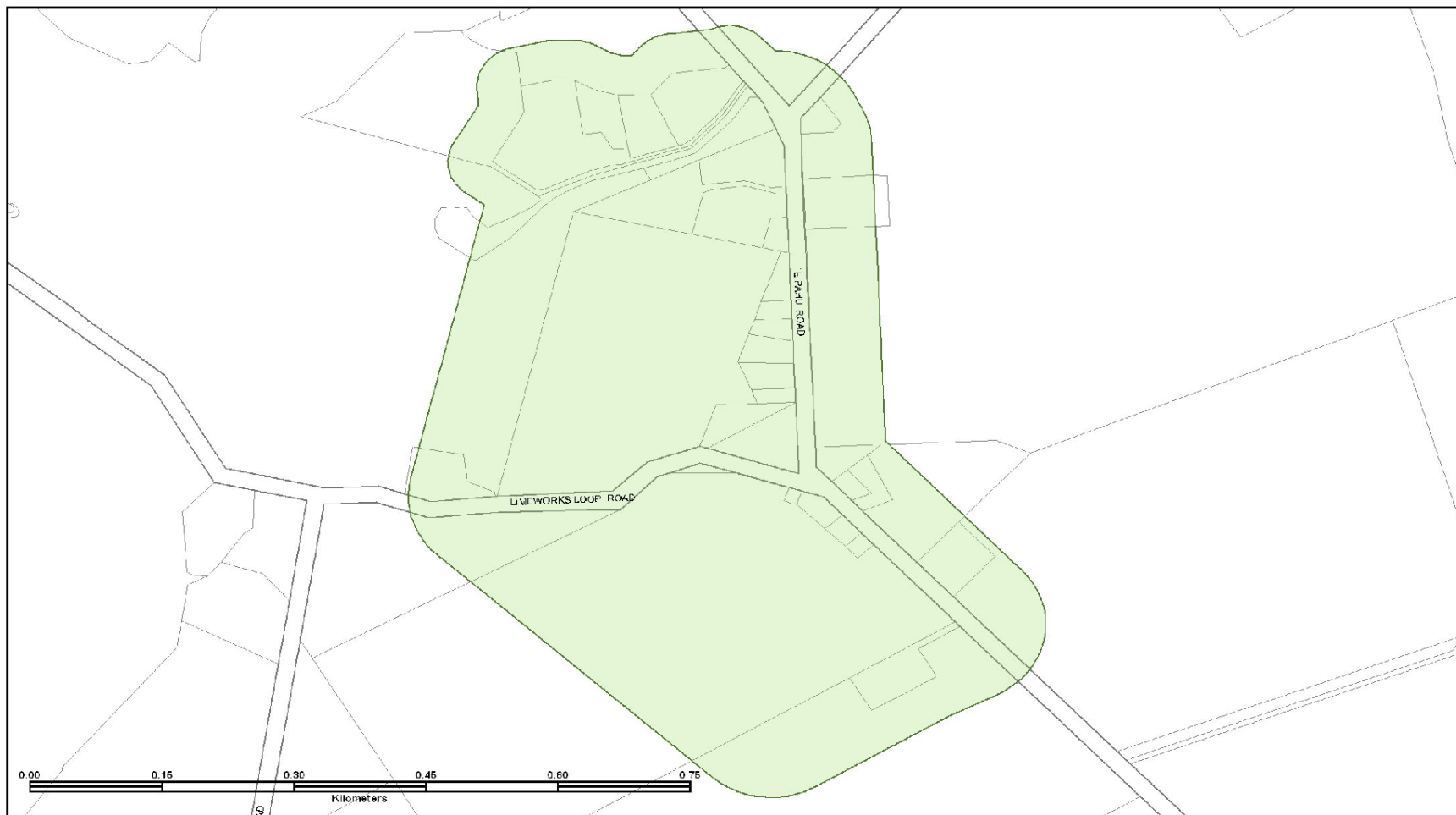
 Permanently Restricted Rural Fire Area

© Crown Copyright 2011. All rights reserved. This document is the property of Waipā District Council. It is to be used for the purposes for which it was prepared and no other use is permitted without the express written consent of Waipā District Council.

**Waipā**  
DISTRICT COUNCIL

Revision	Reference
3	11011027
Scale at A1	Date
NTS	27/06/2011






**Fire Control Bylaw 2011**  
Te Pahu

 Permanently Restricted Rural Fire Area

© COPYRIGHT © WAIPA DISTRICT COUNCIL  
ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM THE DISTRICT COUNCIL.

**Waipa**  
DISTRICT COUNCIL

Revision <b>3</b>	Reference <b>11011027</b>
Scale: A1 NTS	Date <b>27/06/2011</b>



# STRATEGIC PLANNING AND POLICY COMMITTEE REPORT



**To:** The Chairperson and Members of the Strategic Planning & Policy Committee

**From:** Tony Quickfall, Manager District Plan and Growth

**Subject:** **District Plan work programme**

**Meeting Date:** Tuesday, 2 June 2020

## 1 EXECUTIVE SUMMARY

---

A number of district plan processes are underway. This report provides an update on the following plan projects falling under the District Plan work programme:

- Plan changes
- National Planning Standards
- Eplan
- National directions
- Legislative changes.

The following appendix accompanies this report:

- Appendix 1 – Plan Changes Workstream

## 2 RECOMMENDATION

---

*That the Strategic Planning and Policy Committee **RECEIVE** the information contained in the report titled 'District Plan work programme' (document number 10391494) of Tony Quickfall, Manager District Plan and Growth.*

### 3 DISTRICT PLAN WORK PROGRAMME

---

The work programme comprises the following workstreams:

1. Plan changes
2. National Planning Standards
3. EPlan
4. National directions
5. Legislative changes.

#### 3.1 PLAN CHANGES

The plan changes are summarised below, and the indicative timeframes are shown in Appendix 1. The suite of plan changes have been reviewed and re-prioritised to assist with COVID 19 recovery. The plan changes workstream is ambitious, and timeframes are still being finalised.

##### Plan changes underway

There are two plan changes that have been started and are underway.

- Private Plan Change 12 seeks to open up residential deferred zoning of the T2 growth cell, and develop a structure plan to enable development in part of the growth cell.
  - Currently being prepared as a private plan change.
  - Expected to be notified 2020.
- Plan Change 13 is a Council plan change which updates the process in the District Plan to uplift deferred zones.
  - Currently being prepared.
  - Expected to be notified September 2020.

##### “Do Now” plan changes not yet started

There are six other “do now” plan changes which are being scoped but have not yet started. These are all Council plan changes:

- PC14 seeks to rezone part of the C10 growth cell from Rural to Industrial to meet expected demand for industrial land.
  - Expected notification: 2020/21.
- PC15 seeks to clarify and update the rules around permeable surfaces.
  - Expected notification: 2020/21.

- PC16 is a list of technical improvements what will improve the efficiency and effectiveness of the district plan.
  - Expected notification: 2020/21
- PC17 seeks to update an existing structure plan in industrial growth cells C8 and C9 so that it aligns with the recently finalised infrastructure master plan.
  - Expected notification: 2020.
- PC18 seeks to review and rationalise the plan rules for beekeeping in residential zones.
  - Expected notification: 2020.
- PC19 will review industrial zones in the Cambridge areas of Carters Flat, Aotearoa Park, and Cook St. This picks up on previous scoping work that has been reported to the Committee.
  - Expected notification: 2021.

### “Do Next” plan changes

Finally, there are two “do next” plan changes. These are a lower priority or timing is unknown.

- A Council plan change will look to rationalise rules around infill subdivision and urban development. This is expected to implement the National Policy Statement for Urban Development and proposed legislation relating to urban development.
- A Council plan change will review Maori sites of significance and papakāinga.
- A Council plan change will look to rationalise zoning of a land parcel at Anchor Park, and on the periphery of the Te Awamutu T8 residential area (SH3 and Golf Road), where there are a number of Rural-Zoned properties with residential characteristics.

## 3.2 NATIONAL PLANNING STANDARDS (IMPLEMENTATION DEADLINE – 2026)

The National Planning Standards were gazetted by the Government in April 2019 and all local authorities must comply. Their purpose is to improve efficiency and effectiveness of the planning system and ensure nationally consistent structure, format, definitions, noise and vibration metrics, and electronic functionality and accessibility of district and regional plans. They standardise RMA plans (district plans, regional plans and unitary plans) across the country. Waipa’s current operative District Plan must be updated to apply a format which is standardised to all district plans.

Full compliance with the Standards, including moving to an ePlan platform, is required by 2026.

Minor amendments can be made to the District Plan as a result of implementing the National Planning Standards, without undertaking a consultative process. More substantive consequential changes will need to go through a plan change process.

It is anticipated that there will be some National Planning Standards that result in further changes to the District Plan.

### **3.3 EPLAN (IMPLEMENTATION DEADLINE - 2026)**

An ePlan (interactive electronic district plan) is a specific requirement under the National Planning Standards, which must be live by 2026.

An ePlan is key project within Council's wider digital roadmap programme. Budget has been sought as part of the 2020/21 Annual Plan to procure an ePlan solution, which will be integrated into the existing district plan at an appropriate stage. An ePlan solution is a legislative requirement and remains a high priority for delivery of the District Plan in electronic format.

### **3.4 NATIONAL DIRECTIONS**

This workstream has been relatively inactive since the last update report. Staff are continuing to monitor Government's programme of national directions, which has been re-prioritised due to COVID-19 recovery initiatives.

We anticipate National Policy Statements coming into force this calendar year for: Biodiversity; Urban development; and Highly productive Soils. These will require changes to Business as Usual and are likely to require both mandated and consequential plan changes.

### **3.5 LEGISLATIVE CHANGES**

There are three planning legislative changes in progress:

- A current Bill is progressing under urgency to fast track COVID-19 recovery relating to resource consents. This is expected to come into force around July. The impact on council has not yet been determined and staff will review the need to submit on the Bill.
- A Bill to amend the RMA is nearing enactment. This Bill re-instates parts of the RMA previously repealed that relate to consent processing; introduces a new fast track hearing process for freshwater plans; and strengthens enforcement powers of the Environmental Protection Agency. The impact on Council will be minor.

- A comprehensive overhaul of the RMA is progressing with the Technical Advisory Group due to report a cabinet paper mid 2020 with recommended changes. Staff will monitor this closely as this review could introduce an overhaul of the RMA and a significant change to business as usual.

### 3.6 BUDGETS AND RESOURCING

Staff are adjusting and prioritising the programme to fit available budget and resources and have reviewed and adjusted the programme to prioritise COVID 19 recovery. We anticipate some workload peaks and will manage accordingly to smooth peaks.

---



Tony Quickfall  
**MANAGER DISTRICT PLAN & GROWTH**



Approved by Wayne Allan  
**GROUP MANAGER DISTRICT GROWTH & REGULATORY SERVICES**

**APPENDIX 1: PLAN CHANGES WORKSTREAM***Note: notification timeframes are indicative only*

PLAN CHANGES	STATUS	NOTIFICATION (INDICATIVE)
<b>PPC 12</b> Structure plan and rezoning of growth cell T2	Do now, underway	2020
<b>PC13</b> Uplifting Deferred Zones	Do now, underway	2020
<b>PC14</b> Re-zoning C10 growth cell	Do now, not started	2020/21
<b>PC15</b> Permeable surfaces	Do now, not started	2020/21
<b>PC16</b> Technical improvements (incl. water for rural firefighting)	Do now, not started	2020/21
<b>PC17</b> Structure plan Alignment in growth cells C8 & C9	Do now, not started	2020
<b>PC18</b> Beekeeping in the Residential Zone	Do now, not started	2020
<b>PC19</b> Industrial Zones (Carters Flat, Aotearoa Park, Cook St)	Do now, not started	2020/21
Infill subdivision	Do next	2021
Sites of Significance and papakāinga	Do next	2021
Anchor Park/T8 zone extension	Do next	2021



# STRATEGIC PLANNING AND POLICY COMMITTEE REPORT



**To:** The Chairperson and Members of the Strategic Planning and Policy Committee

**From:** Senior Reserves Planner

**Subject:** **RATA-TU RENAMING**

**Meeting Date:** 2 June 2020

---

## 1 EXECUTIVE SUMMARY

The purpose of this report is to seek approval to rename Rata-tu to Turata as requested by mana whenua.

Rata-tu in Kihikihi is an important heritage precinct comprising a number of land parcels. At its 19 May 2019 Service Delivery Committee meeting, Council resolved to undertake initial enhancements of the grazed area ahead of Land War Commemorations in October 2020 (Doc ID 7991293). The focus of these works is to remove redundant farming infrastructure, protect and interpret heritage features and improve access to and through the area.

Late last year staff engaged with mana whenua to understand their aspirations for the Rata-tu and thoughts on the initial enhancement works. This engagement highlighted the correct name for the area is Turata. The Te Awamutu Community Board has endorsed correcting the name. The Department of Conservation has confirmed that, given it is an informal name used to identify a number of land parcels, the Council can amend the name and does not need to adhere to the renaming provisions in the Reserves Act 1977.

---

## 2 RECOMMENDATION

That:

- a) *The Rata-tu Renaming Report (Document number 10391856) by Anna McElrea, Senior Reserves Planner be received.*
- b) *The Strategic Planning and Policy Committee approves the renaming of Rata-tu to Turata.*

### 3 DECISION MAKING

#### *Rata-tu overview*

Rata-tu is 1.1508ha comprising 4 land parcels; 1 local purpose (community buildings) reserve, 1 local purpose (water supply) reserve and 2 fee simple parcels.

Rata-tu's heritage and cultural values stem from Kihikihi's pre-European and early Colonial history. Kihikihi was historically the headquarters of the Ngāti Maniapoto, with buildings such as the 'Hui-te-Rangiora' located on the southern slopes of the Rata-tu's ridge. Kihikihi was invaded by colonial troops in February 1864, whom from that point on, left an indelible footprint of colonial life. Surviving remnants which characterise that era include the old Police House and cells, and Isabella Temple Cottage.

The [Rata-tu Management Plan \(Kihikihi Heritage Precinct\) 2013](#) (management plan) focuses on recognising, protecting and promoting the cultural and historic values of the area and enabling developments and activities that contribute to the use and enjoyment of the area.

#### *Initial enhancement works for the southern area*

In May 2019 the Service Delivery Committee resolved to progress initial enhancement works of Rata-tu in time for the October 2020 Land War Commemorations (15/19/24). It was noted at this meeting further planning and engagement work would be required to complete more significant works.

The initial enhancement works for the grazed area, scoped with Heritage New Zealand, include:

- removal of fences and installation of new fences/barriers deemed necessary to prevent vehicles accessing the southern area
- removal of weeds and grass/wildflower seeding of the area
- installation of a fence around water tower to prevent access and removal of the adjoining derelict shed
- installation of interpretation signage outlining the importance of the site, an entrance sign and way-finding signage, and
- development of entrances at the southern corners and mown access through the southern area to the heritage.

These works are aligned to the management plan policies and do not preclude future developments identified in the draft Landscape Development Plan within the management plan.

Staff presented the proposed enhancement works to the 16 December 2019 Ngā Iwi Tōpū o Waipā (NITOW) hui. There was general support for these works and direction to work with Maniapoto ki te Raki on implementation matters such as design and content of the interpretation signs.

Staff have also contacted the two lessees - Kihikihi Police House Restoration Trust and Te Awamutu Branch of The Maori Women's Welfare League Inc - to advise them of the proposed works. Both lessees are supportive of the enhancements.

The grazing licence was stopped in February 2020 and staff are in the process of securing Heritage New Zealand approval for the works. Staff are confident the majority of works will be undertaken by October 2020.

#### *Proposed name change*

During public consultation for the Management Plan in 2012, it is understood mana whenua representatives requested the name Rata-tu be used rather than Kihikihi Heritage Precinct.

At the 16 December 2019 NITOW hui, staff were advised the name Rata-tu is incorrect and it should be changed to Turata. Staff were advised to engage with Maniapoto ki te Raki, who hold mana whenua status for the site, to confirm the name.

At the 14 February 2020 Maniapoto ki te Raki hui, mana whenua confirmed the name for the area should indeed be changed to Turata as referenced in Ngawaero's<sup>1</sup> Patere 'Te Patere a Ngawaero'<sup>2</sup>. This patere was sung by Ngawaero when she presented preserved birds (huahua) at a tribal meeting at Whatiwhatihoe in response to previous insulting comments noting the absence of this delicacy at her wedding. It is the only known formal reference to the traditional name of the area.

The Te Awamutu Community Board endorsed the renaming at its 12 May 2020 meeting. Staff are seeking approval to rename Rata-tu to Turata.

## 5 NEXT STEPS

---

The correct name will be utilised on future signage and communicated to key stakeholders. Staff will also amend all references on Council's website.



Anna McElrea

**SENIOR RESERVES PLANNER**

---

<sup>1</sup> Ngawaero was one of the younger wives of Potatau Te Wherowhero, the first Maori King.

<sup>2</sup> Maori Affairs Department. "Ngawaero's Patere - Te Patere a Ngawaero" June 1965, [//natiib.govt.nz/records/201797?search%5Bi%5D%5Bprimary\\_collection%5D=Te+Ao+Hou&search%5Bpath%5D=items&search%5Btext%5D=Te+marama](https://natiib.govt.nz/records/201797?search%5Bi%5D%5Bprimary_collection%5D=Te+Ao+Hou&search%5Bpath%5D=items&search%5Btext%5D=Te+marama)



Reviewed by Sally Sheedy

**MANAGER COMMUNITY SERVICES**



Approved by Debbie Lascelles

**GROUP MANAGER STRATEGY & COMMUNITY SERVICES**

## SUPPORTING INFORMATION: ASSESSMENT OF PROPOSAL

### 1 STATUTORY AND POLICY REQUIREMENTS

Legal and regulatory considerations

Local Government Act 2002

Section 10: The renaming of the reserve to the correct traditional name will support the cultural well-being of the community in the present and for the future.

Reserves Act 1977

The Department of Conservation has confirmed that Council can follow whatever process it considers best to change the name currently used to identify the area because the subject land areas have been informally named for ease of identification and management and there is no intention to have them formally named under the provisions of the Reserves Act.

Consultation and Engagement

Council undertook 2 stages of public consultation in developing the [Rata-tu Management Plan \(Kihikihi Heritage Precinct\) 2013](#).

Staff consider no further consultation is required prior to Council changing the name because the renaming is a minor change requested by mana whenua to correctly reference the traditional name.

Council policy or strategy

Council does not have a Parks and Reserves Naming Policy.

# STRATEGIC PLANNING AND POLICY COMMITTEE REPORT



**To:** The Chairperson and Members of the Strategic Planning and Policy Committee

**From:** Governance

**Subject:** **RESOLUTION TO EXCLUDE THE PUBLIC**

**Meeting Date:** 2 June 2020

## 1 RECOMMENDATION

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

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

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48(1) for the passing of this resolution</b>
<i>1. Cambridge North Reserve and Play Provision</i>	<i>Good reason to withhold exists under section 7 Local Government Official Information and Meetings Act 1987</i>	<i>Section 48(1)(a)</i>

*This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act, which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, are as follows:*

<b>Item No.</b>	<b>Section</b>	<b>Interest</b>
<i>1</i>	<i>Section 7(2)(i) and Section 7(2)(b)</i>	<i>To enable the Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); and  To protect information which if public would; i. disclose a trade secret; or</i>

		<i>ii. unreasonably prejudice the commercial position of the person who supplied or who is the subject of the information</i>
--	--	---