

**Time:** 9.00am  
**Date:** Tuesday, 6 October 2015  
**Venue:** Council Chambers, Waipa District Council, 101 Bank Street,  
Te Awamutu

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## AGENDA ITEMS

### 1 MEMBERS

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#### Chairperson

AJ Bishop

#### Members

His Worship the Mayor JB Mylchreest, JM Bannon, EH Barnes, AW Brown, M Gower, L Hoverd, SDC Milner, EM Stolwyk, CSC St Pierre, BS Thomas, GRP Webber, VT Wilson, P Davies (Iwi representative)

### 2 APOLOGIES

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### 3 DISCLOSURE OF MEMBERS' INTERESTS

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### 4 VISITORS

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### 5 MINUTES OF PREVIOUS MEETING

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Pages: 12 - 20

#### Recommendation

*That the minutes of the meeting of the Strategic Planning & Policy Committee held on 1 September 2015 be confirmed as a true and accurate record.*

### 6 LATE ITEMS

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## 7 CONFIRMATION OF ORDER OF MEETING

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### Recommendation

*That the order of the meeting be confirmed.*

## 8 DRAFT WAIPA DISTRICT COUNCIL DOG CONTROL POLICY 2015 & DOG CONTROL BYLAW 2015 - DELIBERATIONS

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Pages 21 – 101

Council's draft Waipa District Council Dog Control Policy 2015 and Dog Control Bylaw 2015 were publicly notified on 14 July and the submission period closed on 17 August.

This review used a number of innovative and effective consultation techniques. These were developed and undertaken by Council's Strategy, Communications and Animal Control staff. The results of these techniques are outlined in section 3 of this report.

Council received 157 submissions and 37 submitters indicated that they wished to discuss their views with elected members. Of those, nineteen submitters attended informal round-table sessions with elected members on the 2<sup>nd</sup> and 8<sup>th</sup> September. Copies of the submitters' original submissions can be viewed in Appendix 1 to the staff report. A brief summary of the key issues raised by submitters, including those raised in the discussion sessions, is presented in section 4 of the report. The notes from the discussion sessions are provided in Appendix 2 of the report.

Proposed changes to the draft policy and bylaw as a result of submissions are detailed in Appendix 5, and are summarised as follows:

- Amendment to policy to reflect the view dog exercise areas will be developed over time.
  - Amendment to policy and bylaw in respect to criteria for permits to keep additional dogs.
  - Amendments of Schedules 1 and 2 to include Road/Street names.
  - Amendment of Schedule 1 ("Prohibited areas").
    - Return Yarndley's Bush to Dog Prohibited (Scenic reserve).
    - Reword Mighty River Domain noting to reflect Cycle way and exercise area changes.
    - Reword playgrounds to specify a generic distance where the prohibition applies.
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- Reword the restrictions as they apply to Department of Conservation Reserves.
- Amendment of Schedule 2 (“Exercise areas”)
  - Retain Gas Light Reserve.
  - Delete Te Ko Utu Park Camila Walkway.
  - Add Mighty River Domain - Gate 3 grassed carpark (when not in use for events).

The Strategic Planning and Policy Committee (the Committee) will consider proposed changes to the draft Dog Control Policy 2015 and Dog Control Bylaw 2015 as a result of the submissions at its meeting on 6 October. After consideration of the proposed changes at that meeting, the Committee will make any amendments to the draft Policy and Bylaw, with a view to recommending them to the Council meeting on 27 October 2015 for adoption (pursuant to the Dog Control Act 1989 and the Local Government Act 2002).

## Recommendation

*That*

- a) *The report of Karl Tutty, Environmental Services Team Leader, be received;*
- b) *Pursuant to section 10 of the Dog Control Act 1996 and sections 83 and 86 of the Local Government Act 2002, the Committee consider and deliberate on the submissions on the draft Waipa District Council Dog Control Policy 2015 (Document number 15060220) and draft Waipa District Council Dog Control Bylaw 2015 (Document number 15060132);*
- c) *Following consideration of the submissions and subject to any amendments, the Committee recommend to Council pursuant to section 10 of the Dog Control Act 1996 and sections 83 and 86 of the Local Government Act 2002 the adoption of the Waipa District Council Dog Control Policy 2015 (Document number 15060220) and Waipa District Council Dog Control Bylaw 2015 (Document number 15060132) to be confirmed at its meeting on 27 October 2015.*

## 9 DISTRICT PLAN VARIATIONS 1 – 5 DRAFT DECISIONS

Pages: 102 - 210

The purpose of this item and the staff report is for the Council to make a decision on Variations 1-5 under Clause 10 of the First Schedule to the Act. Council staff have recently become aware that Clause 10 of the First Schedule to the Act requires that a formal decision of the Council is necessary even where no submissions have been

# Strategic Planning & Policy Committee Agenda

lodged to a Variation. The Delegations Register provides for the Strategic Policy and Planning Committee “*To consider, and if appropriate to hear submissions, make determinations and notify variations to the Waipa Proposed District Plan, pursuant to the provisions of the Local Government Act 2002 and the Resource Management Act 1991.*” Under Clause 10 the Council’s decision is then required to be publicly notified, at which point the decision amends the Proposed Plan accordingly. Pursuant to Clause 16B of the First Schedule to the Act the Variations will become merged with the Proposed Plan once the Variations reach the same procedural stage as the Proposed Plan. In this case, it will be after the Committee makes a decision on the Variations as there were no submissions and hence no rights of appeal.

Variation 1 was publicly notified on 21<sup>st</sup> January 2015 with the closing date for submissions being 23<sup>rd</sup> February. No submissions were received. Variations 2 to 5 were notified on the 23<sup>rd</sup> June 2015 with the closing date being 20<sup>th</sup> July. No submissions were received. The Draft Decision Report (*document number 15087323*) on Variations 1-5 has been prepared to assist the Committee in considering the variations and making a decision on each variation.

In considering Section 32 of the Act Council officers note that a further assessment is required to be undertaken at the time of the Council’s decision under Section 32AA when submissions have been lodged. In the case of Variations 1-5 no submissions have been lodged and for this reason no further assessment is required.

The following documents are included in the SP&P agenda:

- Draft Decision Report on Variations 1-5 (*document number 15087323*).
- Variation 1 and Section 32 Assessment (*document number 14148847*).
- Variation 2 and Section 32 Assessment (*document number 14159533*).
- Variation 3 and Section 32 Assessment (*document number 14160321*).
- Variation 4 and Section 32 Assessment (*document number 15000498*).
- Variation 5 and Section 32 Assessment (*document number 15023108*).

## **Recommendation**

*That:*

- a) *The draft decision report on Variations 1-5 prepared by Fiona Hill, Strategic and District Planning Team Leader, be received; and*
  - b) *Pursuant to Clause 10 of the First Schedule to the Resource Management Act 1991 the Council adopt Variations 1-5, as recommended in the draft decision report for Variations 1-5 (document number 15087323) to the Proposed Waipa District Plan.*
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## 10 DISTRICT PLAN VARIATION 6 – AMENDMENTS FOR LAKE KARAPIRO LARGE LOT RESIDENTIAL STRUCTURE PLAN

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Pages: 212 - 254

The purpose of this item and the staff report is for the Council to make a decision on Variation 6 under Clause 10 of the First Schedule to the Act. The Delegations Register provides for the Strategic Policy and Planning Committee *“To consider, and if appropriate to hear submissions, make determinations and notify variations to the Waipa Proposed District Plan, pursuant to the provisions of the Local Government Act 2002 and the Resource Management Act 1991.”* Under Clause 10 the Council’s decision is then required to be publicly notified, at which point the decision amends the Proposed Plan accordingly. Pursuant to Clause 16B of the First Schedule to the Act the Variations will become merged with the Proposed Plan once the Variations reach the same procedural stage. In this case, it will be after the Committee makes a decision on the Variation and the appeal period has expired.

Variation 6 was publicly notified on 14 July 2015. The closing date for lodging submissions was 10 August 2015. One submission in partial support was received. The submission was publicly notified for further submissions on 12 August 2015. The closing date for lodging further submissions was 31 August 2015, and none were received. The submitter to Variation 6 is Waipa District Council staff who do not wish to be heard. The Draft Decision Report (*document number 15086161*) on Variation 6 has been prepared to assist the Committee in coming to its decision.

In considering Section 32 of the Act the officers note that a further assessment is required to be undertaken at the time of the Council’s decision under Section 32AA due to the submission received on Variation 6. In respect of Section 32AA the officers note and agree with the Section 32 that was written at the time the Variation was notified. The Council officers consider that there is no need to alter the original evaluation as a result of a decision to accept the submission because the provisions proposed in the Variation 6 are considered to be the most appropriate way to achieve the purpose of the Act.

The following documents are included in the SP&P agenda:

- Draft Decision Report Variation 6 – Amendments to provisions for Lake Karapiro Large Lot Residential Structure Plan Area (*document number 15086161*).
- Variation 6 and Section 32 Assessment (*document number 15002357*).

### **Recommendation**

*That:*

- a) *The draft decision report on Variation 6 prepared by Susan Brennan, Senior Policy Planner - Strategic & District Planning, be received; and*
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- b) Pursuant to Clause 10 of the First Schedule to the Resource Management Act 1991 the Council adopt Variation 6, as recommended in the draft decision report Variation 6 – Amendments to provisions for Lake Karāpiro Large Lot Residential Structure Plan Area (document number 15086161) to the Proposed Waipa District Plan.

## 11 DISTRICT PLAN VARIATION 7 – AMENDMENTS TO MYSTERY CREEK POLICY OVERLAY

Pages: 256 - 282

The purpose of this item and the staff report is for the Council to make a decision on Variation 7 under Clause 10 of the First Schedule to the Act. The Delegations Register provides for the Strategic Policy and Planning Committee “To consider, and if appropriate to hear submissions, make determinations and notify variations to the Waipa Proposed District Plan, pursuant to the provisions of the Local Government Act 2002 and the Resource Management Act 1991.” Under Clause 10 the Council’s decision is then required to be publicly notified, at which point the decision amends the Proposed Plan accordingly. Pursuant to Clause 16B of the First Schedule to the Act the Variations will become merged with the Proposed Plan once the Variations reach the same procedural stage. In this case, it will be after the Committee makes a decision on the Variation and the appeal period has expired, provided that no appeal is received.

Variation 7 was publicly notified on 14 July 2015. The closing date for lodging submissions was 10 August 2015. Two submissions were received, one in support (Hamilton Pistol Club) and one in opposition (I and G Stevenson). The submissions were publicly notified for further submissions on 12 August 2015. The closing date for lodging further submissions was 31 August 2015, and none were received. The submitter in opposition (I and G Stevenson) withdrew their submission on 17 September 2015. The remaining submitter to Variation 7 is Hamilton Pistol Club who does not wish to be heard. The Draft Decision Report (*document number 15087070*) on Variation 7 has been prepared to assist the Committee in coming to its decision.

In considering Section 32 of the Act the officers note that a further assessment is required to be undertaken at the time of the Council’s decision under Section 32AA due to the submissions received on Variation 7. In respect of Section 32AA the officers note and agree with the Section 32 that was written at the time the Variation was notified. The Council officers consider that there is no need to alter the original evaluation as a result of a decision to accept the submission because the provisions proposed in the Variation 7 are inserted to be the most appropriate way to achieve the purpose of the Act.

The following documents are included in the SP&P agenda:

- Draft Decision Report Variation 7 – Amendments to Mystery Creek Policy Overlay (*document number 15087070*).
- Variation 7 and Section 32 Assessment (*document number 15004306*).

## Recommendation

*That:*

- a) *The draft decision report on Variation 6 prepared by Susan Brennan, Senior Policy Planner - Strategic & District Planning, be received; and*
- b) *Pursuant to Clause 10 of the First Schedule to the Resource Management Act 1991 the Council adopt Variation 7, as recommended in the draft decision report for Variation 7 – Amendments to Mystery Creek Policy Overlay (document number 15087070) to the Proposed Waipa District Plan.*

## 12 DISTRICT PLAN VARIATION 11 – DEFERRED RESIDENTIAL ZONE

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Pages: 283 - 315

Approval is sought to notify Variation 11 to the Proposed Waipa District Plan ('the Plan'). The Variation seeks to rezone 2.3ha of rural zoned land to Deferred Residential Zone. The Rural zoned land is located within growth cell T2 adjoining growth cell T1 (currently zoned Deferred Residential Zone in the Proposed Plan). Clause 16A of the First Schedule to the Resource Management Act ('RMA') provides for local authorities to notify variations prior to the final approval of a Plan. The proposed amendments do not have legal effect until Council issues its decision under Clause 10 of the First Schedule to the Act. The notification of variations do not inhibit the Plan being made operative. The RMA provides for any notified variation to become a plan change in the event that the Plan is made operative (First Schedule Cl 17).

The land sought to be rezoned fronts Frontier Road between the Council water Reservoir and the current T1 growth cell. In addition to this a change to the urban limit line and the Structure Plan Area notation is required to include the area proposed to be rezoned. This variation would enable a Structure Plan to be prepared and submitted to Council for approval for the entire area. A full Section 32 evaluation report has been prepared in accordance with the requirements of the RMA. It outlines the issue and evaluates the options considered. The proposed variation and accompanying Section 32 evaluation report are included as an attachment to the staff report (Appendix 1). The variation is to be publicly notified by the end of October. People will have the opportunity to make submissions and be heard in accordance with the process set out in the RMA.

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## Recommendation

*That*

- a) *The report of Susan Brennan, Senior Policy Planner, be received; and;*
- b) *Council consider, and subject to any amendments, resolve to notify the Variation 11 – Minor Expansion of Deferred Residential Zone – Frontier Road, Te Awamutu and the associated Section 32 evaluation report to the Proposed Waipa District Plan in accordance with Clause 5 and 16A of the First Schedule of the Resource Management Act 1991.*

## 13 FUTURE PROOF UPDATE

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No papers

Updated population and household projection data at a census area unit level has been received from NIDEA/Waikato Regional Council. This data has been derived using a comprehensive land use change model and is intended to form the basis of all demographic assumptions until after the next census in 2018. Staff are currently in the process of validating this data.

Statistics NZ Population projections at the Census Area Unit level are also expected to be available by the end of September and will provide a useful comparison.

Officers are intending to report on the results of the projections at a future meeting, however a verbal update can be provided at the meeting.

## Recommendation

*That the information is received.*

## 14 REVIEW & ADOPTION OF THE WAIPA RURAL FIRE AUTHORITY FIRE PLAN

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Pages 316 - 361

Waipa District Council is the Rural Fire Authority for Waipa District. Under the Forest and Rural Fire Regulations 2005, the Waipa Rural Fire Authority must prepare and adopt a Rural Fire Plan, which is a statement compiled and issued by the Fire Authority, defining policy, chain of command and procedures in relation to fire control.

The Waipa Rural Fire Authority Rural Fire Plan was initially adopted by Council in September 2005.

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Part 2 of the Forest and Rural Fires Regulations 2005 covers Fire Control Operations and requires that a Fire Plan must set out the policies and procedures of the Rural Fire Authority under the headings of Reduction, Readiness, Response and Recovery.

The 'Readiness' and 'Response' sections of the Plan must be reviewed every two years after the date of adoption. The 'Reduction' and 'Recovery' sections of the Plan must be reviewed every five years after the date of adoption.

Accordingly the review of the 'Readiness and Response' sections have been carried out and adopted by Council biennially since 2005. The 'Reduction' and 'Recovery' sections have been reviewed once in 2010.

All four sections of the Rural Fire Plan are due to be reviewed this year. A draft Rural Fire Plan for Council to consider and adopt is attached to the staff report as Appendix 1.

The National Rural Fire Authority must be advised of any amendments as they arise. There have been no substantive amendments or changes and the plan remains essentially the same as when originally adopted in 2005 except for minor formatting amendments.

## **Recommendation**

*That*

- a) *The report of Chuck Davis, Principal Rural Fire Officer be received;*
- b) *Pursuant to the Forest and Rural Fires Act 1977, and the Forest and Rural Fires Regulations 2005 and as the Rural Fire Authority for Waipa District, Council confirms that Part One: Reduction, Part Two: Readiness, Part Three: Response and Part Four: Recovery of the Waipa Rural Fire Authority Plan (document number 15085058) has been reviewed and subject to minor amendments, remains the adopted Rural Fire Authority Plan for Waipa District.*

## **15 POLICY ON THE USE OF DRONES**

Pages: 362 - 374

The Civil Aviation Authority of New Zealand (CAA) introduced new rules on 1 August 2015 in relation to unmanned aircraft operations, to improve aviation safety for operators, other airspace users and people and property. Unmanned aircraft, commonly known as "drones" are being used increasingly for a number of purposes, both commercial and recreational, and there is a need for more regulation.

Unmanned aircraft over 25kg require to be certified and operate under Civil Aviation Rule Part 102. Rule Part 101 relates to smaller unmanned aircraft which can be operated under certain conditions, such as below 120m, during daylight etc. A key

requirement of the rule is that operators who want to fly over people or property must gain consent from the affected individuals or property owners before they fly. This includes property owned or managed by local authorities.

Whilst some local authorities have some rules already in place, the majority are dealing with the matter for the first time. In order to provide guidance to operators and to Council staff, it is proposed that as an initial step, Council adopt a policy in relation to the use of drones, and identify the areas which may be permitted or prohibited for use. A proposed policy is attached as Appendix 1. CAA information provided to local authorities is attached as Appendix 2, which provides more detail in relation to unmanned aircraft use.

Council discussed the new rules at a workshop in August, including having a permissive policy rather than a permit system. Areas in the District which might be suitable for use, subject to compliance with the CAA Rule and Council's policy, and those areas which might be prohibited were also considered. These are detailed in the draft Policy. As the CAA consulted on the new rules, it is not proposed to undertake consultation in relation to the Policy. Once a policy is adopted, staff will arrange for further information and maps to be available on the website and identify where signage might be appropriate.

### **Recommendation**

*That:*

- a) *The report of Jennie McFarlane, Manager Legal and Corporate Support be received;*
  - b) *The Committee consider and subject to any amendments, adopt a Policy on the Use of Drones (unmanned aircraft) (document number 15083926) in relation to land or property in Waipa District owned or managed by Council.*
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**Time:** 9.00am  
**Date:** Tuesday, 1 September 2015  
**Venue:** Council Chambers, Waipa District Council, 101 Bank Street,  
Te Awamutu

## **1 PRESENT**

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### **Chairperson**

AJ Bishop

### **Members**

His Worship the Mayor JB Mylchreest, JM Bannon, EH Barnes, AW Brown, M Gower, L Hoverd, SDC Milner, EM Stolwyk, CSC St Pierre, BS Thomas, GRP Webber, VT Wilson, P Davies (Iwi representative)

### **In attendance**

Group Manager Planning & Customer Relations D Hall; Manager Strategy G Knighton; Strategic & Planning Team Leader F Hill; Corporate & Community Planning Team Leader C Kent; Communications Consultant J Tyrell; Senior Corporate & Community Planner S Des Forges; Environmental Services Team Leader K Tutty; Governance Support Senior C Shaw

## **2 APOLOGIES**

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There were no apologies.

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

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There were no new disclosures.

## **4 VISITORS**

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Future Proof Technical Advisor Ken Tremaine would be in attendance for items 9 and 12.

## 5 MINUTES OF PREVIOUS MEETING

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### RESOLVED

2/15/86

*That the minutes of the meeting of the Strategic Planning & Policy Committee held on 4 August 2015 be confirmed as a true and accurate record.*

Cr Bannon/Cr Gower

## 6 LATE ITEMS

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There were no late items.

## 7 CONFIRMATION OF ORDER OF MEETING

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### RESOLVED

2/15/87

*That the order of the meeting be confirmed with items 9 and 12 being taken at 1.00pm when Ken Tremaine is in attendance.*

Cr Brown/Cr Milner

## 8 DISTRICT PLAN UPDATE

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Strategic & Planning Team Leader Fiona Hill presented her report and answered questions from the Committee. She outlined the current status of the various appeals and mediation actions that were currently underway and was pleased to advise that as at the meeting date there was only the Findlay appeal still to be resolved.

### ***Proposed District Plan – Appeals***

The appeals lodged to the Proposed District Plan have been the focus for the District Plan team. The main developments over the last month are as follows:

- The Environment Court have issued a consent order for the New Zealand Association of Radio Transmitters Incorporated Appeals and the Fonterra appeal; and
- Environment Court mediation has occurred with Mary Bennett.

The highlighted rows in the table below indicate those appeals where the Court has either issued a consent order, or where a consent order has been lodged with the Court. The table indicates that only three appeals out of the 28 appeals lodged with Council are still being worked on.

# Strategic Planning & Policy Committee Minutes

Court Name	Appellant	Progress
ENV-2014-AKL-000095	New Zealand Association of Radio Transmitters Incorporated	Resolved Consent order issued by Court
ENV-2014-AKL-000099	Thornbury Properties Limited	Resolved. Consent order issued by Court.
ENV-2014-AKL-000100	L & D Coombes	Consent order issued by the Court.
ENV-2014-AKL-000101	Carnation Development Limited	Consent order issued by Court on one matter. Consent order lodged with Court on the remaining matter. The Court has placed this consent order on hold pending the outcome of the appeal lodged by Mr Findlay.
ENV-2014-AKL-000102	National Trading Company of New Zealand Limited	Resolved. Consent order issued by Court.
ENV-2014-AKL-000104	Wel Networks Limited	Resolved. Consent order issued by Court.
ENV-2014-AKL-000105	Federated Farmers of New Zealand	Resolved. Consent order issued by Court for building setback, farm workers dwellings and air strips and helipads. Consent order lodged with the Court for Setbacks from Waterways.  Landscape and Biodiversity are being worked through by the parties following Environment Court mediation.
ENV-2014-AKL-000106	Burns	Resolved. Consent order issued by Court.
ENV-2014-AKL-000107	Al & Ranby	Resolved. Consent order issued by Court.
ENV-2014-AKL-000108	Powerco Limited	Resolved. Consent order issued by Court.
ENV-2014-AKL-000110	Rees	Withdrawn
ENV-2014-AKL-000111	Makgill	Resolved. Consent order issued by Court.
ENV-2014-AKL-000112	The Oil Companies	Resolved. Consent order issued by Court.
ENV-2014-AKL-000113	Mighty River Power Limited	Resolved. Consent order issued by Court.
ENV-2014-AKL-000114	Trustees of Te Mara Trust	Resolved. Consent order issued by Court.
ENV-2014-AKL-000115	Poultry Industry Association of New Zealand	Resolved. Consent order issued by Court.
ENV-2014-AKL-000116	Bennett	Parties are working through a mediation agreement.

# Strategic Planning & Policy Committee Minutes

Court Name	Appellant	Progress
ENV-2014-AKL-000117	Fonterra Co-operative Group Limited	Resolved. Consent order issued by the Court on Hazardous Substances provisions and ITA provisions. Following mediation on the noise provisions Council staff and the parties are working through a mediation agreement.
ENV-2014-AKL-000118	Titanium Park Joint Venture	Resolved. Consent order issued by Court.
ENV-2014-AKL-000119	Findlay	Agreement not reached at mediation. Further judicial teleconference has been arranged.
ENV-2014-AKL-000120	St Peters School Trust Board	Resolved. Consent order issued by Court.
ENV-2014-AKL-000121	Waikato Regional Council	Withdrawn.
ENV-2014-AKL-000122	Heritage New Zealand (formerly New Zealand Historic Places Trust)	Resolved. Consent order issued by Court.
ENV-2014-AKL-000123	Elizabeth Avenue Residents	Withdrawn.
ENV-2014-AKL-000124	New Zealand Transport Agency	Resolved. Consent order issued by Court.
ENV-2014-AKL-000125	Grantchester Farms Limited	Resolved. Consent order issued by Court.
ENV-2014-AKL-000126	House Moving Section of the New Zealand Heavy Haulage Association Inc	Resolved. Consent order issued by Court.
ENV-2014-AKL-000127	Ngati Koroki Kahukura Trust	Withdrawn.

### ***Proposed District Plan – Variations***

Variations 6 (Lake Karapiro) and 7 (Mystery Creek) have been notified for further submissions and further submissions closed 31 August. Ms Hill was unsure as to whether any further submissions had been received at the time of the meeting. Variations 8 (Parking and Manoeuvring), 9 (Building Matters) and 10 (Density) had been notified on 25 August.

### ***Proposed National Environmental Standard (NES) Plantation Forestry***

A submission was lodged with the Ministry for Primary Industries. The final submission had been included in the agenda.

**RESOLVED**

2/15/88

*That the information in the District Plan update be received.*

Cr St Pierre/Cr Wilson

[Item 9 was taken at 1.30pm when Ken Tremaine was in attendance]

## **9 FUTURE PROOF UPDATE**

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Manager Strategy Gary Knighton and Future Proof Technical Advisor Ken Tremaine updated the Committee on developments since the last meeting.

They advised that Council is still awaiting the delivery of the demographic projections at a census area unit level and finalisation of the Southern Area Strategic Land Use and Infrastructure Plan. The Future Proof Implementation Committee meeting scheduled for August had been postponed.

**RESOLVED**

2/15/89

*That the information in the Future Proof update be received.*

Cr St Pierre/Cr Barnes

## **10 DRAFT WAIPA DISTRICT CLASS 4 GAMBLING VENUE POLICE 2015 AND DRAFT WAIPA DISTRICT BOARD VENUE POLICY 2015**

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File: 020-10-01/2

Senior Corporate & Community Planner Sandra Des Forges and Environmental Services Team Leader Karl Tutty presented the policies to the Committee and outlined the process that had taken place to date. They said the draft Waipa District Council Class 4 Gambling Venue Policy and Board Venue Policy 2015 were publicly notified on 14 July and the submission period closed on 17 August 2015. Council received 11 submissions and three submitters had indicated they wished to speak in support of their submission.

The Committee then heard from the following submitters:

Richard Wright      Cambridge Committee of Social Services  
Stephanie St George    Salvation Army Addiction Services

After consideration of all submissions, the Committee had considerable discussion particularly in relation to the relocation policy, numbers of machines for each venue, online gambling and the fact that statistics only include those people who admit to gambling being of concern.



Adjourned for morning tea at 10.12am and reconvened at 10.33am

**RESOLVED**

2/15/90

*That*

- a) *The report of Sandra Des Forges, Senior Corporate and Community Planner, be received;*
- b) *Pursuant to section 102 of the Gambling Act 2003, section 65E of the Racing Act 2003 and section 83 of the Local Government Act 2002, the Committee receive, consider and, where requested, hear submissions (document number 15078080) on the draft Waipa District Council Class 4 Gambling Venue Policy 2015 (document number 15060205) and draft Board Venue Policy 2015 (document number 15060203), and*
- c) *Following consideration of submissions the Committee recommend to Council the adoption of the Waipa District Council Class 4 Gambling Venue Policy 2015 (document number 15060205) and draft Board Venue Policy 2015 (document number 15060203), to be confirmed at its meeting on 29 September 2015 pursuant to section 102 of the Gambling Act 2003, section 65E of the Racing Act 2003 and section 83 of the Local Government Act 2002.*

Cr Gower/Cr Webber

## **11 DRAFT WAIPA DISTRICT PUBLIC PLACES ALCOHOL CONTROL BYLAW 2015**

File: 020-03-07/2

Senior Corporate & Community Planner Sandra Des Forges and Environmental Services Team Leader Karl Tutty presented the Bylaw to the Committee and outlined the process that had taken place to date. They said the Waipa District Public Places Alcohol Control Bylaw 2015 was publicly notified on 14 July 2015, as part of the review process of the bylaw and the submission period closed on 17 August 2015. Council received five submissions and four submitters indicated their wish to speak in support of their submission.

The Committee then heard from the following submitters:

Richard Wright	Cambridge Committee for Social Services
Julie Epps	Cambridge Community Board
David McCathie	Cambridge Autumn Festival
Michael Henwood	New Zealand Police

There was considerable discussion about the need to enable Special Licences for the Cambridge Hall piazza and how this is related to the exemption clause in the proposed bylaw.

## **RESOLVED**

2/15/91

*That*

- a) *The report of Sandra Des Forges, Senior Corporate and Community Planner, and Karl Tutty, Environmental Services Team Leader, be received;*
- b) *Pursuant to the Sale and Supply of Alcohol Act 2012 and sections 83 and 86 of the Local Government Act 2002, the Committee receive, consider and, where requested, hear submissions on the draft Waipa District Public Places Alcohol Control Bylaw 2015 (Document number 15060264), and*
- c) *Following consideration of submissions, the Committee recommend to Council the adoption of the Waipa District Public Places Alcohol Control Bylaw 2015 (Document number 15060264), pursuant to the Sale and Supply of Alcohol Act 2012 and sections 83 and 86 of the Local Government Act 2002, at its meeting on 29 September 2015, subject to first resolving that it is the most appropriate form of bylaw and does not give rise to any implications under the New Zealand Bill of Rights Act 1990.*

Cr Wilson/Cr Milner

[Item 12 was taken at 1.30pm when Ken Tremaine was in attendance]

## **12 WAIKATO PLAN: MOVING FORWARD**

Manager Strategy Gary Knighton and Future Proof Technical Advisor Ken Tremaine provided an update on developments with the Waikato Spatial Plan. They said the Waikato Spatial Plan Joint Committee met on 24 July 2015 to discuss the new direction of the Waikato Plan.

They confirmed that the Waikato Plan will be approached in stages as outlined below and will occur over a period of two years. It will be an interactive approach and will be both bottom up (using the existing evidence base) and top down (defining high-level outcomes and aspirations). Stages 1 to 3 are as agreed at the workshop held in Karapiro in June and are as follows:

### Stage 1: Project Scope and Priorities

This stage involves a reconsideration of project scope, staging, project structure, timeframes and budget. It also includes a reconfirmation of the headline strengths, challenges and opportunities as well as identifying three priority areas which can be focussed on now in order to make progress.

## Stage 2: Plan Structure

This stage will consider and agree the overall structure of the Plan document. It will also relate the priority areas to a vision and strategic outcomes.

## Stage 3: Plan Development

Development of a Waikato Plan, including further policy / principles and actions across all wellbeings. At the end of the Waikato Plan development, the Joint Committee will need to decide whether a high level plan is pursued which sets a strategic direction for the region.

There are three clear priorities for the proposed Waikato Plan:

1. Maximising opportunities, including investment, through aligned planning
2. Population Change – Growth and Decline
3. Hamilton as the Waikato centre for innovation, employment and services, with a mutually beneficial economic relationship with the region's rural areas.

Cr Wilson had concerns that Waipa does not have enough input into the Project. This view was not supported by other members of the Committee.

### **RESOLVED**

2/15/92

*That the report 'Waikato Plan: Moving Forward' by Bill Wasley and Ken Tremaine be received.*

Cr St Pierre/Cr Bannon

## **13 WAIKATO POLICY AND BYLAW WORK-STREAM UPDATE**

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Corporate & Community Planning Team Leader Cindy Kent presented a report outlining that the Waikato Mayoral Forum's Regulatory Policy and Bylaw work-stream has continued to make advancements over the last year.

She said the project had achieved the desired rationalisation of policies within Councils and created opportunities for further streamlining over the coming months. A collaborative review programme is proposed for the coming year, comprising of short term opportunities and longer term collaboration and alignment.

The report completes Phase 2 of the Collaborative Policy and Bylaw work-stream project. A further opportunity (Phase 3) has been identified in terms of understanding bylaw alignment and opportunities for review.

# Strategic Planning & Policy Committee Minutes

Cr St Pierre acknowledged that it was great to receive the update but asked whether the Forum had begun any work to identify any savings that had been made. She said if council staff are able to work collaboratively across a group of policies then less staff time, consultants and the like would be used and therefore savings made. It was her view that it would be valuable to have some way of showing what the savings are. It was agreed that this is something for the Forum to consider.

**RESOLVED**

2/15/93

*That the report 'Collaborative Policy and Bylaw Work-Stream: Policy review/consolidation project – final report' by Tegan McIntyre, Policy Programme Manager, Hamilton City Council be received.*

Cr Bannon/Cr St Pierre

Meeting adjourned at 11.49am and reconvened at 1.30pm with items 9 and 12.

There being no further business the meeting closed at 2.44pm

**CONFIRMED AS A TRUE AND CORRECT RECORD OF PROCEEDINGS**

**CHAIRPERSON:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

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

**From:** Environmental Services Team Leader

**Subject:** **DRAFT WAIPA DISTRICT COUNCIL DOG CONTROL POLICY 2015 AND DOG CONTROL BYLAW 2015**

**Meeting Date:** 6 October 2015

**File Reference:** 020-03-06/2

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## 1 EXECUTIVE SUMMARY

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Council's draft Waipa District Council Dog Control Policy 2015 and Dog Control Bylaw 2015 were publicly notified on 14 July and the submission period closed on 17 August.

This review used a number of innovative and effective consultation techniques. These were developed and undertaken by Council's Strategy, Communications and Animal Control staff. The results of these techniques are outlined in section 3 of this report.

Council received 157 submissions and 37 submitters indicated that they wished to discuss their views with elected members. Of those, nineteen submitters attended informal round-table sessions with elected members on the 2<sup>nd</sup> and 8<sup>th</sup> September. Copies of the submitters' original submissions can be viewed in Appendix 1 to this report. A brief summary of the key issues raised by submitters, including those raised in the discussion sessions, is presented in section 4 of this report. The notes from the discussion sessions are provided in Appendix 2 of this report.

Proposed changes to the draft policy and bylaw as a result of submissions are detailed in Appendix 5, and are summarised as follows:

- Amendment to policy to reflect the view dog exercise areas will be developed over time.
- Amendment to policy and bylaw in respect to criteria for permits to keep additional dogs.
- Amendments of Schedules 1 and 2 to include Road/Street names.
- Amendment of Schedule 1 ("Prohibited areas").
  - Return Yarndley's Bush to Dog Prohibited (Scenic reserve).
  - Reword Mighty River Domain noting to reflect Cycle way and exercise area changes.

- Reword playgrounds to a generic distance where the prohibition applies.
- Reword the restrictions as they apply to Department of Conservation Reserves.
- Amendment of Schedule 2 (“Exercise areas”)
  - Retain Gas light Reserve.
  - Delete Te Koo utu Park Camila Walkway.
  - Add Mighty River Domain - Gate 3 grassed carpark (when not in use for events).

The Strategic Planning and Policy Committee (the Committee) will consider proposed changes to the draft Dog Control Policy 2015 and Dog Control Bylaw 2015 as a result of the submissions at its meeting on 6 October. After consideration of the proposed changes at that meeting, the Committee will make any amendments to the draft Policy and Bylaw, with a view to recommending them to the Council meeting on 27 October 2015 for adoption (pursuant to the Dog Control Act 1989 and the Local Government Act 2002).

### Attached documents

The following documents are included as appendices to this report:

- Appendix 1 – Copies of original submissions (document number 15079408).
- Appendix 2 – Discussion Session notes – key issues raised (document number 15084935)
- Appendix 3 - Draft Waipa District Council Dog Control Policy 2015 [track changed] (document number 15060220)
- Appendix 4 – Draft Waipa District Council Dog Control Bylaw 2015 [track changed] (document number 15060132).
- Appendix 5 – List of recommended amendments incorporated into track change version of draft Dog Control Policy and Bylaw.

## 2 RECOMMENDATION

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*That*

- a) *The report of Karl Tutty, Environmental Services Team Leader, be received;*
- b) *Pursuant to section 10 of the Dog Control Act 1996 and sections 83 and 86 of the Local Government Act 2002, the Committee consider and deliberate on the submissions on the draft Waipa District Council Dog Control Policy 2015 (Document number 15060220) and draft Waipa District Council Dog Control Bylaw 2015 (Document number 15060132);*
- c) *Following consideration of the submissions and subject to any amendments, the Committee recommend to Council pursuant to section 10 of the Dog*

*Control Act 1996 and sections 83 and 86 of the Local Government Act 2002 the adoption of the Waipa District Council Dog Control Policy 2015 (Document number 15060220) and Waipa District Council Dog Control Bylaw 2015 (Document number 15060132) to be confirmed at its meeting on 27 October 2015.*

### **3 OPTIONS AND STAFF COMMENT**

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This policy and bylaw review provided the opportunity to use consultation techniques that are new for policy and bylaw reviews in this Council.

Council's Strategy, Communication and Dog Control teams worked together to develop a suite of techniques to reach the wider community as we were aware that there was potentially a lot of public interest in dog related issues.

New techniques included:

- An extended online survey.
- Facebook.
- Photo booths in dog exercise areas.
- 'Round-table' discussion sessions rather than formal hearings.

These are discussed in more detail below.

#### **Online survey**

A link to the online survey was sent to all dog owners in mid-June with information about the review and inviting them to participate. They were told that the surveys would be classed as submissions and be included in Council's deliberations. The survey was continued throughout the formal submission period, with a total of 157 surveys completed during that time (including 25 paper surveys).

#### **Facebook**

As well as the above, 15 comments were made on Facebook following publicity of the review.

#### **Photo booths**

Photo booths were set up at various dog parks in the district and allowed animal control staff to talk with people about dog related issues. These received positive feedback from attendees. People were made aware that the review was taking place and were provided with details on how they could complete the online survey.

## Discussion sessions

The draft Dog Control Policy 2015 and draft Dog Control Bylaw 2015 were notified for public consultation from 14 July to 17 August. 157 submissions were received and 37 submitters indicated that they wished to discuss their issues with elected members. Instead of holding formal hearings, people were invited to come to discuss their views with elected members at informal 'round table' discussions.

These were undertaken on 2<sup>nd</sup> and 8<sup>th</sup> September in Te Awamutu and Cambridge Council offices and 19 members of the public attended in total. This initiative was very successful and feedback was generally positive and encouraging.

Key Issues from submissions are presented in section 4 of this report.

## Process from here

Council must consider each submission. All submissions to the draft Dog Control Policy 2015 and Dog Control Bylaw 2015 have been acknowledged and each submitter will receive a written response following Council's adoption of the final policy.

## Local Government Act 2002

The draft policy and bylaw align with the purpose of local government as defined in the LGA section 10(1)(b) that relates to provision of good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses. A Policy and Bylaw are also mandatory requirements of the Dog Control Act 1996. Provision of dog control services is a vital service that must be managed by local government to ensure consistency and affordability of the service.

## Financial status

The cost of developing and reviewing the bylaw is covered in the Environmental Services operating budget (Bylaw Review). No additional budget is requested in relation to this review.

Fees and charges associated with a bylaw can either be prescribed within the bylaw, or separately.

These fees may be reviewed as part of this bylaw review, but can only be changed when the fees and charges are reviewed as part of the Annual Plan/Long Term Plan process.

## Strategy, Policy or Plan context

Council has the authority to:



*“Consider any proposal where public consultation is (or may be) required, including the use of the special consultative procedure, and to initiate the commencement of the consultation process, including initiating the special consultative procedure pursuant to the Local Government Act 2002.”*

*“Hear, consider, and make recommendations on submissions lodged in response to any consultative process.”*

The draft policy and bylaw align with Council’s key documents, including the 10-Year Plan and the Proposed District Plan.

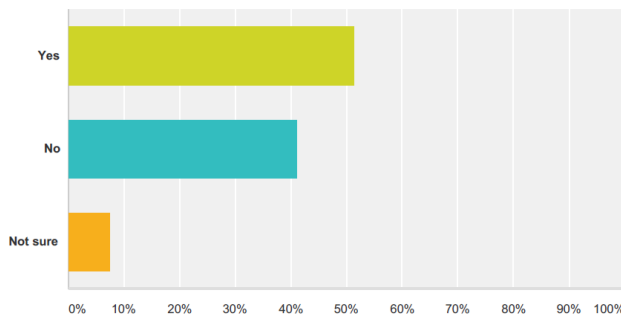
**Assessment of Significance and Engagement**

Section 156 of the Local Government Act and Section 10 of the Dog Control Act 1996 require Council to use the Special Consultative Procedure to review and adopt dog control policies and bylaws.

Council’s Significance and Engagement Policy outlines a range of methods that Council can use to engage people in decision making and to provide opportunities for Councillors to hear their views. As formal hearings are now no longer required under the Local Government Act (LGA), staff recommended that people be invited to discuss their views with Councillors in open discussion sessions. This invitation was outlined in the public documentation (Statements of Proposal, public notices, letters to stakeholders). These meetings were held on the 2<sup>nd</sup> and 8<sup>th</sup> September with 19 submitters attending.

**4 SUMMARY OF RESPONSES AND KEY ISSUES**

**SUBMISSION QUESTION: Are there enough areas where you can exercise your dog in our district?**



As outlined in previous reports it was expected that there would be significant feedback on this issue, and this was one of the major motivations for continuing with the review. While the majority are satisfied with the number of areas, a large proportion are not. Key issues and staff responses are below:

Submitter response	Staff response
<ul style="list-style-type: none"> <li>▪ Boundaries in existing dog parks are not clear i.e. signage at physical locations is poor.</li> <li>▪ Should be fenced</li> <li>▪ Lights in Wordsworth Dog Park</li> <li>▪ More dog poo bins</li> <li>▪ Please provide dog poo bags as well as bins Fencing of areas for small dogs</li> <li>▪ An upgrade of Shelley Street dog park in Leamington</li> <li>▪ Too many dog exercise areas are being reduced in size.</li> <li>▪ Can pool or stream access be provided so dogs can cool off</li> <li>▪ Would be cool to have a dog playground</li> </ul>	<p>The facilities provided at dog exercise areas will need to be assessed once the areas are confirmed. Signage will be one of the first matters reviewed.</p> <p>Many submitters support fencing all or some exercise areas. Council will need to examine this, not only in terms of suitability and cost, but also being careful that Council does not take on a dog owners responsibility to ensure dogs are under control. It is likely some areas will be fenced in the future.</p> <p>The submission from Councils Parks and Property Teams supports a “Dog adventure park” being planned for over time.</p>
<p><b>Recommended changes:</b></p> <p>The above are largely operational issues that can be assessed outside of the policy once designations are in place. No changes are proposed to the policy itself as a result of these comments.</p>	

Submitter response	Staff response
<ul style="list-style-type: none"> <li>▪ More lake/river walks please. Or areas that are interesting to walk in.</li> <li>▪ More walks rather than paddocks</li> <li>▪ Why cant bush areas be used?</li> <li>▪ Need to be more interesting</li> <li>▪ Many are near roads</li> <li>▪ Area needed in Karapiro</li> <li>▪ Karapiro domain bike track</li> <li>▪ Too small</li> <li>▪ Be good to have one Vogel St sports grounds Why is Swayne and Watkins Rd dog on lead</li> <li>▪ "Cascade steps" at Te Koutu not suitable</li> <li>▪ Can Lake Ngaroto be dog off lead at certain times?</li> <li>▪ Lake Te Koutu Should be dog on lead</li> <li>▪ It would be good if McKinnon Park was fully fenced off like in Leamington.</li> <li>▪ Integrate with cycling tracks</li> </ul>	<p>There are a range of views on what are considered appropriate dog exercise areas (bearing in mind that over 50% were satisfied with the number provided).</p> <p>Confirmation of these areas has been guided to a large extent by the submission from Council’s Parks and Property Teams.</p> <p>Many of the suitable rural or bush areas that owners may have in mind are not under Council control, so cannot be designated as exercise areas under this bylaw. The Department Of Conservation has confirmed that its reserves are dog prohibited unless they have issued a permit.</p> <p>The Eileen Montefiore Reserve-Fonterra path is well used by dog owners, but again is not under Council Control as it crosses private land. Council has installed a “Dog bin” at each end, but land owners have not previously supported dogs being off lead.</p>

<ul style="list-style-type: none"> <li>▪ the field with the tiny park in Cambridge by Oaks Rest home, Gwyneth Domain by Browning street and Tennyson should be made into a dog exercise</li> <li>▪ Eileen Montefiore Reserve-Fonterra path made a dog exercise area</li> <li>▪ new area in Cambridge on Taylor street between Swayne and Robinson annoys me that it is dogs on leashes only.</li> <li>▪ fantastic if the Oak Arboretum could be a dog exercise area</li> <li>▪ Keep the Gaslight theatre</li> <li>▪ Ash Grove good area but just grass</li> <li>▪ Leamington Domain in Wordsworth Street should be leashed dogs</li> <li>▪ lower Te Koutu Park and the Camellia Path should be leashed dogs</li> </ul>	<p>A “timeshare” where dogs can have access to certain areas at certain times has been considered. More work its required to see where this may apply, and how, which cannot be completed in the current timeframe and will be deferred to the next review.</p> <p>Ash Grove is supported, and is identified as one reserve that could be developed over time to include more dog facilities.</p>
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**Recommended changes:**

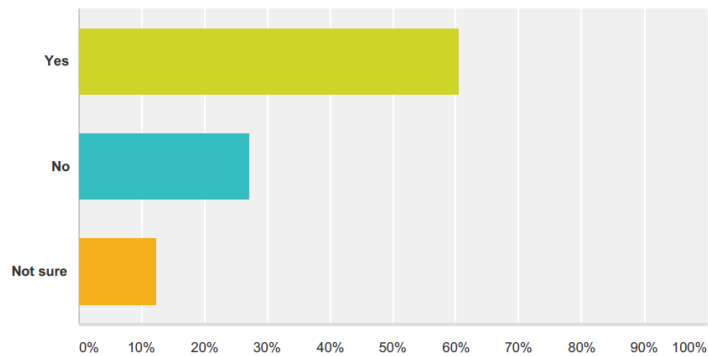
The above have been considered by staff. As a result changes have been proposed to some of the areas identified as potential exercise areas, including the investigation of sites in the Karapiro area. These are summarised in Appendix Five. Camellia Path is recommended to stay dog on lead but should be debated. Te Kootu and Ngaroto Lakes retained as is. Oak Arboretum added. Also recommended that further areas be investigated longer term through the LTP process. Final approval will be required from the Parks and Reserves Team.

Submitter response	Staff response
<ul style="list-style-type: none"> <li>▪ Great dog parks in Cambridge</li> <li>▪ Good for elderly and general health</li> <li>▪ Areas are very good</li> <li>▪ Compare well to other places</li> <li>▪ Council currently does a great job regarding dogs and dog control. Exercise areas are lovely.</li> <li>▪ We are well provided with exercise areas.</li> <li>▪ Public and mental health benefits of dog ownership and exercise.</li> </ul>	<p>A range of positive comments were noted.</p>
<ul style="list-style-type: none"> <li>▪ people playing golf on polo grounds makes this dangerous</li> <li>▪ Dog exercise area should be just for dogs</li> <li>▪ Public Walkways off the end of cul-de-sacs linking to walking ways should be have a specific mention to include them in</li> </ul>	<p>A number of related issues were raised. Some would be beyond the scope of the policy, or may be best addressed through education.</p>

Submitter response	Staff response
exercise areas. ▪ dog owners feel that they can just let their dogs totally run free in these areas,	

**DELIBERATION POINT:**  
**Does the revised policy identify sufficient dog exercise areas?**

**SUBMISSION QUESTION: Do you agree with the areas that have been identified as prohibited dog areas in our district?**



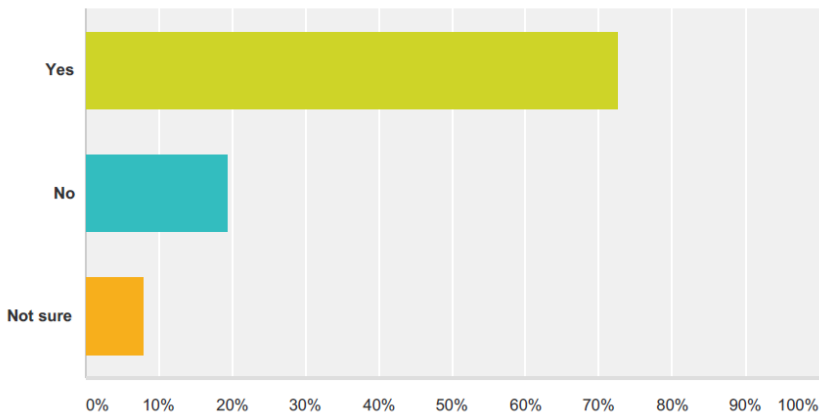
Submitter response	Staff response
<ul style="list-style-type: none"> <li>▪ Why are rose gardens etc. dog prohibited. Should be dog on lead.</li> <li>▪ Would like to walk through Cambridge High School</li> <li>▪ Dogs should be allowed at Farmers Market Dogs</li> <li>▪ should be allowed anywhere if under control</li> <li>▪ Risk of 1080 on DOC land</li> <li>▪ Albert Park should be available when no sports are on</li> <li>▪ A lot of these areas could be dog on lead</li> <li>▪ Why cant dogs be walked on Waikato River trails</li> <li>▪ Are hourly restrictions possible</li> <li>▪ I think the perimeter of Victoria Square could be reduced to a "dog on leash" area</li> </ul>	<p>The scheduling of dog prohibited areas needs to be assessed in conjunction with the dog exercise areas, and the general 'dog on leash' requirements.</p> <p>The issue of Victoria Square and the markets has been raised. It is the staff view that if market organisers do not favour a change, that this would not be supported.</p> <p>Unfortunately the few owners who do not pick up after their dogs provide much of the justification for these restrictions.</p>

**Recommended changes:**  
 The above have been considered by staff. No changes are proposed to the sites currently recorded as prohibited with the exception of reinstating Yarndley's Bush which was missing

Submitter response	Staff response
from the draft. Very few submission were received from schools etc. currently subject to prohibitions, therefore it is not recommended that these be changed. Land leased to clubs for sports also retained. Wording added to clarify the position of the Department of Conservation and that permits can be obtained to enter DOC reserves.	

**DELIBERATION POINT:**  
**Does the revised policy appropriately reflect areas that should be dog prohibited?**

**SUBMISSION QUESTION: Dogs must be on a leash at all times when on a park or reserve (unless it's a dog exercise area or an area that prohibits dogs). Do you agree with this?**



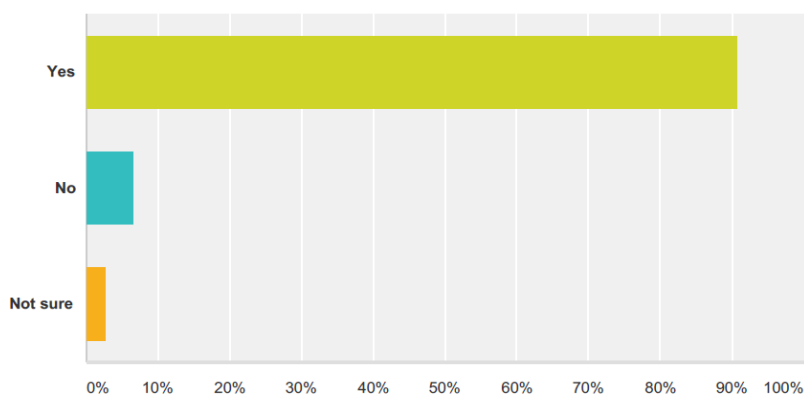
Over 70% of respondents supported the current requirement that dogs be on lead in all public places not subject to other designations. There was a clear theme that the few people making comment on this question believed that more enforcement of dog-on-leash restrictions was required.

Submitter response	Staff response
<ul style="list-style-type: none"> <li>▪ Needs more enforcement</li> <li>▪ Poor owner control</li> <li>▪ DOC areas should be dog on leash</li> <li>▪ Concern with dogs attending markets in town</li> <li>▪ Fed up with owners not having dogs on lead</li> </ul>	
<p><b>Recommended changes:</b>                      The above have been considered by staff. As a result no changes are recommended to this part of the policy.</p>	

**DELIBERATION POINT:**

Should the “dog on leash” requirements remain in public places?

**SUBMISSION QUESTION: Dogs can be walked in the main streets of our towns, as long as they are on a leash. Do you agree with this?**



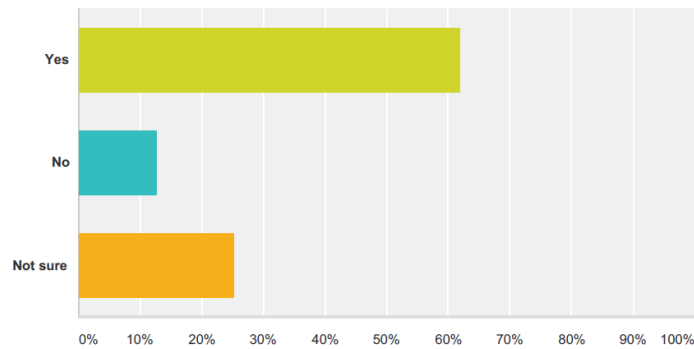
Over 90% of respondents agreed with the proposal to keep all main-streets and CBD areas as dog on leash areas. A small number requested other classifications (prohibited or allow dogs to run free). Comments included:

Submitter response	Staff response
<ul style="list-style-type: none"> <li>▪ Long as they are under control</li> <li>▪ If muzzled</li> <li>▪ Long as they pick up poo</li> <li>▪ My dog is part of my family</li> <li>▪ CBD should be dog-free</li> <li>▪ Not allowing dogs in main street will result in protests</li> </ul>	
<p><b>Recommended changes:</b></p> <p>The above have been considered by staff. As a result no changes are recommended to this part of the policy</p>	

**DELIBERATION POINT:**

Should dogs on leash still have access to main streets?

**SUBMISSION QUESTION: Do you think education sessions would be useful?**



While the majority of respondents supported either the current amount of education or an increase in education, there was a consistent theme that the dog owners most in need of education would be unlikely to avail themselves of any offers.

A major theme of discussions was working with other agency partners, such as vets, to spread key messages, and that regular “owner forums” could be useful.

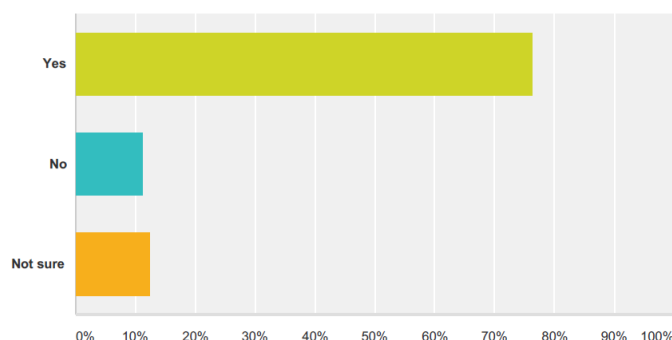
Submitter response	Staff response
<ul style="list-style-type: none"> <li>▪ Should be encouraging good ownership/dog care</li> <li>▪ Probably only good owners would attend</li> <li>▪ If no extra cost</li> <li>▪ Not familiar with after hours service (education issue )</li> <li>▪ Registration discounts for approved training</li> <li>▪ Making it clear to owners what "under control" means</li> <li>▪ Puppy-preschool or similar should be compulsory</li> <li>▪ Current info sufficient</li> <li>▪ Educate parties to communicate with each other, neighbours etc.</li> <li>▪ Don't know what they get for registration (education issue)</li> <li>▪ Educate people on correct use of bark collars etc.</li> <li>▪ Yes useful and a better use of ratepayers money than a cartoon of the Mayor describing the LTP</li> <li>▪ Waipa Animal Control customer service</li> </ul>	<p>These comments have been noted and will form the basis of an education review.</p> <p>Staff have already searched sources of dog park etiquette posters that could be distributed or incorporated into exercise area signage.</p>

Submitter response	Staff response
<p>comes out as one of the best communication and advice</p> <ul style="list-style-type: none"> <li>▪ Educate the public not just dog owners i.e. how to meet a dog.</li> <li>▪ Educate people on “dog park etiquette”</li> </ul>	
<p><b>Recommended changes:</b></p> <p>The above are largely operational issues that can be addressed outside of the policy. The policy clearly signals a desire to continue the current commitment to education. No policy changes recommended.</p>	

**DELIBERATION POINT:**

**Does the policy adequately reflect Councils commitment to Education?**

**SUBMISSION QUESTION: We allow no more than two dogs to be kept on town properties, and no more than five dogs on land in any other area unless approved. Do you agree with this?**



While there were a range of responses, over 70% of respondents felt Council’s current policy of restrictions, but with a suitable permit system, was reasonable. Others felt that the permit system should only be used in exceptional circumstances. Other comments included:

Submitter response	Staff response
<ul style="list-style-type: none"> <li>▪ Allow more if small dogs</li> <li>▪ Five seems excessive</li> <li>▪ Should be able to have as many as you like</li> <li>▪ What about breeders</li> <li>▪ Should be three in town</li> </ul>	<p>Two in town appears to be most appropriate, there is some appetite for a slight increase in the rural zone.</p> <p>In terms of breeders, puppies under 3 months are excluded. Commercial breeding is also required to comply with the District Plan.</p>



<ul style="list-style-type: none"> <li>▪ Seven in rural more appropriate</li> </ul>	
<p><b>Recommended changes:</b></p> <p>Changes are not recommended to the numbers of dogs permitted in town. There was some support to allow more in the rural areas. A re-wording has been suggested to address concerns that permits were too easily obtained.</p>	

**DELIBERATION POINT:**

**Are the Policy restrictions of 2 dogs on a property in town, and 5 in the rural (without a permit) appropriate?**

**SUBMISSION QUESTION: Do you have any comments on managing nuisance dogs?**

A limited number of people made comments on this topic, and many made reference to specific incidents or observations, rather than the points outlined in the policy. Many of the matters commented on are operational, or can be addressed through non-policy means. A number are also matters controlled by the Dog Control Act 1996 (penalties, offences etc.)

Submitter response	Staff response
<ul style="list-style-type: none"> <li>▪ Harsher penalties</li> <li>▪ Roaming dogs in Kihikihi an issue</li> <li>▪ Should be requirement to fence dogs in</li> <li>▪ Roaming dogs in Cambridge</li> <li>▪ Not familiar with afterhours service (recorded in "education" )</li> <li>▪ Ban the chaining up of dogs</li> <li>▪ All non-breeding dogs should be de-sexed</li> <li>▪ Stronger rules to control barking dogs</li> <li>▪ Process to complain about barking dogs too easy</li> <li>▪ Educate people on correct use of bark collars etc.</li> <li>▪ Provide funding assistance to go towards de-sexing</li> <li>▪ Consider a demerit point system</li> <li>▪ Have an anonymous phone line/online</li> </ul>	<p>Many of these issues have been noted for inclusion in education initiatives.</p> <p>Use of Council's 0800 number and <a href="mailto:info@waipadc.govt">info@waipadc.govt</a> and the need to publicise these has already been raised with relevant staff.</p> <p>An 'anonymous' complaints process already exists through Councils website under the "Fix-it" request for service link (though it needs to be made clear anonymous complaints do not always support enforcement action)</p> <p>The Dog Control Act has a 'three strikes' provision where people receiving 3 infringements are automatically disqualified from owning a dog.</p>

complaint system.	
<b>Recommended changes:</b> The above are largely operational issues that can largely be addressed outside of the policy, or are issues controlled by the parent Act. A small amendment to clause 3.8.6 in respect to aggressive dogs at boundaries has been recommended a shown in appendix 5.	

**DELIBERATION POINT:**

**In the stance of the policy and bylaw in respect to “Nuisances” appropriate?**

**SUBMISSION QUESTION: Waipa District Council considers American Staffordshire Bull Terriers to be predominantly American Pit-bull Terrier types in the absence of pedigree breeding papers. Do you have any comments on this?**

This was expected to be an emotive issue, and submissions were from a range of view points. The majority agreed with the draft Council policy. There are many who do not appreciate that the breeds and types associated with classification are set by the Dog Control Act 1996, and the policy is intended to apply this in a clear and consistent manner. The key point is that the dog must still exhibit the characteristics of a pit-bull type. Comments included:

Submitter response	Staff response
<ul style="list-style-type: none"> <li>▪ Should extend to other breeds</li> <li>▪ Should not be breed based but behaviour based</li> <li>▪ Should be banned</li> <li>▪ I do not find it very good that staffies are classified as pit bulls under these circumstances, there is an obvious difference when sighting them and many people won't have breeding papers.</li> <li>▪ DNA of type of Staffordshire Bull Terrier if without history (be used to prove breed)</li> <li>▪ Let Waipa be the first community in NZ to ban Pit-Bull Terrier types in the Waipa District.</li> </ul>	<p>A range of responses were received. It is the reality that the Dog Control Act specifies the “breed and types” that must be classified. This provision is intended to assist Council in distinguishing “types” from “breeds”.</p> <p>Council has no ability to limit or extend the breeds to which this restriction applies.</p>
<b>Recommended changes:</b> The contrasting views on this topic appear to indicate that the current policy draft is appropriate. No policy changes recommended.	

**DELIBERATION POINT:**

**Is the policy view on menacing breed appropriate?**

**SUBMISSION QUESTION: Where destruction is the only practicable option, dogs will usually be euthanized by a qualified veterinarian. Do you have any comments on this?**

Most submitters were realistic that in some cases there is no alternative available to Council. There were a small number of submitters that stated Council should never euthanize a dog, or should pass it to another organisation with a no-euthanasia policy. The conflict for Council exists when this dog is then re-homed back into the community. As the question used the term “usually” some submitters asked what other methods would be used. In “at large” or attack situations, firearms may rarely be used. No policy amendment recommended.

**DELIBERATION POINT:**

**Does the policy or bylaw require any change in respect to euthanasia?**

**SUBMISSION QUESTION: We will not rehome any breeds that are required by law to be classified as menacing. This list of breeds can be found at [www.waipadc.govt.nz](http://www.waipadc.govt.nz). Do you have any comments on this?**

As this question relates to the classification on the basis of breed, there was a divergence of views. Many are of the view that a dog should not be classified by breed, and following on from that should be available for rehoming if they pass a temperament test and are matched with a suitable owner. This is a significant exercise for Council, particularly in cases where a dog has to be classified (including de-sexing) before being rehomed. Council or a delegated staff member do have discretion under the policy, and some of the points raised, such as collaboration can be addressed through non-policy means.

Submitter response	Staff response
<ul style="list-style-type: none"> <li>▪ More collaboration with other agencies</li> <li>▪ If person is responsible and dog neutered should be OK.</li> <li>▪ Should be temperament tested and if passed rehomed.</li> <li>▪ Just because they are classified as such doesn't mean each dog is menacing. Also your policy on treating staffies as pit bulls if no papers are available is just</li> </ul>	<p>A range of responses were received. It is the reality that the Dog Control Act specifies the “breed and types” that must be classified. This provision is intended to assist Council in distinguishing “types” from “breeds”.</p> <p>Council has no ability to limit or extend the breeds to which this restriction applies.</p>

<p>another excuse to get rid of as many of these dogs as possible.</p> <ul style="list-style-type: none"> <li>▪ relocate them to shelters that aren't so biased and brainwashed such as Waikato SPCA and let them give them a chance</li> <li>▪ I see the adoption stuff on face-book and other places and i think you do a great job</li> <li>▪ What would the public say if a known dangerous dog was rehomed by Waipa DC and harmed someone</li> <li>▪ Re-homed dogs are the best option and you guys seem to do it well</li> </ul>	<p>The risk to Council is that dogs are released back into the community, and should they offend, reflects badly on Council.</p> <p>There are costs in de-sexing, muzzles and testing that Council would incur.</p>
<p><b>Recommended changes:</b></p> <p>This is an emotive issue, however the policy reflects a view to rehoming as many suitable dogs as possible. No change to the policy is recommended.</p>	

**DELIBERATION POINT:**

**Does the policy and bylaw reflect the Council view on rehoming?**

**SUBMISSION QUESTION: Do you have any comments on the fees?**

It is expected that a Council will generally receive calls that fees are too high when such a question is asked, however responders largely felt the fees were reasonable. However there was a theme that people want, or at least need to be aware of, the value that they receive for their registration fees. Many also do not appear to be aware of the available discounts.

The Dog Control Act determines when dogs have to be registered, and sets the penalty provisions. The fees are not set through this policy, and many of the points will be considered when fees are next reviewed.

The comment that good dog owners were penalised by registration fees was raised on a number of occasions, with an explanation that all dog owners Council comes in contact with are required to register, so all pay the same base rate. Poor owners then pay additional penalties, fees, and fines.

The funding policy requires that approximately 90% of operating expenses are recovered from fees and charges. The balance, which includes stock control and related functions is funded from rates.

Submitter response	Staff response
<ul style="list-style-type: none"> <li>▪ Still high for what we get</li> <li>▪ More fines to increase revenue</li> <li>▪ Karapiro Residents don't get much</li> <li>▪ Lower Working dog fees</li> <li>▪ Responsible/"licensed" owners shouldn't have to pay</li> <li>▪ Could registration be at 7 months which gives owners time to get them neutered and follow the rules without additional fees.</li> <li>▪ Fees are very reasonable</li> <li>▪ Don't increase fees</li> <li>▪ Small dogs should be half price</li> <li>▪ Owners who follow the 'rules' (microchipped, neutered, registered, puppy school etc.) should pay less (get rebates)</li> <li>▪ Don't know what they get for registration (education issue)</li> <li>▪ I just get in the mail today that my dog registration has doubled!!! Wtf??? This council P&amp;^%\$ me off with the dumb laws so I hope something is done.</li> <li>▪ Fencing fee should be based on if dog has escaped</li> <li>▪ Registration too cheap for maintaining exercise areas</li> <li>▪ too cheap for the services we get compared to others</li> <li>▪ I liked the loyalty fee exemption you put in place one year</li> <li>▪ Gold card discount</li> <li>▪ exorbitant and would liken them to daylight robbery</li> <li>▪ why our council does not offer an NZKC Member discount</li> <li>▪ I would like to see rego apply after six months. This way dogs can be neutered and microchipped in the same</li> <li>▪ Advertise fencing inspections prior to registration</li> </ul>	<p>Striking a balance between fee income and unpredictable enforcement income is not easy.</p> <p>Poor dog owners do pay more than good owners.</p> <p>Council used to class base fees as "discounted" when paid on time, but this was changed to charging late payers a "penalty" which reflects the terminology of the Act.</p> <p>Registration fees have been maintained (or in some cases slightly reduced) over the past three years, with enforcement fees increasing. However higher enforcement fees result in lower re-claim rates.</p> <p>The submitters registration increased because their dog was classified as dangerous, which increases the fee. They were advised of this at the time of classification.</p> <p>Council has 'experimented' with a number of fees in the past, but any fee based on age, size, breed etc are very hard to justify, and manage.</p> <p>A number of owners suggested lower fees if they were members of the NZ Kennel Club as they also have to pay substantial fees to belong to the club. Staff respectfully suggest it should be the other way around, with priority given to the legal requirement to register.</p> <p>The Dog Control Act requires fees to be used only for activities under that Act.</p> <p>The Act requires dogs to be registered from three months of age.</p>

Submitter response	Staff response
<ul style="list-style-type: none"> <li>▪ A lot of dog owners feel that they are subsidising other "non dog" animal control services,</li> <li>▪ The fee of \$50 per dog is excessive.</li> <li>▪ Incredibly expensive and difficult to justify.</li> <li>▪ Waive the fee for service dogs i.e. pet therapy dogs - Canine Friends.</li> <li>▪ I do feel strongly against dog registration fees covering stock control.</li> </ul>	
<p><b>Recommended changes:</b></p> <p>As fees and charges are set annual through a separate process, no changes to the policy are recommended. These points have been noted and will be examined again through that process. It has also been noted that more effort is required to make dogs owners aware of what their money is spent on.</p>	

**DELIBERATION POINT:**

**Are there any general comments that have not been adequate addressed by the Policy, or by staff comments?**

**SUBMISSION QUESTION: General Comments**

An opportunity was given to responders to make comments on any related matter. These are summarised as follows:

Submitter response	Staff response
<ul style="list-style-type: none"> <li>▪ See Redwoods park in Rotorua</li> <li>▪ Consider ponds in parks</li> <li>▪ More doo poo bins and signs</li> <li>▪ Same rules should apply to cats</li> <li>▪ make it mandatory for vets to report dogs that have been attacked</li> <li>▪ More patrols on foot</li> <li>▪ More fines for dog poos</li> <li>▪ Should have anonymous complaints line</li> <li>▪ Make transfer of dogs seamless. Have to reproduce info to each Council (de-sexing certs etc.)</li> <li>▪ More enforcement against bad owners</li> </ul>	<p>As the nature of the question suggests, these are general comments on a range of issues. Those worthy of note have been considered in respect to the policy areas to which they relate.</p>

Submitter response	Staff response
<ul style="list-style-type: none"> <li>▪ Also local councils and police need to pay more attention to dog thefts as they deny that dogs are stolen for dog fighting rings and yet it happens all the time</li> <li>▪ Keep up the great work</li> <li>▪ i fail to see the reason for chipping bichons and other lap dogs</li> <li>▪ I think you do a good job in investigating complaints and helping people fix the behaviour</li> <li>▪ PLEASE can the council change the type of plastic licence tag currently issued.</li> <li>▪ It almost seems pointless paying by internet banking, when we still have to turn around and send in the signed form.</li> <li>▪ Have a reporting page on website</li> <li>▪ Council does a fantastic job</li> <li>▪ Waipa Caters well for dog owners</li> <li>▪ I would like to say that I am very impressed with the current services and have found the staff to be helpful, courteous and polite.</li> <li>▪ I see the rights of dogs being slowly eroded by this Council. Dogs having to be on leads is a classic example of this.</li> <li>▪ actually think Waipa DC is one of the best councils around for dogs</li> <li>▪ I think more dog control officers need to be present at the river area near the boat ramp in summer due to families and many dogs being present.</li> </ul>	
<p><b>Recommended changes:</b></p> <p>The above are largely operational issues that can largely be addressed outside of the policy. No policy changes recommended.</p>	

**DELIBERATION POINT:**

**Are there any general comments that have not been adequate address by the Policy, or by staff comments?**

## 5 SUMMARY OF RECOMMENDED AMENDMENTS

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Drafts of the Policy and Bylaw as they were prior to consultation are included as Appendix 3 and 4 of this report. In summary, the submissions appear to support a view that the Policy and Bylaw are fair and balanced, and as a result staff have recommended only minor changes to the body of the documents, mostly for the purpose of clarification.

The schedules of dog exercise and prohibited areas have been the subject of significant review. The starting point was the submission by Council's Property and Parks and Reserves Team as to what areas they support. Following the public submission process further meetings were undertaken to confirm an organisational view on the changes recommended to exercise areas. These will require final approval from those teams.

A summary of the recommended changes is included in **Appendix 5**.

Council staff have also gone to considerable lengths to investigate other exercise options, such as clarifying with the Department of Conservation the requirements for use of their reserves, and also private land owners such as Mighty River Power. A noting in respect to use of private land is proposed to be added to the bylaw. It is also noted that dog exercise areas and related equipment should be the subject of separate long term plan projects should the increased demand for these services continue.

Karl Tutty  
**ENVIRONMENTAL SERVICES TEAM LEADER**

Reviewed by Wayne Allan  
**MANAGER PLANNING & REGULATORY**

Approved by David Hall  
**GROUP MANAGER PLANNING & COMMUNITY RELATIONS**



## SUPPORTING INFORMATION: ASSESSMENT OF PROPOSAL

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### 1 Statutory and policy requirements

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The preparation of the Waipa District Council draft Dog Control Policy 2015 and Dog Control Bylaw 2015 together with the public consultation process for these documents has been undertaken in accordance with the provisions of the Local Government Act 2002 (the Act) and the Dog Control Act 1996.

#### **Dog Control Act 1996**

##### **“Section 10 Duty of territorial authorities to adopt policy on dogs’**

*(1) Every territorial authority must adopt, in accordance with the special consultative procedure set out in section 83 of the Local Government Act 2002, a policy in respect of dogs in the district of the territorial authority.”*

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

##### **“83 Special consultative procedure**

- (1) Where this Act or any other enactment requires a local authority to use or adopt the special consultative procedure, that local authority must—
- (a) prepare and adopt —
    - (i) a statement of proposal; and
    - (ii) if the local authority considers on reasonable grounds that it is necessary to enable public understanding of the proposal, a summary of the information contained in the statement of proposal (which summary must comply with section 83AA); and
  - (b) ensure that the following is publicly available:
    - (i) the statement of proposal; and
    - (ii) a description of how the local authority will provide persons interested in the proposal with an opportunity to present their views to the local authority in accordance with section 82(1)(d); and
    - (iii) a statement of the period within which views on the proposal may be provided to the local authority (the period being not less than 1 month from the date the statement is issued); and
  - (c) make the summary of the information contained in the statement of proposal prepared in accordance with paragraph (a) paragraph (a)(ii) (or the statement of proposal, if a summary is not prepared) as widely available as reasonably practicable as a basis for consultation; and
  - (d) provide an opportunity for persons to present their views to the local authority in a manner that enables spoken (or New Zealand sign language) interaction between the person and the local authority, or any

representatives to whom an appropriate delegation has been made in accordance with Schedule 7; and

(e) ensure that any person who wishes to present his or her views to the local authority or its representatives as described in paragraph (d)—

(i) is given a reasonable opportunity to do so; and

(ii) is informed about how and when he or she may take up that opportunity.

(2) For the purpose of, but without limiting, subsection (1)(d), a local authority may allow any person to present his or her views to the local authority by way of audio link or audio-visual link.

(3) This section does not prevent a local authority from requesting or considering, before making a decision, comment or advice from an officer of the local authority or any other person in respect of the proposal or any views on the proposal or both.”

## 2 Organisation strategic goals

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### Connected with our community - Consultation and communication

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The views of staff who implement the policy and bylaw have been recorded over time and a number of issues were identified.

Key stakeholder views were sought in late 2013 and included dog owners, who must be specifically consulted on the review. Issues identified have been assessed and included in the draft policy and bylaw as appropriate.

The Dog Control Act 1996 requires that all owners of registered dogs on Council’s database must be made aware of any changes to the policy and bylaw and be given the opportunity to comment. Dog owners were given notice of the review as part of their dog registration process, and a survey was undertaken to obtain their feedback.

Public notices were published in the Te Awamutu Courier and Cambridge Edition newspapers. The Council website also included a highlighted link on the homepage taking viewers to the ‘Have Your Say’ page where all consultation material was made available for electronic download. Submission responses could also be completed online.

Copies of the statement of proposal and the draft Dog Control Policy 2015 and Dog Control Bylaw 2015 were available from the front counter at both the Council’s public reception offices and at the District library buildings in Cambridge and Te Awamutu.

All submissions to the draft Dog Control Policy 2015 and Dog Control Bylaw 2015 have been acknowledged and each submitter will receive a written response following Council’s adoption of the policy.

### **Environmental/Cultural Champions- Environmental/cultural impacts**

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The policy and bylaw will give effect to the 'environmental and cultural champions' outcomes for our community. The focus of the policy and bylaw is to encourage a safe environment, and reduce nuisance issues in the community.

### **Socially Responsible - Community impacts**

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Council has a legislative responsibility under the LGA and the Dog Control Act 1996 to develop a policy and bylaw to manage dogs within the district. The requirements that are regulated through a bylaw have health and safety as well as 'public good' implications that impact upon Waipa's communities. Provision of dog control services is a statutory function Council is required to undertake.

## Appendix 1

Copies of Original Submissions (document number **15079408** - attached separately)

## Appendix 2

Discussion Session notes – key issues raised Document 15084935

	<p><b>Cambridge 2 September 5-6pm</b>  <b>Attendees: 2 members of the public, 5 Councillors, 2 staff</b>  <b>KEY ISSUES RAISED BY THE GROUP</b></p>
<p><b>1. DOG EXERCISE AREAS</b>            Are there enough areas where you can exercise your dog in our district?</p>	<ul style="list-style-type: none"> <li>• Free running dogs at Wordsworth Street, Leamington – this is near a kids playground; should not have free running dogs here.</li> <li>• Other exercise areas are ok – the exercise areas need to be located away from children. The fenced area opposite the cemetery is ok.</li> <li>• Interested in seeing a dog exercise area out at the Domain (near gate 3 - the fence is not good and would need to be fixed).</li> <li>• Waipuke Park raised – may be an opportunity.</li> <li>• We have better off-leash areas than Auckland. (Karl – staff are looking at dog adventure playgrounds). No territorial issues in the exercise areas as the dog is not protecting the area.</li> <li>• Sports fields, where there are no playgrounds, would be good additional exercise areas.</li> <li>• Plastic Surgeon noted that NZ has more dog attacks/bites to kids than any other country in the world.</li> <li>• We need to penalise more those owners that don't look after their dogs.</li> </ul>
<p><b>2. PROHIBITED AREAS</b>            Do you agree with the areas that have been identified as prohibited dog areas in our district?</p>	
<p><b>3. DOGS ON LEASHES</b>            Dogs must be on a leash at all times when on a park or reserve (unless it's a dog exercise area or an area that prohibits</p>	

<p>dogs) Do you agree with this?</p>	
<p><b>4. DOGS ON THE MAIN STREETS</b> Dogs can be walked in the main streets of our towns, as long as they are on a leash.</p>	<ul style="list-style-type: none"> <li>• As long as they are on a leash it is fine. Lake Te Koutu needs to be a leashed area, not free running like it is currently.</li> </ul>
<p><b>5. EDUCATION</b> Do you think these education sessions would be useful?</p>	<ul style="list-style-type: none"> <li>• Puppies need to go to puppy class – to train the owners. Children need to be taught how to deal with dogs.</li> </ul>
<p><b>6. NUMBER OF DOGS</b> We allow no more than two dogs to be kept on town properties, and no more than five dogs on land in any other area unless approved. Do you agree</p>	

with this?	
<p><b>7. NUISANCES</b> Every dog owner is required to take all steps possible to stop their dog from being a nuisance. <b>Do you have any comments on managing nuisance dogs?</b></p>	<ul style="list-style-type: none"> <li>• Wants to see more spaces for dogs to exercise.</li> <li>• Defecation – Watkin Road Reserve – people clean up the doggie poop and then throw the bags in the bushes (Karl - \$200 offence not to pick up poop).</li> <li>• Not picking up poop is a very real problem in exercise areas – signage in this area is NB.</li> </ul>
<p><b>8. MENACING DOGS AND DANGEROUS DOGS</b></p>	<ul style="list-style-type: none"> <li>• Attacks generally not done by pit bulls, mainly by pet dogs like corgis. (Karl provided a lot of information on types of dogs that can be controlled by Council and what can't be done by Council).</li> </ul>
<p><b>9. UNCLAIMED IMPOUNDED DOGS</b></p>	



<b>10. REHOMING DOGS</b>	<ul style="list-style-type: none"> <li>• Rehoming is great, but if there is no place for them to go, then they have to be euthanized.</li> <li>• Any unregistered dog should be euthanized. Too costly to keep these in the pound.</li> <li>• Puppies are difficult. (Karl – we have to keep the dog for 7 days, if the owner wants it back we have to give them).</li> </ul>
<b>11. FEES AND CHARGES</b>	<ul style="list-style-type: none"> <li>• Fees are higher here than in Auckland (Karl – rural zone fees will be lower. Dog fees are average compared to peer councils. Council's frozen the fee over the past 3 years, but penalties have gone up for bad owners).</li> <li>• At previous Council, submitter did a test and was able to reduce the fees on passing the test (licensing the owner). Suggested this as a way forward (Karl – will try to communicate better what the fees are spent on).</li> </ul>
<b>12. OTHER</b>	<ul style="list-style-type: none"> <li>• Fines are not nearly enough – people are the problem.</li> <li>• Unregistered dogs need to be euthanized on first instance; same applies to puppies if it's a 'bad breed' like pit bulls and the associated breeds.</li> <li>• Cats roaming are bad too – in Sydney they have a curfew for cats, they have to be kept inside at night.</li> </ul>

	<p><b>Te Awamutu 8 September 5-6pm</b>  <b>Attendees: 4 members of the public, 2 Councillors, 2 staff</b>  <b>KEY ISSUES RAISED BY THE GROUP</b></p>
<p><b>1. DOG EXERCISE AREAS</b>  Are there enough areas where you can exercise your dog in our district?</p>	<p>By netball courts – likes to let dog in water but access is difficult – what about providing access so that they can get into the water on a lead? (By the dog bin parking area for netball...)  Would be good to have a fenced area for new dogs, small dogs, safe area with obstacle course/training etc.  Armstrong/Velodrome area – can it be ‘dogs under control’ rather than ‘dogs on leash’?  Need to make areas interesting for dogs.</p>
<p><b>2. PROHIBITED AREAS</b>  Do you agree with the areas that have been identified as prohibited dog areas in our district?</p>	<p>DOC sites ban dogs outright.</p>
<p><b>3. DOGS ON LEASHES</b>  Dogs must be on a leash at all times when on a park or reserve (unless it’s a dog exercise area or an area that prohibits dogs) Do you agree with this?</p>	
<p><b>4. DOGS ON</b></p>	

<p><b>THE MAIN STREETS</b> Dogs can be walked in the main streets of our towns, as long as they are on a leash.</p>	
<p><b>5. EDUCATION</b> Do you think these education sessions would be useful?</p>	
<p><b>6. NUMBER OF DOGS</b> We allow no more than two dogs to be kept on town properties, and no more than five dogs on land in any other area unless approved. <b>Do you agree with this?</b></p>	
<p><b>7. NUISANCES</b></p>	

<p>Every dog owner is required to take all steps possible to stop their dog from being a nuisance.</p> <p><b>Do you have any comments on managing nuisance dogs?</b></p>	
<p><b>8. MENACING DOGS AND DANGEROUS DOGS</b></p>	
<p><b>9. UNCLAIMED IMPOUNDED DOGS</b></p>	
<p><b>10.</b></p>	

<p><b>REHOMING DOGS</b></p>	
<p><b>11. FEES AND CHARGES</b></p>	<p>Why is there still a registration fee? It's like a tax on dogs whereas other animals don't have to pay. It's the responsible ones who have to pay the fee...</p> <p>Can we have an anonymous phone line re dog issues? Can we advertise this? For informing/whistle blowing. Want an anonymous line.</p> <p>Need to promote what the fees and charges are for. Publicise the number of people prosecuted on the website etc.</p>
<p><b>12. OTHER</b></p>	<p>Is the increase in the number of dogs due to more dogs being registered through chasing them up?</p> <p>Is there a national database of microchipped dogs? (yes).</p> <p>To what extent is non-compliance?</p> <p>What about cats? Should they need to have their claws removed?</p> <p>Cambridge seems to have dog poop disposal bins but not Te Awamutu...?</p> <p>The lid on the dog poop bin is too heavy – in Kihikihi by the equestrian area. The one by the college is way out of the way.</p> <p>At registration can they have a velcro (I'm not sure what this was??).</p> <p>The curb into the college – who's responsible for it? By Montefiore Reserve – the bollards seem to jump out at you.</p>

	<p><b>Cambridge 8 September 2-3pm</b>  <b>Attendees: 9 members of the public, 5 Councillors, 4 staff</b>  <b>KEY ISSUES RAISED BY THE GROUP</b></p>
<p><b>1. DOG EXERCISE AREAS</b>  Are there enough areas where you can exercise your dog in our district?</p>	<p>Want some leniency in some areas regarding on leash.  Dog park by high school – area is ‘off leash’ – then they need to put the dog on leash – Swayne Road – this should be an ‘off leash’ areas – the arboretum? (intended for a cricket oval?). Could it be a seasonal thing re ‘on leash’ or could we mow a strip around it for dog exercise?  Need to make a good size exercise area on the other side of Cambridge to balance the one in Lamb Street.  Avantidrome dog one is narrow and has blind corners – even though it is a dog on lead area people can come upon a dog suddenly – poorly signposted.  Vogel Street – there is now a sign saying ‘no dogs’ – disappointed about that – track around the back...</p>
<p><b>2. PROHIBITED AREAS</b>  Do you agree with the areas that have been identified as prohibited dog areas in our district?</p>	
<p><b>3. DOGS ON LEASHES</b>  Dogs must be on a leash at all times when on a park or reserve (unless it’s a dog exercise area or an area that prohibits dogs) Do you agree with this?</p>	<p>Why is an area on leash only but it lies between 2 off leash areas?</p>

<p><b>4. DOGS ON THE MAIN STREETS</b></p> <p>Dogs can be walked in the main streets of our towns, as long as they are on a leash.</p>	<p>Don't want dogs banned on main streets.</p>
<p><b>5. EDUCATION</b></p> <p><b>Do you think these education sessions would be useful?</b></p>	<p>Owners and dogs need educating.</p> <p>Protect younger people – they need educating – awareness on how to cope with dogs.</p> <p>Should be a rebate for taking dogs to puppy training.</p> <p>Need education on dog etiquette/manners for owners. What is the etiquette around dogs? The ones who aren't behaving would be the ones who don't attend education – do we need demerit points for them?</p> <p>Just because you love your dog doesn't mean everyone will.</p>
<p><b>6. NUMBER OF DOGS</b></p> <p>We allow no more than two dogs to be kept on town properties, and no more than five dogs on land in any other area unless approved. <b>Do you agree with this?</b></p>	<p>Why doesn't Council adhere to only 2 dogs per property? Are you able to apply for exceptions (Karl – yes there is an application process).</p>

<p><b>7. NUISANCES</b> Every dog owner is required to take all steps possible to stop their dog from being a nuisance. <b>Do you have any comments on managing nuisance dogs?</b></p>	
<p><b>8. MENACING DOGS AND DANGEROUS DOGS</b></p>	
<p><b>9. UNCLAIMED IMPOUNDED DOGS</b></p>	



<p><b>10. REHOMING DOGS</b></p>	
<p><b>11. FEES AND CHARGES</b></p>	<p>Want fees waived for using dogs in pet therapy and for training/education. Is a member of K9 Friends where people visit rest homes with their dogs as therapy. Can Council waive the registration fee as per Rotorua DC? Public need education on what the fee covers – what they get for it.</p>
<p><b>12. OTHER</b></p>	<p>Want to give us praise – they come here to exercise their dogs because it is better than Hamilton.</p> <p>How to make footpaths safer – dogs being scary to people – aggressive, jumping fence. The dogs don't know their boundary. Need dog proof fences – double fence? Or fence to stop before the front of the section boundary.</p> <p>Signage concern – Athletic and Harrier Club grounds – for prohibited areas need larger signs and at the beginning and end of cycleways – e.g. Vogel Street.</p> <p>Want to leave Council a bouquet for the exercise area by the cemetery – it's wonderful. Also the socialisation of dogs at 9am (not sure what day or where?).</p> <p>We are limited in Waipa for areas to take dogs in rural areas e.g. Lake Karapiro. Why are we strict about dog poop when horses can poop where they like?</p>

	<p><b>Te Awamutu 8 September 10-11am</b>  <b>Attendees: 4 members of the public, 4 Councillors, 3 staff</b>  <b>Key Issues raised by the group</b></p>
<p><b>1. DOG EXERCISE AREAS</b>  Are there enough areas where you can exercise your dog in our district?</p>	<p>Fenced exercise areas – corner Factory Road needs fencing – too dangerous. Also Rewi Street needs fencing. Fence off from railway lines.  Need more big dog spaces – fenced safe areas. Top of Anchor Park? – bit fenced off down the bottom? Lake Ngaroto – shared dog exercise area? – perhaps shared hours – before 9am and after 5pm? Is there any risk to waterfowl? Need to ask the experts.  Yarndley’s Bush – needs more signage – need to discuss this area with Parks – also Lake Ngaroto. Why not Kakepuku? (DOC reserves?) – options for permits through DOC – can we put the process for obtaining these into our policy? Want some scenic reserves that are open to dogs (even on leash) – could link with the Australian training system – see below – showing control of dog – or muzzle dogs as a requirement.</p>
<p><b>2. PROHIBITED AREAS</b>  Do you agree with the areas that have been identified as prohibited dog areas in our district?</p>	
<p><b>3. DOGS ON LEASHES</b>  Dogs must be on a leash at all times when on a park or reserve (unless it’s a dog exercise area or an area that prohibits dogs) Do you agree with this?</p>	<p>Frustration with loose dogs and poop.</p>

<p><b>4. DOGS ON THE MAIN STREETS</b></p> <p>Dogs can be walked in the main streets of our towns, as long as they are on a leash.</p>	
<p><b>5. EDUCATION</b></p> <p><b>Do you think these education sessions would be useful?</b></p>	<p>Lack of education with looking after pets. Can we work with vets for education? Schools – teach kids how to handle dogs and deal with dangerous or threatening dogs. Puppy Playschool is good for the dogs (use staff from VE Vets to educate?). Need Owner education not dog training – could have meetings with dog owners (without the dogs) – where they could get a % off their registration the more training they've had. And/or where they obtain privileges with higher training/education as per Australia (NSW). Owners need to be licenced not dogs.</p>
<p><b>6. NUMBER OF DOGS</b></p> <p>We allow no more than two dogs to be kept on town properties, and no more than five dogs on land in any other area unless approved. <b>Do you agree with this?</b></p>	

<p><b>7. NUISANCES</b> Every dog owner is required to take all steps possible to stop their dog from being a nuisance. <b>Do you have any comments on managing nuisance dogs?</b></p>	<p>How do you police these things? E.g. permit system. Dogs need to be under control. Socialisation of dogs with other dogs can be an issue.</p>
<p><b>8. MENACING DOGS AND DANGEROUS DOGS</b></p>	
<p><b>9. UNCLAIMED IMPOUNDED DOGS</b></p>	

<b>10. REHOMING DOGS</b>	
<b>11. FEES AND CHARGES</b>	
<b>12. OTHER</b>	<p>What does the US do differently? Camp grounds are more dog friendly – camping/trailer parks with dogs is not so easy here.</p> <p>Need more plastic poop receptacles – in Memorial Park. The bins are great.</p> <p>Do vets check registration etc – shouldn't we work with vets on this – can we work closer with them – involve them in the policy review? Concern that people wouldn't take their dogs to the vet if they thought the registration etc would be checked. Needs to be done in secret. Can we or vets put something in the vaccination packs about registration and education?</p> <p>Could we encourage the public to let us know of issues – take photos of problem dogs etc?</p> <p>Do Dog Control Officers have the power to pursue dogs into private property? (Yes in Karl's view they do).</p> <p>Do we need volunteers for anything? (fostering, putting up posters etc)</p> <p>Do we have a Hotline number people can call – perhaps we could have cards available with the hotline number on it.</p> <p>Cambridge Wordsworth Street dog walk is great in Leamington for big dogs.</p>

<p><b>1. DOG EXERCISE AREAS</b> Are there enough areas where you can exercise your dog in our district?</p>	<p><b>Key Issues raised by the group Cambridge 8 September 2015</b></p> <ul style="list-style-type: none"> <li>▪ Inconsiderate cyclists are a problem for dog walkers at Lake Ngaroto – not enough room for both.</li> <li>▪ “The Groynes, Christchurch” recommended as a good example of a dog park.</li> <li>▪ Existing dog parks are boring. Need pathways, trees, planting etc. Access to shade and (river/lake) water requested, particularly in summer.</li> <li>▪ Small car-park across the dam on the right is an unofficial dog park area.</li> <li>▪ What is the status of Waipuke Park</li> <li>▪ Water/river access desirable</li> <li>▪ Carpark by Karapiro Dam (too rocky? Private ownership?)</li> <li>▪ “Timeshare” scheme for Lake Ngaroto, Victoria Square?</li> <li>▪ Centennial park could be great with bit of fencing.</li> <li>▪ Silly small area in Armstrong Ave – what about the stadium? (some of stadium proposed exercise area)</li> </ul>
<p><b>2. PROHIBITED AREAS</b> Do you agree with the areas that have been identified as prohibited dog areas in our district?</p>	<ul style="list-style-type: none"> <li>▪ Suggested “time share” at Victoria Square.</li> <li>▪ Signs are too small, hard to see. Need better signs and more of them.</li> <li>▪ What are the rules on private property (with owners consent)</li> <li>▪ Campgrounds (dog on lead if public, unless in dog prohibited area like Mighty River domain)</li> <li>▪ Status of DOC areas. What is their permit system.</li> </ul>
<p><b>3. DOGS ON LEASHES</b> Dogs must be on a leash at all times when on a park or reserve (unless it’s a dog exercise area or an area that prohibits dogs) Do you agree with this?</p>	<p>More enforcement required.</p>
<p><b>4. DOGS ON THE MAIN STREETS</b> Dogs can be walked in the main streets of our towns, as long as they are on a leash.</p>	
<p><b>5. EDUCATION</b> Do you think these education sessions would be useful?</p>	<ul style="list-style-type: none"> <li>▪ See Dr Sophia Yin’s website for dog park etiquette recommended.</li> <li>▪ Need to work with vets, other providers.</li> <li>▪ Less fees if owner does training?</li> <li>▪ Training for non-dog owners e.g. how to greet a dog.</li> </ul>

<p><b>6. NUMBER OF DOGS</b> We allow no more than two dogs to be kept on town properties, and no more than five dogs on land in any other area unless approved. <b>Do you agree with this?</b></p>	<p>Permits are too frequently issued and should only be issued in “exceptional” circumstances. It is unreasonable to keep more than two dogs on a property.</p>
<p><b>7. NUISANCES</b> Every dog owner is required to take all steps possible to stop their dog from being a nuisance. <b>Do you have any comments on managing nuisance dogs?</b></p>	
<p><b>8. MENACING DOGS AND DANGEROUS DOGS</b></p>	
<p><b>9. UNCLAIMED IMPOUNDED DOGS</b></p>	
<p><b>10. REHOMING DOGS</b></p>	

<b>11. FEES AND CHARGES</b>	Resonable but need to know what we "get". Less fees if owner does training? Gold card discounts Higher fees for bad owners Why is there a tax on dog owners (ask the MP!)
<b>12. OTHER</b>	More signs and enforcement needed. Anonymous complaints line or e-mail forum required (0800 and info@waipa highlighted).



## Appendix 3

Draft Waipa District Council Dog Control Policy 2015 Track change Version (document number 15060220)



# Dog Control Policy

2015

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<b>Policy Owner:</b>	Environmental Services

## Dog Control Policy 2015

### 1. Purpose and scope

- 1.1 The purpose of the Waipa District Council's Dog Control Policy is to implement the requirements of the Dog Control Act 1996 in maintaining a safe and healthy community, to protect children, and to provide for the needs of dogs and their owners. This will be achieved by a commitment to public education, combined with enforcement action where this is necessary.
- 1.2 Council's role is to administer the requirements of the Dog Control Act 1996 through the application of this policy and the associated bylaw.

### 2. Definitions

- 2.1 For the purposes of this Policy the following definitions shall apply:

Term	Definition
"Council"	means the Waipa District Council
"Dangerous Dog"	means a dog classified as dangerous pursuant to section 31 of the Dog Control Act 1996
"Delegated staff member"	Council officer with the formal delegation to consider the matter to which the reference refers.
"Disability Assist Dog"	means a dog certified by one of the following organisations as being a dog trained to assist (or as being a dog training to assist) a person with a disability: (a) Hearing Dogs for Deaf People in New Zealand (b) Mobility Assistance Dogs Trust (c) New Zealand Epilepsy Assist Dogs Trust (d) Royal New Zealand Foundation of the Blind (e) Top Dog Companion Trust (f) An organisation specified by Order of Council under Section 78D of the Dog Control Act 1996
"District"	means the District of Waipa as administered by the Waipa District Council
"Dog Control Officer"	shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996 and includes "Animal Control Officer"
"Dog"	shall mean any entire or neutered dog
"Dog Exercise Area"	means a public place designated in Schedule 1 hereto where a dog may be exercised off a leash but under control
"Dog Prohibited Area"	means a public place designated in Schedule 1 hereto where dogs are prohibited
"Dog Ranger"	shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996
"Dwelling"	a house, building, caravan or other structure that is self-contained and used

Term	Definition
	for residential purposes
"Hunting Dog"	shall mean any dog used for hunting game
"In season"	shall mean the oestrus or heat cycle of any bitch
"Infringement Offence"	shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996
"Land"	means contiguous lots in the same ownership irrespective of the number of dwellings
"Menacing dog"	means a dog classified as menacing pursuant to section 33A of the Dog Control Act 1996
"Muzzle"	means a basket type or similar muzzle that allows panting and drinking
"Occupier"	in respect to land or dwelling means the owner, or person residing at the address with the authority of the owner
"Owner"	In respect to a dog shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996
"Public Place"	shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996
"Urban Area"	means an area of Waipa District designated in Schedule 3
"Working Dog"	shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996

### 3. Guiding principles

- 3.1 This policy is written pursuant to Section 10 of the Dog Control Act 1996 ("the Act"). Council, in adopting this policy, must have regard to:
- (a) The need to minimise danger, distress, and nuisance to the community generally; and
  - (b) The need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults; and
  - (c) The importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
  - (d) The exercise and recreational needs of dogs and their owners.

### 4. Policies

#### 4.1. Education

- 4.1.1. Council places importance on assisting dog owners to meet their obligations. Council will have available at all times, a range of information material that is free of charge. All new dog owners, or owners new to the District, will be provided with an

information/registration pack. Dog owners subject to enforcement action may be required to undertake education.

- 4.1.2. Council will also ensure that there is a reasonable range of information for dog owners available for borrowing from public libraries within the district.

#### 4.2. **Dog Prohibited Areas**

- 4.2.1. The areas specified in Schedule One shall be dog prohibited areas. No owner, or person for the time being in charge of any dog, shall allow that dog to enter or be in or on any dog prohibited area (with the exception of a disability assist dog).

- 4.2.2. Council or a delegated staff member may grant consent, on request by any person or organisation, to allow the entry of dogs on to any dog prohibited area specified in Schedule One (dog prohibited areas), for example for a special event, subject to any conditions imposed. Requests must be made in writing at least six weeks prior to the requirement/event.

#### 4.3. **Dogs in Public Places - Dog on Leash Areas**

- 4.3.1 Dogs controlled on a leash may have access to any park or reserve or public place within the District, other than designated dog prohibited areas – see Schedule One for full list. (Note: this restriction does not apply to disability assist dogs and other working dogs that are there for the purpose of working – see interpretation of “working dog” above).

#### 4.4. **Dog Exercise Areas**

- 4.4.1 There are also public places within the Waipa District that are designated as dog exercise areas where dogs may be **EXERCISED OFF A LEASH BUT UNDER CONTROL** – these areas are specified in Schedule 2. [Council supports on-going development of dog exercise areas.](#)

- 4.4.2 No owner or person for the time being in charge of a dog shall allow that dog to be off a leash in any area other than a dog exercise area, or on private property with the consent of the owner or occupier.

#### 4.5. **Children’s Playgrounds**

- 4.5.1 All children’s playgrounds in public places, located within a designated dog exercise area will be fenced, and are dog prohibited areas.

#### 4.6. **Limit on number of dogs to be kept**

- 4.6.1 To protect dog welfare and reduce the likelihood of nuisance, no owner or occupier of any land within the urban areas specified in Schedule Three shall allow to remain or keep on the land for a period exceeding 14 days, more than two dogs in total at any one time (which exceed three months of age), and no occupier of any dwelling on land not specified in Schedule Three, shall allow to remain, or keep at the

dwelling for a period exceeding 14 days, more than 5 dogs in total at any one time (which exceed 3 months of age), unless the owner or occupier is the holder of a permit issued by Council or a delegated staff member (see Dog Control Bylaw and Council's website for more information on obtaining a permit). Permits will only be issued where there is sufficient justification to do so and Council is satisfied no nuisance will arise.

#### 4.7. **Minimum Standards for housing dogs**

4.7.1 Dogs need to be accommodated in appropriate housing for their welfare. This also assists in preventing nuisance conditions such as barking or wandering. The owner of every dog shall provide that dog with a weather proof kennel or place of shelter which shall:

- (a) Be constructed on a raised floor off the ground;
- (b) Be of sufficient size so as to allow the dog to stand up, move freely, stretch out and recline; and
- (c) Be kept in a clean and sanitary condition at all times.

4.7.2 The owner of every dog shall provide for the dog to have access to clean water on the owner's property at all times.

#### 4.8. **Fouling**

4.8.1 Dog owners must clean up after their dogs if the dog fouls in a public area.

#### 4.9. **Dog Faeces Bins**

4.9.1 Dog exercise areas will be provided, where possible, with sufficient litter bins to allow owners to immediately collect and dispose of dog faeces.

4.9.2 Bins will be located at the delegated staff member's discretion, but will not be located on private property or any place not accessible for cleaning, emptying and/or maintaining.

4.9.3 It shall be an offence for any person to damage or otherwise interfere with, including removing the contents of, any dog faeces bin, without the authority of Council or a delegated staff member.

#### 4.10. **Nuisances**

4.10.1 The owner of every dog is required to take all practicable steps to prevent the dog from being or becoming a nuisance (e.g. by its persistent barking, howling or whining). This includes confining bitches in season, to minimise providing an attraction to other dogs.

4.10.2 Dogs must be kept in conditions that do not create health issues for other dogs or people, which includes appropriate accommodation for sick or diseased dogs. No person shall tease or provoke a dog in a manner that may cause aggression or a

nuisance. An owner must take all reasonable steps to ensure that a dog does not injure, endanger, intimidate, or otherwise cause distress to any person.

#### 4.11. **Confinement and control of dogs**

4.11.1 Dogs must be confined or under control of the owner or a designated person responsible for its control at all times in the interest of public safety.

#### 4.12. **Uncontrolled Dogs**

4.12.1 Dogs that are regularly not under control cause a range of issues. Council or a delegated staff member may require an owner to de-sex a dog that has not been kept under control on two or more occasions in a 12 month period.

#### 4.13. **Menacing Dogs and Dangerous Dogs**

4.13.1 Council requires mandatory neutering of dogs classified as menacing in accordance with the provisions of the Act. There is evidence that neutering reduces a dogs desire to roam, and may reduce possible aggression.

4.13.2 If a dog has been classified as a menacing dog in another district, where it was not required to be neutered, but moves to the Waipa District, it will be a requirement for the dog to be neutered once residing in the Waipa District. Menacing dogs are also required to wear a muzzle in public.

4.13.3 Where an American Staffordshire Bull terrier displays the traits of being predominantly "American pit-bull type", in the absence of pedigree breeding papers it will be considered predominantly "American pit-bull type" as defined by schedule 4 of the Dog Control Act 1996.

4.13.4 Dogs classified as Dangerous in accordance with the Act are also required to be neutered, have fencing requirements applied, and must wear a muzzle in public.

4.13.5 A muzzle as required by this policy is defined as a basket type or similar muzzle that prevents biting, but allows open mouth panting and drinking. "Gentle Leaders", "Halti's" and other similar accessories are not considered to be muzzles under this policy.

#### 4.14. **Neutering of Dogs**

4.14.1 Council encourages neutering of dogs with the view that this will reduce the number of unwanted dogs being impounded, reduce the number of wandering dogs and dog offences.

4.14.2 Discounted fees are available for urban dogs that have been de-sexed, and all dogs rehomed from Council pounds are de-sexed at the time of rehoming, although exceptions may be permitted by a delegated staff member based on the age of the dog and/or veterinary advice.



4.14.3 Council may be able to assist with the cost of neutering of dogs that may not otherwise be de-sexed, provided the following criteria is met:

- (a) The dog is currently registered.
- (b) The owner has a low income/community services card.
- (c) The owner shows commitment to keeping the dog long-term and in a way that meets minimum welfare standards.
- (d) The owner keeps the dog controlled and confined to the property.

#### 4.15. **Unclaimed Impounded Dogs**

4.15.1 Where an impounded dog has not been claimed by its owner within the statutory seven day period following a written notice being received by the owner, or if an impounded dog has been surrendered, Council may dispose of the dog in a manner that it considers appropriate within the constraints of the law.

4.15.2 Where dogs cannot be re-homed, and destruction is the only practicable option, then dogs will generally be euthanased by a qualified veterinarian. In these cases, euthanasia will be undertaken as soon as practicable, and on an individual basis rather than a number of dogs at one time.

4.15.3 This policy does not preclude Council or a delegated staff member from administering an alternative humane method of destruction in circumstances where administering an injection is not practicable. In these cases, the dog will be suitably restrained, and health and safety considerations complied with at all times.

#### 4.16. **Rehoming Dogs**

4.16.1 Council or a delegated staff member will give priority to re-homing unclaimed or unwanted dogs where circumstances are appropriate to do so. Where a decision has been made to rehome an unclaimed pound dog, the dog may be held for an extended period in the pound, or placed into foster care. Dogs available for rehoming will be held in Council pounds only where there is sufficient capacity and where operational budgets can support this.

4.16.2 Any dog with a breed type listed in Schedule 4 (Menacing dogs) of the Act will not be rehomed, except where approval is given by the delegated staff member.

4.16.3 Any rehomed dog will be required to be registered and micro-chipped prior to adoption, at the cost of the new owner. Neutering and vaccination will also be required at the time of adoption, or within an agreed time-frame following adoption.

4.16.4 Any dog rehomed will have a trial period of two weeks for the new owner to assess the dog for suitability within the home environment. If the dog is returned during this time, the registration and micro-chip fee will be refunded. All other costs must be covered by the owner.

#### 4.17. **Offences, Penalties and Impounding**

- 4.17.1 The Act allows for a range of enforcement measures for breaches under the Act at the discretion of Council or a delegated staff member. Enforcement measures include prosecution, infringement notices, classification of the dog as dangerous or menacing, and the impounding of dogs.
- 4.17.2. Minor offences which have been the result of a genuine oversight or mistake may be treated as a “warning only” on the first occasion. Depending on the circumstances of each case, all other offences are likely to result in other penalties. However, each case will be treated on its merits.
- 4.17.3 A rating system, which takes a number of factors into consideration, is applied to more serious offences, e.g. dog bites/attacks, to ensure consistency in approach.
- 4.17.4 Council will consider undertaking a prosecution of owners and seek destruction of dogs responsible for serious attacks or repeated incidents, particularly if a dog is already classified as dangerous or menacing.

#### 4.18. **Probationary and Disqualified Dog Owners**

- 4.18.1 The Act provides the ability for Council to classify certain dog owners as probationary (section 21) or to disqualify certain dog owners from owning dogs (section 25).
- 4.18.2 Classification as a probationary owner means the person is unable to own any dog (except for dogs already registered by that person at the time of the offence) for a two year period following the classification.
- 4.18.3 Disqualification means the person cannot own any dog for up to a five year period following the disqualification.
- 4.18.4 Council or a delegated staff member may require a person that is classified as probationary to undertake, at his or her own expense, a dog owner education programme and/or dog obedience course approved by Council pursuant to section 23A of the Act.

#### 4.19. **Fees and Charges**

- 4.19.1 Registration fees are payable by owners of all dogs over three months of age.
- 4.19.2 Council approves a schedule of fees and charges each year by resolution in relation to the registration of dogs, and also impounding charges for both dogs and stock.
- 4.19.3 Council’s current policy is to cover operational costs through both fees and charges and general rates, which helps to keep registration fees at a reasonable level.
- 4.19.4 Discounts off registration fees are available to dog owners who meet certain criteria, such discounts and criteria to be set by Council as part of reviewing and approving the annual fees and charges.

4.19.5 Subject to the Act, fees and charges should be paid in full unless exceptional circumstances can be shown, to be determined by the delegated staff member.

#### 4.20. Co-operation with Other Agencies

4.20.1 Council will work with NZ Police, the Ministry for Primary Industries, and the Society for Prevention of Cruelty to Animals, and other agencies working with animals to achieve the object of the Dog Control Act 1996 or the Animal Welfare Act 1999.

#### 4.21. Exemptions from policy

4.21.1 ~~Subject to clause 4.2.2,~~ Council may grant exemptions from this policy where it considers this prudent.

### 5. Amendments

5.1 This policy may be amended when required subject to the provisions of the Act.

### 6. Application and review

6.1 The policy will be reviewed as required, to meet the needs of the organisation and best practice.

6.2 The policy will take effect from the date it is signed by both the policy owner and Chief Executive; however a one (1) year period from that point will be allowed for implementation and full compliance to be achieved.

Signed:

Date:

Wayne Allan  
**MANAGER – PLANNING AND REGULATORY (POLICY OWNER)**

Signed:

Date:

Garry Dyet  
**CHIEF EXECUTIVE**

## Schedule One: Dog Prohibited areas

The below areas are prohibited to dogs and are specifically detailed on Council maps, which may be amended from time to time.

WARD	
Cambridge	<ul style="list-style-type: none"> <li>- Victoria Square, <a href="#">Victoria Street</a></li> <li>- Cambridge Swimming Pool, <a href="#">Williamson Street</a></li> <li>- Cambridge Cemetery (Hautapu), <a href="#">Hannon Road</a></li> <li>- <a href="#">John Kerkof Park</a> Cambridge Soccer Grounds, Vogel Street <del>(excludes town belt pedestrian circuit track corridor)</del></li> <li>- Cambridge Athletic and Harrier Club grounds, Vogel Street <del>(excludes town belt pedestrian circuit track corridor which is dog on lead)</del></li> <li>- Cambridge Rugby Sub-Union grounds, Taylor Street</li> <li>- Leamington Sports ground, Carlyle Street (playing fields only)</li> </ul>
Te Awamutu	<ul style="list-style-type: none"> <li>- Te Awamutu Rose Gardens, <a href="#">Gorst Avenue</a></li> <li>- Te Awamutu Events Centre, <a href="#">Selwyn Lane</a></li> <li>- <del><a href="#">Albert Park</a>, <a href="#">Albert Park Drive</a> Te Awamutu Rugby Sports and Recreation Club grounds (Albert Park)</del></li> <li>- Kihikihi Cemetery, <a href="#">Oliver Street</a></li> <li>- Jean Gatton Reserve <a href="#">Church Street</a>, (Kihikihi)</li> <li>- <a href="#">Yardley's Bush</a>, <a href="#">Ngaroto Road</a></li> </ul>
Pirongia	<ul style="list-style-type: none"> <li>- Pirongia Rugby Football Club, <a href="#">Kane Street</a></li> <li>- Pirongia Cemetery, <a href="#">Oak Lane</a></li> <li>- Paterangi Cemetery, <a href="#">Chr Sing and Paterangi Roads</a></li> <li>- <del><a href="#">Ōhaupo Memorial Park (upper field)</a>, <a href="#">Forkert Road</a> Upper field of the Ōhaupo Rugby Club sports grounds</del></li> </ul>
Maungatautari	<ul style="list-style-type: none"> <li>- Mighty River Domain (Karapiro Domain) <del>– excludes that part of Te Awa River Ride within the Maungatautari Road corridor : Te Awa River Ride is “dog on leash” and excludes the Gate 3 dog exercise area.</del></li> <li>- Pukerimu Cemetery, <a href="#">Kaipaki Road, Cambridge</a></li> <li>- Maungatautari Scenic Reserve, <a href="#">Pukeatua</a></li> </ul>
All Areas	<ul style="list-style-type: none"> <li>- <del><a href="#">Within any fenced public playground or play area, or within 5m of any unfenced public playground or play area</a> <a href="#">In the immediate vicinity of any public playground or play area</a></del></li> <li>- Reserves where animals are being grazed</li> <li>- All Department of Conservation Reserves <del>unless a permit has been obtained from the Department with the exception of wetland areas when being used for the purpose of hunting (permit required).</del></li> </ul>

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The following schools/pre-schools have also designated their grounds as prohibited:

WARD	AT ALL TIMES
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WARD	AT ALL TIMES
Cambridge	<ul style="list-style-type: none"> <li>- Cambridge High School, Swayne Road</li> <li>- Cambridge <a href="#">Early Learning Childcare</a> Centre, Fort Street</li> <li>- Cambridge Primary School, Wilson Street</li> <li>- Cambridge Middle School, Clare Street</li> <li>- Leamington School, Lamb Street</li> <li>- Cambridge East School, <a href="#">Williams Street</a></li> <li>- Leamington Playcentre, <a href="#">Cnr Burns and Thompson Streets</a></li> </ul>
Te Awamutu	<ul style="list-style-type: none"> <li>- Te Awamutu Primary School, <a href="#">Teasdale Street</a></li> <li>- Pekaia School, <a href="#">Te Rahu Road</a></li> <li>- Kihikihi School, <a href="#">Whitmore Street</a></li> <li>- St Patricks School, <a href="#">Alexandra Street</a></li> <li>- Kihikihi Kindergarten, <a href="#">Linden Street</a></li> </ul>
Takepuku	<ul style="list-style-type: none"> <li>- Wharepapa School, <a href="#">Wharepapa South Road</a></li> <li>- Puahue School, <a href="#">Puahue Road</a></li> <li>- Pokuru Primary School, <a href="#">Pokuru Road</a></li> </ul>
Pirongia	<ul style="list-style-type: none"> <li>- Pirongia School, <a href="#">Beechey Street</a></li> <li>- Ngahinapouri School, <a href="#">Kakaramea Road</a></li> <li>- Kaipaki School, <a href="#">Kaipaki Road</a></li> <li>- Ohaupo Primary School, <a href="#">State Highway 3</a></li> </ul>
Maungatautari	<ul style="list-style-type: none"> <li>- Hautapu School, <a href="#">Cnr Forrest and Hautapu Roads</a></li> <li>- Te Miro School, <a href="#">Te Miro Road</a></li> </ul>

All schools/pre-schools listed will be responsible for providing and maintaining their own signage in relation to these designations.

## Schedule Two: Dog exercise Areas **(indicative only – not confirmed)**

WARD	LOCATION
Cambridge	<ul style="list-style-type: none"> <li>- McKinnon Park, Taylor Street</li> <li>- Oak Arboretum Taylor Street</li> <li>- Gasworks Site, Alpha Street, <del>(east of cycleway only)</del></li> <li>- <del>Bryan (Blackie) Mayo Reserve, Walkway in greenbelt</del> from Thornton Road to Watkins Road</li> <li>- <del>Settlers Track to Riverside Park, River walkway from</del> Dominion Avenue</li> <li>- <del>Te Koo Utu Park Lower Te Koutu Park, Albert Street (lake area)</del></li> <li>- <del>Camellia Path, Lake Te Koutu</del></li> <li>- Gil Lumb Park, Pope Terrace</li> <li>- Polo grounds at Lamb Street (<del>except access excluded</del> when in use for Polo)</li> <li>- <del>Old Cambridge Landfill (closed), Shelley Street, Cambridge</del></li> <li>- <del>Tree Trust Walkway, Addison Street to Leamington Cemetery Walkway from Addison Street through to Wordsworth Street</del></li> <li>- <del>Vogel Place</del></li> <li>- <del>The dog exercise area Wordsworth Street east and perimeter of sports field Leamington Domain, Wordsworth Street</del></li> <li>- <del>Carlyle Street Walkway between Lamb Street and Wordsworth Street</del></li> <li>- <del>Walkway between Madison Street and Watkins Road in the town belt</del></li> </ul>
Te Awamutu	<ul style="list-style-type: none"> <li>- Anchor Park <del>(back half area)</del> proximity of Raeburne and Colgan Streets</li> <li>- Centennial Park, Rewi Street <del>(west of skateboard park)</del></li> <li>- <del>Bygrave Place Reserve (except when grazed)</del></li> <li>- <del>Eileen Montefiore Montifore</del> Park, Factory Road (excluding the walkway to Factory Road)</li> <li>- Turere <del>Park, Turere Lane Reserve</del></li> <li>- <del>Rear area of</del> Sculpture Part, accessed off Albert Park and Domain Drive <del>until</del> such time it is required for another purpose</li> <li>- Rear of Memorial Park through to Racecourse Road</li> <li>- Kihikihi Domain <del>Oliver Street (except when exclusive use is required for events or site bookings) (site bookings will take precedence)</del></li> <li>- <del>Old Kihikihi Landfill (closed) Site - Leslie Street (Kihikihi)</del></li> <li>- <del>Ash Grove, Chatsfield Drive Reserve</del></li> <li>- Te Rahu Road Reserve, <del>246 Te Rahu Road</del></li> <li>- Rosehill <del>Park Reserve, Laird Place (when developed)</del></li> <li>- <del>Te Awamutu Stadium Fairview Road to Armstrong Avenue, Grass embankments (when not in use for sports events)</del></li> <li>- <del>Mahana Lane Reserve, Mahana Lane</del></li> </ul>
Pirongia	<ul style="list-style-type: none"> <li>- Lake Ngaroto <del>Bank Road</del> (note: walkway around the lake <u>is</u> dog on leash)</li> <li>- <del>Old Pirongia Landfill (closed), Kane Street, Pirongia</del></li> <li>- River walkway, <del>Crozier Street north</del>, Pirongia</li> </ul>

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WARD	LOCATION
Maungatautari	- <u>Mighty River Domain – Gate 3 grassed carpark (when not in use for events)</u>

Dogs may be exercised off-leash, but under control in the above areas which are specifically detailed on Council maps, which may be amended from time to time.

Other areas in private ownership or not otherwise under Council control, may be used to exercise dogs off lead with the owner's permission provided dogs remain under control.

### Schedule Three: Urban Areas

Properties in the following areas are considered urban for the purposes of this bylaw:

- Te Miro Settlement
- Bruntwood Settlement
- Cambridge township including Leamington
- Hautapu Settlement
- Fencourt Settlement
- Karapiro Settlement
- Kihikihī township
- Ohaupo township
- Ngahinapouri settlement
- Te Pahu Settlement
- Pirongia township
- Rukuhia Settlement
- Lowe Road/Peacockes Road Settlement
- Airport Settlement (Ohaupo Road/Robertson Road)
- Te Awamutu township
- Te Mawhai Settlement
- Tokanui Settlement (Including The Crescent and Croasdale Road)

**NOTE: The boundaries of the above urban areas are specifically detailed on Council maps, which may be amended from time to time.**

The above may differ from urban areas shown in Council's District Plan or other documents.

DRAFT



## Appendix 4

Draft Waipa District Council Dog Control Bylaw 2015 Track change Version (document number 15060132)



# Dog Control Bylaw

2015

This bylaw is made by the Waipa District Council under the powers given to it by the Local Government Act 2002 and the Dog Control Act 1996 and their respective amendments.

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First adopted:	1997
Revision dates/version:	2015
Next review date:	2025
Engagement required:	S83 Local Government Act 2002
Document number:	15060132
Associated documents:	Dog Control Bylaw 2015
Policy Owner:	Environmental Services

## 1. Purpose and Scope

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### 1.1. General

- 1.1.1. This Bylaw shall be cited and referred to as the "Waipa District Council Dog Control Bylaw 2015."
- 1.1.2. 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.
- 1.1.3. The purpose of this Bylaw is to support and give effect to the Waipa District Dog Control Policy 2015. Its objectives include to:
- (a) Protect the public from nuisance;
  - (b) Maintain public health and safety;
  - (c) Minimise the potential for offensive behaviour;
  - (d) Minimise danger, distress, and nuisance to the community generally;
  - (e) To avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children;
  - (f) Enabling the public to use streets and public amenities without fear of attack or intimidation by dogs; and
  - (g) Provide for the exercise and recreational needs of dogs and their owners.
- 1.1.4. This Bylaw is in addition to the following:
- (a) Dog Control Act 1996 (the Act)
  - (b) The Animal Welfare Act 1999
  - (c) Local Government Act 2002
  - (d) Operative Waipa District Plan
  - (e) Proposed District Plan

## 2. Definitions

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

Term	Definition
"Council"	means the Waipa District Council
"Dangerous Dog"	means a dog classified as dangerous pursuant to section 31 of the Dog Control Act 1996
"Delegated Officer"	Means the Council officer with the formal delegation to consider the matter to which the reference refers.

Term	Definition
<b>"Disability Assist Dog"</b>	means a dog certified by one of the following organisations as being a dog trained to assist (or as being a dog training to assist) a person with a disability: (a) Hearing Dogs for Deaf People in New Zealand (b) Mobility Assistance Dogs Trust (c) New Zealand Epilepsy Assist Dogs Trust (d) Royal New Zealand Foundation of the Blind (e) Top Dog Companion Trust (f) An organisation specified by Order of Council under Section 78D of the Dog Control Act 1996
<b>"District"</b>	means the District of Waipa as administered by the Waipa District Council
<b>"Dog Control Officer"</b>	shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996 and includes "Animal Control Officer"
<b>"Dog"</b>	shall mean any entire or neutered dog
<b>"Dog Exercise Area"</b>	means a public place designated in Schedule 2 hereto where a dog may be exercised off a leash but under control
<b>"Dog Prohibited Area"</b>	means a public place designated in Schedule 1 hereto where dogs are prohibited
<b>"Dog Ranger"</b>	shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996
<b>"Dwelling"</b>	a house, building, caravan or other structure that is self-contained and used for residential purposes
<b>"Hunting Dog"</b>	shall mean any dog used for hunting game
<b>"In season"</b>	shall mean the oestrus or heat cycle of any bitch
<b>"Infringement Offence"</b>	shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996
<b>"Land"</b>	means contiguous lots in the same ownership irrespective of the number of dwellings
<b>"Menacing dog"</b>	means a dog classified as menacing pursuant to section 33A of the Dog Control Act 1996
<b>"Muzzle"</b>	means a basket type or similar muzzle that allows panting and drinking
<b>"Occupier"</b>	in respect to land or dwelling means the owner, or person residing at the address with the authority of the owner
<b>"Owner"</b>	in respect to a dog shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996
<b>"Public Place"</b>	shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996
<b>"Urban Area"</b>	means an area of Waipa District designated in Schedule 3
<b>"Working Dog"</b>	shall have the same meaning as ascribed to it in Section 2 of the Dog Control Act 1996

### **3. Requirements**

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#### **3.1. Dog Prohibited Areas**

- 3.1.1. The areas specified in Schedule 1 shall be dog prohibited areas. No owner, or person for the time being in charge of any dog, shall allow that dog to enter or to be in or on any dog prohibited area specified in Schedule 1, (with the exception of a disability assist dog).
- 3.1.2. Council or a delegated staff member may approve an exemption from the dog prohibition in these areas for an event, as detailed in the Waipa District Dog Control Policy 2015.

#### **3.2. Dogs in Public Places – Dog on Leash Areas**

- 3.2.1. Dogs controlled on a leash may have access to any park, reserve or public place within the District, other than designated dog prohibited areas specified in Schedule 1. [Note: this restriction does not apply to disability assist dogs and other working dogs that are there for the purpose of working].
- 3.2.2. It shall be a defence that any hunting dog found in a public place without a leash is under the immediate supervision of a currently licensed or permitted game hunter who is using the dog for the immediate purpose, of locating and/or retrieving game.
- 3.2.3. It shall also be a defence that any hunting dog found in a public place without a leash is under the immediate supervision of a currently licensed firearms owner who is using that unleashed dog for the immediate purpose of locating and/or retrieving game.
- 3.2.4. In both 3.2.2 and 3.2.3 above, the onus shall fall on the hunter/shooter to demonstrate that he or she was legally entitled to be in that public place and to demonstrate that the unleashed dog was under his, or her full control.

#### **3.3. Dog Exercise Areas**

- 3.3.1. The areas specified in Schedule 2 shall be dog exercise areas where dogs may be exercised off a leash but under control. No owner or person for the time being in charge of any dog shall allow that dog to be off a leash in any area other than a dog exercise area, or in a private property with the consent of the owner or occupier.
- 3.3.2. Any person for the time being in charge of any dog in a dog exercise area shall keep the dog under their control at all times, and not cause any offence under the Act.

#### **3.4. Limit on Number of Dogs to be kept**

- 3.4.1. No occupier of any land within the urban areas specified in Schedule 3 shall allow to remain, or keep on the land for a period exceeding 14 days, more than 2 dogs in

total at any one time (which exceed 3 months of age), unless the occupier is the holder of a permit issued by the Council or a delegated staff member.

- 3.4.2. No occupier of any dwelling on land not specified in Schedule 3, shall allow to remain, or keep at the dwelling for a period exceeding 14 days, more than 5 dogs in total at any one time (which exceed 3 months of age), unless the occupier is the holder of a permit issued by the Council or a delegated staff member.
- 3.4.3. Any person desiring to allow or keep more than the permitted number of dogs on their premises or land shall make written application to the Council for a permit and shall furnish the Council with such information as it may reasonably require in relation to the application.
- 3.4.4. A permit may be issued ~~where Council is satisfied sufficient justification exists, upon~~ and subject to such terms, conditions and restrictions as the Council or a delegated officer may specify to avoid any potential nuisance.
- 3.4.5. Council may from time to time by resolution fix an application fee for a permit to keep more than the permitted number of dogs. Such a fee shall be payable upon application and will be additional to any registration fees.

### **3.5. Minimum standards for housing dogs**

- 3.5.1. The owner of every dog shall provide that dog with a weather proof kennel or place of shelter which shall:
- (a) Be constructed on a raised floor off the ground;
  - (b) Be of sufficient size so as to allow the dog to stand up, move freely, stretch out and recline; and
  - (c) Be kept in a clean and sanitary condition at all times.
- 3.5.2. The owner of every dog shall provide for the dog to have access to clean water when on the owner's property at all times.

### **3.6. Fouling**

- 3.6.1. The owner of any dog that defecates in a public place, or on land or premises other than that occupied by the owner, must immediately remove those faeces.

### **3.7. Dog Faeces Bins**

- 3.7.1. It shall be an offence for any person to damage or otherwise interfere with, including removing the contents of, any dog faeces bin, without the authority of Council or a delegated staff member.

### **3.8. Nuisances**

- 3.8.1. The owner of every bitch in season shall:

- (a) Keep it continuously confined whilst it is in season in a manner which prevents its escape and which prevents entry to the area of confinement by other dogs.
- (b) Ensure that it receives adequate exercise.

3.8.2. The owner of every dog shall take all practicable steps to prevent the dog from being or becoming a nuisance (e.g. by persistent barking, howling or whining).

3.8.3. No person shall keep any dog under conditions which are offensive or likely to be injurious to the health of the dog or any person.

3.8.4. Any owner or person having control or charge of any diseased dog shall confine that dog to their property at all times.

3.8.5. No person shall deliberately tease, annoy, or provoke any dog in a manner that may cause the dog to become distressed, or may cause the dog to become aggressive, unmanageable or a nuisance, including teasing through a fence or gate whether from a public place or private property.

3.8.6. The owner of every dog shall take all reasonable steps to ensure that the dog does not injure, endanger, intimidate, or otherwise cause distress to any person by behaviour such as aggressive barking or rushing at the fence or property boundary in an aggressive manner whether in public or on private property, including persons on neighbouring properties.

### **3.9. Confinement and Control of Dogs**

3.9.1. The owner of every dog in the District shall ensure that the dog is not at large and is securely confined to the owner's property or premises at all times unless it is in the possession of a responsible person, under direct control and in compliance with all parts of this bylaw.

### **3.10. Uncontrolled Dogs**

3.10.1. The owner of any dog that has not been kept under their control on two or more occasions in any twelve month period may be required by Council or a delegated staff member to have that dog neutered, whether or not the owner of the dog has been convicted of an offence against Section 53 of the Act.

### **3.11. Menacing Dogs and Dangerous dogs**

3.11.1. Council requires mandatory neutering of dogs classified as menacing in accordance with the provisions of the Act.

3.11.2. If a dog has been classified as a menacing dog in another district, where it was not required to be neutered, but moves to the Waipa District, it will be a requirement for the dog to be neutered once residing in the Waipa District.

3.11.3. Menacing dogs must wear a muzzle in public.



3.11.4. Dogs classified as Dangerous in accordance with the Act are also required to be neutered, have fencing requirements applied, and must wear a muzzle in public pursuant to the requirements of that Act.

### **3.12. Impounding**

3.12.1. All dogs over three months of age must be registered with Council as required by the Act.

3.12.2. Any Dog Control Officer, Dog Ranger or NZ Police officer may impound any dog found at large in breach of this Bylaw whether or not that dog is wearing a collar, and has the proper registration label or disk attached. The provisions of Sections 69 and 69A of the Act shall apply with any necessary alterations or modifications as if those provisions were incorporated in this Bylaw.

### **3.13. Probationary and Disqualified Dog Owner**

3.13.1. Council or a delegated staff member may require a person that is classified as probationary to undertake, at his or her own expense, a dog owner education programme and/or dog obedience course approved by Council pursuant to section 23A of the Act.

## **4. Fees**

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### **4.1. Payment**

4.1.1. Fees in respect of this Bylaw are as set out in Council's Schedule of Fees and Charges.

### **4.2. Fees and charges**

4.2.1. Fees and Charges in respect of this Bylaw may be amended from time to time in accordance with section 150 of the Local Government Act 2002.

## **5. Offences and Penalties**

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### **5.1. Offences**

5.1.1. Section 20(5) of the Act provides that every person who commits a breach of this Bylaw commits an offence and is liable for the penalties described by Section 242(4) of the Local Government Act 2002 which, as at the date of making the Bylaw, is a fine not exceeding \$20,000.

5.1.2. Section 65 of the Act permits an infringement fee for the amount specified in the First Schedule to that Act to be imposed in respect of each offence described.

## 6. Revocation

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The Waipa District Dog Control Bylaw 2009 is hereby revoked.

## 7. Application and review

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- 7.1 The policy will be reviewed as required, to meet the needs of the organisation and best practice.
- 7.2 The policy will take effect from the date it is signed by both the policy owner and Chief Executive; however a one (1) year period from that point will be allowed for implementation and full compliance to be achieved.

Signed:

Date:

Wayne Allan  
**Manager – Planning and Regulatory (POLICY OWNER)**

Signed:

Date:

Garry Dyet  
**CHIEF EXECUTIVE**

The foregoing Bylaw was made by the **WAIPA DISTRICT COUNCIL** by Special Consultative Procedure and confirmed at a meeting of Council held on [date]. This Bylaw becomes operative on the [date].

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

.....Mayor

.....Chief Executive

## Schedule One: Dog Prohibited areas **(additions indicative only)**

The below areas are prohibited to dogs and are specifically detailed on Council maps, which may be amended from time to time.

WARD	
Cambridge	<ul style="list-style-type: none"> <li>- Victoria Square, <u>Victoria Street</u></li> <li>- Cambridge Swimming Pool <u>Williamson Street</u></li> <li>- Cambridge Cemetery (Hautapu) <u>Hannon Road</u></li> <li>- <u>John Kerkof Park</u> Cambridge Soccer Grounds, Vogel Street <b>(excludes town belt pedestrian circuit track corridor)</b></li> <li>- Cambridge Athletic and Harrier Club grounds, Vogel Street <b>(excludes town belt pedestrian circuit track corridor which is dog on lead)</b></li> <li>- Cambridge Rugby Sub-Union grounds, Taylor Street</li> <li>- Leamington Sports ground, Carlyle Street (playing fields only)</li> </ul>
Te Awamutu	<ul style="list-style-type: none"> <li>- Te Awamutu Rose Gardens <u>Gorst Avenue</u></li> <li>- Te Awamutu Events Centre <u>Selwyn Lane</u></li> <li>- <u>Albert Park, Albert Park Drive</u></li> <li>- <u>Te Awamutu Rugby Sports and Recreation Club grounds (Albert Park)</u></li> <li>- Kihikihi Cemetery <u>Oliver Street</u></li> <li>- <u>Jean Gatton Reserve Church Street, (Kihikihi)</u></li> <li>- <u>Yardley's Bush, Ngaroto Road</u></li> </ul>
Pirongia	<ul style="list-style-type: none"> <li>- Pirongia Rugby Football Club <u>Kane Street</u></li> <li>- Pirongia Cemetery <u>Oak Lane</u></li> <li>- Paterangi Cemetery <u>Cnr Sing and Paterangi Roads</u></li> <li>- <u>Ōhaupo Memorial Park (upper field), Forkert Road Upper field of the Ōhaupo Rugby Club sports grounds</u></li> </ul>
Maungatautari	<ul style="list-style-type: none"> <li>- Mighty River Domain (Karapiro Domain) <b>– excludes that part of Te Awa River Ride within the Maungatautari Road corridor : Te Awa River Ride is “dog on leash” and excludes the Gate 3 dog exercise area.</b></li> <li>- Pukerimu Cemetery, <u>Kaipaki Road, Cambridge</u></li> <li>- Maungatautari Scenic Reserve, <u>Pukeatua</u></li> </ul>
All Areas	<ul style="list-style-type: none"> <li>- <u>Within any fenced public playground or play area, or within 5m of any unfenced public playground or play area</u></li> <li>- <u>In the immediate vicinity of any public playground or play area</u></li> <li>- Reserves where animals are being grazed</li> <li>- All Department of Conservation Reserves <b>unless a permit has been obtained from the Department with the exception of wetland areas when being used for the purpose of hunting (permit required)</b></li> </ul>

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The following schools/pre-schools have also designated their grounds as prohibited:

WARD	AT ALL TIMES
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WARD	AT ALL TIMES
Cambridge	<ul style="list-style-type: none"> <li>- Cambridge High School, Swayne Road</li> <li>- Cambridge <a href="#">Early Learning Childcare</a> Centre, Fort Street</li> <li>- Cambridge Primary School, Wilson Street</li> <li>- Cambridge Middle School, Clare Street</li> <li>- Leamington School, Lamb Street</li> <li>- Cambridge East School, <a href="#">Williams Street</a></li> <li>- Leamington Playcentre, <a href="#">Cnr Burns and Thompson Streets</a></li> </ul>
Te Awamutu	<ul style="list-style-type: none"> <li>- Te Awamutu Primary School, <a href="#">Teasdale Street</a></li> <li>- Pakerau School, <a href="#">Te Rahu Road</a></li> <li>- Kihikihi School, <a href="#">Whitmore Street</a></li> <li>- St Patricks School, <a href="#">Alexandra Street</a></li> <li>- Kihikihi Kindergarten, <a href="#">Linden Street</a></li> </ul>
Takepuku	<ul style="list-style-type: none"> <li>- Wharepapa School, <a href="#">Wharepapa South Road</a></li> <li>- Puahue School, <a href="#">Puahue Road</a></li> <li>- Pokuru Primary School, <a href="#">Pokuru Road</a></li> </ul>
Pirongia	<ul style="list-style-type: none"> <li>- Pirongia School, <a href="#">Beechey Street</a></li> <li>- Ngahinapouri School, <a href="#">Kakaramea Road</a></li> <li>- Kaipaki School, <a href="#">Kaipaki Road</a></li> <li>- Ohaupo Primary School, <a href="#">State Highway 3</a></li> </ul>
Maungatautari	<ul style="list-style-type: none"> <li>- Hautapu School, <a href="#">Cnr Forrest and Hautapu Roads</a></li> <li>- Te Miro School, <a href="#">Te Miro Road</a></li> </ul>

All schools/pre-schools listed will be responsible for providing and maintaining their own signage in relation to these designations.

## Schedule Two: Dog Exercise Areas ~~(indicative only – not confirmed)~~

WARD	LOCATION
Cambridge	<ul style="list-style-type: none"> <li>- McKinnon Park, Taylor Street</li> <li>- Oak Arboretum Taylor Street</li> <li>- Gasworks Site, Alpha Street, <del>(east of cycleway only)</del></li> <li>- <del>Bryan (Blackie) Mayo Reserve, Walkway in greenbelt</del> from Thornton Road to Watkins Road</li> <li>- <del>Settlers Track to Riverside Park, River walkway from</del> Dominion Avenue</li> <li>- <del>Te Koo Utu Park Lower Te Koutu Park, Albert Street (lake area)</del></li> <li>- <del>Camellia Path, Lake Te Koutu</del></li> <li>- Gil Lumb Park, Pope Terrace</li> <li>- Polo grounds at Lamb Street (<del>except access excluded</del> when in use for Polo)</li> <li>- <del>Old</del> Cambridge Landfill (<del>closed</del>), Shelley Street, Cambridge</li> <li>- <del>Tree Trust Walkway, Addison Street to Leamington Cemetery</del> <del>Walkway from Addison Street through to Wordsworth Street</del></li> <li>- <del>The dog exercise area Wordsworth Street east and perimeter of sports field Leamington Domain, Wordsworth Street</del></li> <li>- <del>Leamington Cemetery (excluding grave area)</del></li> <li>- <del>Carlyle Street Walkway between Lamb Street and Wordsworth Street</del></li> <li>- <del>The pathway between Madison Street and Watkins Road in the town belt</del></li> </ul>
Te Awamutu	<ul style="list-style-type: none"> <li>- Anchor Park (<del>back half area</del>), proximity of Raeburne and Colgan Streets</li> <li>- Centennial Park, Rewi Street (<del>west of skateboard park</del>)</li> <li>- <del>Bygrave Place Reserve (except when grazed)</del></li> <li>- <del>Eileen Montefiore Montifore</del> Park, Factory Road (excluding the walkway to Factory Road)</li> <li>- Turere Park, Turere Lane Reserve</li> <li>- <del>Rear area of</del> Sculpture Part, accessed off Albert Park and Domain Drive until such time it is required for another purpose</li> <li>- Kihikihi Domain, Oliver Street (<del>except when exclusive use is required for events or site bookings</del>) (<del>site bookings will take precedence</del>)</li> <li>- <del>Old</del> Kihikihi Landfill (<del>closed</del>) Site - Leslie Street (Kihikihi)</li> <li>- <del>Ash Grove, Chatsfield Drive Reserve</del></li> <li>- Te Rahu Road Reserve, <del>246 Te Rahu Road</del></li> <li>- Rosehill Park Reserve, Laird Place (when developed)</li> <li>- <del>Te Awamutu Stadium Fairview Road to Armstrong Avenue, Grass embankments (when not in use for sports events)</del></li> <li>- <del>Mahana Lane Reserve, Mahana Lane</del></li> </ul>
Pirongia	<ul style="list-style-type: none"> <li>- Lake Ngaroto Bank Road (note: walkway around the lake <u>is</u> dog on leash)</li> </ul>

WARD	LOCATION
	<ul style="list-style-type: none"> <li>- <del>Old</del> Pirongia Landfill (closed), Kane Street, Pirongia</li> <li>- River walkway, <u>Crozier Street north</u>, Pirongia</li> </ul>
<u>Maungatautari</u>	- <u>Mighty River Domain – Gate 3 grassed carpark (when not in use for events. Owners should check with Domain Management)</u>

Dogs may be exercised off-leash, but under control in the above areas which are specifically detailed on Council maps, which may be amended from time to time.

Other areas in private ownership or not otherwise under Council control, may be used to exercise dogs off lead with the owner's permission provided dogs remain under control.

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### **Schedule Three: Urban Areas**

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Land in the following areas is considered urban for the purposes of this bylaw:

- Te Miro Settlement
- Bruntwood Settlement
- Cambridge township including Leamington
- Hautapu Settlement
- Karapiro Settlement
- Kihikihi township
- Ohaupo township
- Ngahinapouri settlement
- Te Pahu Settlement
- Pirongia township
- Rukuhia Settlement
- Airport Settlement
- Te Awamutu township
- Te Mawhai Settlement
- Tokanui Settlement

**The above urban areas are specifically detailed on Council maps, which may be amended from time to time.**

**The above may differ from urban areas shown in Councils District Plan or other documents.**

## Appendix 5

Recommended amendments:

Document	Clause	Draft provision	Recommended change	Justification
Policy	4.4 Exercise areas	There are also public places within the Waipa District that are designated as dog exercise areas where dogs may be <b>EXERCISED OFF A LEASH BUT UNDER CONTROL</b> – these areas are specified in Schedule 2.	Add Clause: “Council supports on-going development of dog exercise areas”	To clarify these areas are intended to be improved over time – such as possible development of the “dog adventure playground” concept.
Policy	4.6. Limit on number of dogs to be kept	“...unless the owner or occupier is the holder of a permit issued by Council or a delegated staff member (see Dog Control Bylaw and Council’s website for more information on obtaining a permit).”	Insert – “Permits will only be issued where there is sufficient justification to do so and Council is satisfied no nuisance will arise”	To address concern raised that permits were too easy to obtain
Policy	4.21. Exemptions from policy	Subject to clause 4.2.2, Council may grant exemptions from this policy where it considers this	Remove reference to “Subject to clause 4.2.2”	Error. Refers to now renumbered paragraph.



Document	Clause	Draft provision	Recommended change	Justification
		prudent.		
Policy	All Schedules		Add Road/Street name of areas listed in Schedules 1 and 2 and delete any unnecessary duplication	To clarify where the scheduled areas are.
Policy	Schedule 1	Prohibited areas	Add "Yarndley's Bush" to Te Awamutu Ward	Parks team advice Scenic reserve so past restriction must be retained.
Policy	Schedule 1	Maungatautari Ward/Mighty River Domain	Reword to "excludes that part of Te Awa River Ride within the Maungatautari Road corridor: Te Awa River Ride is 'dog on leash', and excludes the Gate 3 dog exercise area)"	Clarify prohibition does not apply to cycleway or Gate 3 Exercise area.
Policy	Schedule 1	All Areas	Reword "Within any fenced public playground or play area, or within 5m of an unfenced public playground or play area"	To apply consistency across playgrounds and assist mapping
Policy	Schedule 1	All Areas	Reword "All Department of Conservation Reserves unless a permit has been obtained from the	Confirms DOC's position. Website etc can then contain how to obtain a permit.

Document	Clause	Draft provision	Recommended change	Justification
			department”	
Policy	Schedule 2	Exercise Areas	Delete - Te Koo utu Park Camila Walkway	This walkway has been assessed as not suitable for dog off leash as it is narrow, steep and has direct access to private land.
Policy	Schedule 2	Exercise Areas	Delete Bygrave Reserve	Due to proximity to school
Policy	Schedule 2	Exercise Areas	Add “Maungatautari” and “Mighty River Domain - Gate 3 grassed carpark (when not in use for events)”	In response to submissions there are no areas in Karapiro/Maungatautari Ward.
Policy	Schedule 2	Exercise Areas	Add the walkway between Madison and Watkins road in the town belt.	Suggested by Parks team and other submitters
Policy	Schedule 2	Exercise Areas	Add Mahana Lane Reserve	Currently designated but missing from schedule
Bylaw	3.4.4.	A permit may be issued upon and subject to such terms, conditions and restrictions as the Council or a delegated officer may specify.	A permit may be issued where Council is satisfied sufficient justification exists, and subject to such terms, conditions and restrictions as the Council or a delegated officer may specify to avoid any potential	To address concern raised that permits were too easy to obtain

Document	Clause	Draft provision	Recommended change	Justification
			nuisance.	
Bylaw	3.8.6	The owner of every dog shall take all reasonable steps to ensure that the dog does not injure, endanger, intimidate, or otherwise cause distress to any person whether in public or on private property, including persons on neighbouring properties.	Add words "...by behaviour such as aggressive barking or rushing at the fence or property boundary in an aggressive manner"	Submission that this needed clarification. Concern in Cambridge where many dogs have access to front boundary,
Bylaw	All Schedules		Add Road/Street name of areas listed in Schedules 1 and 2 and delete any unnecessary duplication	To clarify where the scheduled areas are.
Bylaw	Schedule 1	Prohibited areas	Add "Yarndley's Bush" to Te Awamutu Ward	Parks team advice Scenic reserve so past restriction must be retained.
Bylaw	Schedule 1	Maungatutari Ward/Mighty River Domain	Reword to "excludes that part of Te Awa River Ride within the Maungatutari Road corridor: Te Awa River Ride is 'dog on leash', and excludes the Gate 3 dog	Clarify prohibition does not apply to cycleway or Gate 3 Exercise area.

Document	Clause	Draft provision	Recommended change	Justification
			exercise area)”)	
Bylaw	Schedule 1	All Areas	Reword “Within any fenced public playground or play area, or within 5m of an unfenced public playground or play area”	To apply consistency across playgrounds and assist mapping
Bylaw	Schedule 1	All Areas	Reword “All Department of Conservation Reserves unless a permit has been obtained from the department”	Confirms DOC’s position. Website etc can then contain how to obtain a permit.
Bylaw	Schedule 2	Exercise Areas	Delete - Te Koo utu Park Camila Walkway	This walkway has been assessed as not suitable for dog off leash as it is narrow, steep and has direct access to private land. However it has been requested it be considered.
Bylaw	Schedule 2	Exercise Areas	Delete Bygrave Reserve	Due to proximity to school
Bylaw	Schedule 2	Exercise Areas	Add Mahana Lane Reserve	Currently designated but missing from schedule
Bylaw	Schedule 2	Exercise Areas	Add “Maungatautari” and “Mighty River Domain - Gate 3 grassed carpark (when not in use for events. Owners should check with Domain Management)”	In response to submissions there are no areas in Karapiro/Maungatautari Ward.

Document	Clause	Draft provision	Recommended change	Justification
Bylaw	Schedule 2	Exercise Areas	Add note: "Other areas in private ownership or not otherwise under Council control, may be used to exercise dogs off lead with the owners permission provided dogs remain under control"	Adds an option beyond what Council can provide.
Bylaw	Schedule 2	Exercise Areas	Add the walkway between Madison and Watkins road in the town belt.	Suggested by Parks team and other submitters



## **Draft Decision Report on Variations to Proposed Waipa District Plan 2014:**

- 1. Rezoning of 3847 Cambridge Road**
- 2. Amendment of Protected Trees**
- 3. Amendment of Significant Natural Area WP419**
- 4. Amendment of Significant Natural Area WP553**
- 5. Removal of Significant Natural Area WP267**

## Table of Contents

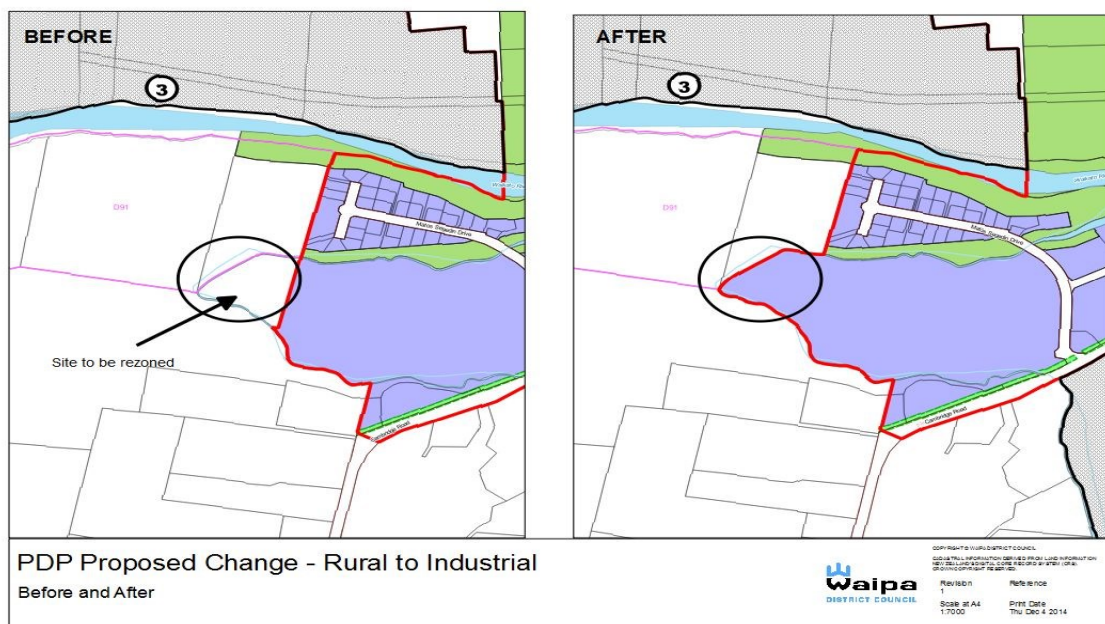
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1. Introduction.....	3
2. Decisions and Reasons .....	7
Appendix 1 – Amendments to be made to the Proposed Waipa District Plan .....	8

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## 1. Introduction

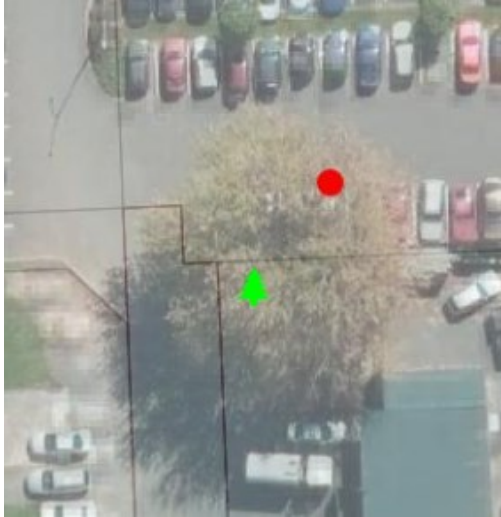
- 1.1. This decision report contains Waipa District Council's ('the Council') decision under Clause 10 of the First Schedule of the Resource Management Act 1991 ('the Act') on Variations 1 –5 to the Proposed Waipa District Plan Appeals Version 14 July 2014 ('the Proposed Plan'). The Delegations Register provides for the Strategic Policy and Planning Committee "To consider, and if appropriate to hear submissions, make determinations and notify variations to the Waipa Proposed District Plan, pursuant to the provisions of the Local Government Act 2002 and the Resource Management Act 1991."
- 1.2. By way of background the Council is currently in the process of resolving Appeals on the Proposed Plan, with only one or two appeals outstanding. Under clause 16A of Schedule 1 a council may initiate a variation to a Proposed Plan prior to it becoming operative. Clause 16B provides for a variation to be merged with the Proposed Plan once the variation has reached the same procedural stage as the Proposed Plan. In relation to Variations 1-5 this will be after the Council has issued its decision on each variation, as no submissions have been lodged and as a consequence there is no appeal period.
- 1.3. Variation 1 was publicly notified on 21 January 2015. The Variation proposes to amend the zoning of 3847 Cambridge Road so that the entire property is zoned Industrial and to move the urban boundary to include the entire land parcel. In the Appeals Version of the Proposed Plan the majority of the site is zoned industrial with the western corner of the site zoned rural. The variation is to rezone the portion of the site zoned rural to industrial zone and to move the urban boundary so that it includes the entire land parcel. The closing date for lodging submissions was 23<sup>rd</sup> February 2015. No submissions were received. The change proposed as a result of the variation is illustrated below:





1.4. Variations 2 - 5 were publicly notified on 23<sup>rd</sup> June. Variation 2 proposes to amend Policy Area Map 28 and Appendix N4 in relation to Protected Tree No #78 located at 68-70 Duke Street and the location of Protected Trees #103, #104, and #106 located at 63 Princes Street on Policy Area Map 28. The proposed changes are illustrated below:

- Amend tree #78 to show location on 68-70 Duke Street, Cambridge



**Figure 1: Red dot – Before location, Green Tree – After location**

- Amend trees #103, 104 and 106 to show location on trees at 63 Princes Street, Cambridge



**Figure 2: Red dot – Before location, Green Trees – After location**

- 1.5. Variation 3 proposes to amend the boundary of Significant Natural Area WP419 located at 314 Aspin Road to exclude a portion of the property that is grazed and to add a gully area. The amendment is shown below:



**Figure 3: SNA WP419 boundary before**

**SNA WP419 boundary after**

- 1.6. Variation 4 proposes to amend the boundary of Significant Natural Area WP553 located at 852 Tirau Road as it includes a portion of the property that contains exotic vegetation. The amendment is shown below:



**Figure 4: Area outlined in purple to be removed from SNA WP553**

- 1.7. Variation 5 proposes to remove Significant Natural Area WP267 located at 390 Kakepuku Road as it includes a large area of predominantly exotic vegetation and therefore does not meet the criteria for inclusion as an SNA in the Plan. The amendment is shown below:



**Figure 5: SNA WP267 to be removed from the Plan**

- 1.8. The closing date for submissions for Variations 2-5 was 20<sup>th</sup> July 2015. No submissions were received on any of the variations.
- 1.9. The Committee notes that in making this decision it is limited to the scope of the variations. This report records the decisions of Council on Variations 1-5 and the reasons for the decisions.
- 1.10. Appendix 1 contains the strikethrough version of the Proposed Plan. Pursuant to clause 10 of the First Schedule to the Act the Proposed Plan will be amended in accordance with the changes identified in Appendix 1 when the Council's decisions on each variation are publicly notified.

## 2. Decisions and Reasons

- 2.1. The Committee considered Variations 1-5 and noted that no submissions were received on any of the variations. The Committee notes that the amendments proposed in Variations 1 to 5 are largely corrections to the Proposed Plan and are, accordingly, of an administrative nature. The Committee decided to adopt Variations 1-5 under Clause 10 of the First Schedule to the Act as notified. The Committee considers the Proposed Plan as amended by Variations 1-5 is the most appropriate way of achieving the purpose of the Act. In considering section 32AA of the Act the Committee considers that there is no need to alter the original evaluation undertaken pursuant to section 32 as a result of this decision as no amendments have been made to the variations as originally notified. The Council re-affirms that the provisions proposed in the Variations 1-5 are the most appropriate way to achieve the purpose of the Act. The amendments to the Proposed Plan are shown in Appendix 1.

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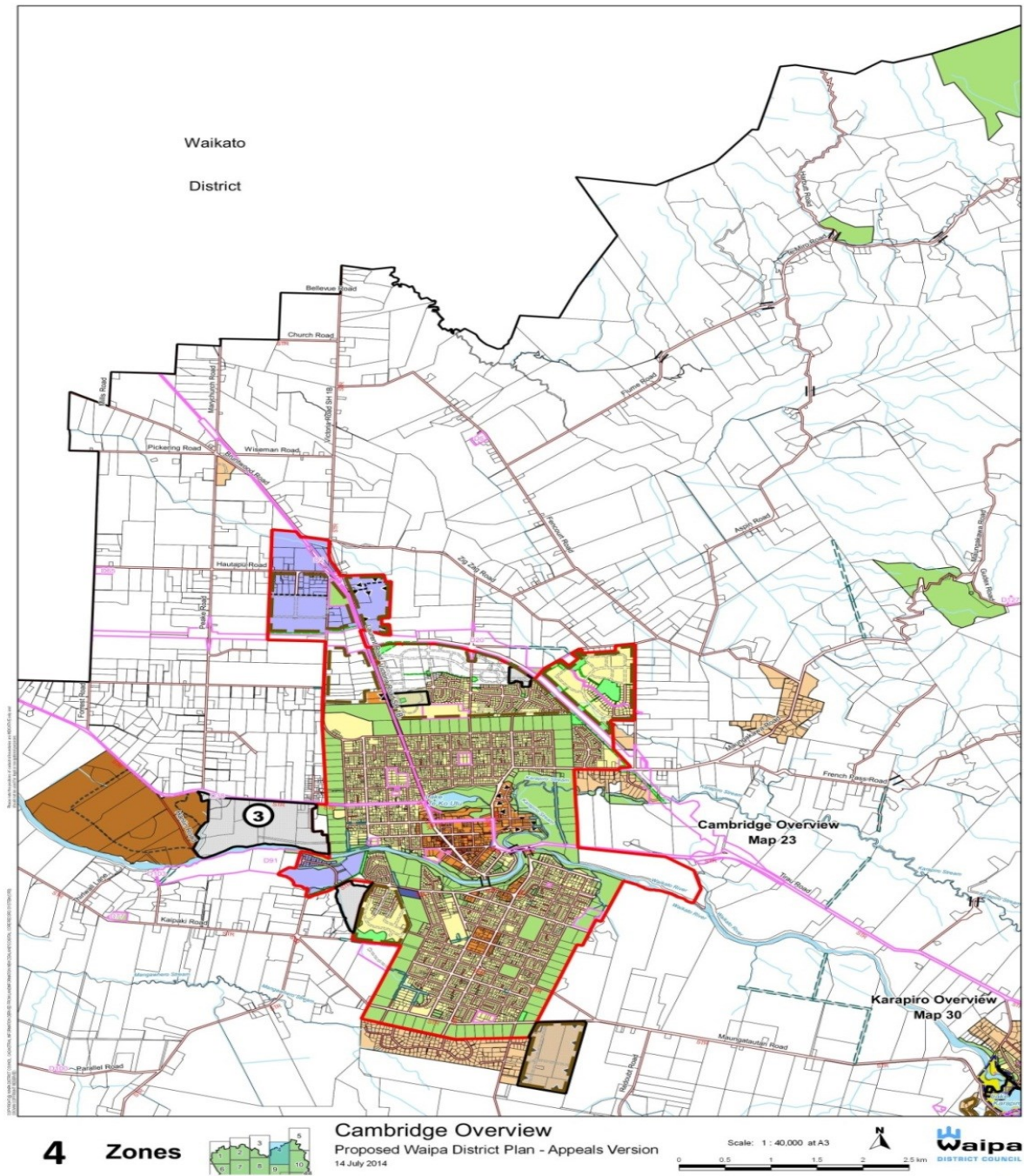
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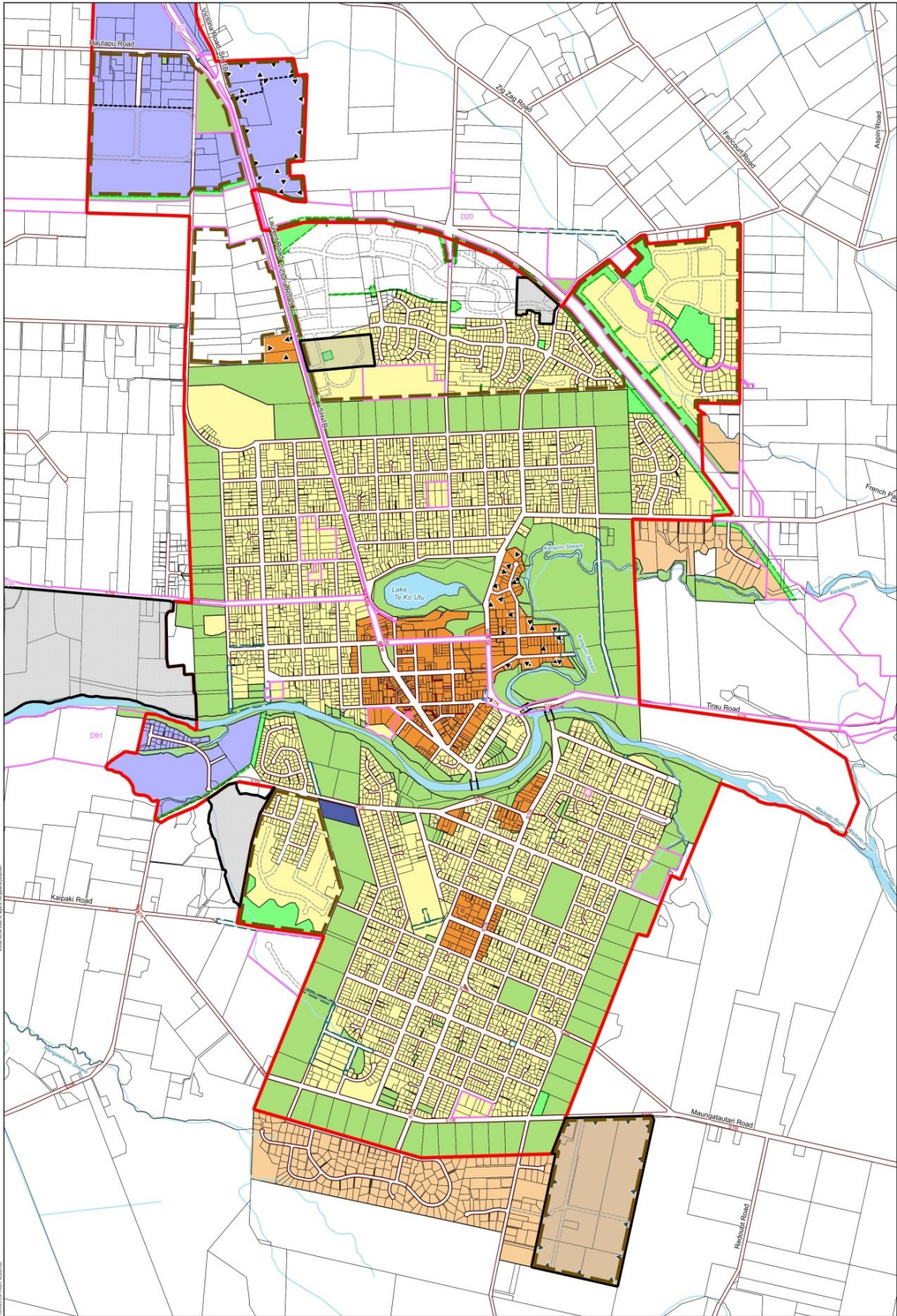
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# Appendix 1 – Amendments to be made to the Proposed Waipa District Plan

## Variation 1

Amendments are required to both the zone and policy maps. The changes to the zone maps reflect the change from the Rural zoning to the Industrial zoning and the urban boundary whilst the changes to the policy maps reflect the change to the urban boundary. The changes, to Maps 4, 23 and 26, are illustrated below.





**23** Zones

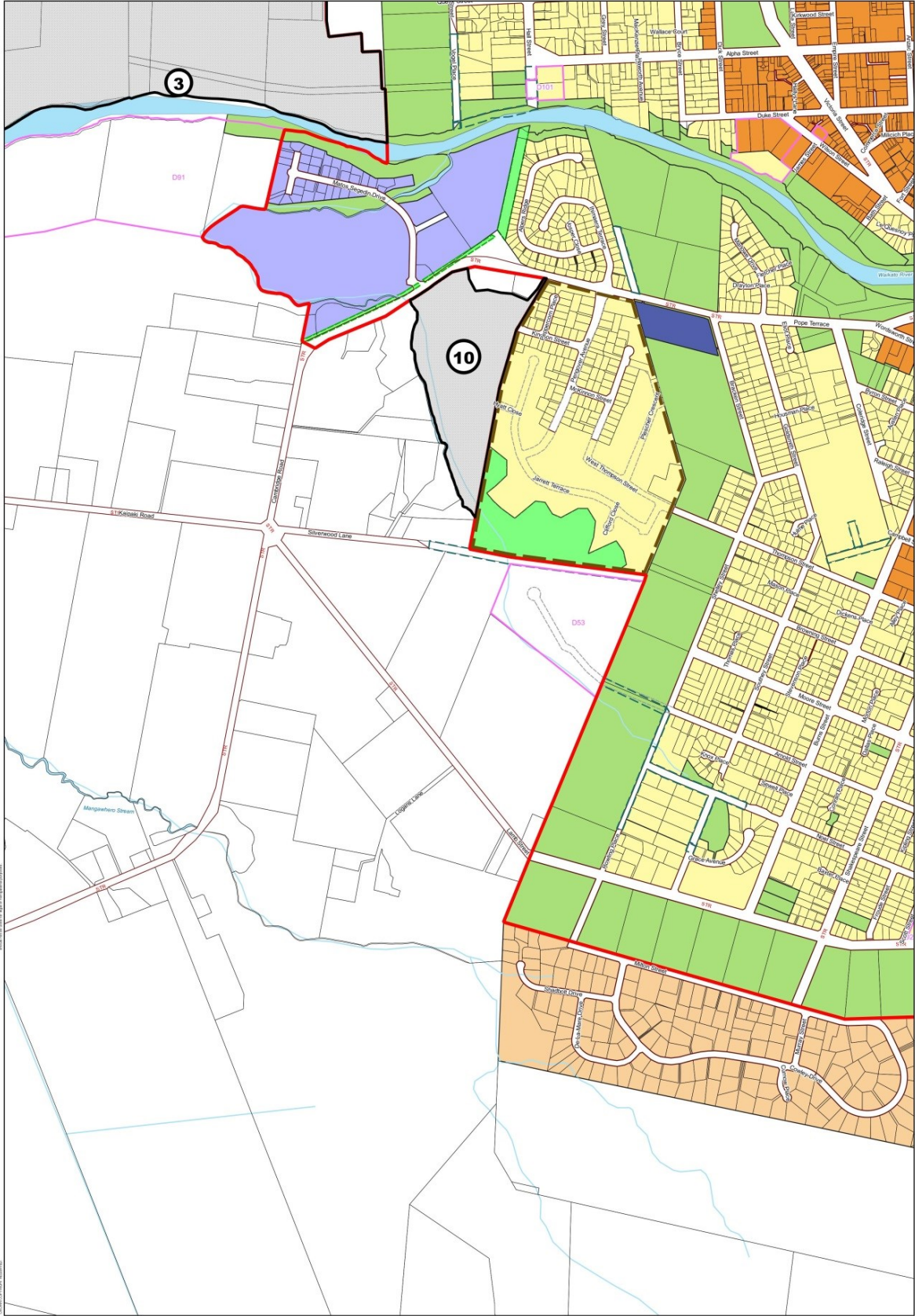


### Cambridge Overview

Proposed Waipa District Plan - Appeals Version  
14 July 2014

Scale: 1 : 20,000 at A3





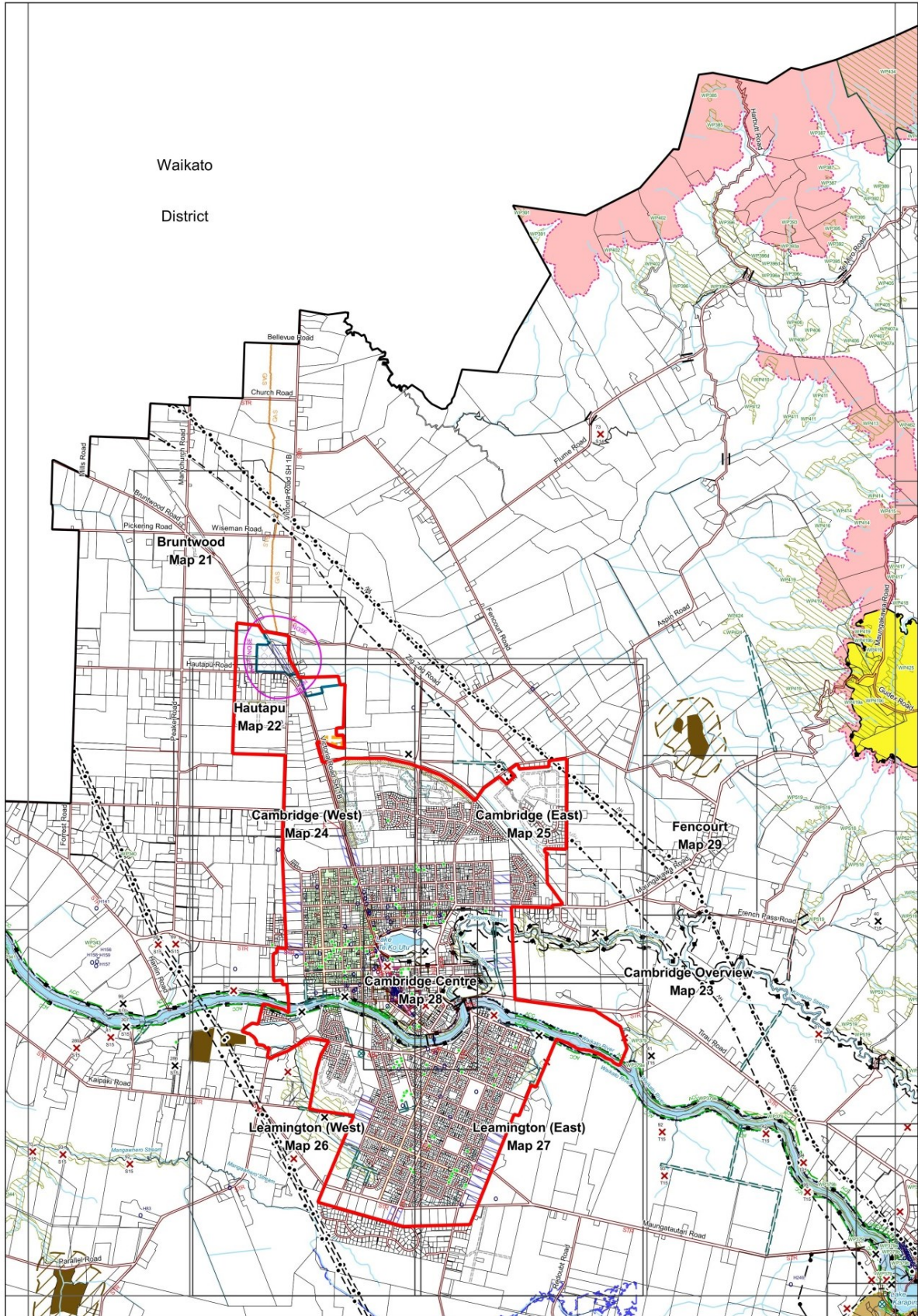
26 Zones

**Leamington (West)**  
 Proposed Waipa District Plan - Appeals Version  
 14 July 2014

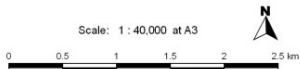
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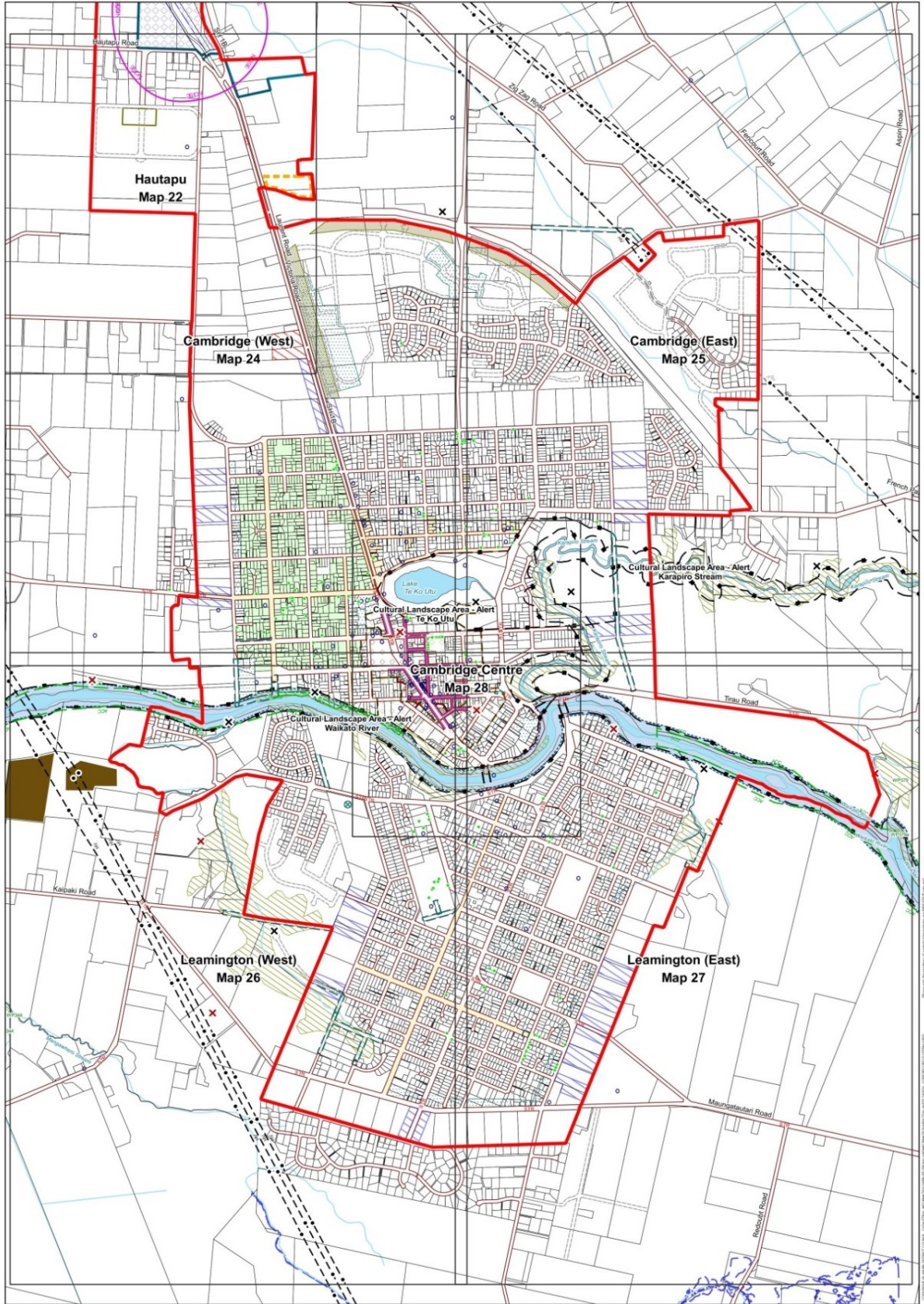




**Cambridge Overview**  
 Proposed Waipa District Plan - Appeals Version  
 14 July 2014



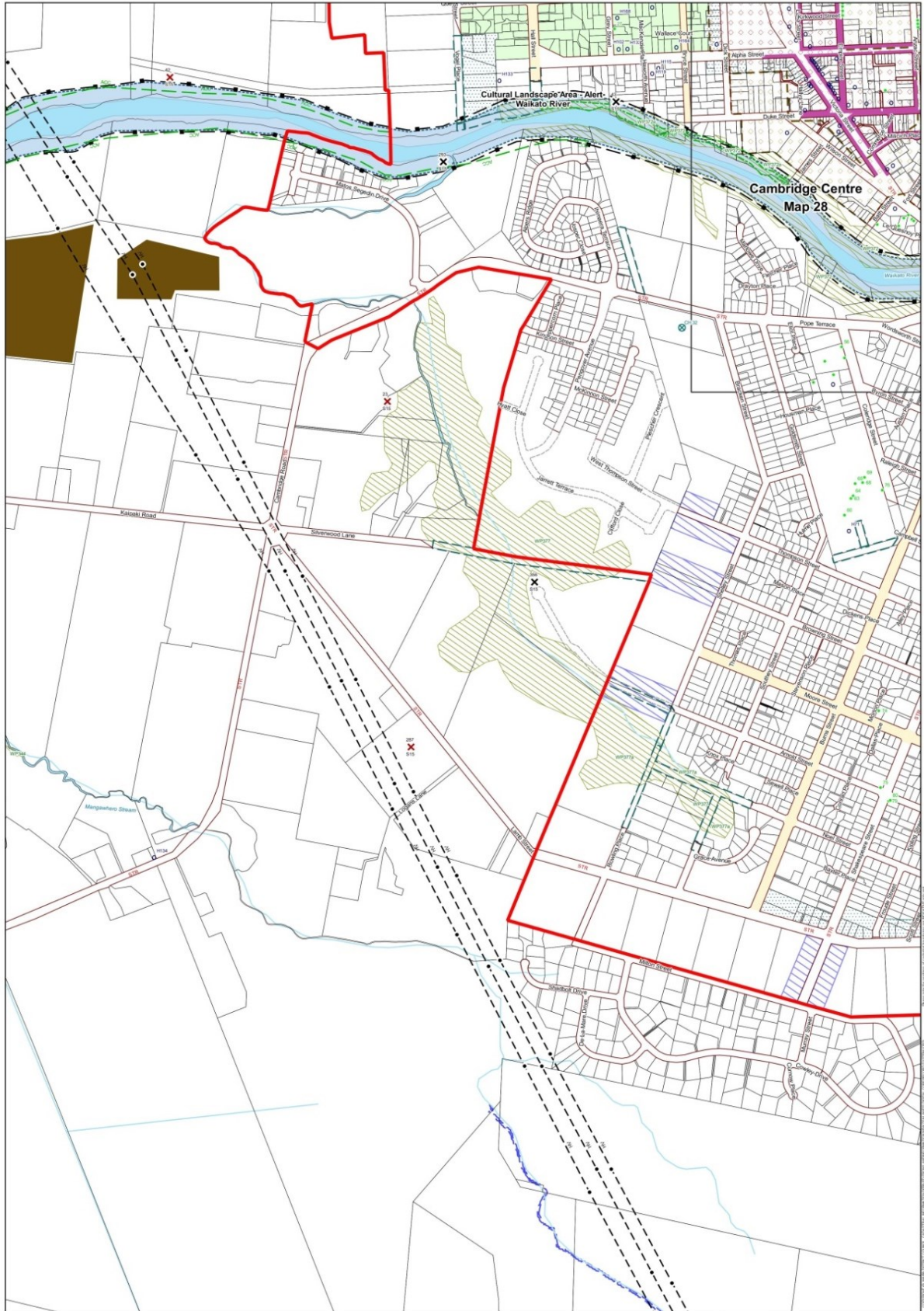
**Policy Areas 4**



**Cambridge Overview**  
Proposed Waipa District Plan - Appeals Version  
14 July 2014



**Policy Areas 23**



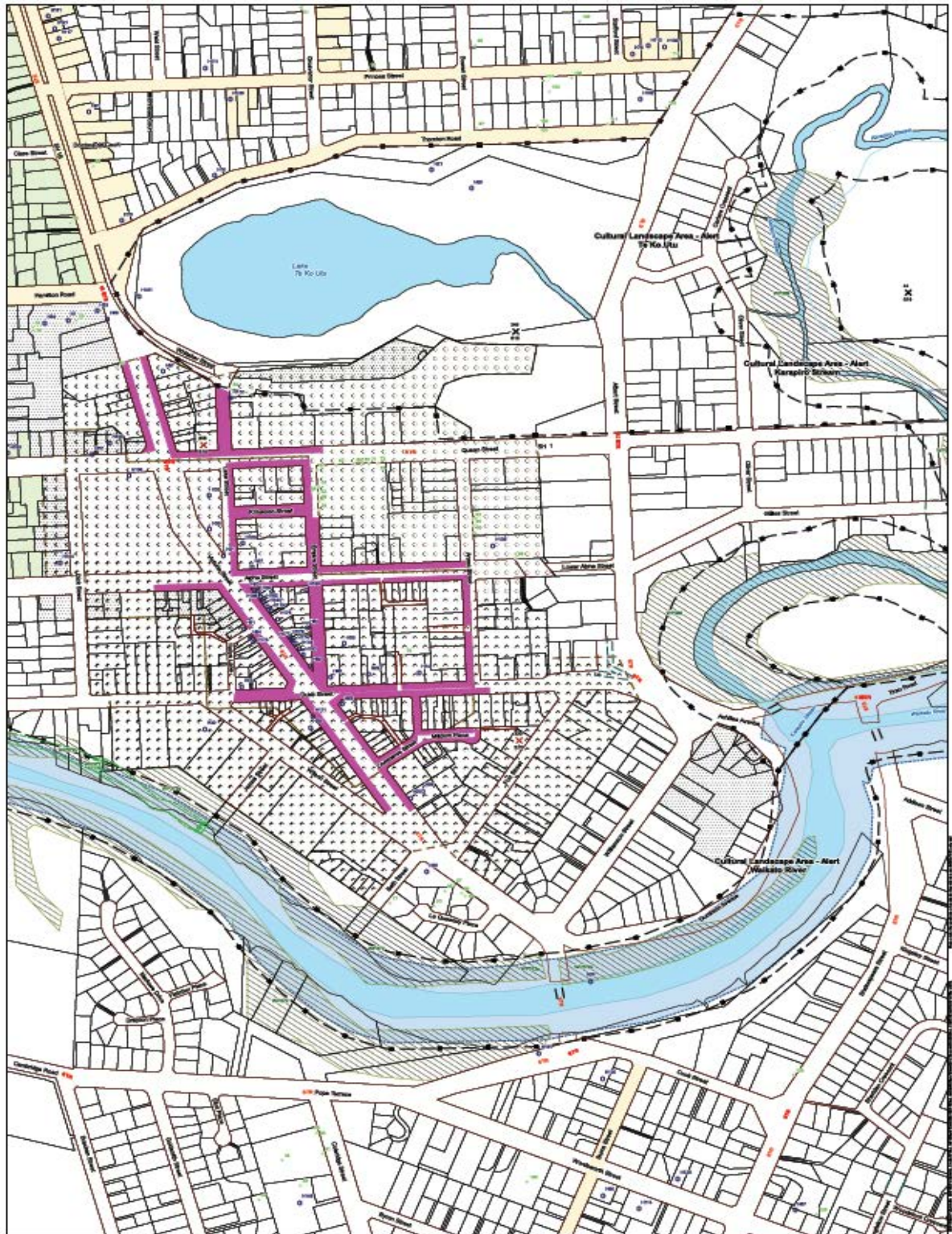
**Leamington (West)**  
 Proposed Waipa District Plan - Appeals Version  
 14 July 2014



**Policy Areas 26**

### Variation 2

A clean version of Policy Area Map 28 showing the correct locations of tree no #78, #103, #104 and #106 is included below as follows:



**Waipa** DISTRICT COUNCIL  
Cambridge Centre  
Proposed Waipara District Plan - Appeals Version  
14 July 2014

Scale: 1:5,000 M.A.S.  
0 0.05 0.1 0.15 0.2 0.25 km

**Policy Areas 28**

**Appendix N4 - Protected Trees**

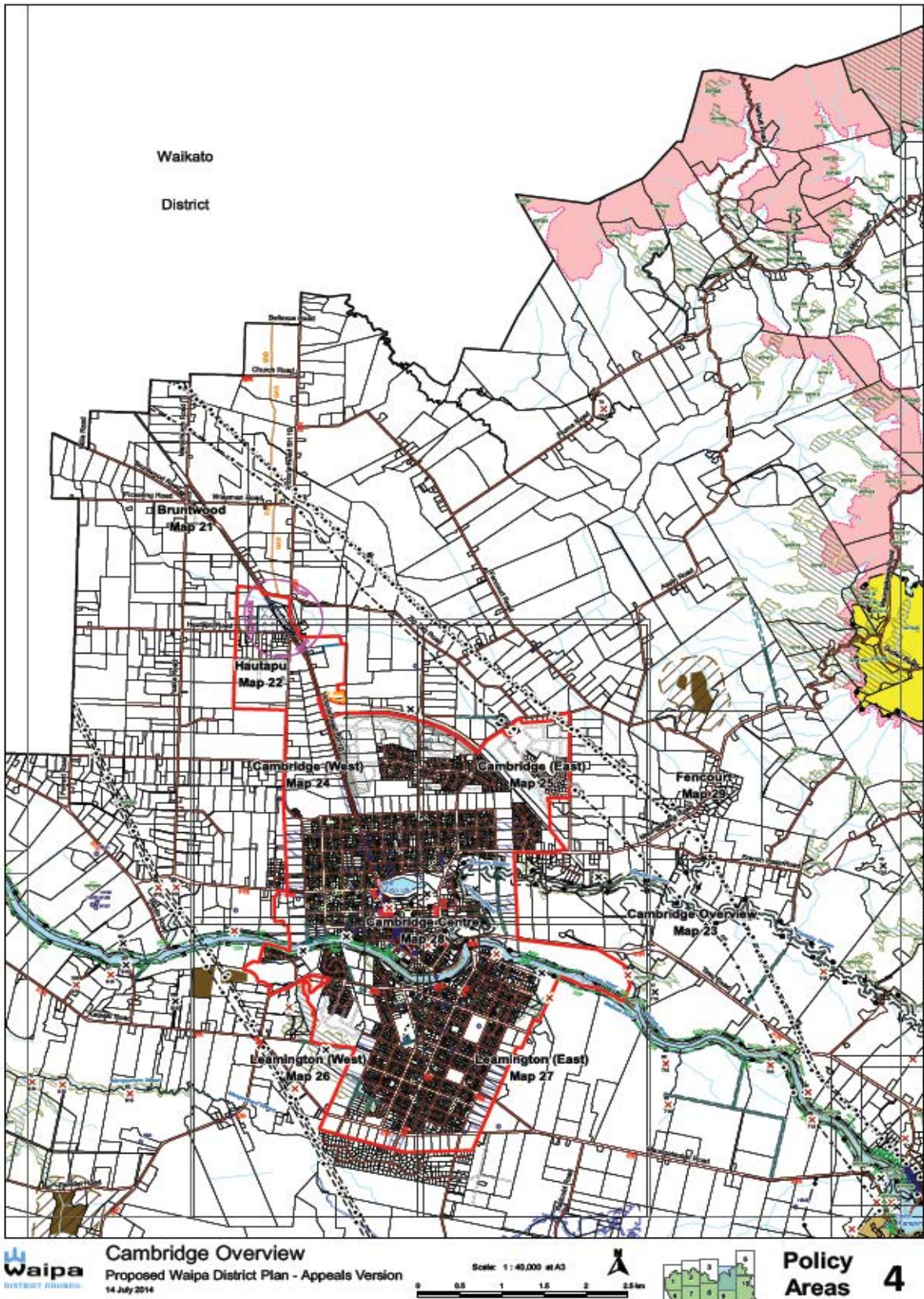
Amend the location and legal description of tree #78 in Appendix N4 as follows:

Map Number	District Plan Number	Location	Legal Description	Description
28	78	<del>88 Alpha Street</del> <a href="#">68-70 Duke Street, Cambridge</a>	<del>LOT 7 DPS11170</del> <a href="#">LOT 2 DPS 26842</a>	1 <i>Acer negundo</i> (Box Elder)

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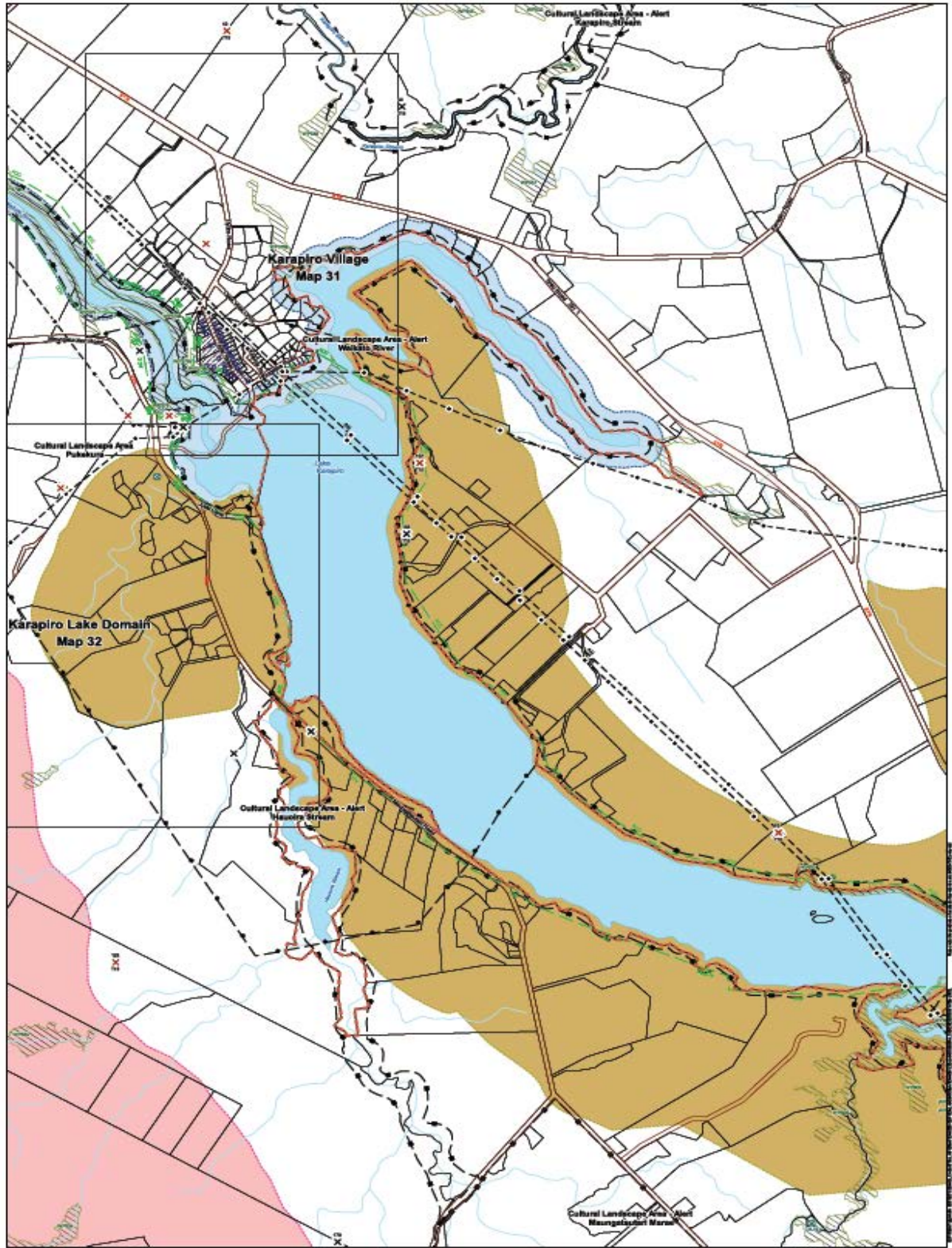
### Variation 3

Clean version of Policy Area Map 4 showing the corrected area for WP419:



### Variation 4

Clean version of Policy Area Map 30 showing the corrected area for WP553:



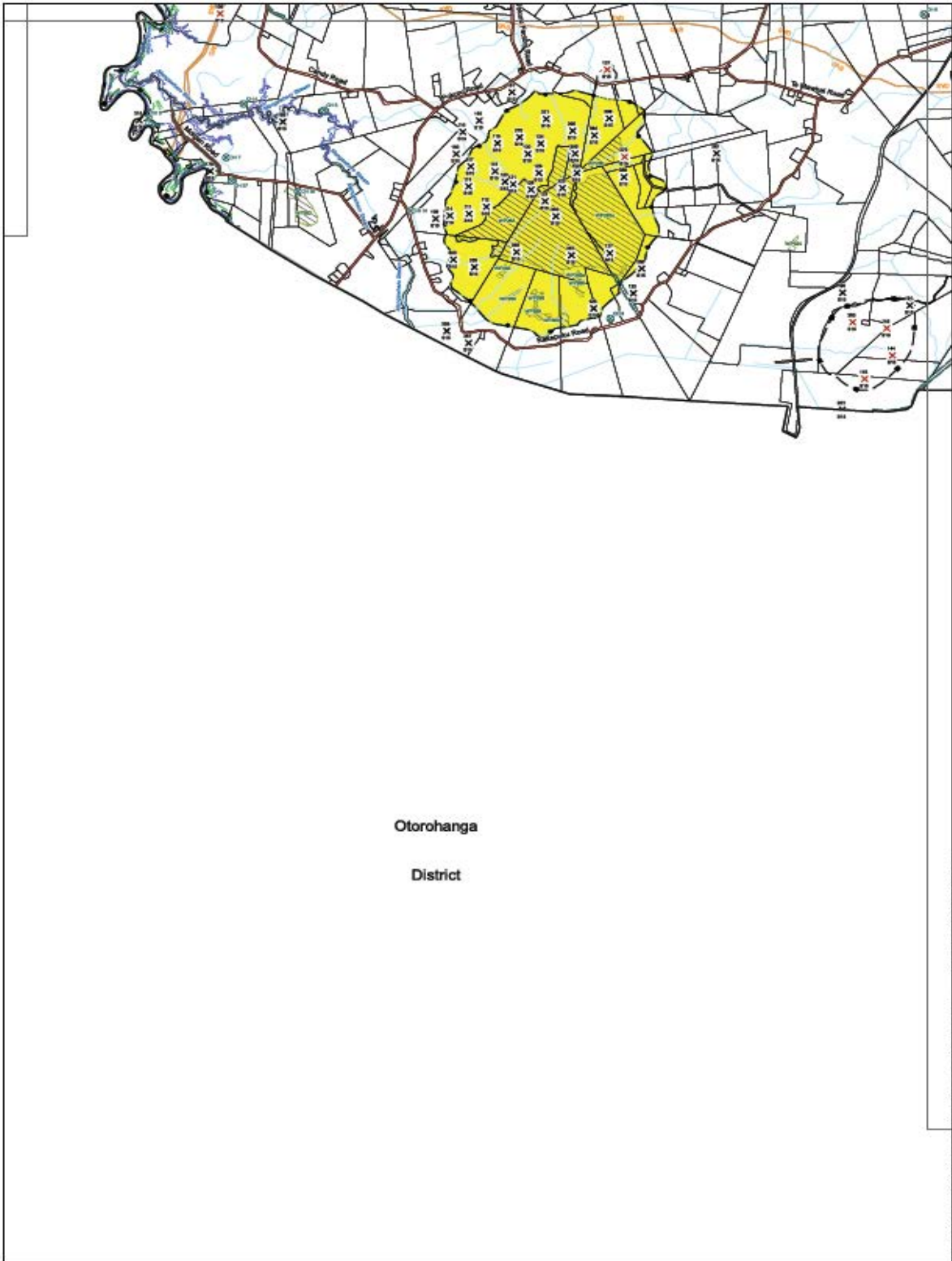
**Waipa**  
DISTRICT COUNCIL  
**Karapiro Overview**  
Proposed Waipa District Plan - Appeals Version  
14 July 2014

Scale: 1:15,000 at A3  
0 0.1 0.2 0.3 0.4 0.5 km

**Policy Areas 30**

### Variation 5

Clean version of Policy Area Map 11 following removal of WP267:



**Kakepuku Overview**  
Proposed Waipa District Plan - Appeals Version  
14 July 2014



**Policy Areas 11**



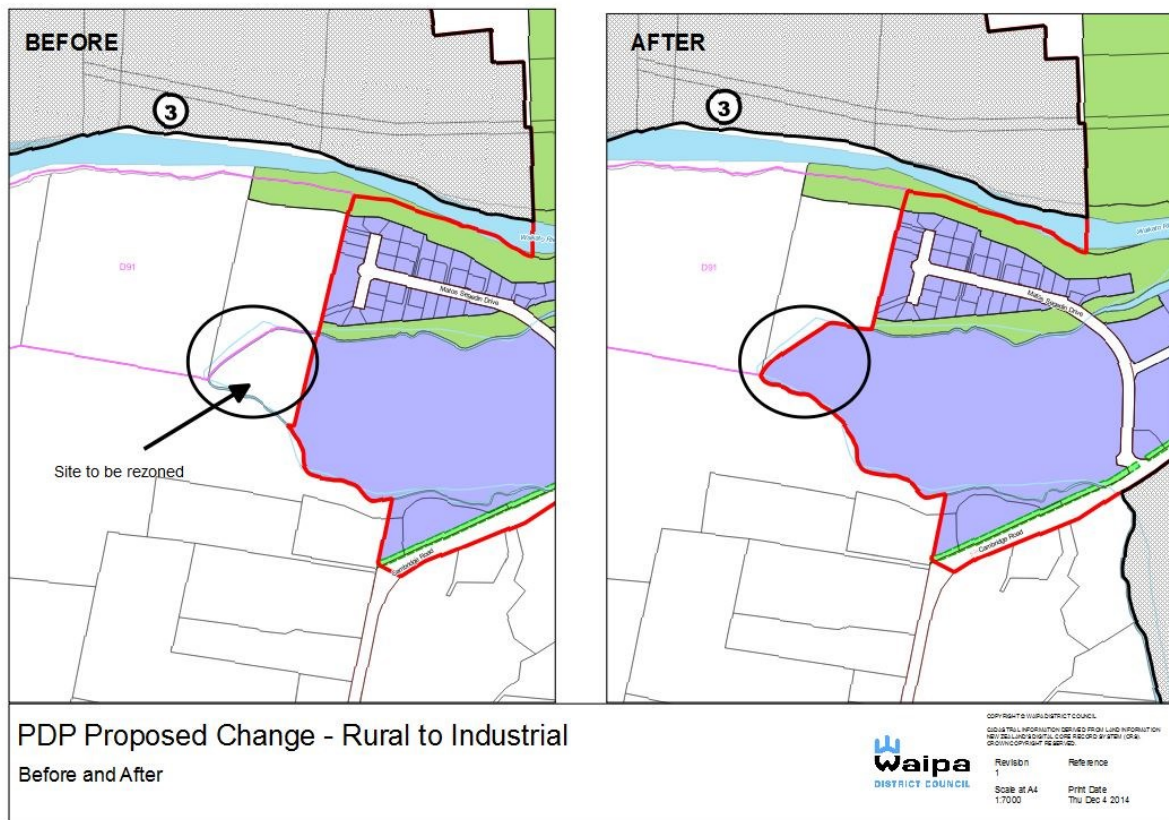
## Appendix N5 – Significant Natural Areas

Map Number	Site Number	Site Name	Significance	Protection Status
<del>11</del>	<del>267</del>	<del>Regenerating scrub on the south-eastern footslopes of Mt. Kakepuku</del>	<del>Local</del>	<del>Unprotected</del>

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## ***Rezoning of 3847 Cambridge Road***

This Variation addresses the issue of the zoning of 3847 Cambridge Road, under the Decisions Version of the Proposed Waipa Plan, May 2014. The majority of the site is zoned industrial with the western corner of the site zoned rural. The variation is to rezone the portion of the site zoned rural to industrial zone and to move the urban boundary so that it includes the entire land parcel. This change is illustrated in figure 1 below.



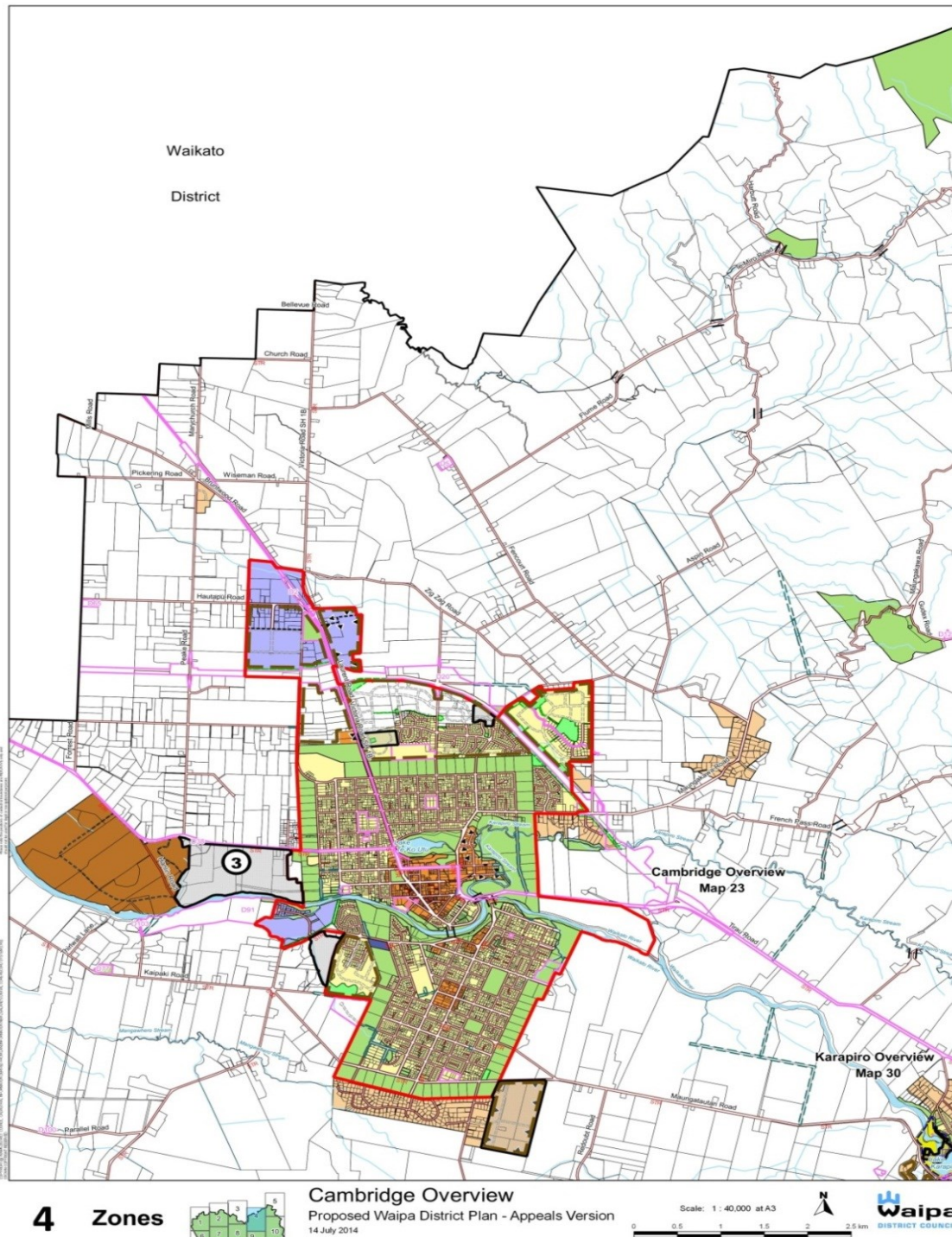
**Figure 1 – Portion of site to be rezoned**

The measures recommended in this Variation were developed following discussions between Council staff and the landowner's representative where it was agreed that the rural zone notation over part of the site was not an appropriate zoning for the site and should be remedied. It also follows the removal of the designation for the Cambridge Wastewater Treatment Plant in October 2013 that had existed over the site since 1997 as the result of an error (DN/0012/13). The designation related to the Cambridge Wastewater Treatment Plant.

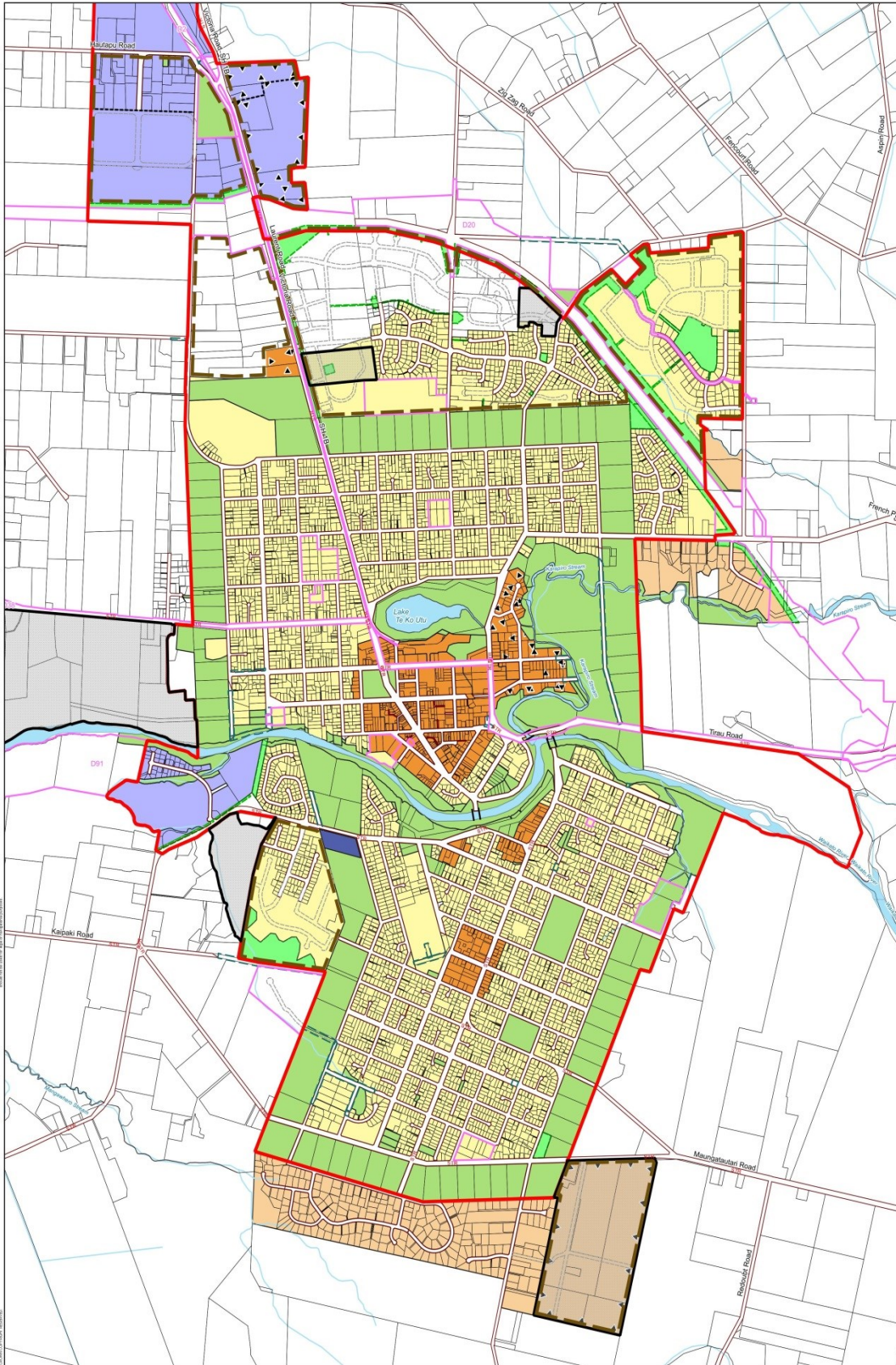
Variation 1 to the Proposed Waipa District Plan amends Zone and Policy Maps 4, 23 and 26 to accommodate the re-zoning and relocated urban boundary at 3847 Cambridge Road.

## Proposed Waipa District Plan - Changes

Changes are required to both the zone and policy maps. The changes to the zone maps reflect the change from the Rural zoning to the Industrial zoning and the urban boundary whilst the changes to the policy maps reflect the change to the urban boundary. These changes, to Maps 4, 23 and 26, based upon the amendment illustrated in Figure 1, are illustrated below.



District Plan Variation #1 – Rezoning of 3847 Cambridge Road  
January 2015

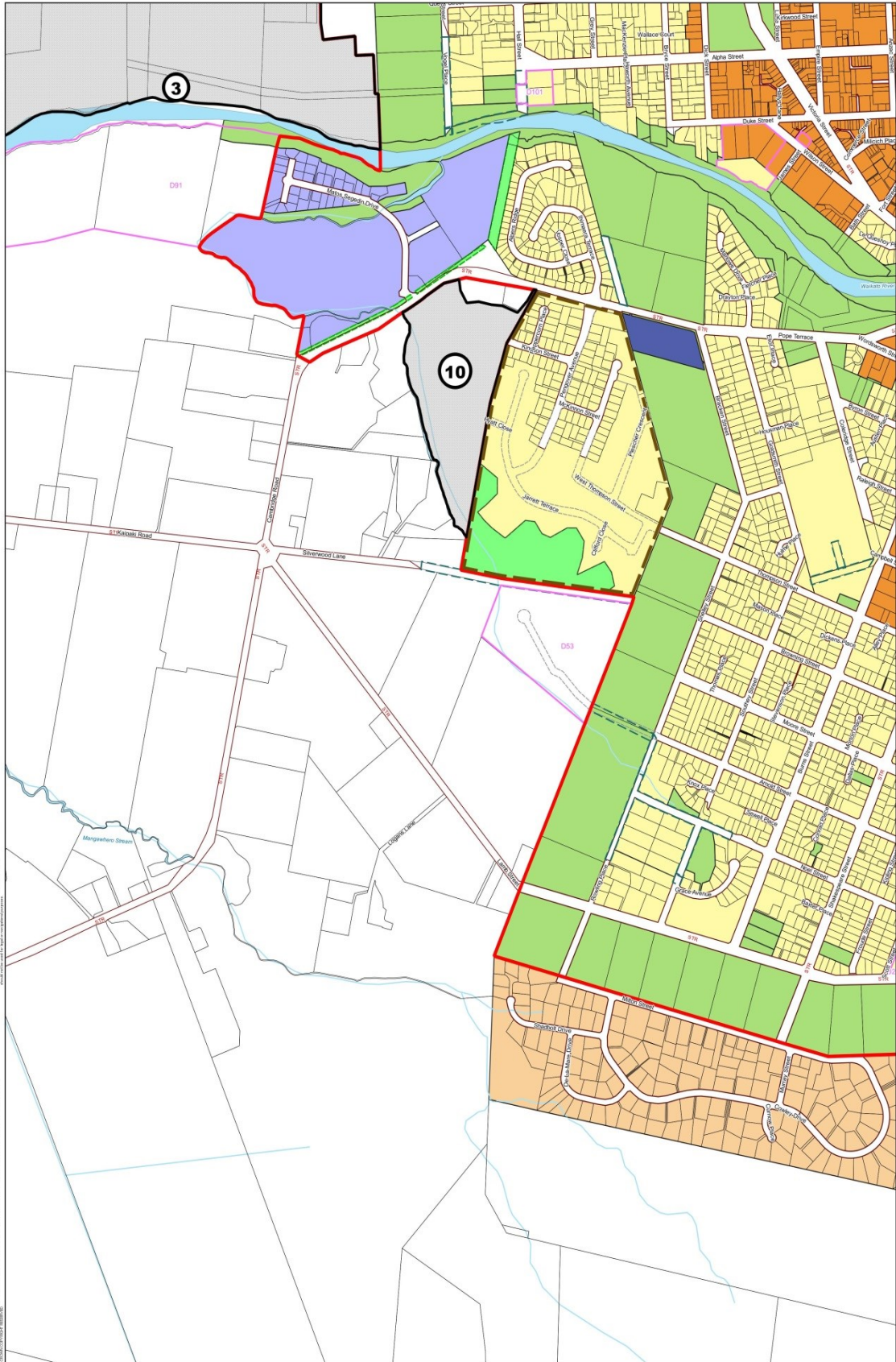


**23** Zones

**Cambridge Overview**  
Proposed Waipa District Plan - Appeals Version  
14 July 2014

Scale: 1 : 20,000 at A3





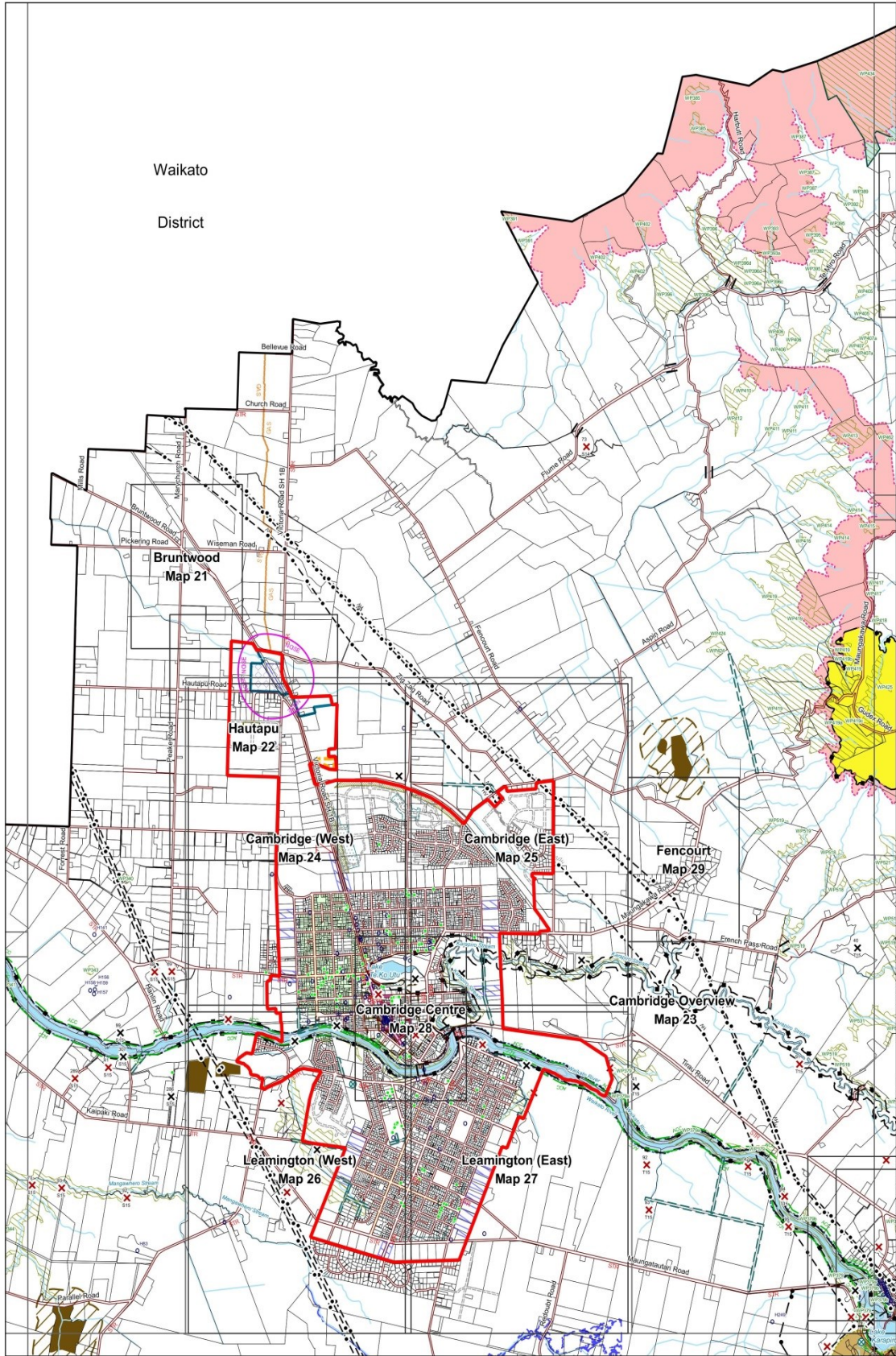
26 Zones

Leamington (West)  
 Proposed Waipa District Plan - Appeals Version  
 14 July 2014

Scale: 1 : 10,000 at A3  
 0 0.1 0.2 0.3 0.4 0.5 km



District Plan Variation #1 – Rezoning of 3847 Cambridge Road  
 January 2015



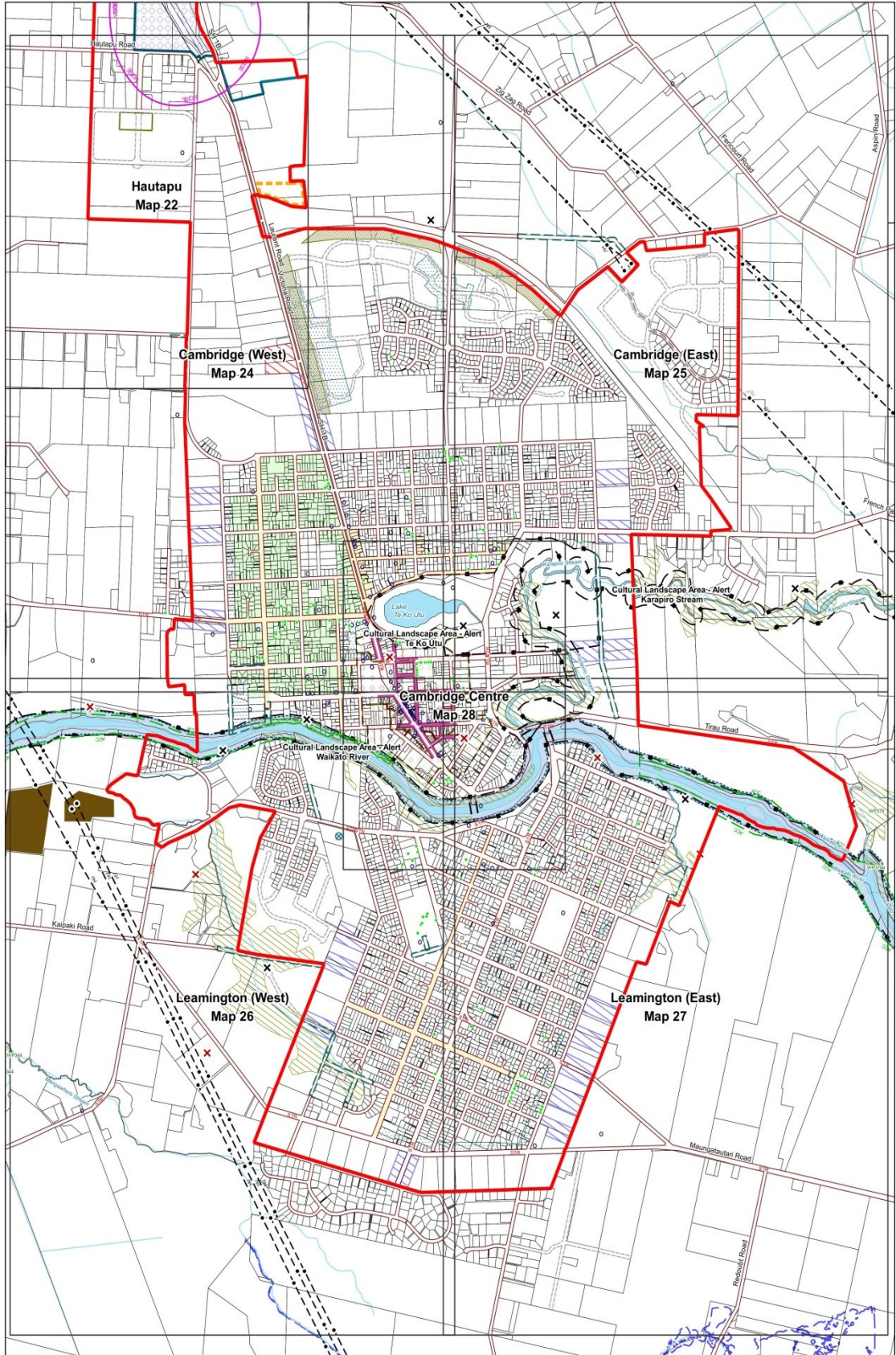
**Waipa**  
DISTRICT COUNCIL

**Cambridge Overview**  
Proposed Waipa District Plan - Appeals Version  
14 July 2014

Scale: 1 : 40,000 at A3  
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**Policy Areas 4**

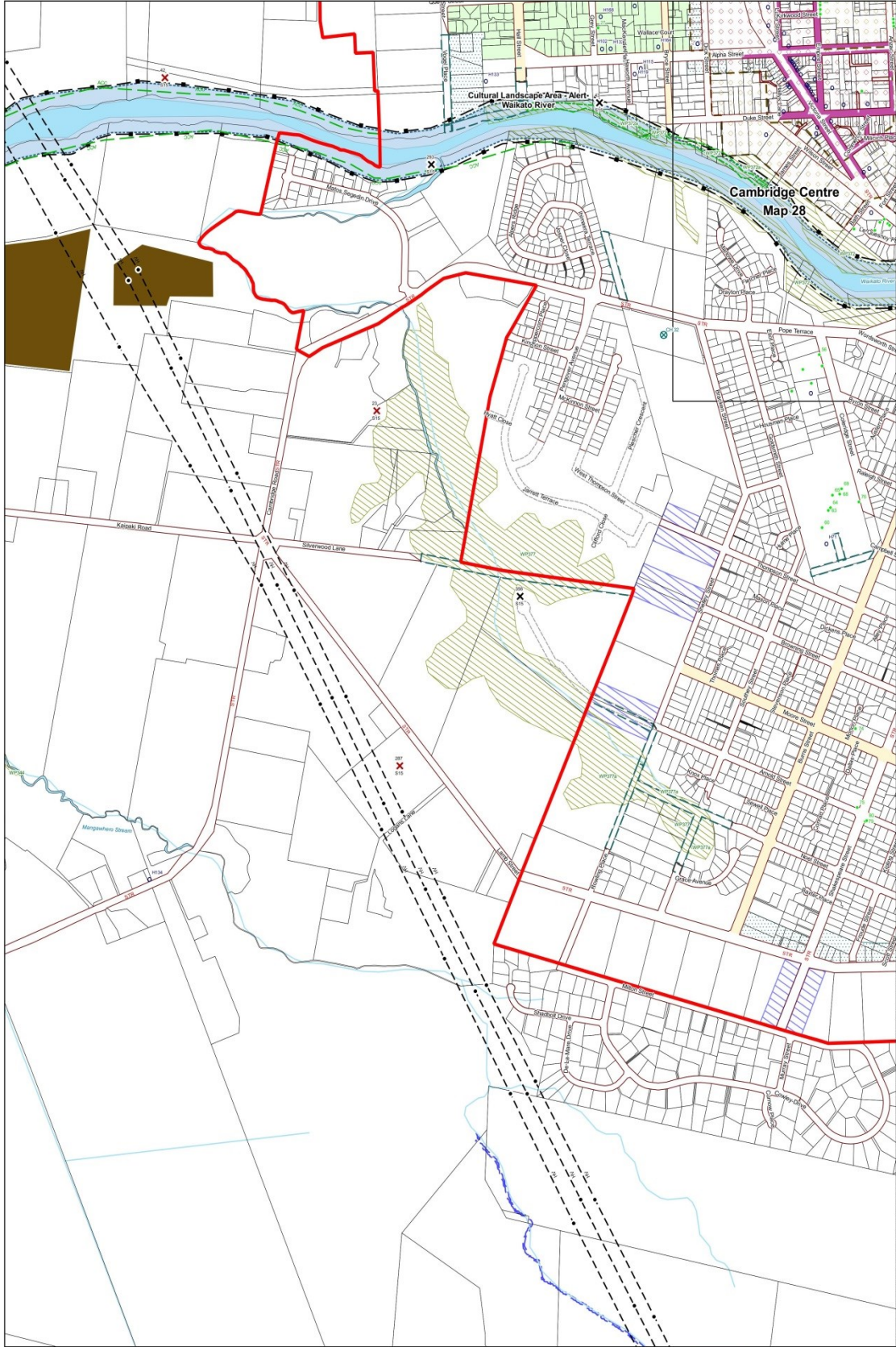


**Cambridge Overview**  
 Proposed Waipa District Plan - Appeals Version  
 14 July 2014

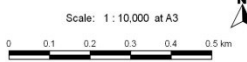


**Policy Areas 23**





**Leamington (West)**  
 Proposed Waipa District Plan - Appeals Version  
 14 July 2014



**Policy Areas 26**



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***REZONING OF 3847  
CAMBRIDGE ROAD***

**SECTION 32 EVALUATION  
REPORT**

*JANUARY 2015*

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## **Part A**

### **1. Introduction**

This report presents an evaluation undertaken by the Waipa District Council (the Council) in accordance with Section 32 of the Act in relation to the rezoning of 3847 Cambridge Road in the Proposed Waipa District Plan. The report examines the extent to which the variation is the most appropriate way to promote sustainable management, evaluates the provisions and assesses the scale and significance of the effects anticipated from implementing the Variation.

### **2. Issue Identification**

#### **2.1 Description of Issue**

The site at 3847 Cambridge Road is owned by Aotearoa Park Developments and is occupied by the landowner as well as other industrial tenants. The site is mostly zoned industrial in the Proposed District Plan, with the western corner of the site zoned rural. This zoning pattern is a carryover from the Operative District Plan, but its continuation in the Proposed District Plan is not considered appropriate as applying two different zones to one site makes efficient management of the site difficult. The rural zoning has been applied to a portion of the site that is currently grassed, but it is part of a wider industrial development. The rural zone rules on this corner of the site are not relevant to the industrial use on the site.

#### **2.2 Background**

The Council and the landowner have been aware of the zoning issue for about a year. The landowner has met with Council and both parties agreed this needed to be dealt with by a variation to the Proposed District Plan. The landowner is now seeking to develop the land further for industrial purposes and seeks to resolve the zoning issue quickly.

This process follows on the back of the partial removal of a designation that had existed over this part of the site. Designation DN 91 relates to the Cambridge Wastewater Treatment Plant, which is located on the adjacent site and had existed over the subject site in error since 1997. The removal of the designation pursuant to s.182 of the RMA was confirmed by Council on 17 October 2013.

There are two land holdings immediately to the north, west and south of the site and these are also currently zoned rural. The land uses on these sites are a wastewater treatment plant (to the north and north-west) and a quarry owned by Remediation NZ Ltd (to the south and south-west. Both land uses are industrial in nature. In addition, sites to the east of the subject site are already zoned Industrial. As such, the surrounding land uses are in keeping with the rezoning of this site to industrial purposes.

Because of the above, it has been agreed to progress a Variation to the Proposed District Plan to re zone the site Industrial and consequently to adjust the urban boundary.

## 2.3 Current Proposed District Plan Provisions

The Strategic Policy Framework in Section 1 of the Proposed District Plan Appeals version provides guidance, amongst other matters, about the land use and settlement pattern for the District until 2050. Relevant objectives and policies are included below:

Objective 1.3.1 aims *“to achieve a consolidated settlement pattern that: (a) is focused in and around the existing settlements of the District, and...”*

Policy 1.3.1.1 is *“to ensure that all future development and subdivision in the District contributes towards achieving the anticipated settlement pattern in the Future Proof Growth Strategy and Implementation Plan 2009 and the District Growth Strategy 2009.”*

Policy 1.3.1.2 aims to ensure *“that new urban activities are focused within the urban limits of towns of the District...”*

Policy 1.3.1.5 aims to *“ensure that the natural resources of the rural zone, including high class soils, continue to be used for rural activities...”*

In summary, the guidance in the Plan for rezoning 3847 Cambridge Road indicates that the Rural Zone should be used for rural activities and that urban activities should be consolidated around existing settlements within urban limits as set out in the Waipa District Growth Strategy.

The Waipa District Growth Strategy shows the current town boundary as including the area of land that is subject to this variation. An excerpt from the Growth Strategy showing the Cambridge Urban Growth Plan is included below.



No changes are proposed to the current policy approach in the Proposed District Plan. The proposed variation is considered in accordance with the strategic direction of the Plan, will better reflect the intention in the Growth Strategy and will enable the site to be managed as an urban use within an urban settlement, rather than split across two zones.

## 2.4 Statutory Considerations

### 2.4.1 Waipa 2050

As outlined in section 2.4, the District Growth Strategy 2009 is considered relevant to this variation, as it includes the portion of land at 3847 Cambridge Road within the

existing town boundary. The current town boundary is shown right on the boundary of the site at 3847 Cambridge Road. Land to the south is included in the future 2050 town boundary. The wastewater treatment plant to the north and west of the site is not included within a future town boundary.

#### **2.4.2 Waikato-Tainui Environmental Plan**

The Waikato-Tainui Environmental Plan has been developed to, amongst other things; act as a tool to provide high-level guidance on Waikato-Tainui objectives and policies with respect to the environment.

The relevant section relating to this variation is that associated with land use planning and the relevant objective is Objective 25.3.2 as follows:

*Objective 25.3.2*

*Urban and rural development is well planned and the environmental, cultural, spiritual, and social outcomes are positive.*

A range of methods have been recommended for achieving this including avoiding high quality and versatile soils and encouraging the use of structure plans or similar tools for significant developments.

The proposed change is considered largely an administration change only to amend an error that has existed in the District Plans for some time. The expectation, generated by both Waipa 2050 and the nature of the surrounding land uses is that this site is industrial and should be zoned as such. Waipa 2050 was a comprehensive land use planning growth strategy that has contributed to laying the framework for a well planned urban (and rural) environment. Undertaking this variation to bring a consistent and appropriate zoning to the property gives effect to that. There are not considered to be any aspects of the Waikato-Tainui Environmental Plan that the proposed variation is inconsistent with.

## **Part B**

### **3. Options**

#### **3.1 Introduction**

Section 32(1)(b)(i) of the Act, requires this report to identify “other reasonably practicable options” to promote sustainable management, including retaining the status quo, non-regulatory methods and variations/plan changes. This part of the report outlines the process undertaken and details the other reasonably practicable options considered to achieve the objectives of the Variation.

### 3.2 Process

In considering other reasonably practicable options, conversations and meetings were held between the landowner and Council staff to discuss the issue. The following options were identified as a result of this:

- Retain the site as notified in the Proposed District Plan; or
- Change the zoning as requested.

The proposal was considered against the strategic direction in the proposed District Plan and the District Growth Strategy 2009. As discussed in section 2.4 and 2.5 the proposed variation was considered to be in accordance with these documents.

The proposed variation was then taken to Waipa District Council's Strategic Planning and Policy Committee in July 2014, where it was agreed that this variation (and a number of others) be advanced with a view to notifying the variation once the outcome of the appeal process was known and subject to the Section 32 assessment.

The impact of the plan change on adjacent owners is considered as part of this s32 assessment. Both neighbouring properties are industrial in nature, although zoned as rural. To the north of the site is a wastewater treatment plant operated by Waipa District Council that is gazetted for sanitary works purposes. The site to the south is privately owned and is used for quarrying purposes. The proposed change has been discussed in a phone conversation between Richard Douch from Beca and Scott Gordon the Operations Manager for the Cambridge site of Remediation NZ Ltd. Scott Gordon noted that the site was used as a sand quarry and did not raise any concerns with the proposed rezoning, however he did request an email outlining the proposal so that he could discuss with his Board. A summary was provided by email to Scott Gordon on Thursday 4 December. Scott Gordon also mentioned that his preference would be for his site to also be zoned Industrial. Richard Douch noted that this would need to be considered as a separate request to Council and it would not be appropriate to deal with that as part of this variation, which was understood by Scott Gordon.

No other reasonably practicable options were identified as part of this process.

#### **Option 1 – Preferred option / Variation**

The preferred option is to proceed with a variation to rezone the portion of the property at 3847 Cambridge Road from rural to industrial zone, and to relocate the urban limit to the west so that it encompasses the site in its entirety.

#### **Option 2 – Status Quo / Baseline**

The current approach is to zone the eastern portion of the site as industrial zone and the western portion of the site as rural zone, with the urban limit running between these two zones and through the site.



## 4. Evaluation of Options

### 4.1 Introduction

Section 3 above outlines the other reasonably practicable options considered. In order to determine whether the other options are reasonably practicable, a comparative analysis has been undertaken. Council is not legally obliged to detail the evaluation process for other reasonably practicable options that were not identified as the preferred option. However, it is considered fair and transparent to demonstrate how the preferred option was decided upon following an assessment against other reasonably practicable options.

The key considerations of this analysis include the relevance of the option to address the issue and the usefulness in guiding decision-making. Reasonableness and achievability have also been considered during this analysis. The following table compares each option:

	Option 1: Preferred option – Rezone and relocate the urban limit on the planning maps	Option 2: Status Quo
Appropriateness	This option removes the complexities for the landowner caused by the majority of the site being zoned industrial and part of it being zoned rural. It also resolves the inconsistency between the District Plan and the Growth Strategy urban limits.	This option does not address the issue as the property will continue to have two applicable zones and to be managed under two different sets of objectives, policies and rules. The site will also continue to be partly in the urban area and partly in the rural area.
Reasonableness	This option provides greater certainty and fairness to the landowner and relevant occupiers as it provides a clearer signal about how the land can be used efficiently.	This option does not facilitate efficient development of land, which creates uncertainty for the landowner.
Achievability	This option is achievable to implement through a variation process and is not cost prohibitive.	This option does not incur any financial costs to council to achieve, however does impose costs on the landowner who must either develop the site under two sets of rules, or alternatively leave a portion of the site undeveloped, which incurs an opportunity cost.
Relevance	This option will resolve the issue.	This option will not resolve the issue.
Usefulness	This option will be more useful in terms of guiding decision-making as it provides clear direction about how the land can be developed, that is in accordance with the Waipa District Growth Strategy.	This option will leave uncertainty about how the land should or can be developed.
Overall rating	Preferred option	Least preferred option

## 4.2 The Preferred Option

The table above demonstrates that Option 1 is the most appropriate as it addresses the issue, is appropriate, reasonable, and achievable, and gets the best overall rating.

## Part C

### 5. Evaluation of Variation Objectives

The variation is focused solely on the rezoning of a portion of one property at 3847 Cambridge Road. As discussed in Section 2.4 this is in accordance with the existing strategic direction in the Proposed District Plan. No changes are proposed to the objectives or policies of the Plan.

### 6. Evaluation of Variation Provisions

Council is required to assess the efficiency and effectiveness of the Variation's provisions in achieving the Variation's objectives. 'Effectiveness' is the measure of contribution that the proposed provisions make towards resolving the issue, while 'efficiency' refers to benefits and costs to all members of society.

This part of the report assesses the Variation's provisions in achieving the Variation's objectives. This entails identifying and assessing the benefits and costs of the environmental, social, cultural and economic effects anticipated from the implementation of the Variation's provisions. This is recorded in the following table.

	Effectiveness/Efficiency	Benefit/Cost
Amendments to Maps 4, 23 and 26 to rezone part of 3847 Cambridge Road from Rural to Industrial Zone and to move the urban limit to encompass the entire land parcel.	<p><b>Effectiveness:</b></p> <p>The rezoning is effective to remove the unnecessary complexity arising from two zones on one site, and to align the District Plan zoning and urban limit with the growth boundary as shown in the District Growth Strategy 2009.</p>	<p><b>Benefits:</b></p> <p>The proposal will have economic benefits for the landowner as it enables the site to be developed holistically, and provides greater certainty that it can continue to be developed as an industrial site.</p>
	<p><b>Efficiency:</b></p> <p>The variation will facilitate efficiency of development by providing certainty to the landowner that the remaining portion of land can be developed as industrial in</p>	<p><b>Costs:</b></p> <p>No costs were identified in progressing this option. Whilst industrial development can now occur with more certainty on this portion of the site, the site was already largely</p>

	Effectiveness/Efficiency	Benefit/Cost
	accordance with the rest of the site.	developed for industrial uses, and the surrounding sites are also used for industrial purposes.
<b>Sufficiency of information and risk of not acting:</b>	Sufficient information was available about the rezoning to consider the effects of the variation. The risk of not acting is to limit the opportunity for development on the site and create uncertainty for the landowner.	

Having regard to the effectiveness and efficiency of the above provisions, the rezoning of the subject site is considered to be the most appropriate way to achieve the objectives of the Plan.

## Part D

### 7. Scale & Significance - Implementation of the Variation

This report must contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects anticipated from the implementation of the Variation. 'Scale' refers to the magnitude of effects, and 'significance' refers to the importance that the wider community places on those effects. The following table outlines the criteria considered to determine the scale and significance of the effects that are anticipated from implementation of the Variation. An ordinal scale has been used for this assessment.

Criteria	Assessment High / Medium / Low / NA
▪ Number of people who will be affected	Low
▪ Magnitude and nature of effects	Low
▪ Geographic extent	Low
▪ Degree of risk or uncertainty	Low
▪ Stakeholder interest	Low
▪ Māori interest	Low
▪ Information and data is easily available	Low
▪ Extent of change from status quo	Low

In this instance, the scale and significance of the effects that are anticipated from the implementation of this Variation is considered to be low for the following reasons:

- The site has already been identified in the District Growth Strategy 2009 as being within the current Town Boundary, and the rezoning will bring the District Plan urban limit into accordance with the District Growth Strategy.

- The majority of the site is already used for industrial purposes and this rezoning will not fundamentally change how the site is used.
- The effects of the rezoning will be limited to those directly adjacent to the rural portion of the site if and when it is developed. These neighbouring properties are already being used for industrial purposes and as such are in keeping with the proposed rezoning.

## 8. Conclusion

The site at 3847 Cambridge Road is predominantly zoned industrial in the Proposed District Plan, with the western corner of the site zoned rural. This report presents an evaluation undertaken by the Council in accordance with Section 32 of the Act for the proposal to rezone the rural part of 3847 Cambridge Road to Industrial and to move the urban limit to encompass the entire site.

This report outlines the process that was taken to identify the issue and options, and evaluates the options. It then evaluates the preferred option in detail, which is to rezone the site as industrial and relocate the urban boundary. The report concludes with an assessment of the scale and significance of the effects anticipated from the rezoning and concludes that these are considered to be low.



### ***Amendment of Protected Trees***

This Variation addresses the issue of incorrect notations in Appendix N4 – Protected Trees and on the Planning Maps within the Proposed District Plan regarding five listed Protected Trees. The Variation includes refining the location of some trees following the identification of mapping errors.

All of the measures proposed in this Variation have been developed following advice and discussions between Council planning staff and Council's Arborist. Variation 2 to the Proposed Waipa District Plan amends Policy Area Map 28, and Appendix N4 as follows:

- Tree #78 – address and legal description amendment in Appendix N4, and amendment on Policy Area Map 28; and
- Trees #103, 104 & 106 – location amendment on Policy Area Map 28.

## Proposed Waipa District Plan – Diagrams showing amendments to Policy Area Map 28<sup>1</sup>

- Amend tree #78 to show location on 68-70 Duke Street, Cambridge

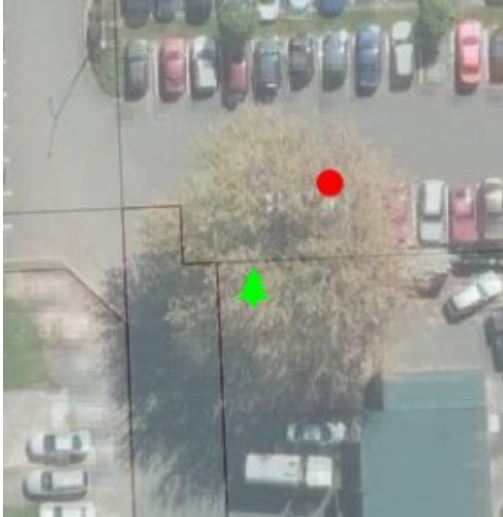


Figure 1: Red dot – Before location, Green Tree – After location

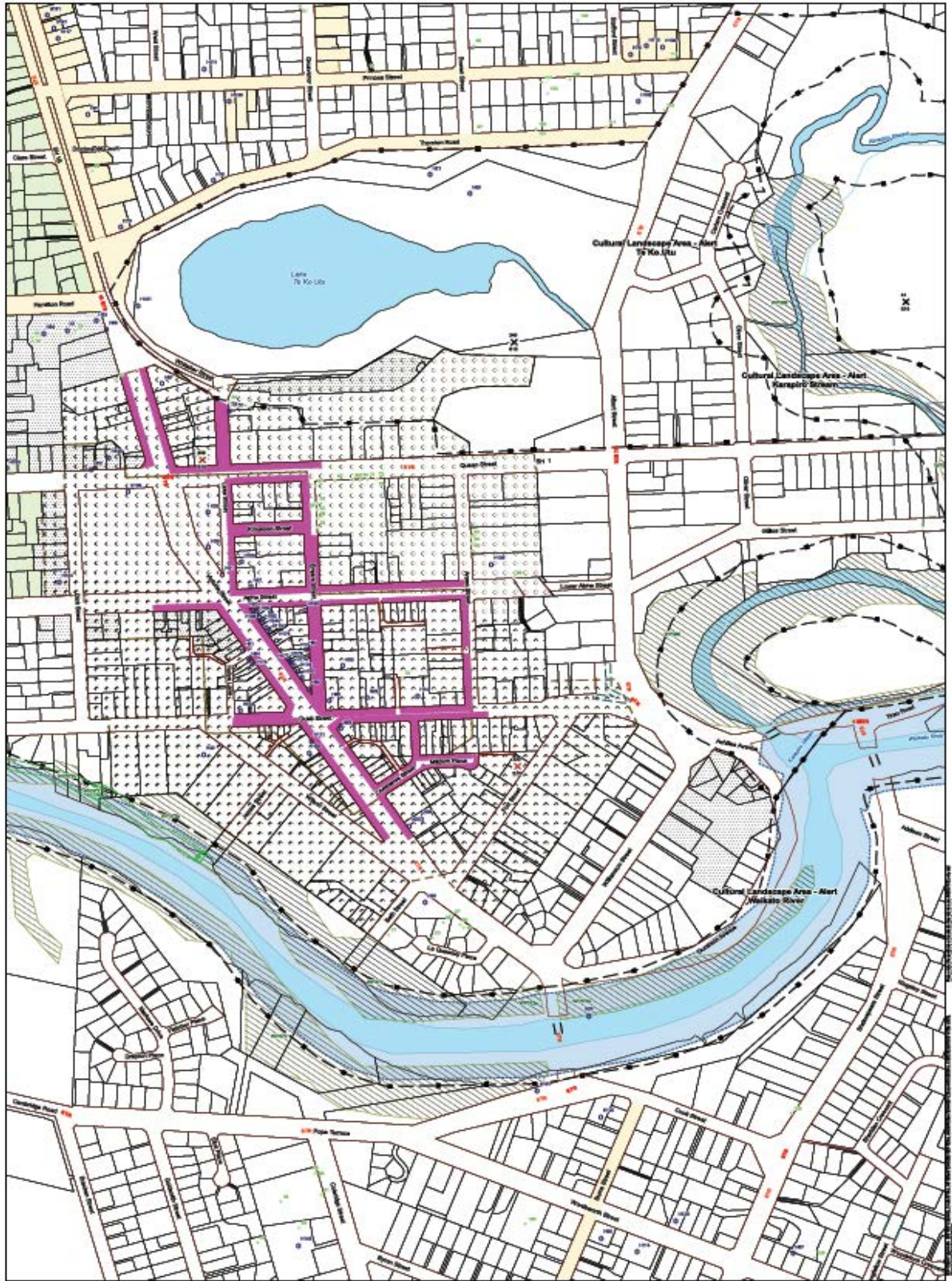
- Amend trees #103, 104 and 106 to show location on trees at 63 Princes Street, Cambridge



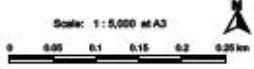
Figure 2: Red dot – Before location, Green Trees – After location

<sup>1</sup> Symbols shown here are for purpose of diagrams only and will not replace the symbols used in the Proposed District Plan.

### Clean Version of the Planning Map 28



**Cambridge Centre**  
Proposed Waipā District Plan - Appeals Version  
14 July 2014



**Policy Areas 28**



## Appendix N4 - Protected Trees

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Map Number	District Plan Number	Location	Legal Description	Description
28	78	<del>88 Alpha Street</del> <u>68-70 Duke Street</u> , Cambridge	<del>LOT 7 DPS11170</del> <u>LOT 2 DPS 26842</u>	1 <i>Acer negundo</i> (Box Elder)



# **AMENDMENT OF PROTECTED TREES**

## **SECTION 32 EVALUATION REPORT**

JUNE 2015

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## Part A – Issue Identification

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### 1. Introduction

This report presents an evaluation undertaken by the Waipa District Council ('the Council') in accordance with Section 32 of the Resource Management Act 1991 ('the Act') in relation to the removal and amendments to the list of Protected Trees in the Proposed Waipa District Plan ('the Plan'). The report examines the extent to which the variation is the most appropriate way to promote sustainable management, evaluates the provisions and assesses the scale and significance of the effects anticipated from implementing the Variation.

### 2. Issue Identification

#### 2.1. Description of Issue

Since publishing the Plan, it has been noted four protected trees have been incorrectly mapped and shown in the Plan. Based on the information collected, the Variation will amend the Plan to update the list of Protected Trees in Appendix N4, and correct the notations of the trees on Policy Area Map 28.

#### 2.2. Background

A check of the Protected Tree notations in Appendix N4 and on the Planning Maps was undertaken by Council staff which revealed that the location of four protected trees were incorrect. It is considered appropriate to correct these for clarity and consistent administration of the Plan.

#### 2.3. Current Proposed District Plan Provisions

The policy framework in Section 23 of the Proposed District Plan – Appeals Version provides guidance, amongst other matters, about the value and protection mechanisms considered appropriate for trees of significance in the District. The relevant objectives and policies are included below:

##### **Objective - Protected trees**

23.3.1 To maintain the protected trees in the District's urban and rural areas (refer to Appendix N4).

##### *Policy - Protected trees*

23.3.1.1 Ensure protected trees within the District are retained to contribute to the character and amenity of the areas in which they are located.

##### *Policy - Work on protected trees*

23.3.1.2 To enable work, such as pruning, to be undertaken on protected trees where the work will assist in maintaining the health of the tree.

*Policy - Building and excavations affecting a protected tree*

23.3.1.3 To ensure the health and existing values of any protected tree are maintained by considering alternative building locations, techniques or materials, and avoiding or minimising excavation within the root protection zone of a protected tree.

*Policy - Removal of protected trees*

23.3.1.4 To ensure that the removal of a protected tree, or the removal of the protected tree status from a tree, only occurs when the values associated with the protected tree have significantly deteriorated and/or the tree is causing a significant hazard to life or property.

In summary, the policy guidance in the Plan indicates that protected trees are important for the character and amenity of the areas in which they are located, provided they are maintained and healthy. No changes are proposed to the current policy approach in the Proposed District Plan. The proposed variation is considered in accordance with the strategic direction of the Plan, will better reflect the existing environment, and enable sites to be managed appropriately with regards to protected trees within the District.

## **2.4. Statutory Considerations**

### **2.4.1. Resource Management Act 1991**

The purpose of the Resource Management Act 1991 is to promote the sustainable management of natural and physical resources which is defined in Section 5(2) as:

*Managing the use, development and protection of natural and physical resources in an way and at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while –*

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) avoiding, remedying or mitigating any adverse effects of activities on the environment.*

The purpose of the Act is only achieved when the matters in (a) to (c) have also been adequately provided for within a District Plan. The Council has a duty under Section 32 to examine whether a proposed objective and its provisions are the most appropriate way for achieving the purpose of the Act.

In achieving the purpose of the Act, all persons exercising functions and powers under it, in relation to the use, development and protection of natural and physical resources, are required to recognise and provide for the matters of national importance identified in Section 6, and have particular regard to other matters identified in Section 7 of the Act.

In order to achieve the purpose of the Act, it must be ensured that people and communities provide for their economic, social, and cultural well-being and for their health and safety. In respect of the Variation, the purpose of the Act is promoted by ensuring that protected trees are sustainably managed in a way which enhances the character and amenity of the area in which they are located.

The Act seeks to maintain and enhance amenity values 7(c), and improve the quality of the wider environment 7(f). Section 8 of the Act requires that the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are taken into account. Therefore, in respect of Sections 5, 6, 7 and 8 of the Act, the Variation provides for the maintenance and enhancement of the areas where protected trees are located.

#### **2.4.2. Resource Management Amendment Act 2009**

Section 76(4A) of the Resource Management Act was amended in 2009 by the Resource Management Amendment Act 2009 to ensure rules in district plans do not prohibit or restrict the felling, trimming, damaging or removal of any tree or group of trees in an urban environment unless the trees are identified in a plan or located in a reserve or are subject to a conservation management plan or strategy. The existing provisions of the Proposed District Plan are in accordance with Section 76(4A) of the Act as the trees are individually identified in Appendix N4.

#### **2.4.3. Summary**

The proposed variation has been considered with regard to the above documents. The variation is considered largely an administrative amendment to appropriately notate and reference the protected trees. There are not considered to be any aspects of the above documents that the proposed variation is inconsistent with. No other legislation or statutory documents are considered relevant to this variation.

## Part B – Options and Evaluation

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### 3. Options

#### 3.1. Introduction

Section 32(1)(b)(i) of the Act, requires this report to identify “other reasonably practicable options” to promote sustainable management, including retaining the status quo, non-regulatory methods and variations/plan changes. This part of the report outlines the process undertaken and details the other reasonably practicable options considered to achieve the objectives of the Variation.

#### 3.2. Process

In considering reasonably practicable options, conversations and meetings were held between Council staff to consider the issue. The following options were identified as a result of this:

- Retain the notations as notified in the Proposed District Plan; or
- Amend the notations to reflect the actual location of the protected trees.

The impact of the variation on adjacent owners is considered as part of this section 32 assessment.

No other reasonably practicable options were identified as part of this process.

#### Option 1 – Preferred Option / Variation

The preferred option is to proceed with a variation to amend the protected tree notations to ensure that Appendix N4 and the Planning Maps are accurate.

#### Option 2 – Status Quo

The current approach is to retain protected trees in Appendix N4 and on the Planning Maps which are incorrectly located.

### 4. Evaluation of Options

#### 4.1. Introduction

Section 3 above outlines the other reasonably practicable options considered. In order to determine whether the other options are reasonably practicable, a comparative analysis has been undertaken. Council is not legally obliged to detail the evaluation process for other reasonably practicable options that were not identified as the preferred option. However, it is considered fair and transparent to demonstrate how the preferred option was decided upon following an assessment against other reasonably practicable options.

The key considerations of this analysis include the relevance of the option to addressing the issue and the usefulness in guiding decision-making. Reasonableness and achievability have also been considered during this analysis. The following table compares each option:

	Option 1: Amend the protected tree notations on the Planning Maps and in Appendix N4	Option 2: Retain as notified
Appropriateness	This option ensures that Appendix N4 and the Planning Maps are accurate, and removes the confusion and complexities for landowners and other plan users caused by notations for trees which are incorrectly identified.	This option does not address the issue as the properties will continue to have notations for trees which are incorrectly located. The sites will continue to be subject to rules, objectives and policies which cannot be applied. In addition the retention of incorrectly located trees will cause issues for building consents and apply provisions requiring unnecessary resource consents.
Reasonableness	This option provides certainty to landowners and Plan users as it provides accurate information about the trees which are protected.	This option does not facilitate efficient protection of valued trees as it creates uncertainty and confusion for landowners and Plan users.
Achievability	This option is achievable to implement through a variation process and is not cost prohibitive.	This option does not incur any financial costs to Council, however it does impose costs on landowners who must apply irrelevant Plan provisions to their site.
Relevance	This option will resolve the issue.	This option will not resolve the issue.
Usefulness	This option will be useful in terms of guiding decision-making as it provides clear direction about trees which are protected.	This option will leave uncertainty about how sites can be developed.
<b>Overall rating</b>	<b>Preferred option</b>	<b>Least preferred option</b>

## 4.2. The Preferred Option

The table above demonstrates that Option 1 is the most appropriate as it addresses the issue, is appropriate, reasonable, and achievable.



## Part C – Evaluation of Variation

### 5. Evaluation of Variation Objectives

The variation is focused solely on the amendment of protected tree notations and listings on the Planning Maps and within Appendix N4. As discussed in Section 2.4 above, this is in accordance with the existing direction in the Proposed District Plan. No changes are proposed to the objectives or policies of the Plan.

### 6. Evaluation of Variation Provisions

Council is required to assess the efficiency and effectiveness of the Variation's provisions in achieving the Variation's objectives. 'Effectiveness' is the measure of contribution that the proposed provisions make towards resolving the issue, while 'efficiency' refers to benefits and costs to all members of society.

This part of the report assesses the Variation's provisions in achieving the Variation's objectives. This entails identifying and assessing the benefits and costs of the environmental, social, cultural and economic effects anticipated from the implementation of the Variation's provisions. As such, the amendments must be examined in terms of their benefits and costs, and the risk of acting or not acting if there is sufficient information. This is recorded in the following table.

	Effectiveness/Efficiency	Benefit/Cost
Amendments to Planning Maps and Appendix N4 to amend four protected trees	<b>Effectiveness:</b> The amendments are effective to align the notations with the correct trees.	<b>Benefits:</b> The variation will provide clarity and certainty to landowners and plan users.
	<b>Efficiency:</b> The variation will facilitate efficiency of development by providing certainty to the landowners about the status of protection of trees on their sites.	<b>Costs:</b> No costs were identified in progressing this option.
<b>Sufficiency of information and risk of not acting:</b>	Sufficient information is available about the health and location of the protected trees. The risk of not acting is to limit the opportunity for development on the sites and create uncertainty for landowners and plan users. As such, the anticipated benefits of making the amendments outweighs the anticipated risk.	

Having regard to the effectiveness and efficiency of the above provisions the amendments to the Planning Maps and Appendix N4 to refine the location of five protected trees is considered to be the most appropriate way to achieve the objectives of the Plan.

## Part D - Implementation of Variation

### 7. Scale & Significance - Implementation of the Variation

This report must contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects anticipated from the implementation of the Variation. 'Scale' refers to the magnitude of effects, and 'significance' refers to the importance that the wider community places on those effects. The following table outlines the criteria considered to determine the scale and significance of the effects that are anticipated from implementation of the Variation. An ordinal scale has been used for this assessment.

Criteria	Assessment High / Medium / Low / NA
▪ Number of people who will be affected	Low
▪ Magnitude and nature of effects	Low
▪ Geographic extent	Low
▪ Degree of risk or uncertainty	Low
▪ Stakeholder interest	Low
▪ Māori interest	Low
▪ Information and data is easily available	Low
▪ Extent of change from status quo	Low

In this instance, the scale and significance of the effects that are anticipated from the implementation of this Variation is considered to be low for the following reasons:

- The property owners are aware of the protected trees true locations;
- The amendments to the Planning Maps are to provide clarity regarding the location of the protected trees; and
- The amendments to Appendix N4 are to assist in correct identification of the protected trees.

For these reasons, the scale and significance of implementing the variation and implications of this are considered to be low.

### 8. Conclusion

This report presents an evaluation undertaken by the Council in accordance with Section 32 of the Act for the proposal to amend four listed protected trees in the Proposed District Plan.

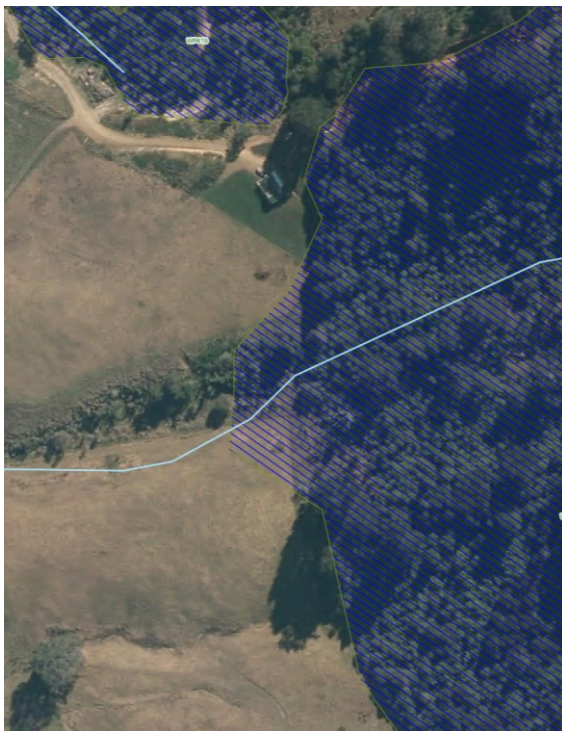
This report outlines the process that was taken to identify the issue and options, and evaluates the options. It then evaluates the preferred option in detail, which is to amend the Proposed District Plan. The report concludes with an assessment of the scale and significance of the effects anticipated from the amendments and concludes that these are considered to be low.

The provisions of the variation have been tested against the purpose of the Act and it can be concluded that in accordance with Section 32(1)(a), the un-amended objectives, policies and rules contained in the Proposed District Plan are the most appropriate way to achieve Part 2.

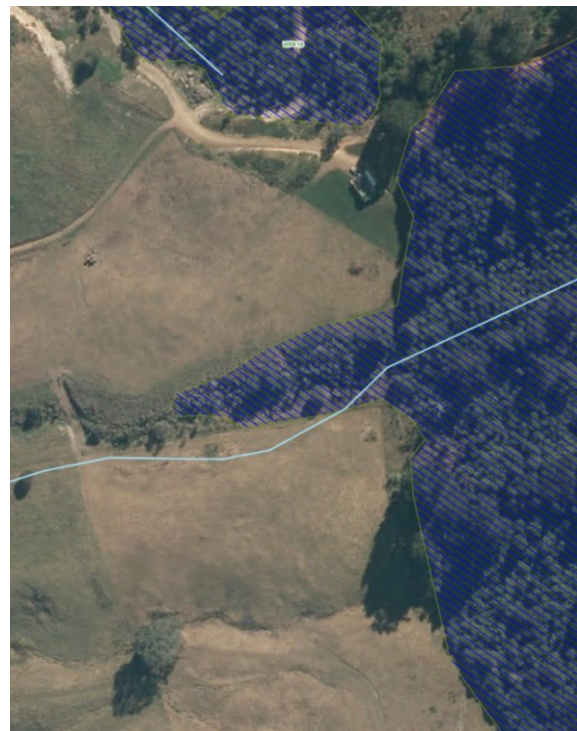
The Section 32 evaluation has been undertaken within the appropriate scope and with consideration to all of the applicable provisions of the Act. It has been concluded that the amendments outweigh the anticipated risk of not acting.

### ***Amendment of Significant Natural Area WP419***

This Variation addresses the issue of the boundary of Significant Natural Area ('SNA') WP419, located at 314 Aspin Road, in the Appeals Version of the Proposed Waipa District Plan, May 2014. The identified area includes a portion of the property that is grazed pasture and therefore does not meet the criteria for inclusion in the SNA boundary. The variation is to amend the boundary of the SNA to remove the area of pasture. This change is illustrated in figure 1 and 2 below.



**Figure 1 –SNA WP419 boundary before**

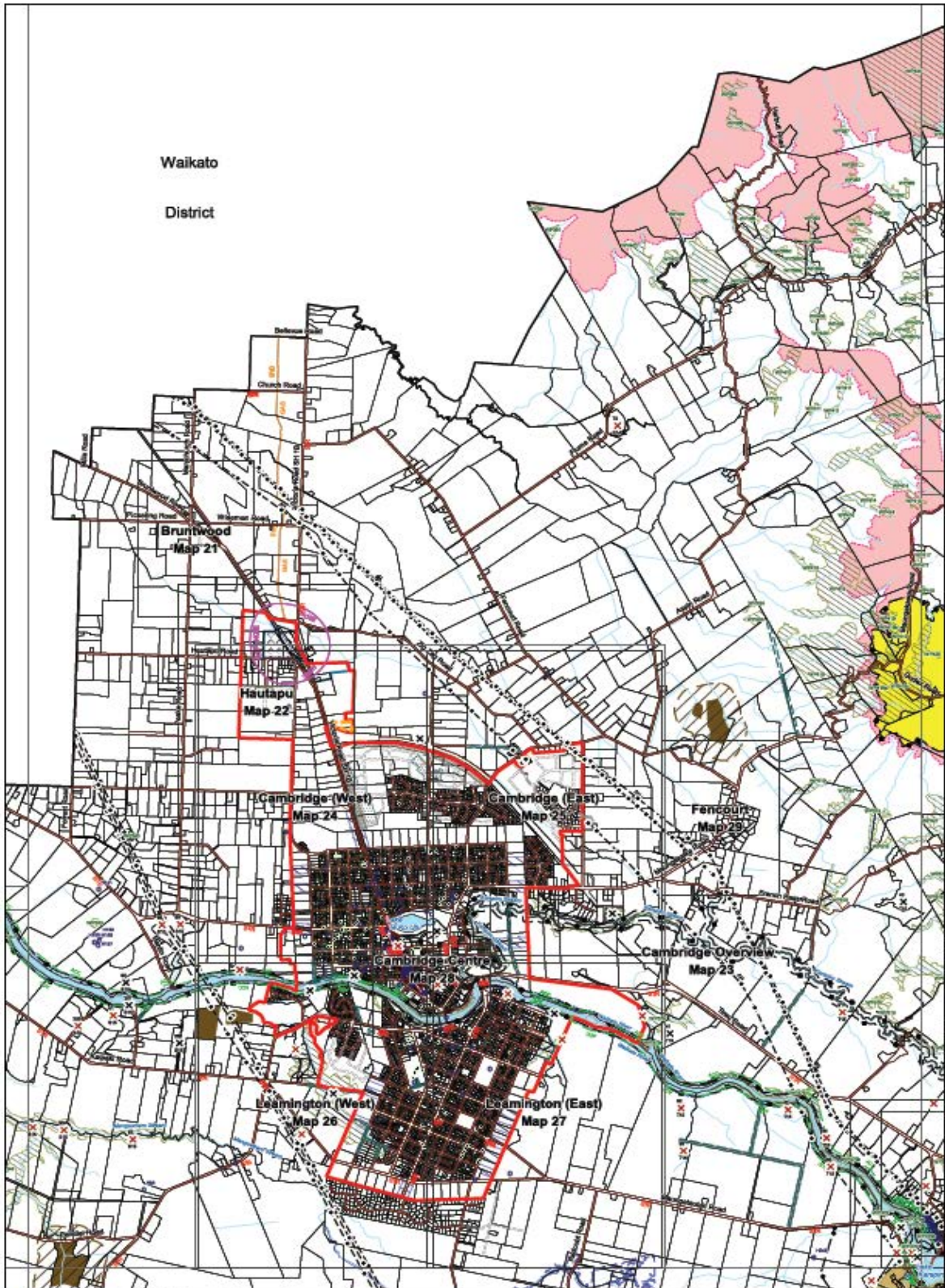


**Figure 2 – SNA WP419 boundary after**

The measures recommended in this Variation have been developed following discussions between Council staff, Mr Gerry Kessels, the Waikato Regional Council, and the landowner's representative where it was agreed that the SNA overlay was not appropriate for the area of pasture and should be remedied.

Variation 3 to the Proposed Waipa District Plan amends Policy Area Map 4 to remove the area of pasture from Significant Natural Area WP419.

# Clean Version of the Planning Map 4



**Waipa** Cambridge Overview  
Proposed Waipa District Plan - Appeals Version  
14 July 2014

Scale: 1:40,000 at A3

0 0.5 1 1.5 2 2.5 km

**Policy Areas 4**



**AMENDMENT OF  
SIGNIFICANT NATURAL  
AREA WP419**

**SECTION 32 EVALUATION  
REPORT**

JUNE 2015

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## Part A - Issue Identification

### 1. Introduction

This report presents an evaluation undertaken by the Waipa District Council ('the Council') in accordance with Section 32 of the Act in relation to the boundary of Significant Natural Area WP419, located at 314 Aspin Road, in the Proposed Waipa District Plan ('the Plan'). The report examines the extent to which the variation is the most appropriate way to promote sustainable management, evaluates the provisions and assesses the scale and significance of the effects anticipated from implementing the Variation.

### 2. Issue Identification

#### 2.1. Description of Issue

The site at 314 Aspin Road is owned by the J & C Erkkila Family Trust and contains a large portion of Significant Natural Area, WP419, as shown in Figure 3 below.

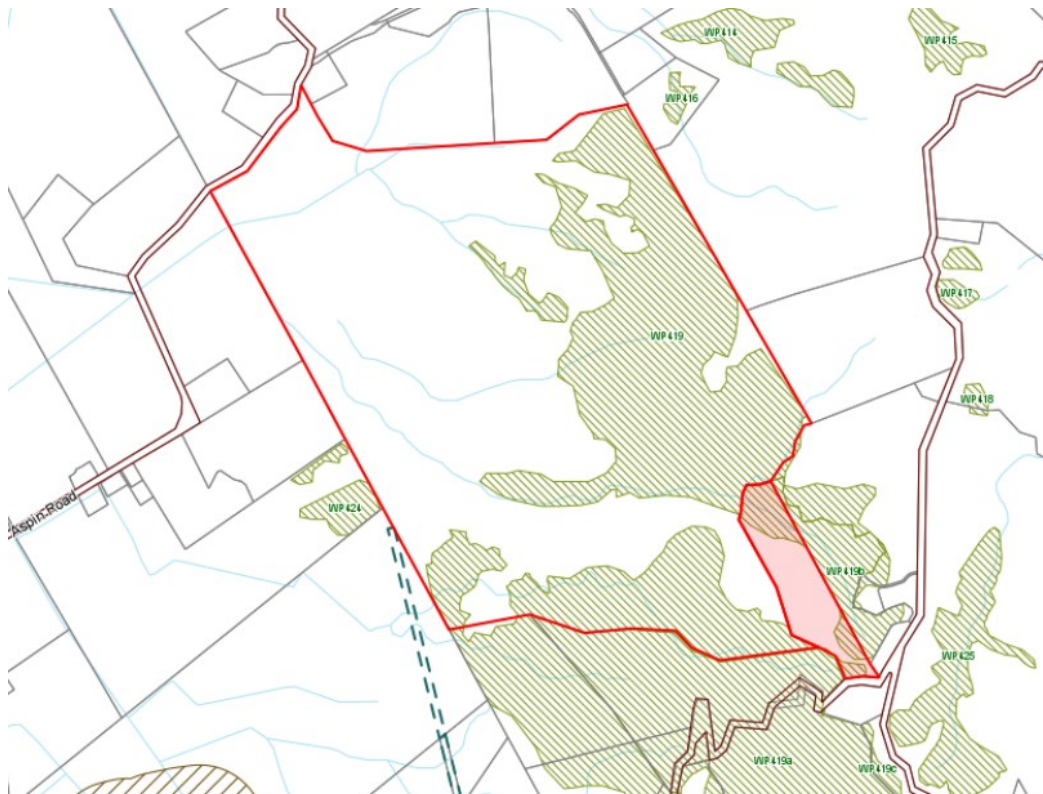


Figure 3 – SNA diagram – WP419

The boundary of WP419 includes an area of pasture which does not meet the criteria for an SNA overlay and is considered to be inappropriately included in the SNA boundary. The area of pasture is shown in Figure 4 below.





Figure 4 – Area of pasture included in SNA WP419

## 2.2. Background

J & C Erkkila Family Trust made a submission and a further submission on the Plan seeking the amendment of the boundary of SNA WP419 to align with the recommendations of the Site Visit Recording Report and the mapping undertaken by Kessels and Associates in May 2011. **Refer to Appendix 1.**

The submissions were included in Chapter 6: Biodiversity – Significant Natural Areas and heard as part of Report 18 – Natural Features. As part of consideration of the submission the Council commissioned Mr Gerry Kessels, Managing Director and Senior Ecologist of Kessels Ecology, to undertake a review of the SNA. An inspection of the site was undertaken on 13 May 2013. From this site visit Mr Kessels noted:

*“The concerns John Erkkila had have been largely resolved with the last SNA boundary changes which he wasn’t aware of. The only matter outstanding after we completed a complete site inspection was found to be a landlocked area of pasture included in the SNA (some 1-2ha) and an existing track access to it. I will amend the SNA boundary to exclude this grass area<sup>1</sup> and I understand that existing tracks and their on-going maintenance are permitted under the plan rules for SNAs.”*

The Section 42A Report noted boundary changes were made as part of the Draft Plan process and that an area of pasture, surrounded by indigenous vegetation, had

<sup>1</sup> Note: The grass area referred to here is another area of existing pasture.

been included in the SNA. The Report recommended that the area be removed from the SNA, as shown in yellow below in Figure 5, along with other boundary changes (Refer to Chapter 6, paragraph 6.13.3 of the Section 42A Report).



**Figure 5 – Area of pasture recommended for removal in the Section 42A Report**

At the time of the hearing, the Erkkilä's were represented by Ms Kathryn Drew, Senior Planner of Bloxam Burnett & Olliver. In her evidence she outlined the Erkkilä's are supportive of the SNA classification in principle however are concerned with the inaccuracies with the location of the SNA boundary relative to features on the ground. Ms Drew requested the SNA boundary shown on the Planning Maps also exclude a portion of the property which is grazed pasture as this area does not meet the criteria for an SNA overlay and only became apparent with improved aerial photography being overlaid with the SNA boundary.

The Council's Decision Report explains Mr Kessels undertook a review of the SNA boundaries and as a result the Committee agreed to various amendments to the Planning Maps and Plan Appendices to reflect his recommendations. The area of pasture requested for removal from the SNA by Ms Drew at the time of the hearing, and subject to this variation, is shown below in Figure 6 and was not included in the recommendations from Mr Kessels (Refer to Chapter 6, paragraph 6.13.2 and Appendix 11 of the Decision Report).



Figure 6 – Area of pasture included in SNA WP419

### 2.3. Current Proposed District Plan Provisions

In response to the identification of SNAs by the Waikato Regional Council as part of the Regional Policy Statement review, Waipa District Council has chosen to identify the SNAs of the District in the Proposed District Plan. Waipa District Council considers this to be the most appropriate implementation method to protect the identified indigenous vegetation.

The Plan adopts the “no let loss” principle to ensure the overall proportion of remaining indigenous vegetation at least remains the same across the District. The Plan adopts a cascade approach to managing activities that affect biodiversity such as vegetation removal and earthworks with the most restrictive provisions applying to SNAs. This is achieved through the framework in Section 24 of the Plan which provides protection mechanisms, and guidance, considered appropriate for SNAs in the District. The relevant objectives and policies are included below:

#### **Objective - Identified significant natural areas**

- 24.3.1 To retain the existing level of biodiversity within the District by protecting, managing and enhancing the identified significant natural areas.

#### *Policy - Limiting indigenous vegetation clearance and other activities within and in proximity to identified significant natural areas*

- 24.3.1.1 To maintain the ecological sustainability, values and characteristics of significant natural areas by ensuring that:
- (a) The clearance of indigenous vegetation for any activity including the provision of infrastructure, shall:
    - (i) only occur in small quantities in areas of local significance; and

- (ii) only occur in limited circumstances within internationally, nationally or regionally significant natural areas.
- (b) The health and functioning of significant natural areas and peat lakes is maintained through appropriate land use practices including building setbacks.
- (c) Best practice fencing standards for deer or goat populations shall be undertaken in proximity to significant natural areas.
- (d) Trimming and pruning of vegetation within significant natural areas to maintain existing tracks, fences and network utility infrastructure only occurs in limited circumstances.

In addition to maintaining the remaining indigenous vegetation cover, the Plan seeks to secure the protection of key natural areas through benefit lot incentives. This is achieved through the framework in Section 15 - Infrastructure, Natural Hazards Development and Subdivision. These incentives encourage protection of natural areas at the time of subdivision by providing the land owner with an 'environmental benefit lot' which in some situation can be provided on site or can be transferred to a less sensitive area within the District. The relevant objectives and policies are included below:

**Objective - Integrated development: environmental enhancement**

- 15.3.6 Maintain and enhance the District's natural environment, including the natural functioning of the environment, natural features and landscapes, and significant natural areas.

*Policy - Achieving the permanent protection of the natural environment*

- 15.3.6.3 To achieve the permanent protection of identified significant natural areas, Maungatautari Ecological Island, ecological features, lakes and water bodies, and the Te Awa Cycleway route, through the incentive of an environmental benefit lot.

*Policy - Identification of sensitive locations*

- 15.3.6.5 Subdivision entitlement that creates an additional lot in identified sensitive locations shall be directed to less sensitive locations as specified in this Plan.

No changes are proposed to the current policy approach in the Plan. The proposed variation is considered to be in accordance with the strategic direction of the Plan, will better reflect the existing environment and enable the site to be managed appropriately with regards to the indigenous vegetation important to the District.

## 2.4. Statutory Considerations

### 2.4.1. Resource Management Act 1991

The Resource Management Act 1991 ('the Act') recognises "indigenous biodiversity" as a matter of national importance (Section 6(c)) and requires protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna to be recognised and provided for. The Plan identifies and protects areas of indigenous vegetation and habitats of indigenous fauna, of national, regional and local significance to ensure the overall proportion of remaining indigenous vegetation at least remains the same. The mechanisms described above in Section 2.3 are considered to achieve the requirements of the Act.

### 2.4.2. Proposed Waikato Regional Policy Statement – Decisions Version (November 2012)

Areas of significant indigenous vegetation and habitats of indigenous fauna that comply with the criteria in the Waikato Regional Policy Statement have been identified in the Plan. These areas are identified on the Planning Maps and have particular policies and rules that apply to them. The Plan seeks to control vegetation removal, earthworks, and in some instances the location of buildings within these areas in order to meet the objectives and policies of the Regional Policy Statement.

### 2.4.3. Council's Environment Strategy 2010

The Environment Strategy 2010 identifies in 'Theme 2 - Sustainable land use' the following goal:

*"Goal 4: To protect, enhance, restore and reconnect indigenous habitats to improve their long-term viability."*

The following issues are identified in the Environment Strategy in relation to Goal 4, as follows:

- Many remaining natural habitats are small and fragmented;
- Over half the indigenous vegetation remaining is on private land and is not formally protected; and
- The Waipā peat lakes and wetlands are particularly sensitive to drainage, catchment development - especially enrichment and the pressures from introduced pests.

A suite of actions and possible actions are identified in the Environment Strategy to address these issues, many of which are outside the District Plan. Rules to protect vegetation at the time of subdivision and incentives in the District Plan are mentioned in the Strategy as a couple of tools to address these issues.

### 2.4.4. Waikato-Tainui Environmental Plan

The Waikato-Tainui Environmental Plan has been developed to, amongst other things; act as a tool to provide high-level guidance on Waikato-Tainui objectives and

policies with respect to the environment. Section 15 – Natural Heritage and Biosecurity and Section 25 – Land Use Planning include objectives relevant to this variation as follows:

**Objective – Indigenous biodiversity**

15.3.1 The full range of Waikato ecosystem types found throughout the Waikato-Tainui rohe are robust and support representative native flora and fauna.

**Objective – Approach to land use and development**

25.3.1 Development principles are applied to land use and development (urban and rural) and, in particular, development in new growth cells, that enhance the environment.

**Objective – Urban and rural development**

25.3.2 Urban and rural development is well planned and the environmental, cultural, spiritual, and social outcomes are positive.

**Objective – Positive environmental and cultural effects**

25.3.3 Land use and development has positive environmental and cultural effects.

A range of methods have been recommended for achieving these objectives including retention and enhancement of remnant stands of indigenous vegetation, the establishment and enhancement of ecological corridors, and the use of Low Impact Development principles to encourage the conservation of natural resources.

**2.4.5. Summary**

The proposed variation has been considered with regard to the above documents. The variation is considered largely an administrative amendment to clarify the boundary of SNA WP419. There are not considered to be any aspects of the above documents that the proposed variation is inconsistent with and undertaking this variation will retain appropriate protection of the indigenous vegetation on the site.

## Part B – Options and Evaluation

---

### 3. Options

#### 3.1. Introduction

Section 32(1)(b)(i) of the Act, requires this report to identify “other reasonably practicable options” to promote sustainable management, including retaining the status quo, non-regulatory methods and variations/plan changes. This part of the report outlines the process undertaken and details the other reasonably practicable options considered to achieve the objectives of the Variation.

#### 3.2. Process

In considering other reasonably practicable options, conversations and meetings were held between Council staff to consider the issue. Advice was sought from both Mr Gerry Kessels and Dr Yanbin Deng, Principal Ecologist of Waikato Regional Council.

Mr Kessels advised *“In the 2013 survey and discussions with WRC I recall that I was agreeable to removing the pasture part of the area from the SNA outlier as shown in the map below. However, the final map shown in the WRC memo does still include the piece in contention which was an outcome of the negotiations. On reflection, it still should be slightly amended to exclude the small area of pasture.”* Mr Kessels recommended consultation with Dr Deng to seek Waikato Regional Council’s opinion on the matter.

Dr Deng recommended to remove the areas highlighted in yellow (as shown in the figure below), which is obviously pasture as the landowner requested. The area highlighted in the blue colour including the extended “gully area” (as shown in blue in the figure below) should be field checked to confirm the vegetation types before making a final decision on this amendment. A field check by Kessels Associates was recommended to confirm the vegetation in the gully area.



**Figure 7 – Suggested WRC SNA WP419 boundary amendments and field check**

A request was sent to Mr & Mrs Erkkila, via Ms Drew, to consider the inclusion of the gully area in January 2015. The Erkkila's have provided their agreement to the amendments as proposed by the Regional Council as shown in Figure 7 above. As a result the following options were identified:

- Retain the SNA boundary as notified in the Proposed District Plan; or
- Amend the SNA boundary to remove the area of pasture shown in yellow in Figure 7 above, and to include the gully area as shown in blue in Figure 7 above.

No other reasonably practicable options were identified as part of this process.

### **Option 1 – Preferred option / Variation**

The preferred option is to proceed with a variation to amend the boundary of SNA WP419 to remove the area of pasture and include the gully area as shown in Figure 7 of this report.

### **Option 2 – Status Quo / Baseline**

The current approach is to retain the boundary of SNA WP419 as notified including the area of pasture.



## 4. Evaluation of Options

### 4.1. Introduction

Section 3 above outlines the other reasonably practicable options considered. In order to determine whether the other options are reasonably practicable, a comparative analysis has been undertaken. Council is not legally obliged to detail the evaluation process for other reasonably practicable options that were not identified as the preferred option. However, it is considered fair and transparent to demonstrate how the preferred option was decided upon following an assessment against other reasonably practicable options.

The key considerations of this analysis include the relevance of the option to addressing the issue and the usefulness in guiding decision-making. Reasonableness and achievability have also been considered during this analysis. The following table compares each option:

	Option 1: Amend the boundary of SNA WP419 to remove the area of pasture, and include the area of gully as shown on Figure 7 of this report.	Option 2: Retain as notified.
Appropriateness	This option removes the confusion and complexities for the landowner caused by the inclusion of the area of pasture in the SNA boundary.	This option does not address the issue as the area of pasture will be required to comply with the Plan provisions for indigenous vegetation. This area of the site will continue to be party to objectives and policies which cannot be applied.
Reasonableness	This option provides greater certainty for the landowner as it provides clarity about what natural features are protected.	This option does not facilitate the appropriate land use for the area of pasture.
Achievability	This option is achievable to implement through a variation process and is not cost prohibitive.	This option does not incur any financial costs to council to achieve, however does impose costs on the landowner who must apply irrelevant plan provisions to their site.
Relevance	This option will resolve the issue.	This option will not resolve the issue.
Usefulness	This option will be more useful in terms of guiding decision-making as it provides clear direction about the area to be protected.	This option will leave uncertainty about how the site can be used.
Overall rating	Preferred option	Least preferred option

### 4.2. The Preferred Option

The table above demonstrates that Option 1 is the most appropriate as it addresses the issue, is appropriate, reasonable, and achievable.

## Part C – Evaluation of Variation

### 5. Evaluation of Variation Objectives

The variation is focused solely on the amendment of the boundary of SNA WP419 on the Planning Maps. As discussed in Section 2.4 above, this is in accordance with the existing strategic direction in the Plan. No changes are proposed to the objectives or policies of the Plan.

### 6. Evaluation of Variation Provisions

Council is required to assess the efficiency and effectiveness of the Variation's provisions in achieving the Variation's objectives. 'Effectiveness' is the measure of contribution that the proposed provisions make towards resolving the issue, while 'efficiency' refers to benefits and costs to all members of society.

This part of the report assesses the Variation's provisions in achieving the Variation's objectives. This entails identifying and assessing the benefits and costs of the environmental, social, cultural and economic effects anticipated from the implementation of the Variation's provisions. This is recorded in the following table.

	Effectiveness/Efficiency	Benefit/Cost
Amendment to Planning Map 4	<b>Effectiveness:</b> The amendment is effective to remove the unnecessary notation on the area of pasture.	<b>Benefits:</b> The proposal will provide clarity and certainty for the landowner.
	<b>Efficiency:</b> The variation will facilitate efficiency of land use by providing certainty to the landowner about the status of the area.	<b>Costs:</b> No costs were identified in progressing this option.
<b>Sufficiency of information and risk of not acting:</b>	Sufficient information was available about the location of the boundary between the indigenous vegetation and the pasture. The risk of not acting is to limit the opportunity for land use on the site and create uncertainty for the landowner.	

Having regard to the effectiveness and efficiency of the above provisions, the amendment to Planning Map 4 is considered to be the most appropriate way to achieve the objectives of the Plan.

## Part D – Implementation of Variation

### 7. Scale & Significance - Implementation of the Variation

This report must contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects anticipated from the implementation of the Variation. 'Scale' refers to the magnitude of effects, and 'significance' refers to the importance that the wider community places on those effects. The following table outlines the criteria considered to determine the scale and significance of the effects that are anticipated from implementation of the Variation. An ordinal scale has been used for this assessment.

Criteria	Assessment High / Medium / Low / NA
▪ Number of people who will be affected	Low
▪ Magnitude and nature of effects	Low
▪ Geographic extent	Low
▪ Degree of risk or uncertainty	Low
▪ Stakeholder interest	Low
▪ Māori interest	Low
▪ Information and data is easily available	Low
▪ Extent of change from status quo	Low

In this instance, the scale and significance of the effects that are anticipated from the implementation of this Variation is considered to be low for the following reasons:

- The amendment to the SNA boundary is wholly contained within one property; and
- The amendment to the Planning Map will provide clarity regarding the location of the indigenous vegetation to be protected and the area of pasture.

For these reasons, the scale and significance of implementing the variation and implications of this are considered to be low.

### 8. Conclusion

This report presents an evaluation undertaken by the Council in accordance with Section 32 of the Act for the proposal to amend the boundary of SNA WP419 in the Proposed District Plan to exclude the area of pasture and include the area of gully as shown in Figure 7 on page 14 of this report.

This report outlines the process that was taken to identify the issue and options, and evaluates the options. It then evaluates the preferred option in detail, which is to amend the Proposed District Plan. The report concludes with an assessment of the scale and significance of the effects anticipated from the amendment and concludes that these are considered to be low.

The provisions of the variation have been tested against the purpose of the Act and it can be concluded that in accordance with Section 32(1)(a), the un-amended objectives, policies and rules contained in the Proposed District Plan are the most appropriate way to achieve Part 2.

The Section 32 evaluation has been undertaken within the appropriate scope and with consideration to all of the applicable provisions of the Act. It has been concluded that the amendments outweigh the anticipated risk of not acting.



### ***Amendment of Significant Natural Area WP553***

This Variation addresses the issue of the boundary of Significant Natural Area ('SNA') WP553, located at 852 Tirau Road, in the Proposed Waipa District Plan, May 2014. The identified area includes a portion of the property that is exotic vegetation and therefore does not meet the criteria for inclusion in the SNA boundary. The variation is to amend the boundary of the SNA to remove the area of exotic vegetation. This area to be removed is illustrated in figure 1 below.



**Figure 1: Area outlined in purple to be removed from SNA WP553**

The measures recommended in this Variation have been developed following discussions between Council staff, Council's Ecological Consultant Mr. Gerry Kessels, and the landowner where it was agreed that the SNA overlay was not appropriate for the area of exotic vegetation and should be remedied. Variation 4 to the Proposed Waipa District Plan amends Policy Area Map 30 to remove the area of exotic vegetation from Significant Natural Area WP553.

# Proposed Waipa District Plan – Amendments to Planning Map

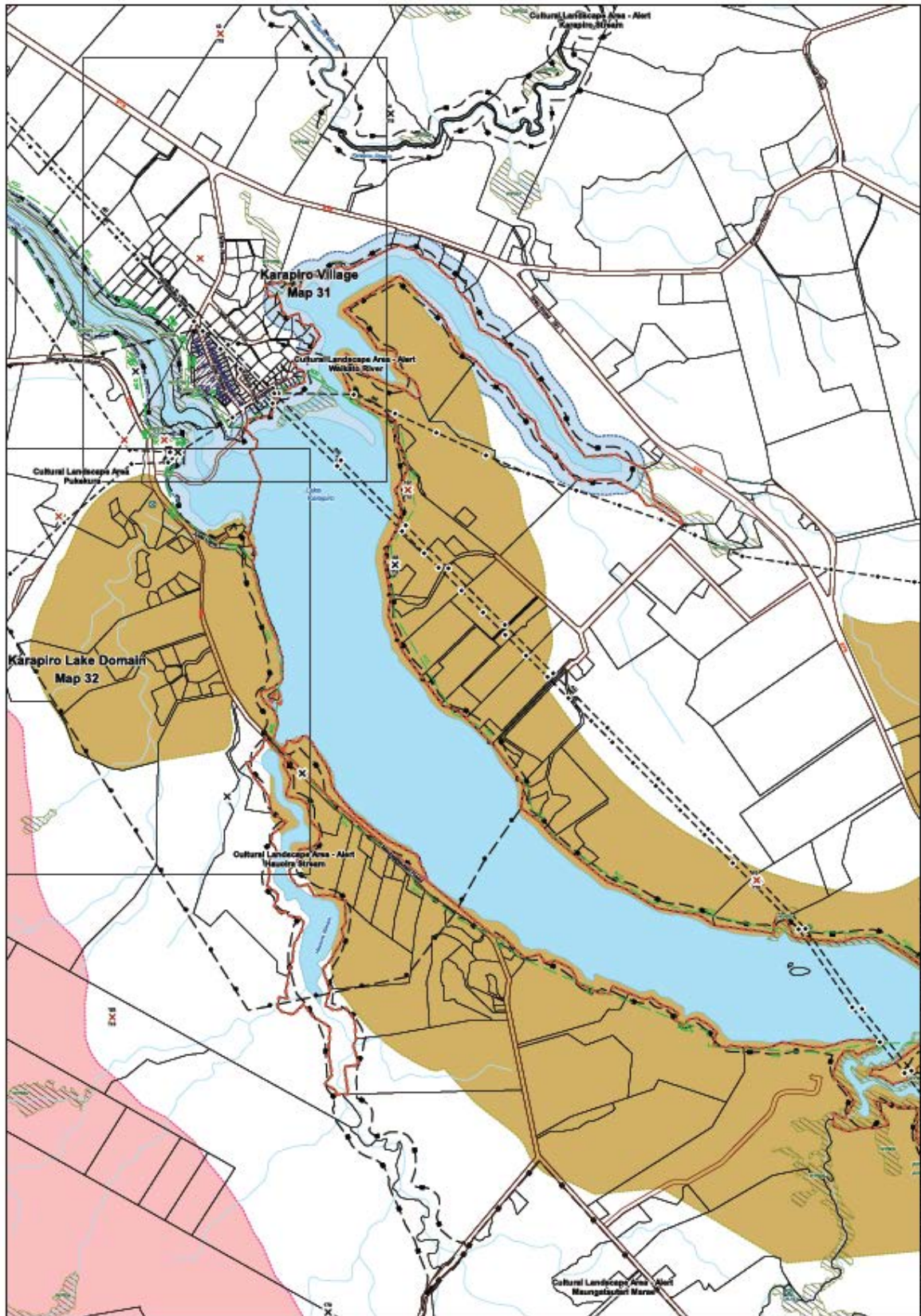


Figure 2: Boundary of SNA WP553 before amendment (shown in red shading)



Figure 3: Boundary of SNA WP553 after amendment (shown in black outline)

### Clean Version of Planning Map 30



**Waipa**  
DISTRICT COUNCIL  
**Karapiro Overview**  
Proposed Waipa District Plan - Appeals Version  
14 July 2014

Scale: 1:15,000 at A3  
0 0.1 0.2 0.3 0.4 0.5 km



**Policy Areas 30**



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**AMENDMENT OF  
SIGNIFICANT NATURAL  
AREA WP553**

**SECTION 32 EVALUATION  
REPORT**

JUNE 2015

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## Part A – Issue Identification

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### 1. Introduction

This report presents an evaluation undertaken by the Waipa District Council (the Council) in accordance with Section 32 of the Act in relation to Variation #4 - Amendment of Significant Natural Area WP553 in the Proposed Waipa District Plan. The report examines the extent to which the variation is the most appropriate way to promote sustainable management, evaluates the provisions and assesses the scale and significance of the effects anticipated from implementing the Variation.

### 2. Issue Identification

#### 2.1. Description of Issue

The property located at 852 Tirau Road is owned by Mr Leslie Bennett and contains a portion of Significant Natural Area, WP553, as shown below in Figure 4.



Figure 4: SNA diagram – WP553 (shown by green hatching)

Part of the area within WP553 is exotic vegetation and therefore does not meet the criteria for inclusion in the SNA boundary. The area for removal is shown in Figure 5 below.



Figure 5: Area for removal (shown outlined in red)

## 2.2. Background

In 2010, Council notified the Draft Proposed District Plan on which Mr Bennett provided feedback. In his feedback, Mr Bennett noted a dwelling, sheds, and areas of exotic species had been included within the boundary of SNA WP553. The initial boundary is shown below in figure 6.



Figure 6: Draft PDP SNA WP553 location

Kessels Ecology were employed by Council to undertake a desktop study of all feedback received regarding SNAs. During this process, Mr Kessels agreed, based on aerial photography, that the area of the land including the house and sheds should be excluded from the SNA and recommended a site visit to enable verification of the most suitable location for the boundary based on the existing location of indigenous vegetation.

Mr Tony Roxburgh, Council's Manager - Community Facilities, visited the site on 5 May 2011. Mr Roxburgh confirmed the indigenous vegetation is confined largely to the bottom of the gully and recommended the SNA boundary should be reduced to the black line shown in figure 7 below.

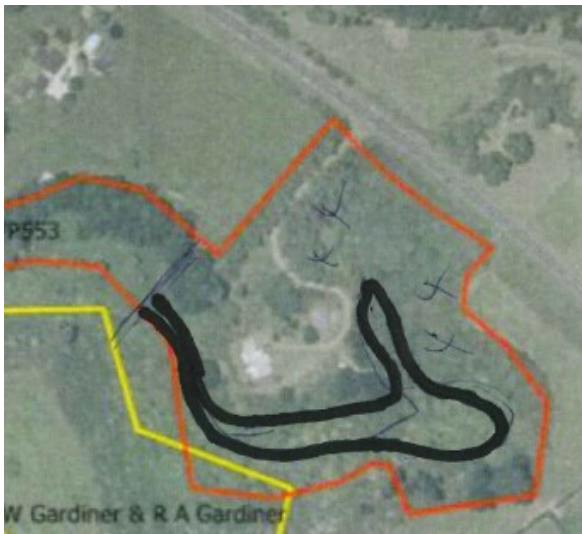


Figure 7: Area recommended for removal following site visit on 5 May 2011

In May 2012, the Council notified the Proposed District Plan with the following boundary for SNA WP553.

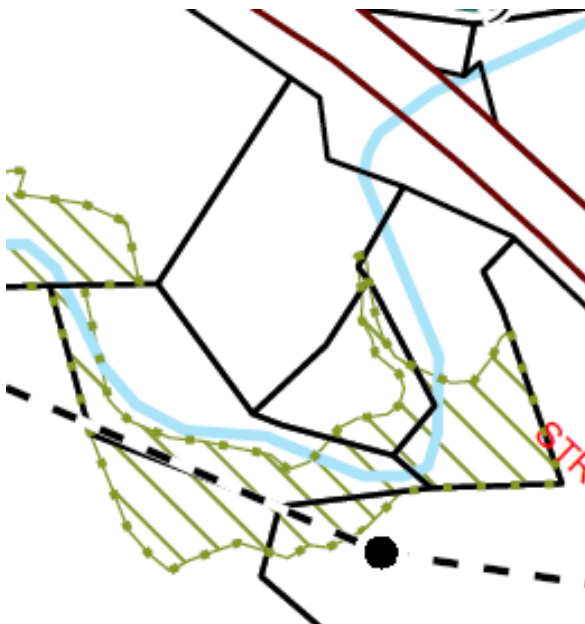


Figure 8: Notified PDP 31 May 2012

Mr Bennett made a submission and a further submission on the Plan seeking a variety of amendments to Section 24 of the Plan. The submissions were included and heard as part of Report 18 – Natural Features. At this time, Mr Bennett made no submission or further submission regarding the location of the boundaries of SNA WP553, therefore no amendment was made to the location of the SNA boundary in the Proposed District Plan – Appeals Version, dated 14 July 2014.

In July 2014, Mr Bennett met with Cathy O’Callaghan, Council’s Policy Advisor – District & Strategic Planning, to discuss the location of the boundaries of SNA WP553 on his property. At this meeting, Mr Bennett proposed amendments to the boundary of the SNA as shown in Figure 9 below. At this time, Council consulted with Mr Kessels, whom indicated there were parts of the site with patchy scrub and minor amendments to the shape of the SNA were acceptable.

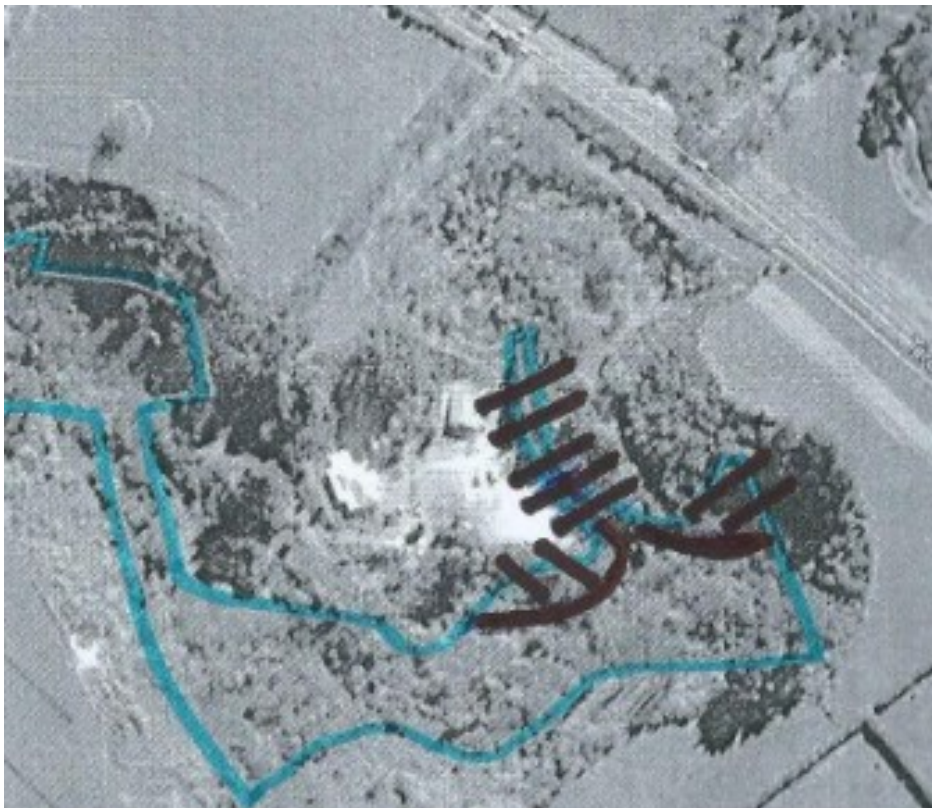


Figure 9: SNA WP553 Mr Bennett proposed boundary amendments (area in black requested for removal)

### 2.3. Current Proposed District Plan Provisions

In response to the identification of SNAs by the Waikato Regional Council as part of the Regional Policy Statement review, Waipa District Council has chosen to identify the SNAs of the District in the Proposed District Plan. Waipa District Council considers this to be the most appropriate implementation method to protect the identified indigenous vegetation.

The Plan adopts the “no let loss” principle to ensure the overall proportion of remaining indigenous vegetation at least remains the same across the District. The

Plan adopts a cascade of rules approach for activities that affect biodiversity such as vegetation removal and earthworks with the most restrictive provisions applying to SNAs. This is achieved through the framework in Section 24 of the Plan that provides protection mechanisms, and guidance, considered appropriate for SNAs in the District. The relevant objectives and policies are included below:

**Objective - Identified significant natural areas**

24.3.1 To retain the existing level of biodiversity within the District by protecting, managing and enhancing the identified significant natural areas.

*Policy - Limiting indigenous vegetation clearance and other activities within and in proximity to identified significant natural areas*

24.3.1.1 To maintain the ecological sustainability, values and characteristics of significant natural areas by ensuring that:

- (a) The clearance of indigenous vegetation for any activity including the provision of infrastructure, shall:
  - (i) only occur in small quantities in areas of local significance; and
  - (ii) only occur in limited circumstances within internationally, nationally or regionally significant natural areas.
- (b) The health and functioning of significant natural areas and peat lakes is maintained through appropriate land use practices including building setbacks.
- (c) Best practice fencing standards for deer or goat populations shall be undertaken in proximity to significant natural areas.
- (d) Trimming and pruning of vegetation within significant natural areas to maintain existing tracks, fences and network utility infrastructure only occurs in limited circumstances.

In addition to maintaining the remaining indigenous vegetation cover, the Plan seeks to secure the protection of key natural areas through benefit lot incentives. This is achieved through the framework in Section 15 - Infrastructure, Natural Hazards Development and Subdivision. These incentives encourage protection of natural areas at the time of subdivision by providing the landowner with an 'environmental benefit lot' that can be transferred to a less sensitive area within the District. The relevant objectives and policies are included below:

**Objective - Integrated development: environmental enhancement**

15.3.6 Maintain and enhance the District's natural environment, including the natural functioning of the environment, natural features and landscapes, and significant natural areas.



*Policy - Minimise impacts on the natural environment: low impact design methods*

- 15.3.6.1 To maintain and enhance the natural environment, the existing land forms, vegetation, and water bodies, through the use of low impact design methods at the time of development and subdivision.

*Policy - Minimising adverse effects on the landscapes and natural areas identified in this Plan, at time of development and subdivision*

- 15.3.6.2 To maintain and enhance the landscape values stated in this Plan, for the identified landscapes on the Planning Maps, by avoiding development and subdivision patterns that would lead to the inappropriate siting of buildings, associated infrastructure, or driveways in identified landscape areas, viewshafts, significant natural areas, or other areas of biodiversity or ecological value.

*Policy - Achieving the permanent protection of the natural environment*

- 15.3.6.3 To achieve the permanent protection of identified significant natural areas, Maungatautari Ecological Island, ecological features, lakes and water bodies, and the Te Awa Cycleway route, through the incentive of an environmental benefit lot.

*Policy - Identification of sensitive locations*

- 15.3.6.5 Subdivision entitlement that creates an additional lot in identified sensitive locations shall be directed to less sensitive locations as specified in this Plan.

No changes are proposed to the current policy approach in the Plan. The proposed variation is considered to be in accordance with the strategic direction of the Plan, will better reflect the existing environment and enable the site to be managed appropriately with regards to the indigenous vegetation important to the District.

## **2.4. Statutory Considerations**

### **2.4.1. Resource Management Act 1991**

The Resource Management Act 1991 ('the Act') recognises "indigenous biodiversity" as a matter of national importance (Section 6(c)) and requires protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna to be recognised and provided for. The Plan identifies and protects areas of indigenous vegetation and habitats of indigenous fauna, of national, regional and local significance to ensure the overall proportion of remaining indigenous vegetation at least remains the same. The mechanisms described above in Section 2.3 are considered to achieve the requirements of the Act.

### **2.4.2. Proposed Waikato Regional Policy Statement – Decisions Version (November 2012)**

Areas of significant indigenous vegetation and habitats of indigenous fauna that comply with the criteria in the Waikato Regional Policy Statement have been

identified in the Plan. These areas are identified on the Planning Maps and have particular policies and rules that apply to them. The Plan seeks to control vegetation removal, earthworks, and in some instances the location of buildings within these areas in order to meet the objectives and policies of the Regional Policy Statement.

#### **2.4.3. Te Ture Whaimana o Te Awa o Waikato - Vision & Strategy for the Waikato River**

Te Ture Whaimana o Te Awa o Waikato – The Vision and Strategy for the Waikato River arises from the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and the Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 (Upper River Act). These Acts establish the Vision and Strategy as the primary direction-setting document for the Waikato River and activities within its catchments affecting the Waikato River. The Plan supports the overall framework through protecting significant natural areas and subdivision provisions which encourage ecological preservation. It is noted SNA WP553 is located in a gully system which feeds directly to Lake Karapiro and the Waikato River.

#### **2.4.4. Waikato-Tainui Environmental Plan**

The Waikato-Tainui Environmental Plan has been developed to, amongst other things; act as a tool to provide high-level guidance on Waikato-Tainui objectives and policies with respect to the environment. Section 15 – Natural Heritage and Biosecurity and Section 25 – Land Use Planning include objectives relevant to this variation as follows:

##### **Objective – Indigenous biodiversity**

15.3.1 The full range of Waikato ecosystem types found throughout the Waikato-Tainui rohe are robust and support representative native flora and fauna.

##### **Objective – Approach to land use and development**

25.3.1 Development principles are applied to land use and development (urban and rural) and, in particular, development in new growth cells, that enhance the environment.

##### **Objective – Urban and rural development**

25.3.2 Urban and rural development is well planned and the environmental, cultural, spiritual, and social outcomes are positive.

##### **Objective – Positive environmental and cultural effects**

25.3.3 Land use and development has positive environmental and cultural effects.

A range of methods have been recommended for achieving these objectives including retention and enhancement of remnant stands of indigenous vegetation, the establishment and enhancement of ecological corridors, and the use of Low Impact Development principles to encourage the conservation of natural resources.

#### 2.4.5. Raukawa Environmental Management Plan 2014

The Raukawa Environmental Management Plan provides a statement of Raukawa values and aspirations for the use and management of the environment, and to assist in the effective engagement of Raukawa with policy, planning and resource management processes and decisions. Section 2.7 – Ngā Tamariki o Tāne Whakapiripiri – Indigenous Plants and Animals includes objectives relevant to this variation as follows:

- The intrinsic values of indigenous plants and animals and their habitats are recognised and valued;
- There is an active and coordinated programme of creation, restoration, enhancement and protection of indigenous plants, animals and habitats across the Raukawa takiwā.

A range of methods have been recommended for achieving these objectives including promotion of protection, enhancement and restoration of the connectivity within the landscape for indigenous vegetation, avoiding fragmentation of indigenous habitats, pest management strategies, and education of indigenous biodiversity values.

#### 2.4.6. Waipa District Council Environment Strategy 2010

The Environment Strategy 2010 identifies in ‘Theme 2 - Sustainable land use’ the following goal:

*“Goal 4: To protect, enhance, restore and reconnect indigenous habitats to improve their long-term viability.”*

The following issues are identified in the Environment Strategy in relation to Goal 4, as follows:

- Many remaining natural habitats are small and fragmented;
- Over half the indigenous vegetation remaining is on private land and is not formally protected; and
- The Waipā peat lakes and wetlands are particularly sensitive to drainage, catchment development - especially enrichment and the pressures from introduced pests.

A suite of actions and possible actions are identified in the Environment Strategy to address these issues, many of which are outside the District Plan. Rules to protect vegetation at the time of subdivision and incentives in the District Plan are mentioned in the Strategy as a couple of tools to address these issues.

#### 2.4.7. Summary

The proposed variation has been considered with regard to the above documents. The variation is considered largely an administrative amendment to clarify the

boundary of SNA WP553. There are not considered to be any aspects of the above documents that the proposed variation is inconsistent with and undertaking this variation will retain appropriate protection of the indigenous vegetation on the site and maintain the ecological surrounds.

## Part B – Options and Evaluation

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### 3. Options

#### 3.1. Introduction

Section 32(1)(b)(i) of the Act, requires this report to identify “other reasonably practicable options” to promote sustainable management, including retaining the status quo, non-regulatory methods and variations/plan changes. This part of the report outlines the process undertaken and details the other reasonably practicable options considered to achieve the objectives of the Variation.

#### 3.2. Process

In considering other reasonably practicable options, conversations and meetings were held between Council staff and Mr Kessels to consider the issue. In Mr Kessels desktop review of the site he noted the area requested for removal is narrow therefore has minimal ecological value however he could not comment with regards to the vegetation and fauna habitat. However, Council’s Manager Community Facilities, Mr Tony Roxburgh (who visited the site in 2011) has confirmed based on his knowledge of the site that it would be appropriate to remove the portion of the SNA as the ecological value of the area is low in terms of vegetation content, diversity and size. Mr Roxburgh also noted that the area to be removed is narrow therefore would have low natural resilience.

As a result, the following options were identified:

- Retain the SNA boundary as notified in the Proposed District Plan; or
- Amend the SNA boundary as requested.

No other reasonably practicable options were identified as part of this process.

#### **Option 1 – Preferred option / Variation**

The preferred option is to proceed with a variation to amend the boundary of SNA WP553 to remove the area of exotic vegetation.

#### **Option 2 – Status Quo / Baseline**

The current approach is to retain the boundary of SNA WP553 as notified.

### 4. Evaluation of Options

#### 4.1. Introduction

Section 3 above outlines the other reasonably practicable options considered. In order to determine whether the other options are reasonably practicable, a

comparative analysis has been undertaken. Council is not legally obliged to detail the evaluation process for other reasonably practicable options that were not identified as the preferred option. However, it is considered fair and transparent to demonstrate how the preferred option was decided upon following an assessment against other reasonably practicable options.

The key considerations of this analysis include the relevance of the option to addressing the issue and the usefulness in guiding decision-making. Reasonableness and achievability have also been considered during this analysis. The following table compares each option:

	Option 1: Amend the boundary of SNA WP553.	Option 2: Retain as notified.
Appropriateness	This option clarifies the area of the property which is protected under the SNA overlay and removes the area of exotic vegetation which should not be included in the SNA.	This option does not address the issue as the area will continue to be subject to objectives and policies which cannot be applied.
Reasonableness	This option provides greater certainty for the landowner as it provides clarity about what natural features are protected.	This option does not facilitate the appropriate land use of the property.
Achievability	This option is achievable to implement through a variation process and is not cost prohibitive.	This option does not incur any financial costs to council to achieve, however it does impose costs on the landowner who must apply irrelevant plan provisions to their site at the time of development.
Relevance	This option will resolve the issue.	This option will not resolve the issue.
Usefulness	This option will guide decision-making as it provides clear direction about the area to be protected.	This option will result in uncertainty about how the site can be used.
<b>Overall rating</b>	<b>Preferred option</b>	<b>Least preferred option</b>

## 4.2. The Preferred Option

The table above demonstrates that Option 1 is the most appropriate as it addresses the issue, is appropriate, reasonable, and achievable.

## Part C – Evaluation of Variation

### 5. Evaluation of Variation Objectives

The variation is focused solely on the amendment of the boundary of SNA WP553 on the Planning Maps. As discussed in Section 2.4 above, this is in accordance with the existing strategic direction in the Plan. No changes are proposed to the objectives or policies of the Plan.

### 6. Evaluation of Variation Provisions

Council is required to assess the efficiency and effectiveness of the Variation's provisions in achieving the Variation's objectives. 'Effectiveness' is the measure of contribution that the proposed provisions make towards resolving the issue, while 'efficiency' refers to benefits and costs to all members of society.

This part of the report assesses the Variation's provisions in achieving the Variation's objectives. This entails identifying and assessing the benefits and costs of the environmental, social, cultural and economic effects anticipated from the implementation of the Variation's provisions. This is recorded in the following table.

	Effectiveness/Efficiency	Benefit/Cost
Amendment to SNA WP553 on Planning Map 30	<b>Effectiveness:</b> The amendment is effective as it clarifies the area of indigenous vegetation which is protected.	<b>Benefits:</b> The proposal will provide clarity and certainty for the landowner.
	<b>Efficiency:</b> The variation will facilitate efficiency of land use by providing certainty to the landowner about the status of the area.	<b>Costs:</b> No costs were identified in progressing this option.
<b>Sufficiency of information and risk of not acting:</b>	Sufficient information was available about the location of the edge of the indigenous vegetation. The risk of not acting is to limit the opportunity for land use on the site and create uncertainty for the landowner.	

Having regard to the effectiveness and efficiency of the above provisions, the amendment to SNA WP553 is considered to be the most appropriate way to achieve the objectives of the Plan.

## Part D – Implementation of Variation

### 7. Scale & Significance - Implementation of the Variation

This report must contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects anticipated from the implementation of the Variation. ‘Scale’ refers to the magnitude of effects, and ‘significance’ refers to the importance that the wider community places on those effects. The following table outlines the criteria considered to determine the scale and significance of the effects that are anticipated from implementation of the Variation. An ordinal scale has been used for this assessment.

Criteria	Assessment High / Medium / Low / NA
▪ Number of people who will be affected	Low
▪ Magnitude and nature of effects	Low
▪ Geographic extent	Low
▪ Degree of risk or uncertainty	Low
▪ Stakeholder interest	Low
▪ Māori interest	Low
▪ Information and data is easily available	Low
▪ Extent of change from status quo	Low

In this instance, the scale and significance of the effects that are anticipated from the implementation of this Variation is considered to be low for the following reasons:

- The amendment to the SNA boundary is wholly contained within one property;
- The amendment removes exotic vegetation from inclusion in the SNA; and
- The amendment to the Planning Map will provide clarity regarding the location of the indigenous vegetation to be protected.

For these reasons, the scale and significance of implementing the variation and implications of this are considered to be low.

### 8. Conclusion

This report presents an evaluation undertaken by the Council in accordance with Section 32 of the Act for the proposal to amend the boundary of SNA WP553 in the Proposed District Plan.

This report outlines the process that was taken to identify the issue and options, and evaluates the options. It then evaluates the preferred option in detail, which is to amend the Proposed District Plan. The report concludes with an assessment of the scale and significance of the effects anticipated from the amendment and concludes that these are considered to be low.



The provisions of the variation have been tested against the purpose of the Act and it can be concluded that in accordance with Section 32(1)(a), the un-amended objectives, policies and rules contained in the Proposed District Plan are the most appropriate way to achieve Part 2.

The Section 32 evaluation has been undertaken within the appropriate scope and with consideration to all of the applicable provisions of the Act. It has been concluded that the amendments outweigh the anticipated risk of not acting.

### ***Removal of SNA WP267***

This Variation addresses the issue of the identification of Significant Natural Area ('SNA') WP267, located at 390 Kakepuku Road, in the Proposed Waipa District Plan, May 2014. The identified area includes a large area of predominantly exotic vegetation and therefore does not meet the criteria for inclusion as an SNA in the Plan. The variation is to remove the SNA from the Plan. The area to be removed is illustrated in figure 1 below.



**Figure 1: SNA WP267 to be removed from the Plan**

The measures recommended in this Variation have been developed following discussions between Council staff, the Waikato Regional Council, and the landowner where it was agreed that the SNA overlay was not appropriate for the area and should be remedied. Variation 5 to the Proposed Waipa District Plan amends Policy Area Map 11 to remove the Significant Natural Area WP267.

## Proposed Waipa District Plan – Amendments to Planning Map 11

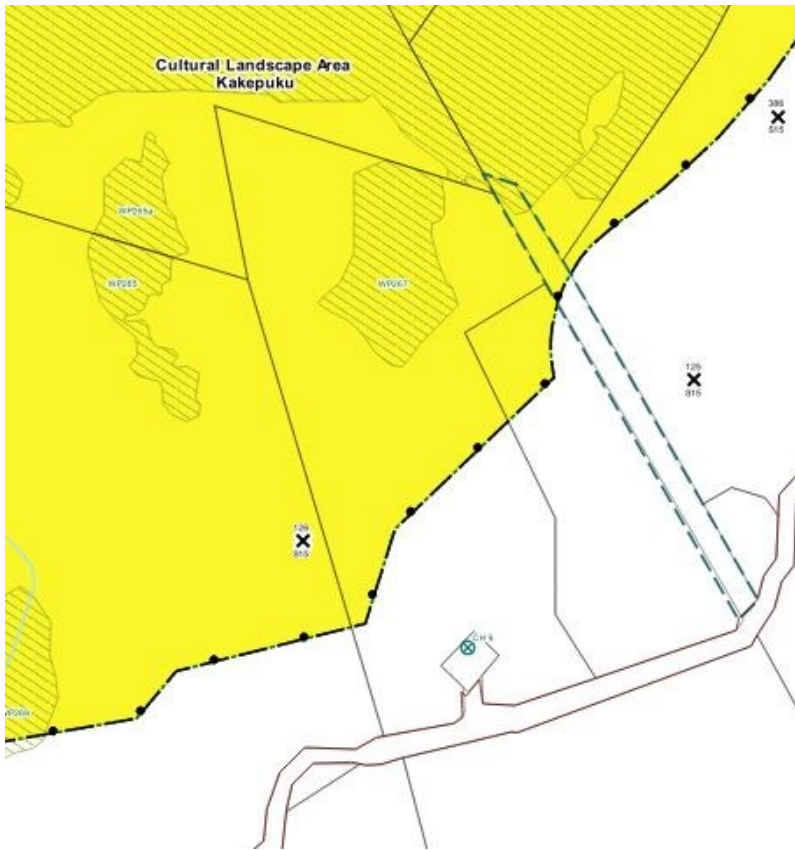


Figure 2: Boundary of SNA WP267 before removal

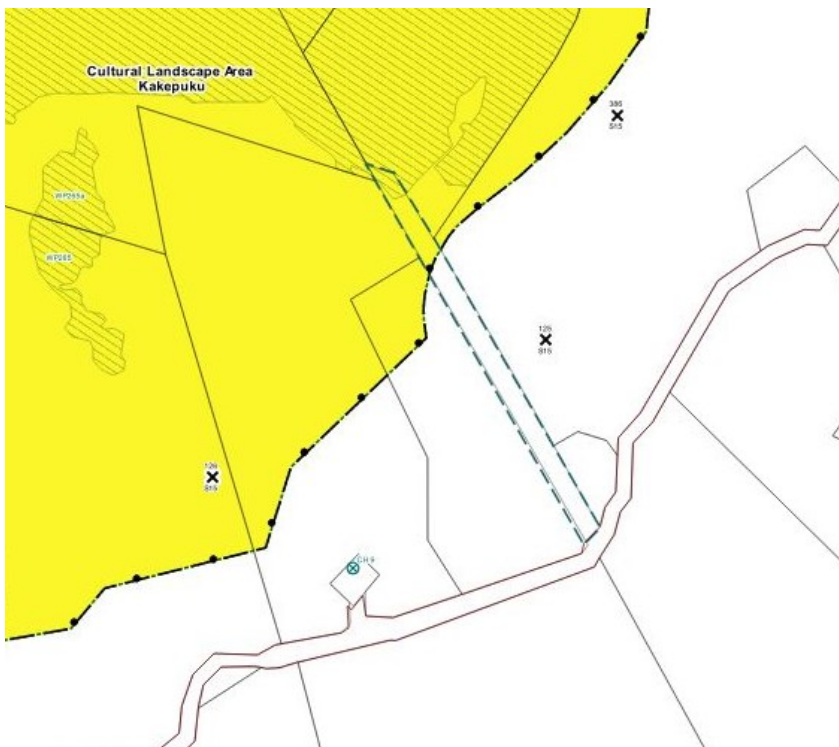
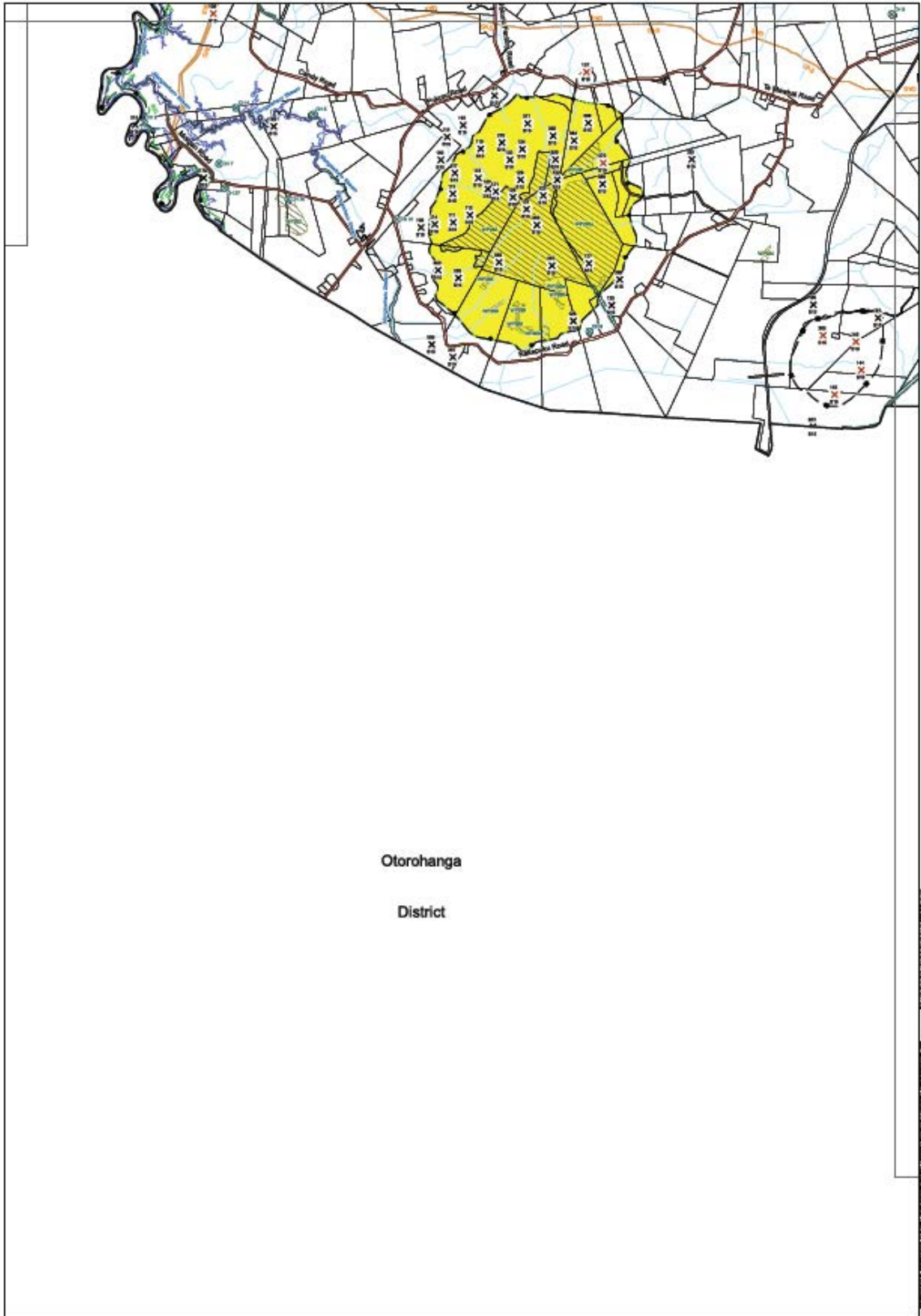


Figure 3: Site following SNA WP267 removal

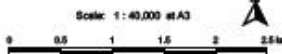
**Clean Version of the Planning Map 11**



Otorohanga  
District



Kakepuku Overview  
Proposed Waipa District Plan - Appeals Version  
14 July 2014



**Policy Areas 11**

## Appendix N5 – Significant Natural Areas

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Map Number	Site Number	Site Name	Significance	Protection Status
<del>11</del>	<del>267</del>	<del>Regenerating scrub on the south-eastern footslopes of Mt. Kakepuku</del>	<del>Local</del>	<del>Unprotected</del>



**REMOVAL OF SIGNIFICANT  
NATURAL AREA WP267  
SECTION 32 EVALUATION  
REPORT**

JUNE 2015

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## Part A – Issue Identification

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### 1. Introduction

This report presents an evaluation undertaken by the Waipa District Council (the Council) in accordance with Section 32 of the Act in relation to Variation #5 – Removal of Significant Natural Area WP267 in the Proposed Waipa District Plan. The report examines the extent to which the variation is the most appropriate way to promote sustainable management, evaluates the provisions and assesses the scale and significance of the effects anticipated from implementing the Variation.

### 2. Issue Identification

#### 2.1. Description of Issue

The property located at 390 Kakepuku Road is owned by Mr and Mrs Hoverd and contains Significant Natural Area, WP267, as shown below in Figure 4.



Figure 4: SNA diagram – WP267 (shown by red shading)



Since notification of the Plan SNA WP267 has been further investigated and was found to be dominated by exotic vegetation and therefore does not meet the criteria for inclusion as a SNA.

## 2.2. Background

In 2010 Council notified the Draft Proposed District Plan. Mr and Mrs Hoverd submitted against the inclusion of the area in the Plan stating the area “contains privet, gorse and barberry”.

During 2011, Council in consultation with Kessels Ecology undertook site visits and a desktop study of all feedback received regarding SNAs. During this process SNA WP267 was not investigated.

In 2015, Ms Paula Reeves, Council’s Technical Officer (Reserves & Water), meet with the Hoverds and reviewed the SNA information for this site. Ms Reeves concluded that the vegetation is primarily of barberry and tree privet therefore does not meet the requirements for protection as an SNA.

## 2.3. Current Proposed District Plan Provisions

In response to the identification of SNAs by the Waikato Regional Council as part of the Regional Policy Statement review, Waipa District Council has chosen to identify the SNAs of the District in the Proposed District Plan. The District Council considers this to be the most appropriate implementation method to protect the identified indigenous vegetation.

The Plan adopts the “no let loss” principle to ensure the overall proportion of remaining indigenous vegetation at least remains the same across the District. The Plan adopts a cascade of rules approach for activities that affect biodiversity such as vegetation removal and earthworks with the most restrictive provisions applying to SNAs. This is achieved through the framework in Section 24 of the Plan which provides protection mechanisms, and guidance, considered appropriate for SNAs in the District. The relevant objectives and policies are included below:

### **Objective - Identified significant natural areas**

24.3.1 To retain the existing level of biodiversity within the District by protecting, managing and enhancing the identified significant natural areas.

*Policy - Limiting indigenous vegetation clearance and other activities within and in proximity to identified significant natural areas*

24.3.1.1 To maintain the ecological sustainability, values and characteristics of significant natural areas by ensuring that:

- (a) The clearance of indigenous vegetation for any activity including the provision of infrastructure, shall:

- (i) only occur in small quantities in areas of local significance; and
  - (ii) only occur in limited circumstances within internationally, nationally or regionally significant natural areas.
- (b) The health and functioning of significant natural areas and peat lakes is maintained through appropriate land use practices including building setbacks.
  - (c) Best practice fencing standards for deer or goat populations shall be undertaken in proximity to significant natural areas.
  - (d) Trimming and pruning of vegetation within significant natural areas to maintain existing tracks, fences and network utility infrastructure only occurs in limited circumstances.

In addition to maintaining the remaining indigenous vegetation cover, the Plan seeks to secure the protection of key natural areas through benefit lot incentives. This is achieved through the framework in Section 15 - Infrastructure, Natural Hazards Development and Subdivision. These incentives encourage protection of natural areas at the time of subdivision by providing the land owner with an 'environmental benefit lot' which can be transferred to a less sensitive area within the District. The relevant objectives and policies are included below:

**Objective - Integrated development: environmental enhancement**

15.3.6 Maintain and enhance the District's natural environment, including the natural functioning of the environment, natural features and landscapes, and significant natural areas.

*Policy - Achieving the permanent protection of the natural environment*

15.3.6.3 To achieve the permanent protection of identified significant natural areas, Maungatautari Ecological Island, ecological features, lakes and water bodies, and the Te Awa Cycleway route, through the incentive of an environmental benefit lot.

No changes are proposed to the current policy approach in the Plan. The proposed variation is considered to be in accordance with the strategic direction of the Plan, will better reflect the existing environment and enable the site to be managed appropriately with regards to the indigenous vegetation important to the District.

## **2.4. Statutory Considerations**

### **2.4.1. Resource Management Act 1991**

The Resource Management Act 1991 ('the Act') recognises "indigenous biodiversity" as a matter of national importance (Section 6(c)) and requires protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna to be recognised and provided for. The Plan identifies and protects areas of indigenous vegetation and habitats of indigenous fauna, of national, regional and local

significance to ensure the overall proportion of remaining indigenous vegetation at least remains the same. The mechanisms described above in Section 2.3 are considered to achieve the requirements of the Act.

#### **2.4.2. Proposed Waikato Regional Policy Statement – Decisions Version (November 2012)**

Areas of significant indigenous vegetation and habitats of indigenous fauna that comply with the criteria in the Waikato Regional Policy Statement have been identified in the Plan. These areas are identified on the Planning Maps and have particular policies and rules that apply to them. The Plan seeks to control vegetation removal, earthworks, and in some instances the location of buildings within these areas in order to meet the objectives and policies of the Regional Policy Statement.

#### **2.4.3. Waikato-Tainui Environmental Plan**

The Waikato-Tainui Environmental Plan has been developed to, amongst other things; act as a tool to provide high-level guidance on Waikato-Tainui objectives and policies with respect to the environment. Section 15 – Natural Heritage and Biosecurity and Section 25 – Land Use Planning include objectives relevant to this variation as follows:

##### **Objective – Indigenous biodiversity**

15.3.1 The full range of Waikato ecosystem types found throughout the Waikato-Tainui rohe are robust and support representative native flora and fauna.

##### **Objective – Approach to land use and development**

25.3.1 Development principles are applied to land use and development (urban and rural) and, in particular, development in new growth cells, that enhance the environment.

##### **Objective – Urban and rural development**

25.3.2 Urban and rural development is well planned and the environmental, cultural, spiritual, and social outcomes are positive.

##### **Objective – Positive environmental and cultural effects**

25.3.3 Land use and development has positive environmental and cultural effects.

A range of methods have been recommended for achieving these objectives including retention and enhancement of remnant stands of indigenous vegetation, the establishment and enhancement of ecological corridors, and the use of Low Impact Development principles to encourage the conservation of natural resources.

#### 2.4.4. Raukawa Environmental Management Plan 2014

The Raukawa Environmental Management Plan provides a statement of Raukawa values and aspirations for the use and management of the environment, and to assist in the effective engagement of Raukawa with policy, planning and resource management processes and decisions. Section 2.7 – Ngā Tamariki o Tāne Whakapiripiri – Indigenous Plants and Animals includes objectives relevant to this variation as follows:

- The intrinsic values of indigenous plants and animals and their habitats are recognised and valued;
- There is an active and coordinated programme of creation, restoration, enhancement and protection of indigenous plants, animals and habitats across the Raukawa takiwā.

A range of methods have been recommended for achieving these objectives including promotion of protection, enhancement and restoration of the connectivity within the landscape for indigenous vegetation, avoiding fragmentation of indigenous habitats, pest management strategies, and education of indigenous biodiversity values.

#### 2.4.5. Waipa District Council Environment Strategy 2010

The Environment Strategy 2010 identifies in ‘Theme 2 - Sustainable land use’ the following goal:

*“Goal 4: To protect, enhance, restore and reconnect indigenous habitats to improve their long-term viability.”*

The following issues are identified in the Environment Strategy in relation to Goal 4, as follows:

- Many remaining natural habitats are small and fragmented;
- Over half the indigenous vegetation remaining is on private land and is not formally protected; and
- The Waipā peat lakes and wetlands are particularly sensitive to drainage, catchment development - especially enrichment and the pressures from introduced pests.

A suite of actions and possible actions are identified in the Environment Strategy to address these issues, many of which are outside the District Plan. Rules to protect vegetation at the time of subdivision and incentives in the District Plan are mentioned in the Strategy as a couple of tools to address these issues.

#### 2.4.6. Summary

The proposed variation has been considered with regard to the above documents. The variation is considered largely an administrative amendment to remove SNA WP267. There are not considered to be any aspects of the above documents that the

proposed variation is inconsistent with and undertaking this variation will retain appropriate protection of the indigenous vegetation on the site and maintain the ecological surrounds.

## Part B – Options and Evaluation

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### 3. Options

#### 3.1. Introduction

Section 32(1)(b)(i) of the Act, requires this report to identify “other reasonably practicable options” to promote sustainable management, including retaining the status quo, non-regulatory methods and variations/plan changes. This part of the report outlines the process undertaken and details the other reasonably practicable options considered to achieve the objectives of the Variation.

#### 3.2. Process

In considering other reasonably practicable options, conversations and meetings were held between Council staff and the property owners to consider the issue. In Ms Paula Reeves review of the site she noted the area has low ecological value as it contains predominately exotic vegetation. Dr Yanbin Deng from Waikato Regional Council confirmed the plant composition of the site is primarily consisting of barberry and tree privet with only a few native species instead of broadleaved indigenous shrubland as previously ranked by the Regional Council, therefore agrees with the removal of the SNA notation.

As a result, the following options were identified:

- Retain the SNA boundary as notified in the Proposed District Plan; or
- Remove the SNA boundary as requested.

No other reasonably practicable options were identified as part of this process.

#### **Option 1 – Preferred option / Variation**

The preferred option is to proceed with a variation to remove SNA WP267.

#### **Option 2 – Status Quo / Baseline**

The current approach is to retain the boundary of SNA WP267 as notified.

### 4. Evaluation of Options

#### 4.1. Introduction

Section 3 above outlines the other reasonably practicable options considered. In order to determine whether the other options are reasonably practicable, a comparative analysis has been undertaken. Council is not legally obliged to detail the evaluation process for other reasonably practicable options that were not identified as the preferred option. However, it is considered fair and transparent to

demonstrate how the preferred option was decided upon following an assessment against other reasonably practicable options.

The key considerations of this analysis include the relevance of the option to addressing the issue and the usefulness in guiding decision-making. Reasonableness and achievability have also been considered during this analysis. The following table compares each option:

	<b>Option 1: Remove SNA WP267.</b>	<b>Option 2: Retain as notified.</b>
Appropriateness	This option is considered the most appropriate option as exotic vegetation should not be identified for inclusion in an SNA.	This option does not address the issue as the area will continue to be subject to objectives and policies which cannot be applied.
Reasonableness	This option provides greater certainty for the landowner as it removes the requirement to comply with non-relevant provisions in the Plan.	This option does not facilitate the appropriate land use of the property.
Achievability	This option is achievable to implement through a variation process and is not cost prohibitive.	This option does not incur any financial costs to council to achieve, however it does impose costs on the landowner who must apply irrelevant plan provisions to their site at the time of development.
Relevance	This option will resolve the issue.	This option will not resolve the issue.
Usefulness	This option will guide decision-making and provide certainty for the landowners.	This option will result in uncertainty about how the site can be used.
<b>Overall rating</b>	<b>Preferred option</b>	<b>Least preferred option</b>

#### **4.2. The Preferred Option**

The table above demonstrates that Option 1 is the most appropriate as it addresses the issue, is appropriate, reasonable, and achievable.

## Part C – Evaluation of Variation

### 5. Evaluation of Variation Objectives

The variation is focused solely on the removal of SNA WP267 on the Planning Maps. As discussed in Section 2.4 above, this is in accordance with the existing strategic direction in the Plan. No changes are proposed to the objectives or policies of the Plan.

### 6. Evaluation of Variation Provisions

Council is required to assess the efficiency and effectiveness of the Variation's provisions in achieving the Variation's objectives. 'Effectiveness' is the measure of contribution that the proposed provisions make towards resolving the issue, while 'efficiency' refers to benefits and costs to all members of society.

This part of the report assesses the Variation's provisions in achieving the Variation's objectives. This entails identifying and assessing the benefits and costs of the environmental, social, cultural and economic effects anticipated from the implementation of the Variation's provisions. This is recorded in the following table.

	Effectiveness/Efficiency	Benefit/Cost
Removal of SNA WP267 from Planning Map 11	<b>Effectiveness:</b> The amendment is effective as it clarifies what vegetation is protected.	<b>Benefits:</b> The proposal will provide clarity and certainty for the landowner.
	<b>Efficiency:</b> The variation will facilitate efficiency of land use by providing certainty to the landowner about the status of the area.	<b>Costs:</b> No costs were identified in progressing this option.
<b>Sufficiency of information and risk of not acting:</b>	Sufficient information was available about the status of the vegetation. The risk of not acting is to limit the opportunity for land use on the site and create uncertainty for the landowner.	

Having regard to the effectiveness and efficiency of the above provisions, the removal of SNA WP267 is considered to be the most appropriate way to achieve the objectives of the Plan.



## Part D – Implementation of Variation

### 7. Scale & Significance - Implementation of the Variation

This report must contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects anticipated from the implementation of the Variation. ‘Scale’ refers to the magnitude of effects, and ‘significance’ refers to the importance that the wider community places on those effects. The following table outlines the criteria considered to determine the scale and significance of the effects that are anticipated from implementation of the Variation. An ordinal scale has been used for this assessment.

Criteria	Assessment High / Medium / Low / NA
▪ Number of people who will be affected	Low
▪ Magnitude and nature of effects	Low
▪ Geographic extent	Low
▪ Degree of risk or uncertainty	Low
▪ Stakeholder interest	Low
▪ Māori interest	Low
▪ Information and data is easily available	Low
▪ Extent of change from status quo	Low

In this instance, the scale and significance of the effects that are anticipated from the implementation of this Variation is considered to be low for the following reasons:

- The removal of the SNA is wholly contained within one property;
- The amendment removes exotic vegetation from inclusion in an SNA; and
- The amendment to the Planning Map will provide clarity for the landowners.

For these reasons, the scale and significance of implementing the variation and implications of this are considered to be low.

### 8. Conclusion

This report presents an evaluation undertaken by the Council in accordance with Section 32 of the Act for the proposal to remove SNA WP267 in the Proposed District Plan.

This report outlines the process that was taken to identify the issue and options, and evaluates the options. It then evaluates the preferred option in detail, which is to amend the Proposed District Plan. The report concludes with an assessment of the scale and significance of the effects anticipated from the amendment and concludes that these are considered to be low.

The provisions of the variation have been tested against the purpose of the Act and it can be concluded that in accordance with Section 32(1)(a), the un-amended

objectives, policies and rules contained in the Proposed District Plan are the most appropriate way to achieve Part 2.

The Section 32 evaluation has been undertaken within the appropriate scope and with consideration to all of the applicable provisions of the Act. It has been concluded that the amendments outweigh the anticipated risk of not acting.





## **Draft Decision Report**

### **Variation 6 - Amendments to provisions for Lake Karāpiro Large Lot Residential Structure Plan Area**

### **Proposed Waipa District Plan 2014**

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DRAFT

## 1. Introduction

- 1.1. This decision report contains Waipa District Council's ('the Council') decisions under Clause 10 of the First Schedule of the Resource Management Act 1991 ('the Act') on Variation 6 – Amendments to provisions for Lake Karāpiro Large Lot Residential Structure Plan Area to the Proposed Waipa District Plan Appeals Version 14 July 2014 ('the Proposed Plan'). The Delegations Register provides for the Strategic Policy and Planning Committee "To consider, and if appropriate to hear submissions, make determinations and notify variations to the Waipa Proposed District Plan, pursuant to the provisions of the Local Government Act 2002 and the Resource Management Act 1991."
- 1.2. By way of background the Council is currently in the process of resolving Appeals on the Proposed Plan, with only one or two appeals outstanding. Under clause 16A of Schedule 1 a council may initiate variation to a Proposed Plan prior to it becoming operative. Clause 16B provides for a variation to be merged with the Proposed Plan once the variation has reached the same procedural stage. In relation to Variation 6 this will be after the Council has issued its decision and the appeal period on that decision has expired.
- 1.3. Variation 6 was publicly notified on 14 July 2015. The Variation proposed to make a number of amendments to the Proposed Plan in association with the Rules and Appendix that applies to the Lake Karāpiro Large Lot Residential Zone. These amendments are minor and relate to clarifying the application of Proposed Plan rules on building location, additions and extensions, that are in accordance with the Structure Plan for the Lake Karāpiro Large Lot Structure Plan area. The closing date for lodging submissions was 10 August 2015. The single submission received on Variation 6 was lodged by Waipa District Council staff in response to an issue raised during consultation on the variation. The issue is that the location of one of the existing houses was not entirely located within the nominated building platform, although it was still within the consented area. The submitter has not requested to be heard. This submission was publicly notified for further submissions on 12 August 2015. The closing date for lodging further submissions was 31 August 2015 and no further submissions were received.
- 1.4. The Committee notes that in making this decision it is limited to the scope of the variation and the submissions that have been lodged and the relief that has been requested. The Committee notes there were no further submissions to Variation 6.
- 1.5. This report records the decision of Council on Variation 6 and the reasons for the decision.
- 1.6. Appendix 1 contains the strikethrough version of the Proposed Plan provisions, amended by the decision in response to the submissions included in this decision report. Pursuant to clause 10 of the First Schedule to the Act the Proposed Plan will be amended in accordance with the changes identified in Appendix 1 when the Council's decision is publicly notified.

## 2. Consideration of Submission Received

- 2.1. No hearing is required as the submitter did not request to be heard. The submission on Variation 6 was considered by the Committee on 6 October 2015 as part of the Strategic Policy and Planning Committee meeting.
- 2.2. Council staff presented the recommendations as a draft decision for the Committee's consideration and final decision.

## 3. Decisions and Reasons

- 3.1. One submission and no further submissions were received on Variation 6 – Lake Karāpiro Large Lot Structure Plan Area.
- 3.2. The Proposed Waipa District Plan provisions proposed to be amended by Variation 6 and within scope of this decision are:
- 3.2.1. Section 3 – Large Lot Residential Zone
- a) Addition of a new policy
  - b) Addition of a permitted activity rule for additions and alterations to buildings
  - c) Amendments to Rules 3.4.1.2(a) and 3.4.2.2
  - d) Addition to Rule 3.4.1.4(b)
  - e) Amendment to Rule 3.4.2.16
  - f) Addition of a new map in Appendix S7
  - g) Inclusion of a advice note on a map in Appendix S7
- 3.2.2. The submission point is as follows:

Submission / Point	Submitter	Support / In Part / Oppose	Reason for Submission	Decision Requested	Decision
1	Waipa District Council staff	Support in part	The location of the building platform should be over the existing dwelling on site. Following consultation with the landowner, agreement has been reached between Council and the landowner to relocate the building platform to encompass the existing dwelling on site.	The building platform location to be located as shown on the diagram in the submission.	<b>Accept</b> Refer to paragraph 3.2.3 below.

3.2.3. The Committee considered the submission, and concluded that the amendments requested to the location of the building platform for Unit B Site 5 on the map to be inserted into Appendix S7 were appropriate. The reason for this is that the revised location of the building platform requested by the submitter reflects the location of the existing building. It does not represent a significant departure from the structure plan that was in place when the existing building was constructed. The Committee also notes that there were no further submissions opposing the revised location of the building platform to coincide with the location of the existing dwelling. The Committee noted that staff have advised that the owner of the dwelling involved has indicated agreement, via email, with this change. For these reasons the Committee decided to accept the submission and amend the Map to be inserted into Appendix S7 of the Proposed Plan by shifting the location of the square notated as a dashed line so that it is within the purple square labelled "5", as outlined below.



- 3.2.4. The Committee noted that the other proposed amendments covered by Variation 6 were not submitted on, and potentially affected parties were consulted. Therefore the Committee decided to adopt Variation 6 under Clause 10 of the First Schedule to the Act as notified, subject to the amendment to Unit B Site 5 as recommended in paragraph 3.2.3. The Committee considers the Proposed Plan as amended by Variation 6 is the most appropriate way of achieving the purpose of the Act.
- 3.2.5. In considering Section 32 of the Act the Committee notes a further assessment is required to be undertaken at the time of Council's decision under Section 32AA due to a submission being received. In respect of Section 32AA the Council notes and agrees with the Section 32 assessment written at the time the Variation was notified. The Council considers that there is no need to alter the assessment as a result of this decision given the minor nature of the amendments sought in this variation. The Council re-affirms that the provisions proposed in Variation 6 are the most appropriate way to achieve the purpose of the Act. The amendments to the Proposed Plan are shown in Appendix 1.



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DRAFT

## Appendix 1 – Amendments to be made to the Proposed Waipa District Plan

### Section 3 – Large Lot Residential Zone

#### Policy – Lake Karāpiro Large Lot Residential Structure Plan Area

(new) For the Lake Karāpiro Large Lot Residential Structure Plan Area, to maintain and enhance character by:

- (a) Maintaining low density residential development;
- (b) Providing for additions and alterations to existing dwellings and buildings within the building platforms identified in Appendix S7; and
- (c) Retaining the views of the landscape across Lake Karāpiro from State Highway 1.

3.4.1.1	Permitted activities
	The following activities must comply with the performance standards of this zone
(m)	<u>In the area shown on the Planning Maps as the ‘Karāpiro Large Lot Residential Structure Plan Area’, any additions and alterations to existing dwellings and buildings that are contained within the building platforms in Appendix S7.</u>

3.4.1.2	Controlled activity
	The following activities must comply with the performance standards of this zone
(a)	<p>Dwellings and buildings within the Lake Karāpiro Large <del>Lot</del> Lot Residential Structure Plan Area <u>located within the building platform shown</u> in Appendix S7.</p> <p>Assessment will be restricted to the following matters:</p> <ul style="list-style-type: none"> <li>▪ Integration of buildings into the surrounding landscape through their external design, construction, finish and colour; and</li> <li>▪ The extent, scale and location of driveways or other vehicular tracks; and</li> <li>▪ The design, nature and timing of landscape plantings to screen or soften the appearance of buildings and vehicular accessways; and</li> <li>▪ The protection of existing indigenous vegetation; and</li> <li>▪ Provision for ongoing maintenance of any landscape planting.</li> </ul> <p>These matters will be considered in accordance with the assessment criteria in Section 21.</p>

3.4.1.4	Discretionary activities
(a)	<p>Any building or activity that fails to comply with:</p> <p>...</p> <p><u>(xiv) Rule 3.4.1.2(a) – Dwellings and buildings within the Lake Karāpiro Large Lot Residential Structure Plan Area</u></p>

#### **Rule - Minimum building setback from internal site boundaries**

3.4.2.2 The minimum building setback from internal site boundaries shall be 10m.

Provided that:

- (a) For dwellings and habitable accessory buildings

- (including sleep outs) where a site boundary adjoins a Rural Zone 15m
- (b) For non-habitable detached accessory buildings where a site boundary adjoins the Rural Zone 10m
- (c) [Dwellings in the Lake Karāpiro Large Lot Residential Structure Plan Areas subject to Rule 3.4.2.16 are exempt from this rule.](#)

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- The provision of daylight and sunlight into neighbouring buildings; and
- Visual and aural privacy; and
- The general appearance/effect on the openness and character; and
- The safety and efficiency of pedestrian, cyclists and traffic flow; and
- Access around the site; and
- Effects on surrounding properties; and
- Potential reverse sensitivity effects on any adjoining rural activities.

These matters will be considered in accordance with the assessment criteria in Section 21.

**Rule - Dwellings: [Lake Karāpiro Large Lot Residential Structure Plan Area](#)**

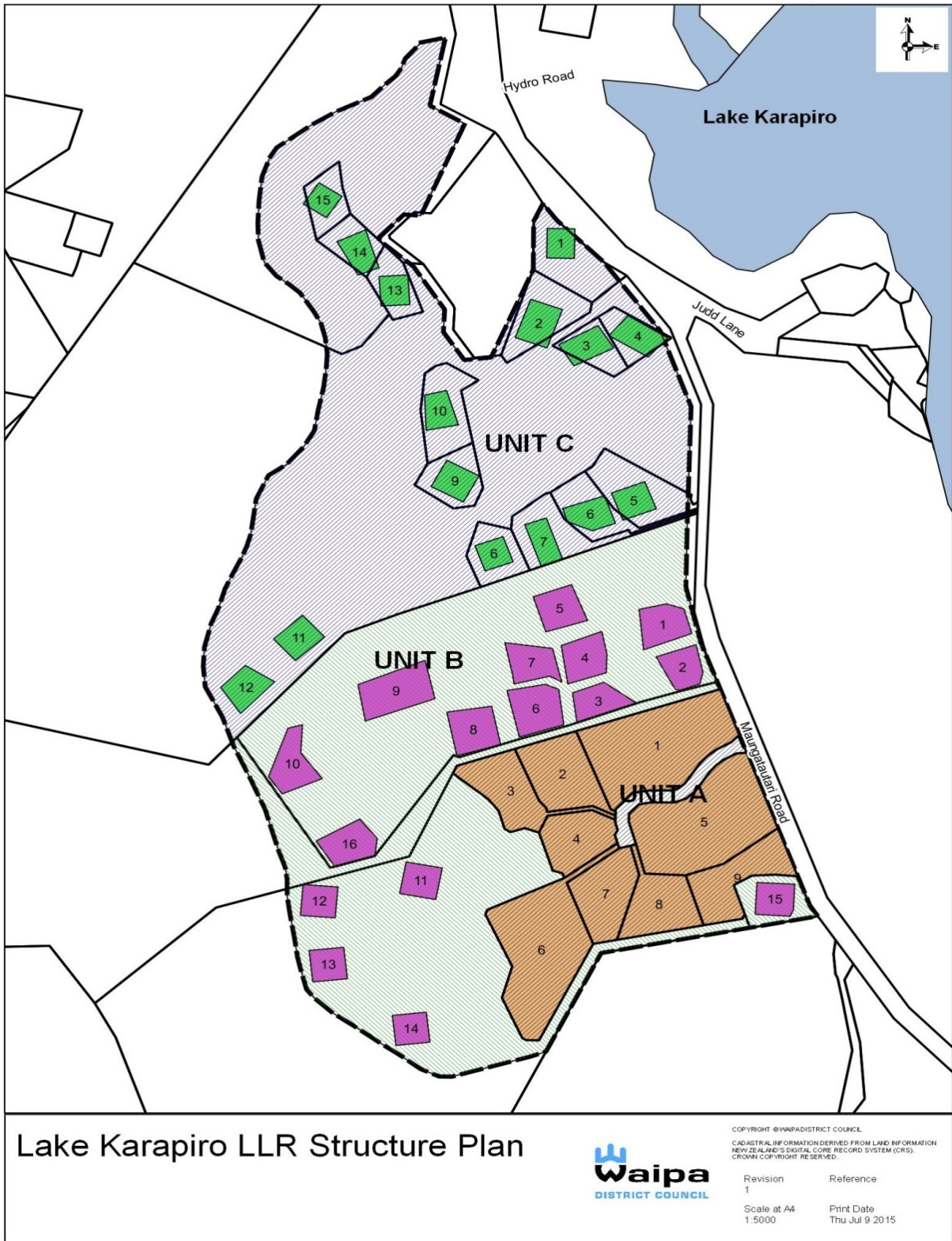
3.4.2.16 In the [Lake Karāpiro Large Lot Residential Structure Plan Areas](#), dwellings shall comply with the following:

- (a) Dwellings shall be located on building platforms identified in Appendix S7; and
- (b) The maximum number of dwellings permitted in the Lake Karāpiro Large Lot Residential Structure Plan Area shall not exceed the following:
- |                     |              |
|---------------------|--------------|
| (i) within Unit A   | 9 Dwellings  |
| (ii) within Unit B  | 16 Dwellings |
| (iii) within Unit C | 15 Dwellings |

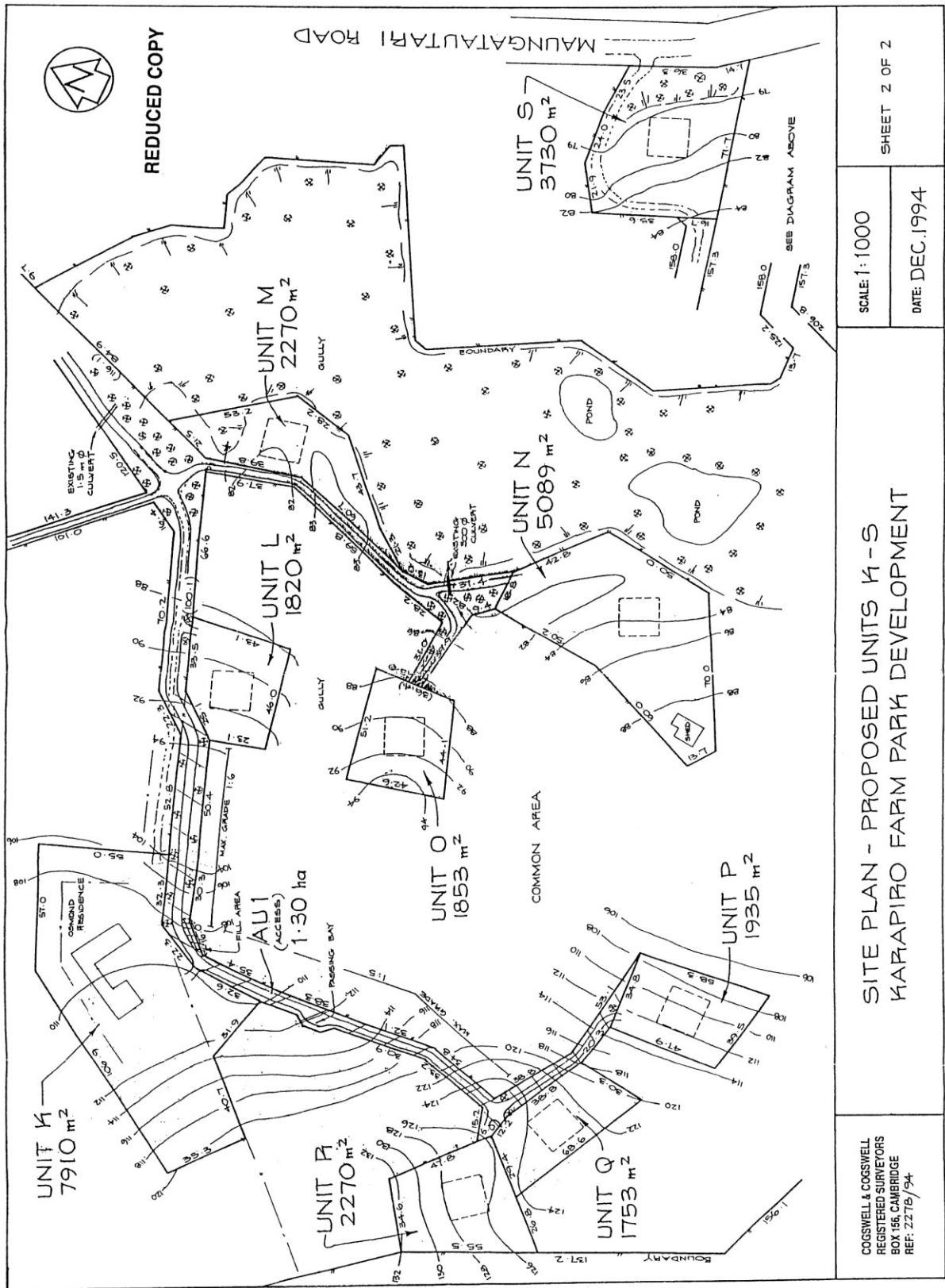
Activities that fail to comply with [part \(a\) of this rule will require a resource consent for a discretionary activity](#). Activities that fail to comply with [part \(b\) of this rule will require a resource consent for a non-complying activity](#).

### Appendix S7 – Lake Karāpiro Large Lot Residential Structure Plan Area

Include the following map:



Include the following note under the Unit K - S site plan as follows:



SCALE: 1:1000  
DATE: DEC. 1994  
SHEET 2 OF 2

SITE PLAN - PROPOSED UNITS K-S  
KARAPIRO FARM PARK DEVELOPMENT

COGSWELL & COGSWELL  
REGISTERED SURVEYORS  
BOX 156, CAMBRIDGE  
REF: 2275/94

Note: In accordance with Planning Tribunal Decision No. A47/96, only Units L, M, N, O and S on this page are permitted building platforms.

***Amendments to provisions for Lake Karāpiro Large Lot Residential Structure Plan Area***

This Variation addresses various minor issues in relation to the Karāpiro Large Lot Residential Structure Plan Area and the associated provisions in the Proposed Waipa District Plan.

Variation 6 to the Proposed Waipa District Plan makes the following amendments to the Plan as follows:

- Addition of a new policy in Section 3 – Large Lot Residential Zone;
- Addition of a new permitted activity rule for additions and alterations in the Lake Karāpiro Large Lot Residential Structure Plan Area in Section 3 – Large Lot Residential Zone;
- Amendment to Rules 3.4.1.2(a) and 3.4.2.2 to clarify that any dwellings and buildings must be located within the approved building platforms in the Karāpiro Large Lot Residential Structure Plan Area;
- Addition to Rule 3.4.1.4(b) to clarify that any dwellings and buildings outside the approved building platforms in the Karāpiro Large Lot Residential Structure Plan is a discretionary activity;
- Amendment to Rule 3.4.2.16 to clarify the activity status for non-complying activities;
- Addition of a new map in Appendix S7 showing Units A to C; and
- Inclusion of a note for plan ‘Site Plan – Proposed Units K to S Karapiro Farm Park Development Sheet 2 of 2’ to explain that only Units L, M, N, O and S are permitted for development in accordance with Planning Tribunal Decision No. A47/96.

## Proposed Waipa District Plan - Track Changes

### Policy – Lake Karāpiro Large Lot Residential Structure Plan Area

(new) For the Lake Karāpiro Large Lot Residential Structure Plan Area, to maintain and enhance character by:

- (a) Maintaining low density residential development;
- (b) Providing for additions and alterations to existing dwellings and buildings within the building platforms identified in Appendix S7; and
- (c) Retaining the views of the landscape across Lake Karāpiro from State Highway 1.

3.4.1.1	Permitted activities The following activities must comply with the performance standards of this zone
<u>(m)</u>	<u>In the area shown on the Planning Maps as the ‘Karāpiro Large Lot Residential Structure Plan Area’, any additions and alterations to existing dwellings and buildings that are contained within the building platforms in Appendix S7.</u>

3.4.1.2	Controlled activity The following activities must comply with the performance standards of this zone
(a)	Dwellings and buildings within the Lake Karāpiro Large <del>Lot</del> Residential Structure Plan Area <u>located within the building platform shown</u> in Appendix S7. Assessment will be restricted to the following matters: <ul style="list-style-type: none"> <li>▪ Integration of buildings into the surrounding landscape through their external design, construction, finish and colour; and</li> <li>▪ The extent, scale and location of driveways or other vehicular tracks; and</li> <li>▪ The design, nature and timing of landscape plantings to screen or soften the appearance of buildings and vehicular accessways; and</li> <li>▪ The protection of existing indigenous vegetation; and</li> <li>▪ Provision for ongoing maintenance of any landscape planting.</li> </ul> These matters will be considered in accordance with the assessment criteria in Section 21.

3.4.1.4	Discretionary activities
(a)	Any building or activity that fails to comply with: ... <u>(xiv) Rule 3.4.1.2(a) – Dwellings and buildings within the Lake Karāpiro Large Lot Residential Structure Plan Area</u>

### **Rule - Minimum building setback from internal site boundaries**

3.4.2.2 The minimum building setback from internal site boundaries shall be 10m.

Provided that:

- (a) For dwellings and habitable accessory buildings  
(including sleep outs) where a site boundary adjoins a Rural Zone 15m
- (b) For non-habitable detached accessory buildings where a  
site boundary adjoins the Rural Zone 10m

(c) [Dwellings in the Lake Karāpiro Large Lot Residential Structure Plan Areas subject to Rule 3.4.2.16](#) are exempt from this rule.

Activities that fail to comply with this rule will require a resource consent for a restricted discretionary activity with the discretion being restricted over:

- The provision of daylight and sunlight into neighbouring buildings; and
- Visual and aural privacy; and
- The general appearance/effect on the openness and character; and
- The safety and efficiency of pedestrian, cyclists and traffic flow; and
- Access around the site; and
- Effects on surrounding properties; and
- Potential reverse sensitivity effects on any adjoining rural activities.

These matters will be considered in accordance with the assessment criteria in Section 21.

**Rule - Dwellings: [Lake Karāpiro Large Lot Residential Structure Plan Area](#)**

3.4.2.16 In the [Lake Karāpiro Large Lot Residential Structure Plan Areas](#), dwellings shall comply with the following:

- (a) Dwellings shall be located on building platforms identified in Appendix S7; and
- (b) The maximum number of dwellings permitted in the Lake Karāpiro Large Lot Residential Structure Plan Area shall not exceed the following:
 

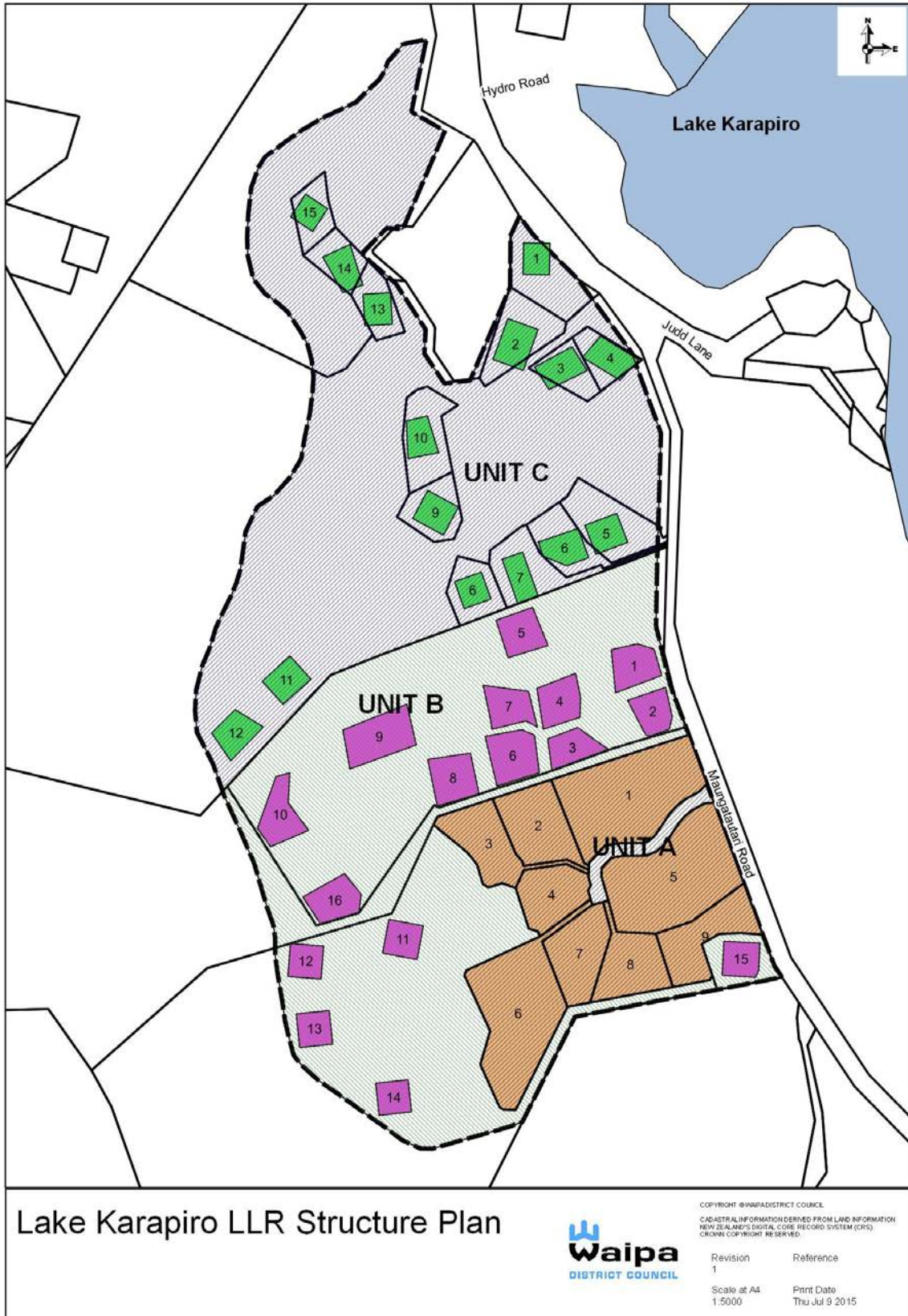
(i) within Unit A	9 Dwellings
(ii) within Unit B	16 Dwellings
(iii) within Unit C	15 Dwellings

Activities that fail to comply with [part \(a\) of this rule will require a resource consent for a discretionary activity](#). Activities that fail to comply with [part \(b\) of this rule](#) will require a resource consent for a non-complying activity.



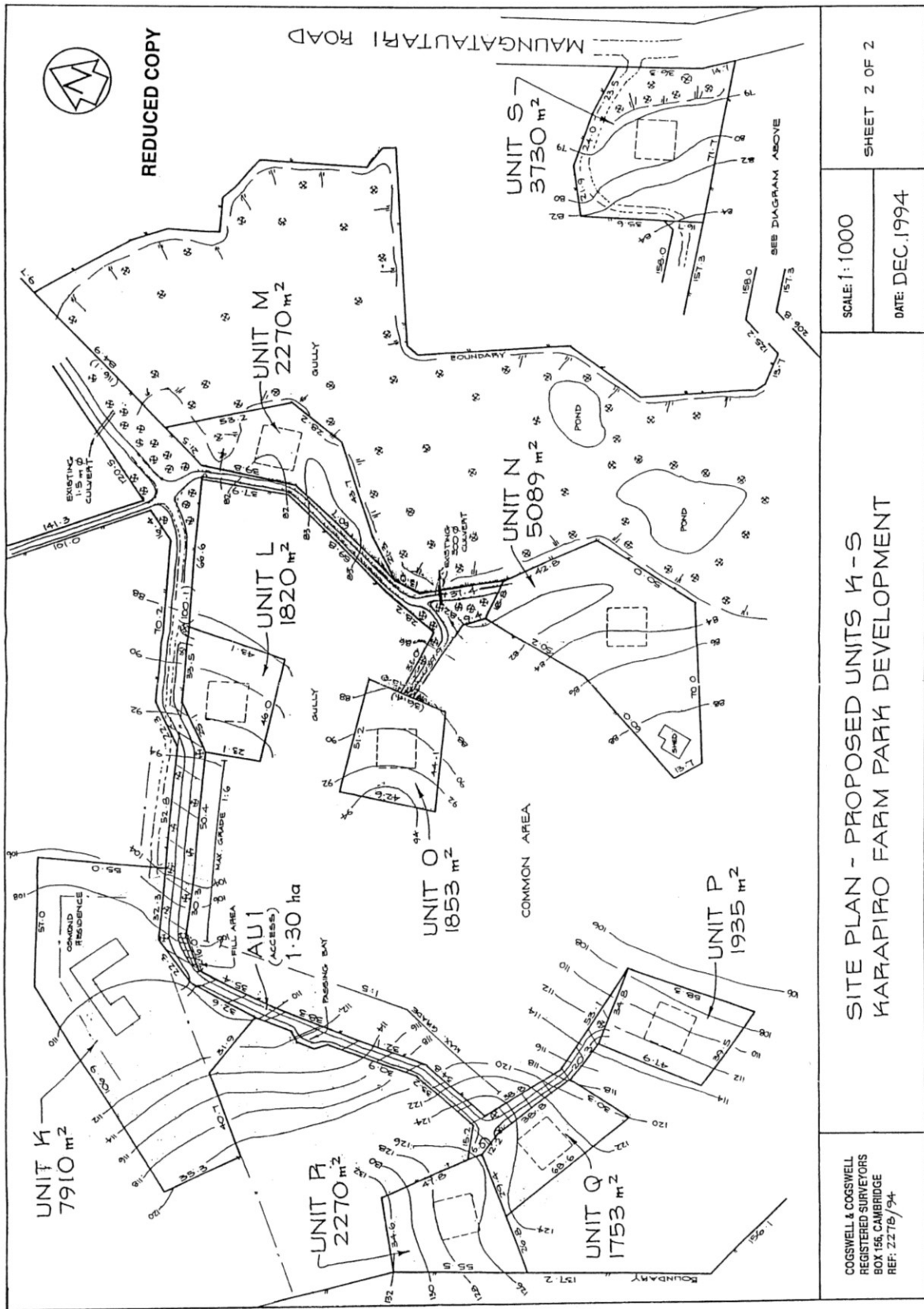
### Appendix S7 – Lake Karāpiro Large Lot Residential Structure Plan Area

Include the following map:



District Plan Variation #6 – Amendments to provisions for Lake Karāpiro Large Lot Residential Structure Plan Area  
July 2015

Include the following advice note under the Unit K - S site plan as follows:



SITE PLAN - PROPOSED UNITS K-S  
KARAPIRO FARM PARK DEVELOPMENT

COGSWELL & COGSWELL  
REGISTERED SURVEYORS  
BOX 156, CAMBRIDGE  
REF: 227B/94

SCALE: 1:1000

DATE: DEC. 1994

SHEET 2 OF 2

Note: In accordance with Planning Tribunal Decision No. A47/96, only Units L, M, N, O and S on this page are permitted building platforms.

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**AMENDMENTS TO  
PROVISIONS FOR LAKE  
KARĀPIRO LARGE LOT  
RESIDENTIAL STRUCTURE  
PLAN AREA**

**SECTION 32 EVALUATION  
REPORT**

JULY 2015

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## Part A – Issue Identification

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### 1. Introduction

This report presents an evaluation undertaken by the Waipa District Council (the Council) in accordance with Section 32 of the Act in relation to amendments regarding the Lake Karāpiro Large Lot Residential Structure Plan Area to the Proposed Waipa District Plan. The report examines the extent to which the variation objectives are the most appropriate way to promote sustainable management, evaluates the related and proposed objectives and provisions and assesses the scale and significance of the effects anticipated from implementing the Variation.

### 2. Issue Identification

#### 2.1. Description of Issue

##### 2.1.1. Additions and alterations to existing dwellings and buildings in Lake Karāpiro Structure Plan Area

An issue has arisen regarding the activity status of additions and alterations to existing dwellings and buildings within the confines of the approved building platforms. As notified the Plan defaults to a non-complying activity (Rule 3.4.1.5(c)) for this type of activity due to the definition of 'Building' which includes "part of a building or structure" more than 5m<sup>2</sup> in area. A non-complying activity is considered to be onerous on landowners as the effects of dwellings and buildings in this area was heavily debated through the original subdivision consent process.

##### 2.1.2. Objective and Policy support for Rule 3.4.1.2(a)

Section 104D of the Act requires adverse effects of a resource consent application to be considered with regards to the adverse effects and the consistency with the objectives and policies of the relevant plan. Since notifying the Plan it has become apparent there is an absence of policy guidance for Rule 3.4.1.2(a) supporting the development of dwellings and buildings in the approved Lake Karāpiro Large Lot Residential Structure Plan Area.

##### 2.1.3. Appendix S7

Rule 3.4.2.16 outlines the maximum number of dwellings permitted in the Karāpiro Large Lot Residential Structure Plan Area in accordance with the granted resource consents for the Zone. The Plan as notified provides no detail as to the areas described as Unit A, B and C in the rule to guide interpretation and implementation of the rule.



**2.1.4. Rule 3.4.1.2(a)**

In Section 3 - Large Lot Residential Zone, provision has been made for dwellings and buildings within the Lake Karāpiro Structure Plan Area as a controlled activity (Rule 3.4.1.2(a)). An issue has arisen that the rule fails to state that a dwelling must be located on a building site as shown in the Structure Plan as the rule intended. Further clarity is required regarding the activity status for proposed dwellings outside an approved building site and the activity status for additional dwellings in the area.

**2.1.5. Rule 3.4.2.2**

During discussions with residents within the Lake Karāpiro Large Lot Residential Structure Plan Area concern was expressed about the application of Rule 3.4.2.2 in regard to dwellings within the approved building platforms. The building platforms have been subject to a consent process and approved for their suitability to locate dwellings, therefore are not required to comply with the setbacks outlined in Rule 3.4.2.2.

**2.2. The Proposal****2.2.1. Additions and alterations to existing dwellings and buildings within the Lake Karāpiro Structure Plan Area**

To include a new provision to allow alterations and additions to existing dwellings and buildings, which are within the building platform as a permitted activity.

**2.2.2. Objective and Policy support for Rule 3.4.1.2(a)**

Include a new policy outlining the key amenity aspects of the Lake Karāpiro landscape including guidance for alterations and additions to existing dwellings and buildings in the Zone.

**2.2.3. Appendix S7**

Include a new map in Appendix S7 to identify the building platforms for Units A to C to give clarity to the implementation of Rule 3.4.2.16.

**2.2.4. Rule 3.4.2.16**

Amend Rule 3.4.2.16 to provide for a different activity status for failure to comply with the building location, and exceeding the permitted number of dwellings.

**2.2.5. Rule 3.4.2.2**

To amend Rule 3.4.2.2 to provide clarity that dwellings within building platforms of Rule 3.4.2.16 are exempt from the requirements of Rule 3.4.2.2.

### 2.3. Background

Council began preparing the Operative District Plan in 1991. As part of this process LA4 Landscape Architects prepared a landscape assessment for Council recommending various landscapes around the District, including the landscape around Lake Karāpiro, to be considered and protected as 'special landscape character areas'.

Following notification of the Operative District Plan in 1994, various submissions were received regarding the landscape area at Lake Karāpiro. Concurrently with the Operative District Plan process, an application seeking resource consent to establish a farm park and undertake a related subdivision under the Unit Titles Act, for up to nineteen (19) sites was received by Council in February 1995. This application was heard by Council's Regulatory Committee who refused consent in May 1995.

The decision was appealed to the Planning Tribunal who granted consent with the modification of omitting dwelling sites P, Q and R in June 1996. The plans approved by the Planning Tribunal are shown below in Figures 1 and 2.

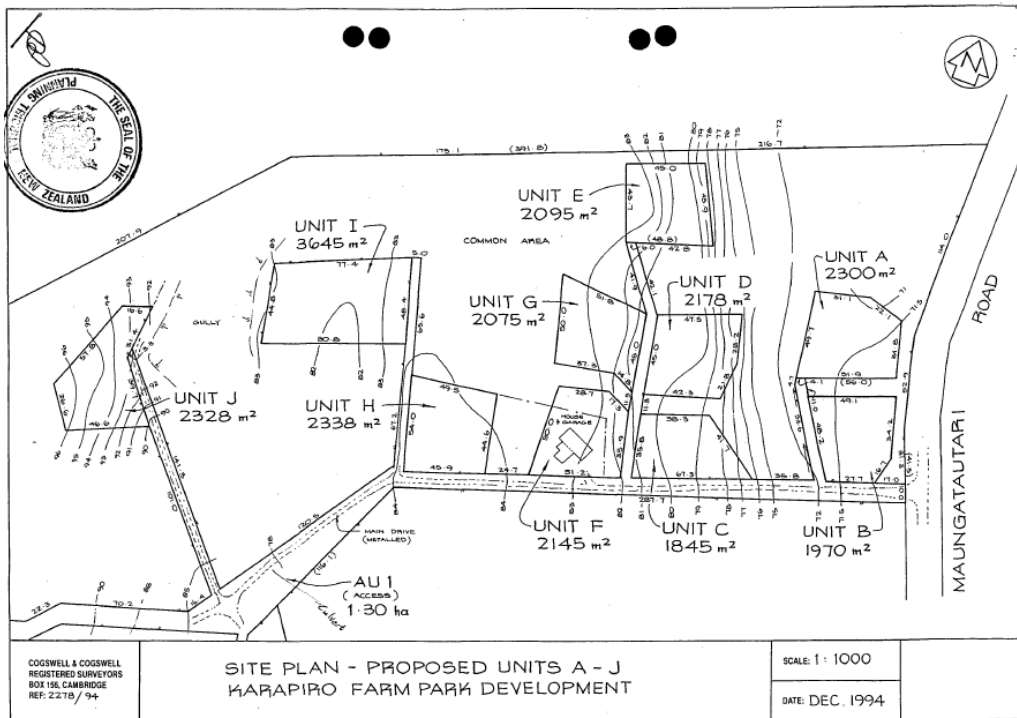


Figure 1 – Planning Tribunal approved Plan 1 of 2

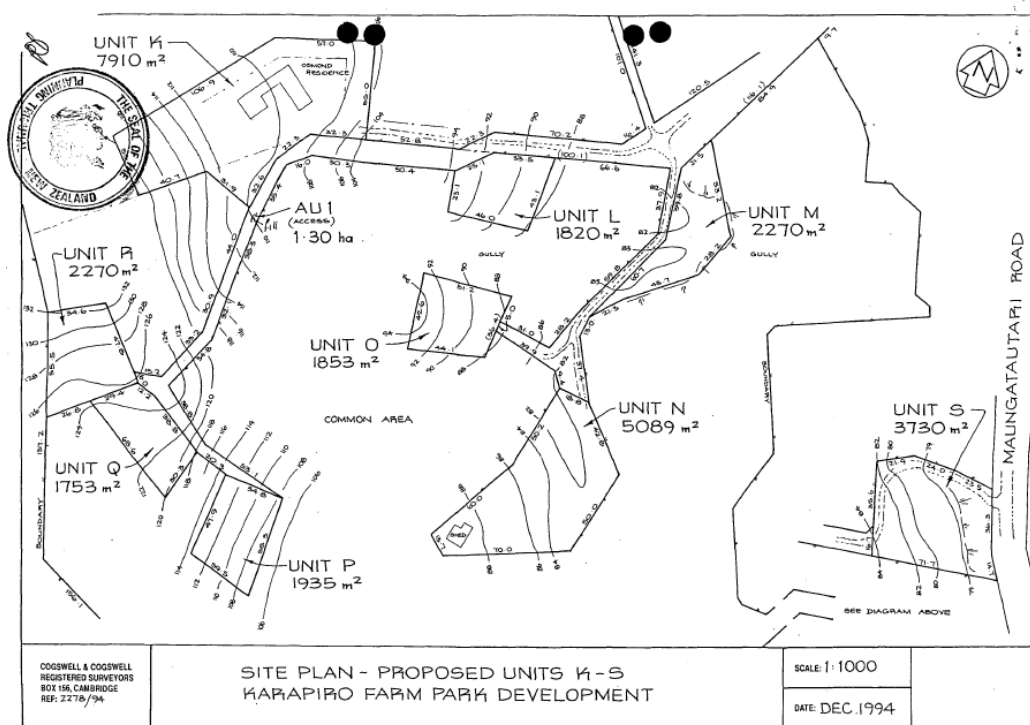


Figure 2 – Planning Tribunal approved Plan 2 of 2

The outcome of the Operative District Plan hearings was to include the Lake Karāpiro Rural Residential Area in the Plan with a restriction on the number and exact location of dwellings. This approach was considered an appropriate mechanism to reduce the visual and amenity effects of future dwellings on the landscape.

The relevant objective and policies from the Operative District Plan are included below:

### Objective RU1

To manage the rural environment so that changes induced by humankind do not significantly affect the ability of the land and water to sustain the activities of human, animal and plant communities.

### Policy RU10

To discourage further development which could have an adverse effect on the landscape qualities of the scenic landscape protection corridor along State Highway 1 (as shown on Figure 6) including restrictions on the erection of further buildings, structures, powerlines, drives and accessways.

### Policy RU11

To protect the landscape character of the edge of Lake Karāpiro.

### Policy RU13

To allow rural-residential development in the area west of the camp site only.

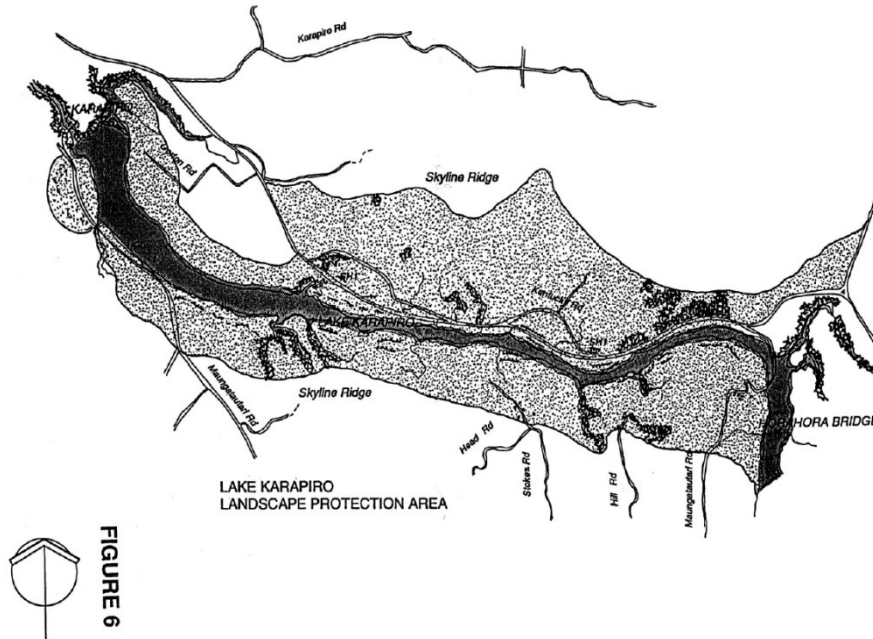


Figure 3 – Operative District Plan Figure 6 as referred to in Policy RU10

In 2003, an application seeking amendment under Section 127 of the Resource Management Act 1991 to the existing resource was received by Council to increase the unit sizes in the approved farm park (SP/3863). This application was approved by Council staff, under delegated authority, in June 2003. The approved plan is shown below in Figure 4.<sup>1</sup>

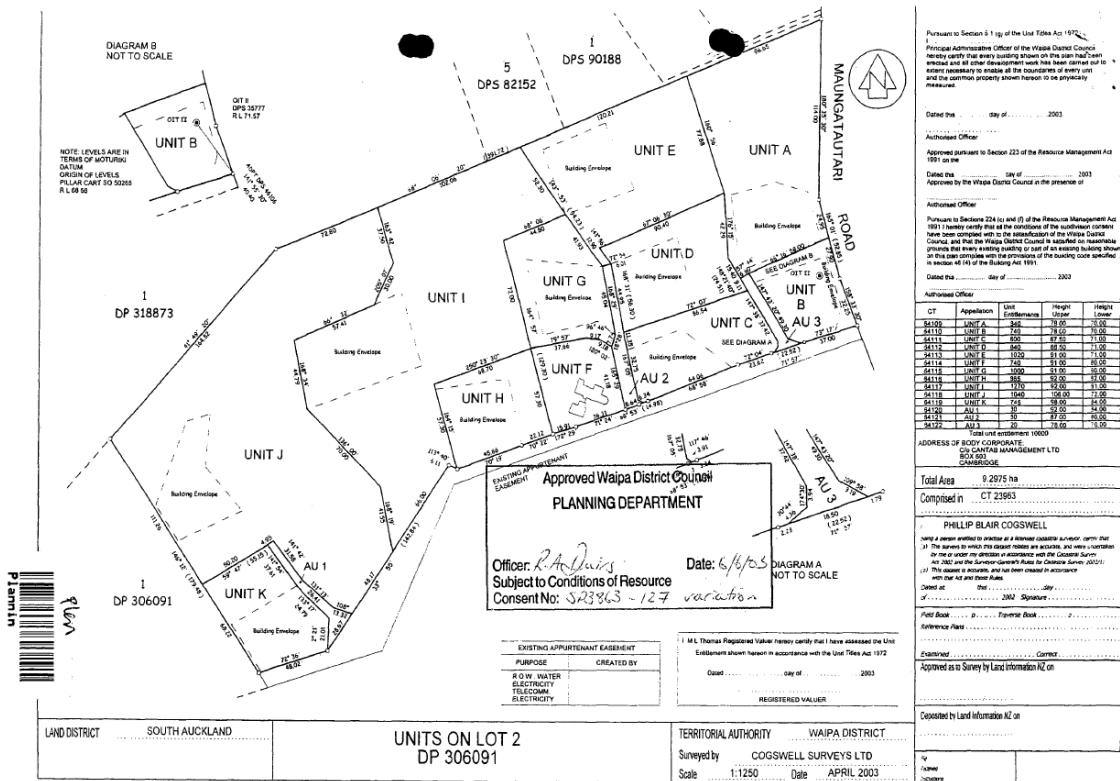


Figure 4 – Approved Section 127 Plan in June 2003

<sup>1</sup> This plan has been included in the Proposed District Plan in Appendix S7 as part of Corrigendum 8.

Over time the properties adjoining the Karāpiro Farm Park have also been subdivided defining the location of all dwellings within the Lake Karāpiro Rural Residential Area with the resulting planning map shown in Figure 5 below.

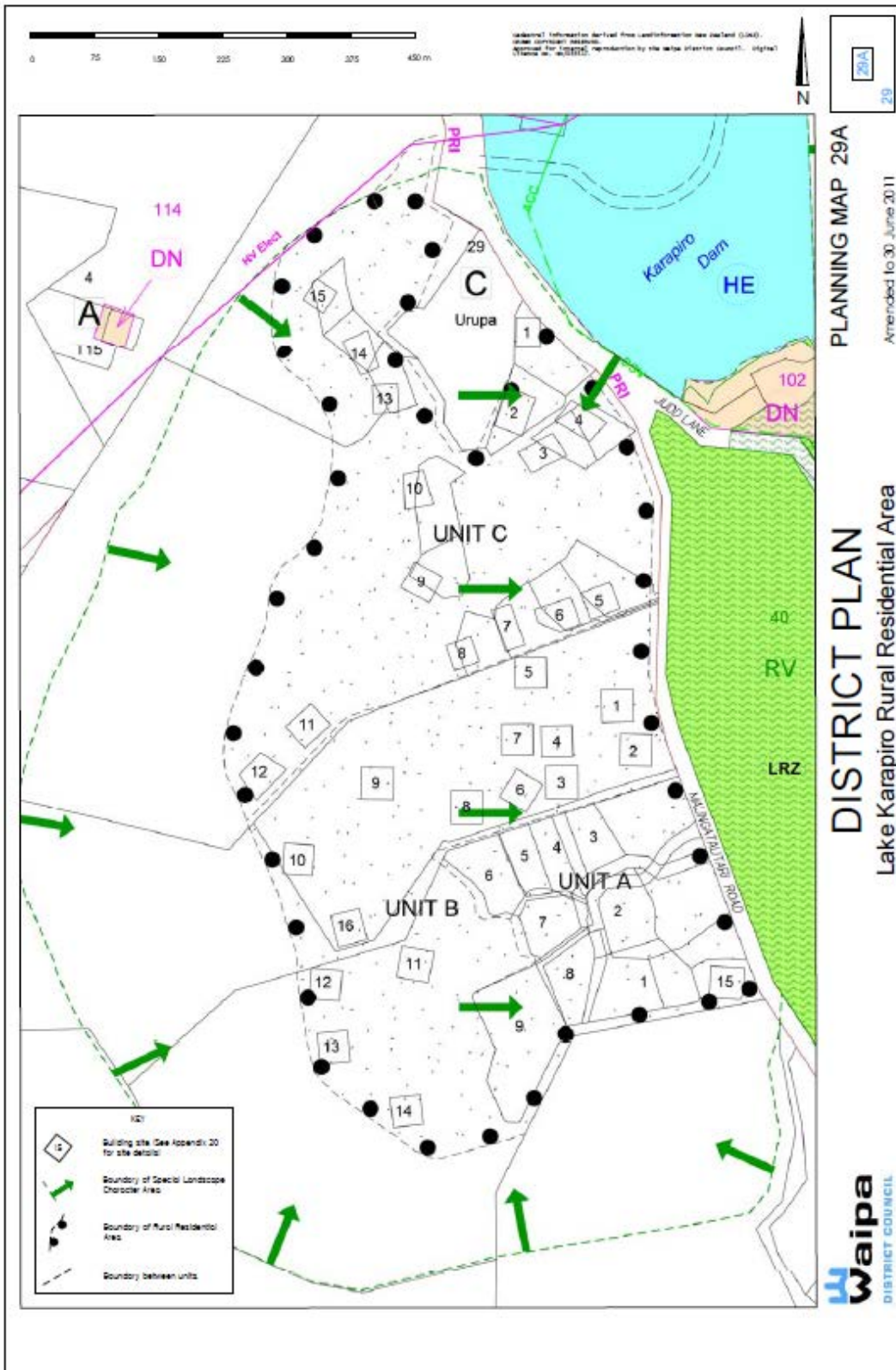


Figure 5 – Operative District Plan Map 29A

## 2.4. Current Proposed District Plan Provisions

The framework in Section 3 of the Proposed District Plan provides the provisions for development in the Large Lot Residential Zone. The relevant objective, policy and rules for Lake Karāpiro Large Lot Residential Structure Plan Area are included below:

### Objective - Large Lot Residential Zone character

- 3.3.3 To maintain and enhance the key aspects of character within the Large Lot Residential Zone.

### Policy - Character

- 3.3.3.1 Buildings and activities within the Large Lot Residential Zone are designed, located, scaled and serviced in a manner that does not detract from the character of the area. In particular, they should maintain the character of open space, low-density residential development with a feeling of spaciousness; connections to the natural landscape; and the absence of Council wastewater services, and lower levels of other infrastructure in comparison to the Residential Zone.

3.4.1.2	<b>Controlled activity</b> The following activities must comply with the performance standards of this zone
(a)	Dwellings and buildings within the Lake Karāpiro Large lot Residential Structure Plan Area in Appendix S7. Assessment will be restricted to the following matters: <ul style="list-style-type: none"> <li>▪ Integration of buildings into the surrounding landscape through their external design, construction, finish and colour; and</li> <li>▪ The extent, scale and location of driveways or other vehicular tracks; and</li> <li>▪ The design, nature and timing of landscape plantings to screen or soften the appearance of buildings and vehicular accessways; and</li> <li>▪ The protection of existing indigenous vegetation; and</li> <li>▪ Provision for ongoing maintenance of any landscape planting.</li> </ul> These matters will be considered in accordance with the assessment criteria in Section 21.

3.4.1.5	<b>Non-complying activities</b>
(b)	In the area shown on the Planning Maps as the 'Karāpiro Large Lot Residential Structure Plan Area', any dwelling exceeding the maximum number of dwellings under Rule 3.4.2.16.

### Rule - Dwellings: Karāpiro Large Lot Residential Structure Plan Area

- 3.4.2.16 In the Karāpiro Large Lot Residential Structure Plan Areas, dwellings shall comply with the following:
- (a) Dwellings shall be located on building platforms identified in Appendix S7; and
  - (b) The maximum number of dwellings permitted in the Lake Karāpiro Large Lot Residential Structure Plan Area shall not exceed the following:

- |       |               |              |
|-------|---------------|--------------|
| (i)   | within Unit A | 9 Dwellings  |
| (ii)  | within Unit B | 16 Dwellings |
| (iii) | within Unit C | 15 Dwellings |

Activities that fail to comply with this rule will require a resource consent for a non-complying activity.

Large Lot Residential Zone Assessment Criteria		
<b>Controlled Activities</b>		
21.1.3.1	Dwellings and buildings within the Lake Karāpiro Large lot Residential Structure Plan Area in Appendix S7	<ul style="list-style-type: none"> <li>(a) The location of structures relative to the skyline, headlands or other promontory, and exposed hillsides.</li> <li>(b) The visual effects of the building, especially as viewed from any public place.</li> <li>(c) The extent to which existing vegetation is retained to screen or soften the effects of the building.</li> <li>(d) The extent of earthworks required and proposals for rehabilitation and recontouring of earthworked areas to natural grades.</li> <li>(e) The external design, construction, finish and colour of the structure.</li> <li>(f) The extent and nature of landscape planting proposed including provision for ongoing maintenance of planting and whether this will remedy or mitigate the effects of the building.</li> <li>(g) The effects on cultural and landscape values of the area.</li> </ul>
<b>Discretionary Activities</b>		
<i>Refer also to 21.1.1 Assessment Criteria for ALL discretionary activities</i>		
21.1.3.16	Location, appearance and landscaping: Lake Karāpiro Farm Park	<ul style="list-style-type: none"> <li>(a) Dwellings in the area identified as the 'Lake Karāpiro Farm Park' on the Planning Maps and the relevant structure plan attached in Appendix S7 are also subject to the following criteria: <ul style="list-style-type: none"> <li>(i) The location of structures relative to the skyline, headlands, ridges and exposed hillsides; and</li> <li>(ii) The visual effects of the building, especially as viewed from any public place; and</li> <li>(iii) The extent to which existing vegetation is retained to screen or soften the effects of the building; and</li> <li>(iv) The external design, construction, finish and colour of any buildings; and</li> <li>(v) The extent and nature of landscape planting proposed including provision</li> </ul> </li> </ul>

Large Lot Residential Zone Assessment Criteria	
	<p>for ongoing maintenance of planting and whether this will remedy or mitigate the effects of the building; and</p> <p>(vi) The extent to which the landscape consent plans included in Appendix S7 are implemented; and</p> <p>(vii) The extent to which the proposal meets the assessment criteria for Special Landscapes contained in Section 20 - Health and General Amenity.</p>

## 2.5. Statutory Considerations

### 2.5.1. Te Ture Whaimana o Te Awa o Waikato - Vision & Strategy for the Waikato River

Te Ture Whaimana o Te Awa o Waikato – The Vision and Strategy for the Waikato River arises from the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and the Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 (Upper River Act). These Acts establish the Vision and Strategy as the primary direction-setting document for the Waikato River and activities within its catchments affecting the Waikato River. The Plan supports the overall framework through subdivision provisions which encourage ecological preservation. It is noted the Lake Karāpiro Large Lot Structure Plan Area adjoins the Waikato River.

### 2.5.2. Proposed Waikato Regional Policy Statement – Decisions Version (November 2012)

Areas of outstanding natural values and characteristics, including those of regional and local significance are protected through the objectives and policies of the Waikato Regional Policy Statement. The Regional Policy Statement also supports the identification of areas of amenity value with particular attention to areas along inland water bodies. The District Plan gives effect to the Waikato Regional Policy Statement through the identification of ‘High Amenity Landscapes’, ‘Outstanding Natural Features and Landscapes’ and the ‘River and Lake Environs’ on the Planning Maps and the particular policies and rules that apply to them.

Furthermore, the Policy Statement objectives and policies encourage rural-residential development in strategically identified locations in accordance with the Future Proof Growth Strategy which is discussed in paragraph 2.5.3 below.

### 2.5.3. Future Proof Growth Strategy

The Future Proof Strategy is a comprehensive growth management strategy for the Waikato sub-region which includes Hamilton City, Waipa District and Waikato District. The Strategy seeks to manage future growth across territorial boundaries to the betterment of the sub-region as a whole. With regards to rural-residential development the strategy encourages each council to identify areas in and around existing towns for rural-residential living. The Strategy also encourages each council, through district plans, to regulate minimum lot sizes and to protect rural areas from



urban development. The provisions of the Proposed Waipa District Plan ensure development at Lake Karāpiro Large Lot Residential Structure Plan Area is restricted to retain the amenity of the area in accordance with the Future Proof Strategy.

#### **2.5.4. Waipa 2050 – Waipa District Growth Strategy**

The Growth Strategy provides a policy framework to guide and encourage future growth in the Waipa District. The vision for the village of Karāpiro is to accommodate an additional 500 residents by 2050. The majority of this growth can be accommodated through existing zoned land which includes the Lake Karāpiro Large Lot Residential Structure Plan Area. The District Plan encourages development within the Lake Karāpiro Large Lot Residential Structure Plan Area in accordance with the Growth Strategy.

#### **2.5.5. Waikato-Tainui Environmental Plan**

The Waikato-Tainui Environmental Plan has been developed to, amongst other things, act as a tool to provide high-level guidance on Waikato-Tainui objectives and policies with respect to the environment. Section 25 – Land Use Planning includes objectives relevant to this variation as follows:

##### **Objective – Approach to land use and development**

25.3.1 Development principles are applied to land use and development (urban and rural) and, in particular, development in new growth cells, that enhance the environment.

##### **Objective – Urban and rural development**

25.3.2 Urban and rural development is well planned and the environmental, cultural, spiritual, and social outcomes are positive.

##### **Objective – Positive environmental and cultural effects**

25.3.3 Land use and development has positive environmental and cultural effects.

A range of methods have been recommended for achieving these objectives including avoiding development and subdivision of land with high quality soils, the consideration of effects on environmental, cultural, spiritual and social outcomes, and management of rural-residential development through the use of Low Impact Development principles.

#### **2.5.6. Summary**

The proposed variation has been considered with regard to the above documents. The variation is considered largely an administrative amendment to clarify the provisions applicable to the Lake Karāpiro Large Lot Residential Structure Plan area. There are not considered to be any aspects of the above documents that the proposed variation is inconsistent with and undertaking this variation will retain appropriate levels of rural-residential development in this area.

## Part B – Options and Evaluation

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### 3. Options

#### 3.1. Introduction

Section 32(1)(b)(i) of the Act, requires this report to identify “other reasonably practicable options” to promote sustainable management, including retaining the status quo, non-regulatory methods and variations/plan changes. This part of the report outlines the process undertaken and details the other reasonably practicable options considered to achieve the objectives of the Variation.

#### 3.2. Process

In considering other reasonably practicable options, analysis of the Operative District Plan provisions was undertaken, and conversations were held between Council staff and landowners to consider the issues. The identified options for each issue is discussed in the following paragraphs.

##### 3.2.1. Additions and alterations to existing dwellings and buildings in Lake Karāpiro Structure Plan Area

The following options were identified with regards to additions/alterations to existing dwellings and buildings in the Structure Plan Area:

- Retain the rules as notified; or
- Amend the rules to provide an exemption for additions/alterations where contained within the approved building site; or
- Amend the Plan to provide additions/alterations as a controlled activity; or

The current approach to additions/alterations in the Lake Karāpiro Large Lot Residential Structure Plan Area is to require a resource consent for a non-complying activity due to the definition of ‘building’.

The preferred option is to proceed with a variation to amend the provisions in the Plan to provide an exemption for additions/alterations to existing dwellings and buildings where contained within the approved building site.

##### 3.2.2. Objective and Policy support for Rule 3.4.1.2(a)

The following options were identified with regards to objective and policy support for Rule 3.4.1.2(a):

- Retain the rules as notified without policy guidance; or
- Include a new policy to provide guidance for Rule 3.4.1.2(a).

The current approach fails to provide policy direction for development in the Lake Karāpiro Large Lot Residential Structure Plan Area.

The preferred option is to proceed with a variation to include a new policy which supports development in the approved building platforms as consented to.

### **3.2.3. Appendix S7**

The following options were identified with regards to identification of Units A to C referred to in Rule 3.4.2.16:

- Retain the Plan as notified; or
- Include a new map within Appendix S7 identifying the building platforms as consented to; or
- Include the building platforms on the Planning Maps.

The current approach causes confusion with regards to implementation of Rule 3.4.2.16.

The preferred option is to include a new map identifying the building platforms. The appendix is considered the most appropriate location for this information as this contains the structure plan information for the sites and is referred to in Rule 3.4.2.16.

### **3.2.4. Rule 3.4.2.16**

The following options were identified with regards to clarifying the activity status for activities which fail to comply with Rule 3.4.2.16:

- Retain the Plan as notified; or
- Amend the Plan to require a discretionary resource consent for dwellings and buildings that are located outside the approved building platforms; and require a non-complying resource consent for dwellings that are in excess of the number permitted by the structure plan.

The current approach does not distinguish between the two areas of non-compliance as was provided in the Operative District Plan. The preferred option is to amend the plan to distinguish between the two activities and provide clarity to the Plan.

### **3.2.5. Rule 3.4.2.2**

The following options were identified with regards to clarifying the requirements for dwellings within the approved building platforms and the relationship with Rule 3.4.2.2:

- Retain the Plan as notified; or
- Amend the Plan to clearly state dwellings that comply with Rule 3.4.2.16 are exempt from Rule 3.4.2.2.

The current approach causes confusion with regards to implementation of Rule 3.4.2.2. The preferred option is to amend the plan to provide clarity to the Plan.

## 4. Evaluation of Options

### 4.1. Introduction

Section 3 above outlines the other reasonably practicable options considered. In order to determine whether the other options are reasonably practicable, a comparative analysis has been undertaken. Council is not legally obliged to detail the evaluation process for other reasonably practicable options that were not identified as the preferred option. However, it is considered fair and transparent to demonstrate how the preferred option was decided upon following an assessment against other reasonably practicable options.

The key considerations of this analysis include the relevance of the option to addressing the issue and the usefulness in guiding decision-making. Reasonableness and achievability have also been considered during this analysis. The following paragraphs compare each option for each issue.

### 4.2. Additions and alterations to existing dwellings and buildings in Lake Karāpiro Structure Plan Area

	Option 1: Amend the rules to provide an exemption for additions/alterations to dwellings and buildings where contained within the approved building platform	Option 2: Retain the rules as notified (Status Quo)	Option 3: Amend the Plan to provide additions/alterations as a controlled activity
Appropriateness	This option addresses the issues by minimising the need for resource consent for alterations/additions to existing dwellings and buildings within an approved building platform.	This option requires resource consent for a non-complying activity for any addition / alteration to an existing dwelling or building regardless of size of the addition / alteration as the default rule is Rule 3.4.1.5(c).	Controlled activity status is typically used for activities which must comply with the standards, terms or conditions laid out in the Plan. The level of effects anticipated from additions / alterations are considered to be minimal therefore a controlled activity status is not considered appropriate.
Reasonableness	This option provides for additions/alterations in the same manner as for dwellings and buildings in other Zones, therefore is considered	It is considered unreasonable to require a resource consent for additions/alterations to dwellings and buildings which have been	It is considered unreasonable to require a resource consent for additions/alterations to dwellings and buildings which have been

	Option 1: Amend the rules to provide an exemption for additions/alterations to dwellings and buildings where contained within the approved building platform	Option 2: Retain the rules as notified (Status Quo)	Option 3: Amend the Plan to provide additions/alterations as a controlled activity
	to be fair to landowners in this area.	consented to through the Structure Plan process.	consented to through the Structure Plan process.
Achievability	This option is achievable to implement through a variation process and is not cost prohibitive.	This option does not incur any financial costs to Council to achieve, however does impose costs on the landowner who must apply for resource consent.	This option does not incur any financial costs to Council to achieve, however does impose costs on the landowner who must apply for resource consent.
Relevance	This option will resolve the issue.	This option will not resolve the issue.	This option will not resolve the issue.
Usefulness	This option will be more useful in terms of guiding decision-makers and Plan users as it provides clear direction about the level of activity provided for in the Plan provisions.	This option will leave uncertainty about how development is to be treated on the sites.	This option will assist with ensuring additions/alterations are consistent with the existing dwelling or building and surrounding environs. This option will not provide certainty to landowners whom wish to make additions/alterations to existing dwellings and buildings.
Overall rating	Preferred option	Least preferred option	

The table above demonstrates that Option 1 is the preferred option as it addresses the issue, is appropriate, reasonable, relevant, and achievable.

#### 4.3. Objective and Policy support for Rule 3.4.1.2(a)

	Option 1: Include policy support for Rule 3.4.1.2(a)	Option 2: Retain the Plan as notified (Status Quo)
Appropriateness	The addition of a new policy specific for the Lake Karāpiro LLR Structure Plan Area will provide policy guidance for the area and support Rule 3.4.1.2(a). It will ensure that the landscape values of the area are appropriately managed.	This option does not address the issue.
Reasonableness	This option is considered reasonable as it provides clarification and policy guidance on the existing and expected character of this area.	The Plan currently includes objectives and policies which describe in general the Large Lot Residential Zone.
Achievability	This option is achievable to implement through a variation	This option does not incur any financial costs to Council to achieve,

District Plan Variation #6 – Amendments to provisions for Lake Karāpiro Large Lot Residential Structure Plan Area  
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	Option 1: Include policy support for Rule 3.4.1.2(a)	Option 2: Retain the Plan as notified (Status Quo)
	process and is not cost prohibitive.	however does impose costs on the landowner who must apply for resource consent.
Relevance	This option will resolve the issue.	This option will not resolve the issue.
Usefulness	This option will be more useful in terms of guiding decision-makers and Plan users as it provides clear direction about the character of the area.	This option will leave uncertainty about the policy direction for Rule 3.4.1.2(a).
Overall rating	Preferred option	Least preferred option

The table above demonstrates that Option 1 is the most appropriate as it addresses the issue, is appropriate, reasonable, and achievable.

#### 4.4. Appendix S7

	Option 1: Include a new map within Appendix S7 identifying the building platforms	Option 2: Retain the Plan as notified (Status Quo)	Option 3: Include the building platforms on the Planning Maps
Appropriateness	This option is considered to appropriately address the issue.	This option does not address the issue there is currently no information in the Plan or on the Planning Maps to identify Units A to C.	This option is considered to address the issue.
Reasonableness	This option provides certainty for landowners and Plan users.	This option provides uncertainty for landowners and Plan users.	This option provides certainty for landowners and Plan users.
Achievability	This option is achievable to implement through a variation process and is not cost prohibitive.	This option does not incur any financial costs to Council, however does create confusion with regards to implementation of the rule and has the potential to add financial costs and delays to applicants.	This option is achievable to implement through a variation process and is not cost prohibitive.
Relevance	This option will resolve the issue.	This option will not resolve the issue.	This option will resolve the issue.
Usefulness	This option will be more useful in terms of guiding decision-making as it provides clarity for implementation of the rule.	This option will leave uncertainty about how to implement Rule 3.4.2.16.	This option will be more useful in terms of guiding decision-making as it provides clarity for implementation of the rule.
Overall rating	Preferred option	Least preferred option	

The table above demonstrates that Option 1 is the most appropriate as it addresses the issue, is appropriate, reasonable, and achievable.

#### 4.5. Rule 3.4.2.16

	Option 1: Amend the Plan to require a discretionary resource consent for dwellings and buildings failing to be located within the building platforms; and for dwellings in excess of the number permitted by the structure plan to require consent for a non-complying activity	Option 2: Retain the Plan as notified (Status Quo)
Appropriateness	This option provides a hierarchy of activity status for variations to the permitted baseline. Due to the nature of the Zone amendments to the location of dwellings is considered to have less of an effect than increasing the number of dwellings in the area which this option accommodates.	This option has a default non-complying activity status for changes to both activities which is not considered appropriate.
Reasonableness	This option aligns the activity status for resource consent to that in the Operative District Plan providing the same controls to the undeveloped sites within the Zone and those already developed.	This option provides one activity status which can be considered to provide certainty with regards to implementation of the rule, however does not provide certainty to landowners who would like to locate a dwelling or building outside an approved building platform.
Achievability	This option is achievable to implement through a variation process and is not cost prohibitive.	This option does not incur any financial costs to Council to achieve.
Relevance	This option will resolve the issue.	This option will not resolve the issue.
Usefulness	This option will be more useful in terms of guiding decision-making as it provides clear direction about the acceptable level of variation.	This option will not distinguish acceptable levels of variation.
Overall rating	Preferred option	Least preferred option

The table above demonstrates that Option 1 is the most appropriate as it addresses the issue, is appropriate, reasonable, and achievable.

#### 4.6. Rule 3.4.2.2

	Option 1: Amend the Plan to clearly state dwellings that comply with Rule 3.4.2.16 are exempt from Rule 3.4.2.2.	Option 2: Retain the Plan as notified (Status Quo)
Appropriateness	This option addresses the issues by clarifying the requirements for dwellings within the approved building platforms.	This option retains uncertainty and confusion with regards to the application of Rule 3.4.2.2 for the Lake Karāpiro Large Lot Residential Structure Plan Area.
Reasonableness	This option provides certainty for landowners and Plan users.	This option provides uncertainty for landowners and Plan users.
Achievability	This option is achievable to implement through a variation process and is not cost prohibitive.	This option does not incur any financial costs to Council to achieve, however does provide uncertainty with regards to implementation of the rule.
Relevance	This option will resolve the issue.	This option will not resolve the issue.
Usefulness	This option will be more useful in terms of guiding decision-makers and Plan users as it provides clear direction about the application of the Plan provisions.	This option will leave uncertainty about how development is to be treated on the sites.
Overall rating	Preferred option	Least preferred option

The table above demonstrates that Option 1 is the most appropriate as it addresses the issue, is appropriate, reasonable, and achievable.



## Part C – Evaluation of Variation

### 5. Evaluation of Variation Objectives

The variation is focused solely on the amendment of policy, rules and maps within the Plan. As discussed in Section 2.4 above, this is in accordance with the existing strategic direction in the Plan. No changes are proposed to the objectives of the Plan. The new policy is considered to appropriately sit under Objective 3.3.3 and is a means of achieving the maintenance and enhancement of the character within the Zone.

### 6. Evaluation of Variation Provisions

Council is required to assess the efficiency and effectiveness of the Variation's provisions in achieving the Variation's objectives. 'Effectiveness' is the measure of contribution that the proposed provisions make towards resolving the issue, while 'efficiency' refers to benefits and costs to all members of society.

This part of the report assesses the Variation's provisions in achieving the Variation's objectives. This entails identifying and assessing the benefits and costs of the environmental, social, cultural and economic effects anticipated from the implementation of the Variation's provisions. This is recorded in the following table.

	Effectiveness/Efficiency	Benefit/Cost
Policy – Lake Karāpiro Large Lot Residential Structure Plan Area	<b>Effectiveness:</b> This policy will effectively describe the important characteristics of the Lake Karāpiro Large Lot Residential Structure Plan Area and will provide specific policy support for dwellings and buildings in the area. In doing so it also manages the landscape considerations of this area.	<b>Benefits:</b> This policy provides clarity as to where dwellings and buildings are to be located and maintains the character of the area for existing and future residents.
	<b>Efficiency:</b> The policy is clear in identifying the desire to maintain and enhance the character of the area.	<b>Costs:</b> Decreased costs for developments seeking to undertake additions and alterations to existing dwellings and buildings.
<b>Sufficiency of information and risk of not acting:</b>	Sufficient information was available about the character and intent of the Large Lot Residential Zone in this area. The risk of not acting is to limit the policy support for dwellings and buildings in this area.	

	Effectiveness/Efficiency	Benefit/Cost
Permitted Activity: any additions and alterations to existing dwellings within the building platforms in Appendix S7.	<b>Effectiveness:</b> The rule is considered to be effective in resolving the issue as landowners will be able to proceed with additions/alterations to existing dwellings and buildings without the need for resource consent.	<b>Benefits:</b> Social benefit for landowners who will be able to alter existing dwellings and buildings.
	<b>Efficiency:</b> The rule will ensure additions/alterations to existing dwellings and buildings can proceed in an efficient manner.	<b>Costs:</b> Costs associated with additions/alterations to existing dwellings and buildings will be decreased as resource consent will no longer be required.
<b>Sufficiency of information and risk of not acting:</b>	The information is considered to be sufficient. The risk of not acting is to require resource consents for additions/alterations to existing dwellings and buildings which have no effects on the surrounding environment.	

	Effectiveness/Efficiency	Benefit/Cost
Amendment to Rule 3.4.1.2(a) to state dwellings and buildings 'located within the building platform' shown in Appendix S7.	<b>Effectiveness:</b> The amendment to the rule is effective as it provides clarity and certainty for implementation.	<b>Benefits:</b> The amendment clarifies the rule for implementation.
	<b>Efficiency:</b> The amendment to the rule provides clarity and certainty for dwellings and buildings in the structure plan area.	<b>Costs:</b> The amendment will provide social and economic benefits as landowners have certainty of implementation of the rule.
<b>Sufficiency of information and risk of not acting:</b>	The information is certain and sufficient. The risk of not acting is for uncertainty to remain regarding the implementation of the rule.	

	Effectiveness/Efficiency	Benefit/Cost
Discretionary Activity: Dwellings and buildings which fail to comply with Rule 3.4.1.2(a)	<b>Effectiveness:</b> This amendment provides clarity regarding the activity status for failure to comply with Rule 3.4.1.2(a).	<b>Benefits:</b> The amendment provides clarity regarding implementation of the rules.
	<b>Efficiency:</b> The amendment provides certainty to landowners and Plan users.	<b>Costs:</b> The amendment provides clarity to activity status which will effect resource consent application costs.
<b>Sufficiency of information and risk of not acting:</b>	The information is certain and sufficient. The risk of not acting is for uncertainty to remain regarding the activity status for failure to comply with Rule 3.4.1.2(a).	

	Effectiveness/Efficiency	Benefit/Cost
Rule 3.4.2.16 – Amendment to activity status for non-compliance.	<b>Effectiveness:</b> This amendment clearly indicates the expectations of building in this area.	<b>Benefits:</b> The amendment provides a consistent approach to the rule for the remaining undeveloped sites.
	<b>Efficiency:</b> The amendment provides clarity and consistency across the structure plan area.	<b>Costs:</b> The amendment will provide economic benefit for landowners applying for resource consent.
<b>Sufficiency of information and risk of not acting:</b>	The information is certain and sufficient. The risk of not acting is to apply an inconsistent approach to the remaining undeveloped sites.	

	Effectiveness/Efficiency	Benefit/Cost
Amendment of Appendix S7 to: <ul style="list-style-type: none"> <li>▪ Include a map showing Units A to C; and</li> <li>▪ Include a note regarding Planning Tribunal Decision No. A47/96</li> </ul>	<b>Effectiveness:</b> The amendments provide certainty regarding the building platforms within the Structure Plan area.	<b>Benefits:</b> The amendments provide clarity and will enable appropriate implementation of the rules.
	<b>Efficiency:</b> The amendments provide clarity and certainty for the implementation of the provisions of the Plan which will provide efficient resource consent processes.	<b>Costs:</b> The amendments will provide social and economic benefits for landowners and Plan users whom will be able to clearly understand how the rules are to be implemented.
<b>Sufficiency of information and risk of not acting:</b>	The risk of not acting is that the confusion and uncertainty regarding the location of dwellings and buildings in the Zone will remain in the Plan.	

	Effectiveness/Efficiency	Benefit/Cost
Amend the Plan to clearly state dwellings that comply with Rule 3.4.2.16 are exempt from Rule 3.4.2.2.	<b>Effectiveness:</b> This amendment provides clarity regarding application of Rule 3.4.2.2 in relation to the building platforms within the Structure Plan area.	<b>Benefits:</b> The amendments provide clarity and will enable appropriate implementation of the rules.
	<b>Efficiency:</b> The amendments provide clarity and certainty for the implementation of the provisions of the Plan which will provide efficient resource consent processes.	<b>Costs:</b> The amendments will provide social and economic benefits for landowners and Plan users whom will be able to clearly understand how the rules are to be implemented.
<b>Sufficiency of information and risk of not acting:</b>	The risk of not acting is that the confusion and uncertainty regarding the application of Rule 3.4.2.2 for the location of dwellings in the Zone will remain in the Plan.	

Having regard to the effectiveness and efficiency of the above provisions, the proposed amendments are considered to be the most appropriate way to achieve the objectives of the Plan.

## Part D – Implementation of Variation

### 7. Scale & Significance - Implementation of the Variation

This report must contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects anticipated from the implementation of the Variation. 'Scale' refers to the magnitude of effects, and 'significance' refers to the importance that the wider community places on those effects. The following table outlines the criteria considered to determine the scale and significance of the effects that are anticipated from implementation of the Variation. An ordinal scale has been used for this assessment.

Criteria	Assessment High / Medium / Low / NA
<ul style="list-style-type: none"> <li>▪ Number of people who will be affected</li> <li>▪ Magnitude and nature of effects</li> <li>▪ Geographic extent</li> <li>▪ Degree of risk or uncertainty</li> <li>▪ Stakeholder interest</li> <li>▪ Māori interest</li> <li>▪ Information and data is easily available</li> <li>▪ Extent of change from status quo</li> </ul>	<p>Low</p> <p>Low</p> <p>Low</p> <p>Low</p> <p>Low</p> <p>Low</p> <p>Low</p> <p>Low</p>

In this instance, the scale and significance of the effects that are anticipated from the implementation of this Variation is considered to be low for the following reasons:

- The amendments clarify the provisions within the Plan providing clear direction for property owners and plan users;
- The amendments provide consistency with the provisions applied in this area in the Operative District Plan; and
- The Māori interest in this variation is considered to be low due to the specific nature of the variation in clarifying existing provisions in the Plan for plan users and landowners; and
- The area affected is restricted to a specific area.

For these reasons, the scale and significance of implementing the variation and implications of this are considered to be low.

### 8. Conclusion

This report presents an evaluation undertaken by the Council in accordance with Section 32 of the Act for the proposal to amend provisions in the Proposed District Plan regarding the Lake Karāpiro Large Lot Residential Structure Plan Area.

This report outlines the process that was taken to identify the issue and options, and evaluates the options. It then evaluates the preferred option in detail, which is to amend the Proposed District Plan. The report concludes with an assessment of the scale and significance of the effects anticipated from the amendment and concludes that these are considered to be low.

The provisions of the variation have been tested against the purpose of the Act and it can be concluded that in accordance with Section 32(1)(a), the objectives, policies and rules contained in the Proposed District Plan are the most appropriate way to achieve Part 2.

The Section 32 evaluation has been undertaken within the appropriate scope and with consideration to all of the applicable provisions of the Act. It has been concluded that the amendments outweigh the anticipated risk of not acting.





## **Draft Decision Report**

### **Variation 7 – Amendments to Mystery Creek Policy Area Overlay**

### **Proposed Waipa District Plan 2014**



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DRAFT

## 1. Introduction

- 1.1. This decision report contains Waipa District Council's ('the Council') decisions under Clause 10 of the First Schedule of the Resource Management Act 1991 ('the Act') on Variation 7 – Mystery Creek Policy overlay to the Proposed Waipa District Plan Appeals Version 14 July 2014 ('the Proposed Plan'). The Delegations Register provides for the Strategic Policy and Planning Committee "To consider, and if appropriate to hear submissions, make determinations and notify variations to the Waipa Proposed District Plan, pursuant to the provisions of the Local Government Act 2002 and the Resource Management Act 1991."
- 1.2. By way of background the Council is currently in the process of resolving Appeals on the Proposed Plan, with only one or two appeals outstanding. Under clause 16A of Schedule 1 a council may initiate variation to a Proposed Plan prior to it becoming operative. Clause 16B provides for a variation to be merged with the Proposed Plan once the variation has reached the same procedural stage. In relation to Variation 7 this will be after the Council has issued its decision and the appeal period on that decision has expired and no appeal is received.
- 1.3. Variation 7 was publicly notified on 14 July 2015. The Variation proposed to add a Rural Activities Policy Area over privately owned properties in the Mystery Creek Events Zone. The application of this overlay would enable dwellings and residential activities permitted in the Rural Zone to also occur within the Policy Overlay Area in the Mystery Creek Events Zone.
- 1.4. The closing date for lodging submissions was 10 August 2015. Two submissions were received. One submitter has subsequently withdrawn their submission and the remaining submitter has not requested to be heard. The submissions were publicly notified for further submissions on 12 August 2015. The closing date for lodging further submissions was 31 August 2015 and no further submissions were received.
- 1.5. The Committee notes that in making this decision it is limited to the scope of the variation and the submission that has been lodged and the relief that has been requested in that submission. The Committee notes there were no further submissions to the submissions on Variation 7.
- 1.6. This report records the decision of Council on Variation 7 and the reasons for the decision.
- 1.7. Appendix 1 contains the strikethrough version of the Proposed Plan maps, amended by the decision in response to the submissions included in this decision report. Pursuant to clause 10 of the First Schedule to the Act the Plan will be amended in accordance with the changes identified in Appendix 1 when the Council's decision is publicly notified.

## 2. Consideration of Submissions Received

- 2.1. No hearing is required as the submitter did not request to be heard. The submission on Variation 7 was considered by the Committee on 6 October 2015 as part of the Strategic Policy and Planning Committee meeting.
- 2.2. Council staff presented their recommendations as a draft decision for the Committee's consideration and final decision.

## 3. Decision and Reason

- 3.1. Two submissions were received on Variation 7 – Mystery Creek Policy Overlay. One submission was subsequently withdrawn on 17 September 2015.
- 3.2. The Proposed Waipa District Plan provisions within the scope of this hearing are:
- a) Policy Area Maps 3, 17 and 19
- 3.2.1. The submission points are as follows:

Submission / Point	Submitter	Support / In Part / Oppose	Reason for Submission	Decision Requested	Recommendation
1	Land G Stevenson	Oppose	<p>(1) This property is last in a line of title under Exhibition Zoning, fronts the highway and Mystery Creek Road</p> <p>(2) This property was brought 25 years ago because of the Zoning and never envisioned to have a dwelling</p> <p>(3) This property is suited for a commercial building and contains a building erected suitable for the zoning</p> <p>(4) The existing building has resource consent for living and it was envisioned that the consent could be changed at a later date to be used under Exhibition Zoning. If the zoning is changed to rural there is no space on the site for a dwelling</p> <p>(5) If the Zoning goes ahead we will be at a financial disadvantage.</p>	I seek that Lot 1 DPS 85800 at 149 Mystery Creek Road remain Exhibition Zoning.	<b>Note: This submission has been withdrawn by the submitter.</b>
2	Hamilton Pistol Club	Support	On behalf of the Hamilton Pistol Club support Variation 7 as it provides for the development of the land in the future. The provision provides for a level of certainty for landowners affected and	Incorporate Variation 7 into the Waipa District Plan	<b>Accept</b>

Submission / Point	Submitter	Support / In Part / Oppose	Reason for Submission	Decision Requested	Recommendation
			reducing unjustified expense to all parties.		

- 3.2.2. The Committee considered the submissions and concluded that extending the policy overlay to the additional properties was appropriate. The reason for this is that the application of a Rural Activities Policy Area overlay over the Mystery Creek Events Zoning of the properties will enable appropriate future development and use of the privately owned land within the Mystery Creek Events Zone. The Committee notes that the submission from the Hamilton Pistol Club supports the variation, and that the Stevenson's submission was withdrawn because the Zoning of their property is not changed by Variation 7. Staff considered that, as recorded in the section 32 evaluation report on Variation 7, these amendments are the most appropriate way of achieving the purpose of the Act.
- 3.2.3. Therefore the Committee decided to adopt Variation 7 under clause 10 of the First Schedule to the Act as notified. The Committee considers the Proposed Plan as amended by Variation 7 is the most appropriate way of achieving the purpose of the Act.
- 3.2.4. In considering Section 32 of the Act the Committee notes that no further assessment was required to be undertaken at the time of the Council's decision under Section 32AA because the one remaining submission on Variation 7 does not change the variation's proposed amendments to the Proposed Plan. The Council therefore considers that there is no need to alter the original assessment as a result of this decision given the submission supports Variation 7 as originally notified. The Council re-affirms that the provisions proposed in Variation 7 are the most appropriate way to achieve the purpose of the Act. The amendments to the Proposed Plan are shown in Appendix 1.

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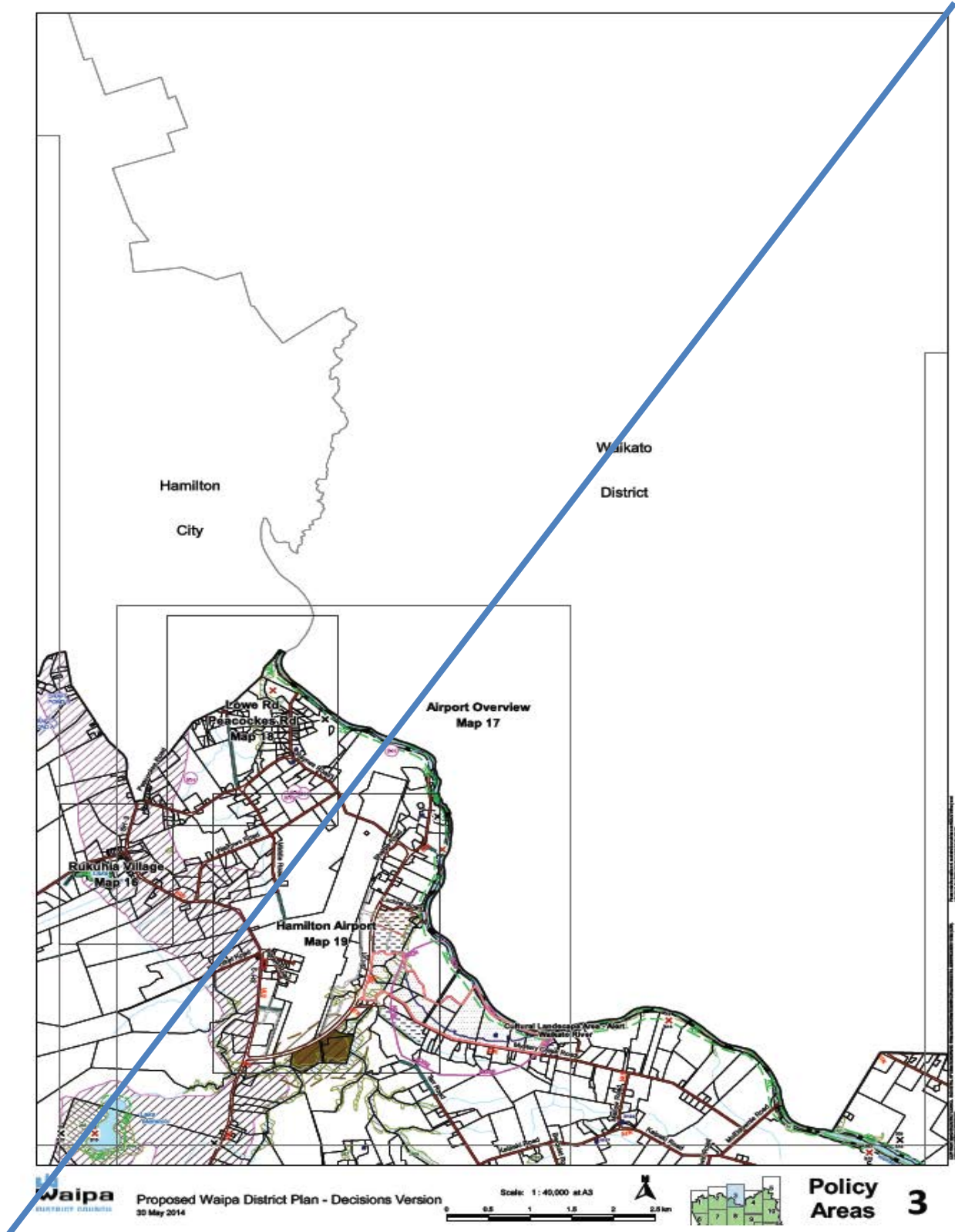
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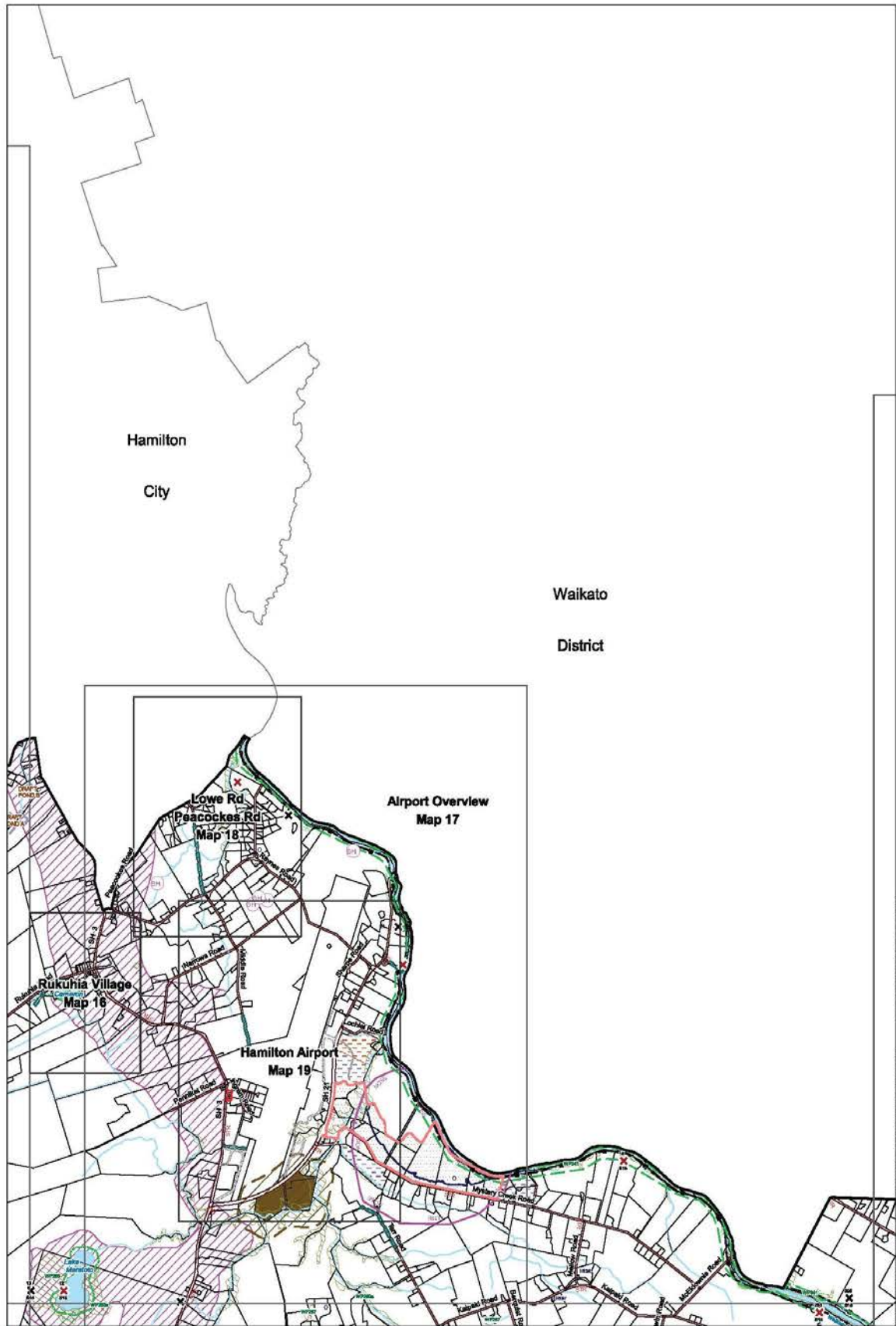
# Appendix 1 – Amendments to be made to the Proposed Waipa District Plan

## Planning Maps

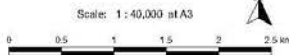
Replace Policy Area maps 3, 17 and 19 with amended maps as follows:



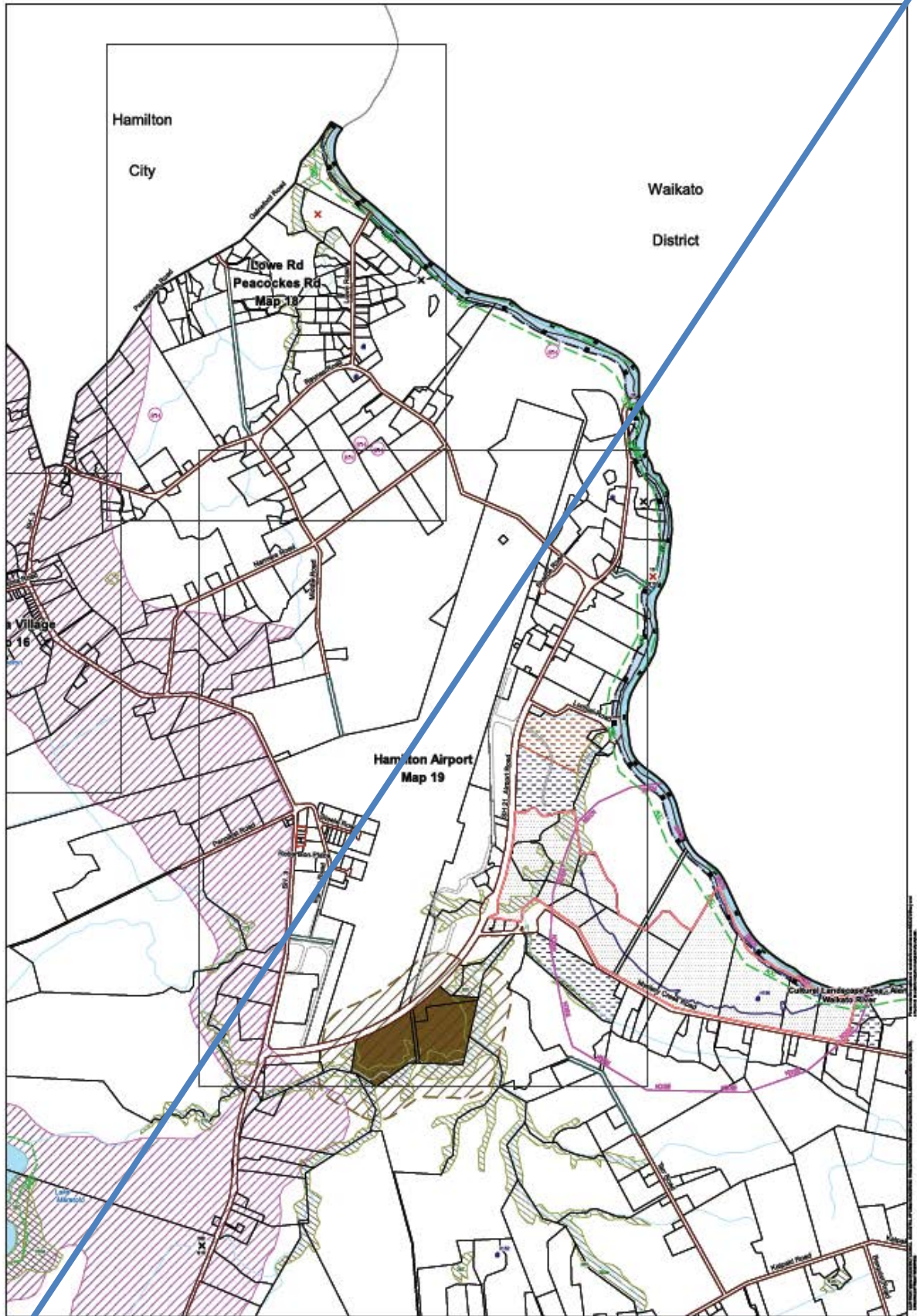
Proposed Waipa District Plan Draft Decision Report:  
Variation 7 - Amendments to Mystery Creek Policy Overlay  
October 2015



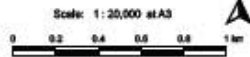
Proposed Waipa District Plan - Appeals Version  
14 July 2014



**Policy Areas 3**

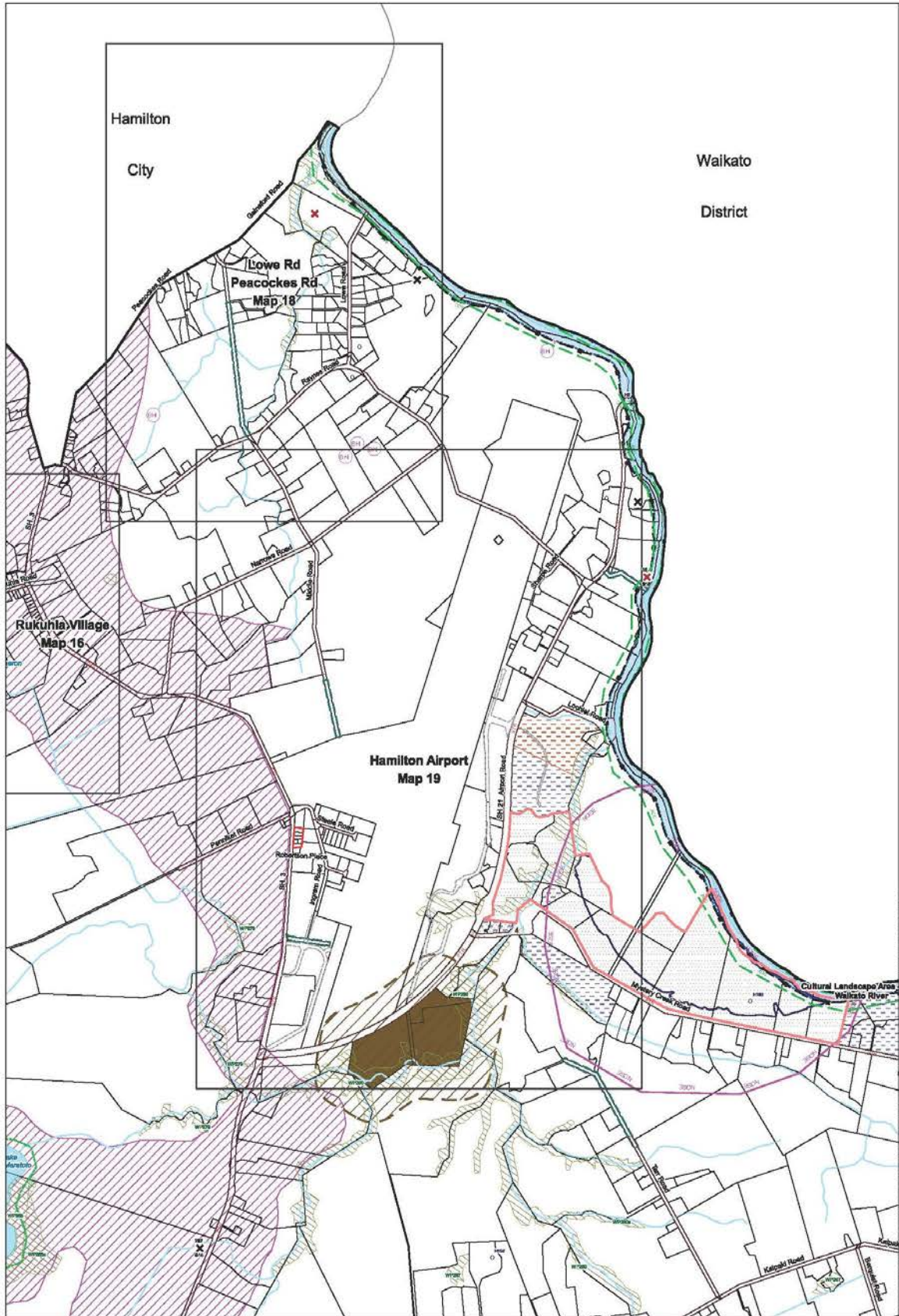


**Airport Overview**  
 Proposed Waipa District Plan - Decisions Version  
 30 May 2014



**Policy Areas 17**

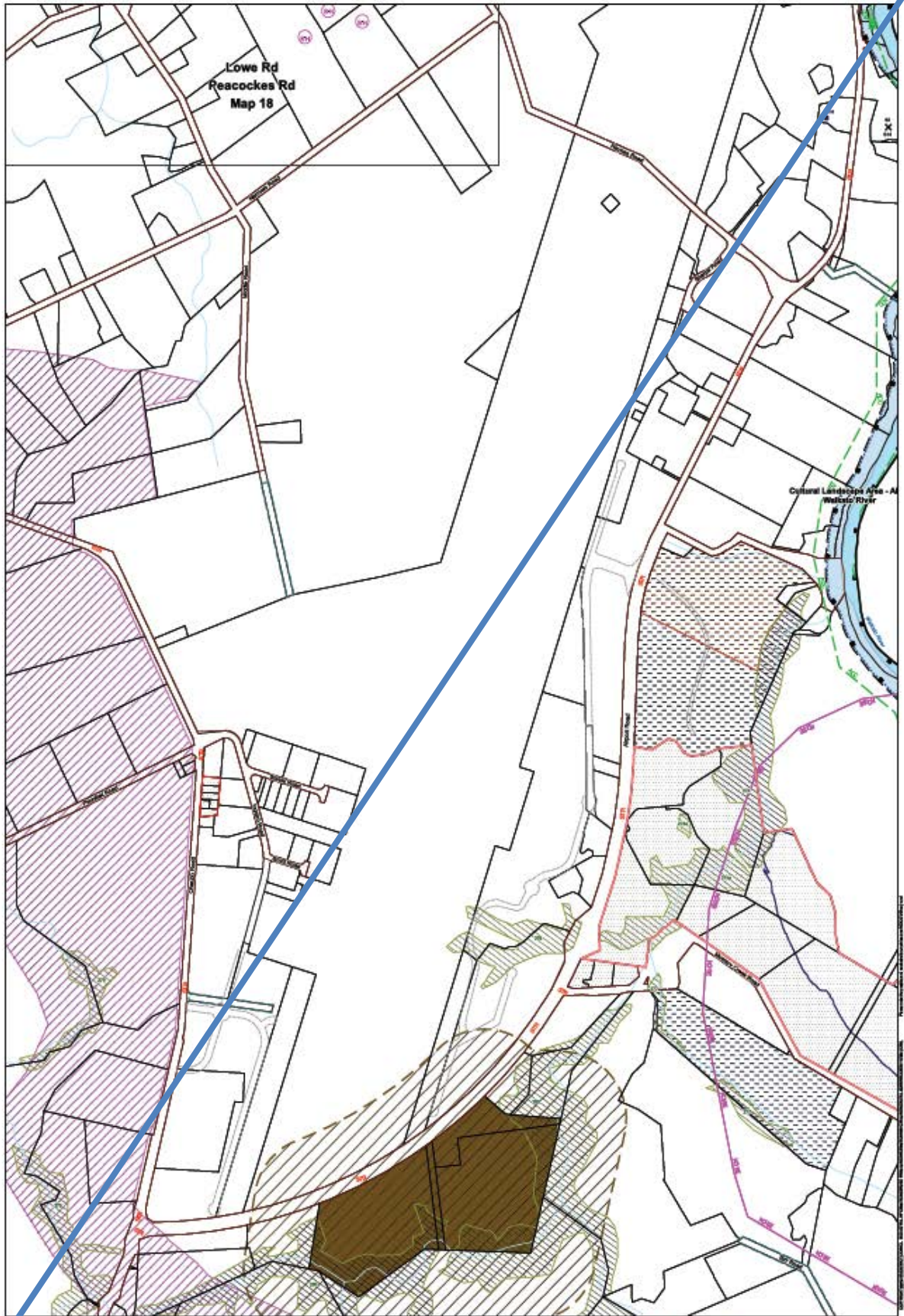




**Airport Overview**  
Proposed Waipa District Plan - Appeals Version  
14 July 2014



**Policy Areas 17**

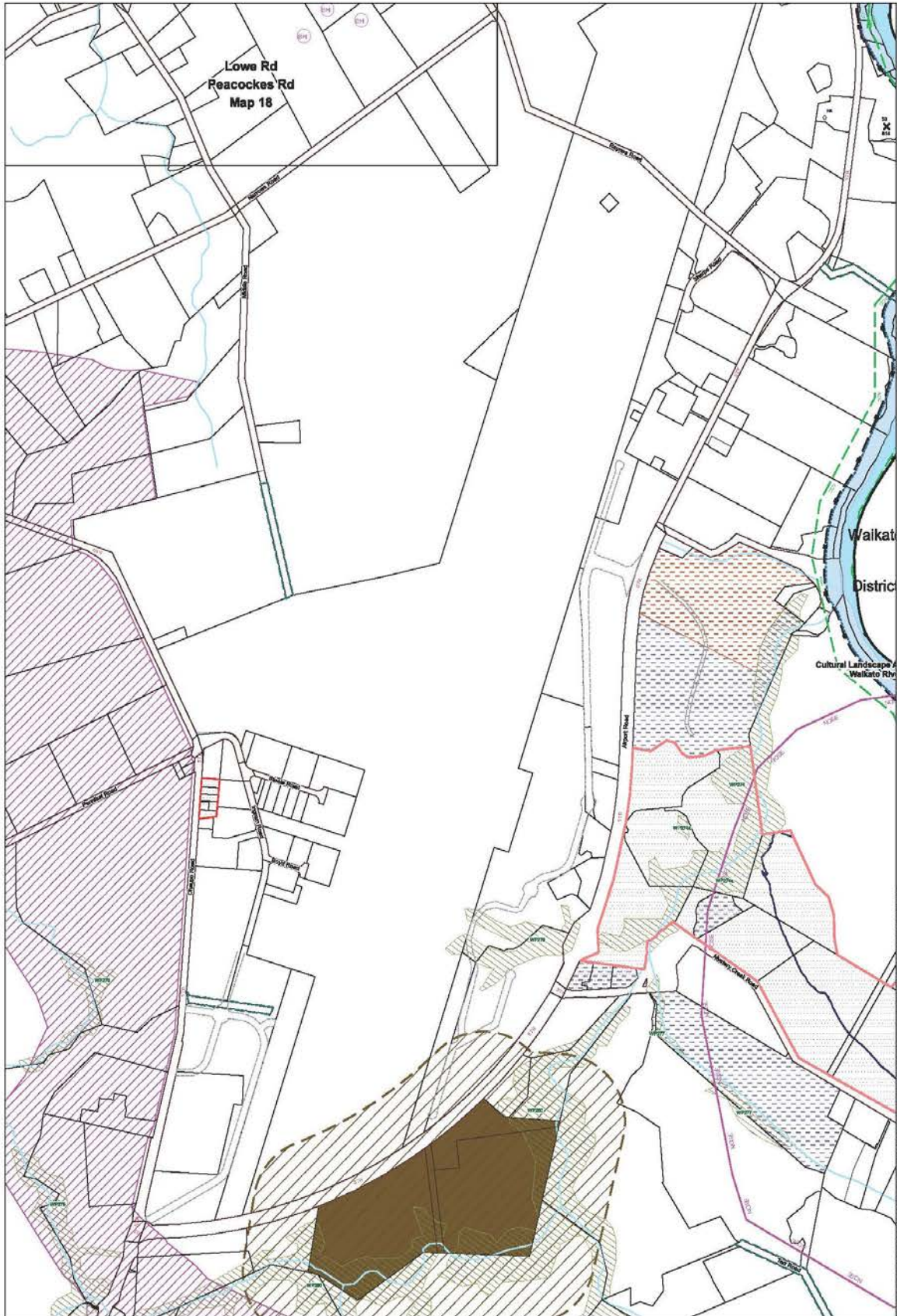


**Waipa**  
 DISTRICT COUNCIL  
**Hamilton Airport**  
 Proposed Waipa District Plan - Decisions Version  
 30 May 2014

Scale: 1 : 10,000 at A3  
 0 0.1 0.2 0.3 0.4 0.5 km



**Policy Areas 19**



**Waipa**  
DISTRICT COUNCIL

**Hamilton Airport**  
Proposed Waipa District Plan - Appeals Version  
14 July 2014

Scale: 1:10,000 at A3  
0 0.1 0.2 0.3 0.4 0.5 km



**Policy Areas 19**

### ***Amendments to Mystery Creek Policy Overlay***

This Variation addresses the issue of properties within the Mystery Creek Zone being unable to contain a dwelling on site due to the Zoning and Policy Overlays applied. The variation is to amend the 'Mystery Creek Rural Activities Overlay' which applies the provisions of Section 4 – Rural. Under the provisions of Section 4, the properties will be able to have one principal dwelling per viable certificate of title in accordance with Rule 4.4.1.1(a).

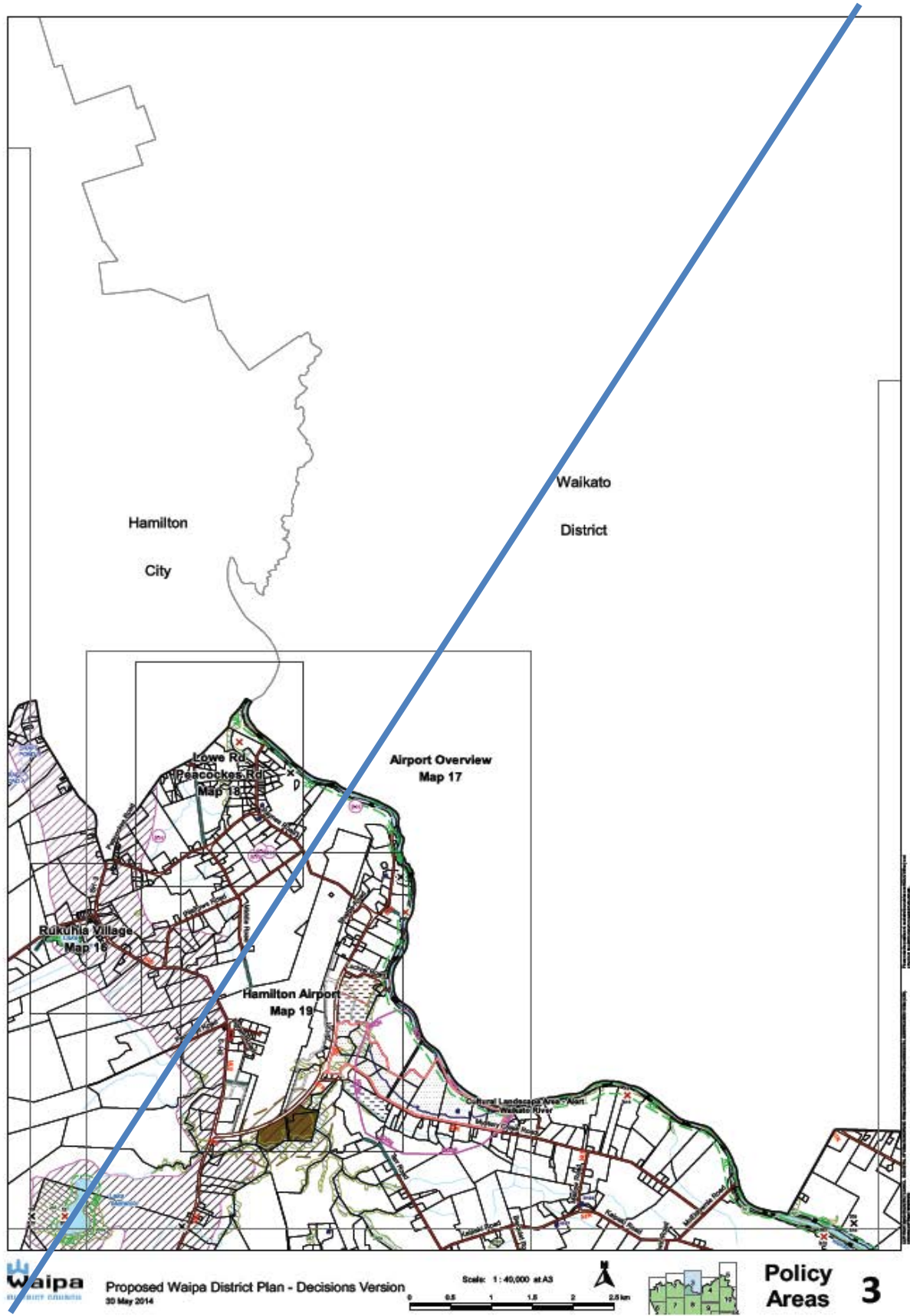
The measures recommended in this Variation were developed following discussions between Council staff where it was agreed that the 'Mystery Creek Rural Activities Overlay' is the most appropriate overlay to address the issue.

Variation 7 to the Proposed Waipa District Plan amends the boundary of the 'Mystery Creek Rural Activities Overlay' to include the following properties:

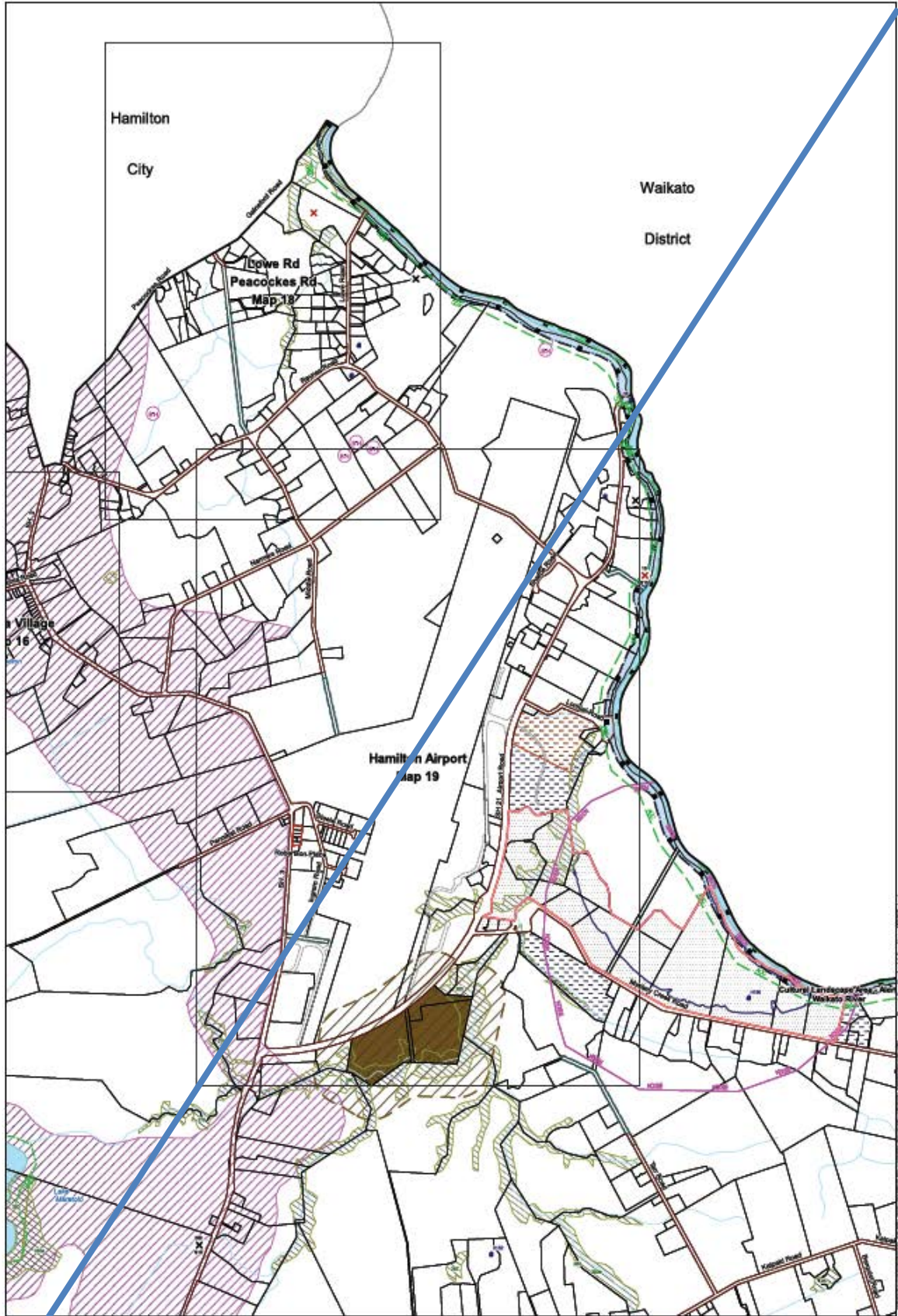
- Lot 1 DPS 85800 1/9 Mystery Creek Road
- Lot 2 DPS 85800 2/9 Mystery Creek Road
- Lot 3 DPS 85800 17 Mystery Creek Road
- Lot 3 DPS 85800 1/17 Mystery Creek Road
- Lot 1 DP 473545 49 Mystery Creek Road
- Lot 1 DP 323136 277 Mystery Creek Road
- Lot 2 DP 323136 23 Angus Road
- Lot 2 DPS 29394 25 Angus Road

Variation 7 to the Proposed Waipa District Plan amends Policy Areas Maps 3, 17 and 19.

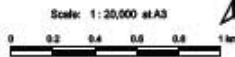
# Proposed Waipa District Plan - Track Changes



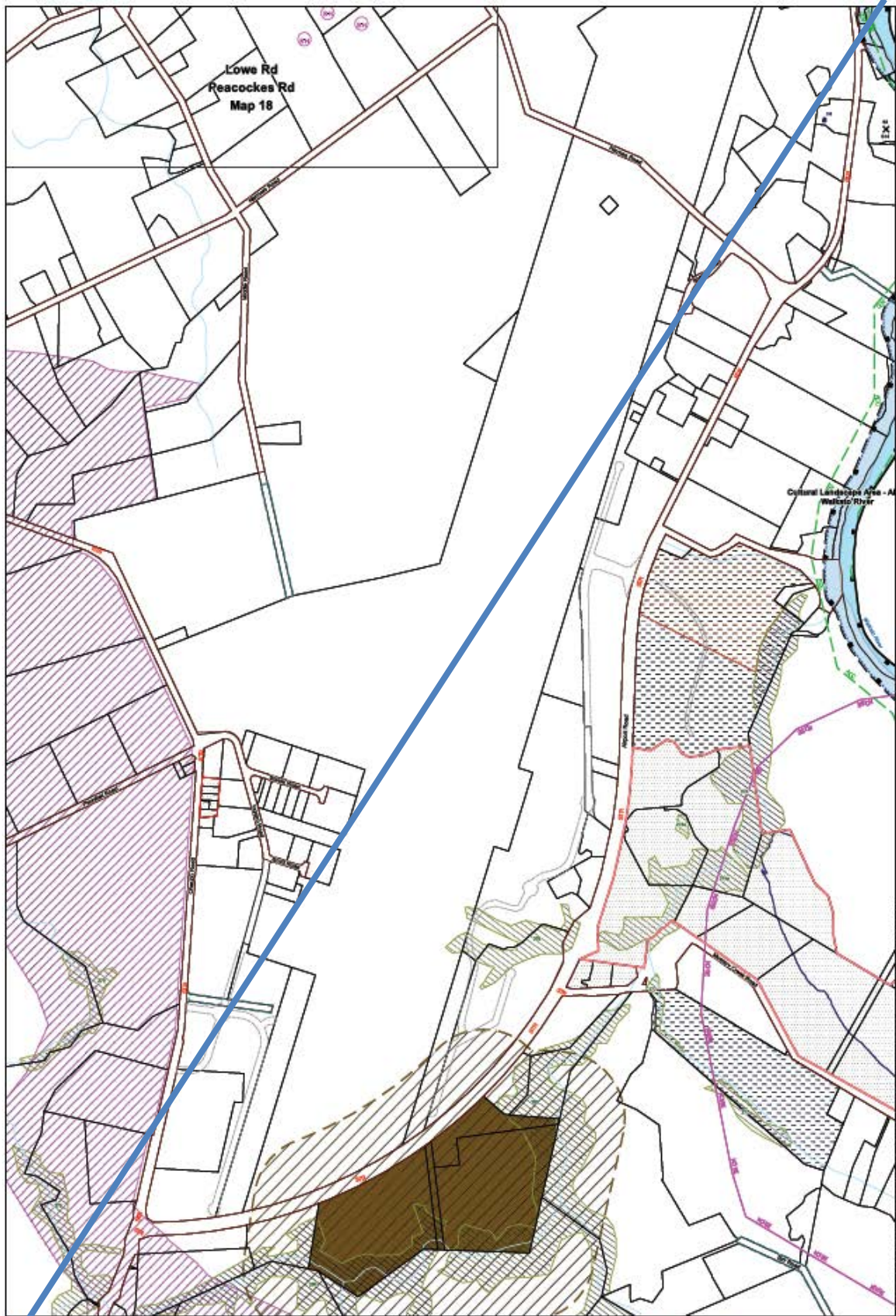
District Plan Variation #7 – Amendment to Mystery Creek Policy Overlay  
July 2015



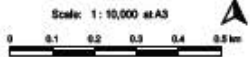
**Airport Overview**  
Proposed Waipa District Plan - Decisions Version  
30 May 2014



**Policy Areas 17**



**Hamilton Airport**  
Proposed Waipa District Plan - Decisions Version  
30 May 2014



**Policy Areas 19**





# **AMENDMENTS TO MYSTERY CREEK POLICY OVERLAY**

## **SECTION 32 EVALUATION REPORT**

JULY 2015



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## Part A – Issue Identification

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### 1. Introduction

This report presents an evaluation undertaken by the Waipa District Council (the Council) in accordance with Section 32 of the Act in relation to the Mystery Creek Policy Overlays in the Proposed Waipa District Plan. The report examines the extent to which the variation is the most appropriate way to promote sustainable management, evaluates the related provisions and assesses the scale and significance of the effects anticipated from implementing the Variation.

### 2. Issue Identification

#### 2.1. Description of Issue

Since publishing the Plan, it has been noted some properties within the Mystery Creek Zone have been limited with regards to providing a dwelling on site due to the Zoning and Policy Overlays applied. The following properties have been identified as affected by this:

- Lot 1 DPS 85800      1/9 Mystery Creek Road
- Lot 2 DPS 85800      2/9 Mystery Creek Road
- Lot 3 DPS 85800      17 Mystery Creek Road
- Lot 3 DPS 85800      1/17 Mystery Creek Road
- Lot 1 DP 473545      49 Mystery Creek Road
- Lot 1 DP 323136      277 Mystery Creek Road
- Lot 2 DP 323136      23 Angus Road
- Lot 2 DPS 29394      25 Angus Road

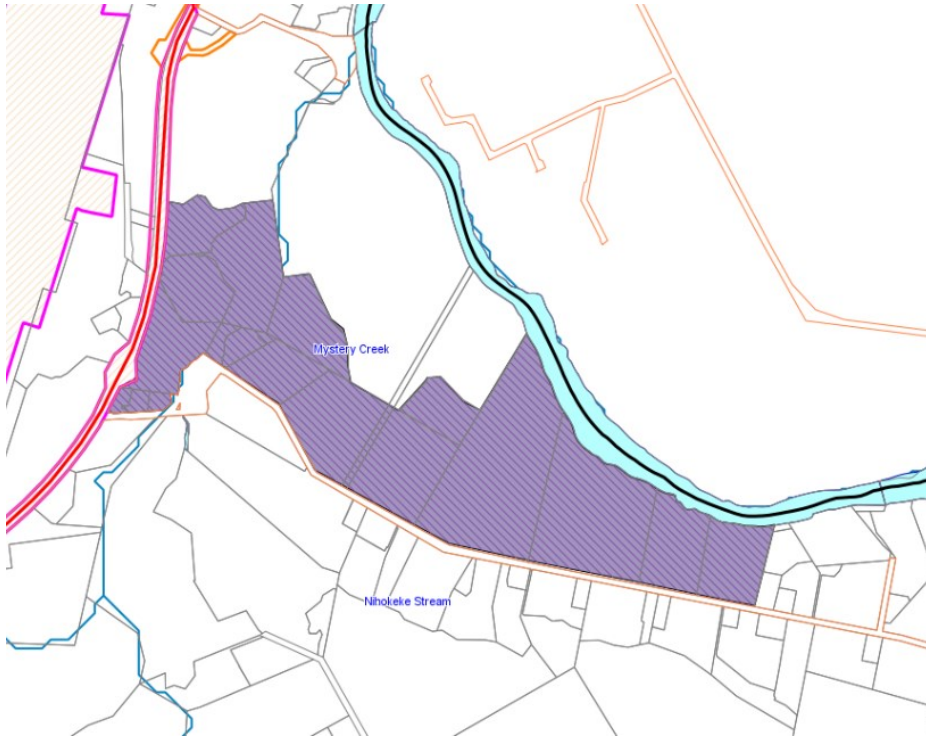
It is noted three of these properties currently contain no dwellings.

#### 2.2. Proposal

This variation proposes to include the properties listed above in Section 2.1 in the 'Mystery Creek Rural Activities Overlay' which applies the provisions of Section 4 – Rural. Under the provisions of Section 4, the properties will be able to have one principal dwelling per viable certificate of title in accordance with Rule 4.4.1.1(a).

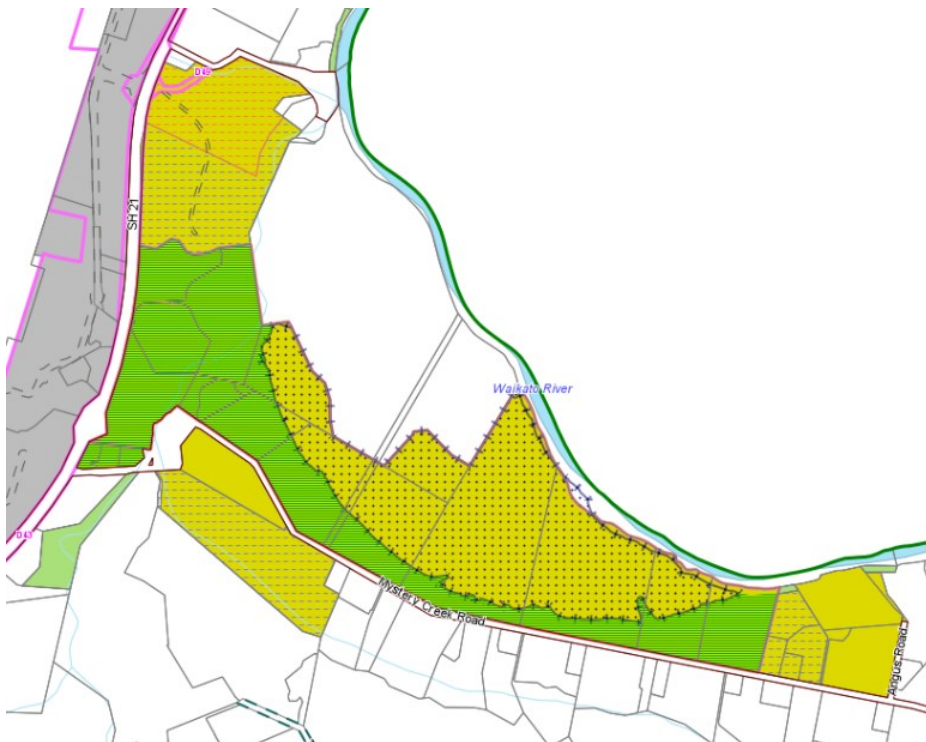
#### 2.3. Background

In the Operative District Plan the Mystery Creek Exhibition Zone contained the area highlighted in purple in Figure 1 below.



**Figure 1 – Operative District Plan – Mystery Creek Exhibition Zone**

Rule 9.4.1 provided for Rural Zone rules to apply within the Mystery Creek Exhibition Centre Zone. This included Rule 2.4.6 – Number of Dwellings on a Site which allows for up to two dwelling houses on any site, provided that the site has road frontage, is of sufficient size, is physically suitable and is more than 500m from a mineral extraction site. In the Proposed District Plan the Mystery Creek Zone has been amended to include the area shown below in Figure 2.



**Figure 2 – Proposed District Plan – Mystery Creek Zone and Policy Overlays**

The Mystery Creek Zone (mustard colour above) includes 18 properties which are not owned by New Zealand National Fieldays Society Incorporated. These properties are largely used for rural-residential purposes and commercial activities e.g. Mystery Creek Wines.

In the Mystery Creek Zone a number of policy overlays apply to provide for specific activities in these locations. For example a 'rural activities' overlay provides for sites to contain activities anticipated in the Rural Zone, or activities permitted in the Mystery Creek Events Zone.

## 2.4. Current Proposed District Plan Provisions

The framework in Section 9 – Mystery Creek Events Zone, and Section 4 – Rural, of the Proposed District Plan – Appeals Version provides guidance, amongst other matters, about the value and protection mechanisms considered appropriate for dwellings in areas subject to regular events in the District. The relevant objectives and policies are included below:

### Objective - Rural character

4.3.7 Rural character and amenity is maintained.

#### *Policies - Rural character*

4.3.7.1 Land use activities should be at a density, scale, intensity and location to maintain rural character.

4.3.7.2 Rural character and associated amenity values shall be maintained by ensuring rural land uses predominate in the Rural Zone, and buildings are of an appropriate scale and location.

#### *Policies - Rural dwellings*

4.3.7.6 To maintain the rural character and to meet the anticipated future settlement pattern in the Rural Zone by limiting the number of dwellings in the Rural Zone.

## 2.5. Statutory Considerations

### 2.5.1. Te Ture Whaimana o Te Awa o Waikato - Vision and Strategy for the Waikato River

Te Ture Whaimana o Te Awa o Waikato – The Vision and Strategy for the Waikato River arises from the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and the Ngati Tuwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 (Upper River Act). These Acts establish the Vision and Strategy as the primary direction-setting document for the Waikato River and activities within its catchments affecting the Waikato River. The Plan supports the overall framework through subdivision provisions which encourage ecological preservation. It is noted the Mystery Creek Events Zone is in close proximity to the Waikato River.

### **2.5.2. Proposed Waikato Regional Policy Statement – Decisions Version (November 2012)**

The Policy Statement objectives and policies encourage rural-residential development in strategically identified locations in accordance with the Future Proof Growth Strategy which is discussed in paragraph 2.5.3 below.

### **2.5.3. Future Proof Growth Strategy**

The Future Proof Strategy is a comprehensive growth management strategy for the Waikato sub-region which includes Hamilton City, Waipa District and Waikato District. The Strategy seeks to manage future growth across territorial boundaries to the betterment of the sub-region as a whole. With regards to rural-residential development the strategy encourages each council to identify areas in and around existing towns for rural-residential living. The Strategy also encourages each council, through the District Plans, to regulate minimum lot sizes and to protect rural areas from urban development. The provisions of the District Plan ensure development within the Mystery Creek Events Zone is restricted.

### **2.5.4. Waipa 2050 – Waipa District Growth Strategy**

The Growth Strategy provides a policy framework to guide and encourage future growth in the Waipa District. The proposed variation to the District Plan is considered to be consistent with the objectives and policies of Waipa 2050 as it continues to provide appropriate level of development and growth within the Mystery Creek Zone.

### **2.5.5. Waikato-Tainui Environmental Plan**

The Waikato-Tainui Environmental Plan has been developed to, amongst other things, act as a tool to provide high-level guidance on Waikato-Tainui objectives and policies with respect to the environment. The proposed variation to the District Plan is considered to be consistent with the objectives and policies of the Waikato-Tainui Environmental Plan.

### **2.5.6. Summary**

The proposed variation has been considered with regard to the above documents. The variation is considered largely an administrative amendment to clarify the provision of dwellings on private property within the Mystery Creek Events Zone. There are not considered to be any aspects of the above documents that the proposed variation is inconsistent with and undertaking this variation will retain appropriate levels of development in this area.

## Part B – Options and Evaluation

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### 3. Options

#### 3.1. Introduction

Section 32(1)(b)(i) of the Act, requires this report to identify “other reasonably practicable options” to promote sustainable management, including retaining the status quo, non-regulatory methods and variations/plan changes. This part of the report outlines the process undertaken and details the other reasonably practicable options considered to achieve the objectives of the Variation.

#### 3.2. Process

In considering other reasonably practicable options, conversations and meetings were held between Council staff to consider the issue. The following options were identified as a result of this:

- Retain the properties as notified in the Proposed District Plan; or
- Include the properties in the ‘Mystery Creek Rural Activities Overlay’.

The proposed variation was considered to be in accordance with the strategic direction in the Proposed District Plan.

No other reasonably practicable options were identified as part of this process.

#### Option 1 – Preferred Option / Variation

The preferred option is to proceed with a variation to amend the properties to be included in the ‘Mystery Creek Rural Activities Overlay’.

#### Option 2 – Status Quo

The current approach is to retain the properties as notified.

### 4. Evaluation of Options

#### 4.1. Introduction

Section 3 above outlines the other reasonably practicable options considered. In order to determine whether the other options are reasonably practicable, a comparative analysis has been undertaken. Council is not legally obliged to detail the evaluation process for other reasonably practicable options that were not identified as the preferred option. However, it is considered fair and transparent to demonstrate how the preferred option was decided upon following an assessment against other reasonably practicable options.

The key considerations of this analysis include the relevance of the option to addressing the issue and the usefulness in guiding decision-making. Reasonableness and achievability have also been considered during this analysis. The following table compares each option:

	Option 1: Include the properties in the 'Mystery Creek Rural Activities Overlay'	Option 2: Retain as notified
Appropriateness	This option removes the confusion and provides for a dwelling on each certificate of title.	This option does not address the issues as the properties will continue to require resource consent for a non-complying activity to have a dwelling on the site.
Reasonableness	This option provides greater certainty for the landowners as it provides a clearer signal about the allowance of dwellings within the Zone.	This option does not provide for a dwelling on the properties which is considered to be a reasonable expectation of landowners.
Achievability	This option is achievable to implement through a variation process and is not cost prohibitive.	This option does not incur any financial costs to council to achieve, however does impose costs on the landowner who must apply for resource consent to build a dwelling.
Relevance	This option will resolve the issue.	This option will not resolve the issue.
Usefulness	This option will be more useful in terms of guiding decision-making as it provides clear direction about dwellings on the sites.	This option will leave uncertainty about how the site can be developed and utilised.
Overall rating	Preferred option	Least preferred option

#### 4.2. The Preferred Option

The table above demonstrates that Option 1 is the most appropriate as it addresses the issue, is appropriate, reasonable, and achievable.

## Part C – Evaluation of Variation

### 5. Evaluation of Variation Objectives

The variation is focused solely on the amendment of the policy overlay areas. As discussed in Section 2.4 above, this is in accordance with the existing direction in the Proposed District Plan. No changes are proposed to the objectives or policies of the Plan.

### 6. Evaluation of Variation Provisions

Council is required to assess the efficiency and effectiveness of the Variation's provisions in achieving the Variation's objectives. 'Effectiveness' is the measure of contribution that the proposed provisions make towards resolving the issue, while 'efficiency' refers to benefits and costs to all members of society.

This part of the report assesses the Variation's provisions in achieving the Variation's objectives. This entails identifying and assessing the benefits and costs of the environmental, social, cultural and economic effects anticipated from the implementation of the Variation's provisions. This is recorded in the following table.

	Effectiveness/Efficiency	Benefit/Cost
Amendments to the Mystery Creek Rural Activities Overlay' on the Planning Maps	<b>Effectiveness:</b> The amendments are effective to provide for a dwelling on properties within the policy overlay.	<b>Benefits:</b> The proposal will provide clarity and certainty to landowners of the sites.
	<b>Efficiency:</b> The variation will facilitate efficiency of development by providing certainty to the landowners.	<b>Costs:</b> No costs were identified in progressing this option.
<b>Sufficiency of information and risk of not acting:</b>	Sufficient information was available. The risk of not acting is to limit the opportunity for development on the sites and create uncertainty for the landowners.	

Having regard to the effectiveness and efficiency of the above provisions, the amendments to the 'Mystery Creek Rural Activities Overlay' on the Planning Maps is considered to be the most appropriate way to achieve the objectives of the Plan.



## Part D – Implementation of Variation

### 7. Scale & Significance - Implementation of the Variation

This report must contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects anticipated from the implementation of the Variation. 'Scale' refers to the magnitude of effects, and 'significance' refers to the importance that the wider community places on those effects. The following table outlines the criteria considered to determine the scale and significance of the effects that are anticipated from implementation of the Variation. An ordinal scale has been used for this assessment.

Criteria	Assessment High / Medium / Low / NA
▪ Number of people who will be affected	Low
▪ Magnitude and nature of effects	Low
▪ Geographic extent	Low
▪ Degree of risk or uncertainty	Low
▪ Stakeholder interest	Low
▪ Māori interest	Low
▪ Information and data is easily available	Low
▪ Extent of change from status quo	Low

In this instance, the scale and significance of the effects that are anticipated from the implementation of this Variation is considered to be low for the following reasons:

- Limited number of sites are affected by the Variation; and
- The amendments to provide clarity regarding the acceptable development and land use of the sites.

For these reasons, the scale and significance of implementing the variation and implications of this are considered to be low.

### 8. Conclusion

This report presents an evaluation undertaken by the Council in accordance with Section 32 of the Act for the proposal to include eight properties in the 'Mystery Creek Rural Activities Overlay.

This report outlines the process that was taken to identify the issue and options, and evaluates the options. It then evaluates the preferred option in detail, which is to amend the Proposed District Plan. The report concludes with an assessment of the scale and significance of the effects anticipated from the amendments and concludes that these are considered to be low.

The provisions of the variation have been tested against the purpose of the Act and it can be concluded that in accordance with Section 32(1)(a), the un-amended

objectives, policies and rules contained in the Proposed District Plan are the most appropriate way to achieve Part 2.

The Section 32 evaluation has been undertaken within the appropriate scope and with consideration to all of the applicable provisions of the Act. It has been concluded that the amendments outweigh the anticipated risk of not acting.

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

**From:** Senior Policy Planner

**Subject:** **Minor expansion of Deferred Residential Zone – Frontier Road Te Awamutu**

**Meeting Date:** 6 October 2015

**File Reference:** 020-08-42/4

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## **1 EXECUTIVE SUMMARY**

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Approval is sought to notify Variation 11 to the Proposed Waipa District Plan ('the Plan'). The Variation seeks to rezone 2.3ha of rural zoned land to Deferred Residential Zone. The Rural zoned land is located within growth cell T2 adjoining growth cell T1 (currently zoned Deferred Residential Zone in the Proposed Plan). Clause 16A of the First Schedule to the Resource Management Act ('RMA') provides for local authorities to notify variations prior to the final approval of a Plan. The proposed amendments do not have legal effect until Council issues its decision under Clause 10 of the First Schedule to the Act. The notification of variations do not inhibit the Plan being made operative. The RMA provides for any notified variation to become a plan change in the event that the Plan is made operative (First Schedule Cl 17).

The land sought to be rezoned fronts Frontier Road between the Council water Reservoir and the current T1 growth cell. In addition to this a change to the urban limit line and the Structure Plan Area notation is required to include the area proposed to be rezoned. This variation would enable a Structure Plan to be prepared and submitted to Council for approval for the entire area. A full Section 32 evaluation report has been prepared in accordance with the requirements of the RMA. It outlines the issue and evaluates the options considered. The proposed variation and accompanying Section 32 evaluation report are included as an attachment to this report (Appendix 1). The variation is to be publicly notified by the end of October. People will have the opportunity to make submissions and be heard in accordance with the process set out in the RMA.

## 2 RECOMMENDATION

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*That*

- a) *The report of Susan Brennan, Senior Policy Planner, be received; and;*
- b) *Council consider, and subject to any amendments, resolve to notify the Variation 11 – Minor Expansion of Deferred Residential Zone – Frontier Road, Te Awamutu and the associated Section 32 evaluation report to the Proposed Waipa District Plan in accordance with Clause 5 and 16A of the First Schedule of the Resource Management Act 1991.*

## 3 OPTIONS AND STAFF COMMENT

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- 3.1 The landowner of the T1 Growth Cell, identified as being in the Deferred Residential Zone on the Proposed Plan, is in the process of preparing a Structure Plan for the T1 Growth Cell. In the course of their investigations it has become apparent that the optimum location for a road intersection to Frontier Road is outside the current growth cell/deferred zone area identified on the Planning Maps. The Variation proposes to amend the zone boundary in order to achieve optimum road safety outcomes as well as urban design outcomes. It is also noted that the proposed new zone boundary aligns with the location of newly constructed water reservoir. In preparing the variation report, the issue was investigated by the landowners, the District Plan team, stakeholders consulted and expert advice sought as required.
- 3.2 This variation has been developed in conjunction with the landowners of the Growth Cell/Structure Plan Area whom agree the amendments need to be dealt with through a variation to assist with achieving the best urban design and road safety outcomes possible.

### **Local Government Act 2002**

- 3.3 The variation will enable more efficient and effective development and use of the site in accordance with the Council's obligations and the purpose of the Local Government Act 2002 (performance of regulatory functions).

### **Financial status**

- 3.4 The cost of the variation will be paid for out of the Proposed Waipa District Plan budget. The actual cost will be dependent on whether submissions are received and whether people wish to be heard.

### **Strategy, Policy or Plan context**

- 3.5 The matters included within the report relate to the Proposed District Plan. The proposed variation will enable efficient use of the land identified for residential growth and is considered to be in keeping with the strategic direction in the Plan and in the Waipa 2050 Growth Strategy.

- 3.6 Assessments have also been carried out against the relevant iwi environmental management plans as included in the associated Section 32 Report. From carrying out these assessments it has been concluded that the variation is consistent with the relevant plans. For this reason it is not considered that there are any significant policy implications.

#### **Significance and Engagement Policy**

- 3.7 The variation has been considered under Council's Significance and Engagement Policy and deemed to have a low degree of significance. This level is considered to be low due to the legal requirement to consult with the community under the Resource Management Act 1991 engagement process, and the positive impacts the variations will have for community with regards urban design and road safety outcomes.



Susan Brennan  
**SENIOR POLICY PLANNER**



Reviewed by Fiona Hill  
**STRATEGIC AND DISTRICT PLANNING TEAM LEADER**



Reviewed by Jennie McFarlane  
**MANAGER LEGAL AND CORPORATE SUPPORT**



Approved by David Hall  
**DEPUTY CE AND GROUP MANAGER PLANNING AND COMMUNITY RELATIONS**

## SUPPORTING INFORMATION: STATUTORY AND POLICY REQUIREMENTS

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### Local Government Act 2002

#### 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 meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.]*
- [(2) In this Act, **good-quality**, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are—*
- (a) efficient; and*
  - (b) effective; and*
  - (c) appropriate to present and anticipated future circumstances.*

### Resource Management Act 1991<sup>1</sup>

#### 32 Requirements for preparing and publishing evaluation reports

- (1) *An evaluation report required under this Act must—*
- (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
  - (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
    - (i) identifying other reasonably practicable options for achieving the objectives; and*
    - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
    - (iii) summarising the reasons for deciding on the provisions; and*
  - (c) *contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
- (2) *An assessment under subsection (1)(b)(ii) must—*
- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*

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<sup>1</sup> Schedule 1 of the Resource Management Act 1991 is available on request. Please note this schedule is 40 pages in length hence has not been provided here.

- (i) economic growth that are anticipated to be provided or reduced; and
    - (ii) employment that are anticipated to be provided or reduced; and
  - (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and
  - (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- (3) If the proposal (an **amending proposal**) will amend a standard, statement, regulation, plan, or change that is already proposed or that already exists (an **existing proposal**), the examination under subsection (1)(b) must relate to—
- (a) the provisions and objectives of the amending proposal; and
  - (b) the objectives of the existing proposal to the extent that those objectives—
    - (i) are relevant to the objectives of the amending proposal; and
    - (ii) would remain if the amending proposal were to take effect.
- (4) If the proposal will impose a greater prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.
- (5) The person who must have particular regard to the evaluation report must make the report available for public inspection—
- (a) as soon as practicable after the proposal is made (in the case of a standard or regulation); or
  - (b) at the same time as the proposal is publicly notified.
- (6) In this section,—
- objectives** means,—
- (a) for a proposal that contains or states objectives, those objectives;
  - (b) for all other proposals, the purpose of the proposal
- proposal** means a proposed standard, statement, regulation, plan, or change for which an evaluation report must be prepared under this Act
- provisions** means,—
- (a) for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change;
  - (b) for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.

## **Part 1 – First Schedule**

### **5 Public notice and provision of document to public bodies**

- (1) A local authority that has prepared a proposed policy statement or plan must—

- (a) *prepare an evaluation report for the proposed policy statement or plan in accordance with section 32 and have particular regard to that report when deciding whether to proceed with the statement or plan; and*
  - (b) *publicly notify the proposed policy statement or plan if the local authority decides to proceed with the policy statement or plan.*
- (1A) *A territorial authority shall, not earlier than 60 working days before public notification or later than 10 working days after public notification of its plan, either—*
- (a) *send a copy of the public notice, and such further information as the territorial authority thinks fit relating to the proposed plan, to every ratepayer for the area of the territorial authority where that person, in the territorial authority's opinion, is likely to be directly affected by the proposed plan; or*
  - (b) *include the public notice, and such further information as the territorial authority thinks fit relating to the proposed plan, in any publication or circular which is issued or sent to all residential properties and Post Office box addresses located in the affected area—*  
  
*and shall send a copy of the public notice to any other person who, in the territorial authority's opinion, is directly affected by the plan.*
- (1B) *Notwithstanding subclause (1A), a territorial authority shall ensure that notice is given of any requirement or modification of a designation or heritage order under clause 4 to land owners and occupiers who, in the territorial authority's opinion, are likely to be directly affected.*
- (1C) *A regional council shall, not earlier than 60 working days before public notification or later than 10 working days after public notification, send a copy of the public notice and such further information as the regional council thinks fit relating to the proposed policy statement or plan to any person who, in the regional council's opinion, is likely to be directly affected by the proposed policy statement or plan.*
- (2) *Public notice under subclause (1) shall state—*
- (a) *where the proposed policy statement or plan may be inspected; and*
  - (b) *that any person may make a submission on the proposed policy statement or plan; and*
  - (c) *the process for public participation in the consideration of the proposed policy statement or plan; and*
  - (d) *the closing date for submissions; and*
  - (e) *the address for service of the local authority.*
- (3) *The closing date for submissions—*
- (a) *shall, in the case of a proposed policy statement or plan, be at least 40 working days after public notification; and*
  - (b) *shall, in the case of a proposed change or variation to a policy statement or plan, be at least 20 working days after public notification.*
- (4) *A local authority shall provide 1 copy of its proposed policy statement or plan without charge to—*



- (a) *the Minister for the Environment; and*
  - (b) *[Repealed]*
  - (c) *in the case of a regional coastal plan, the Minister of Conservation and the appropriate regional conservator for the Department of Conservation; and*
  - (d) *in the case of a district plan, the regional council and adjacent local authorities; and*
  - (e) *in the case of a policy statement or regional plan, constituent territorial authorities, and adjacent regional councils; and*
  - (f) *the tangata whenua of the area, through iwi authorities.*
  - (g) *[Repealed]*
- (5) *A local authority shall make any proposed policy statement or plan prepared by it available in every public library in its area and in every other place in its area that it considers appropriate.*
- (6) *The obligation imposed by subclause (5) is in addition to the local authority's obligations under section 35 (records).*

**16A Variation of proposed policy statement or plan**

- (1) *A local authority may initiate variations (being alterations other than those under clause 16) to a proposed policy statement or plan, or to a change, at any time before the approval of the policy statement or plan.*
- (2) *The provisions of this schedule, with all necessary modifications, shall apply to every variation as if it were a change.*

**16B Merger with proposed policy statement or plan**

- (1) *Every variation initiated under clause 16A shall be merged in and become part of the proposed policy statement or plan as soon as the variation and the proposed policy statement or plan are both at the same procedural stage; but where the variation includes a provision to be substituted for a provision in the proposed policy statement or plan against which a submission or an appeal has been lodged, that submission or appeal shall be deemed to be a submission or appeal against the variation.*
- (2) *From the date of public notification of a variation, the proposed policy statement or proposed plan shall have effect as if it had been so varied.*
- (3) *Subclause (2) does not apply to a proposed policy statement or plan approved under clause 17(1A).*

**17 Final consideration of policy statements and plans other than regional coastal plans**

- (1) *A local authority shall approve a proposed policy statement or plan (other than a regional coastal plan) once it has made amendments under clause 16 or variations under clause 16A (if any).*
- (1A) *However, a local authority may approve a proposed policy statement or plan (other than a regional coastal plan) in respect of which it has initiated a variation.*

- (1B) A variation to a proposed policy statement or plan approved under subclause (1A) must be treated as if it were a change to the policy statement or plan unless the variation has merged in and become part of the proposed policy statement or plan under clause 16B(1).*
- (2) A local authority may approve part of a policy statement or plan, if all submissions or appeals relating to that part have been disposed of.*
- (3) Every approval under this clause shall be effected by affixing the seal of the local authority to the proposed policy statement or plan.*

## Appendix 1

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Variation 11 - T1/T2 Growth Cells Minor Realignment and Rezoning – Variation and Section 32 Evaluation Report (Document number 15088924)



***Minor Expansion of the Deferred Residential Zone – Frontier Road, Te Awamutu***

This Variation addresses the issue of the location of part of the common boundary between the T1 and T2 Growth Cells currently illustrated on the aerial photomap included within Appendix S1 (Page S1-7) and on Proposed District Plan planning maps. The location of a municipal water reservoir and further investigations into safe road intersection layout have raised an issue with the current T1 Growth Cell boundary (a Deferred Residential Zone). The Variation proposes to shift the boundary to enable optimum design outcomes. Amendments to Planning Maps 7 and 38 are proposed that change the extent of a Deferred Residential Zone, Structure Plan Area and Urban Limits need to be undertaken.

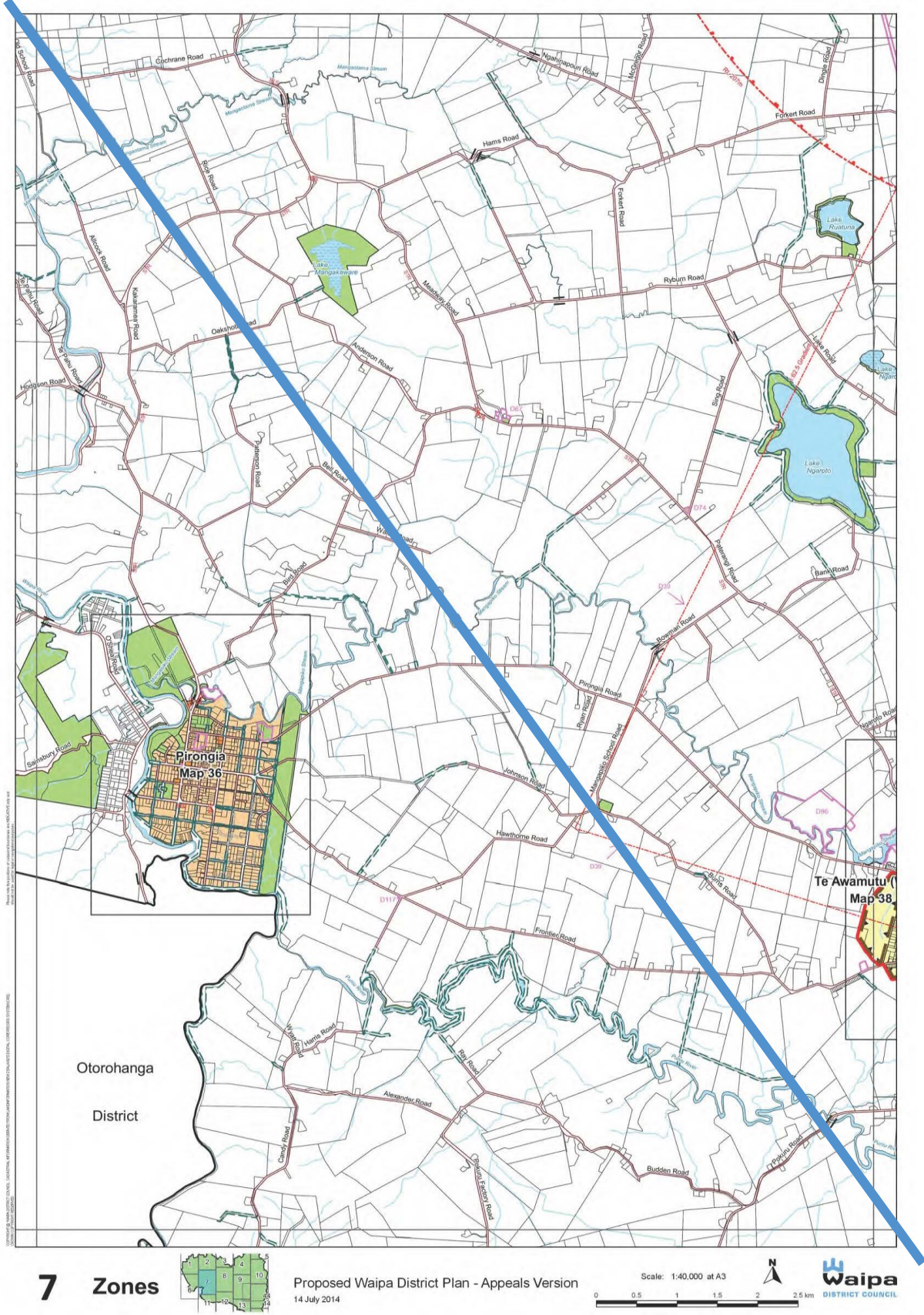
The measures recommended in this Variation have been developed following discussions between the landowners, their planning and surveying consultants together with Council's policy, consents and engineering staff.

Variation 11 to the Proposed Waipa District Plan:

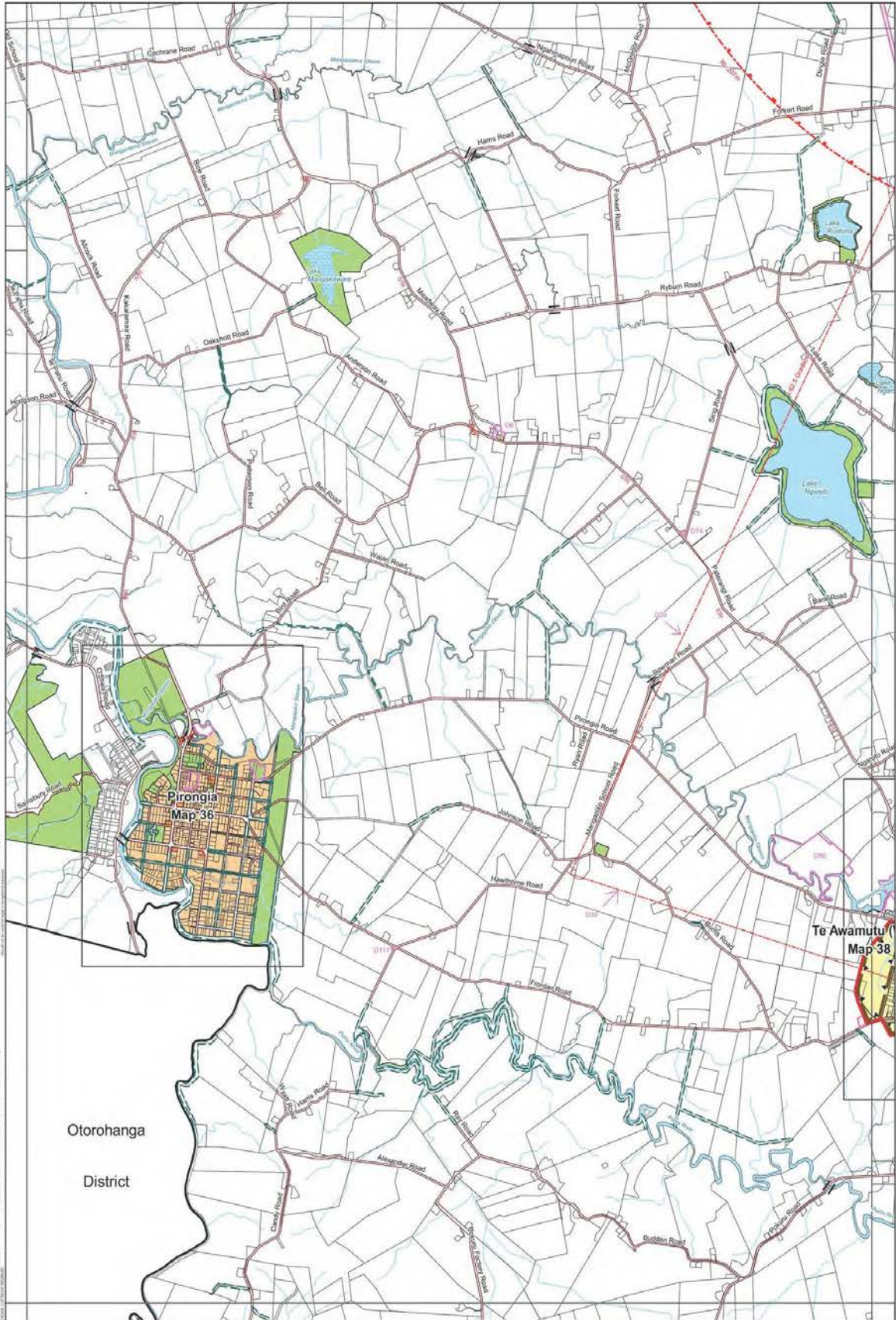
- Amends Planning Zone Map 7
- Amends Planning Policy Area Map 7
- Amends Planning Zone Map 38
- Amends Planning Policy Area Map 38

# Proposed Waipa District Plan - Track Changes

Amend Planning Maps as follows:



District Plan Variation 11 – Minor Expansion of Deferred Residential Zone – Frontier Road, Te Awamutu  
October 2015



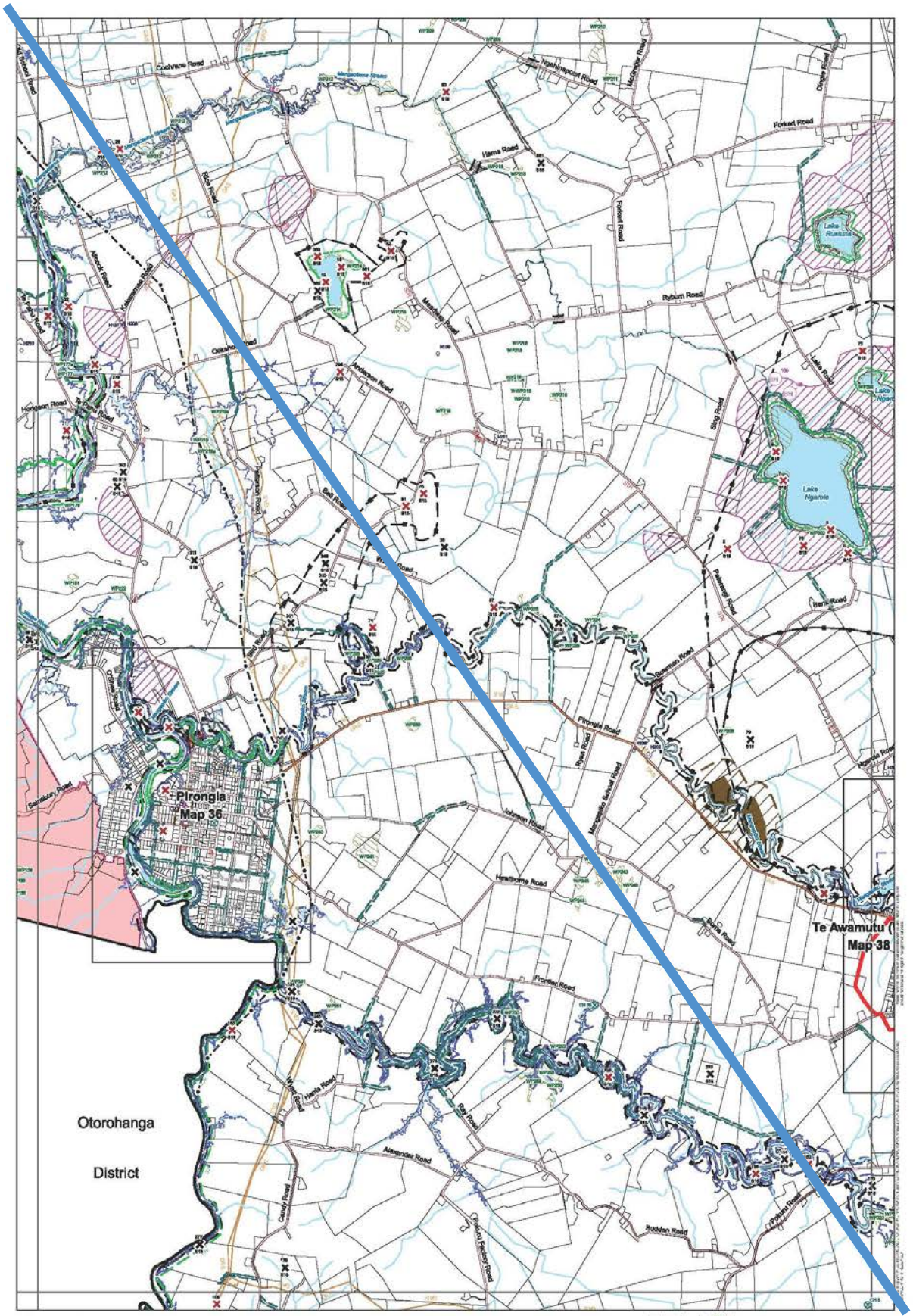
7 Zones



Proposed Waipa District Plan - Appeals Version  
14 July 2014

Scale: 1:40,000 at A3

**Waipa**  
DISTRICT COUNCIL



Proposed Waipa District Plan - Appeals Version  
14 July 2014

Scale: 1:40,000 at A3  
0 0.5 1 1.5 2 2.5 km

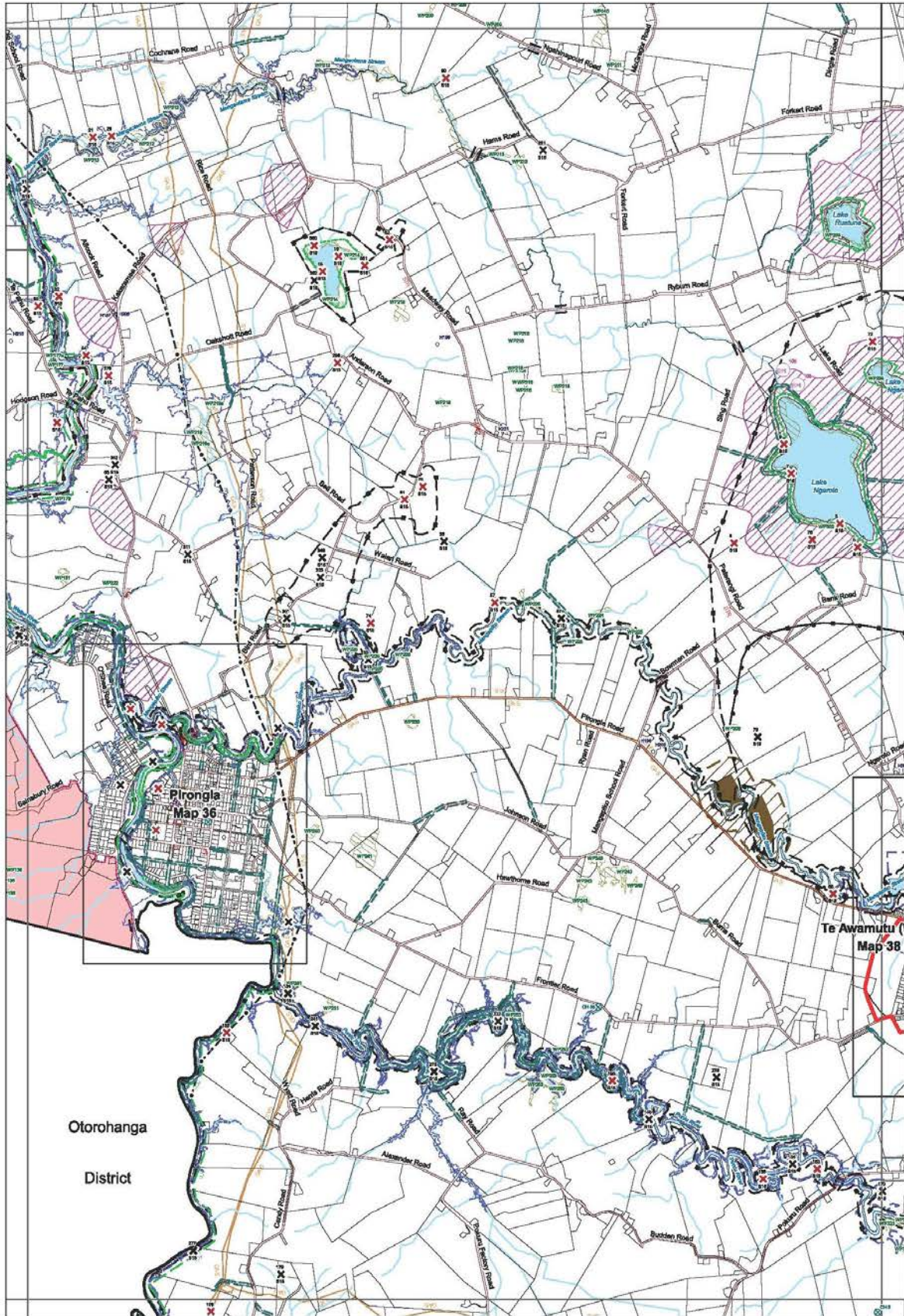


Policy Areas **7**

District Plan Variation 11 – Minor Expansion of Deferred Residential Zone – Frontier Road, Te Awamutu  
October 2015





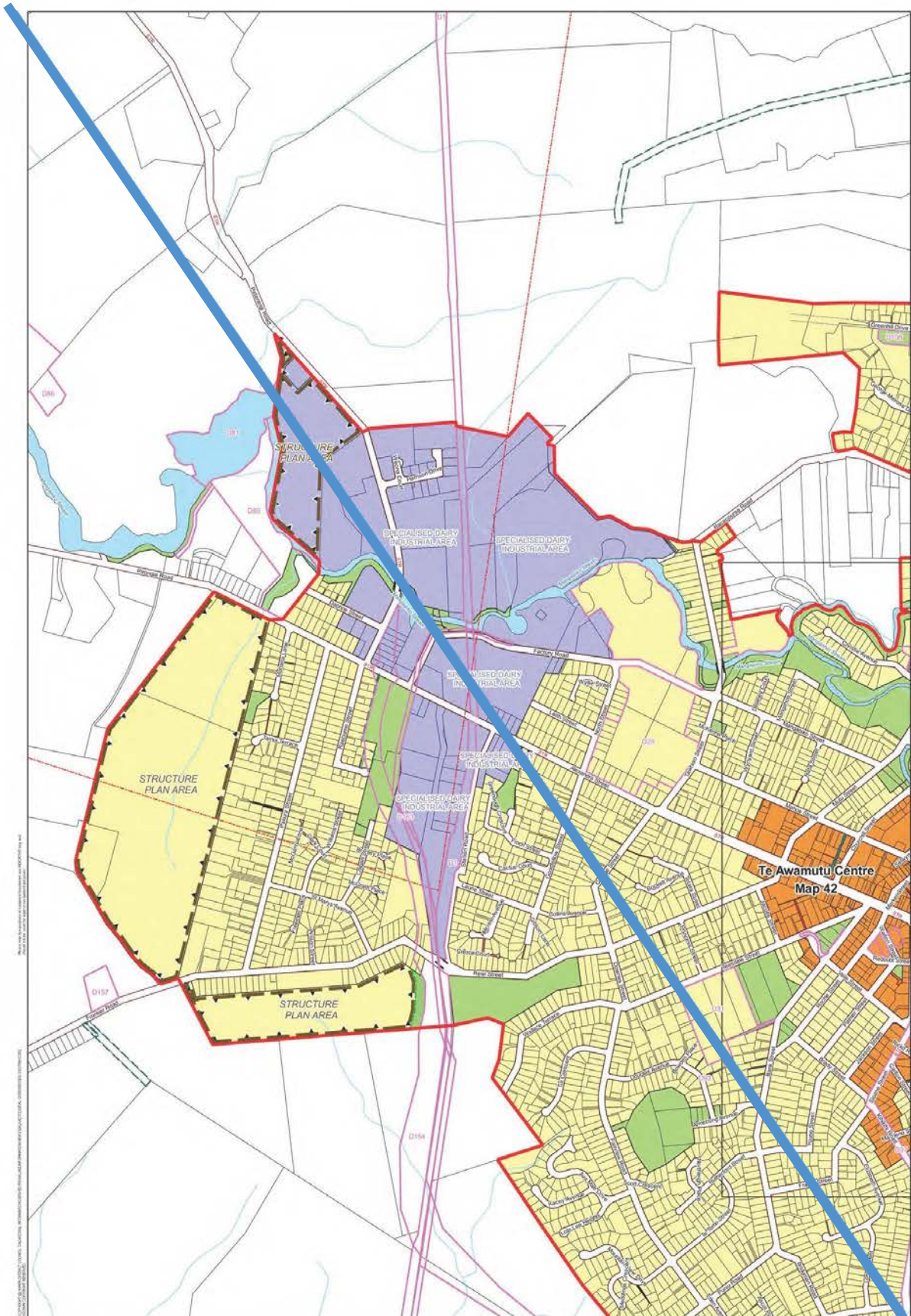


**Waipa**  
DISTRICT COUNCIL

Proposed Waipa District Plan - Appeals Version  
14 July 2014



**Policy Areas 7**



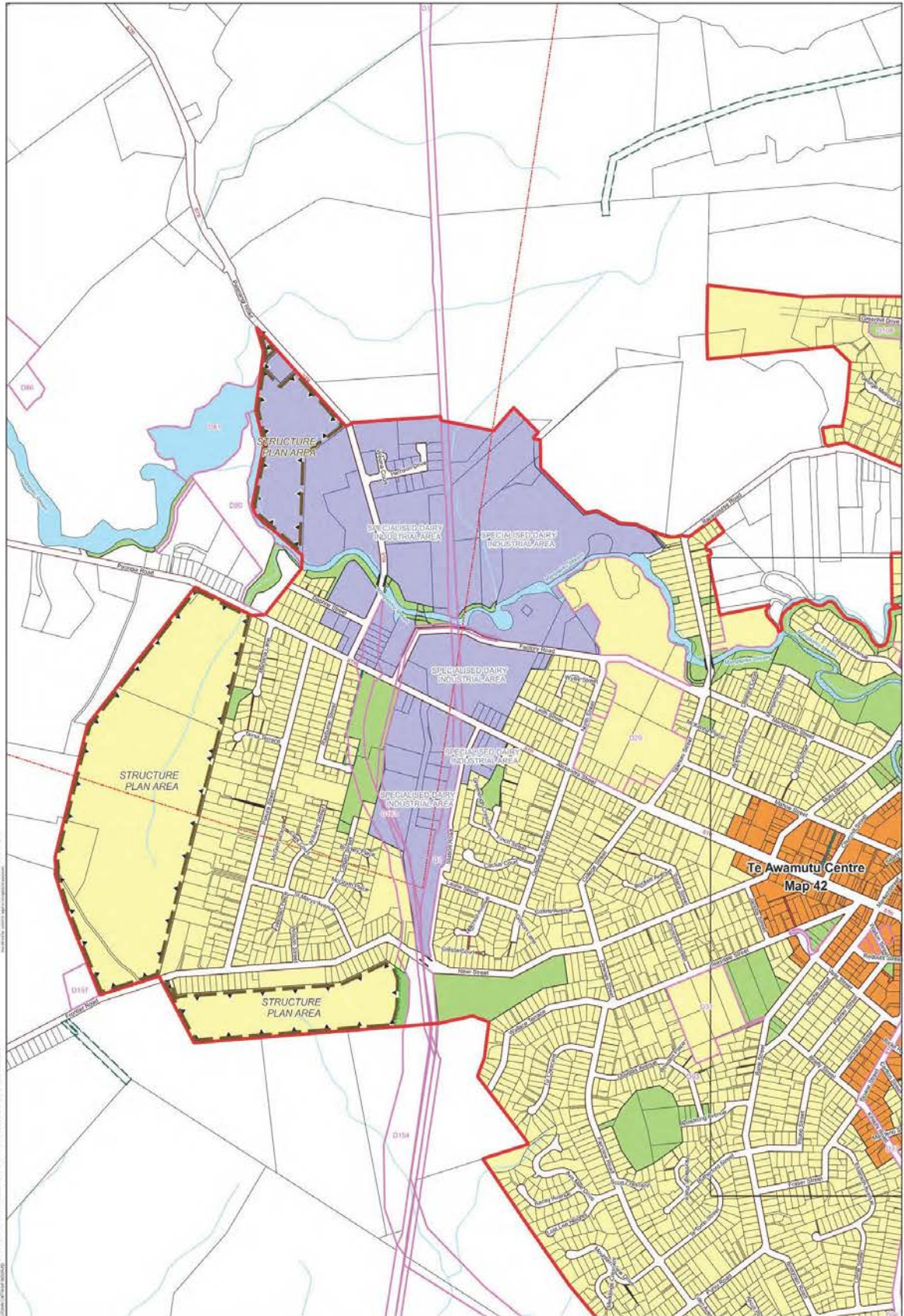
**38** Zones



**Te Awamutu (West)**  
 Proposed Waipa District Plan - Appeals Version  
 14 July 2014

Scale: 1 : 10,000 at A3





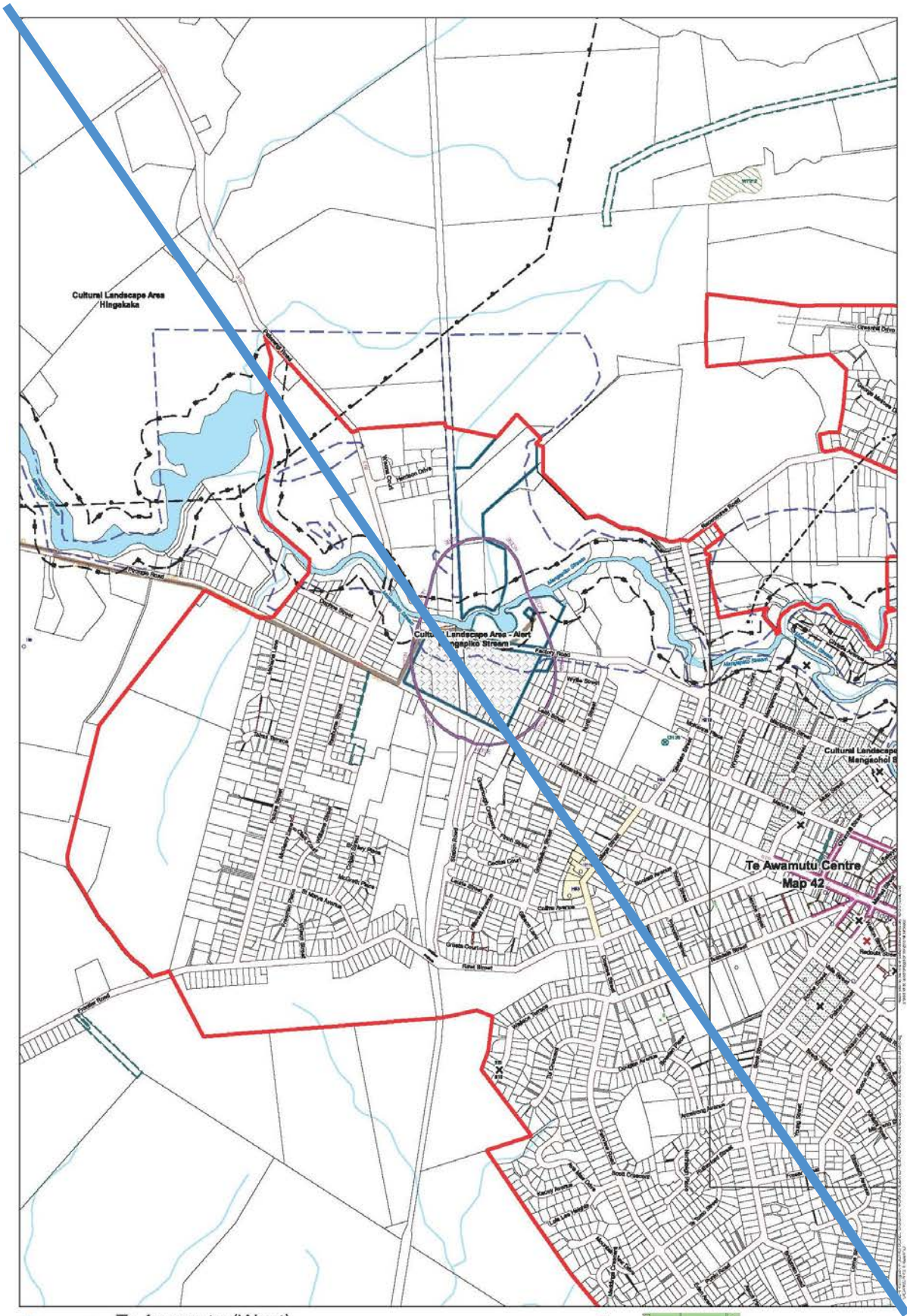
**38** Zones



**Te Awamutu (West)**  
Proposed Waipa District Plan - Appeals Version  
14 July 2014

Scale: 1 : 10,000 at A3





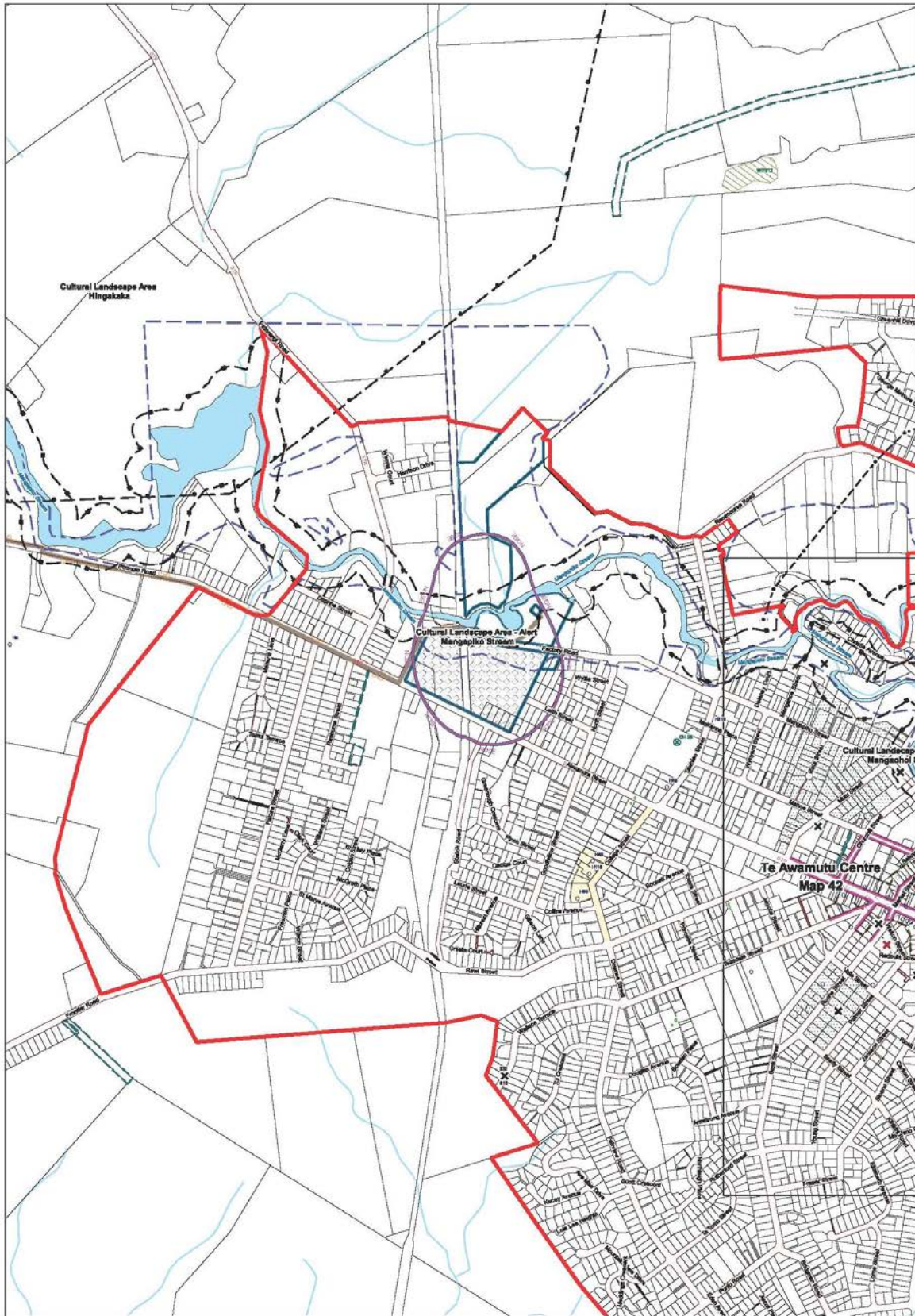
**Te Awamutu (West)**  
 Proposed Waipa District Plan - Appeals Version  
 14 July 2014



**Policy Areas 38**

District Plan Variation 11 – Minor Expansion of Deferred Residential Zone – Frontier Road, Te Awamutu  
 October 2015





**Te Awamutu (West)**  
 Proposed Waipa District Plan - Appeals Version  
 14 July 2014



**Policy Areas 38**





**MINOR EXPANSION OF THE  
DEFERRED RESIDENTIAL  
ZONE – FRONTIER ROAD, TE  
AWAMUTU**

**SECTION 32 EVALUATION  
REPORT**

OCTOBER 2015

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## Part A – Issue Identification

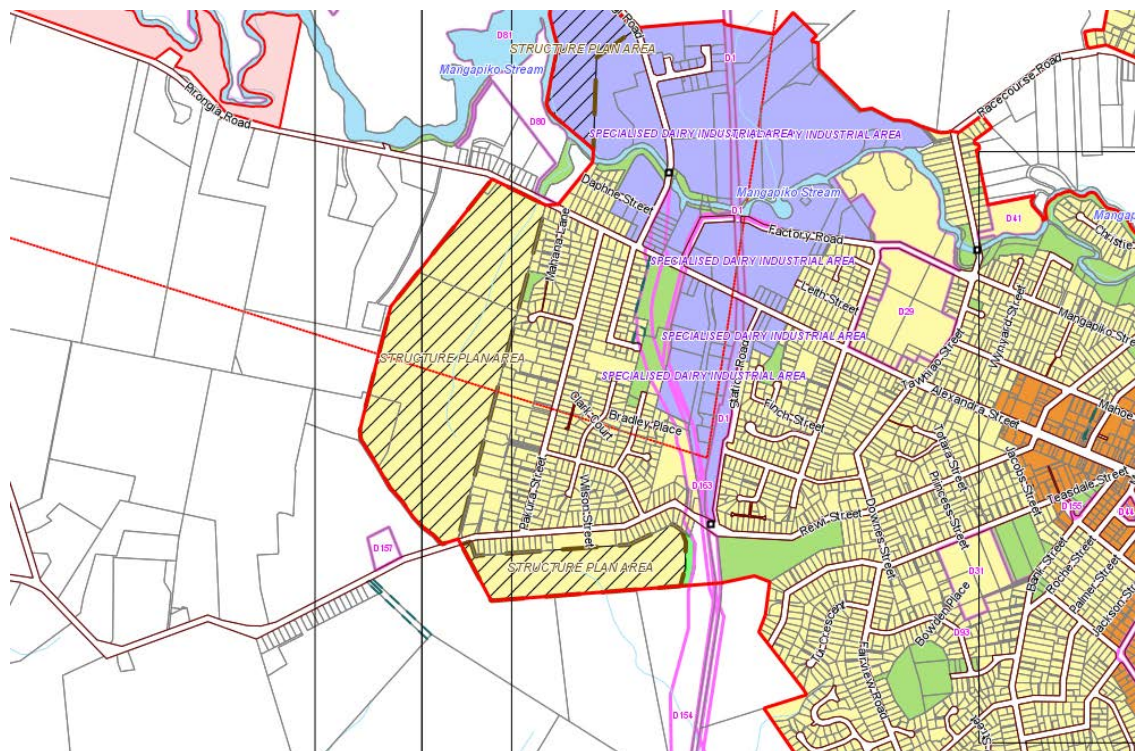
### 1. Introduction

This report presents an evaluation undertaken by the Waipa District Council (the Council) in accordance with Section 32 of the Act in relation to Variation 11 to the Proposed Waipa District Plan. The report examines the extent to which the variation objectives are the most appropriate way to promote sustainable management, evaluates the related and proposed objectives and provisions and assesses the scale and significance of the effects anticipated from implementing the Variation.

### 2. Issue Identification

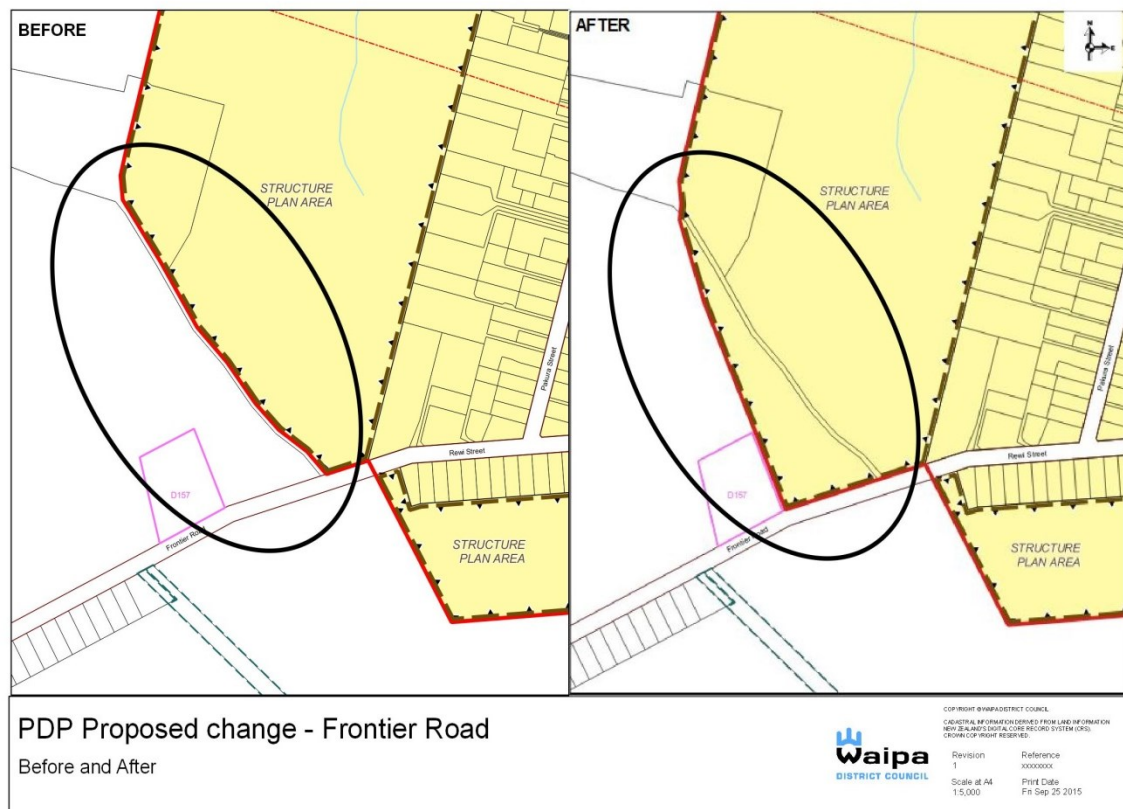
#### 2.1. Description of Issue

The Planning Maps illustrate those parcels of land subject to a Deferred Zoning and subsequent Structure Planning process. These areas are derived from the determination of the various Growth Cells set out in Appendix S1. It has been identified that changes are required to be made to the boundary of the T1/T2 Growth cells to provide options for access with increased visibility and also to reflect changes that have occurred since the boundaries of the growth cell were determined in 2009. The proposed change will enable the subsequent uplifting of the Deferred Residential Zone once a structure plan has been approved. The T1 Growth cell is identified below as the western most structure plan area shown in yellow with diagonal hatching:



## 2.2. Proposal

The proposal is to undertake a minor amendment to the boundary of the T1 growth cell by adding in 2.3ha from T2 growth cell, and so change the zoning of this added land from Rural Zone to Deferred Residential Zone. The urban limit line and the Structure Plan Area notation also needs to be amended to reflect the change in zone. Some of the identified land will be used for roading, and the remainder will result in approximately an additional 25 sections. The proposed change is shown in Figure 1 below. Amendments are required to the Planning Maps 7 and 38.



*Figure 1: Before and After*

## 2.3. Background

The boundary between the T1 and T2 Growth Cells was defined in the Waipa 2050 Growth Strategy compiled in 2009. Since that time Council have purchased a parcel of land from the landowners and constructed a new water reservoir. The boundary with the reservoir is now the more practical location for the T1/T2 boundary. Work undertaken by the landowner for the structure plan for T1 also indicates that the proposed area available for access to Frontier Road as T1 is currently defined creates traffic safety issues. The issues essentially relate to visibility and the proximity of this area to the brow of the hill. These issues are avoided if the access is located further west along Frontier Road. In addition, the landowners have approval to undertake a boundary relocation to realign a legal boundary forming the access to the land parcel on which their dwelling is located. The landowners will shortly construct a new access thereby causing their current access to become redundant. The proposed new boundary of Growth Cell T1 recognises this change in legal boundary.

It is proposed to incorporate approximately 2.3ha of land currently located within the T2 Growth Cell, to within the T1 Growth Cell and rezone this land from Rural Zone to Deferred Residential Zone. This additional area equates to 25 potential extra dwellings to be sited within the Growth Cell over and above the 350 dwelling likely for this cell.

## 2.4. Current Proposed District Plan Provisions

The policy context for the described issue is set out in Section 1 – Strategic Policy Framework and Section 14 – Deferred Zones. The key objectives and policies are set out below:

### Objective - Settlement pattern

- 1.3.1 To achieve a consolidated settlement pattern that:
- (a) Is focused in and around the existing settlements of the District; and
  - (b) Supports the continued operation, maintenance, upgrading and development of regionally important sites and regionally significant infrastructure and nationally significant infrastructure, and provides for on-going access to mineral resources.

#### *Policy - Settlement pattern*

- 1.3.1.1 To ensure that all future development and subdivision in the District contributes towards achieving the anticipated settlement pattern in the Future Proof Growth Strategy and Implementation Plan 2009 and the District Growth Strategy 2009.

### Objective - Deferred Zoning

- 14.3.1 Land intended for conversion from its current land use to an alternative land use in order to respond to growth demands is clearly identified, occurs in a planned manner, and its resources are protected for its anticipated future use.

#### *Policy - Identified deferred zoning*

- 14.3.1.1 Land which is intended to be converted from its current land use to respond to growth demands will have its current zoning and its deferred zoning clearly identified.

No changes are required to the current policy approach in the Proposed District Plan. The proposed variation is considered in accordance with the strategic direction of the Plan, given the small change proposed it is not considered that they will be issues with the allocation of land as outlined in Waipa 2050 Growth Strategy. The proposal will also lead to better traffic management and urban design outcomes.

## 2.5. Statutory Considerations

The following statutory documents are considered relevant to this variation:

### 2.5.1. The Resource Management Act 1991

The Resource Management Act 1991 seeks to promote the sustainable management of natural and physical resources:

*Managing the use, development and protection of natural and physical resources in an way and at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while–*

*(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

*(b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*

*(c) avoiding, remedying or mitigating any adverse effects of activities on the environment.*

The purpose of the Act is only achieved when the matters in (a) to (c) have also been adequately provided for within a District Plan. The Council has a duty under Section 32 to examine whether a proposed objective and its provisions are the most appropriate way for achieving the purpose of the Act.

In order to achieve the purpose of the Act, it must be ensured that people and communities provide for their economic, social, and cultural well-being and for their health and safety. In respect of the Variation, the purpose of the Act is promoted by providing an area of land that will ensure physical resources can be appropriately provided and sustainably managed. Physical resources such as the provision of suitable land for future growth, roading infrastructure, pedestrian ways and cycle ways are important for the community's overall wellbeing. Furthermore the new location of the zone boundary will support community safety and wellbeing by enabling the access point to the structure plan area to be provided in a safer location. The Variation will mean that an additional 2.5ha of land will be available for development within the life time of this district plan. It is considered that this is a minor addition to the land already available for development and that it will only have a less than minor effect on the rate of development within Te Awamutu.

In achieving the purpose of the Act, all persons exercising functions and powers under it, in relation to the use, development and protection of natural and physical resources, are required to recognise and provide for the matters of national importance identified in Section 6. Section 7 of the Act identifies other matters that particular regard is to be given to. Section 8 of the Act requires that the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are taken into account. In respect of the proposal that is part of this Variation it is considered that the only matter that is of relevance is Section 7(b) of the Act. Section 7(b) requires particular regard to be given to the efficient use and development of natural and physical resources. The

proposal as part of this Variation supports this outcomes by providing for an area of land that will enable the provision of the efficient use of physical resources. The proposed Variation is considered to be consistent with and give appropriate effect to the Act and relevant statutory plans such as the Waikato Regional Policy Statement.

### **2.5.2. Future Proof Growth Strategy**

The Future Proof Strategy is a comprehensive growth management strategy for the Waikato sub-region which includes Hamilton City, Waipa District and Waikato District. The Strategy seeks to manage future growth across territorial boundaries to the betterment of the sub-region as a whole. The Strategy also encourages each council, through the District Plans, to regulate minimum lot sizes and to protect rural areas from urban development. The strategy also provides a settlement pattern and associated allocations for different land uses. It is considered that the change proposed as part of this Variation will have a less than minor effect on the overall settlement pattern. Waipa 2050 – Waipa District Growth Strategy

The Waipa 2050 District Growth Strategy provides a policy framework to guide and encourage future growth in the Waipa District. The proposed Variation to the Proposed District Plan is considered to be consistent with the objectives and policies of Waipa 2050 as it continues to provide appropriate level of development and growth within the identified T1/T2 Growth Cells. The Growth Strategy also provides a settlement pattern for the Waipa District. The proposal as part of this Variation is considered to have a less than minor effect on the settlement pattern as described in Waipa 2050.

### **2.5.3. Town Concept Plans**

The Town Concept Plans seek to provide an overall framework for future growth in the Waipa District and contribute to making it a great place for people to live and visit.

The Town Concept Plans provide an overview for future structure plans within the town and describe the existing and future character of each town. The Town Plans also provide objectives and principles to guide future.

The proposal as part of this Variation is not contrary to the outcomes sought to be achieved by the Town Plans.

### **2.5.4. Waikato-Tainui Environmental Plan**

The Waikato-Tainui Environmental Plan has been developed to, amongst other things, act as a tool to provide high-level guidance on Waikato-Tainui objectives and policies with respect to the environment. It is not considered that the Proposal to add a further 2.3ha within the T1 growth area zoned as Deferred Residential is contrary to the directions within the Waikato-Tainui Environmental Plan. The proposed variation to the District Plan is considered to be consistent with the objectives and policies of the Waikato-Tainui Environmental Plan.

### 2.5.5. Summary

The proposed variation has been considered with regard to the above documents. The variation is considered to be a minor amendment of the interface between two already identified Growth Cells. There are not considered to be any aspects of the above documents that the proposed variation is inconsistent with.

## Part B – Options and Evaluation

---

### 3. Options

#### 3.1. Introduction

Section 32(1)(b)(i) of the Act, requires this report to identify “other reasonably practicable options” to promote sustainable management, including retaining the status quo, non-regulatory methods and variations/plan changes. This part of the report outlines the process undertaken and details the other reasonably practicable options considered to achieve the objectives of the Variation.

#### 3.2. Process

In considering other reasonably practical options, discussions were held with Council staff and legal advisors to explore the issue and options to address the issue. The following options were identified as a result of these discussions:

##### ***Option 1 – Preferred option / Variation***

The preferred option is to amend the Planning Maps 7 and 38. The issue is considered a minor adjustment of part of the common boundary between two identified Growth Cells which will change the area identified as Deferred Residential Zone, amend the Structure Plan Area and amend the Urban Limits. Only a minor number of additional dwellings will be potentially be able to be constructed in the T1 area but overall better design outcomes for the area will be achieved. As there is no change to the relevant objectives and policies or the intent of any rule, wider consultation was not undertaken.

##### ***Option 2 – Status Quo / Baseline***

The status quo would require no changes to the Planning Maps. Long term, this option would not enable the best design outcomes for the site. It would result in a non-complying Land Use and/or Subdivision application to include the small area of Rural Zoned land in the T2 Growth Cell.

### 4. Evaluation of Options

#### 4.1. Introduction

Section 3 above outlines the other reasonably practicable options considered. In order to determine whether the other options are reasonably practicable, a comparative analysis has been undertaken. Council is not legally obliged to detail the evaluation process for other reasonably practicable options that were not identified as the preferred option. However, it is considered fair and transparent to demonstrate how the preferred option was decided upon following an assessment against other reasonably practicable options.

The key considerations of this analysis include the relevance of the option to addressing the issue and the usefulness in guiding decision-making. Reasonableness and achievability have also been considered during this analysis. The following table compares each option:

	Option 1: Preferred option – amend Planning Maps	Option 2: Other reasonably practical option – allow for non-complying applications
Appropriateness	This option addresses the issue by ensuring that the physical interface between the identified Growth Cells is supported by the Plan documentation. It also provides for improved access to the site.	The option of a non-complying application does not seem appropriate in the situation where the land has been identified for growth for some time, and only a small area of land is involved.
Reasonableness	This option provides for greater certainty to Plan users as it would provide clear consistency between Plan documents and actual features pertaining to the land.	This option does not address the issue and therefore causes uncertainty relating to future consent applications. This is not reasonable in a situation where the majority of the land has already been identified for growth.
Achievability	This option is achievable to implement through a variation process and is not cost prohibitive.	There are higher levels of risk associated with this option.
Relevance	This option will resolve the issue.	This option will not resolve the issue as the area of land outside the Structure Plan area will have a Rural Zone.
Usefulness	This option will provide for clear and consistent documentation within the Plan.	This option will result in inconsistency between features on the land and the Planning Maps.

#### 4.2. The Preferred Option(s)

The table above demonstrates that Option 1 is the most appropriate as it addresses the issue, is reasonable, achievable and gets the best overall rating.



## Part C – Evaluation and Variation

### 5. Evaluation of Variation Objectives

The issue focuses solely on minor amendments to Planning Maps 7 and 38. No changes are proposed to any objectives, policies or rules.

### 6. Evaluation of Variation Provisions

Council is required to assess the efficiency and effectiveness of the Variation's provisions in achieving the Variation's objectives. 'Effectiveness' is the measure of contribution that the proposed provisions make towards resolving the issue, while 'efficiency' refers to benefits and costs to all members of society.

This part of the report assesses the Variation's provisions in achieving the Variation's objectives. This entails identifying and assessing the benefits and costs of the environmental, social, cultural and economic effects anticipated from the implementation of the Variation's provisions. This is recorded in the following table.

Planning Maps	Effectiveness/Efficiency	Benefit/Cost
Amend Zone Map no's 7 and 38 and Policy Area Map 38	<b>Effectiveness:</b> The amendments will enable the structure plan area to be effectively assessed, in accordance with Policies 14.3.1.4 to 14.3.1.6.	<b>Benefits:</b> Environmental, social and economic benefits are accrued by ensuring that land to be subject to a Structure Planning process is clearly identified within Council documentation.
	<b>Efficiency:</b> This variation will facilitate efficiency of development by providing clarity as to the extent of a Deferred Zone and Structure Plan area.	<b>Costs:</b> Costs associated with this variation involve changing the Planning Maps.
<b>Sufficiency of information and risk of not acting:</b>	Sufficient information was available about the amendments to the maps to consider the effects of this variation. The risk of not acting will create uncertainty relating to processing future applications.	

Having regard to the effectiveness and efficiency of the above provisions, amendments to the Planning Maps is considered to be the most appropriate way to achieve the objectives of the Proposed District Plan.

## Part D – Implementation of Variation

### 7. Scale & Significance - Implementation of the Variation

This report must contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects anticipated from the implementation of the Variation. 'Scale' refers to the magnitude of effects, and 'significance' refers to the importance that the wider community places on those effects. The following table outlines the criteria considered to determine the scale and significance of the effects that are anticipated from implementation of the Variation. An ordinal scale has been used for this assessment.

Criteria	Assessment High / Medium / Low / NA
▪ Number of people who will be affected	Low
▪ Magnitude and nature of effects	Low
▪ Geographic extent	Low
▪ Degree of risk or uncertainty	Low
▪ Stakeholder interest	Low
▪ Māori interest	Low
▪ Information and data is easily available	Low
▪ Extent of change from status quo]	Low

In this instance, the scale and significance of the effects that are anticipated from the implementation of this Variation is considered to be low for the following reasons:

- The amendments proposed will provide consistency between the location of the new water reservoir, the relocated property access for the existing dwelling and the Planning Maps contained within the Proposed District Plan. The amendments recognise that the interface between two identified Growth Cells has been affected by infrastructure constructed after the Growth Strategy was compiled.

### 8. Conclusion

Planning Maps 7 and 38 illustrate the extent of identified Stage 1 Growth Cell T1. Due to the construction of the new Council water reservoir and the alteration of a legal boundary, the T1 Growth Cell boundary as currently delineated within the Proposed District Plan is not in the most appropriate location. In addition the currently defined area on the Planning Maps does not facilitate a safe access point to the Structure Plan Area. This minor variation amends the Planning Maps and will make provision for a more appropriate structure planning process to uplift the Deferred Residential Zoning of the T1 Growth Cell. The addition of a small area of land into the Deferred Zone is considered a better use of that land, and will lead to better urban design outcomes and more efficient development layout.

This report outlines the process that was taken to identify the issue and options, and evaluates the options. It then evaluates the preferred option in detail, which is to amend Planning Maps 7 and 38. The proposed changes will clarify the extent of the land zoned Deferred Residential which will be the subject of a Structure Plan application process. As a consequence of this change there will be a minor adjustment to the Urban Limits and an amendment to the Structure Plan Area notation. The report concludes with an assessment of the scale and significance of the effects anticipated from the plan amendments and concludes that these are considered overall to be low.

The Section 32 evaluation has been undertaken within the appropriate scope and with consideration to all of the applicable provisions of the Act. It has been concluded that the amendments proposed outweigh the anticipated risk of not acting.

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

**From:** Principal Rural Fire Officer

**Subject:** **Review and adoption of the Waipa Rural Fire Authority Fire Plan**

**Meeting Date:** 6 October 2015

**File Reference:** 55-40-01

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## **1 EXECUTIVE SUMMARY**

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Waipa District Council is the Rural Fire Authority for Waipa District. Under the Forest and Rural Fire Regulations 2005, the Waipa Rural Fire Authority must prepare and adopt a Rural Fire Plan, which is a statement compiled and issued by the Fire Authority, defining policy, chain of command and procedures in relation to fire control.

The Waipa Rural Fire Authority Rural Fire Plan was initially adopted by Council in September 2005.

Part 2 of the Forest and Rural Fires Regulations 2005 covers Fire Control Operations and requires that a Fire Plan must set out the policies and procedures of the Rural Fire Authority under the headings of Reduction, Readiness, Response and Recovery.

The 'Readiness' and 'Response' sections of the Plan must be reviewed every two years after the date of adoption. The 'Reduction' and 'Recovery' sections of the Plan must be reviewed every five years after the date of adoption.

Accordingly the review of the 'Readiness and Response' sections have been carried out and adopted by Council biennially since 2005. The 'Reduction' and 'Recovery' sections have been reviewed once in 2010.

All four sections of the Rural Fire Plan are due to be reviewed this year. A draft Rural Fire Plan for Council to consider and adopt is attached as Appendix 1.

The National Rural Fire Authority must be advised of any amendments as they arise. There have been no substantive amendments or changes and the plan remains essentially the same as when originally adopted in 2005 except for minor formatting amendments.

## 2 RECOMMENDATION

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*That*

- a) *The report of Chuck Davis, Principal Rural Fire Officer be received;*
- b) *Pursuant to the Forest and Rural Fires Act 1977, and the Forest and Rural Fires Regulations 2005 and as the Rural Fire Authority for Waipa District, Council confirms that Part One: Reduction, Part Two: Readiness, Part Three: Response and Part Four: Recovery of the Waipa Rural Fire Authority Plan (document number 15085058) has been reviewed and subject to minor amendments, remains the adopted Rural Fire Authority Plan for Waipa District.*

## 3 STAFF COMMENT

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The New Zealand Fire Service has operational jurisdiction within the urban areas of Te Awamutu and Cambridge. The balance of the area within the Waipa District Council Rural Fire Authority (with the exception of the DOC-controlled areas with their accompanying 1km margin) is under the jurisdiction of the Waipa Rural Fire Authority.

The first section of this Fire Plan, which contains the four parts just reviewed, sets the scene within which rural fire operations are undertaken in the Waipa Rural Fire District. Information on the district and the statutory framework within which the Rural Fire Authority operates are also detailed there.

The Plan is structured around the four components of emergency management being: Reduction, Readiness, Response and Recovery.

### a) **Reduction**

The Reduction section deals with how the risk of fire is managed and public education/awareness matters are undertaken.

### b) **Readiness**

The Readiness section outlines the chain of command and specifies the responsibilities of the Rural Fire Authority. It covers the policies and procedures relating to ensuring that people are trained, and have sufficient resources to undertake firefighting activities. It also includes a map of the area showing Fire jurisdiction for NZFS, DOC and Waipa Rural Fire Authority.

### c) **Response**

The Response section covers the aspects required to respond to and extinguish rural fires. It includes priorities, health and safety, communications and fire ground activities.

Initial response to all Rural Fires in Waipa is managed by the New Zealand Fire Service under a Section 15 Agreement of the Forest And Rural Fires Act 1977.

This enables all the resources available to the wider region to be available to respond to any incident in our district. Our own local volunteer fire brigades in Cambridge and Te Awamutu are called upon as the first response to any rural incident. This includes the Pirongia Volunteer Rural Fire Force.

The Te Awamutu Volunteer Fire Brigade hold additional rural firefighting equipment which is owned and maintained by Council as the Rural Fire Authority. This includes a 4x4 Utility vehicle and a 13,000 litre water tanker.

**d) Recovery**

The Recovery section deals with how the Rural Fire Authority investigates fires, and reviews and critiques its operations following any incident.

The second section of the Fire Plan contains Annexes which do not require formal review. Details contained here include a Fire Plan checklist, Fire Weather indices, contact details for various resources and response forms. These Annexes are generally checked and updated prior to each restricted fire season.

## Financial status

Costs associated with the management and operation of the territorial area are met by Council. The base operating costs of rural fire resources is the responsibility of the Waipa District Council as the Rural Fire Authority.

There are no additional financial implications arising from the review of Parts 1 – 4 of this plan.

**Chuck Davis**  
**Principal Rural Fire Officer**

Reviewed by Jennie McFarlane  
**MANAGER LEGAL AND CORPORATE  
SUPPORT**

Approved by David Hall  
**GROUP MANAGER PLANNING AND  
COMMUNITY RELATIONS**

## SUPPORTING INFORMATION:

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### 1 Statutory and policy requirements

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Waipa District Council has a statutory delegation to carry out the functions of a Rural Fire Authority as set out within the Forest and Rural Fires Act 1977, and the Forest and Rural Fires Regulations 2005.

Section 39 Forest and Rural Fires Regulations 2005 – Fire Authority must adopt fire plan –

- 1) Fire Authority in existence at the commencement of these regulations must prepare and adopt a fire plan no later than 60 days after the commencement of these regulations;
- 2) Any other Fire Authority must prepare and adopt a fire plan no later than 90 days after the Fire Authority is appointed, constituted, or otherwise formed;
- 3) A fire plan must set out the policies and procedures of the Fire Authority under the following headings and in the following order:
  - a) Reduction
  - b) Readiness
  - c) Response
  - d) Recovery
- 4) A Fire Authority must provide to the NRFA a copy of its fire plan no later than 30 days after the fire plan is adopted.

Section 40 – Fire Plan must be reviewed

A Fire Authority must review a fire plan adopted under Regulation 39 -

- a) in relation to the matters contained under the headings “Readiness” and “Response” not more than 2 years after the date the plan was adopted; and
- b) in relation to the matters contained under the headings “Reduction” and “Recovery”, not more than 5 years after the date the plan was adopted.

## Appendix One: Draft Waipa Rural Fire Authority Plan 2015

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# WAIPA RURAL FIRE AUTHORITY



## RURAL FIRE PLAN 2015

Prepared By:  
**Waipa District Council**  
**Private Bag 2402**  
**Te Awamutu**

This plan should be read in conjunction with the Forest and Rural Fires Act 1977, Forest and Rural Fires Regulations 2005, National Rural Fire Authority Rural Fire Management Code of Practice, Waipa District Council Fire Ground SOP's and Policies, Waipa District Council Bylaws and District Plan.

## Introduction

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The purpose of this plan is to outline the processes and procedures for the management of rural fire within the Waipa District Rural Fire Authority's district.

Waipa District Council has a statutory obligation to carry out the functions of a Rural Fire Authority as set out within the Forest and Rural Fires Act 1977, and the Forest and Rural Fires Regulations 2005.

This Waipa Rural Fire Plan was first adopted in September 2006, Resolution No. 1/06/184.

The following amendments have been made:

Parts 2 and 3	Reviewed in 2007 by Council at the 28 August 2007 Council meeting, Resolution No. 1/07/161.
Parts 2 and 3	Reviewed in 2009 by Council at the 8 August 2009 Policy Committee meeting, Resolution No. 2/09/88.
Parts 1 and 4	Reviewed in 2010 by Council at the 14 September 2010 Policy Committee meeting, Resolution No. 2/10/68.
Parts 2 and 3	Reviewed in 2011 by Council at the 27 September 2011 Council meeting, Resolution No. 1/11/72.
Parts 2 and 3	Reviewed in 2013 by Council at the 24 September 2013 Council meeting, Resolution No. 1/13/93.
Parts 1 to 4	Reviewed in 2015 by Council at the 6 October 2015 Strategic Planning and Policy meeting, Resolution No. X/XX/XX.

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## Glossary

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The Forest and Rural Fires Act, defines the following terms and words used in this Fire Plan:

- Exotic forest** means a forest, woodlot, or plantation comprised principally or entirely of tree species not indigenous to New Zealand.
- Fire control** in relation to forest, rural, and other areas of vegetation, means -
- a) The prevention, detection, control, restriction, suppression, and extinction of fire; and
  - b) The safeguarding of life and property from damage and risk of damage by or in relation to fire; and
  - c) All measures conducive to or intended to further or effect such prevention, detection, control, restriction, suppression, extinction, or safe-guarding; and "fire control measure" has a corresponding meaning.
- Fire Officer or Rural Fire Officer** means a person appointed as a Rural Fire Officer by or pursuant to section 13 of the Forest and Rural Fires Act.
- Fire plan** means a statement compiled and issued by a Fire Authority defining policy, chain of command, and procedure, in relation to fire control by that Authority.
- Fire safety margin** means -
- a) In relation to a State area (other than land administered by the Minister of Conservation pursuant to section 9A of the Foreshore and Seabed Endowment Revesting Act 1991), means the land outside the State area that is within 1 km of the boundary of the State area, excluding any land:
    - (i) specified in a Gazette notice given under section 11B:
    - (ii) in a fire district within the meaning of the Fire Service Act 1975
    - (iii) in a rural fire district; and
  - b) In relation to a forest area, means the land outside the forest area but within such a distance (not exceeding 1 km) from the boundary of the forest area as is approved by the Fire Authority for the area; but

- c) Does not include any land being the whole or part of a defence area within the meaning of the Defence Act 1990.

<b>Firebreak</b>	means a natural or artificial physical barrier against the spread of fire from or into any area of continuous flammable material.
<b>National Rural Fire Authority</b>	means the National Rural Fire Authority constituted under section 14A(1) of the Fire Service Act 1975.
<b>Open season, or open fire season</b>	means a period of time, whether of fixed or indefinite duration, during which period the lighting of fires in the open air in that area or district is neither prohibited nor restricted under section 22 of the Forest and Rural Fires Act.
<b>Permit</b>	in relation to the lighting of fires in the open air, means a fire control measure in accordance with which a person may light such fires without committing an offence against section 23(1) of this Act; and includes a special permit issued pursuant to section 24 of the Forest and Rural Fires Act:
<b>Principal Rural Fire Officer</b>	means – <ul style="list-style-type: none"> <li>a) In relation to any State area for which a Principal Rural Fire Officer is appointed by the Minister of Conservation or any other district for which a Principal Rural Fire Officer is appointed by the Fire Authority, means that officer or, where he is absent or unavailable or unable to act, the person acting as Principal Fire Officer pursuant to the Fire Plan for that area or district.</li> <li>b) In relation to any district (other than a State area) for which there is only one Fire Officer, means that officer or, where he is absent or unavailable or unable to act, the person acting as Principal Fire Officer pursuant to the Fire Plan for that district.</li> <li>c) In relation to any State area for which no Principal Rural Fire Officer has been appointed by the Minister [of Conservation], means any Rural Fire Officer appointed under section 13(3) of this Act and any warranted officer appointed under section 59(1) of the Conservation Act 1987.</li> </ul>
<b>Prohibited season or prohibited fire season</b>	means a period of time, whether of fixed or indefinite duration, specified pursuant to this Act, during which period the lighting of fires in the open air is prohibited under the Forest and Rural Fires Act:

**Restricted season or  
Restricted fire season**

means a period of time, whether of fixed or indefinite duration, specified pursuant to this Act, during which period permits or authorities are required by this Act for the lighting of fires in the open air.

DRAFT

## Executive Summary

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The 2005 Forest and Rural Fires Regulations specify the requirements of Rural Fire Plans. This Rural Fire Plan (Fire Plan) is written in accordance with those regulations. Reference is made throughout this Fire Plan to indicate how the requirements of the Regulations are met.

The New Zealand Fire Service has operational jurisdiction within the urban areas of Te Awamutu and Cambridge. The balance of the area within the Waipa District Council Rural Fire Authority with the exception of the Department Of Conservation (DOC) controlled areas with their accompanying one (1) kilometer margin is under the jurisdiction of the Waipa Rural Fire Authority (Waipa Authority). In addition a Volunteer Rural Fire Fighting Force has been established to enable the community of Pirongia to respond to and assist at emergency events while waiting for the arrival of Emergency Services.

This Fire Plan sets out the policies and procedures that the Council has developed to enable it to effectively and efficiently undertake its statutory rural fire obligations, roles, and responsibilities. The Fire Plan is supported by a number of annexes that provide further details in terms of the operational aspects of those activities.

This Fire Plan is structured around the four components of emergency management being:

- [Reduction](#)
- [Readiness](#)
- [Response](#), and
- [Recovery](#).

The Fire Hazard and Risk Management Strategies section of this Fire Plan sets the scene within which rural fire operations are undertaken in the Waipa Rural Fire District. Information on the district and the statutory framework within which the Waipa Authority operates are also detailed.

The Reduction section deals with how the risk of fire is managed and public education matters are undertaken.

Maps of the area are provided in the Readiness section. It also specifies the responsibilities of the Waipa Authority and covers the policies and procedures relating to ensuring that people are trained, and have sufficient resources to undertake fire-fighting activities.

The Response section covers the aspects required to fight and put out rural fires. Communications and fire ground activities are dealt with.

The Recovery section deals with how the Waipa Authority investigates fires, and reviews its operations following any incident.

The last section of the Fire Plan, deals with administrative matters such as financial matters, Plan reviews, and arrangements between other Rural Fire Districts.



## Fire Hazard and Risk Management Strategies

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### Hazardscape

The climate of Waipa District is determined by its topography and its geographical location in relation to the large-scale weather systems affecting New Zealand.

Lying in the centre of the North Island the whole district is sheltered from the predominately westerly winds, which flow over the North Island by a moderate range of hills that include Mt Pirongia. The result is a temperate climate with warm summers and reasonably mild winters.

Fire risks arise from: lightning strikes, spontaneous combustion of chemicals or damp vegetation, the arcing of power lines, or chimneys, stone strike from mowers or machinery, and the direct ignition of fire caused by people.

The Waipa Authority adopts the following fire management strategies as a means towards achieving the goals identified above:

### Fire Prevention Strategy

The number and impact of preventable fires (i.e. unplanned fires of human origin) will be minimised through education, management of fire hazards and fire risks, enforcement, and administration.

This strategy recognises the principle that the impacts of preventable wildfires can be minimised.

### Fire Preparedness Strategy

The potential for loss of human life and damage to landholder's assets and values will be minimised through the provision of responses that are appropriate in terms of level, time, and resources.

This strategy recognises the principle that the ability to respond to reports of fire and minimise resultant damages and losses demands a level of preparedness that is appropriate to the existing and forecasted level of fire danger and that also recognises the possibility of extreme fire conditions.

### Fire Suppression Strategy

The impacts of fire within or threatening landholders assets or values will be minimised by ensuring that such fires that do occur are responded to with sufficient trained and competent firefighting personnel using appropriate equipment and apparatus, so as to undertake fast, determined, safe, and thorough suppression action.

This strategy recognises the principle that protection of human life will be given priority over all other activities and that the control of fires on or threatening the landholders lands will be given priority over normal business activities.

### **Fire Recovery Strategy**

Any rehabilitation required as a result of damage caused by the fire or the suppression effort shall be in accordance with relevant Forest and Rural Fires legislation. Any other rehabilitation requirements shall be the responsibility of the landowner upon whose property the fire occurred.

This strategy recognises the principle that protection, and rehabilitation of, the environment from fire impacts is of importance to the fire authority, but that rehabilitation efforts remain with the landowner.

### **Structure of this Plan**

This Fire Plan is made in accordance with Regulation 39 of the Forest and Rural Fires Regulations 2005. Those regulations specify in detail the required structure and content of Rural Fire Plans. This Fire Plan is therefore organised into four parts.

- |                   |  |
|-------------------|--|
| <b>Part One</b>   | Deals with matters of <b><u>Reduction</u></b> , in accordance with the specified requirements of the 2005 Regulations. |
| <b>Part Two</b>   | Deals with matters of <b><u>Readiness</u></b> , in accordance with the specified requirements of the 2005 Regulations. |
| <b>Part Three</b> | Deals with matters of <b><u>Response</u></b> , in accordance with the specified requirements of the 2005 Regulations.  |
| <b>Part Four</b>  | Deals with matters of <b><u>Recovery</u></b> , in accordance with the specified requirements of the 2005 Regulations.  |

Parts one to four of the plan contain material that corresponds with the four elements of the Waipa Authority's fire management strategy as described previously.

Further detail and information relevant to all parts of the Fire Plan is contained in a number of Appendices.

# WAIPA DISTRICT RURAL FIRE AUTHORITY

## Rural Fire Plan

### Part 1: Reduction

#### 1.1 Fire prevention planning

The Waipa Rural Fire Authority (Waipa RFA) plans a fire management programme directed towards mitigation or elimination of those hazards and risks that pose the greatest potential to cause unacceptable damage or losses. The focus is on preventing large and damaging fires and the associated reduction of fire suppression costs.

Hazards are areas that have a potential to burn. Risks are the uses, activities or events with the potential to cause a fire ignition.

Where fire hazards and fire risks are identified, consultation will be taken with the relevant landholders in order to manage these hazards and risks.

Where fire hazardous sites are identified the Principal Rural Fire Officer (PRFO) will request the landholder that has responsibility for the hazard to carry out fire breaking, fuel modification or fuel reduction burning, or any other action necessary, in order to reduce the hazard or to mitigate fire development.

The PRFO will ensure that as necessary an analysis of fire reports is carried out in order to identify the predominant types and cause of fire and will formulate action plans that focus on the mitigation of the impacts of fire and on the prevention of fire occurrence.

*[Refer Regulation 41(1)]*

#### 1.2 Publicity and education

The Waipa RFA encourages community awareness of the threat of fire and of the responsible use of fire.

The PRFO has the authority and the responsibility to make arrangements with local print and radio media and the use of signs as necessary to ensure that local communities are aware of prevailing fire danger conditions.

Public awareness of rural fire is maintained through a multi-faceted approach including:

- Proactive media releases following fires;
- Media releases during periods of increased fire danger;
- Erection of fire restriction or prohibition signs, and updating of fire danger indicator signs;
- Proactive investigation of fire sightings during periods of increased fire danger;
- Education initiatives through community meetings and schools;
- Advice to land owners; and
- Inspection of proposed burn-offs and issue of fire permits.

### 1.3 Public awareness and fire signs

Notification on the implementation / lifting of a Restricted or Prohibited Fire Season will be placed in the Public Notice Column of the Waikato times, The Te Awamutu Courier and Cambridge Edition newspapers.

During a Prohibited Fire Season 'Total Fire Ban' and 'Light No Fires' signs will be erected at strategic locations throughout the District, as soon as possible after such a season has been declared.

Other non-regulatory public educational signage may be erected from time to time.

*[Refer Regulation 41(2)(c)]*

### 1.4 Fire protection works

Protection works are those associated with the provision and maintenance of:

- Firebreaks (as provided for in legislation – refer to Section 27, Forest and Rural Fires Act 1977)
- Access (to be kept open and in useable condition)
- Water supply points (identified at roadsides and kept clear and accessible)
- Aircraft support facilities (where deemed necessary at appropriate sites)

The Waipa RFA may at any time, by notice in writing signed on its behalf by the PRFO, require any landholder of any land within the Fire District to make and clear, within the time and in the manner specified by the notice, such fire breaks, and in such positions, as the PRFO considers necessary for the purpose of fire control. All firebreaks are to be kept free of flammable material at all times.

Where flammable vegetation is present, landholders are recommended to undertake, as a fire control measure, fuel modification to provide a defensible space for structures, to the following dimensions and locations:

- Flat land (< 10° slope) - 25 metres all around

- Sloping land (> 10° slope) - 10m uphill; 15m side; 30m downhill

**Note:** Fuel modification is required so as to avoid concentrations of flammable vegetation or trees within the specified areas, and especially near the structure.

Any fire protection works that may be required, and which provide the infrastructure for fire suppression action, will be established in accordance with the principles of environmental care.

### 1.5 Use of fire as a land management tool

The policy is to permit the use of fire within the territorial area in accordance with the following provisions:

- (a) The issue of fire permits during any period that fire restrictions are in place is subject to an evaluation of current and forecasted fire danger conditions by the issuing Rural Fire Officer (RFO) or the PRFO to ensure that any permitted fires are lit during low fire risk weather conditions to minimise the potential for an escaped fire situation.
- (b) Applications for a Special Fire Permit during a period of fire prohibition may be granted under the provisions of the Forest and Rural Fires legislation.
- (c) The use of fire for land clearing operations or disease control must comply with any requirements of the District Plan, Council Bylaws, Waikato Regional Council "Clean Air" Policy, and provisions of the Resource Management Act 1991 and amendments.
- (d) All activities must comply with provisions of Sections 20 and 21 of the Forest and Rural Fires Act 1977, as well as complying with the conditions stated on permits issued pursuant to Sections 23 and 24 of the Act.
- (e) Any fire must remain contained within the property on which it is lit and shall not be permitted to spread to other properties or to structures. A burn plan must be prepared for prescribed burning during a Restricted Fire Season.
- (f) Use of fire on land adjoining Crown land, forests, or another Fire Authority requires consultation with the appropriate person responsible for those adjoining areas.

*[Refer Regulation 41(2)(d)]*

This strategy recognises that appropriate planning should be provided for fires that have the potential to get out of control and cause injury or damage to property.

### 1.6 Declared forests

There are no areas in the Waipa District that have been declared as forest areas under section 17 of the Forest and Rural Fires Act.

*[Refer Regulation 41(2)(e)(i)]*

### 1.7 Bylaws relating to fire control

Council has an urban fire bylaw which restricts open air fires within the urban areas of Te Awamutu, Cambridge, Leamington and Kihikihi. Permits can be granted at the discretion of the Environmental Officers. This bylaw also covers various rural communities which require a Rural Fire permit all year round.

### 1.8 Plan and policy compliance

Compliance with established and agreed standards is targeted through consultation with all parties concerned. Where necessary the Waipa RFA will apply the provisions of relevant legislation in order to gain compliance with those standards.

### 1.9 Access requirements and standards

Council has no specific policy or standards in terms of access (other than standards entrance requirements off its roads) to potential rural fire areas. It is, nevertheless in the interests of landowners to have suitable access to all parts of their properties, and any fire suppression activities could be hampered if suitable access is not available.

### 1.10 Fire Risk and Mitigation Systems

Hazards and risks form a significant part of the wildfire threat analysis.

The following steps are presently undertaken to mitigate hazards:

- Annual roadside grass mowing programme on major roads/highways with monitoring of vegetation re-growth levels by Regulatory Officers;
- Additional roadside mowing requested as determined by seasonal variations;
- Encouraging road-side grazing by farmers in risk areas;
- Volunteer Rural Fire Force established due to isolation of resources;
- Fire appliances and equipment are maintained to a high state of readiness;
- Public kept informed of increasing fire risk through media;
- Daily graphing of fire weather indices for fire prediction purposes during restricted season;
- Restricted Fire Season declared during periods of increased fire danger.

### 1.11 Fire prevention measures

The Waipa RFA is committed to promoting and developing fire prevention measures in its fire bylaws and in partnership with the NZ Fire Service and National Rural Fire Authority to reduce the incidence and impact of rural fires in the Waipa District.

*[Refer Regulation 41(2)(b)]*

### 1.12 Fire danger management

Wildfires can occur throughout the year and as such, a high state of readiness is maintained for 365 days. Increased monitoring and assessment occurs as the fire danger intensifies. The Waipa RFA imposes a restricted fire season annually from 1<sup>st</sup> December until the 31<sup>st</sup> March.

The Waipa RFA monitors the risk of outbreaks of fire on a daily basis throughout the restricted season by recording, plotting, and analysing data from:

- Daily Fire Weather Indices from National Rural Fire Authority;
- Known fire hazards and previous fire history;
- Local fuel loading on the ground;
- Local climatic conditions;
- Reconnaissance and intelligence from rural communities; and when deemed necessary, by physical checks of rural areas by experienced and qualified RFOs.

This information assists rural fire management staff to ascertain local fuel loads, risk of outbreaks, ease of ignition, likely spread rates, and potential fire behaviour.

### 1.13 Fire management control measures

The Forest and Rural Fires Act requires each Rural Fire Authority to promote and carry out fire control measures within its district, and in the interests of public safety take appropriate fire control measures, including, in particular:

- (a) The observation of weather and other conditions, and the assessment of fire hazard; (Fire weather indices recording as above 1.12).
- (b) The giving of warnings of the imminence of fire hazard conditions; and
- (c) The giving of any information available in relation to fire hazard conditions.

As detailed within this Fire Plan, Council undertakes these and other measures to reduce the likelihood of fires occurring within its district.

The Waipa RFA has assessed and calculated its Minimum Standard of Cover Rating, as Minimum Standard 'D'. This is based on the previous Rural Fire Management Code of Practice 2000, which is accepted by the NRFA as "Best Practice".

Details of calculations are shown on Annex 3.

#### 1.14 Regard to National and Regional Policy Statements, Regional and District Plans and regulations made under the RMA

In undertaking its Rural Fire responsibilities Council takes account of the Resource Management Act and its own District Plan and bylaws.

*[Refer Regulation 41(2)(e)(iv)]*

#### 1.15 Clean air requirements

The Ministry for the Environment has produced National Air Quality Standards, which came into effect on 8 October 2004.

The Air Quality Standards:

- Ban activities that discharge significant quantities of dioxins and other toxics into the air;
- Set minimum standards for outdoor air quality;
- Provide the design standard for new wood burners installed in urban areas; and
- Establish the requirement for landfills over 1 million tonnes of refuse to collect greenhouse gas emissions.

Waikato Regional Council has developed Rules in its Regional Resource Management Plan to limit the effects of smoke from industrial, agriculture, and home based activities. The Regional Council also provides information on good burning practice, specifies what material cannot be burnt, and also has rules for the burning of waste products. Further details on the Regional Council's rules can be found on their website [www.waikatoregion.govt.nz/tyres](http://www.waikatoregion.govt.nz/tyres)



# WAIPA DISTRICT RURAL FIRE AUTHORITY

## Rural Fire Plan

### Part 2: Readiness

#### 2.1 Areas of responsibility

The Waipa RFA protects an area of land consisting of 147,369 hectares within the Waipa District, consisting predominantly of pastoral land with areas of indigenous forest, plantation forest and public reserves. This area excludes those areas of land under the jurisdiction of the NZ Fire Service, State areas (Crown land, Scenic Reserves) including the one (1) kilometre fire margin administered by the Department of Conservation.

NZ TOPO 50 Series topographical maps (1:50,000 scale) of the fire district and/or the area of responsibility are held in the Emergency Operating Centre of Council and will be updated as required for any change in the Territorial area of the Fire Authority.

A map showing the area for which the Waipa RFA is responsible, including details of principal roads and surrounding Fire Authorities are attached to this plan at the rear of this section.

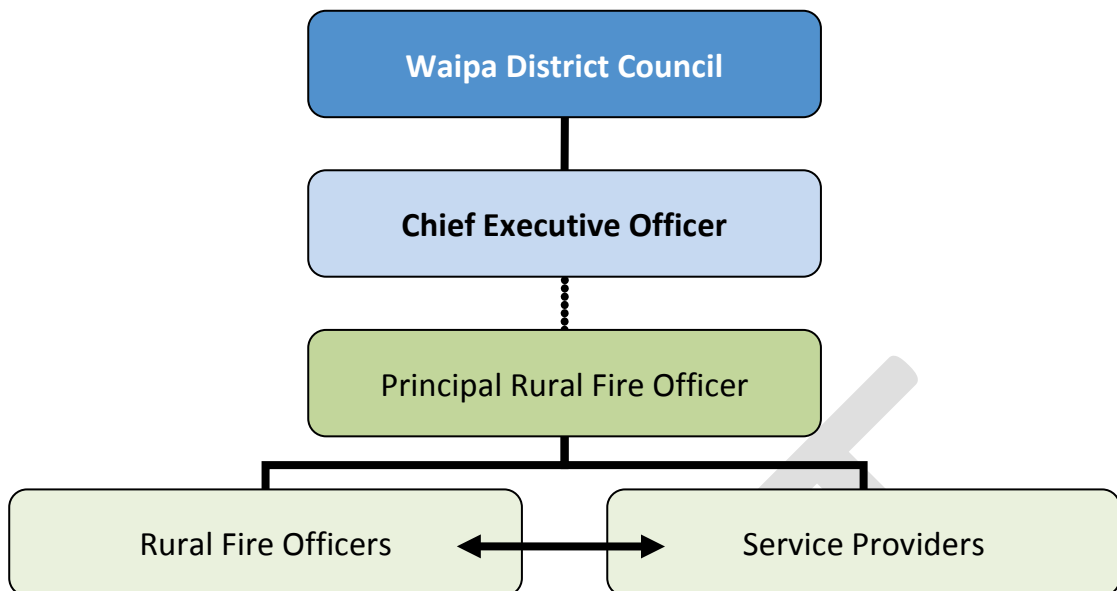
*[Refer Regulation 42(2)(a)]*

#### 2.2 Responsibilities and chain of command

Council has a statutory obligation to carry out the functions of a Rural Fire Authority as set out within the Forest and Rural Fires Act 1977, and the Forest and Rural Fires Regulations 2005.

The following diagram outlines the Waipa District Council Rural Fire Management Structure.

*[Refer Regulation 42(2)(b)]*



### 2.3 Appointment of officers

Council is responsible for the approval and appointment of a PRFO in terms of the Forest And Rural Fires Act 1977 on such terms and conditions as it may from time to time decide.

The Waipa RFA will appoint an appropriate number of RFOs. These appointments will be based on the experience and competency of the individual.

A confirmation letter of appointment and a Warrant of Appointment as PRFO or RFO as the case may be, will be issued by the Waipa RFA.

#### Personnel responsibilities:

##### (a) Principal Rural Fire Officer

The PRFO has the responsibility and the delegated authority to manage the business of the Waipa RFA.

This includes, but is not limited to:

- The discharge of all statutory requirements and the making of declarations and notifications that are pertinent to carrying out the duties and obligations of the fire authority;
- The compilation and submission of the Annual Return of Fires required under Section 50 of the Forest and Rural Fires Regulations, 1979;
- The preparation of annual budgets;
- The purchase of goods and services;

- The preparation of claims against the Rural Fire Fighting Fund, other cost recovery actions and representations or prosecutions associated with rural fires in the district;
- The preparation and presentation of reports to the Fire Authority.

**(b) Rural Fire Officers**

RFOs are responsible for carrying out the duties delegated to them under the conditions of their Warrant of Appointment, or other duties that the PRFO may assign to them from time to time.

The PRFO is the Rural Fire Authority's appointee to the Waikato Regional Rural Fire Committee and any other relevant Committees that may from time to time need representation by Council.

Names and contact numbers for the PRFO and other RFOs are presented in Annex 5.

**2.4 Training and competency**

Council will ensure that staff are trained and assessed competent in accordance with the National Rural Fire Authority Training Standards to fulfill the duties assigned to them. Council provides an annual training budget for the up-skilling of staff and volunteers. There may be occasions, particularly following staff turnover when it is not possible to have fully competent people available, and this will be dealt with on a case-by-case basis.

Unless exceptional circumstances exist, fire fighters should only be assigned to perform tasks within their level of competency unless being trained under supervision for a higher level.

**2.5 Inter-agency assistance**

Agencies available to provide assistance to the Waipa RFA in respect of fire fighting and related activities are listed in Annex 6, together with relevant contact details.

**2.6 Available resources**

The list of resources available to the Waipa RFA is set out in Annex 6. The resources of the Authority are kept and maintained in accordance with the following processes and procedures:

- The rural fire equipment shall be accommodated in secure and dry storage where it is easily available for immediate use.
- All mechanical equipment shall be tested at regular intervals (engines must reach operating temperature).

- All machinery including vehicles shall be kept in a state of full readiness, i.e. fuel, oil, water. All fire equipment used during an incident or training is to be checked and made ready for future events.
- All hoses including suction shall be tested at no longer than 2 yearly intervals and marked accordingly.
- All pumps shall be tested annually for output against manufacturer specifications.
- A log shall be kept of all tests carried out and any shortfalls shall be corrected immediately.

## 2.7 Inter-agency agreements

Council is a signatory to the following Agreements:

- Waikato Regional Rural Fire Committee Memorandum of Understanding between Fire Authorities;
- An Agreement under Section 15 of the Forest And Rural Fires Act 1977 with the New Zealand Fire Service Commission for initial response to fires, callouts, and alarms;
- An Agreement with the Pirongia Volunteer Rural Fire Force for the provision of services.

*[Refer Regulation 42(2)(f)]*

## 2.8 Specially protected areas

There are two specially protected areas within Waipa RFA. These are Lake Maratoto and a section of the Moanatuatua swamplands. They are protected because of their environmental significance. These areas are restricted all year.

## 2.9 Fire weather and fire danger monitoring, trigger points

The Waipa RFA is required under statute to monitor fire weather conditions on a daily basis during the fire season.

- (a) In the Waipa District Council area the local remote automatic weather station is located at Waikato Region Airport and is known as 'Hamilton Aero'. The information recorded from this site gives a good indication of the local fire conditions.
- (b) The PRFO will ensure that arrangements are in place for the monitoring and recording of fire weather and fire danger and for notification of appropriate Fire Weather Codes and Fire Behaviour Indices to key personnel.
- (c) The PRFO will ensure that weather forecasts covering a period of ten days, and specific to the territorial area are obtained as necessary.

For extreme fire danger levels, consideration will be given to media releases or alternative means of providing public awareness of the fire danger.

*[Refer Regulation 42(2)(k)]*

## **2.10 Fire season status including red flag days**

Red flag days, as a means of alerting the public to elevated fire danger levels will not normally be utilized.

Council policy with regards to the fire season, is to minimise restrictions on farming operations, and to this end, the fire season status shall be 'OPEN', on condition that it is safe to be so between the 1<sup>st</sup> April and 30<sup>th</sup> November each year. During the period 1<sup>st</sup> December until 31<sup>st</sup> March each year the Fire Season shall be 'RESTRICTED'.

The fire season status shall be reviewed by the PRFO or an RFO based on Buildup Index (BUI) in combination with other data obtained from the National Rural Fire Authority, (NRFA), web site ([www.fire.org.nz/rural](http://www.fire.org.nz/rural)) as outlined below:

Any changes to the fire season status will be publicly advertised in local news media, and adjoining fire authorities and the NRFA will also be notified of the changes.

### **2.10.1 Open fire season**

When the BUI is on an upward trend but remains below 45 or is on a downward trends, below 35, the fire season status shall be "OPEN".

### **2.10.2 Restricted fire season**

When the BUI is on an upward trend and is above 45 for a period of 7 days or more, or having reached 45 and is on a downward trend above 35, the fire season status shall be "RESTRICTED".

During a restricted fire season fire permits will be issued in accordance with sections 23 and 24 of the Forest and Rural Fires Act 1977 at the discretion of the PRFO or nominated deputies. The following general conditions pertain to the issue of permits:

- Permits will only be issued during normal working hours;
- A site visit may be required, and this shall be made within four working days of the request for one;
- Permits will be issued over the telephone if the applicant details meet standard conditions;
- There may be a charge for the permit;
- Permits for land clearing fires involving more than 5 Ha of land, may require a burn plan, prepared by the applicant and approved by the issuing officer prior to issue of the permit. Where values surrounding the planned burn area are

not considered significant, the PRFO may allow up to 10 Ha to be burnt before a burn plan is required.

### 2.10.3 Prohibited fire season

The Waipa RFA has a management practice not to implement the provisions of a prohibited fire season, instead if or when the BUI is on an upward trend and reaches 60 and once having reached 60, is on a downward trend above 55, the use of fire may be constrained by ceasing the issue of permits and suspending any that remain current.

When considering the BUI level, consideration will also be given to the Initial Spread Index, (ISI), in relation to the table below in section 2.12.

### 2.11 Fire danger indicator signs

The Waipa RFA does not utilise fire danger indicator signs.

### 2.12 Preparedness levels

The requirement is that the preparedness levels of fire suppression resource will be appropriate to the existing and forecasted levels of fire danger.

The PRFO will ensure that the preparedness requirements are implemented in accordance with the fire danger rating classification as described below:

#### FIRE DANGER RATING CLASSIFICATION

#### BASED ON INITIAL SPREAD INDEX (ISI) AND BUILD UP INDEX (BUI)

FIRE DANGER CLASS				
	Build Up Index Level			
	BUI <20	BUI 20-40	BUI 41-80	BUI >81
LOW	ISI <3	ISI <1	ISI <1	ISI <1
MODERATE	ISI 3-10	ISI 1-6	ISI 1-4	ISI 1-3
HIGH	ISI 10-20	ISI 6-13	ISI 4-9	ISI 3-7
VERY HIGH	ISI 20-25	ISI 13-17	ISI 9-13	ISI 7-10
EXTREME	ISI >25	ISI >17	ISI >13	ISI >10

#### 2.12.1 Low fire danger

Working hours i.e. 0800 to 1700 hours

- PRFO or Deputy on call.

After hours

- As above.

**2.12.2 Moderate fire danger**

Working hours

- PRFO or Deputy on call.
- Key staff to be advised of fire danger level

After hours

- As above.

**2.12.3 High fire danger level**

Working hours

- PRFO or Deputy on call and available within 15 minutes.
- All action to be recorded in Fire Log.
- Key staff to be advised of fire danger level.

After hours

- As above.
- Additional staff personnel to be placed on call as the PRFO and / or Deputy consider necessary.

**2.12.4 Very high fire danger level**

Working hours

- PRFO or Deputy on call and available within 15 minutes.
- All action to be recorded in Fire Log.
- All staff to be advised of fire danger level.

After hours

- As above.
- Additional staff personnel to be placed on call as the PRFO and / or Deputy consider necessary.

**2.12.5 Extreme Fire Danger Level:**

Working hours

- PRFO or Deputy to remain in their office.
- PRFO or Deputy to alert such manpower and other resources as is considered essential to cover the area affected by the Extreme Fire Danger conditions.
- All action to be recorded in Fire Log.
- All staff to be advised of fire danger level.

#### After hours

- PRFO or Deputy to be in immediate contact at home or office.
- Other District personnel to be placed on "alert" as the PRFO and / or Deputy consider necessary.

**Special Note:** Alert is to remain until otherwise directed by the PRFO or the Deputy.

**Note:** An "EXTREME" fire danger rating relates to days with high wind speeds and an extremely high potential rate of fire spread.

This level is only likely to be reached under severe, prolonged drought conditions.

Dependent upon the level of fire danger, personnel may be required to standby after normal working hours.

Standby requirements will be determined as early as possible in order to schedule personnel as required prior to weekends or holiday periods.

### **2.13 Fire detection**

The use of the 111 system for notification of fires shall be fostered. It will be included in the Public Education Programme and the public notified that a 111 call is the quickest response method available.

An alphanumeric pager system for receiving fire notifications from the Northern COMCEN will be maintained by call centre staff during both business hours and after hours.

### **2.14 Arrangements and agreements made under section 15 of the Forest and Rural Fires Act 1977**

Section 15 provides for the supply of equipment and firefighting services from the NZ Fire Service Commission.

In order to maintain an efficient response to fire incidents, Waipa RFA has statutory agreements with:

- The Fire Service Commission, under Section 15 of the Forest and Rural Fires Act 1977.

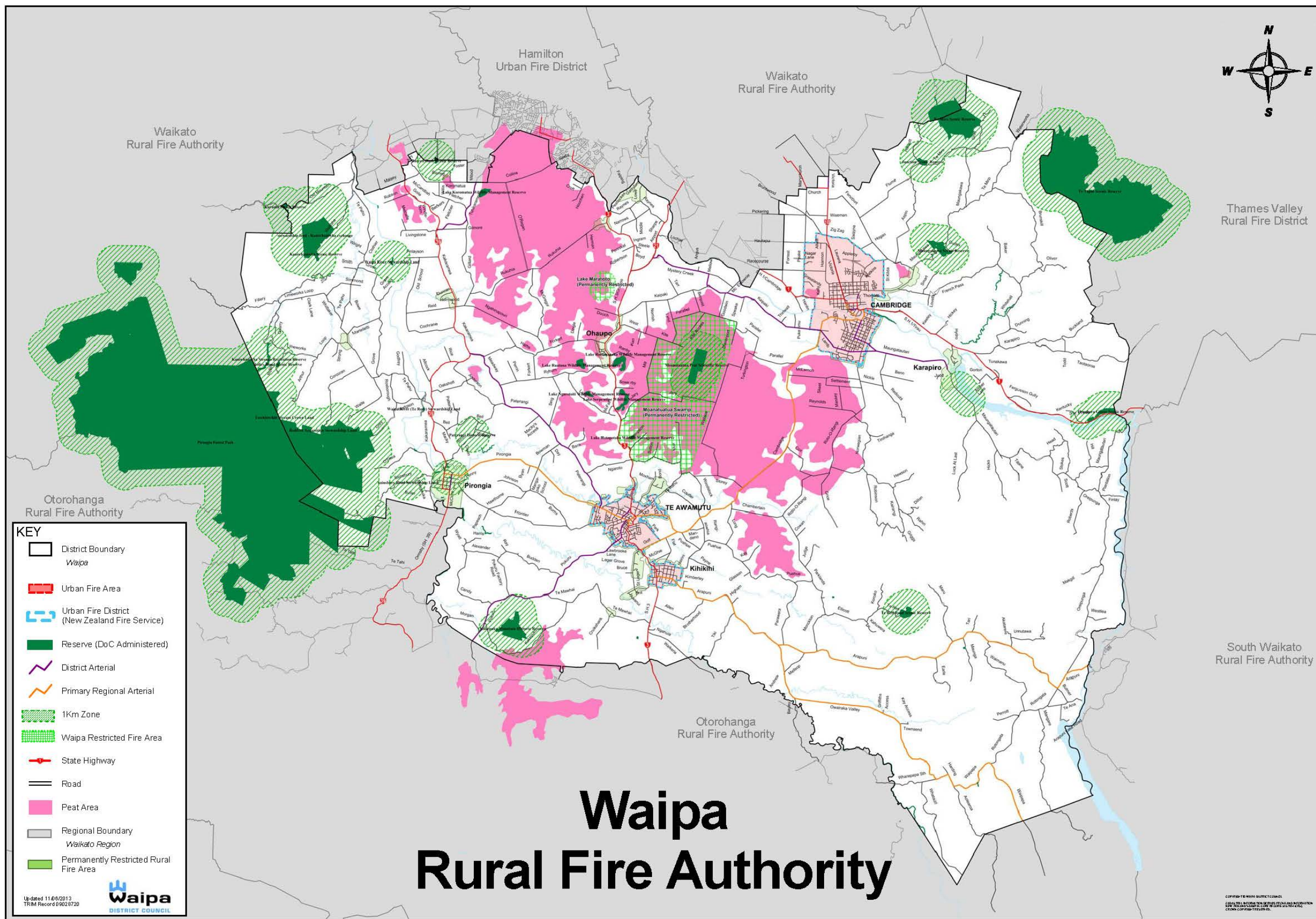


The Waipa RFA has agreements for the purpose of fire control and service provision with its volunteer fire brigades that are located within its district.

*[Refer Regulation 42(2)(h)]*

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Map of Waipa Rural Fire Authority Area of Responsibility



# WAIPA DISTRICT RURAL FIRE AUTHORITY

## Rural Fire Plan

### Part 3: Response

#### 3.1 Priorities for fire fighting

The Fire Authority recognises that the saving of human life must at all times take priority over all other actions.

Fire Control operations take priority over all other operations except where danger to life exists.

The general order of priority is:

- (a) Life
- (b) Property
- (c) Vegetation.

#### 3.2 Calls for assistance

Calls notifying of suspicious or uncontrolled fires are generally directed to the New Zealand Fire Service via the 111 system, who in turn will call out the relevant local Volunteer Fire Brigade. Callers notifying of fires by other means (for example by calling direct to Council) are directed to use the 111 system.

Members of the relevant Volunteer Brigade are notified of the incident via personal pagers and fire station sirens.

#### 3.3 Initial response

Waipa RFA's agreement with the Waikato Bay Of Plenty Fire Region ensures NZFS personnel and designated RFO's are available 24 hours per day. Council's PRFO and RFO are available as required. The Te Awamutu Volunteer Fire Brigade also hold rural firefighting equipment on a 4x4 ute. The majority of all volunteer fire fighters in Waipa hold the unit standard in personal safety at vegetation fires.

On receipt of the alert the PRFO or service provider nominated in this plan shall refer to the 'Action for Emergency' checklist in Annex 9 and 10 and begin immediate implementation as appropriate.

Each Fire Brigade and the Rural Fire Fighting Force in Waipa have RFOs appointed who can carry out their duties. If the fire is not in the Council area, the Brigade or Council staff will notify the relevant Fire Authority.

Relevant information can be captured on the “Fire Call Questionnaire” form, an example of which is presented in Annex 9.

### **3.4 Deployment of additional resources**

The decision whether to escalate the initial response, or not, will be made by the Incident Controller (Fire Boss) using the CIMS process.

Contact details for various service providers are included in Annex 6. These agencies may be called upon to assist should the situation escalate beyond available resource capabilities.

In the event of the Incident Controller requiring further assistance in terms of skills and expertise, or resources for a large incident, the Waikato Regional Incident Management Team (RIMT) is available to assist by contacting the COMCEN and requesting activation of the “RIMT Waikato” pager group.

### **3.5 Multiple fires**

When more than one fire occurs at the same time resources must respond to all incidents. Outside resources must be used when available.

If sufficient resources are not available to control all fires the PRFO or in his absence the RFO must decide on the appropriate action to take and the order in which resources will be used at each fire. For significant incidents, consideration will be given to using the combined skills and resources of the Waikato Regional Incident Management Team.

Requests for assistance to, or assistance from, Fire Authorities and organisations outside the Rural Fire District are to be channeled through the PRFO.

### **3.6 Command and control**

The PRFO or his nominated deputy may take charge of fire fighting operations but will not become involved personally in actual “hands-on” fire fighting.

The PRFO or his nominated deputy may instruct any appropriately qualified and experienced person to take charge of any fire control activity regardless of their position or seniority.

Volunteer Fire Brigade personnel in Waipa will exercise initial command and control at rural fire incidents under the terms of the ‘Section 15’ and ‘Contract for Service’ Agreements.

The New Zealand Coordinated Incident Management System, (CIMS), will be used to assist organisation at larger fires.

### 3.7 Communications

Standard operating procedures for the use of New Zealand Fire Service, 'Emergency Services Band' (ESB), radios which will be used on the fire ground.

The NZFS has standardized on the ESB for its incident ground communications. This means that Rural Fire Forces can now communicate with NZFS personnel on the fire ground.

The type of radio transmitters, (R/T), used by the Pirongia Volunteer Rural Fire Fighting Force are ICOM F11 which are compatible with the Simoco type used by the NZFS.

Communications between the New Zealand Fire Service Communications Centre (FIRECOM) and the PRFO or Deputy shall be via telephone or cell phone.

#### 3.7.1 Channel assignments

ICOM F11 NO#	Ch	Simoco Ch. NO#	Frequency	Description	ICOM Transmit Freq. MHz	ICOM Receive Freq. MHz
1		1	ESX 66	Fire 1	143.8250	143.8250
2		2	ESX 63	Fire 2	143.7875	143.7875
3		3	ESX 34	Fire 3	140.9250	140.9250
4		4	ESX 09	Fire 4 Air Ops	140.6125	140.6125
5		10	ESX 39	CIMS Simplex	140.9875	140.9875
6		20	ESB164	CIMS Repeater	140.0500	143.0500
7		21	ESB180	Fire Repeater	140.2500	143.2500
8		-	ESB148	Waipa District Council – Operations channel	142.850	139.850

#### 3.7.2 Air operations

All air operators will make initial contact with the fire ground on Simoco channel '5' which is Icom channel '10'.

The Operations Manager will confirm the arrival instructions, landing site and the designated air operations channel, (Fire '4').

All air operations traffic will use 'Fire 4' when aircraft are operating on the fire ground.

### **3.7.3 Other means Of communication**

Cell phones are another form of communications, which can be used at rural fires. It should be noted however that there could be gaps in the coverage area for cellular use and this system should not be relied upon as the sole means of communication.

There is also available to Rural Fire, Civil Defence handheld R/T. These contain CD simplex frequencies on the ES Band, and also include the Council operations repeater channel, (Icom channel '8').

## **3.8 Recording of incident details**

The Incident Controller will be responsible for initiating an adequate log of fire events. As well as paying due regard to the **Action for Emergency** checklist in Annex 9, an effort will be made to record all activities, issues, decisions and occurrence times.

The CIMS "**Incident Management Organiser**" or similar will be used, and forms are held by all warranted RFO's as well as in the Waipa Fire Brigade appliances.

Each key participant will be encouraged to maintain individual logs, where practicable. This will assist with the later corroboration of events and maximise the potential learning outcome of the de-brief process.

## **3.9 Notification of other parties**

Other Fire Authorities, owners of forests and other relevant or interested parties will be notified of fire events as and when appropriate. Non-urgent notification of owners etc. will however not be attempted unless this can be done without compromising efforts to control the fire.

Enquiries by Media representatives are to be referred to the PRFO or his nominee.

## **3.10 Recording of personnel and equipment movements**

Incoming and outgoing personnel and equipment shall be monitored and recorded through regular situation reports, or, where deemed appropriate, through use of a T-Card system.

### 3.11 Monitoring of fire behaviour

The behaviour of a fire will be monitored by the Incident Controller, who shall make use of both on site assessment of conditions using intuition and relevant data from external sources such as the 'Met Connect' weather forecasting service. The extent of monitoring required may vary between incidents, but in all cases sufficient monitoring must be conducted to limit the risk of unforeseen fire behavior to an acceptable level.

### 3.12 Provision of logistical support

If the fire requires more resources, a Group Officer or Operations Officer will immediately activate the Waipa District Council Emergency Operations Centre and arrange for appropriate logistical support.

Contact details for personnel and equipment are contained in Annex 6, Logistics.

### 3.13 Personnel health and safety

Health and safety of rural fire fighters is of paramount importance and is encompassed within the general Health and Safety Policy of Council.

Council RFOs ensure that Volunteer Fire Brigade members receive regular reinforcement.

These Officers also monitor operations at incidents to ensure that safe working practices are adhered to. RFOs have a prime responsibility for maintaining safety of crews, both at incidents and during training.

A Safety Officer will be appointed at all incidents. This position may be held in conjunction with another command role at small incidents but safety must become a separate function at larger incidents.

All accidents are to be investigated and documented as required by Council Policy.

Health and safety issues identified at fire debriefings are to be addressed as appropriate.

*[Refer Regulation 46(2)(a)]*

### 3.14 Protective Clothing

No one is permitted to take part in fire suppression or controlled burning operations unless they are suitably dressed, as defined in the National Rural Fire Authority Fire Equipment, Personal Protective Equipment Standards 2006. This includes:

- Boots with heat resistant sole
- Ankle to wrist clothing (cotton, wool or fire resistant)

- Safety helmet, and/or balaclava
- Where personnel are involved in loading water or fire fighting chemicals into helicopter buckets or aircraft, wet weather protective clothing is to be worn

### 3.15 Electrical hazards and gas lines

Under no circumstances are personnel to be committed to extinguishing fires near or under electrified lines without ensuring lines are dead. Hosing water or driving vehicles with radio aerials underneath electrified lines is particularly hazardous. A level of caution should be applied to pressurised gas pipes.

Confirmation of a dead power line should only be recognised when a Tranz Rail or power authority official arrives at the scene and provides confirmation.

### 3.16 Use of fire suppressants

Use of fire suppressants shall be in accordance with the following guidelines:

#### ***Class "A" foam use***

Class "A" fire fighting foam is water held in bubble form with air and should be used for direct fire suppression and mopping up.

Foam has short-term retardant properties and is best applied at, or just ahead, of the flame edge. It may be applied using either ground or aerial application methods.

Foam effectiveness is dependent upon the type of foam produced. It must be appropriate for the job that has to be done. Guideline applications for different foam types are presented in the table below.

Foam Type	Suitability
Sticky, slow draining, dry foam	Used for structure protection and is applied some time ahead of the arrival of a flame front
Medium consistency, wet foam	Used for direct fire suppression and protection of vegetation as a short term fire barrier
Sloppy, fast draining, wet foam	Used for direct fire suppression and mop up action

#### ***Application rates***

These will vary between 0.1% to 0.6%. (If in doubt use 0.6% and assess the effectiveness of the foam produced).



### ***Communications***

The effectiveness of any foam application must be judged by the visual effects. Direct communications must be established with the operators applying the foam (i.e. Ground to Air; Pump to Nozzle).

### ***Protective Clothing***

Protective gloves and goggles must be worn when handling foam concentrate. Ground crews loading aircraft with foam must wear protective wet weather gear.

## **3.17 Use of fire retardants**

Use of fire retardants shall be in accordance with the following guidelines:

Firetrol and Phoschek are long-term retardants. They are chemical compounds that coat fuels and check flame development and are best applied well ahead of a fire, (generally by aircraft), to allow them time to dry and create a firebreak.

Retardants are not intended for use as a direct flame suppressant and should not be applied directly to the fire edge.

Firetrol should be added to water in the following ratios:

- |  |      |
|--|------|
| ▪ Crown fires                                | 1:4  |
| ▪ Fires in fern, gorse and other heavy fuels | 1:10 |
| ▪ Fires in grass and tussock                 | 1:15 |

**Note: Precautions must be taken to minimise contamination of watercourses.**

### ***Protective clothing***

Protective gloves and goggles must be worn when handling retardant. Ground crews loading aircraft with retardant must wear protective wet weather gear.

## **3.18 Mop-up and patrol procedures**

Mop-up action using hand tools and water with additives (if necessary to ensure maximum penetration) will continue until the fire is completely extinguished.

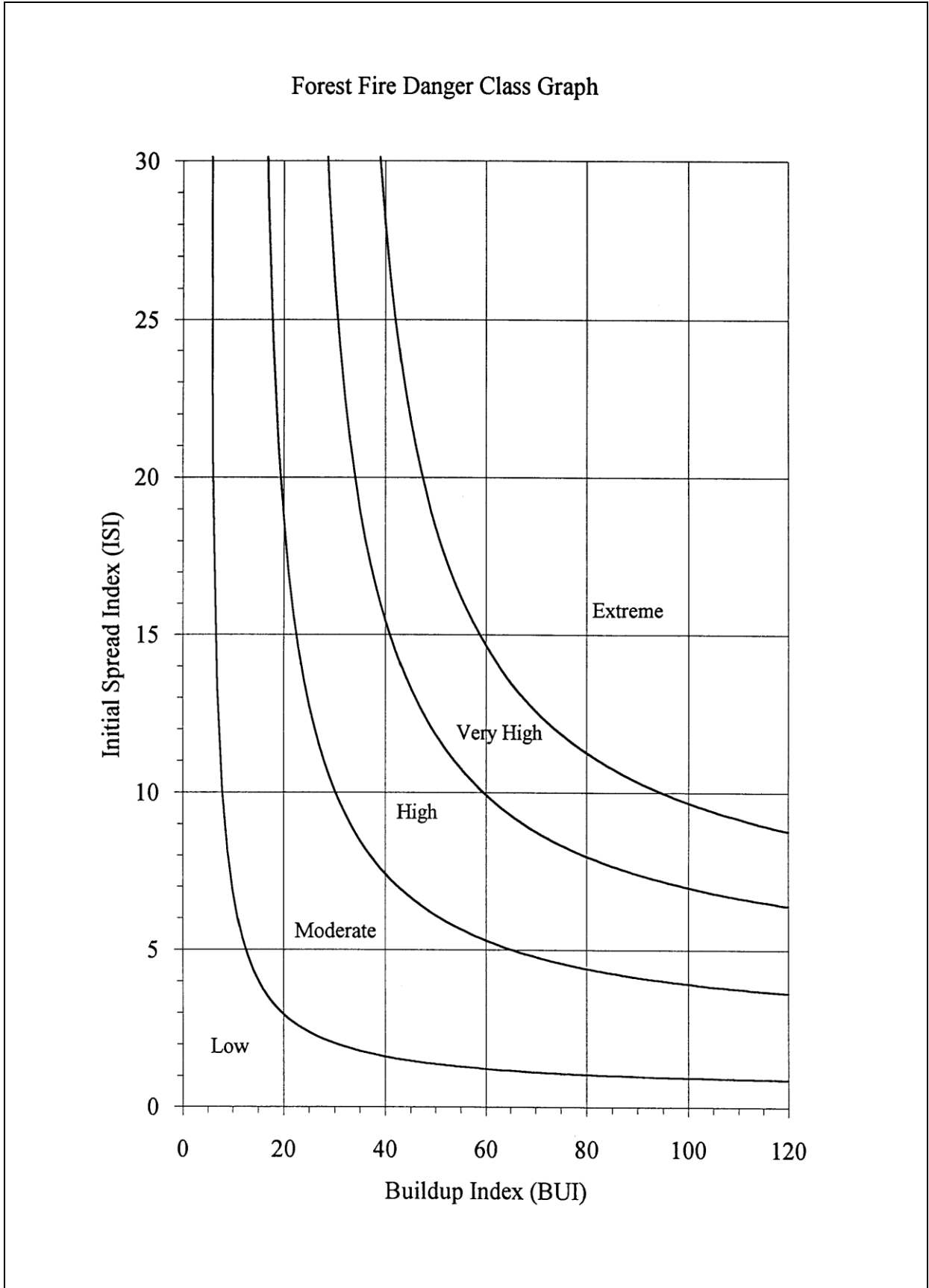
Hot spots are to be systematically searched out and burning spars are to be felled. Infra red heat detection equipment may need to be used to ensure that all hot spots are located.

No burnt over area will be declared as safe until a personal inspection has been carried out by the Fire Officer in charge of the incident.

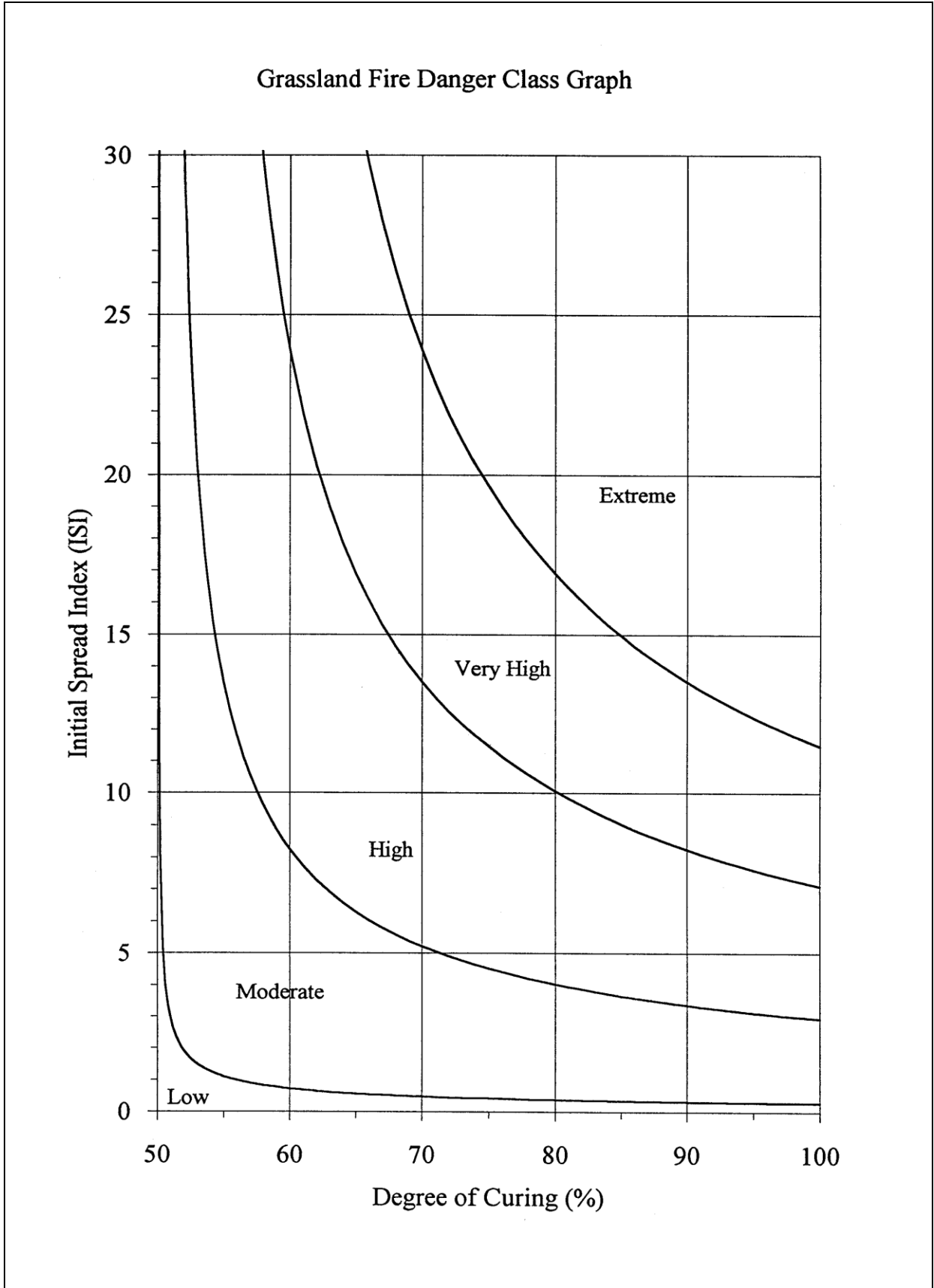
Particular care must be taken when declaring a fire or controlled burn to be out. All fires and controlled burns will be patrolled until the fire has been extinguished.

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3.19 Forest fire danger chart



3.20 Grassland fire danger chart



# WAIPA DISTRICT RURAL FIRE AUTHORITY

## Rural Fire Plan

### Part 4: Recovery

#### 4.1 Fire site rehabilitation

As soon as practicable after a fire is declared safe the PRFO may, if considered necessary, arrange for an assessment of the fire site to determine what, if any, rehabilitation measures need to be taken.

Any such assessment must consider the following:

- Need for repairs to soil disturbance or exposure as a result of access track or fire control line construction
- Drainage control work on temporary access tracks and constructed fire control lines
- Removal of soil and vegetation deposited in streams or wetlands as a result of fire fighting provided this can be achieved without a resultant increase in environmental disturbance
- Collection and removal of litter, plastic containers etc. associated with fire operations.

The policy is that the costs of rehabilitation required as a result of fire damage or as a result of damage done during suppression operations will be borne by either the person responsible for causing the fire or the landholder whose land is involved.

#### 4.2 Debriefs

A debrief conforming with the requirements and procedures set out in the “National Template for Fire Debriefs” (NRFA circular #19) will be held following each major fire incident attended by the Fire Authority.

The Waipa RFA will investigate all major fires that occur within the Fire District. Debriefs will be held following most rural fires, and full investigations, as appropriate and required by the RFMCOP will be carried out, using the services of a specialist fire investigator, if required, in one or more of the following instances:

- There has been loss of human life
- Significant property damage has occurred
- Significant environmental damage has occurred

- Suppression costs have been very high

All debriefs should occur as soon as the incident has been declared out or within ten (10) days of the fire being declared out. A record of all debriefs shall be kept by the Fire Authority.

Obligations to make changes/improvements that are identified in the debrief shall be allocated to a named person who will be responsible for the outcome.

The debrief is not intended to be a “witch-hunt” but an opportunity to evaluate the effectiveness of Fire Control systems, Fire Suppression, co-operation and co-ordination from an actual Fire Emergency situation.

### **4.3 Health and safety**

Special attention shall be paid in debriefs to matters that had actual or potential adverse effects in respect of health and safety.

When fire fighting has been prolonged, or there were associated traumatic experiences (such as ‘near misses’, injury or death), critical incident stress debriefing and counseling is to be provided.

Health and safety issues identified at fire debriefings are to be addressed as appropriate.

### **4.4 Funding of rural fire activities**

Costs associated with the management and operation of the territorial area will be provided by Council as an annual budget item, with provision for amendment as a result of unforeseen circumstances, or increase in rural fire occurrence.

The base operating costs of rural fire resources is the responsibility of Council with the exception of any resources provided under item 4.4.1 below

#### **4.4.1 Landholder provided rural fire resources**

Council recognises that the costs of provision, operation and maintenance of any fire management and fire control resources or fire protection works (such as firebreaks, water supplies, aircraft facilities, access etc.), that any landholder within the territorial area may provide for the protection of their own property or assets will be borne by the landholder(s) concerned.

### **4.5 Charging for services**

A charge will be made for services provided by the Waipa RFA where this is deemed to be appropriate.

#### 4.6 Cost recovery and prosecution

Council may initiate prosecution where there is clear evidence of negligence with respect to breach of fire permit conditions or where there is deliberate contravention of the provisions of the forest and rural fires legislation.

- (a) In the first instance attempts will be made to recover any costs for fire suppression from the perpetrator of the fire. If this is not successful or the perpetrator of the fire can not be identified, then procedures as per (b) below take place.
- (b) Costs for fires will be claimed against the Rural Fire Fighting Fund by the Fire Authority in accordance with the provisions of the Fire Service Act 1975.
- (c) Landholders retain the right and are free to make their own claims from their insurers for their costs that are not recovered through the due process of civil action or that are not recovered by the Fire Authority.

#### 4.7 Fire investigations

All fires will be investigated by Council RFOs or by a contracted investigator as required to determine probable cause and liability. The Fire Investigation Form will be used for all fires that may result in a claim on the Rural Fire Fighting Fund, or for fires that result in a reimbursement of suppression costs.

Council will endeavour to recover all fire suppression costs for all fires where liability can be determined pursuant to Section 43 Forest and Rural Fires Act 1977, or impose a levy pursuant to Section 46 when appropriate.

The PRFO may initiate prosecution action for cost recovery or for offences as required.

#### 4.8 Post fire investigations [cause]

The following actions must be undertaken after attendance at a fire call/incident:

- Within 10 days, complete a *Fire Incident Report Form* for all fires, burn offs, and smoke investigations.
- Within 10 days, of any large fire conduct an operational critique on actions taken at the fire scene. Details must be taken on any fire that may lead to legal proceedings.
- Within 28 days, initiate action to recover fire costs from National Rural Fire Authority Fund, person responsible, or charges for assistance given to another authority.
- Within 28 days ensure payment of personnel, and contractors, or other authorities utilised for assistance is initiated.

*[Refer Regulation 46(2)(d)]*

#### **4.9 Operational debriefs [at incident]**

Council will undertake structured operational debriefs of all fire incidents using the format and procedures developed by the National Rural Fire Authority.

*[Refer Regulation 46(2)(c)]*

#### **4.10 Operational critiques [investigation]**

Council is committed to continuously improving performance and service to the public in Waipa District, as such, the PRFO (within Council policy) will implement all recommendations arising from structured critiques of fire incidents. Critiques of fires will also consider the cost effectiveness of operations, particularly those where a claim may be made on the Rural Fire Fighting fund.

Operational critiques (sometimes referred to as debriefs) should be conducted within 10 days of significant events, i.e. fires involving 5 or more appliances/trailer units, more than 2 hours to suppress, or 2 or more Fire Authorities.

A format for conducting an operational critique is included as Annex 10.

#### **4.11 Operational reviews [full audit]**

Waipa RFA is committed to maintaining effective and efficient fire suppression operations by carrying out audits.

The criteria for conducting an incident audit (additional to any operational critique) are:

- All responses to Civil Defence Emergencies by Rural Fire Authority resources;
- Incidents causing significant loss to a community, e.g. property, heritage, environmental, or financial;
- When determined as appropriate by the PRFO or Deputy; or
- When the Deputy considers that the outcome of such an audit will benefit the wider Region.

The audit shall be conducted by a team comprised of a minimum of three members drawn from:

- Experienced RFO;
- Senior Fire Service Officer; and
- Experienced Rural Fire Manager from another organisation.

The audit team shall work within the terms of reference produced by the person requesting the audit. The audit team shall produce a report that contains the



following elements and is compatible with the format being developed by the National Rural Fire Authority:

- Incident overview;
- Executive summary;
- Fire ground operations;
- Associated costs;
- Safety aspects;
- Accidents and injuries;
- Fire cause investigation issues;
- Environmental issues;
- Other issues arising;
- Conclusions; and
- Recommendations.

*[Refer Regulation 46(2)(b)]*

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

**From:** Manager Legal and Corporate Support

**Subject:** **Policy on the Use of Drones**

**Meeting Date:** 6 October 2015

**File Reference:** 110-04-03

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## **1 EXECUTIVE SUMMARY**

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The Civil Aviation Authority of New Zealand (CAA) introduced new rules on 1 August 2015 in relation to unmanned aircraft operations, to improve aviation safety for operators, other airspace users and people and property. Unmanned aircraft, commonly known as “drones” are being used increasingly for a number of purposes, both commercial and recreational, and there is a need for more regulation.

Unmanned aircraft over 25kg require to be certified and operate under Civil Aviation Rule Part 102. Rule Part 101 relates to smaller unmanned aircraft which can be operated under certain conditions, such as below 120m, during daylight etc. A key requirement of the rule is that operators who want to fly over people or property must gain consent from the affected individuals or property owners before they fly. This includes property owned or managed by local authorities.

Whilst some local authorities have some rules already in place, the majority are dealing with the matter for the first time. In order to provide guidance to operators and to Council staff, it is proposed that as an initial step, Council adopt a policy in relation to the use of drones, and identify the areas which may be permitted or prohibited for use. A proposed policy is attached as Appendix 1. CAA information provided to local authorities is attached as Appendix 2, which provides more detail in relation to unmanned aircraft use.

Council discussed the new rules at a workshop in August, including having a permissive policy rather than a permit system. Areas in the District which might be suitable for use, subject to compliance with the CAA Rule and Council’s policy, and those areas which might be prohibited were also considered. These are detailed in the draft Policy. As the CAA consulted on the new rules, it is not proposed to undertake consultation in relation to the Policy. Once a policy is adopted, staff will arrange for further information and maps to be available on the website and identify where signage might be appropriate.

## 2 RECOMMENDATION

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*That:*

- a) *The report of Jennie McFarlane, Manager Legal and Corporate Support be received;*
- b) *The Committee consider and subject to any amendments, adopt a Policy on the Use of Drones (unmanned aircraft) (document number 15083926) in relation to land or property in Waipa District owned or managed by Council.*

## 3 OPTIONS AND STAFF COMMENT

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The introduction of more regulation for unmanned aircraft or drones has arisen for a number of reasons. Advancements in technology are increasing, with the availability and affordability of drones also increasing. There are a number of uses for drones, from search and rescue operations, defence and surveillance, infrastructure management, deliveries, aerial photography as well as recreational use for all ages.

The increased use of drones has also led to incidents and complaints, with complaints to the CAA rising from 1 in 2011 to 53 in the first six months of 2015. Clearly some action was required in relation to regulation. The focus of the CAA is on safety, but there are also privacy rights to be protected, as some craft have cameras. At this stage, the advice of the Privacy Commissioner is that the guidance provided in relation to the use of Closed Circuit Television (CCTV) should also apply to the use of drones. Complaints in relation to privacy breaches will need to be referred to the Commissioner.

In terms of the approach overseas, the Civil Aviation Safety Authority of Australia (CASA) has planned a review of its regulations, with the review due to be completed in 2016. Again the focus is on safety. At the moment all commercial users require unmanned craft to be certified for use, but the CASA is looking to relax that rule for drones less than 2kg in weight.

Regulations are also being reviewed in the United States with the Federal Aviation Administration to deliver full integration of unmanned aircraft in to the National Airspace system by September 2015. There is no mention of the role of local authorities, but the same issues exist in relation to privacy, insurance and liability. The matter of landowner rights, trespass and nuisance are at a lower level of importance in comparison to national security risks.

Within New Zealand different approaches have been adopted, some councils are allowing use anywhere with others requiring a permit and fee system. The CAA Rule Part 101 contains a number of conditions which require compliance, and which are set out within the proposed Council Policy. In light of these, the most appropriate control for Council at the moment relates to where use might be permitted. Staff are

aware that drones are being operated in areas with open spaces, such as the Mighty River Domain, Kihikihi Domain, Castleton Park and Leamington Polo Grounds. These are multi-use areas but when not in use for other activities, provide suitable areas for use, so a blanket prohibition would not be justified at this stage.

In all cases, the operator will require permission of any landowner, including site managers and occupiers such as lessees, and people such as event organisers. The only areas recommended to be prohibited by staff in Waipa District are as detailed in the proposed policy in section 4. The CAA Rule prohibits use within 4km of an airport. Permitted areas are covered in section 5 subject to certain conditions. The policy once adopted will take immediate effect.

#### **Financial status**

There is no budget provision for this matter, which Council only became aware of at the end of July 2015. However, the development of a policy and the provision of information and signage can be met from existing budgets.

#### **Strategy, Policy or Plan context**

A Policy on Drones is a discretionary policy and will be part of Council's Procedural Policy Manual, and form part of Parks and Reserves and Property management policies.

#### **Assessment of Significance and Engagement**

The proposed policy has been assessed in relation to Council's Significance and Engagement Policy. Whilst the policy has far reaching impact in terms of affecting land and property owned or managed by Council in the District, the number of operators of drones is low at the moment and Council has not received any complaints in relation to drones. The proposal is of low-medium significance in terms of public consultation requirements, and as the CAA undertook consultation in relation to the new Rules, it is not considered to be necessary to undertake public consultation at this stage. Should there be a need to introduce enforcement mechanisms and more controls through a bylaw, consultation will be undertaken as part of that process.



Jennie McFarlane  
**MANAGER - LEGAL & CORPORATE  
SUPPORT**



Reviewed and approved by Ken Morris  
**GROUP MANAGER BUSINESS SUPPORT**

## SUPPORTING INFORMATION: ASSESSMENT OF PROPOSAL

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### 1 Statutory and policy requirements

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#### Local Government Act 2002

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

[(2) *In this Act, **good-quality**, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are—*

(a) *efficient; and*

(b) *effective; and*

(c) *appropriate to present and anticipated future circumstances.”*


The CAA has introduced new rules which affect local authorities, which can determine at a local level where the use of drones may be appropriate.

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## Appendix 1

### 4 SERVICE DELIVERY

#### 4.4.7 Policy on the Use of Remotely Piloted Aircraft Systems (drones)

	<b>Use of drones</b>
<b>Policy Objective</b>	To provide guidance on the use of drones on or over Council property and facilities; and to manage safety risks.
<b>Policy</b>	<ol style="list-style-type: none"> <li>1. This policy relates to Remotely Piloted Aircraft Systems (RPAS) as defined in Part 101 Rules of the Civil Aviation Authority of New Zealand (CAA) and which weigh less than 25kg. This can include unmanned aircraft such as unmanned balloons, model aircraft, rockets, gyro gliders and parasails. This policy applies to both recreational and commercial operators. RPAS over 25kg have to be certified by the CAA.</li> <li>2. A note of the 12 key requirements of Part 101 Rules is attached to this Policy.</li> <li>3. The purpose of this Policy relates to the requirement of the Rule, that the drone operator must have the consent of the property owner or person in charge of the area they want to fly above.</li> </ol> <p><b>4. Prohibited areas</b> Council does not allow the use of drones on or above the following Council properties:</p> <ul style="list-style-type: none"> <li>• Council office buildings, libraries, museums, depots, treatment plants, dog pounds and cemeteries and associated entry, exit and car parking areas</li> <li>• Victoria Square, the Town Hall plaza and Lake Te Koutu Park in Cambridge</li> <li>• The Memorial Park in Te Awamutu</li> <li>• Any playground areas in Council reserves, parks or facilities</li> <li>• Any Council reserve or property areas with horses or stock</li> </ul> <p>This does not apply to the use of drones by Council or its staff, contractors or authorized persons for the purposes of property or emergency management in these areas.</p>

	<p><b>5. Permitted Areas</b></p> <p>All other Council parks and reserves (note Department of Conservation reserves may require a concession), subject to the following conditions:</p> <ul style="list-style-type: none"> <li>• The operator must comply with Part 101 Rule or such other CAA rules and regulations which apply to RPAS, in particular the requirement to ask permission of persons before flying the RPA over them.</li> <li>• Booked events on Council reserves and property take priority</li> <li>• The permission of the occupier, site manager and/or event organizer will be required</li> <li>• The operator must immediately cease use of the drone if requested by a member of Council staff or its contractor</li> <li>• The drone operator is responsible for maintaining public liability insurance and for any damage or claims caused by the use of the drone in relation to Council property</li> <li>• The application of any product or chemical is prohibited</li> <li>• The operator is responsible for ensuring compliance with the Office of the Privacy Commissioner guidance on preserving people’s personal privacy and the Privacy Act 1993.</li> </ul> <p>Any breach of the above conditions could result in termination of the operator’s permission to use public land for the purpose of operating a drone and/or a report of any non-compliance with Part 101 Rule to the CAA.</p>
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<b>Linkages/References</b>	Property policies
<b>Department</b>	Service Delivery
<b>Last Reviewed/Resolution</b>	
<b>Container</b>	
<b>Notes</b>	

## Remotely Piloted Aircraft Systems (RPAS) under 25 kilograms – Operating in compliance with Part 101 Rules

There are 12 things that are required under Part 101.

The operator must:

- 1) Not operate an aircraft that is more than 25 kg and always ensure that it is safe to operate
- 2) At all times, take all practicable steps to minimise hazards to persons, property and other aircraft (i.e. don't do anything hazardous)
- 3) Fly only in daylight
- 4) Give way to all manned aircraft
- 5) Be able to see the aircraft with their own eyes (e.g. not through binoculars, a monitor, or a smartphone) to ensure separation from other aircraft (or use an observer to do this in certain cases)
- 6) Not fly the aircraft higher than 120m (400 feet) above ground level (unless certain conditions are met)
- 7) Have knowledge of airspace restrictions that apply in the area they want to operate
- 8) Not fly closer than four kilometres from any aerodrome (unless certain conditions are met)
- 9) When flying in controlled airspace, obtain a traffic control clearance issued by Airways Corporation of New Zealand
- 10) Not fly in special-use airspace without the permission of the controlling authority of the area (e.g. military operating areas, low flying zones or restricted areas)
- 11) Have consent from anyone they want to fly above
- 12) Have consent of the property owner or person in charge of the area they want to fly above.



## Appendix 2

### Unmanned Aircraft Fact Sheet 1

# Unmanned Aircraft: Fact Sheet 1

## Consent Rule 101.207(a): for Regional Councils & Territorial Authorities

This guidance is for regional councils and territorial authorities, that own, lease, or manage land over which unmanned aircraft users may wish to operate

### Key take-outs

- Consent can be given with or without limitations
- Consent can take a variety of forms
- Giving consent does not create any liability for local authorities
- Councils do not have to enforce civil aviation rules
- Using agency websites is a practical way to give or withhold consent to operate RPAS in public spaces

### New Rules came into force 1 August 2015

The Civil Aviation Authority (CAA) has updated its rules around the use of unmanned aircraft, (known by other names such as, remotely piloted aircraft (RPA), remotely pilot aircraft system (RPAS), unmanned aerial vehicle (UAV), and drones).

The new rules separate unmanned aircraft use into two broad categories:

- Non-certificated operations, which are covered by Part 101; and
- Certificated operations, which require an operating certificate issued by the CAA, governed by Part 102.

The rules do not make a distinction between the use of unmanned aircraft for commercial or recreational purposes.

Rule Part 101 places restrictions around the use of unmanned aircraft, and as long as operators stay within these parameters, they do not need to

get any further authorisation or certification from the CAA.

A full list of the requirements is detailed at - <http://www.caa.govt.nz/rpas/index.html>

Any operator wanting to operate an unmanned aircraft outside any of the standard Part 101 rules must apply to the CAA to become a certificated operator under Part 102.

Part 101 is written in a way that provides obvious triggers for operators to know when they are undertaking an operation that poses hazards to other airspace users and/or the public, and should therefore seek certification from the CAA under Part 102.

### The new consent rule

A key new requirement is contained in Civil Aviation Rule 101.207, which relates to Airspace use.

This rule states that an unmanned aircraft operator cannot fly over any person without their consent. Operators must also obtain consent from the property owner or occupier of the area(s) over which they intend to operate.

The rule assumes that if an operator does not have, or cannot obtain, permission from those whom they are flying over or the property owner, or if getting this permission is likely to be too onerous, then it is highly likely they are conducting an operation that could be hazardous to others. The operator should therefore be coming to the CAA for certification under Part 102, although

For advice or guidance contact the CAA at [RPAS@caa.govt.nz](mailto:RPAS@caa.govt.nz) or on 04 560 9400

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## Unmanned Aircraft: Fact Sheet 1

### Consent Rule 101.207(a): for Regional Councils & Territorial Authorities

even under a Part 102 certificate consent may still be required, including council approval.

It is also designed to facilitate awareness of unmanned aircraft operations and a transfer of knowledge of the risks in a given location between the property owner or people on the ground and the operator involved. For example, a property owner is most likely to know about hazards such as low hanging/unmarked wires or the presence of low level aviation activities, or other temporary or permanent activities that might be incompatible with unmanned aircraft activities.

The assumption is that no consent has been given unless otherwise specified or advertised. Operators will not be able to fly their unmanned aircraft, including in public spaces, without consent.

The consent rule relates to flight above the property, and is primarily targeted at flight activity conducted at a height of 400ft or less. The aircraft does not need to be taking off, landing or hovering low above the property concerned for the consent rule to apply.

The rule refers to 'property' owners or occupiers. This obviously includes the legal property owner or occupier, but in the case of public spaces, is being interpreted to include the agency responsible for managing, controlling or otherwise administering property.

'Property' includes the land, and any public facilities, buildings and structures, and other spaces such as roads, parks, and beaches.

**What does this mean for councils who own, occupy or manage property?**

Councils and authorities will need to think about unmanned aircraft use in their communities.

Many councils already have policies and plans that include rules around activities on reserves and roads, and the use of aircraft/flying machines.

For most, the Part 101 consent rule provides an opportunity to review, revisit and update existing policies and bylaws. In other cases, local authorities may wish to develop a new approach to deal with the increasing uptake of unmanned aircraft technology.

#### Councils' role in providing consent

The rules require operators to obtain consent from councils before they may operate above council property. The CAA envisages that local government will provide guidance to operators and their communities as to which public spaces within their jurisdiction they give consent for people to fly in. Where a council has given consent for operators to fly over their land and property, it will likely mean that Part 101 operators will be free to fly their unmanned aircraft as long as they operate within the other parameters of Part 101, including taking all practicable steps to minimize hazards associated with their unmanned aircraft operation.

#### Councils better understand local conditions

The rule is designed to allow for councils to issue consent in a variety of ways that suit their local circumstances.

The consent rule is deliberately flexible. It enables councils to change their approach

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depending on their requirements at a particular time. For example, blanket consent could be given for a particular reserve for year-round unmanned aircraft operations, but withdrawn for a particular period if the facility is to be used for a public gathering (i.e. for a fireworks event) where unmanned aircraft may be unwanted for safety reasons. Equally, many authorities deal with seasonal fire risk, and may wish to prohibit the use of unmanned aircraft in spaces where a temporary fire risk may exist.

CAA encourages councils to advertise their approach via their websites, or in more sensitive public areas by posting signs at the entry to those spaces.

Local authorities may simply like to take a 'watch and see' approach to assess the amount of unmanned aircraft activity taking place in communities and the number of requests for consent that are being received, so that they can determine an approach that works best.

#### Giving consent

CAA is happy to provide support and guidance to councils, but how local authorities give consent will be a matter for them.

Some of the options for giving consent that councils might like to consider are:

- **case by case:** a transactional approach where people are expected to come to the council to seek consent for a particular flight or series of flights. An example is the online form available on the Christchurch City Council website.

- **blanket consent:** the council advises people that they are free to operate anywhere they like, with or without exceptions (within all other Part 101 rules).
- **blanket prohibition:** the council decides that no public spaces may be used for unmanned aircraft operations, with or without exceptions which could include things such as size of the aircraft, type of activity being performed.

We believe the best model is likely to be one that incorporates a number of the above approaches for different areas within an authority's jurisdiction that takes account of local conditions.

Councils are likely to be aware of existing uses of public spaces and facilities that may be incompatible with unmanned aircraft activities. Hybrid approaches are entirely acceptable. The consent given by a council can be subject to conditions, and can be verbal or written.

As an example, this could include stating on your website that, unless otherwise advertised by council, operators can fly over all public land, except for cemeteries and the botanic gardens, and must comply with Part 101 requirements.

#### Deciding what risk is acceptable

In deciding whether an area is suitable for the safe operation of an unmanned aircraft councils may like to consider:

- the area, and existing uses of that space;
- how frequently the space is used;
- the proposed use of the aircraft;
- proximity to people and buildings/structures where people may be present;

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- whether there are trees or features that might shield the operation from other aircraft or activities.

#### Using your website

We encourage local authorities to include information on their websites about unmanned aircraft use. Using your website to confirm areas where is acceptable to operate is likely to result in people being less inclined to approach the council for consent.

It would be beneficial for council website content to cover things such as reserves and parks, local roads, as well as any waterways, or beach areas that might be vested with or managed by the council or authority.

In its public communications CAA will be encouraging operators to check local authority websites for information about using unmanned aircraft in public spaces.

#### Does giving consent create liability?

It is important to emphasize that providing consent does not mean that local authorities assume any responsibility for an unmanned aircraft operation. The consent provision simply facilitates awareness of the operation proposed and allows the land owner to advise the operator of any known hazards. The extent of information that is needed and reasonably transferred in a particular case will depend on the local conditions and the type of activity being performed.

If an accident or incident involving an unmanned aircraft occurs in a public space, councils will carry no responsibility for the actions of the operator.

#### Who will enforce the new rules?

The CAA will enforce the new rules. The CAA can prosecute or issue infringement notices for breaches of the rules. Initially, where breaches are detected and offenders identified, the CAA will be taking an educational approach to help people to comply rather than using enforcement tools. However, where deliberate or repeat breaches are identified the CAA may consider using its enforcement tools.

Councils are not expected or required to enforce civil aviation rules. CAA will monitor how the rules are working and whether alternative enforcement strategies are required.

We expect that councils will continue, as already happens, to receive some complaints about unmanned aircraft use. Councils are encouraged to refer complaints to the CAA for follow-up, particularly if it involves unsafe flying. You can refer matters to the CAA by contacting us at 0508 4SAFETY or [jsi@caa.govt.nz](mailto:jsi@caa.govt.nz)

In most cases CAA won't have people on the ground to react straight away to complaints while an activity is taking place. If an unmanned aircraft operation poses an imminent threat to people or property the Police should be involved.

If an unmanned aircraft operation occurs without consent or in an area that council has restricted unmanned aircraft use, councils may however choose to enforce any relevant bylaws itself rather than refer the matter to CAA. Where this occurs CAA would still like councils to advise the CAA of the incident so that it can help to build a better

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## Unmanned Aircraft: Fact Sheet 1

### Consent Rule 101.207(a): for Regional Councils & Territorial Authorities

understanding of the risks and compliance picture around unmanned aircraft.

#### What about Part 102 operators who are certificated and don't need consent?

Part 102 operators are issued with a certificate and may not require consent and instead will be subject to operating conditions. The CAA's decision-making is focused on the safety of the operation.

As part of the CAA's decision-making on Part 102 applications we may contact local authorities to seek their views on proposed activities or ask operators to provide evidence that they have consulted with, or where appropriate obtained the approval of, the relevant local body.

Section 28(8) of the Civil Aviation Act provides that "[s]o far as the bylaws of any local authority are inconsistent with or repugnant to any ordinary rule made under this Act in force in the same locality, the bylaws shall be construed subject to the rules." This means that civil aviation rules do trump local bylaws if they are inconsistent or directly in conflict.

However, Part 102 certificates issued under the Rules will not 'trump' local authority requirements – operators will need to comply both with their certificate and any relevant bylaws, regional plans, and/or district plans. CAA will remind operators of this obligation when issuing any certificate.

#### How does this relate to rules around controlled airspace and operations within 4km of an aerodrome?

Operators are still required to comply with all airspace restrictions regardless of whether

consent has been granted. Controlled airspace covers large amounts of urban areas in New Zealand and there are restrictions on RPAS use within these zones. This is outlined in 101.11. Similarly, operations within many New Zealand urban areas are likely to be within 4km of an aerodrome. These operations are subject to restrictions outlined in 101.205.

However Part 101 allows for what are called 'shielded operations' within controlled airspace or within 4km of an aerodrome boundary. A shielded operation is one in which the RPAS is protected from the path of potential oncoming manned aircraft by an object. It is defined in the rules as:

"[...] an operation of an aircraft within 100 m of, and below the top of, a natural or man-made object."

This rule is designed to allow low risk recreational use in urban areas. For example, it is still possible to use an RPAS in a park within 4km of Wellington Airport and within Wellington controlled airspace so long as the operation is protected by a 'shield' such as trees or buildings surrounding the park. Therefore councils do not need to impose restrictions on the use of unmanned aircraft solely because of their proximity to an aerodrome.

#### How does the consent rule impact council's ability to use unmanned aircraft as part of its activities?

As the property owner or occupier, use of an RPAS on council property by a council for their own purposes, will likely mean that consent is implied. RPAS can be used by council for their purposes as long they comply with all other rules.

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