

# Kaunihera | Council

## Ngā Tāpiritanga – Pūrongo | Attachments – Reports

### ATTACHMENTS UNDER SEPARATE COVER

Notice is hereby given that an ordinary meeting of Matamata-Piako District Council will be held on:

**Ko te rā | Date:** Wednesday 23 August 2023  
**Wā | Time:** 9.00am  
**Meeting Room:** Council Chambers  
**Wāhi | Venue:** 35 Kenrick Street  
TE AROHA

---

TAKE   ITEM	NGĀ IHINGA   TABLE OF CONTENTS	WHĀRANGI   PAGE
<b>7.1</b>	<b>Te Aroha Spa Project</b>	
A.	Te Aroha Spa Project - Addendum Report Aug 23	2
<b>7.2</b>	<b>Proposed Freedom Camping Bylaw - approval for consultation</b>	
B.	MPDC Freedom Camping Statement of Proposal and Bylaw - August 2023	5
C.	MPDC Freedom Camping Bylaw 2023 - Appendix 1 - Maps - August 2023	28
<b>7.9</b>	<b>Significance and Engagement Policy</b>	
B.	DRAFT Significance and Engagement Policy for Council Approval 23 August 2023	56
<b>7.10</b>	<b>Local Alcohol Policy - bringing into force</b>	
A.	Final LAP for bringing into force	69

Kaunihera | Council  
23 August 2023



# Te Aroha Spa Project - Addendum Report

CM No.: 2761299

## Rāpopotonga Matua | Executive Summary

The project is approaching the tail end of the capital raising process. Whilst no single party or syndicate of potential investors has committed to an ongoing process at this point several parties have been tagged as 'engaged'. By definition this means that they have been provided with the Investment Memorandum and they've provided good quality feedback and/or expressed a level of general interest. It is seen as prudent to reengage these parties and explore their situation further so that this process can be brought to a conclusion.

## Tūtohunga | Recommendation

That:

1. Council progress the Te Aroha Spa project capital raising investigation process to its conclusion and submit the findings as part of the final report to Council's September 2023 meeting which will seek determination on the project's future.

## Horopaki | Background

At the 16 August workshop meeting Council was briefed on outcomes from the capital raising process to that point including potential next steps with engaged parties. An important aspect to this process is that it has been a transparent process run and managed by an independent 3<sup>rd</sup> party.

## Ngā Take/Kōrerorero | Issues/Discussion

To date the capital raising process has not elicited a definitive outcome. Nevertheless, it is seen as important to close this phase of the project out and reach a conclusion one way or the other expeditiously. From the process to date there are several parties who are tagged as engaged and although the concept shown to them in the IM has not got them across the line their feedback suggests that we should further engage these parties to explore the possibilities with a different/new approach. In particular we should reframe the discussion and attempt to extract from them their thoughts around how they might see a different development/deal and their role within that, and potentially link parties together where one can bring something that another isn't able to but between them the capability/appetite has potential.

This could be a slightly iterative process especially if we see some positivity coming through. We will not know what the process will deliver or how it might unfold until we get new conversations going. The aim is to move this process along as quickly as possible and not waste time on potential dead ends by applying sound judgement as situations arise.

It is recommended that the Project Manager work with Deloitte and NZTE to progress further engagement with the various parties as outlined above.

Working with the Project Governance Group, the Project Manager will bring any matters requiring a formal decision by Council back to Council and in any event provide the appropriate updates to Council.

Kaunihera | Council  
23 August 2023



### Mōrearea | Risk

The key risk area remains around the potential for a lack of interested investor parties.

### Ngā Whiringa | Options

- Continue as described and recommended in the Discussion section above. It is estimated that this process could take between 2 and 4 weeks.
- Leave the process where it has got to and discontinue

If Council opts to discontinue the process it is suggested consideration be given to the next steps and public communications.

The 2021-31 Long-Term Plan includes budget provision for the spa development project. Significant departure from this the LTP may trigger a consultative process and/or public communications.

### Ngā take ā-ture, ā-Kaupapahere hoki | Legal and policy considerations

The project is aligned to the LTP as development funding is provided for in the LTP.

### Ngā Pāpāhonga me ngā Wātaka | Communications and timeframes

The MPDC communications team are monitoring the project's progress and will provide updates through their usual channels at the appropriate times.

### Ngā take ā-lhinga | Consent issues

N/A

### Te Tākoha ki ngā Hua mō te Hapori me te here ki te whakakitenga o te Kaunihera | Contribution to Community Outcomes and consistency with Council Vision

Theme: <Insert text>

Community Outcome: <Insert text>

The project received strong public support going into the 2021 LTP process. The potential for economic development, greater social cohesion, cultural and environmental outcomes were key themes identified in the Feasibility Study.

### Pānga ki te pūtea, me te puna pūtea | Financial Cost and Funding Source

N/A, noting however that budget was provided in the prior FY for the Deloitte work.

### Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Kaunihera | Council  
23 August 2023



**Ngā waitohu | Signatories**

Author(s)	Graham Shortland Project Manager - Te Aroha Spa Development	
Approved by	Graham Shortland Project Manager - Te Aroha Spa Development	

# Statement of Proposal<sup>1</sup>

Proposed Freedom Camping Bylaw 2023

Amendments to the Active Reserve  
Management Plan and Passive Reserve  
Management Plan

**FOR PUBLIC CONSULTATION**

<sup>1</sup> This Statement of Proposal has been made for the purposes of Sections 82, 83 and 86 of the Local Government Act 2002 and Section 11B of the Freedom Camping Act 2011.



## 1. Introduction

Matamata-Piako District Council (the Council) is reviewing its regulatory approach to freedom camping. This statement of proposal details the Council's proposal to make a new Freedom Camping Bylaw under Section 11 of the Freedom Camping Act 2011 (the Act) and to make subsequent amendments to some of its reserve management plans to ensure consistency between the Proposed Bylaw and reserve management plans. A draft of the proposed new Freedom Camping Bylaw is attached to this statement of proposal.

**We are seeking your feedback on the proposed new Freedom Camping Bylaw and the proposed amendments to the Passive and Active Reserve Management Plans (RMPs) to ensure consistency with the Proposed Bylaw**

**Consultation allows the community to have a say on the content of, and changes to, the bylaw and the RMPs. Council welcomes your feedback on the Proposed Freedom Camping Bylaw with consultation open from 18 September to 18 October 2023.**

Camping as an activity is managed through a range of other plans, bylaws and legislation. Council does not currently have a freedom camping bylaw, and as a result, cannot effectively regulate or enforce rules relating to freedom camping at any parks or other Council land that is not gazetted Reserve. The Act is permissive by default, and a bylaw enables Council to apply some protections to areas within the district that Council controls and manages. This includes protecting an area, protecting the health and safety of the people who may visit an area, and to protect access to an area. This review has been timed to enable Council to respond to the recent changes to the Act.

Currently, the Council website promotes self-contained motorhome camping at Te Aroha Council Office, Morrinsville Recreation Ground and Firth Tower Museum (for a fee). Freedom Camping is prohibited on most Council reserves under the Reserves Act 1977 (the Reserves Act). A new Freedom Camping Bylaw will consolidate and clarify the Council's position on freedom camping.

### 1.1 What is a Freedom Camping Bylaw?

The Act is permissible by default, which means its starting point is to allow freedom camping on all Council controlled or managed land, unless prohibited under other legislation (such as the Reserves Act). However, the Act does recognise that some areas may not be suitable for freedom camping and enables Councils to make a bylaw to protect these areas.

Freedom camping bylaws can identify areas where freedom camping is prohibited and restricted, to manage how and where freedom camping can occur. These restrictions or prohibitions on freedom camping must be consistent with the Act and can only be applied if the restrictions or prohibitions are proportionate, and within the scope of the criteria within section 11(5) of the Act. According to the Act, areas may only be prohibited or restricted for the following reasons:

- i) to protect the area
- ii) to protect the health and safety of people who may visit the area
- iii) to protect access to the area

Areas must be assessed against these criteria before any restrictions or prohibitions are applied to ensure the Bylaw is appropriate, proportionate, consistent, and defensible. A freedom camping bylaw made under the Act cannot address issues other than camping as defined by the Act. This definition does not include staying at a camping ground, temporary or short-term parking of a motor vehicle, day trips, or resting or sleeping at the roadside to avoid driver fatigue. It also explicitly excludes those experiencing homelessness who may be living in their vehicle. The land covered by the Act is also limited to those areas managed by Council and does not include private land or Department of Conservation (DOC) reserves.

## 1.2 Changes to national legislation

The [Self-contained Motor Vehicles Legislation Act 2023](#) came into force in June 2023 and made amendments to the Freedom Camping Act 2011. A key change made by the amendment means that since June 2023, if a person is freedom camping on Council controlled or managed land using a vehicle, they must be using a certified self-contained vehicle to freedom camp. The definition of self-contained has been updated to require a fixed toilet. These changes apply nation-wide, regardless of whether or not a Council has a bylaw. There is a transition period to allow people with current 'blue sticker' certifications (under the old certification requirement) time to move to the new 'green sticker' certification (where a fixed toilet will be required) over the next two years.

Changes were also made to the infringement fees and fines structure under the Act. The original infringement fee of \$200 has been replaced by a new tiered penalty system which came into force on 13 July 2023 and provides Councils with more options to apply fines proportionate to the breach of a freedom camping bylaw or the Act.

The Ministry of Business, Innovation and Employment (MBIE) keeps their freedom camping website up to date with the most recent developments regarding national freedom camping rules: <https://www.mbie.govt.nz/freedomcamping>

## 2. Reasons for the proposal

On 23 August 2023, the Council decided to make a new bylaw to regulate freedom camping. Information about the Council's decision can be read on Council's website: <https://www.mpdc.govt.nz/our-council/minutes>.

In making its decision Council considered two reasonable and viable options to address matters related to freedom camping.

### Option 1: Status quo

Under this option, no new bylaw is made and the default provisions in the Freedom Camping Act 2011, Reserves Act 1977 and Resource Management Act 1991 will apply. Under the Freedom Camping Act 2011 self-contained freedom camping would be permitted on all land owned or controlled by the Council, except reserves, where it is prohibited unless explicitly provided for within an individual reserve management plan.

Under this option, restrictions or prohibitions on freedom camping on local authority land (land controlled or managed by Council) would be those that currently exist under the Reserves Act 1977 and the Resource Management Act 1991. Council would be able to enforce the requirement of self-containment which is within the Freedom Camping Act 2011. This option was not chosen by Council.

### Option 2: Make a bylaw under the Freedom Camping Act 2011

Under this option the Council would make a bylaw under section 11 of the Freedom Camping Act 2011 to prohibit or restrict freedom camping on land owned or controlled by the Council. Under this option, Council would have the ability to engage with the community and key stakeholders on the issue and have locally developed regulation to manage freedom camping in the district.

Council chose Option 2: Make a bylaw under the Freedom Camping Act 2011 as it is the most reasonably practicable option for addressing the problems caused by freedom camping.

In addition, Council has also chosen to propose amendments to the Active Reserve Management Plan and the Passive Reserve Management Plans to reflect restricted freedom camping on Herries Memorial Park, Hetana Street Reserve, Waihou Recreation Reserve and Waitoa Railway Reserve, as well as making a change to remove Te Aroha Domain from Schedule E of the Active RMP, to make sure the documentation is consistent with the proposed bylaw.

The Council's General Policies RMP (GP RMP) outlines the procedure which Council must follow when amending an individual RMP with regards to freedom camping. The GP RMP provides for such amendments to provide for self-contained vehicles and applies a maximum of four consecutive nights on a reserve. To make an amendment, the proposal must first be publicly consulted on. This document fulfils these requirements by outlining the changes proposed and seeks public feedback on these changes. The changes are described in section 3 of this document: *What is Council proposing?*

In reviewing this bylaw Council determined that having a bylaw made under the Freedom Camping Act 2011 in place is the most appropriate way to manage issues relating to freedom camping. We consider the Proposed Bylaw to be the most appropriate form of bylaw.

We have assessed that the Proposed Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990. Any implications for rights under the New Zealand Bill of Rights Act 1990 will be reassessed before a final bylaw is made.

### 3. What is Council proposing?

The Proposed Bylaw includes rules for Freedom Camping across the district including identification of prohibited, restricted and permitted areas. The proposed Bylaw seeks to protect areas, the health and safety of people using areas, and protecting access to areas, from negative impacts caused by freedom camping.

A summary of the Proposed Bylaw is detailed below. The Proposed Bylaw is also attached to this document in full.

#### 3.1 District-wide Restrictions

The Proposed Bylaw restricts freedom camping in all *Local Authority Areas*, which are areas under the control and management of Council. The restrictions that are proposed to apply to freedom camping District-wide are:

- A certified Self-contained motor vehicle must be used to freedom camp. This means if a person wishes to use a motor vehicle which is not certified Self-contained or a tent to camp, they need to stay in a campground or another area appropriate for this activity.
- A vehicle must not stay in any one area for more than four consecutive nights in any one-month period.
- A vehicle must not Freedom Camp within 500 metres of an area in which it has already been Freedom Camping for up to four consecutive nights in any one-month period.

These restrictions ensure short stays that will not adversely impact on any one location within the district and provides for turn-over at highly sought after freedom camping areas. It also means freedom camping is undertaken in vehicles with facilities onboard to ensure waste is dealt with appropriately.

The four-night maximum is consistent with the approach already taken on reserves which provide for freedom camping as detailed in the GP RMP.

### 3.2 Incorporation of NZ Standard by reference – Certified Self-Contained

The Proposed Bylaw uses the definition of certified self-contained motor vehicle within the Act. To support and provide further information to this definition, the Proposed Bylaw also incorporates by reference the NZ Standard 5465:2001 which has further detail of the more technical requirements of certification.

As required by clause 1 of Schedule 2 of the Legislation Act 2019, this statement of proposal is public notice of the proposal to incorporate the NZ Standard in the Freedom Camping Bylaw. The NZ Standard is incorporated by reference because it is impracticable to include its content in the bylaw. The NZ Standard is publicly available here where it can be viewed or printed once for free. We are seeking feedback on the incorporation of the NZ Standard in the Proposed Bylaw, particularly comments about whether:

- the Proposed Bylaw clearly identifies the material incorporated; and
- the means of making the NZ Standard publicly available is sufficient to enable people to find and obtain copies of it with reasonable ease; and
- it is otherwise appropriate.

### 3.3 Specific Area Restrictions

Any potential areas for prohibition or restriction must be first assessed against the criteria in section 11(2) of the Act before being included in a freedom camping bylaw. This section states that councils can only prohibit or restrict freedom camping in an area if this is necessary to:

1. protect the area - to protect areas that are environmentally or culturally sensitive.
2. protect health and safety - to keep freedom campers and other visitors to an area safe.
3. protect access to the area - where the presence of freedom campers could block access or damage infrastructure.

The assessments were completed using a tool which is used by many New Zealand councils and is considered best practice by the sector. This assessment looks at each of the three elements outlined in section 11(2) of the Act to determine whether or not prohibiting or restricting freedom camping is appropriate in the area. The tool provides councils with a standardised and transparent way of applying the Act and demonstrates a clear line of sight between the criteria in the Act, and the bylaw.

The assessment focused on camping 'hot spots' – areas where there is a specific interest in managing freedom camping, areas where freedom camping is likely to occur in the future on local authority land, and areas which Council identified as being appropriate for proactively protecting with a bylaw. Council also reviewed areas which may be suitable for freedom camping in vehicles which are not self-contained.

As a result of this assessment, the Proposed Bylaw includes the following prohibitions and restrictions, grouped by ward. The summary of this assessment and the scores for each assessed area were received by Council at their meeting on 23 August 2023 when the Proposed Bylaw was considered and can be viewed here <https://www.mpd.govt.nz/our-council/minutes>.

### 3.3.1 Matamata Ward

Prohibited Areas		
Name	Description	
Banks Road Reserve and adjacent roadside	Banks Road Reserve, and the area of road and road reserve on Banks Road and Richardson Road adjacent to the reserve.	
Centennial Drive Reserve	Centennial Drive Reserve, which starts at Tainui Street, crossing Rata, Tamihana and Tawa Streets before finishing on Broadway (State Highway 24).	
Tom Grant Drive	Tom Grant Drive, which runs from Rawhiti Avenue, crossing Weka and Ngaio Streets, before finishing at Tawari Street.	
Hawes Bush	Hawes Bush, and the area of road and road reserve on Mills Street and Walker Street adjacent to the reserve.	
Waharoa (Matamata) Aerodrome	Waharoa (Matamata) Aerodrome, including old campground.	
Matamata Domain	Matamata Domain, located between Meura and Hohaia Streets, with Huia Street to the south.	
Rapurapu Reserve	Rapurapu Reserve, located on State Highway 28, approximately 800m south-west from the intersection of State Highway 28 and 29.	
Swap Park	Swap Park, located between Firth Street (SH 27) and Burwood Road.	
Bruce Clothier Memorial Reserve and Waharoa Rest Area	Bruce Clothier Reserve, Waharoa Rest area and adjacent roadside. Includes rail land that runs through the centre of the reserve which is subject to a lease held by Council.	
Restricted Areas		
Name	Description	Restriction
Hetana Street Reserve	Hetana Street Reserve, located between State Highway 24 to the north and Tui Street to the south, with access off Hetana Street to the east.	Restricted to 6 vehicles within the 6 "back-in" car parking spaces located on the reserve across from the intersection of Arawa Street and Hetana Street, south of the public toilets.
Pohlen Park	Pohlen Park and adjoining car park accessed from Western Street.	Restricted to 3 vehicles in the south east corner of the car park.
Wairere Falls Car Park	Wairere Falls Car Park, located at the end of Goodwin Road, Okauia.	Restricted to 11 vehicles within the 11 large car parking spaces at the far south side of the car park.

### 3.3.2 Morrinsville Ward

Prohibited Areas		
Name	Description	
Davies Park	Davies Park stretches along Fairway Drive. Includes the Reserves known as Davies Park East and Davies Park West. For the avoidance of doubt, this also includes the area within the existing carpark, café and the planned Early Childhood Education Centre.	
Holmwood Park and adjacent roadside	Holmwood Park and adjacent roadside carparking. Located at the end of Holmwood Park Drive.	
Murray Oaks Scenic Reserve	Murray Oaks Scenic Reserve located between State Highway 26 and Murray Road, north-east of the Morrinsville Township	
Thomas Park and adjacent roadside	Thomas Park and adjacent road reserve and road on Moorhouse and Anderson Streets.	
Restricted Areas		
Name	Description	Restriction
Morrinsville Recreation Ground	Morrinsville Recreation Ground, located at the end of Cureton Street.	Restricted to 6 vehicles within the formed car park area accessed from Cureton Street.
Waterworks Road Reserve (Te Miro Forest)	Waterworks Road Reserve (Te Miro Forest Car Park, located at 684 Waterworks Road, Te Miro.	Restricted to 2 vehicles on the southern edge of the main car park

### 3.3.3 Te Aroha Ward

Prohibited Areas		
Name	Description	
Boat Ramp	Te Aroha Boat Ramp, parking area and skatepark, which is on road reserve located off Lawrence Ave/Terminus Street alongside the Coulter Bridge.	
Council office car park	Council Office Carpark, includes Council Car park and adjacent Library Car park, 35 Kenrick Street.	
Seddon Street Reserve	Seddon Street Reserve is located on both sides of Seddon Street. The reserve to the west runs from Seddon Street through to the end of Ward Street. The reserve to the east is bordered by Seddon Street and the old Te Aroha Railway Station.	
Skidmore Reserve	Skidmore Reserve, located on Kenrick Street, neighbouring 56 Kenrick Street.	
Te Aroha Domain	Te Aroha Domain and adjacent roadside parking on Wilson Street. Includes the section of Koromiko Street that runs through the domain.	
Restricted Areas		
Name	Description	Restriction
Boyd Park	Boyd Park, located along Stanley Avenue and Spur Street. Includes a large portion of the Howarth Memorial wetlands.	Restricted to 6 vehicles in the north west corner of the existing formed car park between the netball courts and Boyd Park.
Herries Memorial Park	Herries Memorial Park, which includes gravel section of Council office carpark, located off Kenrick Street.	Restricted to 6 vehicles along the southern side of the existing formed car park behind the Council buildings, accessed from Kenrick Street (the north point of Herries Park). Freedom Camping vehicles must only park between 7pm and 7am Monday – Friday, any time on weekends and public holidays.
Waihou Recreation Reserve	Waihou Recreation Reserve, located off Ngutumanga Road, Waihou.	Restricted to 3 vehicles in centre row of car park spaces within the section of car park near the rugby fields, accessed opposite 16 Ngutamaunga Road.
Waitoa Railway Reserve	Waitoa Railway reserve, across from the Farmers Road/SH 26 intersection in Waitoa. Approximately 10 kilometres from the Te Aroha township.	Restricted to 2 vehicles within the car park.
Waiorongomai Car Park, Te Aroha	Waiorongomai Car Park, adjacent to the start of the Te Aroha Gold Mining Walking Tracks, approximately 5 kilometres from the Te Aroha township.	Restricted to 4 vehicles within the car park.

### 3.3.4 All cemeteries and their associated car parks

The Proposed Bylaw also includes a prohibition of freedom camping within all cemeteries and their car parks, as follows:

- Matamata Cemetery, 155 Peria Road, Matamata
- Waharoa Cemetery, Dunlop Road, Waharoa
- Morrinsville Historic Cemetery, 412 Thames Road, Morrinsville
- Piako Cemetery, 3 Seales Road, Morrinsville
- Maukoro Cemetery, 253 Old Hill Road, RD 3, Morrinsville
- Te Aroha Cemetery, Stanley Road South, Te Aroha



### 3.4 Freedom camping for vehicles that are not self-contained

Council considered areas where the Proposed Bylaw could provide for freedom camping in vehicles that are not self-contained. Three locations were identified within the District where there are 24-hour toilet facilities available as options for further investigation and assessment. None of the areas were considered suitable, however, the Proposed Bylaw includes Schedule 3: areas where a person can freedom camping in a vehicle that is not self-contained (which does not currently identify any areas) to allow for easy incorporation of such areas into the bylaw in future, if and when appropriate facilities and areas come available.

### 3.5 Reserve Management Plan amendments

Alongside the Proposed Bylaw, Council also wants to specifically seek feedback on some amendments to Reserve Management Plans (RMPs) to ensure our rules are consistent within our different documents. To achieve this consistent with what we're proposing in the Freedom Camping Bylaw, we are proposing some changes to the Active and Passive Reserve Management Plans. These changes will be made once a final Freedom Camping Bylaw is adopted by Council following public consultation. Council's RMP documents can be viewed here: <https://mpdc.govt.nz/plans/reserve-management-plans>.

#### 3.5.1 Passive Reserve Management Plan

##### Hetana Street Reserve, Matamata

Camping is not currently provided for in the Hetana Street Reserve RMP, so it is prohibited under section 44 of the Reserves Act 1977. Council has installed signage allowing freedom camping in six 'back-in' parks near the vehicle exit which is consistently used. A current Master Plan process is underway which is supportive of continuing to provide for some self-contained freedom camping on the reserve. We are proposing to continue the use of these parks, with a six-vehicle maximum in addition to the district-wide four-night maximum stay in any one month.

We are proposing to amend the Hetana Street Reserve RMP to allow for self-contained vehicles to freedom camp on the reserve by adding the following wording under the Management Intent section on page 30 of the Passive RMP: *"That freedom camping is permitted in self-contained vehicles in designated areas for a maximum of four consecutive nights."*

##### Waitoa Railway Reserve

The Waitoa Railway Reserve is understood to not be classified under the Reserves Act, so freedom camping currently permitted under section 10 of the FCA. However, it is Council's intent to classify this land, therefore it is appropriate to ensure the Waitoa Railway Reserve RMP is consistent with the Proposed Bylaw. We are proposing to restrict freedom camping on this reserve to two vehicles within the formed car park, in addition to the district-wide four-night maximum stay in any one month.

We are proposing to amend the Waitoa Railway Reserve RMP to allow for self-contained vehicles to freedom camp on the reserve by adding the following wording under the Management Intent section on page 176 of the Passive RMP: *"That freedom camping is permitted in self-contained vehicles in designated areas for a maximum of four consecutive nights."*

#### 3.5.2 Active Reserve Management Plan

##### Herries Memorial Park, Te Aroha

Camping is not currently provided for in the Herries Memorial Park RMP, so it is prohibited under section 44 of the Reserves Act 1977. Freedom camping is currently advertised within an area at the north edge of the reserve, within the Council Office Carpark. There are some concerns regarding access with the current positioning of the freedom camping area, so this area is proposed to be shifted to a more appropriate location of the car park within this Bylaw, with restrictions of six vehicles within this area of car park, between 7pm and 7am

Monday – Friday, and any time on weekends and public holidays. This is in addition to the district-wide four-night maximum stay in any one month.

We are proposing to amend the Herries Memorial Park RMP to allow for self-contained vehicles to freedom camp on the reserve by adding the following wording under the Management Intent section on page 60 of the Active RMP: *“That freedom camping is permitted in self-contained vehicles in designated areas for a maximum of four consecutive nights.”*

#### Waihou Recreation Reserve

Camping is not currently provided for in the Waihou Recreation Reserve RMP, so it is prohibited under section 44 of the Reserves Act 1977. While freedom camping does not occur here, we have identified this area as appropriate for freedom camping with restrictions of two vehicles within a defined area of the car park, as well as the district-wide four-night maximum stay in any one month.

We are proposing to amend the Waihou Recreation Reserve RMP to allow for self-contained vehicles to freedom camp on the reserve by adding the following wording under the Management Intent section on page 64 of the Active RMP: *“That freedom camping is permitted in self-contained vehicles in designated areas for a maximum of four consecutive nights.”*

#### Appendix E of the Active RMP

Appendix E of the Active RMP currently notes the Te Aroha Domain as a location which may be appropriate for camping. The Proposed Bylaw includes this reserve as prohibited for freedom camping, so we are proposing to amend this appendix to remove the Te Aroha Domain from this list, for the avoidance of doubt.

### **4. Have your say**

Your views are vital to the success of the Freedom Camping Bylaw. Therefore, we would like to invite our community to provide submissions on the proposed draft Freedom Camping Bylaw to assist Council in the decision-making process.

This is your opportunity to have your say about:

- The district-wide restrictions
- The specific prohibitions and restrictions on areas within the District
- Amendments to the Active and Passive Reserve Management Plans to achieve consistency with the Bylaw
- Any other matters dealt with within this Bylaw

#### **4.1 What is a submission?**

A submission is a document that is sent or given to the Council from any organisation or any member of the public. Submissions may consist of completing the submission form on Council's website, or alternatively by sending a letter or email to Council. Your submission to this Statement of Proposal can:

- Support or oppose the full Proposed Freedom Camping Bylaw and proposed changes to the RMPs;
- Support or oppose certain elements contained in the Proposed Freedom Camping Bylaw and proposed changes to the RMPs;
- Raise issues that you believe have not been addressed in the Proposed Freedom Camping Bylaw.

#### 4.2 How can I make a Submission?

We actively encourage the community to contribute to the formation of this important policy and it is easy to have your say. Simply make a submission on our website or write to us by **18 October 2023**. You can make a submission:

- **Online** through our website at <https://www.mpdcc.govt.nz/say-it/have-your-say>
- **Email** [info@mpdcc.govt.nz](mailto:info@mpdcc.govt.nz)
- **Written** drop off a hard copy of your feedback at one of our offices or post it to:  
*Attn: Freedom Camping Bylaw Submission*  
*Matamata-Piako District Council*  
*PO Box 266,*  
*Te Aroha 3342*

Please be aware that submissions made to Council are public information. Your submission will be used and reproduced for purposes such as reports to Councillors, which are made available to the public and media.

#### 4.3 When can I make a submission?

The submission period opens on **Monday 18 September 2023** and closes on **Wednesday 18 October 2023**.

#### 4.4 What happens next?

Following the closing of submissions, they will be reviewed by Elected Members and formally considered at a Council hearing, currently planned for the 8 November 2023. This meeting is open to both submitters and the public to attend.

If you wish to make a verbal presentation of your submission to the Council at the hearing, please tick the box on the submission form, or note in your written submission. Make sure you include a phone number or email address in your submission so we can contact you to arrange a time for you to speak.

Council is able to offer assistance with special requirements such as New Zealand sign language and audio-visual mechanisms. Please tell us if you require assistance on your submission so we can provide support.

Following the Hearing and Council's consideration of all submissions, it is planned a new bylaw will be made at Council's November meeting and will be operational by the end of the year.

#### 5. Any Questions?

We are here to help - so if you have any questions about the policy or the submission process, please let us know. Call us on (07) 884 0060 and let our friendly Customer Services staff know you have a question about the Proposed Freedom Camping Bylaw or contact us via email at [info@mpdcc.govt.nz](mailto:info@mpdcc.govt.nz).

**You must have your submission back to Council by Wednesday 18 October 2023.**

# Freedom Camping Bylaw 2023

## PROPOSED FOR CONSULTATION

1. Introduction .....	12
2. Freedom Camping restrictions and prohibitions.....	14
3. Approvals .....	15
4. Temporary closures.....	16
5. Enforcement.....	16
6. Schedules and Appendices.....	17
Schedule 1: Areas where Freedom Camping is Prohibited .....	18
Schedule 2: Areas where Freedom Camping is Restricted.....	20
Schedule 3: Areas where a person can Freedom Camp in a vehicle that is not Self- contained.....	22
Appendix 1: Maps .....	23

## 1. Introduction

### 1.1 Scope

The purpose of this Bylaw is to control Freedom Camping in the District in order to:

- (a) protect Local Authority Areas;
- (b) protect the health and safety of people who may visit Local Authority Areas; or
- (c) protect access to Local Authority Areas.

### 1.2 Enabling Enactment

This Bylaw is made under the authority of section 11 of the Freedom Camping Act 2011. In addition, other legislation and regulatory tools that regulate and control Freedom Camping include the Reserves Act 1977, reserve management plans, the Matamata-Piako District Plan and other Council bylaws. These should be referred to in conjunction with this Bylaw.

### 1.3 Title of this Bylaw

This Bylaw shall be known and cited as the Matamata-Piako District Council Freedom Camping Bylaw 2023 and shall come into operation on **XX December 2023**. For expediency this Bylaw may be referred to as the Freedom Camping Bylaw in this or other Bylaws.

#### Explanatory notes

This Bylaw is due for review by **XX November 2028** (5 years after the date of the resolution to make this Bylaw).

### 1.4 Application

This Bylaw applies to all Local Authority Areas in the District of the Matamata-Piako District Council.

### 1.5 Explanatory notes

Sections headed 'Explanatory notes' in this Bylaw are for information purposes only, and –

- (a) they do not form part of this Bylaw; and
- (b) cannot be considered in the interpretation or application of a provision of this Bylaw; and
- (c) may be inserted, amended or removed without any formality.

### 1.6 Definitions and interpretation

#### 1.6.1

In this Bylaw, unless context requires otherwise:

**Act** means the Freedom Camping Act 2011.

**Council** means Matamata-Piako District Council.

**District** means the Matamata-Piako District.

**Freedom Camp** has the meaning in sections 5(1), 5(2) and 5(2A) of the Act.

**Explanatory notes**

As at 7 June 2023, sections 5(1), 5(2) and 5(2A) of the Act, where Freedom Camping is defined, are as follows:

- (1) In this Act, freedom camp means to camp (other than at a camping ground) within 200 m of an area accessible by motor vehicle or within 200 m of the mean low-water springs line of any sea or harbour, or on or within 200 m of a formed road or a Great Walks Track, using either or both of the following:
  - (a) a tent or other temporary structure:
  - (b) a motor vehicle.
- (2) In this Act, freedom camping does not include the following activities:
  - (a) temporary and short-term parking of a motor vehicle:
  - (b) recreational activities commonly known as day-trip excursions:
  - (c) resting or sleeping at the roadside in a motor vehicle to avoid driver fatigue.
- (2A) In this Act, a person is not freedom camping if the person—
  - (a) is a person other than a person who is in New Zealand on the basis of a visitor visa (within the meaning of the immigration instructions); and
  - (b) is unable to live in appropriate residential accommodation; and
  - (c) as a consequence of that inability, is living in either or both of the following:
    - (i) a tent or other temporary structure:
    - (ii) a motor vehicle.

For the avoidance of doubt, as at 7 June 2023, section 5(3) of the Act defines camping ground as:

- (a) a camping ground that is the subject of a current certificate of registration under the Camping-Grounds Regulations 1985; or
- (b) any site at which a fee is payable for camping at the site.

**Local Authority Area** has the meaning in section 6 of the Act.

**Explanatory notes**

As at 7 June 2023, section 6(1) of the Act, where Local Authority Area is defined, is as follows:

- (1) In this Act, local authority area—
  - (a) means an area of land—
    - (i) that is within the district or region of a local authority; and
    - (ii) that is—
      - (A) controlled or managed by or on behalf of the local authority under any enactment; or
      - (B) an area of NZTA land declared to be a local authority area in accordance with a bylaw made under section 10A; and
  - (b) includes any part of an area of land referred to in paragraph (a); but

(c) does not include an area of land referred to in paragraph (a) or (b) that is permanently covered by water.

**Self-contained** has the meaning given in section 4 of the Act.

**Explanatory notes**

As at 7 June 2023, section 4 of the Act, where Self-contained is defined, is as follows:

(4) In relation to a motor vehicle, means that the vehicle has a valid certificate of self-containment issued in accordance with section 87U(3)(d) of the Plumbers, Gasfitters, and Drainlayers Act 2006 (but see subpart 1 of Part 1 of Schedule 1AA for the meaning of self-contained during the transitional period.)

**Explanatory notes**

To be certified Self-contained, the motor vehicle must achieve compliance with NZ Standard 5465:2001. The standard can be viewed or printed once for free at this link: <https://www.standards.govt.nz/shop/nzs-54652001>.

For the avoidance of doubt, the standard requires that a Self-contained motor vehicle be equipped with a toilet that is permanently fixed to the vehicle in order to be certified.

**1.6.2**

The Legislation Act 2019 applies to this Bylaw.

**2. Freedom Camping restrictions and prohibitions**

**2.1 Areas where Freedom Camping is prohibited**

Freedom Camping is prohibited in the areas defined in Schedule 1. A person must not Freedom Camp in the areas defined in Schedule 1.

**Explanatory notes**

The Reserves Act 1977 prohibits camping on all reserves unless it is specifically provided for on a particular reserve in an operative reserve management plan.

**2.2 Areas where Freedom Camping is restricted**

**2.2.1**

A person may not Freedom Camp in contravention of this clause.

**2.2.2**

Freedom Camping is restricted in all Local Authority Areas. The restrictions that apply to Freedom Camping in all those areas are:

- (a) A certified Self-contained motor vehicle must be used to Freedom Camp.
- (b) A vehicle must not stay in any one area for more than four consecutive nights in any one month period.
- (c) A vehicle must not Freedom Camp within 500 metres of an area in which it has already been Freedom Camping for up to four consecutive nights in any one-month period.

### 2.2.3

Freedom Camping is further restricted in the areas identified in Schedule 2 of this Bylaw.

### 2.2.4

Notwithstanding clause 2.2.2(a) a person may only Freedom Camp in a vehicle that is not Self-contained in the Local Authority Areas identified in Schedule 3.

### 2.2.5

The restrictions that apply in the areas in Schedules 2 and 3 are:

- (a) If Schedule 2 or 3 specify a designated place in the Local Authority Area, a person must not Freedom Camp in another place in the Area, for example –
  - (i) where Schedule 2 or 3 specifies a designated place in a reserve, a person must not Freedom Camp in any other part of the reserve.
  - (ii) where Schedule 2 or 3 specifies a designated place on a road, a person must not Freedom Camp on any other part of the road.
- (b) If Schedule 2 or 3 specify a maximum number of consecutive nights, that number prevails over clause 2.2.2(b) of this Bylaw.
- (c) If Schedule 2 or 3 specify a time of day where Freedom Camping is permitted, a person must not Freedom Camp outside of those times.
- (d) If Schedule 2 or 3 specify a maximum number of vehicles, a person must not Freedom Camp in the area if the maximum number of vehicles are already present when they arrive at the area.

## 3. Approvals

### 3.1 Prior consent from Council

#### 3.1.1

A person may only Freedom Camp in contravention of clause 2 if that person obtains prior written consent of the Council and complies with any conditions of the consent.

#### 3.1.2

A person applying for consent under clause 3.1.1 of this Bylaw must apply to the Council. The application must:

- (a) Be made at least 30 days prior to the date on which Freedom Camping is planned to occur; and
- (b) Include information about the person applying for the consent and their contact details; and
- (c) Describe the area or give an address where the Freedom Camping is intended to occur; and
- (d) Describe the reason the consent is sought.

#### 3.1.3

Applications which fulfil the requirements of clause 3.1.2 of this Bylaw will be considered by Council and may be granted at the Council's discretion. The Council may attach conditions to any consent that is granted.

#### Explanatory notes

Council anticipates the following reasons could be grounds for an application:

- Where Freedom Camping is associated with a special event or occasion occurring in an area, and an exemption is required for the duration of the event or occasion.

- Where there is a good reason for Freedom Camping in an area that cannot be reasonably met in another area.
- Complying with a restriction or prohibition within this Bylaw is not reasonable in the circumstances.

#### 4. Temporary closures

##### 4.1 Temporary closure of an Area to Freedom Camping

###### 4.1.1

The Council may temporarily close or restrict Freedom Camping in any area or part of any area where the closure or restriction is considered necessary to:

- (a) prevent damage to the Local Authority Area or facilities in the area; or
- (b) allow maintenance to the Local Authority Area or facilities; or
- (c) protect the safety of persons or property; or
- (d) provide for better public access, including in circumstances where events are planned for that area.

###### 4.1.2

The Council will publicise a closure or restriction under clause 4.1.1 of this Bylaw in any manner it considers is appropriate to the reason for the closure or restriction. The publicity may occur before the closure or restriction, but only if that is reasonably practicable.

###### Explanatory notes

The Council may publicise a closure or restriction using a sign erected in the area, and/or advertising on the Council's digital channels or on the radio, and/or a public notice in the newspaper.

#### 5. Enforcement

##### 5.1 Offences

###### 5.1.1

Every person who Freedom Camps or makes preparation to Freedom Camp in a Local Authority Area in breach of any prohibition or restriction in this bylaw commits an offence under section 20(1) of the Act.

###### 5.1.2

Every person who Freedom Camps, or makes preparation to Freedom Camp, in a Local Authority Area in breach of the conditions of any consent given in accordance with clause 3.1 of this Bylaw is in breach of a prohibition or restriction in this Bylaw and commits an offence under section 20(1) of the Act.

###### Explanatory notes

Section 20 of the Act specifies a range of matters that are offences. The offences in section 20(1) are known as 'infringement offences'. A Council enforcement officer can issue an infringement notice to a person committing an offence under section 20(1) requiring them to pay an infringement fee and/or a fine as prescribed by section 20E of the Act.

Penalties for infringement offences under the Act are specified in the Freedom Camping (Penalties for Infringement Offences) Regulations 2023 and can be viewed here: <https://www.legislation.govt.nz/regulation/public/2023/0136/latest/LMS853101.html>

Section 26 of the Act explains the people who may be issued with an infringement notice. They include the person who committed the offence, the registered owner of the vehicle used to commit

an offence, and/or the person lawfully in possession of the vehicle used in the commission of the offence.

Council officers have other powers under the Act to deal with offences too, e.g., under section 36 of the Act an officer can require a person to leave an area if the officer has reasonable grounds to believe the person is committing an offence.

## 6. Schedules and Appendices

### 6.1 Areas where Freedom Camping is Prohibited or Restricted

#### 6.1.1

Schedule 1 defines the areas where, under clause 2.1 of this Bylaw, Freedom Camping is prohibited.

#### 6.1.2

Schedule 2 defines the areas where, under clause 2.2 of this Bylaw, Freedom Camping is restricted.

#### 6.1.3

Schedule 3 defines the areas where, under clause 2.2.4 of this Bylaw, a person can Freedom Camp in a vehicle that is not Self-contained.

### 6.2 Appendices

#### 6.2.1

Appendix 1 shows all the prohibitions and restrictions described in Schedule 1, 2 and 3 on maps for ease of reference only. Appendix 1 is not part of this Bylaw and if there is any conflict or inconsistency between it and the Schedules, the Schedules prevail.

#### 6.2.2

Appendix 1 may be amended or removed without any formality.

This Bylaw was made pursuant to a resolution passed by Matamata-Piako District Council on XX November 2023, resolution number XX/XX/XX.

## Schedule 1: Areas where Freedom Camping is Prohibited

### Explanatory notes

Freedom Camping on reserves is prohibited under section 44 of the Reserves Act 1977 and therefore prohibited under section 10(2)(b) of the Freedom Camping Act 2011, except where it is permitted in the designated places on reserves specified in Schedule 2, which are subject to the restrictions in this Bylaw. Some reserves where Freedom Camping is prohibited are included in this Schedule (and in the maps in Appendix 1), but not all.

For information about the location of reserves that are not referred to in this Bylaw, see the council's Reserve Management Plans at this link: <https://www.mpd.govt.nz/plans/reserve-management-plans>

### Definition of area

All cemeteries and their associated carparks

Matamata Cemetery, 155 Peria Road, Matamata 3472

*Legal description: Lot 1 DPS 13600 Lot 2 DP 304507 Sec 112A SET MATAMATA Sec 175 SET MATAMATA*

Waharoa Cemetery, Dunlop Road, Waharoa 3474

*Legal description: Part Lot 14 DP 850; Part Section 1 Block XIII Wairere SD*

Morrinsville Historic Cemetery, 412 Thames Road, Morrinsville 3300

*Legal description: SA63/212, Part Motumaoho 2 Block*

Piako Cemetery, 3 Seales Road, Morrinsville 3300

*Legal description: PtL 21 DP 23869 PtL 22 DP 2465 Sec 1 SO 518533*

Maukoro Cemetery, 253 Old Hill Road, RD 3, Morrinsville

*Legal description: Sec 21A Blk V SD WAITOA*

Te Aroha Cemetery, Stanley Road South, Te Aroha 3393

*Legal description: Sec 8A Blk XI SD AROHA*

### Definition of area

Map reference  
number (see  
appendix 1)

#### Matamata Ward

Banks Road Reserve, and the area of road and road reserve on Banks Road and Richardson Road adjacent to the reserve.

*Legal description of Reserve: Part Section 86 Matamata SETT*

FC1

Centennial Drive Reserve, which starts at Tainui Street, crossing Rata, Tamihana and Tawa Streets before finishing on Broadway (State Highway 24).

*Legal Description: PSc 155 Blk II SD TAPAPA Sec 154 Blk II SD TAPAPA*

FC2

Tom Grant Drive, which runs from Rawhiti Avenue, crossing Weka and Ngaio Streets, before finishing at Tawari Street.

*Legal Description: Lot 1 DPS 28404, Lot 1 DPS 30594, Lot 14 DPS 11320, Lot 15 DPS 11320, Lot 21 DPS 12591, Lot 26 DPS 21875, Lot 27 DPS 25162, Lot 28 DPS 21875, Lot 28 DPS 25163, Lot 3 DPS 28404, Lot 4 DPS 28404, Lot 5 DPS 28404, Lot 5 DPS 28864, Lot 6 DPS 28404, PtL 13 DPS 12591, PtL 15 DPS 12591, PtL 18 DPS 12591*

FC3

Hawes Bush, and the area of road and road reserve on Mills Street and Walker Street adjacent to the reserve.

*Legal description of Reserve: Lot 1 DPS 26844, Lot 2 DPS 26844, Section 77 Block XIII Wairere SD*

FC4

Waharoa (Matamata) Aerodrome, including old campground.

*Legal description of Reserve: Section 72 Block XIII Wairere SDPT SEC 71 BLK XIII WAIRERE SDPT LOT 1 DP 29064MATAMATA NORTH EMATAMATA NORTH F).*

FC5

Matamata Domain, located between Meura and Hohaia Streets, with Huia Street to the south.

*Legal description of Reserve: BlkXII Matamata TNSP,,Section 1 Block XXIII Matamata TNSP,Section 1 Block XXIII Matamata TNSP,BlkXXII Matamata TNSP, BlkXII Matamata TNSP*

FC6

Definition of area	Map reference number (see appendix 1)
Rapurapu Reserve, located on State Highway 28, approximately 800m south-west from the intersection of State Highway 28 and 29. <i>Legal description of Reserve: Section 78 Block XII Tapapa SD, Section 79 Block XII Tapapa SD, Lot 1 DPS 17684</i>	FC7
Swap Park, located between Firth Street (SH 27) and Burwood Road. <i>Legal description of Reserve: Lot 4 DP 306522</i>	FC8
Bruce Clothier Reserve, Waharoa Rest area and adjacent roadside. Includes rail land that runs through the centre of the reserve which is subject to a lease held by Council. <i>Legal description of Reserve: Lot 2 DPS 86557, Lot 1 DPS 86557</i>	FC9
<b>Morrinsville Ward</b>	
Davies Park stretches along Fairway Drive. Includes the Reserves known as Davies Park East and Davies Park West. For the avoidance of doubt, this also includes the area within the existing carpark, café and the planned Early Childhood Education Centre. <i>Legal description of Reserve: Lot 71 DP 569808, Lot 9000 DP 577756, Lot 9001 DP 577756, Lot 1 DP 568806, Lot 3 DP 568806, Lot 2 DP 568806</i>	FC10
Holmwood Park and adjacent roadside carparking. Located at the end of Holmwood Park Drive. <i>Legal description of Reserve: Lot 91 DPS 87084</i>	FC11
Murray Oaks Scenic Reserve located between State Highway 26 and Murray Road, north-east of the Morrinsville Township <i>Legal description of Reserve: Section 4 Block II Maungakawa SD, Section 5 Block II Maungakawa SD</i>	FC12
Thomas Park and adjacent road reserve and road on Moorhouse and Anderson Streets. <i>Legal description of Reserve: Lot 9 DP 17212, Lot 10 DP 17212</i>	FC13
<b>Te Aroha Ward</b>	
Te Aroha Boat Ramp, parking area and skatepark, which is on road reserve located off Lawrence Ave/Terminus Street alongside the Coulter Bridge.	FC14
Council Office Carpark, includes Council Car park and adjacent Library Car park, 35 Kenrick Street. <i>Legal description: Lot 2 DPS 33537, Sec 1 Blk XVI Twn TE AROHA Sec 2 Blk XVI Twn TE AROHA</i>	FC15
Seddon Street Reserve is located on both sides of Seddon Street. The reserve to the west runs from Seddon Street through to the end of Ward Street. The reserve to the east is bordered by Seddon Street and the old Te Aroha Railway Station. <i>Legal description of Reserve: Section 36 Block LII TN OF Te Aroha, Section 24 Block LII TN OF Te Aroha, Section 39 Block LII TN OF Te Aroha, Section 95 Block LII TN OF Te Aroha, Section 23 Block LII TN OF Te Aroha, Section 35 Block LII TN OF Te Aroha, Section 40 Block LII TN OF Te Aroha, Part Section 38 Block LII TN OF Te Aroha, Part Section 37 Block LII TN OF Te Aroha</i>	FC16
Skidmore Reserve, located on Kenrick Street, neighbouring 56 Kenrick Street. <i>Legal description of Reserve: Lot 2 DPS 85918, Lot 2 DPS 85918</i>	FC17
Te Aroha Domain and adjacent roadside parking on Wilson Street. Includes the section of Koromiko Street that runs through the domain. <i>Legal description of Reserve: Section 16 Block IX Aroha SD</i>	FC18

## Schedule 2: Areas where Freedom Camping is Restricted

### Explanatory notes

The restrictions in the table below apply in addition to the district-wide restrictions in clause 2.2.2.

Definition of area	Restriction	Map reference number (see appendix 1)
<b>Matamata Ward</b>		
Hetana Street Reserve, located between State Highway 24 to the north and Tui Street to the south, with access off Hetana Street to the east. <i>Legal description of Reserve: Section 255 Matamata SETT, Section 2 SO 332296, Lot 2 DPS 86435, Sec 1 SO 332296</i>	Restricted to 6 vehicles within the 6 "back-in" car parking spaces located on the reserve across from the intersection of Arawa Street and Hetana Street, south of the public toilets.	FC19
Pohlen Park and adjoining car park accessed from Western Street. <i>Legal description of Reserve: Lot 11 DPS 8842, Lot 45 DP 15621, Lot 46 DP 15621, Lot 101 DP 13191, Lot 100 DP 13191</i>	Restricted to 3 vehicles in the south east corner of the car park.	FC20
Wairere Falls Car Park, located at the end of Goodwin Road, Okauia. <i>Legal description: Section 1 Survey Office Plan 523878.</i>	Restricted to 11 vehicles within the 11 large car parking spaces at the far south side of the car park.	FC21
<b>Morrinsville Ward</b>		
Morrinsville Recreation Ground, located at the end of Cureton Street. <i>Legal description: Part Lot 28 DP 2465</i>	Restricted to 6 vehicles within the formed car park area accessed from Cureton Street.	FC22
Waterworks Road Reserve (Te Miro Forest Car Park, located at 684 Waterworks Road, Te Miro. <i>Legal description: Section 11 Block III Cambridge SD, Section 12 Block III Cambridge SD, Section 73 Te Miro SETT, Kiwitahi 2D Block, Section 13 Block III Cambridge SD, Part Lot 1 DP 21110</i>	Restricted to 2 vehicles on the southern edge of the existing car park.	FC23
<b>Te Aroha Ward</b>		
Boyd Park, located along Stanley Avenue and Spur Street. Includes a large portion of the Howarth Memorial wetlands. <i>Legal description: Section 90 Block IX Aroha SD</i>	Restricted to 6 vehicles in the north west corner of the existing formed car park between the netball courts and Boyd Park.	FC24
Herries Memorial Park, which includes gravel section of Council office carpark, located off Kenrick Street. <i>Legal description: Sec 167 Blk IX SD AROHA</i>	Restricted to 6 vehicles along the southern side of the existing formed car park behind the Council buildings, accessed from Kenrick Street (the north point of Herries Park). Freedom Camping vehicles must only park between 7pm and 7am Monday – Friday, any time on weekends and public holidays.	FC25

Definition of area	Restriction	Map reference number (see appendix 1)
Waihou Recreation Reserve, located off Ngutumanga Road, Waihou. <i>Legal description: SEC 57 BLK XVI WAITOA SD, Lot 18 DPS 7681 Lot 19 DPS 7681 PSc 52 Blk XVI SD WAITOA PtL 20 DPS 7681 Sec 50 Blk XVI SD WAITOA Sec 51 Blk XVI SD WAITOA, Sec 13 Blk XVI SD WAITOA</i>	Restricted to 3 vehicles in centre row of car park spaces within the section of car park near the rugby fields, accessed opposite 16 Ngutumanga Road.	FC26
Waitoa Railway reserve, across from the Farmers Road/SH 26 intersection in Waitoa. Approximately 10 kilometres from the Te Aroha township. <i>Legal description: Section 27 Block IV Maungakawa SD, Lot 1 DPS 68970, Section 26 Block IV Maungakawa SD, Section 1 SO 56525</i>	Restricted to 2 vehicles within the car park.	FC27
Waiorongomai Car Park, adjacent to the start of the Te Aroha Gold Mining Walking Tracks, approximately 5 kilometres from the Te Aroha township.	Restricted to 4 vehicles within the car park.	FC28

**Schedule 3: Areas where a person can Freedom Camp in a vehicle that is not  
Self-contained**

The Bylaw does not define any areas where a person can Freedom Camp in a vehicle that is not Self-contained on Local Authority Areas within the Matamata-Piako District.

**Appendix 1: Maps**

*[See attached]*



te kaunihera ā-rohe o  
**matamata-piako**  
district council

## Item 7.2





Appendix 1: Matamata-Piako District Council Freedom Camping Bylaw 2023  
Draft consultation version





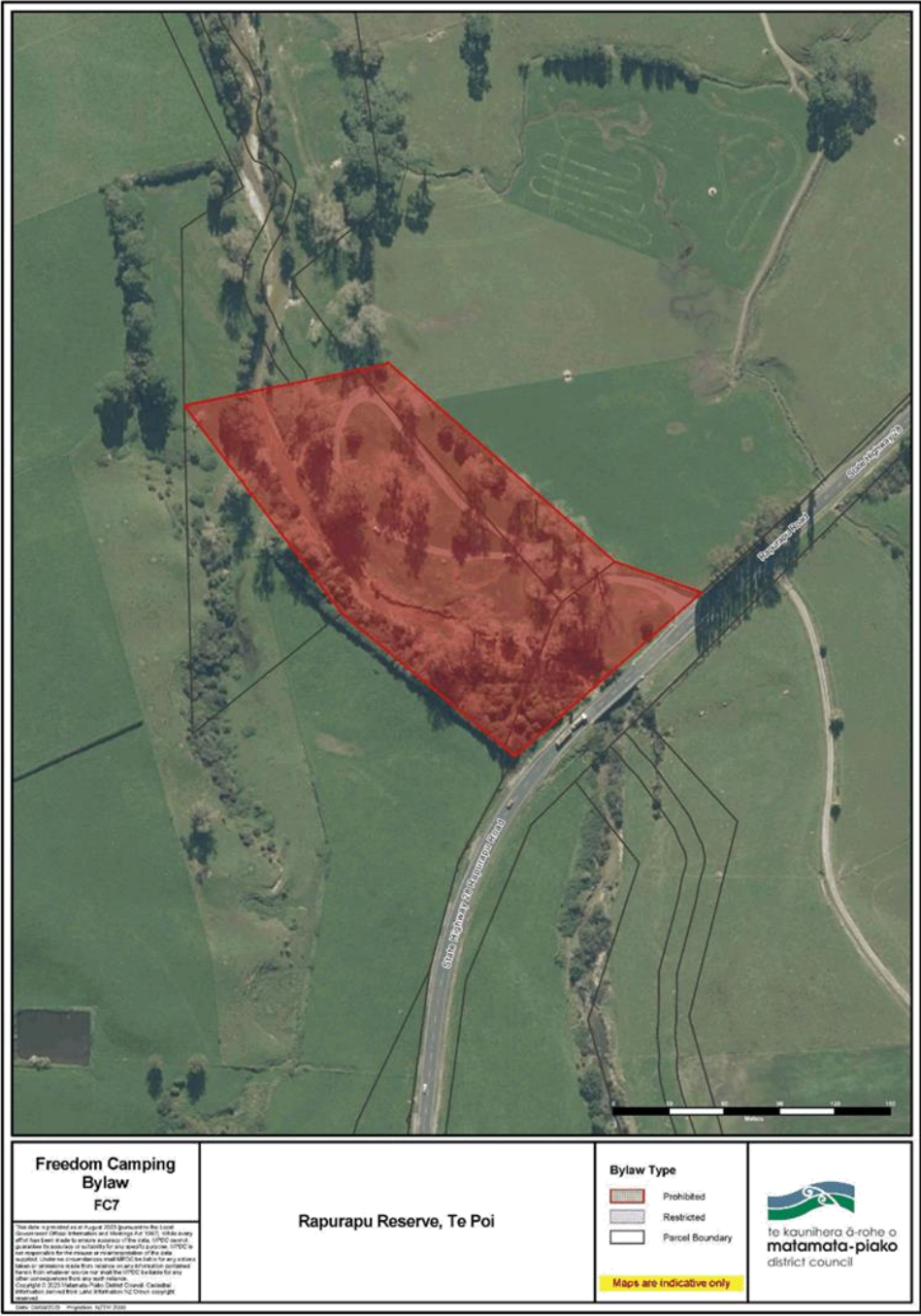
Appendix 1: Matamata-Piako District Council Freedom Camping Bylaw 2023  
Draft consultation version





Item 7.2

Attachment C







Appendix 1: Matamata-Piako District Council Freedom Camping Bylaw 2023  
Draft consultation version

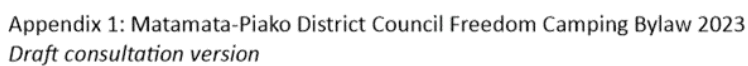
## Item 7.2

# Attachment C





Appendix 1: Matamata-Piako District Council Freedom Camping Bylaw 2023  
Draft consultation version



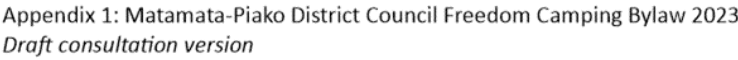


## Item 7.2

# Attachment C











Appendix 1: Matamata-Piako District Council Freedom Camping Bylaw 2023  
Draft consultation version

18

Item 7.2

Attachment C

Areas where freedom camping is restricted - Matamata Ward



Appendix 1: Matamata-Piako District Council Freedom Camping Bylaw 2023  
Draft consultation version





## Item 7.2

# Attachment C



## Item 7.2

# Attachment C







Appendix 1: Matamata-Piako District Council Freedom Camping Bylaw 2023  
Draft consultation version







# Matamata-Piako District Council

## DRAFT Significance and Engagement Policy 2023

Adopted by Council **Insert Date**

Department	Strategic Partnerships and Governance
Policy Type	External
CM Reference	
Council Resolution Date	<b>Insert Date</b>
Policy Effective From	<b>Insert Date</b>
Engagement	Section 82, Local Government Act 2002
Policy Supersedes	Significance and Engagement Policy 2020
Review Frequency	From time to time, as required by Council or legislative changes
Next Review Date	August 2026



## Contents

1.	Introduction .....	3
2.	Purpose .....	3
3.	Application of Policy .....	3
4.	General Principles.....	3
5.	Determining Significance .....	4
6.	Engagement .....	4
7.	When will Council not engage? .....	5
8.	Schedule 1 – How to Apply the Significance and Engagement Policy .....	7
9.	Schedule 2 – Consultation processes under the LGA.....	8
10.	Schedule 3 – Guide to Determining Significance and Engagement.....	9
11.	Schedule 4 – Strategic Assets .....	12
12.	Schedule 5 – Definitions.....	13

Item 7.9

Attachment B

## 1. Introduction

- 1.1 Council is committed to engaging with the community to ensure decisions made reflect the aspirations of the community.
- 1.2 This Policy helps Council to determine:
  - What the really important ('significant') issues are to the community, i.e. **when** we will engage, and;
  - How we will go about involving the community in making those decisions ('engagement'), i.e. **how** we will engage.

## 2. Purpose

- 2.1 To enable Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions and activities.
- 2.2 To provide clarity about how and when communities can expect to be engaged in Council decisions.
- 2.3 To guide Council in determining the appropriate types and/or level of engagement to support robust decision-making.
- 2.4 To set out assets considered by Council to be strategic assets.

## 3. Application of Policy

- 3.1 This Policy will be applied to all proposals enacted under the Local Government Act 2002 (LGA). It does not affect other legislation that has specific consultation requirements (e.g. the Resource Management Act 1991).
- 3.2 An assessment of the degree of significance and the appropriate level of engagement, will be considered in the early stages of a proposal before decision making occurs and, if necessary, reconsidered as a proposal develops.
- 3.3 Council is required to follow the special consultative procedure as set out in section 83 of the LGA, or to carry out consultation in accordance with, or give effect to, section 82 of the LGA on certain matters regardless of the degree of significance determined using this Policy.
- 3.4 When Council makes a decision that is significantly inconsistent with this Policy, the steps identified in Section 80 of the LGA will be undertaken.

## 4. General Principles

- 4.1 Council acknowledges its responsibility as a decision-making authority on behalf of the community and recognises that public input into decision-making is an essential part of ensuring that decisions reflect the aspirations of its communities.
- 4.2 Council actively encourages and empowers people to become involved in community issues that may affect them and aims to seek a balanced and representative understanding of views on the relevant issues.
- 4.3 Council acknowledges its responsibilities under the LGA and is committed to the inclusion of Māori in Council's decision-making processes.
- 4.4 Council acknowledges the principles of Te Tiriti o Waitangi/the Treaty of Waitangi and recognise and provide for the special relationship between Māori, their culture, traditions,

land, water and taonga. This includes recognising those who have mana whenua, or inherited rights of land ownership or customary authority.

- 4.5 Where joint management agreements, memorandum of understanding or any other similar high-level agreements exist, these will be considered as a starting point when engaging with Māori.
- 4.6 Council will pay particular regard to iwi aspirations when determining the degree of significance. This is included as a consideration in Schedule 3 of this Policy.<sup>1</sup>
- 4.7 Council recognises that the more significant an issue, proposal, decision, or matter, the more likely Council will need to engage with the community on their views, and the more time and resources will be dedicated towards those engagement processes.
- 4.8 Council will adapt how it engages with communities depending on the target audience and the needs and/or preferences of that audience.
- 4.9 Any engagement Council has with the community will be conducted in good faith and in an open, honest, and transparent manner. Council will be clear about the scope and purpose of the engagement.
- 4.10 Council will consider the views presented, respect and value input, and make decisions with an open mind.

## 5. Determining Significance

- 5.1 Council will establish the degree of significance of each issue, proposal, decision or other matter on a case-by-case basis using the considerations outlined in Schedule 3 of this Policy.
- 5.2 The criteria listed in Schedule 3 is in alignment with the definition of significance in the LGA in terms of the likely impact and consequences for:
  - a) the current and future social, economic, environmental, or cultural well-being of the district;
  - b) any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision or matter;
  - c) the capacity of Council to perform its role, and the financial costs of doing so.
- 5.3 The following information will be provided to assist in decision-making for inclusion in Council reports:
  - a) the degree of significance of the issue, proposal, decision or matter (low, medium or high);
  - b) whether the decision involves a strategic asset(s) (Schedule 4 of this Policy);
  - c) the appropriate level of engagement given the degree of significance; and,
  - d) a proposed engagement approach/plan.

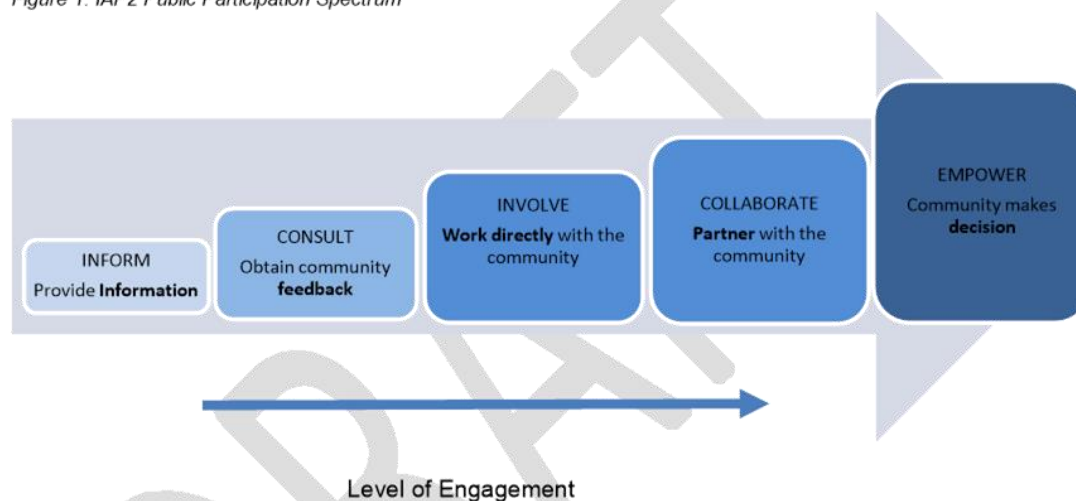
## 6. Engagement

- 6.1 Engagement is a process that involves all or some of the community and is focussed on decision making or problem solving. Engaging with our community is a vital part of Council's decision-making process.
- 6.2 The Guide to Determining Significance and Engagement (Schedule 3 of this Policy) provides examples of how and when communities can expect to be engaged in the decision-making process and the types of engagement Council may use to respond to specific issues.

<sup>1</sup> Reference should be made to the current Iwi Aspiration Statement when applying this Policy.

- 6.3 Council will seek opportunities to involve or collaborate with our communities, such as through place-making initiatives, community-led planning and other participatory democracy methods.
- 6.4 Reference may be made to the Council's Engagement Toolbox to assist Council in undertaking genuine engagement leading to beneficial outcomes for the communities of Matamata-Piako.
- 6.5 The Public Participation Spectrum from the International Association for Public Participation (IAP2) is a widely accepted framework for comparing the possible types of engagement with the community. This approach indicates different engagement approaches on a spectrum from providing information through to community empowerment. Differing levels of engagement may be required during the varying phases of decision-making on an issue, and for different stakeholders.

Figure 1: IAP2 Public Participation Spectrum



## 7. When will Council not engage?

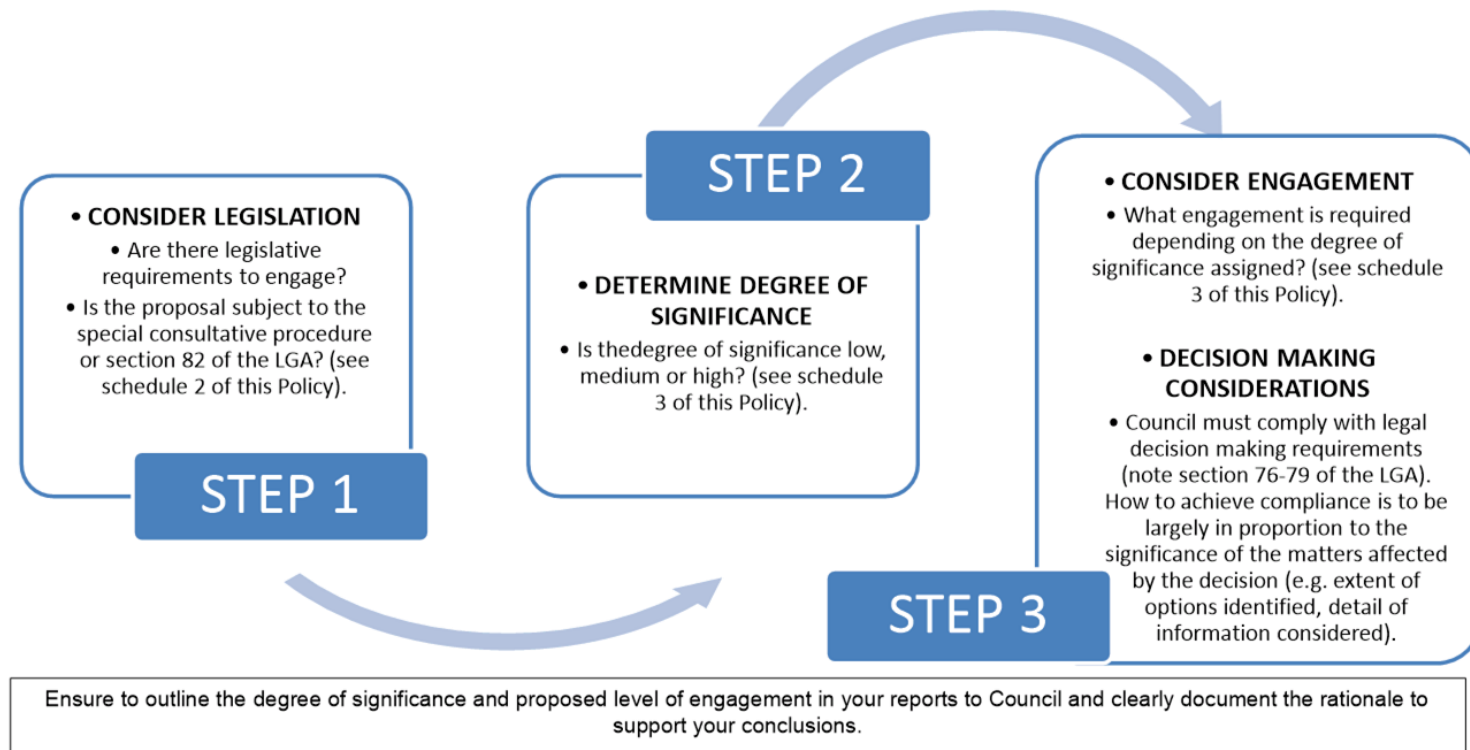
- 7.1 There are times when it will not be appropriate to engage with the community on certain issues, proposals, decisions, or matters.
- 7.2 Examples where Council won't generally engage with the community include:
- Organisational decisions (e.g. staff changes and operational matters) that do not materially reduce a level of service;
  - Decisions that are consistent with Council's Long-Term Plan or another policy or plan that has already been subject to consultation required by legislation or this Policy;
  - There is already clear direction on a strategy or plan and Council has already made up its mind about an issue and therefore does not have a sufficiently open mind to carry out meaningful engagement;
  - Protection of the privacy and safety of individuals (as provided for in the Privacy Act 2020);
  - Maintenance of confidentiality and/or commercial sensitivity to enable Council to carry out commercial activity or negotiations without prejudice (as provided for in the Local Government Official Information and Meetings Act 1987) such as awarding contracts;

- Where Council is acting with urgency in a crisis (for example under the Civil Defence Emergency Management Act 2002);
- Decisions taken to manage an urgent issue;
- Decisions to act where is necessary to:
  - Comply with the law;
  - Save, or protect life, health or amenity and prevent serious damage to Property;
  - Avoid, remedy or mitigate an adverse effect on the environment;
  - Protect the integrity of existing and future infrastructure and amenity.
- Entry or exit from a development agreement (private contract) under section 207A of the LGA;
- Decisions in relation to regulatory and enforcement activities.

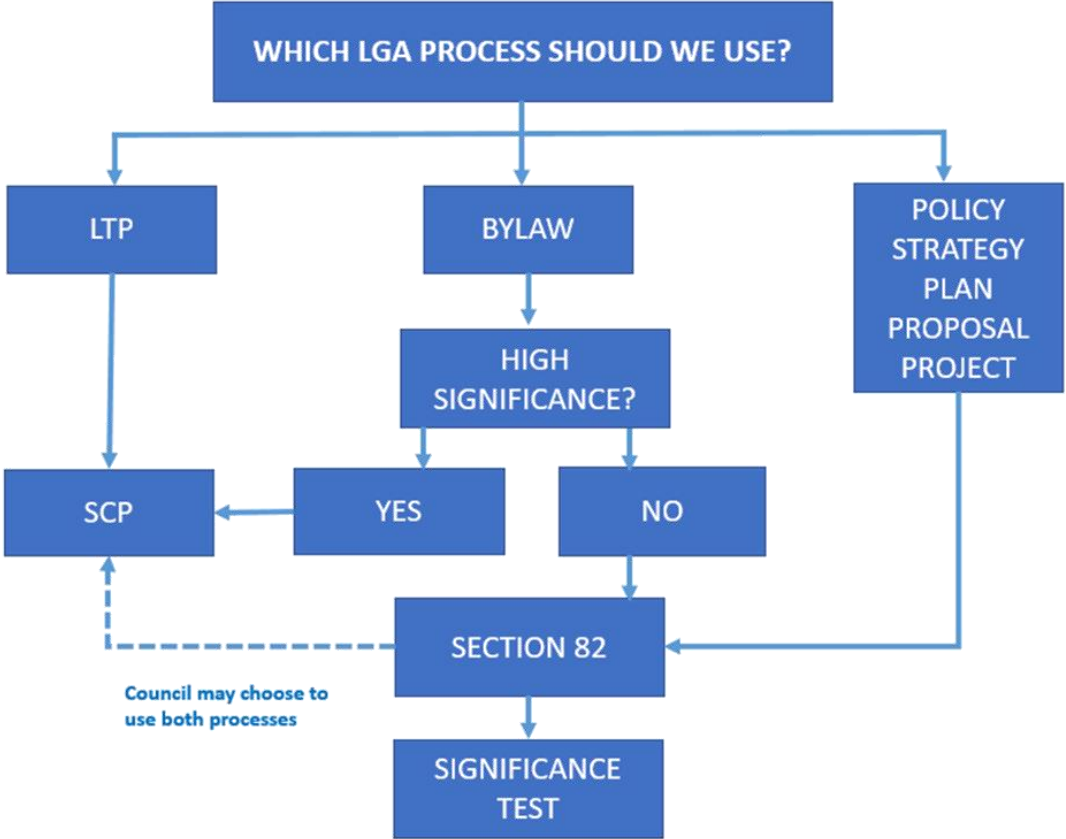
DRAFT

## 8. Schedule 1 – How to Apply the Significance and Engagement Policy

The degree of significance should be considered when first starting a project and revisited at key milestones along the way. This is to help guide engagement from the very beginning. Follow the below steps to understand the degree of significance and what engagement may be required.

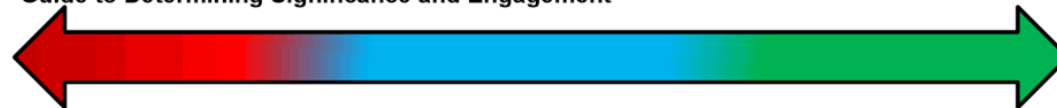


9. Schedule 2 – Consultation processes under the LGA



10. Schedule 3 – Guide to Determining Significance and Engagement

Less time  
Less resources



More time  
More resources

When can the community expect to be involved?		
LOW	MEDIUM	HIGH
Once a decision has been made, or when action from the community is required.	When there is a draft to provide feedback on, however this may involve pre-consultation with particular interest groups contributing to the draft.	Specific community interest groups would generally be involved from the very beginning and throughout the whole process through to completion.

Degree of significance		
LOW	MEDIUM	HIGH
Key considerations	Key considerations	Key considerations
Affects a <i>small sub group/s</i>	Affects a <i>large sub group/s</i>	Affects a <i>wide range of people</i>
Likely to have <i>little</i> public interest	Likely to have <i>moderate</i> public interest	Likely to have <i>high</i> public interest
<i>Low</i> consequences for the present and future community (document what these consequences may be)	<i>Moderate</i> consequences for the present and future community (document what these consequences may be)	<i>Large</i> consequences for the present and future community (document what these consequences may be)
The issue, proposal, decision, or matter is <i>unlikely to be of cultural significance</i> to Māori and their relationship to culture, traditions, land, water and taonga	The issue, proposal, decision, or matter is likely to be of <i>moderate cultural significance</i> to Māori and their relationship to culture, traditions, land, water and taonga	The issue, proposal, decision, or matter is likely to be of <i>high cultural significance</i> to Māori and their relationship to culture, traditions, land, water and taonga
The issue, proposal, decision, or matter is <i>strongly aligned</i> with iwi aspirations and/or iwi have expressed support for the matter	The issue, proposal, decision, or matter is <i>moderately aligned</i> with iwi aspirations and/or there is no clear understanding/consensus	The issue, proposal, decision, or matter is <i>not aligned</i> with iwi aspirations and/or iwi have expressed opposition to the matter

<i>Minimal</i> financial impact (can be funded within existing budgets and/or no or minimal impact on rates/debt levels)	<i>Moderate</i> financial impact (not funded within existing budgets and/or moderate impact on rates/debt levels)	<i>Significant</i> financial impact (not funded within existing budgets and/or significant impact on rates/debt levels)
Decision is <i>easily</i> reversed	Decision is <i>moderately difficult</i> to reverse	Decision is <i>highly difficult</i> to reverse
Decision is likely to have a <i>minimal</i> flow on effect for future plans or budgets	Decision is likely to have a <i>minor</i> flow on effect for future plans or budgets	Decision is likely to have a <i>significant</i> flow on effect for future plans or budgets
Decision is <i>unlikely</i> to affect the level of service of a Significant Activity	Decision is likely to <i>moderately affect</i> the level of service of a Significant Activity	Decision is likely to <i>significantly affect</i> the level of service of a Significant Activity
The decision is considered to <i>strongly support</i> the District adapt to climate change and/or may result in a positive impact on the environmental well-being of communities	The decision is considered to <i>moderately support</i> the District adapt to climate change and/or considered to have a negligible impact on the environmental well-being of communities	The decision is <i>not considered</i> to support the District adapt to climate change and/or may result in a negative impact on the environmental well-being of communities
There are <i>no significant changes</i> to what has already been agreed with the community through previous engagement	There are <i>minor changes</i> to what has already been agreed with the community through previous engagement	There are <i>significant changes</i> to what has already been agreed with the community through previous engagement
Views of the community are <i>already known</i>	Views of the community are already known however <i>may have changed</i> since views were initially sought	Views of the community are <i>not known</i>

Engagement – what might this involve?		
LOW	MEDIUM	HIGH
<p>If a matter is of low significance, Council can choose not to engage unless required by legislation. Council may choose to engage to provide openness and transparency to its community in its decision-making.</p> <p>Council may assist in understanding by providing information to the community about something that is going to happen, or has happened.</p> <p>This may involve the use of the below tools:</p> <ul style="list-style-type: none"> <li>• Newspapers</li> <li>• Facebook</li> <li>• E-newsletters</li> <li>• Websites</li> <li>• Brochures/Fact Sheets</li> <li>• Public Notices</li> <li>• Publishing the decision on Council's website</li> </ul>	<p>If a matter is of medium significance, Council may decide to engage. This may involve two-way communications designed to obtain public feedback, ideas, and suggested alternatives on proposals to inform decision-making. Council may also decide it is not appropriate or necessary to engage with the community.</p> <p>It may be appropriate for Council to consider more participatory processes such as co-design or participatory budgeting to ensure that community views are understood and considered prior to decision-making.</p> <p>This may involve the use of the below tools as well as those listed in the 'low' column:</p> <ul style="list-style-type: none"> <li>• Open Days</li> <li>• Attending community events (e.g. market days)</li> <li>• Formal submissions and hearings</li> <li>• Surveys</li> <li>• Workshops/Focus Groups</li> </ul>	<p>If a matter is of high significance, Council must engage with the community under this Policy.</p> <p>Depending on the degree of significance, Council would work together with the community to develop understanding of all issues and interests to work out alternatives and identify preferred solutions.</p> <p>This would likely involve large scale publicity and may include both informal engagement/discussions with the community followed by formal consultation in accordance with the LGA.</p> <p>This may involve the use of the below tools as well as those listed in the 'low' and 'medium' columns:</p> <ul style="list-style-type: none"> <li>• Partnering with the community, e.g. co-drafting, co-designing</li> <li>• Citizens Assemblies</li> </ul>

Examples of where Council may use these engagement methods		
LOW	MEDIUM	HIGH
<ul style="list-style-type: none"> <li>• Minor amendment to an existing bylaw or policy that has low community interest</li> <li>• Adoption of an Annual Plan that largely reflects what was agreed in the Long-Term Plan</li> <li>• A change to Council user fees and charges that affects a sub group, e.g. Building Consent fees.</li> <li>• An operational decision made by Council officers under delegation during the implementation of a Council decision.</li> </ul>	<ul style="list-style-type: none"> <li>• Adoption of or major/significant amendment to a bylaw.</li> <li>• Adoption of or major/significant amendment to a policy.</li> <li>• Adoption of an Annual Plan with minor changes to what was agreed in the Long Term Plan</li> <li>• Proposing a moderate change to Council's level of service of a significant activity that will have a moderate impact on a sub group of the community, e.g. library opening hours.</li> <li>• A moderate investment, e.g. a project partially funded through other sources (an example of this may be community playground).</li> </ul>	<ul style="list-style-type: none"> <li>• Adoption of a Long Term Plan</li> <li>• Adoption of an Annual Plan that proposes major changes to what was agreed in the Long Term Plan</li> <li>• A large investment, e.g. a new waste water treatment plant</li> <li>• Ceasing a Council activity</li> <li>• Proposing a large change to the level of service for a significant activity that will have a major impact on a large number of people, e.g. parks and open spaces.</li> <li>• Transfer of a strategic asset.</li> </ul>

## 11. Schedule 4 – Strategic Assets

Section 5 of the LGA requires the following to be listed in this Policy:

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

The following is a list of assets or group of assets that the Council needs to retain if it is to maintain its capacity to achieve or promote any outcome that it determines to be important to the current or future wellbeing of the community:

### Parks and Open Spaces

- Firth Tower Reserve
- Hetana Street Reserve
- Howie Park
- Te Aroha Domain
- Boyd Park
- Matamata Domain
- Morrinsville Recreation Ground
- Matamata Cemetery
- Maukoro Cemetery
- Morrinsville Cemetery
- Piako Cemetery
- Te Aroha Cemetery
- Waharoa Cemetery
- Matamata (Waharoa) Aerodrome

### Assets owned and required to maintain our capacity to provide affordable housing

- Elderly Person Housing

### Community facilities and buildings

- Libraries
- Council offices
- Morrinsville Events Centre
- Matamata-Piako Civic and Memorial Centre
- Headon Events Centre, Matamata
- Silver Fern Farms Events Centre, Te Aroha
- Swim Zone Matamata
- Swim Zone Morrinsville
- Swim Zone Te Aroha

### Infrastructure Assets<sup>2</sup>

- Roading network as a whole
- Water reticulation network and treatment plants as a whole
- Waste water reticulation network and treatment plants as a whole
- Stormwater reticulation network as a whole

### Equity held in an airport company within the meaning of the Airport Authorities Act 1966

- Shareholding in Waikato Regional Airport Limited

<sup>2</sup> Note that legislation before the House of Representatives proposes to transfer ownership of Council's water assets. Following the enactment of relevant legislation, Council may amend its strategic asset list accordingly without consultation.

## 12. Schedule 5 – Definitions

<b>Community</b>	Includes people or groups of people who live in the district and/or have a connection with the district and may be affected by the issue, proposal, decision, or matter subject to engagement.
<b>Consultation</b>	Involves Council providing information relevant to an issue, proposal, decision, or matter, seeking information and perspectives that may not otherwise have been taken into account, listening to what the community has to say, considering their responses, and then making a decision. Consultation is one of the tools used in engagement.
<b>Council</b>	Means Matamata-Piako District Council or any Committee, Sub-Committee or Elected Member of Council or officer of other person authorised to exercise the authority of Council.
<b>Decision</b>	Refers to all the decisions made by, or on behalf of, Council including those made under delegation.
<b>District</b>	Refers to the Matamata-Piako District.
<b>Engagement</b>	The process of working collaboratively with the community to develop ideas, concepts and/or proposals in order to inform and assist Council decision-making.
<b>Policy</b>	Refers to the Matamata-Piako District Council Significance and Engagement Policy (this document).
<b>Significance</b>	In relation to any issue, proposal, decision, or other matter that concerns or is before a local authority, means the degree of importance of the issue, proposal, decision, or matter, as assessed by the local authority, in terms of its likely impact on, and likely consequences for,— a) the current and future social, economic, environmental, or cultural well-being of the district or region b) any persons who are likely to be particularly affected by, or interested in, the issue, proposal, decision, or matter: c) the capacity of the local authority to perform its role, and the financial and other costs of doing so
<b>Significant</b>	In relation to any issue, proposal, decision, or other matter, means that the issue, proposal, decision, or other matter has a high degree of significance
<b>Significant Activity</b>	Is an activity (or group of activities) as listed below: The provision of: <ul style="list-style-type: none"> <li>• Parks and open spaces as listed in this Policy as a Strategic Asset</li> <li>• Library services</li> <li>• Cemeteries</li> <li>• Elderly person housing</li> <li>• Aquatic facilities (including spa facilities)</li> <li>• District event centres</li> <li>• The roading network as a whole</li> <li>• The water reticulation network and treatment plants as a whole</li> <li>• The waste water reticulation network and treatment plants as a whole</li> <li>• The stormwater reticulation network as a whole.</li> </ul>
<b>Strategic Asset</b>	Means an asset or group of assets as set out in section 5(1) of the LGA. Council's strategic assets are listed in schedule 4 of this Policy.
<b>Sub Group</b>	Means an assortment of people commonly recognised as a group/collection within the district's community, i.e. residents of a recognised town e.g. Morrinsville, ward or particular area (e.g.; CBD), households/businesses along the length of a major road, dog owners, users of a district reserve/facility/service, etc.



# Matamata-Piako District Council

## Local Alcohol Policy 2023

**This Policy is brought into force on 11 September 2023**

Department	Strategic Partnerships and Governance
Policy Type	External
CM Reference	
Council Resolution Date	23 August 2023
Policy Effective From	11 September 2023
Engagement Required	Special Consultative Procedure (Local Government Act 2002)
Policy Supersedes	Matamata-Piako District Council Local Alcohol Policy 2017
Review Frequency	Sale and Supply of Alcohol Act 2012 No later than six years after it came into force; and No later than six years after its most recent review
Next Review Date	11 September 2029



## Contents

<b>1. Introduction .....</b>	<b>3</b>
1.1 Purpose .....	3
1.2 Background.....	3
1.3 Objectives .....	4
1.4 Goals .....	4
1.5 Community Partnership.....	4
<b>2. Licence Applications .....</b>	<b>5</b>
2.1 Introduction .....	5
2.2 Application of Policy.....	5
2.3 Issuing of Licences .....	5
2.4 Renewal of Licences .....	6
2.5 Issue of Second Licence for Premises Already Licensed .....	6
<b>3. On-Licence Policies .....</b>	<b>7</b>
3.1 Introduction .....	7
3.2 Location of Premises Holding On-Licences by Reference to Broad Areas .....	7
3.3 Location of Premises Holding On-Licences by Reference to Proximity to Premises of a Particular Kind or Kinds.....	7
3.4 Location of Premises Holding On-Licences by Reference to Proximity to Facilities of a Particular Kind or Kinds.....	7
3.5 Further Issuing of On-Licences in the District.....	7
3.6 Maximum Trading Hours for Premises Holding On-Licences .....	8
3.7 Discretionary Conditions .....	8
<b>4. Off-Licence Policies.....</b>	<b>9</b>
4.1 Introduction .....	9
4.2 Location of Premises Holding Off-Licences by Reference to Broad Areas .....	9
4.3 Location of Premises Holding Off-Licences by Reference to Proximity to Premises of a Particular Kind or Kinds.....	9
4.4 Location of Premises Holding Off-Licences by Reference to Proximity to Facilities of a Particular Kind or Kinds.....	10
4.5 Further Issuing of Off-Licences in the District.....	10
4.6 Maximum Trading Hours for Premises Holding Off-Licences .....	10
4.7 Discretionary Conditions .....	10
<b>5. Club Licence Policies .....</b>	<b>12</b>
5.1 Introduction .....	12
5.2 Location of Premises Holding Club Licences by Reference to Broad Areas .....	12
5.3 Location of Premises Holding Club Licences by Reference to Proximity to Premises of a Particular Kind or Kinds.....	12
5.4 Location of Premises Holding Club Licences by Reference to Proximity to Facilities of a Particular Kind or Kinds.....	12
5.5 Further Issuing of Club Licences in the District.....	12
5.6 Maximum Trading Hours for Premises Holding Club Licences .....	12
5.7 Discretionary Conditions .....	13
<b>6. Special Licence Policies.....</b>	<b>14</b>
6.1 Introduction .....	14
6.2 Issuing of Special Licences in the District.....	14
6.3 Maximum Trading Hours for Special Licences .....	14
6.4 Discretionary Conditions .....	14
<b>7. Definitions .....</b>	<b>16</b>

## 1. Introduction

### 1.1 Purpose

- 1.1.1 The purpose of the Local Alcohol Policy (LAP) is to provide the Matamata-Piako District Council District Licensing Committee (DLC) with a policy framework to assist in making appropriate licensing decisions that reflect the object of the Sale and Supply of Alcohol Act 2012 (the Act) and the preferences of the community.

### 1.2 Background

- 1.2.1 This Policy is made pursuant to the Sale and Supply of Alcohol Act 2012. The object of the Act is that:

- a) *The sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and*
- b) *The harm caused by the excessive or inappropriate consumption of alcohol should be minimised.*

- 1.2.2 Section 75 of the Act enables Matamata-Piako District Council (Council) to have a LAP relating to the sale, supply, or consumption of alcohol within the Matamata-Piako district (District).

- 1.2.3 Section 77 of the Act states that a LAP may include policies on any or all of the following matters relating to licensing (and no others):

- a) *Location of licensed premises by reference to broad areas;*
- b) *Location of licensed premises by reference to proximity to premises of a particular kind or kinds;*
- c) *Location of licensed premises by reference to proximity to facilities of a particular kind or kinds;*
- d) *Whether further licences (or licences of a particular kind or kinds) should be issued for premises in the district concerned, or any stated part of the district;*
- e) *Maximum trading hours;*
- f) *The issue of licences, or licences of a particular kind or kinds, subject to discretionary conditions;*
- g) *One-way door restrictions.<sup>1</sup>*

- 1.2.4 This LAP comes into force on the day stated by Council resolution.

- 1.2.5 Pursuant to section 97 of the Act, Council must review its LAP no later than six years after it came into force and no later than six years after the most recent review of it was completed. If directed by Council a LAP can be reviewed or amended earlier.

- 1.2.6 Section 93 of the Act states that a LAP may contain a policy more restrictive than the relevant district plan, however a LAP cannot authorise anything forbidden by the relevant district plan.

- 1.2.7 This Policy does not contain all provisions that may apply to alcohol licensing matters, and should therefore be read in conjunction with the Act (and other relevant legislation including, but not limited to, the Resource Management Act 1991 (RMA)).

<sup>1</sup> Note that a) to d) do not apply to special licences or premises for which a special licence is held or has been applied for.

### 1.3 Objectives

1.3.1 The objectives of the LAP are to:

- a) Regulate the trading hours of club, on, and off-licensed premises;
- b) Regulate the location of club, on, and off-licensed premises;
- c) Encourage licensed premises to take appropriate measures to minimise alcohol-related harm;
- d) Provide clear guidance to the DLC relating to alcohol-licensing decision-making.

### 1.4 Goals

1.4.1 The goals of the LAP are to:

- a) Minimise alcohol-related harm in the District;
- b) Contribute to Matamata-Piako being a safe and healthy district;
- c) Reflect the character and amenity, values, preferences and needs of our communities;
- d) Encourage licensed environments that foster positive and responsible drinking behaviour.

### 1.5 Community Partnership

- 1.5.1 This Policy reflects Council's commitment to support our community to be safe, healthy and connected.
- 1.5.2 Council encourages a whole of community approach where all stakeholders work collaboratively to reduce alcohol-related harm including licence holders, patrons, health and social service agencies, government and non-government agencies, and the local community. The LAP forms part of this whole of system approach.
- 1.5.3 In accordance with section 78(4) of the Act, Council consulted with the Police, Medical Officer of Health and Licensing Inspectors in the development and review of this LAP.
- 1.5.4 Council has reviewed this Policy in consultation with stakeholders to understand their views and preferences for inclusion within the Policy.
- 1.5.5 In support of this LAP, a 24 hour a day, 7 day a week alcohol ban is in force within the townships of Matamata, Morrinsville, Te Aroha and Waharoa. For up to date maps, please refer to the relevant bylaw on Council's website.

## 2. Licence Applications

### 2.1 Introduction

- 2.1.1 A licence is required to sell and supply alcohol to the public. Applications must be filed with the DLC.
- 2.1.2 Alcohol licence determinations shall be made in accordance with the requirements and authority of the Act.
- 2.1.3 Reference should be made to Council's Fees and Charges document for a schedule of fees relating to alcohol licensing. Fees are set pursuant to the Sale and Supply of Alcohol (Fees) Regulations 2023 and the Sale and Supply of Alcohol (Fee-setting Bylaws) Order 2013 where applicable.

### 2.2 Application of Policy

- 2.2.1 Pursuant to section 105(1)(c) of the Act, The DLC must have regard to any relevant LAP in deciding whether to issue a licence.
- 2.2.2 Provisions regarding the location and further issuing of licences in the District do not apply to existing licences. This exemption remains in force for as long as the premises remains continuously licensed, and will cease if the current licence or any subsequent licence for the premises is surrendered or not renewed.

### 2.3 Issuing of Licences

- 2.3.1 Section 28(1) of the Act outlines who can hold an on, off and special licence.
- 2.3.2 Section 30 of the Act outlines who can hold a club licence.
- 2.3.3 Pursuant to section 105 and 131 of the Act, the DLC must have regard to a range of matters when considering a licence application including:
  - The object of the Act;
  - The suitability of the applicant;
  - Any relevant LAP;
  - The days on which and the hours during which the applicant proposes to sell alcohol;
  - The design and layout of any proposed premises;
  - Whether the applicant provides goods and/or services other than those directly related to the sale of alcohol, low-alcohol refreshments, non-alcoholic refreshments and food;
  - Whether (in its opinion), the amenity and good order of the locality would be likely to be reduced, to more than a minor extent, by the effects of the issue of the licence;
  - Whether (in its opinion), the amenity and good order of the locality are already so badly affected by the effects of the issue of existing licences that:
    - they would be unlikely to be reduced further (or would be likely to be reduced further to only a minor extent) by the effects of the issue of the licence; but
    - it is nevertheless desirable not to issue any further licences.
  - Whether the applicant has the appropriate systems, staff, and training to comply with the law;
  - Any matters dealt with in any report from the Police, an inspector, or a Medical Officer of Health.
  - The manner in which the applicant has sold (or, as the case may be, sold and supplied), displayed, advertised, or promoted alcohol.
- 2.3.4 When considering the effects of issuing or renewing a licence on amenity and good order of a locality, section 106 of the Act states that the DLC must have regard to current and possible future noise levels, nuisance and vandalism, and the number of premises for which licences of the kind concerned are already held (as they relate to the locality).

- 2.3.5 Pursuant to section 108 of the Act, the DLC may refuse to issue a new licence if, in its opinion, the issue of the licence, or consequences of the issue of the licence, would be inconsistent with any relevant LAP.
- 2.3.6 Pursuant to section 107 of the Act, The DLC may, having regard to any matter stated in section 105, refuse to issue a licence, even if no objection was filed against the application for it under section 102 and no report was filed under section 103 opposing that application.

## **2.4 Renewal of Licences**

- 2.4.1 Pursuant to section 133 of the Act, the DLC must not take into account any inconsistency between a relevant LAP and the renewal of a licence or the consequences of its renewal. However, the DLC may impose particular conditions on any licence it renews if there is a relevant LAP, and it considers that the renewal of the licence or the consequences of the renewal of the licence, without those conditions imposed on it would be inconsistent with the LAP.

## **2.5 Issue of Second Licence for Premises Already Licensed**

- 2.5.1 Pursuant to section 25 of the Act, a licence of one kind can be issued for a premises, or for part of a premises, for which a licence of another kind is (or licences of other kinds are) already held.
- 2.5.2 However, there are exemptions to the above. Pursuant to section 29 of the Act, a club cannot hold an on-licence. A club is also not able to hold an off-licence unless it has continuously held an off-licence since before the commencement of section 28 of the Act. This section overrides section 25 of the Act as cited above, and section 28(1) of the Act which outlines who can hold an on, off and special licence.

### **3. On-Licence Policies**

#### **3.1 Introduction**

- 3.1.1 An on-licensed premises is one where consumption of alcohol is authorised on the premises from which it is sold. Common examples include hotels, taverns and restaurants.
- 3.1.2 Policies in this LAP relating to on-licences also apply to:
- a) Bring Your Own restaurants (endorsed under section 37 of the Act);
  - b) Caterers (endorsed under section 38 of the Act).
- 3.1.3 For the purposes of clauses 3.2.1, 3.2.2, 3.3.1, 3.4.1, and 3.5.1, a licensed premises that changes ownership but continues to hold an on-licence is not considered to be a new licensed premises.
- 3.1.4 For the purposes of clauses 3.2.1, 3.2.2, 3.3.1, 3.4.1, and 3.5.1, a premises that has not been subject to an on-licence for more than twelve (12) months prior to the filing of the application shall be considered as being a new premises licensed for the first time. Premises that have been subject to an on-licence in the twelve (12) months prior to filing the application are not considered as being a new premises licensed for the first time.

#### **3.2 Location of Premises Holding On-Licences by Reference to Broad Areas**

- 3.2.1 New on-licensed premises being licensed for the first time should be restricted to:
- a) Areas marked 'Business Zone' under the Matamata-Piako District Council District Plan (District Plan); or
  - b) Locations authorised by resource consent.
- 3.2.2 As stated above, Council's preference is for on-licensed premises to be located within the Business Zone. However, where an application is made to locate outside of this, applicants must demonstrate that the operation of the premises will not impact upon the amenity and good order of the neighbourhood, and that consideration has been given to the Crime Prevention through Environmental Design criteria.

#### **3.3 Location of Premises Holding On-Licences by Reference to Proximity to Premises of a Particular Kind or Kinds**

- 3.3.1 When considering any on-licence application in respect of new premises being licensed for the first time, the DLC will have regard to the proximity of that proposed premises to other licensed premises where it considers this relevant.

#### **3.4 Location of Premises Holding On-Licences by Reference to Proximity to Facilities of a Particular Kind or Kinds**

- 3.4.1 There are no policies for on-licensed premises locations by reference to proximity to facilities of a particular kind or kinds.

#### **3.5 Further Issuing of On-Licences in the District**

- 3.5.1 This Policy does not limit the number of on-licensed premises in the District or restrict the issue of licences for premises not currently holding a licence, provided all other policy criteria are met.

### 3.6 Maximum Trading Hours for Premises Holding On-Licences

3.6.1 The following maximum trading hours apply to on-licensed premises in the District:

#### Maximum Trading Hours – On-Licensed Premises

Monday to Sunday - 7:00am to 1:00am the following day.

Hotel in-bedroom mini bar sales - Monday to Sunday: 24 hours per day.

3.6.2 Maximum trading hours are subject to section 47 of the Act which details restrictions for on-licences regarding the sale and supply of alcohol on Anzac Day morning, Good Friday, Easter Sunday, and Christmas Day.

3.6.3 The Council's policy position on maximum trading hours is not intended to set an expectation that the DLC should issue every licence with the full extent of the maximum hours. Therefore, the DLC may issue licences with more restrictive hours than the maximum trading hours specified in this LAP.

### 3.7 Discretionary Conditions

3.7.1 In addition to the mandatory conditions for on-licences outlined in section 110(2) and pursuant to sections 110(1) and 117 of the Act, the DLC may issue any on-licence subject to any reasonable condition(s) not inconsistent with the Act. The provisions of the Act allow for wide-ranging discretions as to the conditions that may be applied to a licence, the generality of which is not limited or affected by any other provision in the Act.

3.7.2 The following are examples of discretionary conditions which may be applied to any new or renewed on-licence or any other reasonable condition:

- a) Conditions about how patrons are informed about transport options;
- b) Details of the maximum number of patrons to be permitted on the premises;
- c) Details of the management of patrons in outdoor areas to minimise impacts on the amenity of nearby properties;
- d) Inclusion of a one-way door restriction to be applied after 11:00pm;<sup>2</sup>
- e) Application of the principles of Crime Prevention through Environmental Design criteria, including:
  - i. Provision of interior and/or exterior lighting;
  - ii. The installation and operation of closed circuit television (CCTV) cameras on the exterior of, and within the premises;
  - iii. Visibility of the interior of the premises from the street;
  - iv. Internal layout;
  - v. Layout of outdoor drinking areas.

<sup>2</sup> Particular consideration – one-way door policy

During the development of this Policy, a one-way door policy was recommended by the Police and Te Whatu Ora - Waikato. Council has not set a mandatory one-way door policy, but signals to the DLC to have particular regard to the application of a one-way door policy where it considers this to be relevant. A one-way door restriction is designed to minimise disorder and crime resulting from large numbers of people on the streets by refusing entry to patrons after a particular time. By staggering departure times, and deterring large numbers of people from exiting licensed premises at the same closing time, the potential for harm can be minimised.

#### **4. Off-Licence Policies**

##### **4.1 Introduction**

- 4.1.1 An off-licensed premises is one where consumption of alcohol is authorised away from the premises from which it is sold. Common examples include supermarkets and bottle stores.
- 4.1.2 Pursuant to section 36 of the Act, off-licences cannot be held for petrol stations, certain garages, dairies, convenience stores, conveyances or shops within shops.
- 4.1.3 This section of the LAP does not apply to premises for which off-licences are endorsed under sections 39 or 40 of the Act relating to auctioneers and remote sellers.
- 4.1.4 For the purposes of clauses 4.2.1, 4.2.2, 4.3.1, 4.4.1, 4.4.2, 4.4.3, 4.5.1, 4.5.2 and 4.5.3, a licensed premises that changes ownership but continues to hold an off-licence is not considered to be a new licensed premises.
- 4.1.5 For the purposes of clauses 4.2.1, 4.2.2, 4.3.1, 4.4.1, 4.4.2, 4.4.3, 4.5.1, 4.5.2 and 4.5.3, a premises that has not been subject to an off-licence for more than twelve (12) months prior to the filing of the application shall be considered as being a new premises licensed for the first time. Premises that have been subject to an off-licence in the twelve (12) months prior to filing the application are not considered as being a new premises licensed for the first time.

##### **4.2 Location of Premises Holding Off-Licences by Reference to Broad Areas**

- 4.2.1 New off-licensed premises being licensed for the first time should be restricted to:
  - a) Areas marked 'Business Zone' under the District Plan; or
  - b) Locations authorised by resource consent.
- 4.2.2 As stated above, Council's preference is for off-licensed premises to be located within the Business Zone. However, where an application is made to locate outside of this, applicants must demonstrate that the operation of the premises will not impact upon the amenity and good order of the neighbourhood, and that consideration has been given to the Crime Prevention through Environmental Design criteria.

##### **4.3 Location of Premises Holding Off-Licences by Reference to Proximity to Premises of a Particular Kind or Kinds**

- 4.3.1 When considering any off-licence application in respect of new premises being licensed for the first time, the DLC will have regard to the proximity of that proposed premises to other off-licensed premises within a 100 metre radius<sup>3</sup> where it considers this relevant.

<sup>3</sup> Measured from the main façade of the premises, being the principal front of a building that faces onto a street or open space.

#### 4.4 Location of Premises Holding Off-Licences by Reference to Proximity to Facilities of a Particular Kind or Kinds

- 4.4.1 Off-licences must not be located within a 100 metre radius<sup>4</sup> of a sensitive site existing at the time the application is made.
- 4.4.2 Renewal of a licence shall be unaffected should a sensitive site later move to a site located within a 100 metre radius<sup>5</sup> of an existing licensed premises.
- 4.4.3 Clause 4.4.1 does not apply to supermarkets and grocery stores.

#### 4.5 Further Issuing of Off-Licences in the District

- 4.5.1 There is a presumption that new off-licences will not be issued in the District, if in the opinion of the DLC, the amenity and good order of the locality would be likely to be reduced to more than a minor extent, by the effects of the issue of the licence.
- 4.5.2 Clause 4.5.1 does not apply to licence applications for premises where the alcohol is an appropriate complement to goods of the kind or kinds sold (or to be sold) in a shop pursuant to section 35 of the Act.
- 4.5.3 Clause 4.5.1 does not apply to licence applications where the existing off-licensed business has to relocate.

#### 4.6 Maximum Trading Hours for Premises Holding Off-Licences

- 4.6.1 The following maximum trading hours apply to off-licensed premises in the District:

Maximum Trading Hours - Off-Licensed Premises
Monday to Sunday - 7:00am to 9:00pm the same day.

- 4.6.2 Maximum trading hours are subject to section 48 of the Act which details restrictions for off-licences regarding the sale and supply of alcohol on Anzac Day morning, Good Friday, Easter Sunday, and Christmas Day.
- 4.6.3 The Council's policy position on maximum trading hours is not intended to set an expectation that the DLC should issue every licence with the full extent of the maximum hours. Therefore, the DLC may issue licences with more restrictive hours than the maximum trading hours specified in this LAP.

#### 4.7 Discretionary Conditions

- 4.7.1 In addition to the mandatory conditions for off-licences outlined in section 116(2) and pursuant to sections 116(1) and 117 of the Act, the DLC may issue any off-licence subject to any reasonable condition(s) not inconsistent with the Act. The provisions of the Act allow for wide-ranging discretions as to the conditions that may be applied to a licence, the generality of which is not limited or affected by any other provision in the Act.
- 4.7.2 The following are examples of discretionary conditions which may be applied to any new or renewed off-licence or any other reasonable condition:
  - a) Designation of the premises as a supervised or restricted area;

<sup>4</sup> Measured from the main façade of the premises, being the principal front of a building that faces onto a street or open space.

<sup>5</sup> Measured from the main façade of the premises, being the principal front of a building that faces onto a street or open space.

- b) Display of safe drinking messages and material;
- c) The nature and extent of alcohol product and/or branded signage, for example no more than 50% of the main façade of the premises to be devoted to alcohol product and/or branded signage;
- d) Types of alcohol to be sold, for example limit single sales;
- e) Application of the principles of Crime Prevention through Environmental Design criteria, including:
  - i. Provision of interior and/or exterior lighting;
  - ii. The installation and operation of CCTV cameras on the exterior of, and within the premises;
  - iii. Visibility of the interior of the premises from the street;
  - iv. Internal layout.

## 5. Club Licence Policies

### 5.1 Introduction

- 5.1.1 A club licensed premises is where the licensee can sell and supply alcohol to authorised customers for consumption there.
- 5.1.2 For the purposes of clauses 5.2.1, 5.3.1, 5.4.1, 5.4.2 and 5.5.1, a licensed premises that changes ownership but continues to hold a club licence is not considered to be a new licensed premises.
- 5.1.3 For the purposes of clauses 5.2.1, 5.3.1, 5.4.1, 5.4.2 and 5.5.1, a premises that has not been subject to a club licence for more than twelve (12) months prior to the filing of the application shall be considered as being a new premises licensed for the first time. Premises that have been subject to a club licence in the twelve (12) months prior to filing the application are not considered as being a new premises licensed for the first time.

### 5.2 Location of Premises Holding Club Licences by Reference to Broad Areas

- 5.2.1 Club licensed premises not currently holding a licence should be located at, or in close proximity to, the sports grounds or other facilities used by the club, if relevant.

### 5.3 Location of Premises Holding Club Licences by Reference to Proximity to Premises of a Particular Kind or Kinds

- 5.3.1 There are no policies for club licensed premises by reference to proximity to premises.

### 5.4 Location of Premises Holding Club Licences by Reference to Proximity to Facilities of a Particular Kind or Kinds

- 5.4.1 When considering a club licence application in respect of any premises not currently holding a licence, the DLC will have regard to the proximity of that proposed premises to any sensitive site.
- 5.4.2 Renewal of a licence shall be unaffected should a sensitive site later move to a site which borders an existing licensed premises.

### 5.5 Further Issuing of Club Licences in the District

- 5.5.1 This Policy does not limit the number of club licensed premises in the District or restrict the issue of licences for premises not currently holding a licence, provided all other policy criteria are met.

### 5.6 Maximum Trading Hours for Premises Holding Club Licences

- 5.6.1 The following maximum trading hours apply to all club licensed premises in the District:

Maximum Trading Hours – Club Licensed Premises
Monday to Sunday - 7:00am to 1:00am the following day.

- 5.6.2 Pursuant to section 47A of the Act, Returned Services Associations affiliated with the Royal New Zealand Returned Services Association and other club licensed premises of

a similar nature who are involved with Anzac Day commemorations/civic services shall be permitted to trade from 4:00am on Anzac Day.

- 5.6.3 The Council's policy position on maximum trading hours is not intended to set an expectation that the DLC should issue every licence with the full extent of the maximum hours. Therefore, the DLC may issue licences with more restrictive hours than the maximum trading hours specified in this LAP.

## 5.7 Discretionary Conditions

- 5.7.1 In addition to the mandatory conditions for club licences outlined in section 110(2) and pursuant to sections 110(1) and 117 of the Act, the DLC may issue any club licence subject to any reasonable condition(s) not inconsistent with the Act. The provisions of the Act allow for wide-ranging discretions as to the conditions that may be applied to a licence, the generality of which is not limited or affected by any other provision in the Act.
- 5.7.2 The following are examples of discretionary conditions which may be applied to any new or renewed club licence or any other reasonable condition:
- a) Conditions about how patrons are informed about transport options;
  - b) Details of the maximum number of patrons to be permitted on the premises;
  - c) Details of the management of patrons in outdoor areas to minimise impacts on the amenity of nearby properties;
  - d) Inclusion of a one-way door restriction after a specified time;
  - e) Application of the principles of Crime Prevention Through Environmental Design criteria, including:
    - i. Provision of interior and/or exterior lighting;
    - ii. The installation and operation of CCTV cameras on the exterior of, and within the premises;
    - iii. Visibility of the interior of the premises from the street;
    - iv. Internal layout;
    - v. Layout of outdoor drinking areas.

## 6. Special Licence Policies

### 6.1 Introduction

- 6.1.1 Special licences allow the sale and consumption of alcohol at events or occasions on premises that are unlicensed, or premises for which the event timing would be outside their normal licence conditions. Special licences can permit on site or off site sales, and are in force for the date and time of the event (or series of events) only.
- 6.1.2 A special licence is valid for a particular event, a series of linked events, or a social gathering specified in the licence. Special licences may be issued for a series of events. An example of this would be a series of theatre performances.

### 6.2 Issuing of Special Licences in the District

- 6.2.1 Pursuant to section 145 of the Act, a special licence may be refused if contrary to a relevant LAP.
- 6.2.2 Any LAP criteria relating to the location of licensed premises and the further issuing of particular licences in the District do not apply to the issuing of special licences.
- 6.2.3 Pursuant to section 41 of the Act, a special licence must not be issued in circumstances where (in the opinion of the DLC concerned) it would have been more appropriate for the applicant to apply for an on-licence, off-licence or club licence; or the variation of an existing on-licence, off-licence or club licence.

### 6.3 Maximum Trading Hours for Special Licences

- 6.3.1 Maximum trading hours for a special licence will be set by the DLC on a case-by-case basis with regard taken to the nature of the event or series of events.

### 6.4 Discretionary Conditions

- 6.4.1 In addition to the mandatory conditions for special licences outlined in section 147(3) and pursuant to sections 143, 146, 147(1) and 147(2) of the Act, the DLC may issue any special licence subject to any reasonable condition(s) not inconsistent with the Act. The provisions of the Act allow for wide-ranging discretions as to the conditions that may be applied to a licence, the generality of which is not limited or affected by any other provision in the Act.
- 6.4.2 The following are examples of discretionary conditions which may be applied to any special licence or any other reasonable condition:
- a) Alcohol risk management plans for large scale events;
  - b) The maximum number of events under special licence. Generally, no premises should have more than 18 events under special licence in any six-month period.<sup>6</sup>
  - c) The maximum period for a series of events. Generally, a series of events for any special licence should not exceed a six month period;
  - d) Inclusion of a one-way door restriction after a specified time;
  - e) Application of the principles of Crime Prevention through Environmental Design criteria, including:

<sup>6</sup> Particular consideration – number of events under special licence

Council signals to the DLC to carefully consider where the number of events under special licence exceeds this Policy (18 events under special licence in any six-month period), and to consider whether it is more appropriate for the applicant to apply for an on-licence, off-licence or club licence; or the variation of an existing on-licence, off-licence or club licence (refer to clause 6.2.3).

- i. Provision of interior and/or exterior lighting;
- ii. Provision of additional security staff after a specified time;
- iii. Visibility from the street;
- iv. Internal layout;
- v. Layout of outdoor drinking areas.

## 7. Definitions

<b>Alcohol</b>	means a substance: a) that: i. is or contains a fermented, distilled, or spirituous liquor; and ii. at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or b) that: i. is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and ii. is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people.
<b>Alcohol branded signage</b>	In relation to off-licences, means signage that contains branding such as names, symbols, images or slogans of alcohol products or producers.
<b>Alcohol product signage</b>	In relation to off-licences, means signage depicting alcohol products such as through photographs or illustrations, but does not include signage containing only the name or price of alcohol products.
<b>Alcohol-related harm</b>	To give effect to the object of the Act, alcohol-related harm (the harm caused by the excessive or inappropriate consumption of alcohol) is defined widely, and includes: a) any crime, damage, death, disease, disorderly behaviour, illness, or injury, directly or indirectly caused, or directly or indirectly contributed to, by the excessive or inappropriate consumption of alcohol; b) any harm to society generally or the community, directly or indirectly caused, or directly or indirectly contributed to, by any crime, damage, death, disease, disorderly behaviour, illness, or injury of a kind described in paragraph (a).
<b>Amenity and good order of the locality</b>	In relation to an application for, or for the renewal of a licence, means the extent to which, and ways in which, the locality in which the premises concerned are situated is (or, in the case of a conveyance, the localities where the conveyance is likely to travel are) pleasant and agreeable.
<b>Authorised customer</b>	In relation to premises a club licence is held for, means a person who: a) is a member of the club concerned; or b) is on the premises at the invitation of, and is accompanied by, a member of the club concerned; or c) is an authorised visitor.

<b>Authorised visitor</b>	In relation to premises a club licence is held for, means a member of some other club with which the club concerned has an arrangement for reciprocal visiting rights for members.
<b>Bar</b>	In relation to a hotel or tavern, means a part of the hotel or tavern used principally or exclusively for the sale or consumption of alcohol.
<b>Bottle Store</b>	Retail premises where at least 85% of the annual sale revenue is expected to be earned from the sale of alcohol for consumption somewhere else.
<b>Business Zone</b>	Means land zoned as Business in the Matamata-Piako District Plan at the time when the relevant licence application is determined. In the event that the Matamata-Piako District Plan is superseded, the term Business Zone in this LAP will apply to the relevant zone or zones in the newly operative District Plan.
<b>Club</b>	Means a body that: a) is a body corporate having as its object (or as one of its objects) participating in or promoting a sport or other recreational activity, otherwise than for gain; or b) is a body corporate whose object is not (or none of whose objects is) gain; or c) holds permanent club charter.
<b>Club Licence</b>	A licence holder can sell and supply alcohol for consumption on the club premises by authorised customers and visitors.
<b>Conveyance</b>	a) means an aircraft, coach, ferry, hovercraft, ship, train, or other vehicle, used to transport people; and b) includes part of a conveyance.
<b>District</b>	Refers to the Matamata-Piako District.
<b>District Licensing Committee (DLC)</b>	Means the Matamata-Piako District Licensing Committee appointed pursuant to section 186 of the Act.
<b>Early Childhood Facility</b>	Includes any crèche, childcare centre, kindergarten, kohanga reo, or playcentre or any other place (excluding school) where 11 or more children at any one time receive care or education.
<b>Education Facilities</b>	Means land and/or buildings used to provide regular instruction or training and includes pre-schools, schools, tertiary education institutions, works skills training centres, outdoor education centres and sports training establishments.
<b>Event</b>	In relation to a special licence, includes an occasion or gathering, and may include a series of small, related events.
<b>Grocery Store</b>	Means a shop that has the characteristics normally associated with shops of the kind commonly thought of as grocery shops and comprises premises where a range of food products and other household items is sold, but the principal business carried on is

	or will be the sale of food products. In most cases grocery stores will be less than 1,000 m2 in size.
<b>Hotel</b>	Means premises used or intended to be used in the course of business principally for providing to the public: a) lodging; and b) alcohol, meals, and refreshments for consumption on the premises.
<b>Inspector</b>	Means an inspector appointed by the Council under section 197(1) of the Act.
<b>Large scale event</b>	Means an event to which section 143 of the Act applies.
<b>Library</b>	Means a Matamata-Piako District Council library located in Matamata, Morrinsville and Te Aroha.
<b>Licence</b>	a) means a licence issued under the Act that is in force; and b) in relation to any licensed premises, means the licence issued for them (or, in the case of premises that two or more licences have been issued for, any of those licences).
<b>Licensee</b>	a) means a person who holds a licence; and b) in relation to any licensed premises, means the person who holds the licence concerned.
<b>Licensed premises</b>	Means any premises for which a licence is held.
<b>Local Alcohol Policy (LAP)</b>	Means the Matamata-Piako District Council Local Alcohol Policy 2023 (this document).
<b>Manager</b>	a) means a manager of licensed premises appointed under the Act; and b) in relation to any licensed premises, means a manager of those premises.
<b>Member</b>	In relation to a club, means a person who: a) has expressly agreed in writing to comply with the club's rules; and b) is recognised as a member of the club by those rules.
<b>New Licence</b>	Means a premises that has not been subject to a licence (with the exception of Special Licences) for more than 12 months prior to the filing of an application.  Notes: <ul style="list-style-type: none"> <li>• An alcohol licence is specific to the licensee and the premises. If the licensee moves their business to other premises they are required to apply for a new licence for the new premises.</li> <li>• A licensed premises that changes ownership but continues to hold a licence is not considered to be a new licence.</li> <li>• A change of licence type is considered an application for a new licence.</li> </ul>

<b>Off-licence</b>	On the premises an off-licence is held for, the licensee can sell alcohol for consumption somewhere else.  While the premises an off-licence is held for are open for the sale of alcohol for consumption somewhere else, the licensee can also supply alcohol free, as a sample, for consumption on the premises.
<b>One-way door restriction</b>	in relation to a licence, is a requirement that, during the hours stated in the restriction:  a) no person is to be admitted (or re-admitted) into the premises unless he or she is an exempt person (pursuant to the definition in the Act); and b) no person who has been admitted (or re-admitted) into the premises while the restriction applies to the licence is to be sold or supplied with alcohol.
<b>On-licence</b>	On any premises an on-licence (other than an on-licence endorsed under section 37 of the Act) is held for, the licensee:  a) Can sell and supply alcohol for consumption there; and b) Can let people consume alcohol.
<b>Place of worship</b>	Includes any church, mosque or other facility designed primarily for worship and related religious activities.
<b>Policy</b>	Refers to the Matamata-Piako District Council Local Alcohol Policy 2023 (this document).
<b>Premises</b>	a) includes a conveyance; and b) includes part of any premises; and c) in relation to a licence, means the premises it was issued for.
<b>Prohibited Persons</b>	Persons to whom alcohol cannot be served including minors and intoxicated persons and in the case of Clubs any person who is not an Authorised Customer or Member.
<b>Proposed Premises</b>	Means the property to which the licence application refers.
<b>Public Park</b>	Means any park, reserve, playground or similar public place maintained by Council for recreation purposes.
<b>Remote Sale</b>	In relation to alcohol, means a sale pursuant to a contract that:  a) has been entered into (using the Internet, by telephone or mail order, or in any other way) between: i. a seller who holds an off-licence; and ii. a person (whether the buyer or a person acting on the buyer's behalf) who is at a distance from the premises where the seller entered into the contract; and b) contains a term providing for the alcohol to be delivered to the buyer (or to a person or place nominated by the buyer) by or on behalf of the seller.

<b>Restaurant</b>	Means premises that: a) are not a conveyance; and b) are used or intended to be used in the course of business principally for supplying meals to the public for eating on the premises.
<b>Restricted area</b>	Means an area that: a) is designated (under section 119 of the Sale and Supply of Alcohol Act or a corresponding provision of a former licensing Act) as an area to which minors must not be admitted; and b) in relation to any licensed premises or the licensee or a manager of any licensed premises, means an area of those premises that is designated (under the Sale and Supply of Alcohol Act or a former licensing Act) as an area to which minors must not be admitted.
<b>School</b>	Includes any primary, intermediate or secondary school and any Kura Kaupapa.
<b>Sell</b>	Sell, in relation to alcohol, includes: a) charge a fee (however described, and whether an entry fee, a ticket price, or a payment of any other kind) for an alcohol-inclusive matter; and b) require, ask for, or (expressly or by implication) suggest the making of a koha or other donation (whether to be made before, after, or during the entry event, activity, or function concerned) in relation to an alcohol-inclusive matter.
<b>Sensitive Site</b>	Means Public Parks and Reserves, Education Facilities, Places of Worship, Playgrounds, Libraries, and Marae.
<b>Special licence</b>	Can be granted for events or occasions on premises that are unlicensed or premises that would be outside their normal licence conditions and may be: <ul style="list-style-type: none"><li>On-site where the licensee can sell or supply alcohol, for consumption there, to people attending an event described in it.</li><li>Off site where the licensee can sell the licensee's alcohol, for consumption somewhere else, to people attending an event described in it.</li></ul>
<b>Supermarket</b>	Means premises with a floor area of at least 1,000 m <sup>2</sup> (including any separate departments set aside for such foodstuffs as fresh meat, fresh fruit and vegetables, and delicatessen items).
<b>Supervised area</b>	a) means an area that is designated (under section 119 of the Sale and Supply of Alcohol Act or a corresponding provision of a former licensing Act) as an area to which minors must not be admitted unless accompanied by a parent or guardian; and b) in relation to any licensed premises or the licensee or a manager of any licensed premises, means an area of those

	premises that is designated (under the Sale and Supply of Alcohol Act or a former licensing Act) as an area to which minors must not be admitted unless accompanied by a parent or guardian.
<b>Tavern</b>	a) means premises used or intended to be used in the course of business principally for providing alcohol and other refreshments to the public; but b) does not include an airport bar.
<b>The Act</b>	Means the Sale and Supply of Alcohol Act 2012 (including any subsequent amendments).