

Te Manawhenua Forum Mo Matamata-Piako



Kaupapataka Wātea | Open Agenda



Notice is hereby given that an Ordinary meeting of the Te Manawhenua Forum Mo Matamata-Piako will be held on:

Ko te rā | Date: Tuesday 3 October 2023
Wā | Time: 10:00 am
Wāhi | Venue: Council Chambers
35 Kenrick Street
TE AROHA

Ngā Mema | Membership

te kaunihera ā-rohe o |
Matamata-Piako District
Council

Manuhua | Mayor
Adrienne Wilcock, JP

Koromatua Tautoko | Deputy Mayor
James Thomas

Kaunihera ā-Rohe | District Councillors
Gary Thompson

Ngāti Hauā

Mema Tūturu | Principal Member
Mrs Te Ao Marama Maaka (Chair)

Mema Tautoko | Alternate Member
Ms Rangitionga Kaukau

Ngāti Hinerangi

Mr Philip Smith

Ms Hinerangi Vaimoso

Ngāti Maru

Mrs Kathy Ngamane

Mr Wati Ngamane

Ngāti Rāhiri-Tumutumu

Mrs Jill Taylor

Mrs June McCaskill

Ngāti Pāoa

Mr Tahauariki Thompson

Mrs Glenice Puke

Ngāti Whanaunga

Mr Michael Baker

Mr Gavin Anderson

Raukawa

Mr Leo Whaiapu

Mrs Andrea Julian

Ngāti Tamaterā

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1 Whakatūwheratanga o te hui | Meeting Opening

Chairperson to welcome members and open the meeting.

2 Karakia

The opening karakia is to be performed.

3 Ngā whakapāha/Tono whakawātea | Apologies/Leave of Absence

At the close of the agenda no apologies had been received.

4 Pānui i Ngā Take Ohore Anō | Notification of Urgent/Additional Business

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“An item that is not on the agenda for a meeting may be dealt with at that meeting if-

- (a) The local authority by resolution so decides; and
- (b) The presiding member explains at the meeting, at a time when it is open to the public,-
 - (i) The reason why the item is not on the agenda; and
 - (ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.”

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“Where an item is not on the agenda for a meeting,-

- (a) That item may be discussed at that meeting if-
 - (i) That item is a minor matter relating to the general business of the local authority; and
 - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
- (b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.”

5 Whākī pānga | Declaration of Interest

Members are reminded of their obligation to declare any conflicts of interest they might have in respect of the items on this Agenda.

6 Whakaaetanga mēneti | Confirmation of Minutes

Minutes, as circulated, of the Ordinary meeting of the Te Manawhenua Forum Mo Matamata-Piako, held on 1 August 2023

7 Pūrongo me whakatau | Decision Reports

7.1 Te Rā o Waitangi 2024

CM No.: 2775896

Te Kaupapa | Purpose

The purpose of this report is to seek feedback from Te Manawhenua Forum on how they would like to commemorate Te Rā o Waitangi 2024.

Rāpopotonga Matua | Executive Summary

From 2015 to 2019 Council, together with Te Manawhenua Forum mo Matamata-Piako hosted a large, whānau friendly community event to celebrate Waitangi Day in our district.

Due to timing and resourcing challenges in 2021 an online educational campaign was delivered instead of an event. While this was considered successful, Te Manawhenua Forum felt that the community would benefit more from an opportunity to come together in person in 2022 following the Covid-19 lockdowns. The planned event was subsequently cancelled due to further Covid-19 restrictions.

An event was supported in 2023 but Te Manawhenua Forum felt the same need was no longer there and a different approach should be used in future. This report seeks guidance on how Forum members would like to commemorate Te Rā o Waitangi 2024.

Tūtohunga | Recommendation

That:

1. **Te Manawhenua Forum members commemorate Te Rā o Waitangi 2024 by running their own activities and/or events and invite community to join them, as was successfully done for Matariki celebrations earlier this year.**

Horopaki | Background

From 2015 to 2019 Council, together with Te Manawhenua Forum mo Matamata-Piako hosted a large, whānau friendly community event to celebrate Waitangi Day in our district.

Due to timing and resourcing challenges in 2021 an online educational campaign was delivered instead of an event. While this was considered successful, Te Manawhenua Forum felt that the community would benefit more from an opportunity to come together in person, following the lockdowns and restrictions in 2021. Preparations for this event were well underway, when further Covid-19 restrictions meant the 2022 event had to be cancelled.

At the September 2022 hui, Forum members endorsed Council continuing to deliver a programme of events/activity around significant events in the Māori calendar. Following this meeting, the Ministry of Culture and Heritage opened their funding applications for the Commemorating Waitangi Day fund. Staff sought direction from the Forum's Chair, and submitted an application for funding of up to \$5,000 to deliver the event that had been planned for 2022, to commemorate Waitangi Day 2023.

At the December 2022 hui, Forum members felt there was no longer the same need for a community event and a different approach should be used in future years. The 2023 Whānau picnic and movie night in the Te Aroha Domain was cancelled the day prior due to poor weather.

This report seeks guidance on how Forum members would like to commemorate Te Rā o Waitangi 2024.

Ngā Take/Kōrerorero | Issues/Discussion

The Forum members indicated they did not want to commemorate Te Rā o Waitangi 2024 through a large community event for the district, like those planned in 2022 and 2023. We are seeking direction on what the 2024 commemoration will involve so we can start planning for it, if Council involvement is needed.

Ngā Whiringa | Options

Option One – Status Quo (community event)	
Description of option	
<p>To hold an event that brings the community together, including:</p> <ul style="list-style-type: none"> • food stalls from local businesses and community groups, food trucks, as well as BYO picnic to ensure it is affordable for everyone • live music by local artist/s • family friendly activities, ideally with multi-cultural themes (including all cultures in the district who want to take part) • A movie on a large outdoor screen <p>The outdoor movie company suggested screening <i>Hunt for the Wilderpeople</i>, as a New Zealand film that appeals to both children and adults. However, other options are available, and if there is a particular film or story that forum members would like shared, staff can request this.</p>	
Advantages	Disadvantages
An approved blue print for the event already exists and could be reignited.	Circumstances have changed and a community event is not as relevant now. The Forum members wish to move in a different direction.
Would likely be eligible for Ministry for Culture and Heritage <i>Commemorating Waitangi Day Fund</i> support. The 2024 fund is now open.	Only financially viable if Ministry for Culture and Heritage <i>Commemorating Waitangi Day Fund</i> support is secured. (Full funding was not secured in 2023.)
	Weather dependent.
	Very resource intensive e.g. staff time
Option Two – Iwi-led initiatives	
Description of option	
<p>Iwi run their own activities and/or events and invite community to join them, as was done for Matariki this year. Council could assist with promotion through its channels.</p>	
Advantages	Disadvantages
Provides flexibility for each Iwi to deliver what is important to them.	
Different activities offered, with greater meaning and opportunity for interaction, across the district.	

Option Three – Placemaking activation

Description of option

Council's Communications team to work with the Forum members and community partners (e.g. museum, library, gallery etc) to create an activation that commemorates Te Rā o Waitangi 2024. This might include:

1. Engaging an historian to create interactive storyboards revealing the untold stories of the Treaty in and around the district.
2. Using photos and captions to tell the story about key figures and locations relating to the Treaty around the district.
3. Inviting guest speakers to contribute to community conversations to commemorate Te Tiriti o Waitangi. Storytelling and engaging korero could be held throughout the day (possibly in different areas of the district) to discuss the values of Te Tiriti o Waitangi. Alternatively, it could be a debate.

Advantages

If the activation was portable it could be held in each town and in different locations. There could be many uses for this year round.

Opportunity to provide a greater educational / awareness element, and more meaningful interactions.

Disadvantages

Examples 1 & 2 are likely to be resource intensive for both Council and Iwi.

Possibly beyond the limits of the existing budget and therefore reliant on securing external funding (Ministry for Culture and Heritage).

Option Four – Advertisements

Description of option

Place advertisements in the local papers with the stories / information / messages about Te Tiriti o Waitangi from the perspective of local iwi.

Advantages

Content from the advertisements could be promoted on other channels.

Opportunity to move beyond a light touch and provide greater depth of information. Conversation starters.

Disadvantages

If the content was only published in the newspapers then it could be missed or quickly forgotten.

This is reliant on the stories/information and would need to be led by Iwi (and could also be delivered by Iwi).

Option Five – Video/Reels competition

Description of option

Promote a Te Tiriti o Waitangi video or reels competition leading into and over the summer school holidays. Promote to all age groups but target high school aged students through an appealing prize pool. Some/all videos could be used on social media leading up to and on Te Rā o Waitangi 2024.

Advantages

Disadvantages

Encourages greater youth involvement. Potentially reach adults through young people.	Primarily targeted to young people. And social media users.
Could result in generating content with different perspectives, and local flavor.	

Option Six – Other

Description of option

Te Manawhenua Forum finds an approach the members agree on to commemorate Te Rā o Waitangi 2024. Options 1-5 are only suggestions and may prompt discussion that leads to an entirely different option that Forum members prefer. That may or may not involve Council.

Advantages	Disadvantages
To be determined	To be determined

Recommended option

Option Two: Iwi-led initiatives:

Iwi run their own activities and/or events and invite community to join them, as was successfully done for Matariki celebrations earlier this year.

This approach provides flexibility for each Iwi to deliver what is important to them. It allows for different activities to be offered across the district, with greater opportunity for meaningful interaction and the ability to increase awareness and understanding of Te Tiriti o Waitangi.

Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement

This will be dependent on what option the forum approves. A communications plan will be developed, if appropriate, that's relevant to the preferred commemoration option.

Timeframes

Key Task	Dates
Preferred commemoration format agreed	3 October 2023

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

The relevant Community Outcomes are set out below:

Healthy communities	Our community is safe, healthy and connected.	We encourage the use and development of our facilities.	We encourage community engagement and provide sound and visionary decision
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			making.
Vibrant Cultural values	We promote and protect our arts, culture, historic, and natural resources	We value and encourage strong relationships with Iwi and other cultures, recognising wāhi tapu and taonga/significant and treasured sites and whakapapa/ ancestral heritage.	Tangata Whenua with Mana whenua status (those with authority over the land under Māori lore) have meaningful involvement in decision making.

Waitangi Day marks the anniversary of the initial signing of the Treaty of Waitangi, which is regarded as the founding document of the nation. Marking this day provides an opportunity to raise awareness, myth-bust / break down barriers and promote greater understanding between cultures within our community. It can also bring people of all cultures in our district together.

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

Te Manawhenua Forum have a budget of \$2,500 for this event.

Depending on the direction the Forum agrees for the 2024 commemoration, if the total cost to is over \$2,500 there is an option to apply to the Ministry of Culture and Heritage's 'Commemorating Waitangi Day Fund' for additional funding.

If a grant is not secured, Te Manawhenua Forum could seek sponsorship from local businesses, or alter the scale of the commemoration to suit the budget.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Andrea Durie Senior Communications Advisor	
Approved by	Don McLeod Chief Executive Officer	

7 Pūrongo me whakatau | Decision Reports

7.2 Schedule of Meetings 2024

CM No.: 2766584

Te Kaupapa | Purpose

The purpose of this report is to provide the Forum with meeting dates for 2024.

Rāpopotonga Matua | Executive Summary

Annually, Council and Committees are required to confirm dates for meetings for the following year. This report outlines the established committees and their identified dates for confirmation. The full proposed Meeting Planner for 2024 is attached (Attachment A).

Tūtohunga | Recommendation

That:

1. The information be received.
2. The Forum confirms the meeting dates for 2024.

Horopaki | Background

At the first ordinary meeting (9 November 2022) of the 2022-2025 triennium, Council confirmed its meeting structure. As a result the frequency of Council and Committee meetings is proposed as:

Council

- Meet monthly, every fourth Wednesday with extra meetings for hearings and adoption of documents as required.

Risk and Assurance Committee

- Meet quarterly on Tuesday, based on Council meeting dates.

Te Manawhenua Forum Mo Matamata-Piako

- Meet every two months, on the first Tuesday of the relevant month.

Waharoa (Matamata) Aerodrome Committee

- Meet two or three times a year, on the third or fourth Thursday of a month.

Workshops

- All are indicative dates – first and second Wednesday of the month are scheduled and the third Wednesday if needed in addition. Workshops will be confirmed closer to each identified date.

Using the above frequency as a guide, the meeting dates for 2024 are proposed as:

Name of Committee	Frequency	Dates
Council	4 th Wednesday of every month.	14 Feb 6 March 27 March 24 April 8 May (<i>Council Hearing</i>) 9 May (<i>Council Hearing</i>) 29 May 26 June (LTP) 24 July 28 August 25 September 30 October 27 November 11 December
Risk and Assurance Committee	Tuesday, quarterly per annum.	5 March 18 June 10 September 29 October 10 December
Te Manawhenua Forum mo Matamata-Piako	1 st Tuesday, bi-monthly per annum.	13 February *20 March – <i>joint Council and TMF workshop</i> 9 April 11 June 6 August 1 October 3 December
Waharoa (Matamata) Aerodrome Committee	2-3 per annum.	4 April 24 October

The committees identified above will have a similar report to consider at their respective meetings.

Ngā Tāpiritanga | Attachments

[A↓](#). Draft Meeting Planner 2024

Ngā waitohu | Signatories

Author(s)	Stephanie Hutchins Governance Support Officer	
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Approved by	Sandra Harris Placemaking and Governance Team Leader	
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MPDC Meetings Planner - 2024

		JANUARY		FEBRUARY		MARCH		APRIL		MAY		JUNE		JULY		AUGUST		SEPTEMBER		OCTOBER		NOVEMBER		DECEMBER			
MON	1	New Year's Day					1*	Easter Monday					1											MON			
TUE	2	Day after New Year's					2						2						1	TMF				TUE			
WED	3						3	Workshop	1	Workshop			3	Workshop					2	Workshop				WED			
THU	4		1	14/02 agenda closes			4	WMAC	2				4			1			3					THU			
FRI	5		2		1		5		3				5	17/07 agenda closes	2				4		1			FRI			
SAT	6		3		2		6		4		1		6		3				5		2			SAT			
SUN	7		4		3		7		5		2		7		4		1		6		3		1	SUN			
MON	8		5		4		8		6		3	King's Birthday	8		5		2		7		4		2	MON			
TUE	9		6	Waitangi Day	5	RAC	9	TMF	7		4		9		6	TMF	3		8		5		3	TMF	TUE		
WED	10		7	Workshop	6	Council	10	Workshop	8	Council Hearing	5	Workshop	10	Workshop	7	Workshop	4	Workshop	9	Workshop	6	Workshop	4	Workshop	WED		
THU	11		8		7		11		9	Council Hearing	6	18/6 agenda closes	11		8		5		10		7		5		THU		
FRI	12		9		8		12	24/4 agenda closes	10		7		12	24/7 agenda closes	9		6		11	24/10 agenda closes	8		6		FRI		
SAT	13		10		9		13		11		8		13		10		7		12		9		7		SAT		
SUN	14		11		10		14		12		9		14		11		8		13		10		8		SUN		
MON	15		12		11		15		13		10		15			12		9	14		11		9		MON		
TUE	16		13	TMF	12		16		14		11	TMF	16		13		10	RAC	15		12		10	RAC	TUE		
WED	17		14	Council	13	Workshop	17	Workshop (TBC)	15	Workshop	12	Workshop	17	Workshop (TBC)	CEPC	14	Workshop	11	Workshop	16	Workshop (TBC)	CEPC	13	Workshop	11	Council	WED
THU	18		15		14		18		16		13		18		15		12	17	29/10 agenda closes	14		12		THU			
FRI	19		16		15	27/3 agenda closes	19		17	29/05 agenda closes	14	26/6 agenda closes	19		16	28/8 agenda closes	13	25/9 agenda closes	18	30/10 agenda closes	15	27/11 agenda closes	13		FRI		
SAT	20		17		16		20		18		15		20		17		14	19		16		14		SAT			
SUN	21		18		17		21		19		16		21		18		15	20		17		15		SUN			
MON	22		19		18		22		20		17		22		19		16	21		18		16		MON			
TUE	23		20		19		23		21		18	RAC	23		20		17	22		19		17		TUE			
WED	24		21	Workshop (TBC)	CEPC	20	Workshop TMF+Council	24	Council	22		19	Workshop (TBC)	24	Council	21	Workshop (TBC)	18	Workshop (TBC) 1/10 agenda closes	23		20	Workshop (TBC)	18		WED	
THU	25		22	05/03 agenda closes	21	04/04 agenda closes	25	Anzac Day	23		20		25		22		19	24	WMAC	21	03/12 agenda closes	19		THU			
FRI	26		23	6/03 agenda closes	22		26	08/5 agenda closes	24		21		26	06/8 agenda closes	23		20	25		22		20		FRI			
SAT	27		24		23		27		25		22		27		24		21	26		23		21		SAT			
SUN	28		25		24		28		26		23		28		25		22	27		24		22		SUN			
MON	29	Auckland Anniversary Day	26		25		29		27		24		29		26		23	28	Labour Day	25		23		MON			
TUE	30		27		26	09/4 agenda closes	30		28		25		30		27		24	29	RAC	26		24		TUE			
WED	31	Workshop 13/02 agenda closes	28	Workshop	27	Council			29	Council 11/6 agenda closes	26	Council (LTP)	31		28	Council	25	Council	30	Council	27	Council	25	Christmas Day	WED		
THU			29	12/03 agenda closes	28				30		27				29	10/9 agenda closes	26		31		28	03/12 agenda closes	26	Boxing Day	THU		
FRI					29	Good Friday			31		28	Matariki			30		27			29	11/12 agenda closes	27		FRI			
SAT					30						29				31		28			30		28		SAT			
SUN					31	Easter Sunday					30						29					29		SUN			
MON																	30					30		MON			
TUE																						31		TUE			

Key	Public Holidays	WORKSHOP Frequency: 1st and 2nd Wednesday per month *3rd Wednesday is TBC	COUNCIL Frequency: 4th Wednesday of every month *As required for Annual Plan	CEPC Chief Executive Performance Committee Frequency: Annual *Informal as required	TMF Te Manawhenua Forum Frequency: bi-monthly per annum	RAC Risk and Assurance Committee Frequency: Quarterly per annum	WMAC Waharoa (Matamata) Aerodrome Committee Frequency: 2-3 meetings per annum
Working days before agenda close (does not include public holidays)		5 All agendas close on Wednesday prior	8	8	8	8	8

8 Ngā Pūrongo Whakamārama | Information Reports

8.1 Update on Council meeting decision 23 Aug '23

CM No.: 2774337

Te Kaupapa | Purpose

The purpose of this report is to update Te Mana Whenua Forum on Council's decision on the 23 August 2023 in relation to:

- Iwi Aspiration Statement - Te Mana Whenua Forum Recommendation
- Te Mana Whenua Forum proposed projects for the 2024-34 Long Term Plan

Rāpopotonga Matua | Executive Summary

On 23 August 2023 Council considered Te Mana Whenua Forum's recommendations in relation to its Iwi Aspiration Statement and proposed projects for the 2024-34 Long Term Plan.

In response, a joint hui is proposed on 20 March 2024 between Council and Te Mana Whenua Forum members to provide a shared understanding of iwi aspiration. Council have also resolved that the establishment of Memorandum of Understanding with Iwi be prioritised.

Tūtohunga | Recommendation

That:

1. The information to be received.

Horopaki | Background

On 23 August 2023 Council considered Te Mana Whenua Forum's recommendations in relation to its Iwi Aspiration Statement and proposed projects for the 2024-34 Long Term Plan.

This document is to report back to the Forum on Council's decision moving forward.

Ngā Take/Kōrerorero | Issues/Discussion

In response to TMF's iwi aspirations recommendation the following Council resolution was made:

"In response to Te Mana Whenua's recommendation of 01 August 2023 that the Iwi Aspiration Statement (Attachment A) be incorporated into Council's key strategic documents; Council seeks the opportunity for open engagement with the TMF to collectively articulate principles and aspirations that can be adhered to in good faith."

In response to Te Mana Whenua Forum proposed projects for the 2024-34 Long Term Plan the following resolution was made:

"In response to Te Mana Whenua's recommendation of 01 August 2023 that the Iwi LTP Proposal (Attachment A) be considered as a project for inclusion in Council's 2024-34 Long Term Plan

Prioritise the establishment of Memorandum of Understanding with iwi (minimum of three each year) and defer consideration of additions to the Long Term Plan work programme to a later date."

A joint Te Mana Whenua hui has been proposed for 20 March 2024.

Mōrearea | Risk

N/A

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

N/A

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Tuatahi Nightingale-Pene Kaitakawaenga Māori - Iwi Liaison Officer	
Approved by	Erin Bates Strategic Partnerships and Governance Manager	

8 Ngā Pūrongo Whakamārama | Information Reports

8.2 Long Term Plan and Policy/Bylaw Update

CM No.: 2775626

Te Kaupapa | Purpose

The purpose of this report is to provide Te Mana Whenua Forum mo Matamata-Piako (The Forum) with an update on Matamata-Piako District Council's (Council) policy work programme.

Decisions have been made in respect to some key Council policies/documents, whilst others are in progress.

Rāpopotonga Matua | Executive Summary

Council is required to regularly review its policies and bylaws. Legislation requires councils to review bylaws five years after they are made, and then every 10 years after that. The review times for statutory policies are set out in the relevant legislation.

Council's work programme for 2023/24 includes the following:

- Long-Term Plan 2024-34 – currently in development
- Annual Report 2022/23 – to be adopted by Council before 31 October 2023
- Fees and Charges 2024/25 – this will be consulted on in March/April 2024, alongside the Long-Term Plan
- Local Alcohol Policy (LAP) – adopted and brought into force on 11 September 2023
- Significance and Engagement Policy (SEP) - adopted on 23 August 2023
- Solid Waste Management and Minimisation Bylaw – further targeted consultation planned for October/November 2023
- Freedom Camping Bylaw – Council is consulting on a draft bylaw in September/October 2023. A separate report is provided to the Forum.

Tūtohunga | Recommendation

That:

1. The report be received.
2. Te Mana Whenua Forum mo Matamata-Piako members provide feedback to staff on the consultation process to inform and improve future policy/bylaw reviews

Horopaki | Background

Long-Term Plan 2024-34

Under the Local Government Act (LGA), Council is required to prepare and adopt a Long-Term Plan (LTP). The LTP sets out the activities, budgets, Financial Strategy and key financial policies of the Council for the next 10 years, and the Infrastructure Strategy for the next 30 years.

The LTP is required to be updated every three years, with the last LTP adopted in 2021 (available online <https://www.mpd.govt.nz/plans/long-term-plan>).

The LTP:

- describes the type of district our communities have told us they want – our community outcomes;

- identifies the key projects that will take place over the next 10 years;
- provides an overview of each activity we will carry out and the services we will provide for the next ten years, determines how much this will cost, and how it will be funded.

In completing the plan, Council are required to do a number of things, including:

- take a sustainable development approach and promote community interests;
- carry out our business in a clear, transparent and accountable manner;
- operate in an efficient and effective manner, using sound business practices;
- take into account community views by offering clear information and the opportunity to present views;
- provide opportunities for Māori to contribute to decision making;
- collaborate and co-operate with other agencies and councils to achieve desired outcomes.

Annual Report 2022/23

The purpose of the Annual Report is to compare activities provided/projects completed with those planned in the relevant Annual Plan. Council's Annual Report provides information to its community to assist in assessing the performance of Council for the relevant financial year and provides accountability and transparency to our community.

The LGA requires Council to adopt an Annual Report and Summary by 31 October each year. The Summary must be published within one month of its adoption.

Fees and Charges 2024/25

Council's Fees and Charges cover everything from swimming pool entry fees to resource and building consents and everything in between.

Under Section 150 of the LGA, Council may prescribe fees or charges in the form of a bylaw made under the LGA, or separately using the principles of consultation. In addition, other legislation such as the Resource Management Act 1991 and the Building Act 2004 delegates Council with the ability to fix fees or charges relevant to certain administration purposes (such as processing resource consents).

Each year, Council reviews its fees and charges and consults on any proposed changes with the community alongside the LTP/Annual Plan and/or any other relevant Council documents. This ensures that Council's fees and charges are kept up to date, reflect actual and reasonable costs, and that any additional processes and new costs are fully covered.

Local Alcohol Policy

The Sale and Supply of Alcohol Act 2012 enables councils to develop a Local Alcohol Policy (LAP) for its district, and sets requirements for the development of the policy and what it may include. The policy can influence the location, number and opening hours of on-licences (cafes, bars and taverns), off-licences (bottle stores and supermarkets), club licences (RSA's, Workingmen's and sports clubs) and special licences (special events).

It is not mandatory to have a LAP, however having such a policy enables our communities to have a say about how alcohol is sold and supplied in their area.

When a LAP is in place, the District Licensing Committee and the Alcohol Regulatory and Licensing Authority must have regard to it when making decisions on licence applications. The LAP is intended to be used as a reference document for the District Licensing Committee, and is not a document that binds licensing decisions.

Council first adopted a LAP in 2017, and therefore became due for review in 2023 as per the statutory requirements.

Significance and Engagement Policy

Council is required to have a Significance and Engagement Policy (SEP). The purpose of this policy is to provide the community with information about how and when they can expect Council to engage with them. The SEP also provides guidance to staff and is a key part of Council's decision-making framework.

The LGA provides for Council to amend its SEP from time to time. To ensure the Policy remains relevant to our community, it is generally reviewed in line with the LTP project. In reviewing this policy, feedback was sought from Elected Members, staff who regularly use the Policy, and Forum members.

Solid Waste Management and Minimisation Bylaw

Bylaws are local rules that affect the way we live, work and play. Council's bylaws are in place to help ensure our district is a safe and healthy place.

The Waste Minimisation Act 2008 provides for councils to make a bylaw for the regulation of waste. A bylaw must not be inconsistent with a council's waste management and minimisation plan.

Council's Solid Waste Management and Minimisation Bylaw is intended to support:

- the promotion and delivery of effective and efficient waste management and minimisation in the Matamata-Piako District as required under the Waste Minimisation Act 2008;
- the implementation of Council's waste management and minimisation plan;
- the purpose of the Waste Minimisation Act and the goals in the New Zealand Waste Strategy;
- the regulation of the collection, transport, and processing of waste;
- the protection of the health and safety of waste collectors, waste operators and the public; and
- the management of litter and nuisance in public places.

Council's current bylaw came into force in 2017 (having revoked the previous solid waste bylaw (2008)) and forms part of Council's consolidated bylaw. Although there is no immediate legislative requirement to review this bylaw, Council identified the opportunity to review its Bylaw to ensure it is fit for purpose in relation to Council's new waste and recycling service delivery, and to align with changing government rules and regulations.

Ngā Take/Kōrerorero | Issues/Discussion

Updates on the various policies/plans/bylaws are provided below.

Completed

Local Alcohol Policy

45 submissions on the draft LAP were received. Six submitters chose to present their submissions to Council at the Hearing held on 3 May 2023.

Council held deliberations and decision-making on 24 May 2023. Following the feedback received, Council produced a provisional policy, which was publically advertised. At this stage, anyone who made a submission on the draft LAP could appeal any element of the provisional policy.

Section 87 of the Act states that if no appeals are received against any element of a provisional LAP, then the policy is adopted 30 days after its public notification. This means that the LAP was automatically adopted on 13 July 2023. At its meeting on 23 August 2023, Council resolved to bring the policy into force on 11 September 2023.

The LAP has generally been streamlined to provide clearer guidance for applicants, licence holders and the District Licensing Committee. The following is a summary of key provisions for each licence type:

On-Licences

- The updated LAP states Council's preference for new on-licences to be located in Business Zones in the district. On-licences can be located in other areas (subject to District Plan requirements), however the applicant must be able to demonstrate that the operations will not impact the amenity and good order of the neighbourhood.
- The updated Policy encourages the District Licensing Committee to consider a one-way door policy, if appropriate.
- The maximum trading hours for on-licences have not changed. They are from 7am to 1am the following day.*

Off-Licences

- The Policy extends the distance that off-licences can be located from a sensitive site (e.g. schools, places of worship, marae, playgrounds etc.) from 50 metres to 100 metres. This excludes supermarkets and grocery stores.
- A new condition has been included that enables the District Licensing Committee to apply restrictions to the types of alcohol to be sold, for example to limit single sales.
- Following feedback on its draft LAP where Council proposed to change the maximum trading hours for off-licences, Council decided to continue with the existing maximum trading hours of 7am to 9pm the same day.*

Club Licences

- The permitted time for RSAs who hold club licences to trade from on Anzac Day has been updated to 4am to align with the Act.
- Other provisions have not changed, including the maximum trading hours of 7am to 1am the following day.*

*Council's has added a note to its LAP stating that its policy position on maximum trading hours is not intended to set an expectation that the District Licensing Committee should issue every licence with the full extent of the maximum hours. The District Licensing Committee may issue licences with more restrictive hours than the maximum trading hours specified in the LAP.

Special Licences

- The maximum number of events under special licence that can be applied for in any six-month period has been increased from 15 to 18.
- Maximum trading hours will be set by the District Licensing Committee on a case-by-case basis.

Significance and Engagement Policy

At the meeting held on 1 August 2023, Forum members were invited to provide input into the review, and provided the following feedback to help to inform the Policy:

- Consider iwi aspirations;
- Consider what topics are likely to be important to iwi;
- Build on good examples e.g. papakāinga online wānanga - communication and engagement should be proactive, early and meaningful, allowing for changes to be made, leading to genuine engagement opportunities and positive relationships;

- Skill and capability can be built over time;
- Meaningful engagement leads to positive outcomes for both Council and iwi.

Policy Changes

The review is now complete, and the updated Policy has been adopted by Council. Updates to the Policy reflect Council's commitment to meaningful engagement with its communities including mana whenua. The following is a summary of the changes:

- An updated Strategic Assets list (minor updates only);
- Updated significance criteria – moving to a spectrum of significance (low, medium and high significance). These criteria are intended to promote consistent significance assessments and recognise issues and decisions can have different levels of significance rather than being significant or not (a binary approach);
- Recognition of Council responsibilities to uphold the principles of Te Tiriti and its obligations to Māori in the Matamata-Piako District, as required by the LGA;
- Provision of further guidance for staff when determining the degree of significance and associated engagement requirements and level of resources required to engage relevant communities.

At its meeting on 23 August 2023, Council resolved not to consult on the updated SEP and considered on reasonable grounds that they had sufficient information about community interests and preferences to enable the purpose of the policy to be achieved. This included recent consultation processes including the Annual Plan 2023/24, which provided Elected Members with an understanding of community views.

The completed policies can be found on Council's website: <https://www.mpdcc.govt.nz/council-documents/policies-a-bylaws>

In Progress

Long-Term Plan

Council is progressing with the Long-Term Plan project as per the project plan. The timeline for the project centres on key dates for completion of the draft documents in December 2023 for Council approval, with auditing to occur in January/February 2024 and consultation with the community in March/April 2024.

Fees and Charges 2024/25

Fees and Charges for the 2024/25 year will be consulted on in March/April 2024, alongside the LTP.

Annual Report

Work on the Annual Report is progressing as planned. At the time of writing this report, a draft Annual Report had been prepared.

There are a total of 58 performance measure targets which Council reports on to provide transparency and accountability to its community in the Annual Report. Of these, Council has achieved its target performance for 37 of these. Council partially achieved its target on one measure, and did not achieve its target on 19 measures.

Two measurement results are pending, with one performance measure not yet measured - the footpath level of service which is measured by an assessment due in 2023/24.

Solid Waste Management and Minimisation Bylaw

Earlier this year, Council proposed to introduce a standalone bylaw and to revoke the current Solid Waste Management and Minimisation Bylaw that forms part of the Consolidated Bylaw 2008. A number of changes were proposed including:

- Requirements around the removal of uncollected waste;
- The ability for Council to introduce a licensing system for waste collection;
- Requirement for waste operators to secure any waste that is being transported to prevent any waste falling or otherwise escaping.

Council also proposed to add new clauses to facilitate a reduction in waste including:

- The ability for Council to require an event waste management and minimisation plan for major events;
- Requirement for construction site waste management and minimisation plans to be submitted when applying for a building consent for non-residential building work with an estimated value of \$500,000 or higher;
- Rules around the delivery of unaddressed mail or advertising material.

13 submissions on the draft bylaw were received. Four submitters chose to present their submissions to Council at the Hearing held on 3 May 2023. From the submissions, it was clear that there was some concern about the proposed requirement for site waste management and minimisation plans. Due to this concern, and following deliberations held on 24 May 2023, Council decided to undertake further consultation with the sector around the proposal to require waste minimisation plans. Council expressed a preference for the continued inclusion of this clause, with discussions held around the following:

- The Government plans to introduce amendments to the Building Act 2004 that will make it mandatory for a waste minimisation plan to be prepared for building or demolition work (unless exempted);
- Including this clause in our bylaw will bring our Council into alignment with other councils nationally;
- Should a waste minimisation plan be required for residential builds, commercial builds or both? And should we include a financial threshold?
- There are potential savings and efficiencies for the sector, and potential for a reduction of construction waste to landfill;
- If Council were to include this clause in its bylaw, we would take an educative approach and work with the sector to gradually introduce the requirement in a phased manner.

Targeted consultation with the sector is planned for October/November 2023.

Mōrearea | Risk

General risks of legislative non-compliance apply, including the risk of policies/bylaws lapsing if not reviewed according to the relevant timeframes.

There is a risk that if the community are not engaged in the review of Council's policies/bylaws/plans, the relevant documents may not be effective in achieving/supporting community wellbeing, and the Council's strategic objectives. To mitigate this risk, Council seeks early engagement with key stakeholders to promote active and meaningful engagement in Council's review processes.

A further risk relating to the Significance and Engagement Policy has been identified as below:

Since 2014, Council has not undertaken formal consultation on its Significance and Engagement Policy, with previous reviews resulting in minor changes. There is a potential risk that Council does not have sufficient information of community interests and preferences for the Policy to be achieved and therefore breach section 76 of the LGA of which states:

‘...the local authority must consult in accordance with section 82 unless it considers on reasonable grounds that it has sufficient information about community interests and preferences to enable the purpose of the policy to be achieved.’

At its meeting on 23 August 2023, Council determined that it had sufficient information about community interests and preferences, and therefore formal consultation was not required. In making this decision Council considered the following:

- Staff have held informal discussions with stakeholders including staff who regularly use the Policy, and kōrero with Te Manawhenua Forum mo Matamata-Piako who provided their feedback;
- Council has a range of data on community interests and preferences from past consultation activities. For example, the recent Annual Plan 2023-24 consultation and engagement activities provided elected members with an understanding of community views;

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

The legislative requirements are detailed throughout this report.

Local Government Act 2002 (LGA 2002) Decision-making requirements

Each topic has been considered in accordance with Council’s Significance and Engagement Policy, with consultation and decision-making requirements documented and determined accordingly in reports to Council.

Policy Considerations

To the best of the writer’s knowledge, this recommendation is not significantly inconsistent with nor is anticipated to have consequences that will be significantly inconsistent with any policy adopted by this local authority or any plan required by the Local Government Act 2002 or any other enactment.

Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement

Each topic has its own communications plan to assess the communication and engagement requirements on a case-by-case basis.

Te Tākoha ki ngā Hua mō te Hapori me te here ki te whakakitenga o te Kaunihera | Contribution to Community Outcomes

The review of policies/bylaws/plans support all of Council’s community outcomes.

Connected Infrastructure	Infrastructure and services are fit for purpose and affordable, now and in the future.	Quality infrastructure is provided to support community wellbeing.	We have positive partnerships with external providers of infrastructure to our communities.
Economic opportunities	We are a business friendly Council	Our future planning enables sustainable growth in our District.	We provide leadership and advocacy is provided to enable our communities to grow.
Healthy	Our community is safe, healthy	We encourage the use	We encourage

communities	and connected.	and development of our facilities.	community engagement and provide sound and visionary decision making.
Environmental Sustainability	We support environmentally friendly practices and technologies.	Development occurs in a sustainable and respectful manner considering kawa/protocol and tikanga/customs	We engage with our regional and national partners to ensure positive environmental outcomes for our community.
Vibrant Cultural values	We promote and protect our arts, culture, historic, and natural resources	We value and encourage strong relationships with Iwi and other cultures, recognising wāhi tapu and taonga/significant and treasured sites and whakapapa/ ancestral heritage.	Tangata Whenua with Mana whenua status (those with authority over the land under Māori lore) have meaningful involvement in decision making.

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

This work plan is funded within existing budgets for the Strategies and Plans activity, apart from the review of the Solid Waste Management and Minimisation Bylaw, which is funded through the solid waste budget.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Laura Hopkins Policy Advisor	
Approved by	Niall Baker Policy Team Leader	
	Erin Bates Strategic Partnerships and Governance Manager	

8 Ngā Pūrongo Whakamārama | Information Reports

8.3 Freedom Camping Bylaw 2023

CM No.: 2776010

Te Kaupapa | Purpose

The purpose of this report is to notify the Forum that Council is now seeking public feedback on the Freedom Camping Bylaw and to provide material Forum members can utilise among relevant networks where appropriate.

Te Manawhenua Forum received its first report on the Freedom Camping Bylaw in April 2023, and has provided direction and feedback during the pre-consultation period.

Tūtohunga | Recommendation

That:

1. The information is received.
2. The Forum provides feedback on the proposed Freedom Camping Bylaw if desired.

Horopaki | Background

Staff reported to the Forum in April and requested feedback from the Forum during and following the June meeting on the proposed sites across the district that were proposed to be either restricted or prohibited as recommended by site assessments (**in this report Attachment B**).

Sites may only be prohibited or restricted for the following reasons as per section 11(5) of the Freedom Camping Act 2011 (the Act):

1. to protect the area
2. to protect the health and safety of people who may visit the area
3. to protect access to the area

Protection of important historic, cultural or archaeological sites on land can be captured under point i) above – to protect the area.

As a result of the assessments, the proposed Bylaw includes the following prohibitions and restrictions, grouped by ward (**maps included in Attachment C**).

Matamata Ward - Prohibited

- Banks Road Reserve and adjacent roadside
- Centennial Drive Reserve
- Tom Grant Drive
- Hawes Bush
- Waharoa (Matamata) Aerodrome
- Matamata Domain
- Rapurapu Reserve
- Swap Park
- Bruce Clothier Memorial Reserve and Waharoa Rest Area

Matamata Ward – Restricted

- Hetana Street Reserve
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
Restricted to 3 vehicles in the south east corner of the car park.
- Wairere Falls Car Park
Restricted to 11 vehicles within the 11 large car parking spaces at the far south side of the car park.

Morrinsville Ward – Prohibited

- Davies Park
- Holmwood Park and adjacent roadside
- Murray Oaks Scenic Reserve
- Thomas Park and adjacent roadside

Morrinsville Ward – Restricted

- Morrinsville Recreation Ground
Restricted to 6 vehicles within the formed car park area accessed from Cureton Street.
- Waterworks Road Reserve (Te Miro Forest)
Restricted to 2 vehicles on the southern edge of the main car park

Te Aroha Ward – Prohibited

- Boat Ramp
- Council office car park
- Seddon Street Reserve
- Skidmore Reserve
- Te Aroha Domain and roadside parking

Te Aroha Ward – Restricted

- Boyd Park
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
Freedom Camping vehicles must only park between 7pm and 7am Monday – Friday, any time on weekends and public holidays.
- Waihou Recreation Reserve
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.
- Waitoa Railway Reserve
Restricted to 2 vehicles within the car park.
- Waiorongomai Car Park, Te Aroha
Restricted to 4 vehicles within the car park.

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

Ngā Take/Kōrerorero | Issues/Discussion

Proposed Bylaw

The proposed Bylaw has been informed by the model Freedom Camping Bylaw developed by Local Government New Zealand (LGNZ) as well as by those councils with more established freedom camping bylaws. Changes have been made to ensure consistency with the amended legislation, especially in relation to defined terms. Where possible, the terms directly link back to the Act to limit any potential inconsistencies.

District-wide regulations

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. This is an extension of the nation-wide rule that if someone is using a vehicle to freedom camp on local authority areas, they must be self-contained.
- 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 General Policies Reserve Management Plan.

Freedom camping for 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 (Herries Park toilets in Te Aroha, Hetana Street Reserve, Matamata and Studholme Street Toilets, Morrinsville).

These options were presented to Elected Members at the August Workshop. While none of the areas were considered suitable, the proposed Bylaw still 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 proposed Bylaw in future, if and when appropriate facilities and areas come available.

Reserve Management Plans

Some of the proposed restricted areas are on reserve land, some of which do not currently provide for camping activities. In order to ensure consistency across Council regulation, Council is seeking public feedback concurrently on those Reserve Management Plans (RMPs) which require amendment to be consistent with the proposed Bylaw. This such amendment is provided for within the General Policies RMP in section 8.4.2.4 as follows:

8.4.2 Self-contained campervans

4. If Council wishes to alter or remove an area set aside for camping by certified self-contained campervans the following process shall be followed:

- a. A Council Decision is made to potentially remove or alter an area set aside for camping in self-contained campervans.*
- b. Notice is placed on Council's website and in a newspaper circulating in the town or District where the reserve is located. The notice should:*

- 1) identify the reserve or part of the reserve by name;
- 2) describe the proposed removal or alteration of the area set aside for camping in self-contained campervans; and
- 3) specify a reasonable period in which Council shall receive and consider public submissions.

c. A Council Decision is made to retain, remove or alter the area set aside for camping in self-contained campervans having given consideration to the submissions received.

d. Relevant reserve management plans are updated to reflect any changes as a result of this process.

This process is consistent with the requirements in the Reserves Act 1977. Section 44 (9) allows Councils to make changes that does not involve a comprehensive review of a Reserve Management Plan without following a complete formal review under section 44 (5) and 44 (6) of the Reserves Act 1977, if it thinks fit.

As per the process outlined above, the following changes are recommended to the Active RMP and the Passive RMP. These changes are reflected in the Statement of Proposal in **Attachment A**.

A.

Passive Reserve Management Plan

- o Amend the Hetana Street Reserve RMP to allow for vehicles to self-contained freedom camping on the reserve as per the restrictions within the Proposed Bylaw.
- o Amend the Waitoa Railway Reserve RMP to allow for vehicles to self-contained freedom camping on the reserve as per the restrictions within the Proposed Bylaw.

Active Reserve Management Plan

- o Amend the Herries Memorial Park RMP to allow for vehicles to self-contained freedom camping on the reserve (in the Council Car Park) as per the restrictions within the Proposed Bylaw.
- o Amend the Waihou Recreation Reserve RMP to allow for vehicles to self-contained freedom camping on the reserve as per the restrictions within the Proposed Bylaw.
- o 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 it is recommended that this appendix be amended to remove the Te Aroha Domain from this list, for the avoidance of doubt.

Mōrearea | Risk

- Having a Freedom Camping Bylaw helps manage environmental risk to sensitive areas which require protection. It also responds to health and safety concerns in certain areas, whether it be protecting the health and safety of other users of an area, or the health and safety of freedom campers. It gives Council a tool to work with Iwi to protect areas of cultural significance.
- Having a bylaw to respond to issues relating to freedom camping reduces the risk of reputational damage as it gives Council an effective tool to respond to problems promptly and appropriately.
- Recently, other Freedom Camping Bylaws have been legally challenged (Marlborough District Council was successfully challenged in 2021 and Queenstown Lakes District Council is currently undergoing litigation). Broadly, these challenges were based on the bylaws being outside the scope of the Act and being overly restrictive. This risk has been mitigated by conducting early consultation with key stakeholders and maintaining a clear line of sight between the criteria in section 11(2) of the Act and any prohibition or restriction, to ensure the bylaw is within the scope of the Act.

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

Freedom Camping Act 2011

Section 11(1)(a) of the Act gives Council the power to make a bylaw where it is necessary for one or more of the following purposes:

- 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.

The inclusion of prohibited and restricted areas in the Proposed Bylaw which have been assessed against these purposes above demonstrates compliance with section 11(1)(a)

Section 11(2)(b) of the Act requires Council to determine that any bylaw made under the Act is the most appropriate and proportionate way of addressing the perceived problem in relation to that area.

Other options for managing freedom camping which rely on other instruments to regulate the perceived problem of freedom camping in specific areas have been considered. Application of the criteria via the assessment tool enabled Council staff to focus on those areas which require additional protection through the Act and these are recommended to Council for adoption for public consultation via the Statement of Proposal and the Proposed Bylaw in **Attachment A**.

It is recommended that other non-regulatory tools such as education and signage are used to manage areas which fall outside of the scope or threshold of the Act. The process taken, and the associated outcome in the Proposed Bylaw, demonstrates that the Proposed Bylaw is appropriate and proportionate.

Section 11(c) of the Act requires Council to determine that any bylaw made under the Act is not inconsistent with the [New Zealand Bill of Rights Act 1990](#) (NZBORA).

Part 2 of the NZBORA sets out rights that are affirmed and protected, that may only be subject to reasonable limits that can be demonstrably justified in a free and democratic society. The proposed Freedom Camping Bylaw may give rise to implications for the following rights under the NZBORA:

- Right to freedom of peaceful assembly (section 16 of the NZBORA)
- Right to freedom of movement (section 18 of the NZBORA)

A full assessment against the NZBORA will be completed before Council adopts a final bylaw, after public consultation. The preliminary assessment on the proposed Bylaw is that its provisions are justified because they only limit the rights of individuals to the extent it is reasonable to do so to for other people's rights and freedoms to be maintained.

Section 11(5) of the Act requires councils to use the special consultative procedure in section 86 of the Local Government Act 2002 (LGA) when making Freedom Camping Bylaws. Section 86(2) of the LGA requires a Statement of Proposal for a Bylaw to include:

- a draft of the bylaw as proposed to be made; and
- the reasons for the proposal.

The Statement of Proposal in **Attachment A** which includes the Proposed Bylaw complies with these requirements.

Legislation Act 2019

The definition of 'certified self-contained vehicle' in the Proposed Bylaw incorporates by reference the New Zealand Standard 5465:2001 ('the NZ Standard'). This is done under the authority of

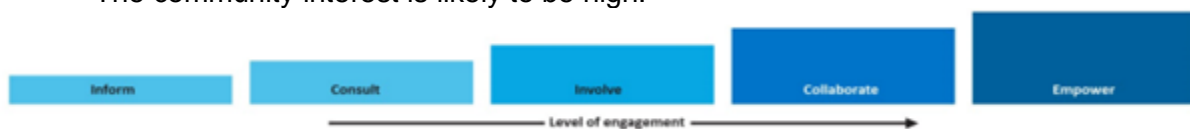
section 64 of the Legislation Act 2019. Section 65 and Schedule 24 of the Legislation Act 2019 require any proposed reference to a Standard in this manner must be publicly notified and people given the opportunity to comment about the proposed reference. The Statement of Proposal in **Attachment A** of this report complies with this requirement.

Significance and Engagement Determination

Staff have assessed the significance of this matter under the Council's Significance and Engagement Policy and the definition of significance in the LGA.

The following criteria are relevant in determining the level of significance and the appropriate level of engagement for this matter:

- There is a legal requirement to engage with the community.
- The proposal or decision will affect a large portion of the community.
- The likely impact on present and future interests of the community, recognising Māori cultural values and their relationship to land and water through whakapapa.
- The community interest is likely to be high.



The Proposed Bylaw is currently being consulted on to ensure Council aligns with consultation requirements

Special Consultative Procedure

Section 156 of the LGA sets out that when making amending or revoking a bylaw under the LGA, Council must use the special consultative procedure (SCP) if:

- the Bylaw concerns a matter identified in Councils significance and engagement policy as being of significant interest to the public; or
- Council considers that there is, or is likely to be, a significant impact on the public due to the Proposed Bylaw or changes to, or revocation of, the Bylaw;

Sustainability Policy

The decisions sought by, and matters covered in, this report are consistent with the Council's [Sustainability Policy](#). The Proposed Bylaw supports the balance of the four wellbeings by protecting environmentally and culturally sensitive areas from damage while also taking into consideration the potential health and safety risks for freedom campers and other users of the areas, as well as the broader needs of the community.

Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement

The proposed consultation process includes the following key actions to meet the legislative requirements:

- A Statement of Proposal, including the Proposed Bylaw, is prepared and adopted by Council for consultation (attached to this report as **Attachment A**);
- Council gives public notice of the proposal, including the changes proposed to the Passive and Active RMPs in local newspapers and invites submissions;
- The Statement of Proposal will be made available on Council's website, Council offices (via Kiosks) and at public libraries at Matamata, Morrinsville and Te Aroha;
- The consultation period will run for no less than one month with the submission period scheduled from 18 September 2023 to 18 October 2023;
- Key stakeholders (including Te Manawhenua Forum) will be advised directly of the consultation process;
- A hearing is scheduled for 8 November 2023 to provide an opportunity for persons to speak to their submissions;

- Council will consider the submissions received, any further comments from those submitters who wish to be heard at the hearing, and any other comment or advice sought from staff or other subject matter experts at a deliberation meeting to be held on 22 November 2023. The final Bylaw will be adopted by Council at its meeting on 22 November 2023, with the new Bylaw expected to be operative on 20 December 2023.

Timeframes

Key Task	Dates
Documents approved by Council to consult including Statement of Proposal Bylaw	23 rd August 2023
Consultation period	18 th September – 18 th October 2023
Hearing date	8 th November 2023
Deliberations and adoption of final bylaw	22 nd November 2023
Bylaw operational	20 th December 2023

Ngā take ā-lhinga | Consent issues

Freedom camping is permitted on reserve land under the District Plan if provided for in a Reserve Management Plan. Therefore, the proposed Bylaw and subsequent proposed changes to the Passive and Active Reserve Management Plan does not give rise to any consent issues on reserves.

In addition, the Act provides a permissive approach for freedom camping in local authority areas and explicitly states that Councils must not enforce blanket bans on freedom camping across the District, so the Act would prevail if there was an inconsistency between the Act and the District Plan.

Te Tākoha ki ngā Hua mō te Hapori me te here ki te whakakitenga o te Kaunihera | Contribution to Community Outcomes

The relevant Community Outcomes are set out below:

Healthy communities	We encourage the use and development of our facilities.	We encourage community engagement and provide sound and visionary decision making.
Environmental Sustainability	Development occurs in a sustainable and respectful manner considering kawa/protocol and tikanga/customs	We engage with our regional and national partners to ensure positive environmental outcomes for our community.
Vibrant Cultural	We value and encourage strong relationships with Iwi	Tangata Whenua with Mana whenua status (those with authority over

values	and other cultures, recognising wāhi tapu and taonga/significant and treasured sites and whakapapa/ ancestral heritage.	the land under Māori lore) have meaningful involvement in decision making.
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Pānga ki te pūtea, me te puna pūtea | Financial Cost and Funding Source

There are no material financial considerations associated with the recommendations of this report. All matters are met within existing budgets. Council received funding from the MBIE Freedom Camping Transition Fund for the purpose of developing a bylaw.

Ngā Tāpiritanga | Attachments

- A. Statement of Proposal for MPDC Freedom Camping Bylaw - August 2023
- B. Summary of site assessments to inform MPDC Freedom Camping Bylaw - August 2023
- C. MPDC Freedom Camping Bylaw 2023 - Appendix 1 - Maps - August 2023 (*Under Separate Cover*)

Ngā waitohu | Signatories

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Statement of Proposal¹

Proposed Freedom Camping Bylaw 2023

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

FOR PUBLIC CONSULTATION

¹ 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 permissive 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.mpdcc.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.mpd.govt.nz/say-it/have-your-say>
- **Email** info@mpdc.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@mpdc.govt.nz.

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

Freedom Camping Bylaw 2023

PROPOSED FOR CONSULTATION

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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.mpdc.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
Morrinsville Ward	
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
Te Aroha Ward	
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)
Matamata Ward		
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
Morrinsville Ward		
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
Te Aroha Ward		
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]

Item 8.3

Attachment A



Matamata-Piako District Council Freedom Camping Bylaw Development

Summary of draft area assessments against the criteria within the Freedom Camping Act 2011 to inform a Proposed Freedom Camping Bylaw

August 2023

As part of the development of a Freedom Camping Bylaw, Matamata-Piako District Council (MPDC) has collated information to inform which areas could be included in a proposed bylaw as prohibited, restricted or permitted for freedom camping.

Freedom camping bylaws can identify areas where freedom camping is prohibited and restricted to manage how and where freedom camping can occur, and what additional conditions may be needed in some areas. Bylaws can also identify areas where freedom camping can occur in vehicles that are not self-contained.

The Freedom Camping Act 2011 (the Act) is permissive by default, which means its starting point is to allow freedom camping on all local authority land, with any vehicle used for freedom camping required to be certified self-contained. However, the Act does recognise that some areas may not be suitable for freedom camping. Any potential areas for prohibition or restriction must be first assessed against the criteria in section 11(2) of the Act. 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 of each site within this document have been 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 necessary on the site.

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. These sites included within the assessment fall within local authority areas, which is defined in section 6(1) of the Act and is land controlled or managed by or on behalf of Council.

Certain areas have been excluded from this assessment, such as:

- Private land.
- Crown land including conservation land, land managed by Waka Kotahi, and LINZ land.
- Leased land (such as Waharoa Domain).
- Inaccessible land.
- Existing paid campgrounds (such as Firth Tower in Matamata).
- Areas where parking regulations manage vehicles.

The Assessment Tool

The tool assigns scores for each of the elements in section 11(2) of the Freedom Camping Act 2011 (FCA) as follows:

PROTECT THE AREA – Considers cultural or historical significance and the natural environment		PROTECT THE HEALTH AND SAFETY OF PEOPLE WHO MAY VISIT THE AREA - Considers levels of vehicular traffic (car parks/lookout points), use for other activities (like sports grounds), and issues of persistent vandalism/vagrancy		PROTECT ACCESS TO THE AREA - Considers damage caused by vehicular access to flora and fauna and the impact that people accessing the site will have on other users of the area	
Has historical, cultural or environmental significance and requires full protection	5	Risk to health and safety is too great to allow access to the site, including no vehicle access to, or car parking on, the site.	5	No access to the site, and any vehicle access would cause significant damage.	5
Contains some significant historical, cultural or environmental areas.	4	Significant health and safety concerns.	4	Restricted access to the site, and any vehicle access would cause damage.	4
Contains some areas that should be protected	3	Minimal health and safety concerns (risk for the elderly or children)	3	Moderate access to the site, and any vehicle access would cause minimal damage.	3
Low concerns about areas that need protecting	2	Low concerns regarding health and safety	2	Good access to the site, which would not cause damage.	2
No significant area concerns	1	No health and safety concerns	1	Fully formed access to the site	1

Application of the Tool

- Each area is given a score of 1-5 for each of the three elements.
- If the total score of all three purposes is **9 or more**, restricting or prohibiting freedom camping on the area may be necessary. If the score for **any one of the three purposes is 5**, this also indicates a need to protect the area for that purpose by prohibiting or restricting freedom camping.
- If the total score of all three purposes is **8 or less** and the area is a reserve*, there is an indication that freedom camping may be permitted on the reserve. For other areas that have a total score of **8 or less**, the tool indicates that it is appropriate for freedom camping to remain permitted**.

* NB: freedom camping on gazetted reserves is otherwise prohibited under the Reserves Act 1977 (RA) unless provided for in an individual Reserve Management Plan (RMP).

** NB: there is also District-wide restrictions that apply in all permitted/restricted areas, applied through the bylaw.

Summary table of area assessments

Area assessed against the criteria	Current status	Score	Summary of assessment	Recommendation
Cemeteries and associated carparks <ul style="list-style-type: none"> • Matamata Cemetery • Waharoa Cemetery • Morrisville Historic Cemetery • Piako Cemetery • Maukoro Cemetery • Te Aroha Cemetery 	Camping not provided for in RMP, so is prohibited under section 44 of the RA.	10 <i>Protect the area: 5</i> <i>Protect H+S: 3</i> <i>Protect access: 2</i>	<p>Cemeteries are sensitive sites for a wide range of cultures and religions. Vandalism has been a recent issue at cemeteries in the district.</p> <p>Cemeteries are frequently used by pedestrians including elderly and children which poses a safety risk.</p> <p>The car parks are typically accessible for large vehicles however some freedom camping vehicles would impede on access of others.</p>	Prohibit freedom camping on all cemeteries and their associated carparks within a proposed bylaw.
Matamata Ward				
Banks Road Reserve and adjacent roadside, Matamata	Camping not provided for in RMP, so is prohibited under section 44 of the RA.	11 <i>Protect the area: 4</i> <i>Protect H+S: 3</i> <i>Protect access: 4</i>	<p>Underground stormwater infrastructure on reserve requires protection from vehicles.</p> <p>Health and safety concerns regarding users of playground, narrow surrounding roads.</p> <p>No formed vehicle access to reserve or any formed parking on reserve.</p>	Prohibit freedom camping on reserve and adjacent roads (Banks and Richardson) within a proposed bylaw
Centennial Drive Reserve and Tom Grant Drive Reserve, Matamata	Camping not provided for in RMP, so is prohibited under section 44 of the RA.	10 <i>Protect the area: 3</i> <i>Protect H+S: 4</i> <i>Protect access: 3</i>	<p>Site contains mature trees.</p> <p>Both segments of the drive are used by cyclists and pedestrians more than vehicles and are dog exercise areas.</p> <p>The roads within both reserves are narrow and vehicles parked along the roads may restrict access for other users and cause damage to the grassed areas.</p> <p>The only formed carpark on both drives is on Tom Grant Drive and is adjacent to the playground.</p>	Prohibit freedom camping on reserve within a proposed bylaw.

Area assessed against the criteria	Current status	Score	Summary of assessment	Recommendation
Hawes Bush and adjacent roadside, Matamata	Camping not provided for in RMP, so is prohibited under section 44 of the RA.	12 <i>Protect the area: 5</i> <i>Protect H+S: 3</i> <i>Protect access: 4</i>	Site identified as being of regional ecological significance and contains mature kahikatea trees. There is no street lighting and reserve is isolated. The grass area used for informal parking gets damaged due to it being frequently waterlogged.	Prohibit freedom camping on reserve and the surrounding roadside within a proposed bylaw.
Hetana Street Reserve, Matamata	Camping not provided for in RMP, so is prohibited under section 44 of the RA. 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.	10 <i>Protect the area: 2</i> <i>Protect H+S: 4</i> <i>Protect access: 4</i>	Area contains a number of large trees which are scheduled in the District Plan. The area contains a number of community services frequently accessed by locals. The site is also close to the i-Site and can get busy with tourists. The access is narrow, vehicles parked in non-allocated spots may restrict access for other users. The toilets on the reserve are open 24-hours but it is not considered appropriate for vehicles which are not self-contained to freedom camp on this reserve.	Restrict freedom camping to a maximum of six vehicles within the six 'back-in' car parking spaces that are currently signposted for freedom camping within a proposed bylaw. Amend the Hetana Street Reserve RMP to provide for self-contained freedom camping in vehicles on the reserve.
Waharoa (Matamata) Aerodrome, Matamata	RMP provides for camping for a fee on the reserve.	14 <i>Protect the area: 5</i> <i>Protect H+S: 4</i> <i>Protect access: 5</i>	The area is culturally significant and is governed jointly between Ngāti Haua and Council. The site is used by the aviation club with planes taking off and landing on the runway. There is no public access due to a locked gate.	Prohibit freedom camping on the entire Aerodrome area within a proposed bylaw.

Area assessed against the criteria	Current status	Score	Summary of assessment	Recommendation
Matamata Domain, Matamata	Reserve understood to not be classified under the Reserves Act, so freedom camping currently permitted under section 10 of the FCA.	9 <i>Protect the area: 3</i> <i>Protect H+S: 4</i> <i>Protect access: 2</i>	Reserve contains trees scheduled in the District Plan south of the pool. Site is busy and frequently used for sports and children accessing the playground. The car park has good access and contains a number of trees providing shade.	Prohibit freedom camping on reserve within a proposed bylaw.
Pohlen Park, Matamata	RMP provides for freedom camping on the reserve. Council has installed signage prohibiting freedom camping in response to complaints from neighbouring properties.	9 <i>Protect the area: 2</i> <i>Protect H+S: 4</i> <i>Protect access: 3</i>	The site is used by locals for sports and the car park is often full over the weekend and during events. The car park is sealed and provides good access to the reserve. Too many campers may prevent other users from using the carpark. Complaints mostly related to vehicles that were not self-contained.	Restrict freedom camping to three vehicles in the south east corner of the car park, away from neighbouring properties, within a proposed bylaw.
Rapurapu Recreation Reserve, Matamata	Camping not provided for in RMP, so is prohibited under section 44 of the RA.	11 <i>Protect the area: 4</i> <i>Protect H+S: 4</i> <i>Protect access: 3</i>	Site has cultural significance to iwi. There has been attempts of regeneration planting along the river. The site has a history of vandalism and public amenities have been removed due to this. There is no lighting. Access is a sealed loop around the reserve, there is very limited parking on sealed areas.	Prohibit freedom camping on reserve within a proposed bylaw.

Area assessed against the criteria	Current status	Score	Summary of assessment	Recommendation
Stanley Landing, Tower Road, Matamata	Camping not provided for in RMP, so is prohibited under section 44 of the RA.	7 <i>Protect the area: 3</i> <i>Protect H+S: 3</i> <i>Protect access: 1</i>	The signage and monument have been removed from site. The area is isolated and low use with no formal parking. The walkway has been closed due to erosion from the river. Access to the previous monument site is only through private land due to a recent subdivision.	Do not include the area in a proposed bylaw. Freedom camping on the reserve remains prohibited under section 44 of the Reserves Act 1977.
Swap Park, Matamata	Reserve understood to not be classified under the Reserves Act, so freedom camping currently permitted under section 10 of the FCA.	10 <i>Protect the area: 4</i> <i>Protect H+S: 3</i> <i>Protect access: 3</i>	There is Covid-19 commemoration planting to memorialise those from Matamata who passed away, with an associated walking track on site. The park is primarily used for passive recreation. The access for vehicles is chained off and vehicle or camping activities may damage the grassed area.	Prohibit freedom camping on reserve within a proposed bylaw.
Bruce Clothier Memorial Reserve & Waharoa Rest Area	Camping not provided for in RMP, so is prohibited under section 44 of the RA. Area contiguous to state highway road reserve.	9 <i>Protect the area: 2</i> <i>Protect H+S: 4</i> <i>Protect access: 3</i>	North end of the site contains a Cedar Tree scheduled in the District Plan. The area is used as a rest stop next to a busy State Highway. The toilet is one of the busiest public toilets in the district, and this along with customers of the bakery/café across the road means there are frequent vehicle movements within the car park, including some tourist busses. The sealed car park is small and larger vehicles may restrict access for other users.	Prohibit freedom camping on reserve within a proposed bylaw. Seek written consent from the CE of NZTA to declare the state highway road reserve portion of the area as local authority land under section 10A of the FCA for the purposes of the Freedom Camping Bylaw to ensure consistent enforcement.

Area assessed against the criteria	Current status	Score	Summary of assessment	Recommendation
Wairere Falls (Carpark)	Freedom camping currently permitted on this Council owned car park under section 10 of the FCA. Iwi have an easement over the car park to access their adjacent land.	11 <i>Protect the area: 5</i> <i>Protect H+S: 4</i> <i>Protect access: 2</i>	Adjacent land is owned by Ngāti Hinerangi and they contain an easement over the car park. Iwi support freedom camping within the car park as long as it doesn't impact on their adjoining land. The car park is busy and often full on the weekends to service the Wairere Falls Walk. The car park was recently upgraded and contains 11 parks to the south that will accommodate larger vehicles and provides an attractive place to camp.	Restrict freedom camping to eleven vehicles in the car parking spaces along the south end of the car park within a proposed bylaw.
Morrinsville Ward				
Davies Park, Morrinsville	Camping not provided for in RMP, so is prohibited under section 44 of the RA.	11 <i>Protect the area: 3</i> <i>Protect H+S: 4</i> <i>Protect access: 4</i>	The car park is small and has limited access. It services a café, playground and the Early Education Centre (currently under development). The grass area behind the playground is inaccessible to vehicles and many of the trees are protected by QEII covenants.	Prohibit freedom camping on reserve within a proposed bylaw.
Holmwood Park and adjacent roadside, Morrinsville	Camping not provided for in RMP, so is prohibited under section 44 of the RA.	9 <i>Protect the area: 3</i> <i>Protect H+S: 3</i> <i>Protect access: 3</i>	The site is largely grassed area and contains a small pond which floods the reserve 2-3 times a year, however more frequently in the last 18 months due to increased severe weather events. There is a walking track through the park that goes through to the Recreation Reserve. There is no vehicle access onto the reserve and vehicles parking on the road side may restrict access to surrounding driveways.	Prohibit freedom camping on reserve and the carpark on Holmwood Park Drive within a proposed bylaw.

Area assessed against the criteria	Current status	Score	Summary of assessment	Recommendation
Murray Oaks Scenic Reserve, Morrinsville	Camping not provided for in RMP, so is prohibited under section 44 of the RA.	13 <i>Protect the area: 4</i>	The site contains a number of historic oak trees (scheduled in District Plan). Train tracks run through the centre of the reserve. The reserve is bordered by a local road and a busy State Highway, and the State Highway designation is contiguous to this reserve. The access via the local road is blocked by bollards. The access from the State Highway is often waterlogged and unsafe. There is no formal access or parking on the reserve, but informal parking often occurs.	Prohibit freedom camping on reserve within a proposed bylaw.
	Area contiguous to state highway road reserve.	<i>Protect H+S: 5</i>		Seek written consent from the CE of NZTA to declare the state highway road reserve portion of the area as local authority land under section 10A of the FCA for the purposes of the Freedom Camping Bylaw to ensure consistent enforcement.
		<i>Protect access: 4</i>		
Recreation Ground, Morrinsville	RMP provides for camping on the reserve for a maximum of four nights.	9 <i>Protect the area: 3</i>	The site has no known area concerns. Vehicles and camping activities on the sports field could damage the surface and interfere with other users of the space and cause health and safety issues. The reserve is a busy sport and recreation area. The car park services heated pools, tennis courts and the sports field. The car park has good access and is sealed. Freedom camping is currently permitted within the car park.	Restrict freedom camping to six vehicles within the formed car park area within a proposed bylaw.
	Currently used for freedom camping.	<i>Protect H+S: 3</i>		
		<i>Protect access: 3</i>		
Studholme Street 24-hour public toilets (near Countdown), Morrinsville	Freedom camping currently permitted adjacent council controlled and managed land under section 10 of the FCA.	6 <i>Protect the area: 1</i>	The 24-hour toilets are within a busy shopping area. There is no parking allowed on the busy street immediately outside the toilet. Only basic toilet facilities are available and they are used frequently by people travelling through Morrinsville as well as people accessing the shopping area. The car parking facilities adjacent to the toilets are in high use by shoppers accessing the neighbouring retail areas.	Do not include the area in a proposed bylaw. Freedom camping remains permitted on council controlled and managed land under section 10 of the FCA.
		<i>Protect H+S: 3</i>		
		<i>Protect access: 2</i>		

Area assessed against the criteria	Current status	Score	Summary of assessment	Recommendation
			While the area is not considered appropriate for vehicles that are not self-contained due to the car parking area servicing the retail area being in high-use by customers, and the basic toilet facilities, this assessment does not suggest that a prohibition or restriction on self-contained freedom camping is warranted under the Act.	
Tahuna Domain, Morrinsville	Camping not provided for in RMP, so is prohibited under section 44 of the RA.	7 <i>Protect the area: 2</i> <i>Protect H+S: 3</i> <i>Protect access: 2</i>	No significant area concerns known, the domain is used by the rugby club and contains club rooms and a public toilet. The road is a back road to the Waikato Expressway and the public toilet gets a lot of use. There is a sealed access to a small car park on the reserve that services the toilets and clubrooms.	Do not include the area in a proposed bylaw. Freedom camping on the reserve remains prohibited under section 44 of the Reserves Act 1977.
Thomas Park and Roadside, Morrinsville	Camping not provided for in RMP, so is prohibited under section 44 of the RA.	9 <i>Protect the area: 2</i> <i>Protect H+S: 4</i> <i>Protect access: 3</i>	The site holds a playground and a Plunket. Plunket has a car park, however, the main parking for the park is on the adjacent roadside. There is limited roadside parking and larger vehicles may restrict access for vehicles travelling on the road. They may also impact visibility for turning and cause Crime Prevention through Environmental Design (CPTED) issues.	Prohibit freedom camping on reserve and adjacent streets (Moorhouse and Anderson) within a proposed bylaw .

Area assessed against the criteria	Current status	Score	Summary of assessment	Recommendation
Waterworks Road Reserve (Te Miro Forest), Morrinsville	Reserve understood to not be classified under the Reserves Act, so freedom camping currently permitted under section 10 of the FCA.	11 <i>Protect the area: 4</i> <i>Protect H+S: 4</i> <i>Protect access: 3</i>	The site is designated and has a water catchment overlay under the District Plan. There are also scheduled trees on site. The area is frequently used by mountain bikers who utilise the small gravel car park.	Restrict freedom camping to two vehicles on the south side of the car park within a proposed bylaw.
Wisely Reserve and adjacent roadside, Morrinsville	Camping not provided for in RMP, so is prohibited under section 44 of the RA.	8 <i>Protect the area: 2</i> <i>Protect H+S: 3</i> <i>Protect access: 3</i>	The reserve has no known area concerns. The reserve is largely undeveloped and unused. There is a small, gated car park, chains and bollards restrict access. Any freedom camping at this site would occur on the adjacent roadside.	Do not include the area in a proposed bylaw. Freedom camping on the reserve remains prohibited under section 44 of the Reserves Act 1977. Freedom camping remains permitted on the road side adjacent to the reserve under section 10 of the FCA.
Te Aroha Ward				
Boat Ramp, Te Aroha	Freedom camping currently permitted on this road reserve under section 10 of the FCA.	12 <i>Protect the area: 5</i> <i>Protect H+S: 4</i> <i>Protect access: 3</i>	The site is culturally significant to Ngāti Tumutumu as it is a former pa and urupa site. Iwi support prohibiting freedom camping on this site. Cyclists bike through this area to access the Hauraki Rail Trail. It has recently been upgraded. The area floods significantly at times of heavy rain, covering the limited boat and trailer parking provided.	Prohibit freedom camping in the car park and associated council owned land immediately adjacent to the boat ramp including the skatepark within a proposed bylaw.

Area assessed against the criteria	Current status	Score	Summary of assessment	Recommendation
Boundary Street Carpark, Te Aroha	Freedom camping currently permitted on this road reserve under section 10 of the FCA.	7 <i>Protect the area: 2</i> <i>Protect H+S: 2</i> <i>Protect access: 3</i>	There are no significant area concerns at this site. The car park is close to town and busy on Sundays for Church services and is used by walkers and other users accessing the nearby Domain. The access is narrow, and longer vehicles parked will impact access for other users as well as traffic flow in the area.	Do not include the area in a proposed bylaw. Freedom camping remains permitted on the road side adjacent to the reserve under section 10 of the FCA.
Boyd Park Te Aroha	RMP provides for camping in Spur Street car park within the reserve for a maximum of four nights.	10 <i>Protect the area: 3</i> <i>Protect H+S: 4</i> <i>Protect access: 3</i>	Two thirds of the reserve is wetlands, the wetlands are a flood hazard area. The site contains a busy sports field and event centre frequently used by children. The car park is large and sealed with good access. It is used by people utilising the sporting activities.	Restrict freedom camping to six vehicles in the north-west corner of the car park between the netball courts and Boyd Park within a proposed bylaw.
Council Office Carpark (35 Kenrick Street), Te Aroha	Freedom camping currently permitted on this council owned and managed land under section 10 of the FCA. Freedom camping advertised in specific car parking spots accessed from this car park, which fall within the neighbouring Herries Park Reserve land parcel.	9 <i>Protect the area: 2</i> <i>Protect H+S: 3</i> <i>Protect access: 4</i>	Low area concerns for the car park area however, the gravel area shares a parcel with Herries Park (assessed below). This is a busy car park for Council and Library staff and visitors. Council staff use this car park and require access to buildings to carry out their work. Campers could cause access issues and impact the car park for day users. Council has had issues with this in the past.	Prohibit freedom camping in the Council car park and associated council owned land (excluding Herries Memorial Park) within a proposed bylaw.

Area assessed against the criteria	Current status	Score	Summary of assessment	Recommendation
Herries Memorial Park, Te Aroha	Camping not provided for in RMP.	11	Area has a flood zone overlay under the District Plan, there is no formalised vehicle access onto this section of the Reserve.	Restrict to six vehicles along the southern side of the existing formed car park behind the Council buildings, accessed from Kenrick Street (the north point of Herries Memorial Park) with existing time and day restrictions (7pm to 7am weekdays, any time on weekends and public holidays) within a proposed bylaw.
	Freedom camping advertised within an area at the north edge of the reserve, within the Council Office Carpark.	<i>Protect the area: 3</i>	The area floods significantly in wet weather, vehicles and camping activities on the grass may cause damage.	
		<i>Protect H+S: 4</i>	The reserve covers part of the Council car park (see above for relevant assessment.)	Amend the Herries Memorial Park RMP to provide for self-contained freedom camping in vehicles on the reserve.
Herries Memorial Park Toilets - Roadside adjacent to 41 Rewi Street, near toilets	Freedom camping currently permitted on this council owned and managed land under section 10 of the FCA.	8	<i>See above for assessment relevant to Herries Park.</i>	Do not include the area in a proposed bylaw.
	Presence of 24-hour toilet facilities indicates potential area for vehicles that are not Self-contained	<i>Protect the area: 2</i>	The 24 hour toilets on Herries Memorial Park are close to a well-used playground. Only basic toilet facilities are available. The car parking spaces on the road are used by visitors to the playground including children.	Freedom camping remains permitted on the road side adjacent to the reserve under section 10 of the FCA.
		<i>Protect H+S: 4</i>	While the area is not considered appropriate for vehicles that are not self-contained due to the proximity of the playground and the basic toilet facilities, this assessment does not suggest that a prohibition or restriction on self-contained freedom camping is warranted under the Act.	

Area assessed against the criteria	Current status	Score	Summary of assessment	Recommendation
Hanna Street Reserve, Te Aroha	Camping not provided for in RMP, so is prohibited under section 44 of the RA.	8 <i>Protect the area: 3</i> <i>Protect H+S: 1</i> <i>Protect access: 4</i>	No known area concerns, the park is small and not busy. Vehicles or camping activity on the reserve may damage the grassed areas. There is no vehicle access onto the reserve. The Hanna Street and Catherine Crescent cul-de-sacs are narrow.	Do not include the area in a proposed bylaw. Freedom camping on the reserve remains prohibited under section 44 of the Reserves Act 1977. Freedom camping remains permitted on the road side adjacent to the reserve under section 10 of the FCA.
Robertson Reserve, Te Aroha	Reserve understood to not be classified under the Reserves Act, so freedom camping currently permitted under section 10 of the FCA.	7 <i>Protect the area: 2</i> <i>Protect H+S: 2</i> <i>Protect access: 3</i>	Reserve is small and has no known area concerns. It neighbours Herries Memorial Park and is a grassy area along Rolleston Street. There is no formalised access or parking so vehicles are likely to damage the grassed area.	Do not include the area in a proposed bylaw. Freedom camping remain permitted on the reserve and road side under section 10 of the FCA.
Seddon Street Reserve, Te Aroha	Camping not provided for in RMP, so is prohibited under section 44 of the RA.	9 <i>Protect the area: 3</i> <i>Protect H+S: 3</i> <i>Protect access: 3</i>	Reserve contains stormwater assets and a drainage channel. There is a flood hazard on the west side of the reserve. There is no formalised parking, vehicles and camping activities on the reserve may cause damage.	Prohibit freedom camping on the reserve within a proposed bylaw.

Area assessed against the criteria	Current status	Score	Summary of assessment	Recommendation
Skidmore Reserve, Te Aroha	Reserve understood to not be classified under the Reserves Act, so freedom camping currently permitted under section 10 of the FCA.	9 <i>Protect the area: 4</i> <i>Protect H+S: 2</i> <i>Protect access: 3</i>	Vehicles and camping activities on the grassed area of the reserve may cause damage. The area is not busy and has minimal health and safety concerns, however the car park is accessed from a busy road and is small. Car park is small and sealed with good access, however there is no vehicle access on the grassed area of the reserve.	Prohibit freedom camping on the reserve within a proposed bylaw.
Te Aroha Domain, Te Aroha	Camping not provided for in RMP, so is prohibited under section 44 of the RA, however, Appendix E of the Active RMP notes that camping could be appropriate on the reserve.	12 <i>Protect the area: 5</i> <i>Protect H+S: 4</i> <i>Protect access: 3</i>	The domain is of high cultural and natural significance. It is host to a number of recreation and commercial activities. The multi-use area is popular and there are some concerns in regard to health and safety, especially due to the narrow one way road through the reserve with limited parking. Parking is utilised available on adjacent roads. Koromiko Road to the east is narrow and has limited roadside parking.	Prohibit freedom camping on the reserve including Koromiko Road which runs through the reserve within a proposed bylaw. Amend Appendix E of the Active RMP to remove Te Aroha Domain from the list of reserves to reflect the prohibition of camping on the reserve.
Tui Park, Te Aroha	Camping not provided for in RMP, so is prohibited under section 44 of the RA. Leased areas are outside the scope of the bylaw as they are not council controlled or managed land and are not available for freedom camping under the FCA	8 <i>Protect the area: 2</i> <i>Protect H+S: 3</i> <i>Protect access: 3</i>	The reserve has a flood hazard overlay under the District Plan. The area is known to flood which poses a health and safety risk. The bowling club leases a portion of the reserve and there are a number of picnic areas located on the grassed area. There are large parts of the reserve leased for grazing. Access is via Tui Park road, and the only parking available services the bowling club.	Do not include the area in a proposed bylaw. Recommend that freedom camping on the reserve remains prohibited under section 44 of the Reserves Act 1977.

Area assessed against the criteria	Current status	Score	Summary of assessment	Recommendation
Waihou Recreation Reserve, Te Aroha	Camping not provided for in RMP, so is prohibited under section 44 of the RA.	9 <i>Protect the area: 2</i>	There are leases applied within the reserve, with a range of different lease holders	Restrict freedom camping to three vehicles in centre row of car park spaces within the section of car park near the rugby fields within a proposed bylaw.
	Leased areas are outside the scope of the bylaw as they are not council controlled or managed land and are not available for freedom camping under the FCA.	<i>Protect H+S: 4</i> <i>Protect access: 3</i>	The Reserve is multi use and the area is busy and frequently used by children, for equestrian related activities, and by people accessing riding for the disabled services, and for those accessing the rugby fields. The car park is sealed and has two formed accesses.	Amend the Waihou Recreation Reserve RMP to provide for self-contained freedom camping in vehicles on the reserve.
Waitoa Railway Reserve, Te Aroha	Reserve understood to not be classified under the Reserves Act, so freedom camping currently permitted under section 10 of the FCA.	9 <i>Protect the area: 2</i>	The site is located between a busy state highway and railway. The location is a concern for health and safety.	Restrict freedom camping to two vehicles within the formed car park within a proposed bylaw.
		<i>Protect H+S: 4</i>	There is a small, formed parking area with no bollards or other devices stopping access onto the grass.	Amend the Waitoa Railway Reserve RMP to provide for self-contained freedom camping in vehicles on the reserve.
		<i>Protect access: 3</i>	Parking and camping activities on the grass may cause damage.	
Waiorongomai Car Park, Te Aroha	Freedom camping currently permitted on this road reserve under section 10 of the FCA.	9 <i>Protect the area: 3</i>	A historic gold mining site is adjacent to the carpark.	Restrict freedom camping to four vehicles within the car park within a proposed bylaw.
		<i>Protect H+S: 3</i>	The car park is in an isolated area with no lighting and is generally used by hikers accessing the walking trails.	
		<i>Protect access: 3</i>	The car park is not sealed and has narrow road access.	

8 Ngā Pūrongo Whakamārama | Information Reports

8.4 District Plan Update

CM No.: 2774555

Te Kaupapa | Purpose

The purpose of this report is to update the Te Manawhenua Forum with a summary on the rolling review of the District Plan and changes around Resource Management matters.

Kumesh Burr will be in attendance to deliver the update and answer any questions.

Rāpopotonga Matua | Executive Summary

A District Plan and RMA summary is provided below and Kumesh Burr will be in attendance to deliver the update and answer any questions. The update specifically relates to Plan Change 54, Plan Change 49, Private Plan Change 57, Private Plan Change 58, Private Plan Change 55, the National Planning Standards, Hauraki Gulf Forum, the National Policy Statement for Highly Productive Land and National Policy Framework.

Tūtohunga | Recommendation

That:

1. The information be received.

Ngā Take/Kōrerorero | Issues/Discussion

Plan Change 54 – “Papakāinga”

Matamata-Piako District Council is preparing a change to the District Plan, which seeks to update the District Plan provisions to allow for papakāinga development (PC54). The aim is to ensure that the District Plan provides an enabling framework for quality papakāinga development that supports the social, cultural and economic wellbeing of tangata whenua. The plan change was originally raised by Te Manawhenua Forum and recommended to Council as a priority. Council took on this recommendation and initiated a plan change. The Māori Purpose Zone (Precinct 1 – Papakāinga Tahi) will provide the most enabling provisions for papakāinga by increasing housing density in comparison to the Rural Zone and enabling the establishment of home businesses and small-scale community facilities, education facilities and healthcare facilities. Sites that are proposed to be rezoned as Māori Purpose Zone (Precinct 2 - Papakāinga Rua) have existing papakāinga. In addition to the Māori Purpose Zone, the plan change proposes general provisions in the Rural and Rural-Residential Zones enabling papakāinga development on Māori Freehold Land, General Land owned by Māori (if it can be demonstrated there is an ancestral connection and a legal mechanism in place to ensure the land is maintained in whanau ownership in perpetuity), and Treaty Settlement Land. The change was re-notified for public submissions on 21 December 2022, and closed for submissions on 13 February 2023. The further submission phase closed on 26 April 2023. A copy of the 52 submissions received and 3 further submissions is available on the Council's website. On 18 July 2023, an Iwi Working Group (IWG) Hui was held at the Silver Ferns Events Centre. During this Hui, the key themes that were raised in the submissions along with the next steps in the process were discussed, and a draft, unbranded papakāinga Toolkit was shared. The IWG members' also submitted nominations for Independent Hearing Commissioners. The Planning Team has made good progress working through the

matters raised in the submissions therefore the next step is to engage Hearing Commissioners. Once Hearing Commissioners have been confirmed, a hearing date will be scheduled.

Plan Change 49 – “Waharoa”

This District Plan change seeks to review the zoning and development controls of Waharoa. To date, a preliminary community Hui was held in partnership with Ngāti Hauā to understand the invited stakeholder’s aspirations for the town. Following this, a Working Group was established that consists of Matamata-Piako District Council elected members and Ngāti Hauā representatives as governance members along with a number of support staff. On 30 November 2022, Matamata-Piako Te Manawhenua Forum and Ngāti Hauā held a community consultation event at Te Kura O Waharoa in order to understand if the initial spatial plan that was developed, meets the communities’ aspirations and needs for Waharoa. As part of this consultation, an online survey where individuals could share their thoughts on the initial spatial plan was also available following the consultation event for those that could not attend. In total a 150 participants completed the online survey and there were around 30 participants at the community event. A report that summarises the outcomes of the consultation is available to view on the Council’s website. In addition, Warren Gumbly consultants have been engaged to undertake an archaeological assessment of the plan change area, with this work currently underway. The Council is also in the process of reviewing the community’s aspirations and considering how these may be enabled by the District Plan’s provisions.

Private Plan Change 57 Calcutta

On 3 July 2022, Matamata-Piako District Council received an application for Private Plan Change 57 – Calcutta. This plan change seeks to rezone approximately 41ha of rural land along the southern side of Tauranga Road, Matamata to Industrial Zone. This plan change proposes to introduce a new General Industrial Zone into the District Plan in accordance with the National Planning Standards. On 11 October 2022, submissions opened for the Calcutta private plan change and closed at 4:30pm on Wednesday 9 October 2022. Matamata-Piako District Council received 28 submissions in total. The Council summarised the submissions received and opened for further submissions on the 7 March 2023 with a closing date of 21 March 2023. During this submission phase, a further 20 submissions were received. A preliminary hearing date has been scheduled for early December 2023.

Private Plan Change 58 - Avenue Industrial Park

A private plan application was lodged with the Council on 22 December 2022 to rezone 14ha of rural land on the western side of Morrinsville, between Avenue Road North and State Highway 26 to Industrial Zone. The proposed private plan change is expected to adopt the same General Industrial Zone provisions as the proposed Calcutta private plan change under the National Planning Standards. The application was publicly notified on 15 June 2023, with the submission period closing on 17 July 2023. Thirteen submissions were received. The Council summarised the submissions received and opened for further submissions on the 17 August 2023. This submission period had a closing date of 31 August 2023. One further submission was received. A preliminary hearing date has been scheduled for early December 2023.

Private Plan Change 55 - “Fonterra –Waitoa”

On 13 November 2020, Council received a private plan change application regarding the Waitoa manufacturing site Development Concept Plan. The proposal is to amend the current noise emission control boundary in the Operative District Plan and replace it with a new Noise Emission Control Boundary and amend the associated rules. Council made a request, on 22 January 2022,

for further information under Clause 23, RMA Schedule 1. Council received a response to this further information request at the end of November 2022 and have been working with the applicant to finalise this information.

Hauraki Gulf Forum

The Hauraki Gulf Forum (HGF) is a statutory body, which promotes and facilitates integrated approach to the management and protection of the Hauraki Gulf, under the Hauraki Gulf Marine Park Act 2000. The forum's current focus is on three priorities which are to improve integrated management through collaborative planning, restoring water quality values by addressing land use activities that degrade those values and lastly recognising those critical marine values and ecosystems through advocating for protection, restoration and enhancement. As part of its advocacy, the forum used last year's surplus funds to carry out Natural Capital Valuations on the marine park. This work was carried out by the New Zealand Institute of Economic Research (NZIER) and can be found at this link: <https://gulfjournal.org.nz/the-hauraki-gulf-forum/>. At the latest meeting on 11 September, we received presentations on the State of our Seabirds, Bioremediation using Seaweed, Forestry and Traces of Heavy Metals in the Gulf.

National Planning Standards (NPS)

The Council is currently reformatting its District Plan to comply with the National Planning Standards (NPS). The purpose of the National Planning Standards is to make council plans and policy statements easier to prepare, understand and comply with. They do this by improving the consistency of the format and content across all resource management documents throughout New Zealand. Any proposed changes that are simply a reformatting of the current Operative District Plan into the new format do not require a plan change, however there will be some changes that will be required to be notified. The Council is working to have this completed and notified by April 2024 in accordance with the relevant NPS legislation. As part of complying with the National Planning Standards, the District Plan is required to have a Tangata whenua/Mana whenua chapter. This is to be developed in conjunction with mana whenua. On 18 July 2023, a Te Manawhenua Forum workshop was held at the Silver Fern Events Centre to discuss the title and contents of the chapter. A draft Mana whenua chapter has been produced based on this discussion and the Council is currently talking with individual iwi regarding the contents of this chapter.

National Policy Statement for Highly Productive Land

The National Policy Statement for Highly Productive Land (NPS-HPL) came into effect in October 2022. Its objective is to restrict inappropriate subdivision and development on highly productive land, so that it can be retained and used for food production. However, since its release, stakeholders have raised two key issues regarding its restrictions. These relate to a lack of a consenting pathway for:

1. Specified infrastructure, such as solar farms.
2. The establishment and expansion of intensive indoor farming activities and green houses.

The Ministry for the Environment and the Ministry for Primary Industries are currently looking for feedback from iwi, local government, interested organisations and individuals regarding an amendment of the NPS-HPL to make allowances for these activities. The consultation period for this closes on 31 October 2023.

National Policy Framework

The Government is currently undertaking a reform that will replace the Resource Management Act 1991 (RMA) with three new pieces of legislation, those being:

- The Natural and Built Environment Act
- The Spatial Planning Act; and,
- The Climate Adaptation Act.

The Natural and Built Environment Act and the Spatial Planning Act have both been given royal assent and are now in effect. However, the RMA will remain until in force while a new planning framework under these two Acts is developed. This new framework will look quite different to the current system, with the key planning documents now including:

1. Regional Spatial Strategies
2. Natural and Built Environment Plans; and
3. A National Planning Framework

Central Government will develop the National Planning Framework, with its purpose being to provide national guidance and direction for regional planning. This framework is expected to be in place by 2025 to inform the first Regional Spatial Strategies and Natural and Built Environment Plans, which will be put together at a regional level. The Ministry for the Environment recently released a draft of the transitional National Planning Framework for targeted consultation with local government and Māori. This consultation period closes on 13 December 2023.

Ngā Tāpiritanga | Attachments

There are no attachments for this report.

Ngā waitohu | Signatories

Author(s)	Kumeshni Burr Graduate RMA Policy Planner	
Approved by	Ally van Kuijk District Planner	
	Dennis Bellamy Group Manager Community Development	

8 Ngā Pūrongo Whakamārama | Information Reports

8.5 Te Manawhenua Forum Work Programme - Update October 2023

CM No.: 2775842

Te Kaupapa | Purpose

The purpose of this report is to provide an update to Te Manawhenua Forum on the work programme as confirmed for 2023.

Rāpopotonga Matua | Executive Summary

The 2023 Work Programme is attached. It is intended this is a standing item for each meeting.

Tūtohunga | Recommendation

That:

1. The information be received.

Horopaki | Background

Prior to the commencement of each calendar year the Forum sets itself a work programme. While priorities can shift during the year as unexpected issues arise, the work programme is a useful tool to enable Forum members to set their direction and to allow staff to understand the work priorities that need to be achieved.

Ngā Tāpiritanga | Attachments

[A↓](#). Te Manawhenua Forum Work Programme - Update October 2023

Ngā waitohu | Signatories

Author(s)	Stephanie Hutchins Governance Support Officer	
Approved by	Sandra Harris Placemaking and Governance Team Leader	

Te Manawhenua Forum Work Programme 2023 – Update October 2023



Meeting Date	Scheduled Reports	Status – included in agenda	Comment / Expected reporting dates
3 October 2023	Long Term Plan update	✓	
	Waitangi Day event planning (<i>Te Rā o Waitangi</i>)	✓	
	District Plan and Iwi management plans update (<i>incl. Papakainga plan change update</i>)	✓	
	Te Reo Maori Policy update	x	To be provided at next meeting
	Manawhenua Engagement Guide review	x	To be provided at next meeting
	Community Facilities Strategy and Policy update	x	No update
	Local Government Reform update	x	No update