

Notice of Meeting:

I hereby give notice that an ordinary Meeting of the Council will be held on:

Date: Thursday 3 August 2023
Time: 9.30am
Meeting Room: Council Chamber and Audio Visual Link
Venue: Municipal Building, Garden Place, Hamilton

Lance Vervoort
Chief Executive

Council Kaunihera OPEN AGENDA

Membership

Chairperson Mayor Paula Southgate
Heamana

Deputy Chairperson Deputy Mayor Angela O'Leary
Heamana Tuarua

Members	Cr Ryan Hamilton	Cr Geoff Taylor
	Cr Maxine van Oosten	Cr Sarah Thomson
	Cr Moko Tauariki	Cr Emma Pike
	Cr Ewan Wilson	Cr Melaina Huaki
	Cr Mark Donovan	Cr Anna Casey-Cox
	Cr Louise Hutt	Cr Kesh Naidoo-Rauf
	Cr Andrew Bydder	

Quorum: A majority of members (including vacancies)

Meeting Frequency: Monthly – or as required

Amy Viggers
Mana Whakahaere
Governance Lead

26 July 2023

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www.hamilton.govt.nz

Purpose

The Council is responsible for:

1. Providing leadership to, and advocacy on behalf of, the people of Hamilton.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

Terms of Reference

3. To exercise those powers and responsibilities which cannot legally be delegated by Council¹:
 - a) The power to make a rate.
 - b) The power to make a bylaw.
 - c) The power to borrow money, or purchase or dispose of assets, other than in accordance with the Long Term Plan.
 - d) The power to adopt a Long Term Plan or Annual Plan, or Annual Report.
 - e) The power to appoint a Chief Executive.
 - f) The power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the Long Term Plan or developed for the purpose of the Council's Governance Statement.
 - g) The power to adopt a remuneration and employment policy.
 - h) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
 - i) The power to approve or amend the Council's Standing Orders.
 - j) The power to approve or amend the Code of Conduct for Elected Members.
 - k) The power to appoint and discharge members of committees.
 - l) The power to establish a joint committee with another local authority or other public body.
 - m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council does not accept the recommendation.
 - n) The power to amend or replace the delegations in Council's *Delegations to Positions Policy*.
4. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
 - a) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
 - b) Approval of any changes to Council's vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
 - c) Approval of any changes to city boundaries under the Resource Management Act 1991.

¹ [Clause 32, Schedule 7, Local Government Act 2002](#)

- d) Adoption of governance level strategies plans and policies which advance Council's vision and strategic goals.
- e) Approval of the Triennial Agreement.
- f) Approval of the local governance statement required under the Local Government Act 2002.
- g) Approval of a proposal to the Remuneration Authority for the remuneration of Elected Members.
- h) Approval of any changes to the nature and delegations of the Committees.
- i) Approval or otherwise of any proposal to establish, wind-up or dispose of any holding in, a CCO, CCTO or CO.
- j) Approval of city boundary changes, including in respect of Strategic Boundary Land Use Agreements.
- k) Approval of Activity Management Plans.
- l) Sister City relationships.

Oversight of Strategies, Plans and Reports:

- Long Term Plan
- Annual Plan
- Annual Report
- Shaping Hamilton Kirikiriroa Together
- Our Climate Future
- He Pou Manawa Ora

Oversight of Policies and Bylaws:

- *Corporate Hospitality and Entertainment Policy*
- *Delegations to officers specific to the Resource Management Act 1991*
- *Delegations to Positions Policy*
- *Elected Members Support Policy*
- *Significance and Engagement Policy*
- *Climate Change Policy*
- *Any Community Engagement Policies*

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1 Apologies – *Tono aroha*

2 Confirmation of Agenda – *Whakatau raarangi take*

The Council to confirm the agenda.

3 Declaration of Interest – *Tauaakii whaipanga*

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

4 Public Forum – *Aatea koorero*

As per Hamilton City Council's Standing Orders, a period of up to 30 minutes has been set aside for a public forum. Each speaker during the public forum section of this meeting may speak for five minutes or longer at the discretion of the Mayor.

Please note that the public forum is to be confined to those items falling within the terms of the reference of this meeting.

Speakers will be put on a Public Forum speaking list on a first come first served basis in the Council Chamber prior to the start of the Meeting. A member of the Governance Team will be available to co-ordinate this. As many speakers as possible will be heard within the allocated time.

If you have any questions regarding Public Forum please contact Governance by telephoning 07 838 6727.

Council Report

Committee: Council

Date: 03 August 2023

Author: Nicholas Hawtin

Authoriser: Michelle Hawthorne

Position: Governance Advisor

Position: Governance and Assurance
Manager

Report Name: Confirmation of the Council Open Minutes - 29 June 2023

Report Status	<i>Open</i>
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Staff Recommendation - *Tuutohu-aa-kaimahi*

That the Council confirm the Open Minutes of the Council Meeting held on 29 June 2023 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Council Annual Plan Adoption Open Unconfirmed Minutes - 29 June 2023

Council Kaunihera OPEN MINUTES

Minutes of a meeting of the Council held in Council Chamber and Audio-Visual Link , Municipal Building, Garden Place, Hamilton on Thursday 29 June 2023 at 9.30am.

PRESENT

Chairperson	Mayor Paula Southgate
<i>Heamana</i>	
Deputy Chairperson	Deputy Mayor Angela O'Leary
<i>Heamana Tuarua</i>	
Members:	Cr Maxine van Oosten Cr Ewan Wilson Cr Mark Donovan Cr Andrew Bydder Cr Sarah Thomson Cr Emma Pike Cr Anna Casey-Cox (Via Audio-visual Link)

In Attendance:	Lance Vervoort – Chief Executive Sean Murray – General Manager Venues, Tourism & Events David Bryant - General Manager, People and Organisational Performance Blair Bowcott - General Manager Growth Chris Allen - General Manager Development, Development Eeva-Liisa Wright – General Manager infrastructure Operations Sean Hickey - Executive Director Future Fit Julie Clausen - General Manager Strategy and Communication Andrew Parsons - Executive Director - Strategic Infrastructure Stephen Halliwell - Water Reform Financial Advisor, City Development James Clark - Unit Manager - Strategy and Planning, Strategy
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Governance Staff:	Amy Viggers – Governance Lead Nicholas Hawtin and Arnold Andrews – Governance Advisor
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Tame Pokaia opened the meeting with a karakia.

1. Apologies – Tono aroha

Resolved: (Mayor Southgate/Cr Wilson)

That the apologies for absence from Cr Huaki, Cr Taylor, Cr Hamilton, Cr Hutt and Cr Tauariki (Council Business), for partial attendance from Cr Donovan and Cr van Oosten, and lateness from Cr Naidoo-Rauf are accepted.

2. Confirmation of Agenda – *Whakatau raarangi take***Resolved:** (Mayor Southgate/Cr van Oosten)

That the agenda is confirmed noting the following:

- a) late attachment 1 (Draft 2023-24 Annual Plan) for Item 6 (Adoption of the 2023-24 Annual Plan) is accepted. It was circulated to members under a separate cover to enable the most up to date information to be provided; and
- b) the late report Item 9 (Water Services Entities Report Amendment Bill – Submission Report) is accepted. It was circulated to members under a separate cover following the announcement from central government that the submission period was to close on 5 July 2023.

3. Declarations of Interest – *Tauaakii whaipaaanga*

No members of the Council declared a Conflict of Interest.

4. Public Forum – *Aatea korero*

John McDonald-Wharry spoke to Item 9 (Water Services Entities Report Amendment Bill – Submission Report) noting his view on the Council's Submission. They responded to questions on their views of the submission and were directed to further information that may be of interest to them.

5. Confirmation of the Council Annual Plan Open Unconfirmed Minutes - 1 June 2023**Resolved:** (Deputy Mayor O'Leary/Mayor Southgate)

That the Council confirm the Open Minutes of the Council Annual Plan Hearings Meeting held on 1 June 2023 as a true and correct record.

6. Adoption of the 2023-24 Annual Plan

The Unit Manager of Strategy and Planning introduced the report and highlighted several editorial corrections. Staff responded to questions from Elected Members concerning how the Annual Plan would be communicated to the public.

Resolved: (Mayor Southgate/Deputy Mayor O'Leary)

That the Council

- a) receives the report; and
- b) adopts the Annual Plan document, subject to the inclusion of further Te Reo translations and minor typographical corrections.

7. Rates Resolution to Set and Assess Rates for 2023/24

The Water Reform Financial Advisor introduced the report and highlighted to the rates resolution and the adoption process.

Resolved: (Mayor Southgate/Deputy Mayor O'Leary)

That the Council:

- a) receives the report;
- b) approves to set and assesses the rates for the 2023/24 financial year (1 July 2023 to 30 June 2024) in accordance with the **Rates Resolution for the 2023/24 Financial Year** (as required by the Local Government (Rating) Act 2002) as set out in paragraphs 7 - 60 below; and
- c) approves the due dates for payments and authorises penalties to be added to unpaid rates, as set out in paragraphs 56 - 60 below.

GENERAL RATE

7. A general rate is set and assessed on the capital value of all rateable land in Hamilton.
8. General rates are set on a differential basis. The rating categories are defined in the Funding Impact Statement.
9. The differential bases are:
- i. the use to which the land is put; and
 - ii. the provision or availability to the land of a service provided; and
 - iii. the activities that are permitted, controlled, or discretionary for the area in which the land is situated, and the rules to which the land is subject under the operative district plan; and
 - iv. the location of the land
10. This rate covers all of the services of Council.
11. The total revenue sought through the general rate is \$233,985,005.
12. The general rate is set and assessed on a differential basis as follows:

SOURCE	DIFFERENTIAL CATEGORIES	DIFFERENTIAL FACTOR	PERCENTAGE OF TOTAL GENERAL RATES	RATE IN THE DOLLAR OF CAPITAL VALUE (GST INCL)	RATES REVENUE (GST INCL)
General Rate	Commercial	2.9765	34.25%	0.00746607	\$80,136,600
	BID Commercial	2.8277	6.77%	0.00709277	\$15,839,481
	Other	0.7400	1.78%	0.00185619	\$4,165,589
	Residential	1.0000	57.20%	0.00250836	\$133,843,335

13. Land described in Part 2 Schedule 1 of the Local Government (Rating) Act 2002 (broadly speaking, land owned or used by societies for arts or sports) will be assessed at 50% of the residential rate (General rate, UAGC and Government compliance rate) that applies to the land. This general rate revenue is included within the Residential category shown in the table above and within the targeted rates revenue where applicable.

UNIFORM ANNUAL GENERAL CHARGE

14. A Uniform Annual General Charge (UAGC) of \$643 per Separately Used or Inhabited Part of a Rating Unit (SUIP) is set and assessed on all rateable land in Hamilton.
15. The total revenue sought from the UAGC is \$46,220,448.

TARGETED RATES

16. Government compliance rate
17. This rate is set and assessed on the capital value of all rateable land in the city.
18. This rate is set on a differential basis on the categories of land identified below. The differential bases are the use to which the land is put, the provision or availability to the land of a service provided, the activities permitted, controlled, or discretionary for the area in which the land is situated and the rules to which the land is subject under the operative district plan, and in the case of the BID Commercial differential, the location of the land.
19. This rate provides funding to the Wastewater Treatment and Disposal, Wastewater Collection, Water Treatment and Storage, Water Distribution, Stormwater Network, and City Planning activities.
20. The total revenue sought is \$12,677,122.

21. This rate is set and assessed on a differential basis as follows:

SOURCE	DIFFERENTIAL CATEGORIES	DIFFERENTIAL FACTOR	PERCENTAGE OF TOTAL GOVERNMENT COMPLIANCE RATES	RATE IN THE DOLLAR OF CAPITAL VALUE (GST INCL)	RATES REVENUE (GST INCL)
Government compliance rate	Commercial	2.9765	34.25%	0.00040451	\$4,341,783
	BID Commercial	2.8277	6.77%	0.00038428	\$858,169
	Other	0.7400	1.78%	0.00010057	\$225,695
	Residential	1.0000	57.20%	0.00013590	\$7,251,475

22. Land described in Part 2 Schedule 1 of the Local Government (Rating) Act 2002 (broadly speaking, land owned or used by societies for arts or sports) will be assessed at 50% of the residential rate that applies to the land. This Government compliance rate revenue for these rating units is included within the Residential category shown in the table above.

23. Metered water rate

24. The rate is set and assessed for metered and restricted flow water supply to all metered rating units (as defined by Hamilton City Council's Water Supply Bylaw 2013).

25. The rate is:

- i. a fixed amount based on the nature of the connection as follows:
 - I. \$468 for all metered rating units (except those receiving a restricted flow supply);
 - II. \$417.60 for those rating units receiving a restricted flow supply.
- ii. a charge per unit of water consumed or supplied on every metered connection in accordance with the following scale:
 - I. All metered rating units (except those receiving a restricted supply) - \$1.95 per kilolitre of water supplied after the first 60 kilolitres of consumption or supply per quarter;
 - II. those rating units receiving a restricted flow supply - \$1.74 per kilolitre of water supplied after the first 60 kilolitres of consumption or supply per quarter.

26. The rates contribute to the funding of the Water Distribution and Water Treatment and Storage activities.

27. The total revenue sought is \$10,499,763.

28. Commercial and Other category non-metered water rate

29. The rate is set and assessed on non-metered Commercial and Other category (as defined for the general rate) properties which are connected to the water network, but not provided with a metered connection. The rate is \$468 per rating unit.

30. The rates contribute to the funding of the Water Distribution and Water Treatment and Storage activities.

31. The total revenue sought is \$275,652.

32. Business Improvement District (BID) rates

33. This rate is set and assessed on all rating units defined within the BID Commercial general rate category and comprises both a fixed amount per SUIP and a rate in the dollar based on the capital value.

34. The Business Improvement District (BID) and Central City rating areas map is shown in Schedule 1 of the Rating Policy. The components of this rate are:

- I. BID fixed rate: a fixed amount of \$240 per SUIP of a commercial rating unit within the defined area; and*
 - II. BID capital value rate: a rate per dollar of capital value required to meet the total revenue, after allowing for the total revenue raised by the BID fixed rate. The rate is \$0.00003279 per dollar of capital value.*
- 35. The rate provides funding to the City Planning activity.*
- 36. The total revenue sought is \$388,879.*
- 37. Central city rate*
- 38. The rate is set on all rating units defined within the BID Commercial general rate category and is set as a fixed amount per SUIP.*
- 39. The Business Improvement District (BID) and Central City rating areas map is shown in Schedule 1 of the Rating Policy.*
- 40. The rate is a fixed amount of \$126 per SUIP.*
- 41. The rate provides funding to the Transportation Network activity.*
- 42. The total revenue sought is \$166,750.*
- 43. Service use water rate*
- 44. The rate is set and assessed on properties defined as Service Use Category (see Funding Impact Statement) and which are connected to our water network but are not provided with a metered connection.*
- 45. The rate is a fixed amount of \$468 per SUIP.*
- 46. The rate provides funding towards the Water Distribution and Water Treatment and Storage activities.*
- 47. The total revenue sought is \$67,392.*
- Service use refuse rate*
- 48. The rate is set and assessed on properties defined as Service Use Category (see Funding Impact Statement) and which are provided with refuse collection service.*
- 49. The rate is a fixed amount of \$196 per SUIP.*
- 50. The rate provides funding towards the Refuse Collection activity.*
- 51. The total revenue sought is \$31,948.*
- 52. Service use wastewater rate*
- 53. The rate is set and assessed on properties defined as Service Use Category (see Funding Impact Statement) and which are connected to the wastewater network. This rate comprises two components. These are:*
 - i. a rate per dollar of land value set at \$0.00070573; and*
 - ii. a rate per dollar of capital value set at \$0.00029674.*
- 54. The rate provides funding towards the Wastewater Collection and Wastewater Treatment and Disposal activities.*
- 55. The total revenue sought is \$1,772,551.*

DUE DATES FOR PAYMENT OF RATES

56. Rates (other than for metered water) are payable in four equal instalments.

57. The due dates for rates for the period 1 July 2023 to 30 June 2024 are as follows:

Instalment 1	Instalment 2	Instalment 3	Instalment 4
31 August 2023	23 November 2023	22 February 2024	23 May 2024

58. DUE DATES FOR PAYMENT OF METERED WATER RATES

59. The due dates for metered water rates for the period 1 July 2023 to 30 June 2024 are as follows:

Month of Invoice	Invoice Due Date	Month of Invoice	Invoice Due Date
July 2023	20 August 2023	January 2024	20 February 2024
August 2023	20 September 2023	February 2024	20 March 2024
September 2023	20 October 2023	March 2024	20 April 2024
October 2023	20 November 2023	April 2024	20 May 2024
November 2023	20 December 2023	May 2024	20 June 2024
December 2023	20 January 2024	June 2024	20 July 2024

PENALTIES

60. Pursuant to Section 57 and 58 of the Local Government (Rating) Act 2002, the Council authorises the following penalties:

a) A penalty of 10% of the amount due and unpaid on the due date to be added on the day after the due date.

The dates on which penalties will be added are 1 September 2023, 24 November 2023, 23 February 2024 and 24 May 2024.

b) A penalty of 10% of the amount of any rates assessed in any previous year which remain unpaid on 6 July 2023 to be added on 7 July 2023.

c) A penalty of 10% of the amount of any rates assessed in any previous year for which a penalty has been added under paragraph (b) and which remain unpaid on 7 January 2024 to be added on 8 January 2024.

d) A penalty of 10% of the amount unpaid for water-by-meter rates charged to be added on the day after the due date.

e) These dates are 21 July 2023, 21 August 2023, 21 September 2023, 21 October 2023, 21 November 2023, 21 December 2023, 21 January 2024, 21 February 2024, 21 March 2024, 21 April 2024, 21 May 2024 and 21 June 2024.

END OF 2023/24 RATES RESOLUTION**9. Water Services Entities Report Amendment Bill – Submission Report**

The Executive Director Strategic Infrastructure introduced the report and highlighted the process of the submission. Staff responded to questions from Elected Members in regards to the submission process and the timeline for the submission and its impact on staff wellbeing. It was agreed that the following matters/topics be updated in the submission: economies of scale,

alignment with high growth Councils requirements, firmness of language and effect on policy change, and the disruption caused to Councils Annual/Long-Term planning.

Resolved: (Deputy Mayor O’Leary/Mayor Southgate)

That the Council:

- a) receives the report;
- b) delegates the Mayor and the Deputy Mayor, to work with staff to collect and collate Elected Member feedback and finalise the Council’s submission (Attachment 1) to the Governance and Administration Select Committee on the Water Services Entities Amendment Bill;
- c) notes a draft of the submission will be circulated to Elected Members for feedback;
- d) approves the Mayor to authorise and sign the Council’s final submissions in consultation with the Deputy Mayor; and
- e) delegates the Mayor and Deputy Mayor as the Council representatives for any select committee hearing on the Bill.

8. Resolution to Exclude the Public

Resolved: (Cr Donovan/Mayor Southgate)

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

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

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of Council Annual Plan Public Excluded Minutes - 1 June 2023	<ul style="list-style-type: none">) Good reason to withhold information exists under) Section 7 Local Government) Official Information and) Meetings Act 1987 	Section 48(1)(a)

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

- Item C1. to prevent the disclosure or use of official information for improper gain or improper advantage Section 7 (2) (j)

The meeting moved into a public excluded session at 10:40am.

The meeting was declared closed at 10:43am.

Council Report

Committee: Council

Date: 03 August 2023

Author: Nicholas Hawtin

Authoriser: Michelle Hawthorne

Position: Governance Advisor

Position: Governance and Assurance
Manager

Report Name: Confirmation of the Council Open Minutes - 6 July 2023

Report Status	<i>Open</i>
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Staff Recommendation - *Tuutohu-aa-kaimahi*

That the Council confirm the Open Minutes of the Council Meeting held on 6 July 2023 as a true and correct record.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Council Unconfirmed Open Minutes - 6 July 2023

Council Kaunihera OPEN MINUTES

Minutes of a meeting of the Council held in the Council Chamber and via Audio-Visual Link, Municipal Building, Garden Place, Hamilton on Thursday 6 July 2023 at 9.32am.

PRESENT

Chairperson Mayor Paula Southgate
Heamana

Deputy Chairperson Deputy Mayor Angela O’Leary
Heamana Tuarua

Members: Cr Maxine van Oosten
Cr Moko Tauariki
Cr Mark Donovan
Cr Louise Hutt
Cr Andrew Bydder
Cr Geoff Taylor
Cr Sarah Thomson (Via Audio-visual Link)
Cr Emma Pike
Cr Melaina Huaki
Cr Anna Casey-Cox

In Attendance: Lance Vervoort – Chief Executive
Sean Murray – General Manager, Venues, Tourism & Events
David Bryant - General Manager, Business Services
Andrew Parsons – General Manager, Infrastructure and Assets
Helen Paki – General Manager, Customer and Community
Julie Clausen – Acting General Manager, Partnerships, Communication and Maaori
Greg Carstens – Acting General Manager, Growth and Planning
Eeva-Liisa Wright – Executive Director, Infrastructure Operations
Chris Allen – Executive Director, Development
Michelle Hawthorne - Governance & Assurance Manager
Carmen Fookes - Policy and Bylaw Advisor

Governance Staff: Amy Viggers – Governance Lead
Nicholas Hawtin and Chantal Jansen – Governance Advisor

Tame Pokaia opened the meeting with a karakia.

1. Apologies – Tono aroha

Resolved: (Deputy Mayor O’Leary /Cr van Oosten)

That the apologies for absence from Cr Wilson, Cr Hamilton and Cr Naidoo-Rauf and for partial attendance from Mayor Southgate are accepted.

Council 6 JULY 2023 - OPEN

2. **Confirmation of Agenda – *Whakatau raarangi take***
Resolved: (Deputy Mayor O’Leary/Cr Taylor)
 That the agenda is confirmed.

3. **Declarations of Interest – *Tauaakii whaipanga***
 During the discussion of Item C6 (2023 LGNZ AGM President and Vice-President) Mayor Southgate declared a conflict. She did not take part in the discussion or vote on that matter and left the meeting.

4. **Public Forum – *Aatea koorero***
 Not applicable.

5. **Confirmation of the Council Open Minutes - 15 June 2023**

Resolved: (Mayor Southgate/Deputy Mayor O’Leary)
 That the Council confirm the Open Minutes of the Council Meeting held on 15 June 2023 as a true and correct record.

6. **Confirmation of the Elected Member Open Briefing Notes - 8 June 2023**

Resolved: (Deputy Mayor O’Leary/Cr Casey-Cox)
 That the Council confirm the Open Briefing Notes of the Elected Member Briefing held on 8 June 2023 as a true and correct record.

7. **2023 LGNZ Remits for Consideration**

 The Governance & Assurance Manager and the Policy and Bylaw Advisor took the report as read. Staff responded to questions from Elected Members in regards to the Remits, Co-Chairs at formal meetings, Data sharing agreements, public transport and low emission transport systems.

Resolved: (Deputy Mayor O’Leary/Cr van Oosten)
 That the Council:
 - a) receives the report; and
 - b) notes that the Council has indicated to **support** the following remits, to be voted on by the presiding HCC Delegate at the 2023 Local Government NZ AGM, and that the presiding delegate may duly take into consideration additional information received on the day to inform the final vote on behalf of the Council:
 - i. Allocation of risk and liability in the building sector;
 - ii. Rates rebate;
 - iii. Roothing/transport maintenance funding;
 - iv. Local election accessibility;
 - vi. Parking infringement penalties;
 - viii. Establishing resolution service;
 - ix. Earthquake prone buildings;
 - x. Kiwisaver contributions for elected members; and
 - xi. Audit NZ fees.

COUNCIL 6 JULY 2023 -OPEN

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Resolved: (Cr Tauariki/Cr Casey-Cox)
That the Council notes it has indicated to support "Ability for co-chairs at formal meetings" remit.

Deputy Mayor O'Leary, Cr Bydder, Cr Taylor and Cr Donovan Dissenting.

Resolved: (Deputy Mayor O'Leary/ Cr Hutt)
That the Council notes it has indicated to support "Rural and regional public transport " remit.

Cr Bydder and Cr Taylor Dissenting.

8. Request for a leave of absence - Cr Ryan Hamilton

The Governance & Assurance Manager took the report as read. Staff responded to questions from Elected Members in regards to councillor insurance coverage and benefits.

Resolved: (Cr Taylor/Cr Tauariki)

That the Council:

- a) receives the report;
- b) approves a formal, extended Leave of Absence without pay for Cr Hamilton from Wednesday 12 July 2023 to Saturday 14 October 2023 (inclusive of these dates) as provided for under Section 13.3 of Council's Standing Orders and the rules of the Remuneration Authority;
- c) approves the appointment of Cr Thomson as Chair and Cr Wilson as the Deputy Chair of the Growth Strategic Growth and District Plan Committee for the above leave of absence period;
- d) requests staff to seek approval from the Remuneration Authority to:
 - i. increase Cr Thomson's annual remunerations to that of 'Chair of Committee of the Whole' for the above Leave of Absence Period; and
 - ii. allocate the difference between the role of 'Senior Chair' and 'Chair of Committee of the Whole' to all Councillors evenly for the above Leave of Absence Period.

9. Report from the Strategic Risk and Assurance Committee - Safety and Wellbeing

The General Manager, Business Services took the report as read. Staff responded to questions from Elected Members in regards to staff wellbeing, mental health awareness, metrics within the staff report and engagement from staff.

Resolved: (Deputy Mayor O'Leary/Cr Donovan)

That the Council receives the report.

10. Report from the Strategic Risk and Assurance Committee - Risk Management Report

The Governance & Assurance Manager took the report as read. Staff responded to questions from Elected Members in regards to climate change, preparation for extreme weather events and the impact on infrastructure.

Resolved: (Deputy Mayor O'Leary/Cr Tauariki)

That the Council receives the report.

11. Recommendations from Open Committee Meetings**Financial Performance & Strategy Report****Resolved:** (Cr van Oosten/Cr Tauariki)

That the Council:

- a) approves the capital movement as identified in paragraph 29 of the 30 April 2023 Capital Portfolio Monitoring Report;
- b) approves the significant forecast adjustments as set out in paragraphs 56 to 58 of the staff report; and
- c) approves the revised Financial Strategy position for Debt to Revenue, Net Debt and Balancing the Books as set out in paragraphs 60 to 62 of the staff report.

12. Resolution to Exclude the Public**Resolved:** (Deputy Mayor O'Leary/Cr Tauariki)**Section 48, Local Government Official Information and Meetings Act 1987**

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

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

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of the Council Unconfirmed Public Excluded Minutes 15 June 2023) Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
C2. Hamilton Gardens Additional Pavilion Renewals		
C3. IS Contract Renewals		
C4. Whatukooruru Dr Contract Award		
C5. Maangai Maaori - Committee Appointments		
C6. 2023 LGNZ AGM President and Vice-President		

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

Item C1.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C2.	to enable Council to carry out commercial	Section 7 (2) (h)

	activities without disadvantage	Section 7 (2) (i)
Item C3.	to enable Council to carry out negotiations	Section 7 (2) (i)
Item C4.	to enable Council to carry out negotiations	Section 7 (2) (i)
	to maintain the effective conduct of public	Section 7 (2) (f) (ii)
	affairs through protecting persons from	Section 7 (2) (h)
	improper pressure or harassment	Section 7 (2) (i)
	to enable Council to carry out commercial	
	activities without disadvantage	
	to enable Council to carry out negotiations	
Item C5.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C6.	to protect the privacy of natural persons	Section 7 (2) (a)

The meeting moved into a public excluded session at 10:30am.

The meeting was declared closed at 1:20pm.

Council Report

Committee: Council

Date: 03 August 2023

Author: Nicholas Hawtin

Authoriser: Michelle Hawthorne

Position: Governance Advisor

Position: Governance and Assurance
Manager

Report Name: Chair's Report 3 August 2023

Report Status	<i>Open</i>
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Chair's Recommendation

That the Council:

- a) receives the report; and
- b) approves the appointment of Deputy Mayor Angela O'Leary to Waikato-Tainui Hamilton City Council Co-Governance Forum as an alternative co-chair.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Council Chairs Report attach - 3 August 2023



Chair's Report

While July is often a quieter month for Councillors, this year has been quite a busy one. FIFA got off to a roaring start with the first game at Waikato Stadium with a good crowd of 17,500. FIFA and Football NZ have been very pleased with the work of our staff in setting up for and promoting this event. Our stadium is recognised for having one of the best turfs and excellent facilities. Thank you to all the Councillors who have helped me host guests at each game and supported the Fan Festival. Thank you to the staff across the organisation including in my office, who have worked so hard to make it successful. I look forward to developments in the hotel space so we can continue to bid for international and top-class events.

Mataariki, was also a great success. Our community enjoyed the many events that were held over the Mataariki period. Thanks again to staff and the many community organisations and trusts that made this all possible.

By the time this report comes out 9 of us will have been to the Local Government Conference. The theme this year was Super Localism. I will give a verbal update and ask Emma as a one of our newer councillors to share some reflections. I was proud that so many of us represented our city and engaged with the important work of Local Government NZ. As we traverse a period of great change and pressure, it was great to have some many ears and voices from Hamilton.

We decided at our last joint meeting with Waikato Tainui due to issues with quorum and to provide continuity that we allow for an alternate Co-Chair. Deputy Mayor O'Leary is the appropriate person for this role.

I also note, though this does not need formal approval, that Mark Donovan has agreed to support me in the role as Sports Ambassador. This role was formerly held by Rob Pascoe.

We have begun our work towards the Long-Term Plan. This will be based on reviewing the current LTP and making sure we deliver against our city vision. I invite any organisations who would like to engage with or talk with us to reach out. As always we aspire to lift community engagement.

Chair's Recommendation

1. That the Council:
 - a) receives the report; and
 - b) approves the appointment of Deputy Mayor Angela O'Leary to Waikato-Tainui Hamilton City Council Co-Governance Forum as an alternative co-chair.

Paula Southgate
Mayor Hamilton City

Council Report

Committee: Council **Date:** 03 August 2023

Author: James Clarke **Authoriser:** Blair Bowcott

Position: Unit Manager Strategy and Planning **Position:** General Manager Strategy, Growth and Planning

Report Name: Confirmation of Community Outcomes for the 2024-34 Long-Term Plan

Report Status	<i>Open</i>
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Purpose - *Take*

1. To seek approval from Council for the five priorities, adopted for the 2021-31 Long-Term Plan, to be adopted as the community outcomes in the 2024-34 Long-Term Plan.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Council:
 - a) receives the report; and
 - b) approves the five priorities to be adopted as the community outcomes for use in developing the 2024-34 Long-Term Plan:
 - i. A city that's easy to live in | He taaone e ngaawari noa iho te noho
 - ii. A city where our people thrive | He taaone e tipu matomato ai te tangata
 - iii. A central city where people love to be | He pokapuu taaone e ngaakautia ana e te marea
 - iv. A fun city with lots to do | He taaone kua kikii ki ngaa tini kaupapa
 - v. A green city | He taaone tiaki taiao.

Executive Summary - *Whakaraapopototanga matua*

3. The Local Government Act 2002 requires a long-term plan to describe the 'community outcomes' for the territorial authority's district or region. 'Community outcomes' means the outcomes that a local authority aims to achieve in order to promote the social, economic, environmental, and cultural wellbeing of its district or region in the present and for the future.
4. Council undertook comprehensive engagement during the development of the 2021-31 Long-Term Plan to build an understanding of what is important for the wellbeing of Hamiltonians and to form the wellbeing outcomes.
5. This feedback informed the development of the five priorities that give focus to delivering the wellbeing outcomes. These were described to the community at the time as 'long-term priorities for Hamilton Kirikiriroa over the next decade'.

6. To continue the alignment of our purpose of 'improving the wellbeing of Hamiltonians', staff recommend that the Council adopts the five priorities for the 2021-31 Long-Term Plan as the community outcomes for the 2024-34 Long-Term Plan.
7. Staff consider the decisions in this report have low significance and that the recommendations comply with the Council's legal requirements.

Background - *Koorero whaimaarama*

8. Council undertook extensive community engagement during the development of the 2021-31 Long-Term Plan to understand the aspirations that the people of Hamilton Kirikiriroa have for their city.
9. The feedback from the engagement was used to develop '[Our vision for Hamilton Kirikiriroa](#)', which sets out the five priorities and focus areas.
10. The five priorities give focus to delivering the wellbeing outcomes and will be used to provide direction in the funding discussions for the 2024-34 Long-Term Plan.
11. At the Elected Member Briefing of 3 May 2023, Elected Members indicated they supported using the five priorities for the development of the 2024-34 Long-Term Plan.

Discussion - *Matapaki*

12. 'Our Vision for Hamilton Kirikiriroa' has been refreshed for the development of the 2024-34 Long-Term Plan and is attached at **Attachment 1**.
13. The five priorities set out in 'Our Vision for Hamilton Kirikiriroa' are:
 - i. A city that's easy to live in | He taaone e ngaawari noa iho te noho
 - ii. A city where our people thrive | He taaone e tipu matomato ai te tangata
 - iii. A central city where people love to be | He pokapuu taaone e ngaakautia ana e te marea
 - iv. A fun city with lots to do | He taaone kua kikii ki ngaa tini kaupapa
 - v. A green city | He taaone tiaki taiao
14. These priorities describe the aspects of our city that our community said were important to improving their wellbeing.
15. The decisions Council will make through the 2024-34 Long-Term Plan on the activities, services, facilities, and infrastructure to deliver the five priorities will result in the social, cultural, environmental, and economic wellbeing of the community being improved.
16. Local authorities are not obliged to consult when adopting or changing community outcomes. However, it is good practice to consult should new community outcomes be developed. If the recommendation is not approved, Council would be required to consider whether to consult with the community on any changed community outcomes, noting that the timeframes do not allow for extensive community consultation.
17. As community outcomes are factored into strategic direction setting, the level of service review and associated work programmes and budgets would need to be considered against any new community outcomes to ensure that the social, economic, environmental, and cultural wellbeing of Hamiltonian's could be achieved.
18. The five priorities describe what Council aims to achieve for the community and what the community can expect Council to work towards. All Council activities contribute to the overall achievement of the five priorities and reflect Council's purpose and mission: to improve the wellbeing of Hamiltonians and to help build a more vibrant, attractive, and more prosperous city.

Financial Considerations - *Whaiwhakaaro Puutea*

19. The costs for developing and producing 'Our vision for Hamilton Kirikiriroa' have been budgeted as part of the Long-Term Plan programme, and included in the 2023-24 budget. If Council decided to adopt new community outcomes and to consult on these, this would require additional resource that is not currently budgeted for.

Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

20. Staff confirm that staff recommendation complies with the Council's legal and policy requirements.

Climate Change Impact Statement

21. Staff have assessed this option and determined: No adaptation assessment is required
22. The subject of this report will not have ongoing emissions. These community outcomes seek to have a positive impact on climate change.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

23. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the four wellbeings').
24. The subject matter of this report has been evaluated in terms of the four wellbeings during the process of developing this report as outlined below.
25. The recommendations set out in this report are consistent with that purpose.
26. The decisions Council will make through the 2024-34 Long-Term Plan on the activities, services, facilities and infrastructure to deliver the five priorities will result in the social, cultural, environmental and economic wellbeing of the community being improved.
27. The priorities, which were developed from extensive community engagement during the development of the 2021-31 Long-Term Plan, describe the aspects of our city that our community said were important to improving their wellbeing.

Risks - *Tuuraru*

28. There are no known risks associated with Council approving the existing priorities as the community outcomes for the 2024-34 Long-Term Plan.
29. If Council does not approve the recommendation, there may be significant further work required to adopt new community outcomes, and to align existing work to these.

Significance & Engagement Policy - *Kaupapa here whakahira/anganui*

Significance

30. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendation(s) in this report has/have a low level of significance.

Engagement

31. Community views and preferences are already known to the Council through engagement undertaken from November 2019 to April 2020 for the development of the 2021-31 Long-Term Plan, and subsequent engagements for the 2022-23 and 2023-24 Annual Plan.
32. Given the low level of significance determined, the engagement level is low. No engagement is required.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Vision document - Five Priorities - 2024-34 Long-Term Plan for Community Outcomes



Our vision for Hamilton Kirikiriroa

Improving the wellbeing
of Hamiltonians

August 2023



Hamilton
City Council
Te kaunihera o Kirikiriroa

Our Long-Term Plan

Every three years, Council develops a long-term plan, setting the projects, budget and financial strategy for the next 10 years, as required by the Local Government Act 2002.

The current Long-Term Plan is for 2021-31, and we are currently developing the 2024-34 Long-Term Plan.

Our five priorities

Everything we do is aimed at improving the wellbeing of Hamiltonians.

During the development of the 2021-31 Long-Term Plan, we asked the community what they love about Hamilton Kirikiriroa and what would make our city an even better place to live.

This feedback was used to create our five long-term priorities for Hamilton Kirikiriroa over the next decade.



Shaping a city
that's easy to
live in



Shaping a city
where our people
thrive



Shaping a central
city where people
love to be



Shaping a fun city
with lots to do



Shaping a
green city.

These five priority areas will guide our 2024-34 Long-Term Plan.

Hamilton City Council Overview for Hamilton Kirikiriroa

Priority one

Shaping a city that's easy to live in

Ahuahungia teetehi taaone e
tau ai te noho ki roto



We want a city that's easy to live in, explore, and connect.

What we will focus on:

1. We'll prioritise building **connected and safe** walkways and cycleways that allow us to move around our city quickly and easily and bring neighbourhoods together.
2. We'll revitalise our existing neighbourhoods and invest in the creation of our new neighbourhoods to make sure we have a **liveable, sustainable city**.
3. We'll encourage new developments in Hamilton Kirikiriroa to include a mix of housing, including **affordable housing options**.
4. We'll enable and support strong public transport connections that help Hamiltonians get **easy access to essential services** such as education, health centres and supermarkets.
5. We'll put more focus on our neighbourhoods having community identity and **supporting community spaces** across our city.

Shaping a city where our people thrive

Ahuahungia teetehi taaone e puaawai ai ngaa taangata katoa



We want to actively create opportunities for our people to thrive in their jobs, careers, and lives so they can leverage the wonderful lifestyle and opportunities our city has to offer.

What we will focus on:

1. We'll work with partners like central government and other councils to deliver **fast and efficient transport connections** to connect Hamilton Kirikiriroa quickly to places like Auckland Tāmaki Makaurau and Tauranga.
2. We'll look beyond our borders and work with our regional partners to **maximise the opportunities from Hamilton Kirikiriroa** being the hub of the Waikato region.
3. We'll make sure our economic strength is further leveraged and that **Hamilton Kirikiriroa is known as a great place to work and do business.**
4. We'll empower and enable our diverse communities to **share their voice, and shape their city.**
5. We'll **invest in the right infrastructure** to make sure Hamilton Kirikiriroa is an attractive place for businesses to succeed.

Priority three

Shaping a central city where people love to be

Ahuahungia te pokapuu o teetehi
taaone e arohaina ai e te taangata



We want our central city to be the beating heart of Hamilton Kirikiriroa which always has something going on for our diverse communities to come together and enjoy.

What we will focus on:

1. We'll **strengthen the connection and access** between the city centre and the Waikato River.
2. We'll **promote daytime and evening activity**.
3. We'll create performance spaces such as the new regional theatre and leverage existing central city spaces to **support arts and culture initiatives** which offer something unique to our city.
4. We'll support mixed inner-city living options in Hamilton Kirikiriroa which **encourage people to live in the central city** alongside vibrant retail, hospitality, and entertainment sectors.
5. We'll make it **easy to get into and around the city** through a range of alternative travel options.

Priority four

Shaping a fun city with lots to do

Ahuahungia teetehi taaone
ngahau e tini ai ngaa kaupapa
papai hei whai



We want Hamilton Kirikiriroa to be an even better place for everyone to play, with things to do or see around every corner.

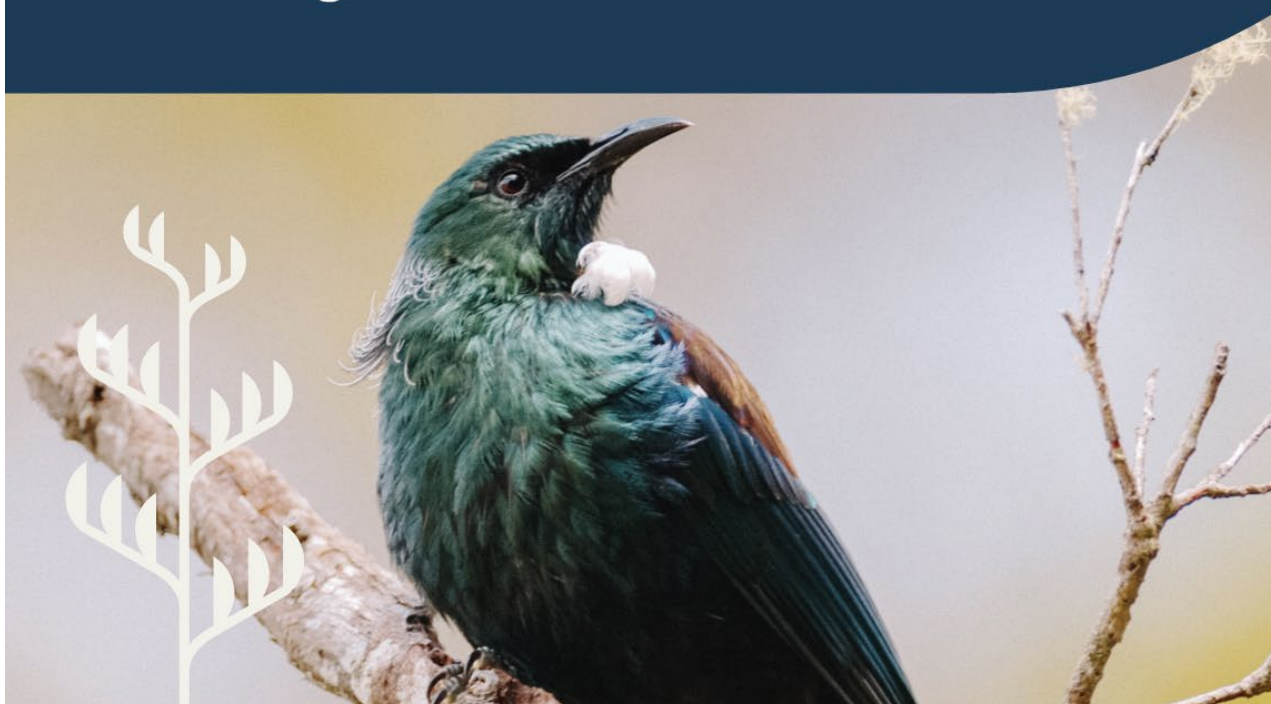
What we will focus on:

1. We'll **develop open community spaces** like Korikori Park in Rototuna and Minogue Park in Forest Lake that are accessible to everyone to enjoy.
2. We'll invest in and enhance Waikato Museum, Hamilton Gardens, Hamilton Zoo and Waiwhakareke Natural Heritage Park to **create new and unique experiences for our people and visitors.**
3. We'll **host and celebrate city events** like the Hamilton Gardens Arts Festival and Balloons over Waikato.
4. We'll actively celebrate and promote a city **where residents have the opportunity to have fun** with their friends and family.
5. We'll **support local sports events** by investing in play spaces and we'll work hard to **attract national and international sports events** to our city.

Priority five

Shaping a green city

Ahuahungia teetehi taaone tiaki taiao



Shaping a green city involves investing in our city's natural areas, having a clear response to climate change, managing a safe and resilient water supply, managing our stormwater and wastewater and minimising the impact of waste.


What we will focus on:

1. We'll protect and restore our natural gully network and the biodiversity of Hamilton Kirikiriroa to increase how green our city is, **making it healthier and stronger.**
2. We'll **reduce the carbon footprint** of Hamilton Kirikiriroa and build a city that is resilient to the effects of climate change.
3. We'll **mitigate the impact of the city** on the health and wellbeing of the Waikato River and Lake Rotoroa (Hamilton Lake).
4. We'll **encourage and enable alternative ways to move safely and quickly** around our city.
5. **We'll plan our future as a sustainable city** – balancing the natural and built environments so they can live in harmony.

Hamilton City Council
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 HamiltonCityCouncil

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Council Report

Committee: Council

Date: 03 August 2023

Author: Greg Morton

Authoriser: David Bryant

Position: Policy and Bylaw Lead

Position: General Manager Business Services

Report Name: Freedom camping legislation and amendments to associated bylaws

Report Status	<i>Open</i>
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Purpose - *Take*

1. To inform the Council of amendments to legislation associated with freedom camping.
2. To seek approval for identified amendments to Council bylaws that have provisions related to freedom camping, noting that they are minor in nature.
3. To recommend to the Council amendments to the Parks, Domains and Reserves Bylaw 2019 and to the Traffic Bylaw 2021 included in this report.

Staff Recommendation - *Tuutohu-aa-kaimahi*

4. That the Council:
 - a) receives the report;
 - b) approves the amendments to the Traffic Bylaw 2021 as outlined in **Attachment 2** of the staff report, and amendments to the Parks, Domains and Reserves Bylaw 2019 as outlined in **Attachment 4** of the staff report, to ensure alignment with the amended Freedom Camping Act 2011 and the amended Plumbers, Gasfitters and Drainlayers Act 2006; and
 - c) notes that consultation is not required as the amendments are minor in nature.

Executive Summary - *Whakaraapopototanga matua*

5. New enabling legislation (the Self-Contained Motor Vehicles Legislation Act 2023) makes amendments to the [Freedom Camping Act 2011](#), and the [Plumbers, Gasfitters and Drainlayers Act 2006](#).
6. Schedule 1AA, Clause 10(1) of the Freedom Camping Act 2011 requires Council to amend its bylaw(s) if it is inconsistent with the changes. Staff have identified inconsistent provisions within the Hamilton City Traffic Bylaw 2021 (the Traffic Bylaw), and the Hamilton City Parks, Domains and Reserves Bylaw 2019 (the Parks, Domains and Reserves Bylaw).
7. The Ministry of Business, Innovation and Employment (MBIE) has published [guidance for local authorities](#) on key changes to freedom camping rules directed by the enabling legislation.

8. These changes include the introduction of a new default position that freedom camping on local authority land in a non-self-contained vehicle is prohibited. It also introduces an exemption for people experiencing homelessness are not liable for offence for freedom camping.
9. In summary, the current inconsistencies in the Traffic and/or Parks, Domains, and Reserves bylaws identified by staff resulting in the need for amendments include:
 - i. The definition of “freedom camping”;
 - ii. The definition of “self-contained”;
 - iii. The reference to the NZS5465:2001 Self Containment Warrant; and
 - iv. The infringement fees and fines regime.
10. The enabling legislation identifies that when local authorities are removing or revoking inconsistencies, they may do this by resolution publicly notified without being required to use the special consultative procedure or being satisfied of the usual requirements set out in section 11(2) of the Freedom Camping Act.
11. Staff recommend the amendments to the Traffic Bylaw (**Attachment 1**) and to the Parks, Domains and Reserves Bylaw (**Attachment 2**), as summarised in the table included in paragraph 19 below.
12. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matter(s) in this report has/have a low level of significance.

Background - *Koorero whaimaarama*

13. The Self-contained Motor Vehicles Legislation Act received royal assent on 6 June 2023 and this enabling legislation directs amendments to principal legislation associated with freedom camping. MBIE has producing guidance for local authorities on key changes to freedom camping rules which staff have considered.
14. The enabling legislation makes amendments to the Freedom Camping Act 2011, and the Plumbers, Gasfitters and Drainlayers Act 2006.

Discussion - *Matapaki*

15. The changes instigated by the enabling legislation include:
 - i. An updated meaning of “freedom camp”;
 - ii. A national rule – the default position that freedom camping must be in a self-contained vehicle unless councils opt to permit non-self-contained vehicles, or limit the number of camping days (section 10 Freedom Camping Act 2011);
 - iii. A Bylaws transition – inconsistencies that bylaws have with the new legislation must be remedied, and the Special Consultative Procedure may not need to be used depending on the changes needed;
 - iv. The meaning of “self-contained”;
 - v. The homelessness exemption - a person is not freedom camping if they are unable to live in appropriate residential accommodation, and not on a visitor visa;
 - vi. Slide-on campers – are now included under the new definition of “motor vehicle” and will have to meet the self-containment requirements;
 - vii. Extension of the Act to Waka Kotahi and LINZ land – how bylaws can or cannot extend to this land; and
 - viii. Offences – a new fees and fines regime.
16. There are new technical requirements for self-contained vehicles, including that such vehicles must have a fixed toilet (section 87U(4) Plumbers, Gasfitters and Drainlayers Act 2006).

17. The remaining technical requirements for self-containment will be set out in regulations, which will be in force no later than 7 December 2023. These new requirements will be phased in over the 2-year transition period (7 June 2023 – 7 June 2025) and are supported by ‘Self-containment certificates’ (if issued prior to enactment, they are evidence of self-containment until the end of transition) and warrants (post enactment).
18. Council does not have a discrete Freedom Camping Bylaw. However, the Traffic Bylaw and the Parks, Domains, and Reserves Bylaw both refer to ‘freedom camping’ or ‘freedom camp’. Each of these bylaws require changes to definitions and/or further minor amendments to be consistent with the Act.
19. The changes to definitions and minor amendments proposed by staff are summarised in the tables below, by bylaw. Some small minor editorial amendments have also been made.
20. A summary table is provided below of proposed amendments to the Traffic Bylaw (see **Attachment 1** for detailed amendments), and to the Parks, Domains and Reserves Bylaw (see **Attachment 2** for detailed amendments).

Traffic Bylaw	
Bylaw section	Proposed amendment
Section 2 (Definitions)	Amend the definition of ‘self-contained vehicle’ to read ‘Means a motor vehicle used for camping which meets the conditions of the Freedom Camping Act 2011.’
Section 18 (Freedom camping on roads)	Remove reference to the ‘NZS5465:2001 Self Containment Warrant’ for a self-containment certificate as this warrant is being phased out and replaced with new regulatory requirements to qualify as self-contained. Instead, retain reference to ‘self-contained vehicle’.
Section 27.3 (Offences and penalties)	Amend the identified part of the Freedom Camping Act 2011 from Part 2 to Part 3 in the table as this was changed as part of the legislation amendments.
Parks, Domains and Reserves Bylaw	
Section 3 (Definitions)	Delete the current definition for ‘Freedom Camp’ and replace this to read ‘Has the same meaning as the Freedom Camping Act 2011. Include a new definition for ‘Self-contained motor vehicle’ to read: ‘Means a motor vehicle used for camping which meets the conditions of the Freedom Camping Act 2011’.
Section 7.2.1 (Restricted areas)	Remove reference to the ‘NZS5465:2001 Self Containment Warrant’ as this warrant is being phased out. Instead include ‘...certified self-contained motor vehicle’.
Section 7.3 (Penalties and fines)	Amend the narrative on fee and fine amounts to align with the infringement fees or fines as set out in Part 3 of the amended Freedom Camping Act 2011.

Schedule B: Restricted Areas	Remove reference to the 'NZS5465:2001 Self Containment Warrant' as this warrant is being phased out. Instead include 'Parks where restricted freedom camping is permitted in a certified self-contained motor vehicle...'
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21. Given the minor nature of these amendments and the guidance provided to territorial authorities by MBIE, staff propose that these inconsistencies are removed via these amendments, and by resolution publicly notified.
22. If the recommendation is not approved, Councils' Traffic Bylaw, and the Parks, Domains and Reserves Bylaw will be inconsistent with the Act.

Options

23. No options are available for Council to consider because not making the proposed amendments to the Traffic Control Bylaw, and to the Parks, Domains and Reserves Bylaw would mean they would be inconsistent with legislation directing Council requirements.

Financial Considerations - *Whaiwhakaaro Puutea*

24. This is a regular operating activity funded through the Long-Term Plan. There are no financial or budget impacts related to the decisions required in this report.

Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

25. Staff confirm that the recommendations in this report comply with the Council's legal and policy requirements.

Climate Change Impact Statement

26. Staff have assessed this option and determined No adaption assessment is required
27. Staff have assessed this option and determined that no emissions assessment is required given the minor nature of the amendments reduces greenhouse emissions.
28. Staff estimate that there will be a reduction in greenhouse gas emissions due to a likely reduction in waste. The overall level of freedom camping is also likely to reduce given the new default position that freedom camping must be in a self-contained vehicle, unless councils opt to permit non-self-contained vehicles, or limit the number of camping days. This will also have a likely positive effect on greenhouse gas emissions.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

29. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
30. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below.
31. The recommendations set out in this report are consistent with that purpose.

Social

32. Staff consider that the recommendations of this report do not have a direct impact on social wellbeing. However, staff note that freedom camping activity may have the capacity to indirectly affect social wellbeing.

Economic

33. Staff consider that the recommendations of this report do not have a direct impact on economic wellbeing. However, staff note that freedom camping activity may have the capacity to indirectly affect economic wellbeing.

Environmental

34. The recommendations of this report do not have a direct impact on environmental wellbeing. However, staff note that freedom camping activity may have the capacity to indirectly affect environmental wellbeing.

Cultural

35. Staff consider that the recommendations of this report do not have a direct impact on cultural wellbeing. However, staff note that freedom camping activity may have the capacity to indirectly affect cultural wellbeing.

Risks - *Tuuraru*

36. The operative Hamilton City Traffic Bylaw and the Hamilton City Parks, Reserves, and Domains Bylaw will be inconsistent with legislation if the recommendations are not approved.

Significance & Engagement Policy - *Kaupapa here whakahira/anganui*

Significance

37. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matter(s) in this report has/have a low level of significance.

Engagement

38. Community views and preferences are already known to the Council through prior public consultation completed for the Traffic Bylaw and the Parks, Domains and Reserves Bylaw reviews. This consultation was completed in 2019 as part of the Parks, Domains and Reserves Bylaw review and in 2021 as part of the Traffic Bylaw review.
39. Given the low level of significance determined, the engagement level is low. No engagement is required.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Parks, Domains and Recreation Bylaw 2019 Track changed

Attachment 2 - Parks, Domains and Reserves Bylaw 2019 Clean version

Attachment 3 - Traffic Bylaw 2021 Tracked changes

Attachment 4 - Traffic Bylaw 2021 Clean version

Hamilton City Council BYLAWS

Approved By: Council	Date Adopted: 27 June 2019
Date in Force: 27 June 2019	Review Date: 27 June 2029
Version history: 3 August 2023 – minor amendments made following enactment of the Self-contained Motor Vehicles Legislation Act 2023	

Hamilton City Parks, Domains and Reserves Bylaw 2019

This bylaw is made by the Hamilton City Council under the powers given to it by the Local Government Act 1974, Local Government Act 2002 and any amendments to those Acts. The freedom camping provisions of this bylaw are made under the Freedom Camping Act 2011.

This bylaw repeals the Hamilton City Parks, Domains and Reserves Bylaws 2012.

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Hamilton City Council
BYLAWS

1. PURPOSE

1.1. The purpose of this Bylaw is to protect the Council’s parks, domains and reserves from damage, misuse, or loss and to allow for their effective management.

2. APPLICATION

2.1. This Bylaw applies to land administered by the Council to provide wholly or partly for recreation, amenity or environmental protection, whether or not the land is subject to the Reserves Act 1977.

3. DEFINITIONS

3.1. The following definitions apply to this bylaw, except where inconsistent with the context:

Aircraft	Means aeroplanes, helicopters, hot air balloons, gliders, and hovercraft.
Alcohol	Means a substance that: a) is or contains a fermented, distilled, or spirituous liquor; and at 20°C is found on analysis to contain 1.15% or more ethanol by volume; OR b) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or c) whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people.
Animal	Means any mammal, bird, reptile, amphibian, fish (including shellfish) crustacean or related organism, but does not include a human being.
Enforcement Officer	Means a person appointed by Council to exercise the powers of an enforcement officer in relation to offences against, and infringement offences under, the Local Government Act 2002, including enforcement of Council bylaws.
Entrance and Exit	Means an entrance or exit of any park (where gates are provided) and includes the approaches, thoroughfares, or walks.
Controlled Drugs	Has the same meaning as found in the Misuse of Drugs Act 1975 and subsequent amendments or succeeding legislation.
Fireworks	Has the same meaning as in s2 of the Hazardous Substances and New Organisms Act 1996. Fireworks exclude sparklers; sparklers having the same meaning as in s3 of the Hazardous Substances (Fireworks) Regulations 2001.
Freedom Camp	Has the same meaning as the Freedom Camping Act 2011.
Firearm	Means any gun, rifle, or airgun and includes any kind of weapon or device from which any shot, bullet, arrow, spear, other missile or noxious, narcotic or poisonous substance can be discharged in the air or water, and also includes any part of a firearm that is dismantled or otherwise inoperative.
Green Waste	Means compostable plant material e.g. garden waste.
Management Plan	Means any management plan prepared and approved in respect of any reserve under section 41 of the Reserves Act 1977 or any statute passed in substitution therefore.

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Mobility Device	Means a vehicle that: <ul style="list-style-type: none"> a) is designed and constructed (not merely adapted) for use by persons who require mobility assistance due to a physical or neurological impairment; and b) is powered by a motor that has a maximum power output not exceeding 1500W.
Motor Vehicle	Means a vehicle drawn or propelled by mechanical power; and <ul style="list-style-type: none"> a) includes a trailer; but b) does not include— <ul style="list-style-type: none"> i. a vehicle running on rails; or ii. a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or iii. a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or iv. a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or v. a pedestrian-controlled machine; or vi. a vehicle that the Agency has declared under section 168A is not a motor vehicle; or vii. a mobility device
Owner	Means for the purposes of this Bylaw every person who owns a dog, stock or other animal and includes the person having the charge of the dog, stock, or other animal, or the management thereof; and “owned” has a corresponding meaning.
Park	Means <ul style="list-style-type: none"> (a) reserve including any land and/or contiguous water body vested in or administered by the council under the provisions of the Reserves Act 1977 set apart for public recreation or enjoyment as defined by the Act; or (b) any park, domain or recreational area under the control or ownership of the council.
Parking	Means the standing of a vehicle in any place for a period in excess of 5 minutes and “park” may have a corresponding meaning.
Seddon Park	Means that part of Section 1 Survey Office Plan 57555 bounded by Seddon Road, Bryce Street, Tristram Street and Norton Road that is enclosed by fences.
Self-contained Motor Vehicle	Means a motor vehicle used for camping which meets the conditions of the Freedom Camping Act 2011.
Stock	Means horses, cattle, deer, asses, mules, sheep, pigs or goats of any description.
The Council	Means the Hamilton City Council and includes any officer or other person

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		appointed by the Council to perform duties required under this Bylaw, irrespective of the designation given to that officer or person.
Vehicle		Means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and includes (but may not be limited to) a skateboard, bicycles, in-line skates, and roller skates but does not include: <ul style="list-style-type: none">a) A perambulator or pushchair;b) A shopping or sporting trundler not propelled by mechanical power;c) A wheelbarrow or hand-trolley;d) A pedestrian-controlled lawnmower;e) A pedestrian-controlled agricultural machine not propelled by mechanical power;f) An article of furniture;g) A Wheel-chair in use by a person with a physical disability and not propelled by mechanical power;h) A mobility device.
Wandering Straying	or	Means for the purposes of this Bylaw stock being on or near a Park moving outside of a usual course and without being under proper guidance and control.

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Waikato Stadium	Means that part of Section 1 Survey Office Plan 57621 and Section 72 Hamilton West Town Belt that is enclosed by perimeter security fencing.
Wildlife	Means all animals that are living in a wild state; but does not include noxious animals of any species as defined from time to time in the Sixth Schedule of the Wildlife Act 1953 or succeeding legislation.

4. GENERAL

4.1. Taking of proceedings

Nothing in this Bylaw shall be deemed to limit or prevent the taking of proceedings under any Act in respect of any offence committed within any Park.

4.2. Actions by the Council

No act by the Council when engaged in the performance of its duties on any Park shall constitute an offence against any part of this Bylaw.

4.3. The Council may prosecute

The Council may commence and continue any prosecution against any person for any breach of any part of this Bylaw.

4.4. Offenders required to give names

Any person who in the reasonable opinion of the Council commits a breach of any of the provisions of this bylaw shall if so requested by an Enforcement Officer supply their full and correct name and address.

4.5. Ordering off and prohibition

Enforcement Officers are entitled to use the powers of the Trespass Act 1980 in respect of any person who they reasonably believe to have breached this Bylaw.

4.6. Right to seize and impound

An Enforcement Officer may seize and impound any property used in committing a breach of this Bylaw pursuant to s 164 Local Government Act 2002 and shall not be liable for any claim arising therefrom.

5. ENTRANCES, EXITS AND CLOSURES ON PARKS

5.1. Entrances and exits only to be used

No person shall enter or leave any Park except through proper openings, gateways, entrances, or exits provided for that purpose, unless given permission to do otherwise by the Council.

5.2. Obstruction of entrances, exits, etc

No person shall wilfully obstruct any entrance or exit, unless given permission to do otherwise by the Council.

5.3. Closure of Parks

5.3.1. Subject to the provisions of this Bylaw, every Park shall be open to the public at all times, except during such hours as the Council determines that any particular Park or Parks shall be closed to the public for a prescribed period or periods.

5.3.2. If the Council has prescribed a period or periods of closure, no person shall be in or upon, or remain in or upon, or enter such park except with the permission of the Council.

5.3.3. If the Council believes at any time that any Park, or part thereof, is being used or is

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likely to be used for any purpose which may result or is likely to result in riotous conduct or in civil disorder, it may, by notice (erected or displayed on the entrances to the Park or by notice in at least one local newspaper), declare the Park to be closed for such period as the Council permits.

- 5.3.4.** No person shall enter or remain in any such Park or part thereof during such period of closing without the permission of the Council.

5.4. Waikato Stadium and Seddon Park

- 5.4.1.** Notwithstanding the general principle that the public shall have freedom of entry and access to any Park, the Council declares that is necessary to control access to Waikato Stadium and Seddon Park for the protection and general wellbeing of those Parks and for the protection and control of the public using those Parks.

- 5.4.2.** No person shall enter within the fenced areas of Waikato Stadium at any time except in accordance with the following exemptions:

- a) The public may enter Waikato Stadium for the purpose of attending any sporting activity or function arranged by or authorised by the Council but in such case:
 - i. no person shall enter or leave Waikato Stadium except through the openings, gateways, entrance or exits provide for that purpose
 - ii. no person shall enter into or upon the grassed playing area of Waikato Stadium (unless otherwise authorised by this bylaw)
- b) Persons playing any sport (including referees and other officials) organised by or authorised by the Council may enter Waikato Stadium including the grassed playing areas but only for the purposes of playing sport.
- c) Persons whom the Council has expressly or implicitly authorised to have access to Waikato Stadium may have access to Waikato Stadium.
- d) Employees, agents and consultants authorised by the Council may enter upon Waikato Stadium for legitimate business purposes.

- 5.4.3.** No person shall enter within the fenced areas of Seddon Park at any time except in accordance with the following exemptions:

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- a) The public may enter Seddon Park for the purposes of attending any sporting activity or function arranged by or authorised by the Council but in such case:
 - i. no person shall enter or leave the fenced area of Seddon Park except through the openings, gateways, entrance or exits provided for that purpose;
 - ii. no person shall enter into or upon the grassed playing area of Seddon Park (unless otherwise authorised by this bylaw)
- b) Persons playing any sport (including umpires and other officials) organised by or authorised by the Council may enter Seddon Park including the grassed playing areas but only for the purposes of playing sport.
- c) Persons whom the Council has expressly or implicitly authorised to have access to Seddon Park may have access to Seddon Park.
- d) Employees, agents and consultants authorised by the Council may enter upon Seddon Park for legitimate business purposes.

5.5. Fixing of charges for use of Parks

- 5.5.1. The Council may close all or any portion of a Park for a particular event, sport, or other recreation activity, as it thinks fit, and where charges may lawfully be made, fix charges for the right to use such portions as are open to the public.
- 5.5.2. The Council may adopt policies and procedures governing the use of such portions by any individual or group for sport, recreation or other activity, on any day or days but not more than six days consecutively and may similarly fix charges therefore.
- 5.5.3. Every specified sport, recreation or other activity area shall be used only for the purpose for which it was constructed or set apart, and no person shall go thereon for the purpose of the specified activity unless they shall have first paid the charge fixed for that purpose.
- 5.5.4. Every person who has entered a Park or part thereof before the start of an activity for which a charge has been set, must, before the activity starts, either pay the proper charge for admission or leave such Park or part thereof.

5.6. Gates, bollards and chains

No person shall leave any gate, bollard, fence or chain on a Park in a different position from that in which it was found.

6. PEOPLE ON PARKS

6.1. Behaviour on Parks

- 6.1.1. No person shall wilfully obstruct, disturb, or interfere with any other person in the use or enjoyment of any Park;
- 6.1.2. No person shall in any Park use foul, abusive, indecent or obscene language, or be intoxicated by alcohol or controlled drugs or be riotous;
- 6.1.3. No person shall interfere with, annoy or injure any animal in any cage, enclosure, erection or building in any Park, unless it is with the permission of the Council for a legitimate Park management purpose.

6.2. Noise disturbance and annoyance

No person shall use, play, or operate, or attempt to use or play or operate, any musical instrument, public address system or amplified sound system in any Park without the permission of the Council.

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6.3. Protection of soil and flora

No person shall take, deposit, remove or disturb any soil, uproot or injure any plant, or take any cutting or interfere with or otherwise remove any flowers, ferns, or greenery within any Park without the permission of the Council, except as provided for by the customary activities provisions of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

6.4. Protection of nurseries and gardens

No person shall in any Park enter any of the enclosures or places set apart for the cultivation of plants, or in any other way cause damage:

- a) on any portion of the Park on which the same is forbidden by notice; or
- b) on any plantation, flowerbed, or border.

6.5. Planting

No person shall plant any tree, shrub, or plant of any kind, or sow or scatter the seed of any tree, shrub, or plant of any kind, or introduce any substance injurious to plant life or wildlife to any Park without the permission of the Council.

6.6. Damage to notices, etc

No person shall in any Park interfere with or damage any inscription, or label attached to or connected with any article, tree, shrub or other plant, or any notice board, sign, label, or tablet used to indicate or exhibit any notice, name, regulation, or bylaw, or any part or provision of a bylaw.

6.7. Damage to structures, fittings, etc.

No person shall remove, interfere with or damage any post, bollard, barrier, railing, seat (fixed or movable), gate, bridge, building, structure, wall, children's play equipment, object of art or natural object, fence or hedge, or any fitting or implement of any kind within any Park.

6.8. Damage to buildings and appurtenants

No person shall deface or damage, by writing or otherwise or in any other manner, the walls or any other part of any building in any Park.

6.9. Advertising on Parks

6.9.1. No person shall, within the limits of any Park, expose or otherwise display, or attempt to expose or otherwise display any advertisement, graffiti or other decoration, except with the permission of the Council.

6.9.2. Section 6.9 of this bylaw shall not apply to any name plate or plaque fixed to the wall or door of any building or other structure legitimately erected within any Park or to any sign erected with the permission of Council within any Park.

6.10. Notices and bills

No person shall post any placard, bill, poster, or notice board within any Park or interfere with any placard, bill, poster or notice board lawfully erected in the Park, or distribute any handbill or notice within or at any entrance to the Park except with the permission of the Council.

6.11. Litter

No person shall deposit any litter on any part of a Park except in a receptacle approved or provided by the Council.

6.12. Dumping of green waste

No person shall dump, deposit, discharge or leave any green waste, including garden waste, within any Park unless permitted to do so by the Council.

6.13. Pollution

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No person shall deposit, discharge or leave any deleterious, offensive or dangerous matter, or cause pollution within the limits of any Park or any stream, lake, dam, pond, or fountain within the Park.

6.14. Use of water

- 6.14.1. No person shall within any Park permit or cause wastage of water or permit any water tap to flow for a longer period than is reasonably required to obtain water for drinking, washing or other lawful purposes within the Park;
- 6.14.2. No person shall in any manner pollute or otherwise render unfit for its intended use any water supply within any Park.

6.15. Bathing

No person shall bathe or wade within any Park in any water where the Council has prohibited such bathing or wading.

6.16. Fires within the limits of any Park:

- 6.16.1. No person shall light any fire, except in a place specially provided by the Council for that purpose, without the permission of the Council;
- 6.16.2. No person shall set fire to any vegetation (alive or dead) that is or was growing in any Park;
- 6.16.3. No person shall light a fire in any position where it is likely to present a fire hazard;
- 6.16.4. No person shall light any fire or continue burning the same in a Park after sunset without the permission of the Council;
- 6.16.5. Once a fire is lit, the person lighting the fire, or such other person as is detailed by him, shall remain in attendance of the fire until it is completely extinguished;
- 6.16.6. No match, lighted or not lighted, cigarette or other lighted matter shall be dropped, thrown or otherwise placed in any grass or other inflammable material.
- 6.16.7. Any manufactured, or similar, solid fuel or gas portable barbecue may be used provided sub clauses 6.16.2, 6.16.3, 6.16.4, 6.16.5, and 6.16.6 are complied with.

Nothing in this bylaw shall exempt an offender from liability under any other Act with respect to the lighting of fires.

Note: Any permitted or approved fire is required to comply with the Council's bylaws.

6.17. Weapons and projectiles

- 6.17.1. Without the permission of the Council, no person shall within the limits of any Park take use, or carry any firearm, axe or similar weapon or other instrument of dangerous character, or any airgun or bow and arrow.

6.18. Fireworks

- 6.18.1. No person may let off any fireworks in a Park without the permission by the Council to undertake a professional pyrotechnic display in that Park.

6.19. Unauthorised assemblies

No person shall hold, or conduct, or attempt to hold or conduct, any public meeting, gathering, fair or fete, or demonstration, or make any public address, or attempt to collect a crowd in any Park without the permission of the Council.

6.20. Erection of tents, stalls, etc

- 6.20.1. No person shall put up or erect any stall, tent, booth, amusement device, or structure of any kind within any Park without permission from the Council, and then

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only at such place, for such time or term, and of such dimensions and subject to any other conditions as may be specified by the Council.

- 6.20.2.** Any fee charged by the Council in respect of the permission to put up or erect any stall, tent, booth, amusement device, or structure of any kind within any Park shall be payable in advance.

6.21. Use of Parks for commercial purposes

No person shall use a Park for commercial purposes without permission from the Council.

6.22. Use of Parks for organised sport

- 6.22.1.** No person shall play any organised sport or recreation on any Park except upon parts of the Park set aside for that purpose or as the Council shall direct.
- 6.22.2.** No person shall engage in or practise sport or recreation activities on any playing ground or part thereof on any Park after being requested by the Council to leave that area, or when the Council has given notification that the ground is closed to play.
- 6.22.3.** No person (not being a competitor or official taking part in the sport or recreation activity) shall enter in or remain on any portion of the Park marked out as a playing area for any sport or other recreation activity while that activity is in progress.
- 6.22.4.** The Council may prevent any sport or other recreation activity being played on any Park if in its opinion that sport or activity is liable to damage the Park or anything therein.
- 6.22.5.** No person shall engage in any sport or other recreation activity on any Park or any specified portion of any Park if he or she is expressly forbidden to do so by the Council.
- 6.22.6.** No person shall play or practise golf, with or without a ball, except on any Park or part of a Park that the Council has set aside for that purpose.

7. FREEDOM CAMPING

7.1. Prohibited areas

Freedom camping is prohibited in a prohibited area unless otherwise stated in the bylaw.

- 7.1.1.** A person must not freedom camp in any Park area identified in Schedule A.

7.2. Restricted areas

A person may freedom camp in a restricted area identified in Schedule B provided they:

- 7.2.1.** Camp in a certified Self-contained Motor Vehicle;
- 7.2.2.** Use the facilities provided;
- 7.2.3.** Leave the site in the condition in which they found it;
- 7.2.4.** Do not prevent others from undertaking legitimate activities in the location;
- 7.2.5.** Do not stay in the location for more than three consecutive nights; and
- 7.2.6.** Comply with all of the particular restrictions which apply to freedom camping at that location set out in Schedule B.

7.3. Penalties and fines

Anyone contravening any part of clauses 7.1, and 7.2 commits an infringement offence and is liable for an infringement fee of up to \$1000, or a fine imposed by a court of up to \$3,000, as set out under Part 3, of the Freedom Camping Act 2011.

8. ANIMALS AND VEHICLES ON PARKS

8.1. Stock on Parks

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- 8.1.1. No person shall, without permission of the Council, turn in, bring or allow any stock, or any similar animal, to be ridden, wander, graze or be within any Park.
- 8.1.2. Any stock, or any similar animal found at large in breach of this bylaw may be impounded by the Council.

8.2. No destruction of animal life on Parks without permission

- 8.2.1. No person shall by any means whatsoever destroy, shoot, snare, net, fish for, injure, interfere with or take any animal, wildlife, bird's nest, or bird's egg, or attempt to do so, in or from any Park without a licence or the written consent of an authorised officer of the Auckland/Waikato Fish and Game Council and/or the Council.
- 8.2.2. Provided that in the case of any animal protected by the Wild Life Act 1953 no such permission shall be granted unless and until the provisions of that Act have been complied with.

8.3. Use of motor vehicles and vehicles on Parks

- 8.3.1. No person shall, within the limits of any Park, take, drive or use any motorised vehicle except with the permission of the Council. This excludes Council's Park service vehicles and any emergency vehicle in fulfilment of its statutory duties.
- 8.3.2. No person shall use any motor vehicle or vehicle recklessly or in a manner which may damage a Park or intimidate or be dangerous, injurious or cause a nuisance to persons in the Park
- 8.3.3. No person shall use any vehicle including a bicycle, skateboard, roller skates or roller blades or similar devices, in the following areas;
 - a) The section of the Hamilton Lake Domain Walkway East of Hamilton Yacht Club to the car Park at the end of the access road South from the Ruakiwi Entrance to the Park.
 - b) Hamilton Gardens except the shared use pathway paralleling Cobham Drive and its continuation
 - c) Waiwhakareke Natural Heritage Park except any shared use path that may be constructed around the boundary of the Park.

8.4. Motor vehicle speeds within Parks

No person shall drive or ride any motor vehicle or vehicle in any Park at a speed in excess of 20 kilometres per hour, except where indicated by the Council.

8.5. Parking of vehicles on Parks

The Council by resolution and subject to the placing and maintenance of the appropriate signs or markings may limit, restrict or prohibit the parking or stopping of vehicles or boats on any part of any Park.

8.6. Removal of illegally Parked motor vehicles

- 8.6.1. If any vehicle or boat is parked or stopped and left unattended in breach of clause 8.5 of this bylaw, and the owner thereof or the person entitled to possession cannot be found after reasonable enquiry in the vicinity, the Council may have the vehicle or boat removed to an appropriate premises.
- 8.6.2. Where any vehicle or boat has been removed pursuant to this bylaw, the owner or driver of that vehicle or boat may be required, in addition to any fine that may be imposed, to pay Council's costs in seizing, impounding, transporting and storing the vehicle or boat.

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8.7. Abandoned vehicles on Parks

- 8.7.1. If the Council has reason to believe that any vehicle or boat has been abandoned in a Park may remove it or cause it to be removed to any place authorised for that purpose by the Council.
- 8.7.2. Where any vehicle or boat has been removed pursuant to this Bylaw, the owner or driver of that vehicle may be required, in addition to any fine that may be imposed, to pay Council's costs in seizing, impounding, transporting and storing the vehicle or boat.

8.8. No unauthorised mechanical plant or equipment on Parks

Except in an emergency, or where the Council considers it necessary for the proper and beneficial management, administration and control of the Park, no person shall within any Park, use or attempt to use any portable generator, stationary motor, compressor, chainsaw, post hole borer or any other type of portable mechanical plant or equipment.

8.9. Aircraft

Except in cases of emergency, or where permission has been obtained from the Council, no person shall:

- 8.9.1. Make use of any part of any Park for the purpose of landing or alighting thereon or the flying there from of aircraft of any kind; or
- 8.9.2. Land in any Park by parachute; or
- 8.9.3. Use or operate, or attempt to use or operate, a hang-glider on any Park; or
- 8.9.4. Make use of any part of any Park for the purpose of setting down, picking up, or recovery from within any Park, of any person, livestock, carcass or other article of any description.

This bylaw does not absolve persons from compliance with any requirements that the Director of the Civil Aviation Authority - Air Transport Division may stipulate.

9. PENALTIES

This bylaw is made under the authority given to the Council under Sections 145 and 146(b)(vi) of the Local Government Act 2002. Any person convicted of an offence against a bylaw made under Part 8 of the Local Government Act 2002 is liable to a fine not exceeding \$20,000 or such other amount as shall from time to time be prescribed by statute.

Clauses 7.1 and 7.2 are made under the authority given to the Council under section 11 of the Freedom Camping Act 2011, with the penalties and fines for breaches of these two clauses set out in clause 7.3.

The COMMON SEAL of the HAMILTON CITY COUNCIL
was hereunto affixed in the presence of:

Councillor:

Councillor:

Chief Executive:

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Schedule A: Prohibited Areas

Areas where Freedom Camping is prohibited

A J Seeley Gully Reserve	Days' Park	Grove Park
Aberfoyle Park	Deanwell Park	Hamilton East Cemetery
Ashurst Park	Derby Park	Hamilton Gardens
Aspiring Crescent Reserve	Derek Heather Park	Hamilton Lake Domain
Bankwood Park	Dillicar Park	Hamilton Parade
Beale Cottage	Discovery Park	Hamilton Park Cemetery
Beerescourt Park	Dixon's Corner	Hamilton West Cemetery
Beetham Park	Dominion Park	Hammond Park
Berkley Tennis Courts	Donny Park	Hare Puke Park
Bishops Lane Reserve	Eden Park Reserve	Hayes Paddock
Bleakley Park	Edgecumbe Park	Heath Park
Bolmuir Park	Edinburgh Park	Hillary Park
Boyes Park	Elliott Park	Hillcrest Bowling Club
Braithwaite Park	Enderley Park	Hillcrest Stadium
Bremworth Park	Enfield Park	Hinemoa Park
Bristol Park	Ex Glenview Club	Hukanui Oaks
Bryant Road Plantation	Ex Waikato District Council	Humarie Park
Brymer Glen Reserve	Exeter Park	Innes Common
Brymer Park	Fairfield Esplanade	Innswood Place Reserve
Caernarvon Park	Fairfield Park	Jansen Park
Capper Crescent Reserve (placeholder name)	Farnborough Drive Reserve	Jesmond Park
Caro Park	Farringdon Avenue Reserve	Jubilee Park
Carrs Park	Featherstone Park	Junction Reserve
Casey's Garden	Ferrybank	Kahikatea Park
Chadwick Place Reserve	Fitzroy Park	Karaka Park
Chamberlain Place Reserve	Flagstaff Park	King Street Corner
Chartwell Park	Flynn Park	Kirikiroa Reserve
Chedworth Park	Frankton Plantation	Kitchener Street Reserve
Chelmsford Park	Fraser Tech Park	Lake Rotokauri Park
Chequers Avenue Reserve	Galloway Park	Lincoln Street Amenity Reserve
Claudlands Park	Galway Reserve	Lincoln Street Reserve
Clyde Park	Glenview Park	Lugton Park
Cobham Drive Reserve	Gower Park	Lulu Avenue Reserve (placeholder name)
Cranmer Close Reserve	Graham Island	Maeroa Road Reserve
Crawshaw Park	Graham Park	Mahoe Park
Crosher Place Reserve	Greensboro Park	Mangaiti Park
Cullimore Park	Greenwood Street Amenity Reserve	Mangakotukutuku Esplanade
Dawson Park	Grosvenor Park	Mangaonua Esplanade

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Marist Park	Pountney Park	Taitua Arboretum
Massey Street Plantation Reserve	Pukete Farm Park	Tauhara Park
Matakanohi Reserve	Pukete Park	Tawa Park
Melville Park	Pygmalion Park	Te Anau Park
Memorial Park	Queenwood Esplanade	Te Awa O Katapaki Esplanade
Milne Park	Railway Park	Te Hikuwai Reserve
Minogue Park	Rakautahi Park	Te Huia Drive Reserve
Minogue Park	Ranfurly Park	Te Kootii Park
Miropiko Reserve	Raymond Park	Te Manatu Park
Mooney Park	Resthills Park	Te Tiwha O Parei-iri-whare Park
Moonlight Drive Reserve	Rhode Street Park	Te Toetoe Reserve
Morrow Avenue Walkway	Roose Commerce Park	Templeview Reserve
Morrow's Orchard	Rotokauri Road Sports Park (placeholder name)	Tennille Street Reserve (placeholder name)
Munro's Walkway	Rototuna Park	Tennyson Road Reserve
Nawton Domain	Rototuna North City Road Sports Park (placeholder name)	Till's Lookout
Nawton Tennis Courts	Sandford Park	Totara Park
New Memorial Park	Sandhurst Place Reserve	Union Park
Norris Ward Park	Seddon Park	Vardon Park
Northern City Entrance Way	Smyth's Plantation	Vickery Park
Northolt Park	Snell Drive Walkway	Wade Lane Reserve
O'Connell Walk	Sonning Esplanade	Waikato Stadium
Old Farm Road Reserve	St Andrews Golf Course	Waikato Stadium (Fred Jones Park)
Olwyn Green	St Andrews Park	Waitawhiriwhiri Esplanade
Onukutara Park	St Peters Park	Waiwhakareke Natural Heritage Park
Palmerston Street Reserve	Steele Park	Waiwherowhero Park
Parana Park	Storey Avenue - Jamieson Free Kindy	Wake Park
Patricia Avenue Plantation	Swarbrick Park	Whatukoruru Reserve
Peacockes Road Esplanade	Swarbrick Landing	Willoughby Park
Pembroke Park	Sylvester Esplanade	Wiltshire Drive Reserve
Pine Beach	Symington Estate	Yendell Park

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Schedule B: Restricted Areas

Parks where Restricted Freedom Camping is permitted in a certified Self-contained Motor Vehicle when abiding by the following restrictions.

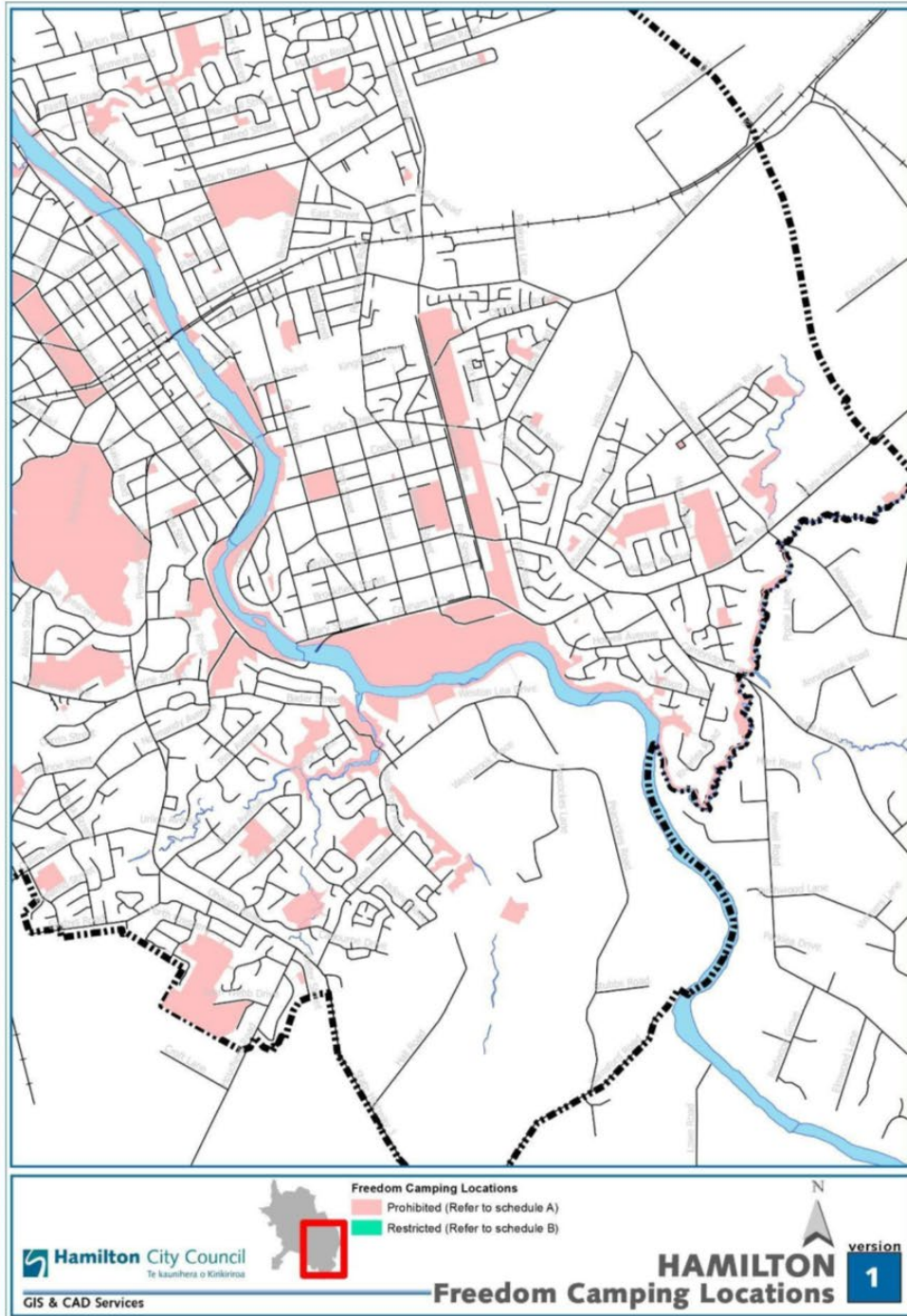
Car Park attached to:	Restrictions
Porritt Stadium	<ol style="list-style-type: none">1. <i>a maximum of six self-contained vehicles be permitted to park there at any one time</i>2. <i>individual six self-contained vehicles cannot be parked there for more than 3 nights in any one month</i><ul style="list-style-type: none">• <i>the car Park is available for overnight parking only between 5pm and 9am each day.</i>

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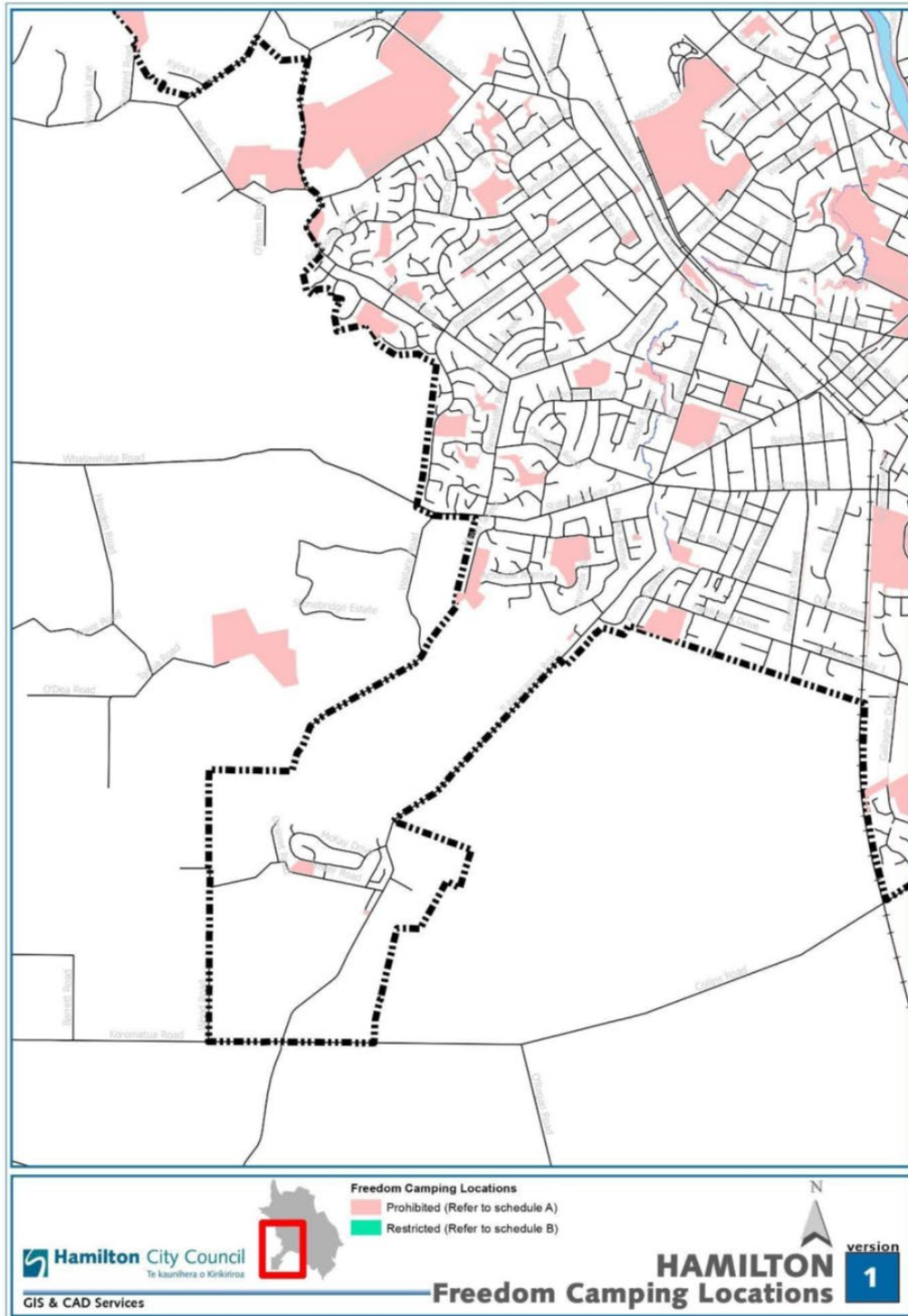
Schedule C: Freedom Camping Locations

Parks in south east Hamilton where freedom camping is prohibited or restricted.



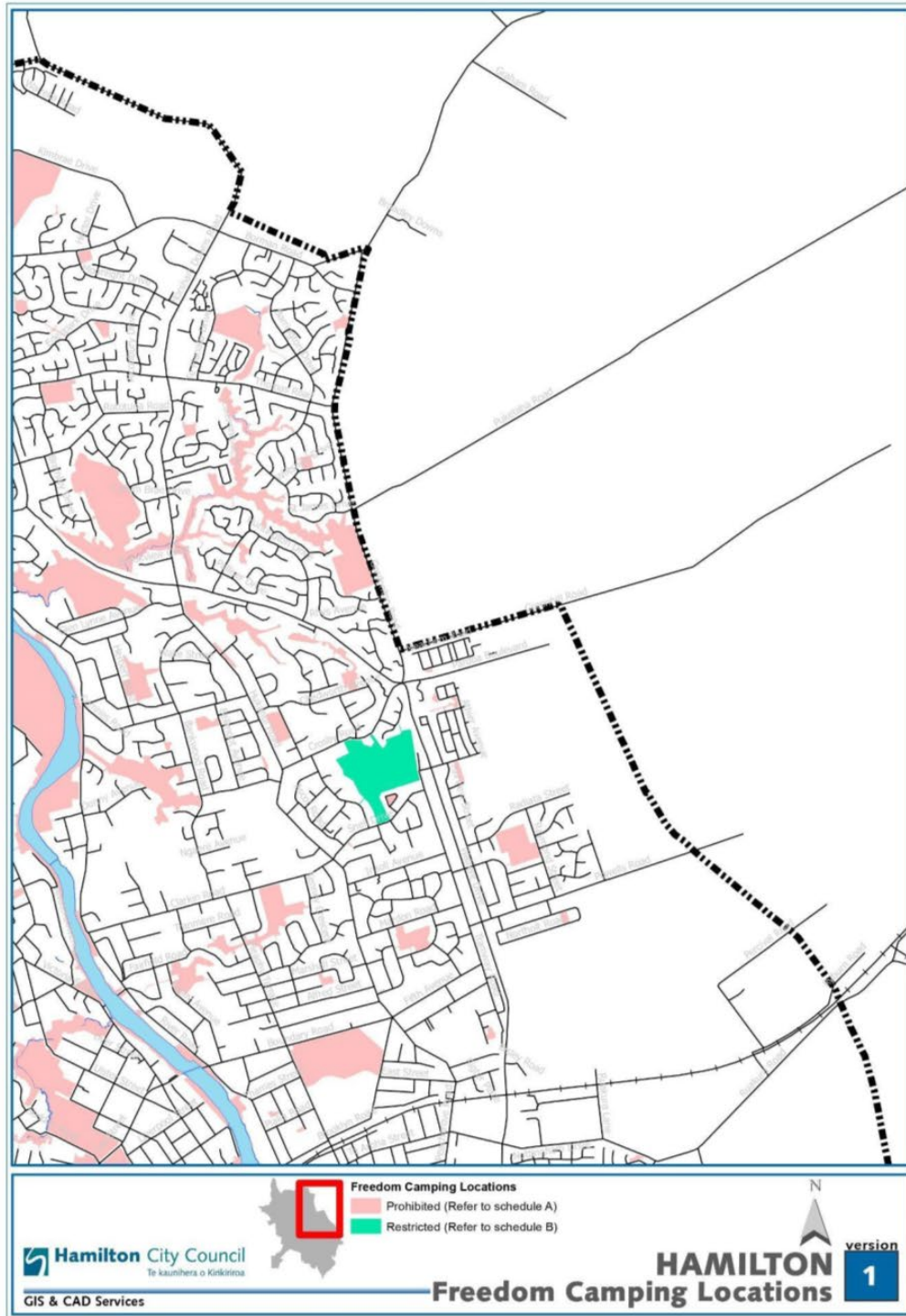
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Parks in south west Hamilton where freedom camping is prohibited or restricted.



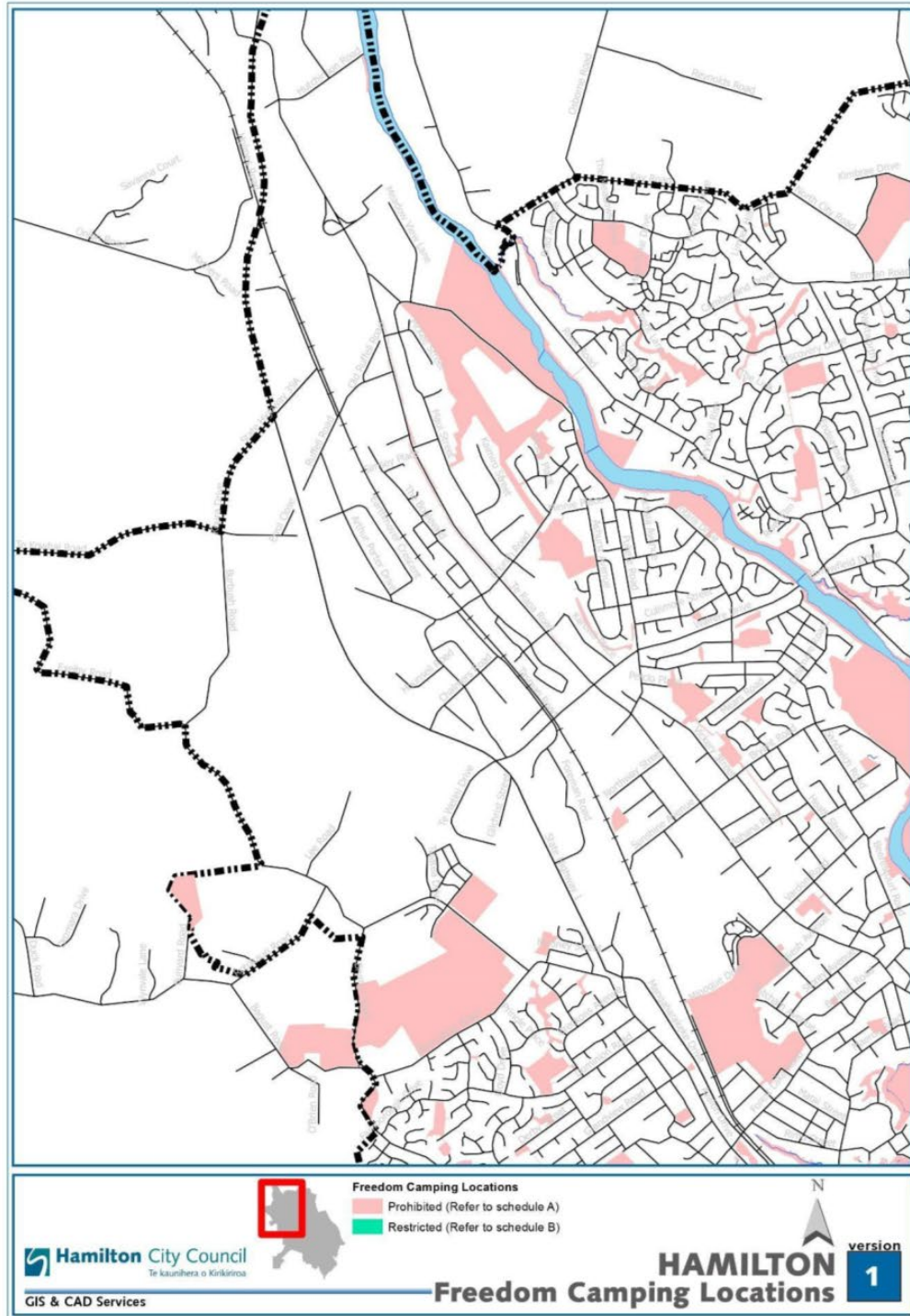
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Parks in north east Hamilton where freedom camping is prohibited or restricted.



Hamilton City Council BYLAWS

Parks in north west Hamilton where freedom camping is prohibited or restricted.



Hamilton City Council
BYLAWS

Approved By: Council	Date Adopted: 27 June 2019
Date in Force: 27 June 2019	Review Date: 27 June 2029
Version history: 3 August 2023 – minor amendments made following enactment of the Self-contained Motor Vehicles Legislation Act 2023	

Hamilton City Parks, Domains and Reserves Bylaw 2019

This bylaw is made by the Hamilton City Council under the powers given to it by the Local Government Act 1974, Local Government Act 2002 and any amendments to those Acts. The freedom camping provisions of this bylaw are made under the Freedom Camping Act 2011.

This bylaw repeals the Hamilton City Parks, Domains and Reserves Bylaws 2012.

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1. PURPOSE

1.1. The purpose of this Bylaw is to protect the Council's parks, domains and reserves from damage, misuse, or loss and to allow for their effective management.

2. APPLICATION

2.1. This Bylaw applies to land administered by the Council to provide wholly or partly for recreation, amenity or environmental protection, whether or not the land is subject to the Reserves Act 1977.

3. DEFINITIONS

3.1. The following definitions apply to this bylaw, except where inconsistent with the context:

Aircraft	Means aeroplanes, helicopters, hot air balloons, gliders, and hovercraft.
	Means a substance that:
Alcohol	<ul style="list-style-type: none"> a) is or contains a fermented, distilled, or spirituous liquor; and at 20°C is found on analysis to contain 1.15% or more ethanol by volume; OR b) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or c) whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people.
Animal	Means any mammal, bird, reptile, amphibian, fish (including shellfish) crustacean or related organism, but does not include a human being.
Enforcement Officer	Means a person appointed by Council to exercise the powers of an enforcement officer in relation to offences against, and infringement offences under, the Local Government Act 2002, including enforcement of Council bylaws.
Entrance and Exit	Means an entrance or exit of any park (where gates are provided) and includes the approaches, thoroughfares, or walks.
Controlled Drugs	Has the same meaning as found in the Misuse of Drugs Act 1975 and subsequent amendments or succeeding legislation.
Fireworks	Has the same meaning as in s2 of the Hazardous Substances and New Organisms Act 1996.
	Fireworks exclude sparklers; sparklers having the same meaning as in s3 of the Hazardous Substances (Fireworks) Regulations 2001.
Freedom Camp	Has the same meaning as the Freedom Camping Act 2011.
Firearm	Means any gun, rifle, or airgun and includes any kind of weapon or device from which any shot, bullet, arrow, spear, other missile or noxious, narcotic or poisonous substance can be discharged in the air or water, and also includes any part of a firearm that is dismantled or otherwise inoperative.
Green Waste	Means compostable plant material e.g. garden waste.
Management Plan	Means any management plan prepared and approved in respect of any reserve under section 41 of the Reserves Act 1977 or any statute passed in substitution therefore.

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Mobility Device	Means a vehicle that: <ul style="list-style-type: none"> a) is designed and constructed (not merely adapted) for use by persons who require mobility assistance due to a physical or neurological impairment; and b) is powered by a motor that has a maximum power output not exceeding 1500W.
Motor Vehicle	Means a vehicle drawn or propelled by mechanical power; and <ul style="list-style-type: none"> a) includes a trailer; but b) does not include— <ul style="list-style-type: none"> i. a vehicle running on rails; or ii. a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or iii. a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or iv. a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or v. a pedestrian-controlled machine; or vi. a vehicle that the Agency has declared under section 168A is not a motor vehicle; or vii. a mobility device
Owner	Means for the purposes of this Bylaw every person who owns a dog, stock or other animal and includes the person having the charge of the dog, stock, or other animal, or the management thereof; and “owned” has a corresponding meaning.
Park	Means <ul style="list-style-type: none"> (a) reserve including any land and/or contiguous water body vested in or administered by the council under the provisions of the Reserves Act 1977 set apart for public recreation or enjoyment as defined by the Act; or (b) any park, domain or recreational area under the control or ownership of the council.
Parking	Means the standing of a vehicle in any place for a period in excess of 5 minutes and “park” may have a corresponding meaning.
Seddon Park	Means that part of Section 1 Survey Office Plan 57555 bounded by Seddon Road, Bryce Street, Tristram Street and Norton Road that is enclosed by fences.
Self-contained Motor Vehicle	Means a motor vehicle used for camping which meets the conditions of the Freedom Camping Act 2011.
Stock	Means horses, cattle, deer, asses, mules, sheep, pigs or goats of any description.
The Council	Means the Hamilton City Council and includes any officer or other person

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appointed by the Council to perform duties required under this Bylaw, irrespective of the designation given to that officer or person.

Vehicle

Means a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and includes (but may not be limited to) a skateboard, bicycles, in-line skates, and roller skates but does not include:

- a) A perambulator or pushchair;
- b) A shopping or sporting trundler not propelled by mechanical power;
- c) A wheelbarrow or hand-trolley;
- d) A pedestrian-controlled lawnmower;
- e) A pedestrian-controlled agricultural machine not propelled by mechanical power;
- f) An article of furniture;
- g) A Wheel-chair in use by a person with a physical disability and not propelled by mechanical power;
- h) A mobility device.

Wandering Straying

or

Means for the purposes of this Bylaw stock being on or near a Park moving outside of a usual course and without being under proper guidance and control.

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Waikato Stadium	Means that part of Section 1 Survey Office Plan 57621 and Section 72 Hamilton West Town Belt that is enclosed by perimeter security fencing.
Wildlife	Means all animals that are living in a wild state; but does not include noxious animals of any species as defined from time to time in the Sixth Schedule of the Wildlife Act 1953 or succeeding legislation.

4. GENERAL

4.1. Taking of proceedings

Nothing in this Bylaw shall be deemed to limit or prevent the taking of proceedings under any Act in respect of any offence committed within any Park.

4.2. Actions by the Council

No act by the Council when engaged in the performance of its duties on any Park shall constitute an offence against any part of this Bylaw.

4.3. The Council may prosecute

The Council may commence and continue any prosecution against any person for any breach of any part of this Bylaw.

4.4. Offenders required to give names

Any person who in the reasonable opinion of the Council commits a breach of any of the provisions of this bylaw shall if so requested by an Enforcement Officer supply their full and correct name and address.

4.5. Ordering off and prohibition

Enforcement Officers are entitled to use the powers of the Trespass Act 1980 in respect of any person who they reasonably believe to have breached this Bylaw.

4.6. Right to seize and impound

An Enforcement Officer may seize and impound any property used in committing a breach of this Bylaw pursuant to s 164 Local Government Act 2002 and shall not be liable for any claim arising therefrom.

5. ENTRANCES, EXITS AND CLOSURES ON PARKS

5.1. Entrances and exits only to be used

No person shall enter or leave any Park except through proper openings, gateways, entrances, or exits provided for that purpose, unless given permission to do otherwise by the Council.

5.2. Obstruction of entrances, exits, etc

No person shall wilfully obstruct any entrance or exit, unless given permission to do otherwise by the Council.

5.3. Closure of Parks

5.3.1. Subject to the provisions of this Bylaw, every Park shall be open to the public at all times, except during such hours as the Council determines that any particular Park or Parks shall be closed to the public for a prescribed period or periods.

5.3.2. If the Council has prescribed a period or periods of closure, no person shall be in or upon, or remain in or upon, or enter such park except with the permission of the Council.

5.3.3. If the Council believes at any time that any Park, or part thereof, is being used or is

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likely to be used for any purpose which may result or is likely to result in riotous conduct or in civil disorder, it may, by notice (erected or displayed on the entrances to the Park or by notice in at least one local newspaper), declare the Park to be closed for such period as the Council permits.

- 5.3.4.** No person shall enter or remain in any such Park or part thereof during such period of closing without the permission of the Council.

5.4. Waikato Stadium and Seddon Park

- 5.4.1.** Notwithstanding the general principle that the public shall have freedom of entry and access to any Park, the Council declares that is necessary to control access to Waikato Stadium and Seddon Park for the protection and general wellbeing of those Parks and for the protection and control of the public using those Parks.

- 5.4.2.** No person shall enter within the fenced areas of Waikato Stadium at any time except in accordance with the following exemptions:

- a) The public may enter Waikato Stadium for the purpose of attending any sporting activity or function arranged by or authorised by the Council but in such case:
 - i. no person shall enter or leave Waikato Stadium except through the openings, gateways, entrance or exits provide for that purpose
 - ii. no person shall enter into or upon the grassed playing area of Waikato Stadium (unless otherwise authorised by this bylaw)
- b) Persons playing any sport (including referees and other officials) organised by or authorised by the Council may enter Waikato Stadium including the grassed playing areas but only for the purposes of playing sport.
- c) Persons whom the Council has expressly or implicitly authorised to have access to Waikato Stadium may have access to Waikato Stadium.
- d) Employees, agents and consultants authorised by the Council may enter upon Waikato Stadium for legitimate business purposes.

- 5.4.3.** No person shall enter within the fenced areas of Seddon Park at any time except in accordance with the following exemptions:

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- a) The public may enter Seddon Park for the purposes of attending any sporting activity or function arranged by or authorised by the Council but in such case:
 - i. no person shall enter or leave the fenced area of Seddon Park except through the openings, gateways, entrance or exits provided for that purpose;
 - ii. no person shall enter into or upon the grassed playing area of Seddon Park (unless otherwise authorised by this bylaw)
- b) Persons playing any sport (including umpires and other officials) organised by or authorised by the Council may enter Seddon Park including the grassed playing areas but only for the purposes of playing sport.
- c) Persons whom the Council has expressly or implicitly authorised to have access to Seddon Park may have access to Seddon Park.
- d) Employees, agents and consultants authorised by the Council may enter upon Seddon Park for legitimate business purposes.

5.5. Fixing of charges for use of Parks

- 5.5.1. The Council may close all or any portion of a Park for a particular event, sport, or other recreation activity, as it thinks fit, and where charges may lawfully be made, fix charges for the right to use such portions as are open to the public.
- 5.5.2. The Council may adopt policies and procedures governing the use of such portions by any individual or group for sport, recreation or other activity, on any day or days but not more than six days consecutively and may similarly fix charges therefore.
- 5.5.3. Every specified sport, recreation or other activity area shall be used only for the purpose for which it was constructed or set apart, and no person shall go thereon for the purpose of the specified activity unless they shall have first paid the charge fixed for that purpose.
- 5.5.4. Every person who has entered a Park or part thereof before the start of an activity for which a charge has been set, must, before the activity starts, either pay the proper charge for admission or leave such Park or part thereof.

5.6. Gates, bollards and chains

No person shall leave any gate, bollard, fence or chain on a Park in a different position from that in which it was found.

6. PEOPLE ON PARKS

6.1. Behaviour on Parks

- 6.1.1. No person shall wilfully obstruct, disturb, or interfere with any other person in the use or enjoyment of any Park;
- 6.1.2. No person shall in any Park use foul, abusive, indecent or obscene language, or be intoxicated by alcohol or controlled drugs or be riotous;
- 6.1.3. No person shall interfere with, annoy or injure any animal in any cage, enclosure, erection or building in any Park, unless it is with the permission of the Council for a legitimate Park management purpose.

6.2. Noise disturbance and annoyance

No person shall use, play, or operate, or attempt to use or play or operate, any musical instrument, public address system or amplified sound system in any Park without the permission of the Council.

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6.3. Protection of soil and flora

No person shall take, deposit, remove or disturb any soil, uproot or injure any plant, or take any cutting or interfere with or otherwise remove any flowers, ferns, or greenery within any Park without the permission of the Council, except as provided for by the customary activities provisions of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010.

6.4. Protection of nurseries and gardens

No person shall in any Park enter any of the enclosures or places set apart for the cultivation of plants, or in any other way cause damage:

- a) on any portion of the Park on which the same is forbidden by notice; or
- b) on any plantation, flowerbed, or border.

6.5. Planting

No person shall plant any tree, shrub, or plant of any kind, or sow or scatter the seed of any tree, shrub, or plant of any kind, or introduce any substance injurious to plant life or wildlife to any Park without the permission of the Council.

6.6. Damage to notices, etc

No person shall in any Park interfere with or damage any inscription, or label attached to or connected with any article, tree, shrub or other plant, or any notice board, sign, label, or tablet used to indicate or exhibit any notice, name, regulation, or bylaw, or any part or provision of a bylaw.

6.7. Damage to structures, fittings, etc.

No person shall remove, interfere with or damage any post, bollard, barrier, railing, seat (fixed or movable), gate, bridge, building, structure, wall, children's play equipment, object of art or natural object, fence or hedge, or any fitting or implement of any kind within any Park.

6.8. Damage to buildings and appurtenants

No person shall deface or damage, by writing or otherwise or in any other manner, the walls or any other part of any building in any Park.

6.9. Advertising on Parks

6.9.1. No person shall, within the limits of any Park, expose or otherwise display, or attempt to expose or otherwise display any advertisement, graffiti or other decoration, except with the permission of the Council.

6.9.2. Section 6.9 of this bylaw shall not apply to any name plate or plaque fixed to the wall or door of any building or other structure legitimately erected within any Park or to any sign erected with the permission of Council within any Park.

6.10. Notices and bills

No person shall post any placard, bill, poster, or notice board within any Park or interfere with any placard, bill, poster or notice board lawfully erected in the Park, or distribute any handbill or notice within or at any entrance to the Park except with the permission of the Council.

6.11. Litter

No person shall deposit any litter on any part of a Park except in a receptacle approved or provided by the Council.

6.12. Dumping of green waste

No person shall dump, deposit, discharge or leave any green waste, including garden waste, within any Park unless permitted to do so by the Council.

6.13. Pollution

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No person shall deposit, discharge or leave any deleterious, offensive or dangerous matter, or cause pollution within the limits of any Park or any stream, lake, dam, pond, or fountain within the Park.

6.14. Use of water

- 6.14.1. No person shall within any Park permit or cause wastage of water or permit any water tap to flow for a longer period than is reasonably required to obtain water for drinking, washing or other lawful purposes within the Park;
- 6.14.2. No person shall in any manner pollute or otherwise render unfit for its intended use any water supply within any Park.

6.15. Bathing

No person shall bathe or wade within any Park in any water where the Council has prohibited such bathing or wading.

6.16. Fires within the limits of any Park:

- 6.16.1. No person shall light any fire, except in a place specially provided by the Council for that purpose, without the permission of the Council;
- 6.16.2. No person shall set fire to any vegetation (alive or dead) that is or was growing in any Park;
- 6.16.3. No person shall light a fire in any position where it is likely to present a fire hazard;
- 6.16.4. No person shall light any fire or continue burning the same in a Park after sunset without the permission of the Council;
- 6.16.5. Once a fire is lit, the person lighting the fire, or such other person as is detailed by him, shall remain in attendance of the fire until it is completely extinguished;
- 6.16.6. No match, lighted or not lighted, cigarette or other lighted matter shall be dropped, thrown or otherwise placed in any grass or other inflammable material.
- 6.16.7. Any manufactured, or similar, solid fuel or gas portable barbecue may be used provided sub clauses 6.16.2, 6.16.3, 6.16.4, 6.16.5, and 6.16.6 are complied with.

Nothing in this bylaw shall exempt an offender from liability under any other Act with respect to the lighting of fires.

Note: Any permitted or approved fire is required to comply with the Council's bylaws.

6.17. Weapons and projectiles

- 6.17.1. Without the permission of the Council, no person shall within the limits of any Park take use, or carry any firearm, axe or similar weapon or other instrument of dangerous character, or any airgun or bow and arrow.

6.18. Fireworks

- 6.18.1. No person may let off any fireworks in a Park without the permission by the Council to undertake a professional pyrotechnic display in that Park.

6.19. Unauthorised assemblies

No person shall hold, or conduct, or attempt to hold or conduct, any public meeting, gathering, fair or fete, or demonstration, or make any public address, or attempt to collect a crowd in any Park without the permission of the Council.

6.20. Erection of tents, stalls, etc

- 6.20.1. No person shall put up or erect any stall, tent, booth, amusement device, or structure of any kind within any Park without permission from the Council, and then

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only at such place, for such time or term, and of such dimensions and subject to any other conditions as may be specified by the Council.

- 6.20.2. Any fee charged by the Council in respect of the permission to put up or erect any stall, tent, booth, amusement device, or structure of any kind within any Park shall be payable in advance.

6.21. Use of Parks for commercial purposes

No person shall use a Park for commercial purposes without permission from the Council.

6.22. Use of Parks for organised sport

- 6.22.1. No person shall play any organised sport or recreation on any Park except upon parts of the Park set aside for that purpose or as the Council shall direct.
- 6.22.2. No person shall engage in or practise sport or recreation activities on any playing ground or part thereof on any Park after being requested by the Council to leave that area, or when the Council has given notification that the ground is closed to play.
- 6.22.3. No person (not being a competitor or official taking part in the sport or recreation activity) shall enter in or remain on any portion of the Park marked out as a playing area for any sport or other recreation activity while that activity is in progress.
- 6.22.4. The Council may prevent any sport or other recreation activity being played on any Park if in its opinion that sport or activity is liable to damage the Park or anything therein.
- 6.22.5. No person shall engage in any sport or other recreation activity on any Park or any specified portion of any Park if he or she is expressly forbidden to do so by the Council.
- 6.22.6. No person shall play or practise golf, with or without a ball, except on any Park or part of a Park that the Council has set aside for that purpose.

7. FREEDOM CAMPING

7.1. Prohibited areas

Freedom camping is prohibited in a prohibited area unless otherwise stated in the bylaw.

- 7.1.1. A person must not freedom camp in any Park area identified in Schedule A.

7.2. Restricted areas

A person may freedom camp in a restricted area identified in Schedule B provided they:

- 7.2.1. Camp in a certified Self-contained Motor Vehicle;
- 7.2.2. Use the facilities provided;
- 7.2.3. Leave the site in the condition in which they found it;
- 7.2.4. Do not prevent others from undertaking legitimate activities in the location;
- 7.2.5. Do not stay in the location for more than three consecutive nights; and
- 7.2.6. Comply with all of the particular restrictions which apply to freedom camping at that location set out in Schedule B.

7.3. Penalties and fines

Anyone contravening any part of clauses 7.1, and 7.2 commits an infringement offence and is liable for an infringement fee of up to \$1000, or a fine imposed by a court of up to \$3,000, as set out under Part 3, of the Freedom Camping Act 2011.

8. ANIMALS AND VEHICLES ON PARKS

8.1. Stock on Parks

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- 8.1.1. No person shall, without permission of the Council, turn in, bring or allow any stock, or any similar animal, to be ridden, wander, graze or be within any Park.
- 8.1.2. Any stock, or any similar animal found at large in breach of this bylaw may be impounded by the Council.

8.2. No destruction of animal life on Parks without permission

- 8.2.1. No person shall by any means whatsoever destroy, shoot, snare, net, fish for, injure, interfere with or take any animal, wildlife, bird's nest, or bird's egg, or attempt to do so, in or from any Park without a licence or the written consent of an authorised officer of the Auckland/Waikato Fish and Game Council and/or the Council.
- 8.2.2. Provided that in the case of any animal protected by the Wild Life Act 1953 no such permission shall be granted unless and until the provisions of that Act have been complied with.

8.3. Use of motor vehicles and vehicles on Parks

- 8.3.1. No person shall, within the limits of any Park, take, drive or use any motorised vehicle except with the permission of the Council. This excludes Council's Park service vehicles and any emergency vehicle in fulfilment of its statutory duties.
- 8.3.2. No person shall use any motor vehicle or vehicle recklessly or in a manner which may damage a Park or intimidate or be dangerous, injurious or cause a nuisance to persons in the Park
- 8.3.3. No person shall use any vehicle including a bicycle, skateboard, roller skates or roller blades or similar devices, in the following areas;
 - a) The section of the Hamilton Lake Domain Walkway East of Hamilton Yacht Club to the car Park at the end of the access road South from the Ruakiwi Entrance to the Park.
 - b) Hamilton Gardens except the shared use pathway paralleling Cobham Drive and its continuation
 - c) Waiwhakareke Natural Heritage Park except any shared use path that may be constructed around the boundary of the Park.

8.4. Motor vehicle speeds within Parks

No person shall drive or ride any motor vehicle or vehicle in any Park at a speed in excess of 20 kilometres per hour, except where indicated by the Council.

8.5. Parking of vehicles on Parks

The Council by resolution and subject to the placing and maintenance of the appropriate signs or markings may limit, restrict or prohibit the parking or stopping of vehicles or boats on any part of any Park.

8.6. Removal of illegally Parked motor vehicles

- 8.6.1. If any vehicle or boat is parked or stopped and left unattended in breach of clause 8.5 of this bylaw, and the owner thereof or the person entitled to possession cannot be found after reasonable enquiry in the vicinity, the Council may have the vehicle or boat removed to an appropriate premises.
- 8.6.2. Where any vehicle or boat has been removed pursuant to this bylaw, the owner or driver of that vehicle or boat may be required, in addition to any fine that may be imposed, to pay Council's costs in seizing, impounding, transporting and storing the vehicle or boat.

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8.7. Abandoned vehicles on Parks

- 8.7.1. If the Council has reason to believe that any vehicle or boat has been abandoned in a Park may remove it or cause it to be removed to any place authorised for that purpose by the Council.
- 8.7.2. Where any vehicle or boat has been removed pursuant to this Bylaw, the owner or driver of that vehicle may be required, in addition to any fine that may be imposed, to pay Council's costs in seizing, impounding, transporting and storing the vehicle or boat.

8.8. No unauthorised mechanical plant or equipment on Parks

Except in an emergency, or where the Council considers it necessary for the proper and beneficial management, administration and control of the Park, no person shall within any Park, use or attempt to use any portable generator, stationary motor, compressor, chainsaw, post hole borer or any other type of portable mechanical plant or equipment.

8.9. Aircraft

Except in cases of emergency, or where permission has been obtained from the Council, no person shall:

- 8.9.1. Make use of any part of any Park for the purpose of landing or alighting thereon or the flying there from of aircraft of any kind; or
- 8.9.2. Land in any Park by parachute; or
- 8.9.3. Use or operate, or attempt to use or operate, a hang-glider on any Park; or
- 8.9.4. Make use of any part of any Park for the purpose of setting down, picking up, or recovery from within any Park, of any person, livestock, carcass or other article of any description.

This bylaw does not absolve persons from compliance with any requirements that the Director of the Civil Aviation Authority - Air Transport Division may stipulate.

9. PENALTIES

This bylaw is made under the authority given to the Council under Sections 145 and 146(b)(vi) of the Local Government Act 2002. Any person convicted of an offence against a bylaw made under Part 8 of the Local Government Act 2002 is liable to a fine not exceeding \$20,000 or such other amount as shall from time to time be prescribed by statute.

Clauses 7.1 and 7.2 are made under the authority given to the Council under section 11 of the Freedom Camping Act 2011, with the penalties and fines for breaches of these two clauses set out in clause 7.3.

The COMMON SEAL of the HAMILTON CITY COUNCIL
was hereunto affixed in the presence of:

Councillor:

Councillor:

Chief Executive:

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Schedule A: Prohibited Areas

Areas where Freedom Camping is prohibited

A J Seeley Gully Reserve	Days' Park	Grove Park
Aberfoyle Park	Deanwell Park	Hamilton East Cemetery
Ashurst Park	Derby Park	Hamilton Gardens
Aspiring Crescent Reserve	Derek Heather Park	Hamilton Lake Domain
Bankwood Park	Dillicar Park	Hamilton Parade
Beale Cottage	Discovery Park	Hamilton Park Cemetery
Beerescourt Park	Dixon's Corner	Hamilton West Cemetery
Beetham Park	Dominion Park	Hammond Park
Berkley Tennis Courts	Donny Park	Hare Puke Park
Bishops Lane Reserve	Eden Park Reserve	Hayes Paddock
Bleakley Park	Edgecumbe Park	Heath Park
Bolmuir Park	Edinburgh Park	Hillary Park
Boyes Park	Elliott Park	Hillcrest Bowling Club
Braithwaite Park	Enderley Park	Hillcrest Stadium
Bremworth Park	Enfield Park	Hinemoa Park
Bristol Park	Ex Glenview Club	Hukanui Oaks
Bryant Road Plantation	Ex Waikato District Council	Humarie Park
Brymer Glen Reserve	Exeter Park	Innes Common
Brymer Park	Fairfield Esplanade	Innswood Place Reserve
Caernarvon Park	Fairfield Park	Jansen Park
Capper Crescent Reserve (placeholder name)	Farnborough Drive Reserve	Jesmond Park
Caro Park	Farringdon Avenue Reserve	Jubilee Park
Carrs Park	Featherstone Park	Junction Reserve
Casey's Garden	Ferrybank	Kahikatea Park
Chadwick Place Reserve	Fitzroy Park	Karaka Park
Chamberlain Place Reserve	Flagstaff Park	King Street Corner
Chartwell Park	Flynn Park	Kirikiroa Reserve
Chedworth Park	Frankton Plantation	Kitchener Street Reserve
Chelmsford Park	Fraser Tech Park	Lake Rotokauri Park
Chequers Avenue Reserve	Galloway Park	Lincoln Street Amenity Reserve
Claudlands Park	Galway Reserve	Lincoln Street Reserve
Clyde Park	Glenview Park	Lugton Park
Cobham Drive Reserve	Gower Park	Lulu Avenue Reserve (placeholder name)
Cranmer Close Reserve	Graham Island	Maeroa Road Reserve
Crawshaw Park	Graham Park	Mahoe Park
Crosher Place Reserve	Greensboro Park	Mangaiti Park
Cullimore Park	Greenwood Street Amenity Reserve	Mangakotukutuku Esplanade
Dawson Park	Grosvenor Park	Mangaonua Esplanade

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Marist Park	Pountney Park	Taitua Arboretum
Massey Street Plantation Reserve	Pukete Farm Park	Tauhara Park
Matakanohi Reserve	Pukete Park	Tawa Park
Melville Park	Pygmalion Park	Te Anau Park
Memorial Park	Queenwood Esplanade	Te Awa O Katapaki Esplanade
Milne Park	Railway Park	Te Hikuwai Reserve
Minogue Park	Rakautahi Park	Te Huia Drive Reserve
Minogue Park	Ranfurly Park	Te Kootii Park
Miropiko Reserve	Raymond Park	Te Manatu Park
Mooney Park	Resthills Park	Te Tiwha O Parei-iri-whare Park
Moonlight Drive Reserve	Rhode Street Park	Te Toetoe Reserve
Morrow Avenue Walkway	Roose Commerce Park	Templeview Reserve
Morrow's Orchard	Rotokauri Road Sports Park (placeholder name)	Tennille Street Reserve (placeholder name)
Munro's Walkway	Rototuna Park	Tennyson Road Reserve
Nawton Domain	Rototuna North City Road Sports Park (placeholder name)	Till's Lookout
Nawton Tennis Courts	Sandford Park	Totara Park
New Memorial Park	Sandhurst Place Reserve	Union Park
Norris Ward Park	Seddon Park	Vardon Park
Northern City Entrance Way	Smyth's Plantation	Vickery Park
Northolt Park	Snell Drive Walkway	Wade Lane Reserve
O'Connell Walk	Sonning Esplanade	Waikato Stadium
Old Farm Road Reserve	St Andrews Golf Course	Waikato Stadium (Fred Jones Park)
Olwyn Green	St Andrews Park	Waitawhiriwhiri Esplanade
Onukutara Park	St Peters Park	Waiwhakareke Natural Heritage Park
Palmerston Street Reserve	Steele Park	Waiwherowhero Park
Parana Park	Storey Avenue - Jamieson Free Kindy	Wake Park
Patricia Avenue Plantation	Swarbrick Park	Whatukoruru Reserve
Peacockes Road Esplanade	Swarbrick Landing	Willoughby Park
Pembroke Park	Sylvester Esplanade	Wiltshire Drive Reserve
Pine Beach	Symington Estate	Yendell Park

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Schedule B: Restricted Areas

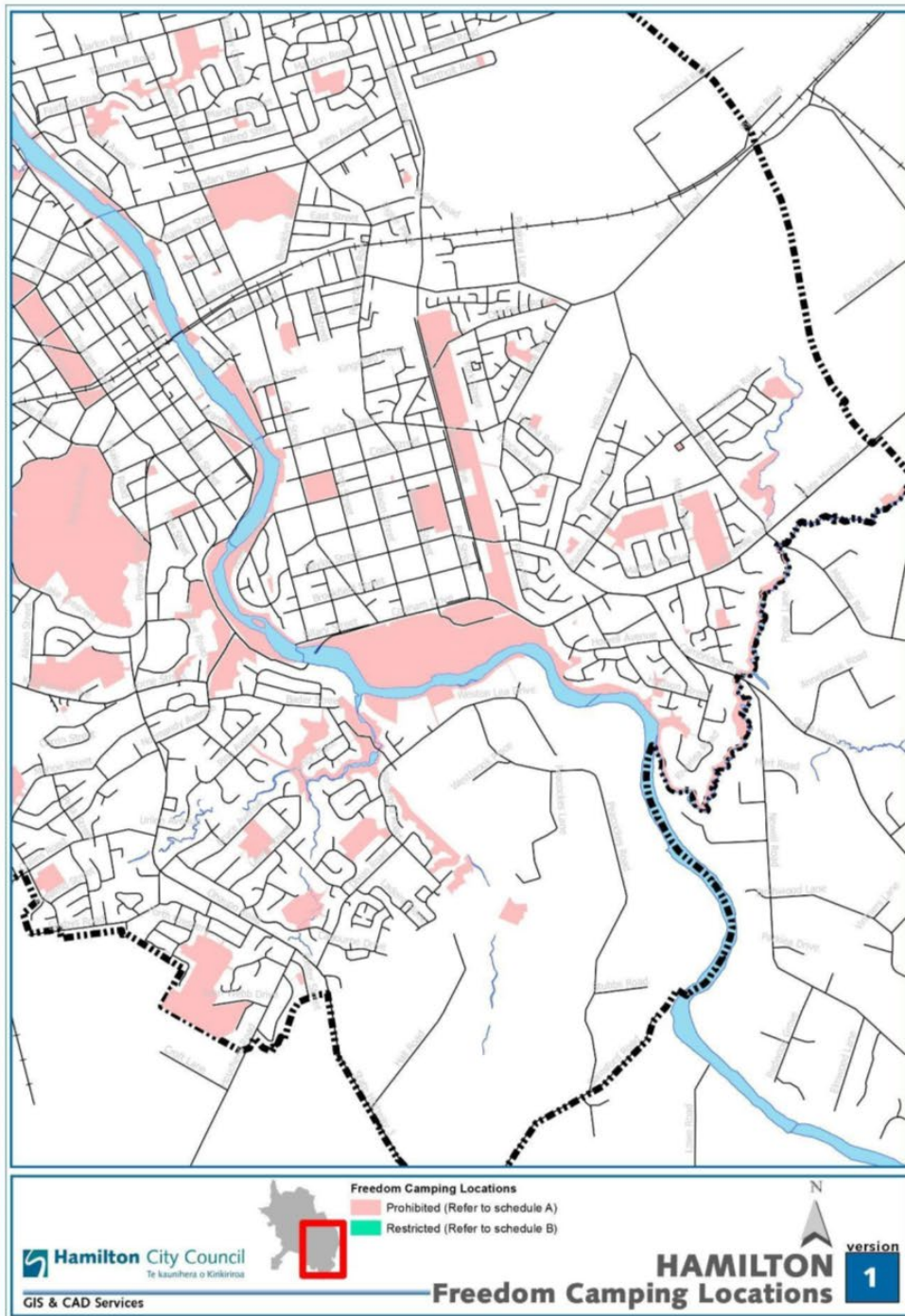
Parks where Restricted Freedom Camping is permitted in a certified Self-contained Motor Vehicle when abiding by the following restrictions.

Car Park attached to:	Restrictions
Porritt Stadium	<div><div>1. a maximum of six self-contained vehicles be permitted to park there at any one time</div><div>2. individual six self-contained vehicles cannot be parked there for more than 3 nights in any one month</div><div><div>• the car Park is available for overnight parking only between 5pm and 9am each day.</div></div></div>

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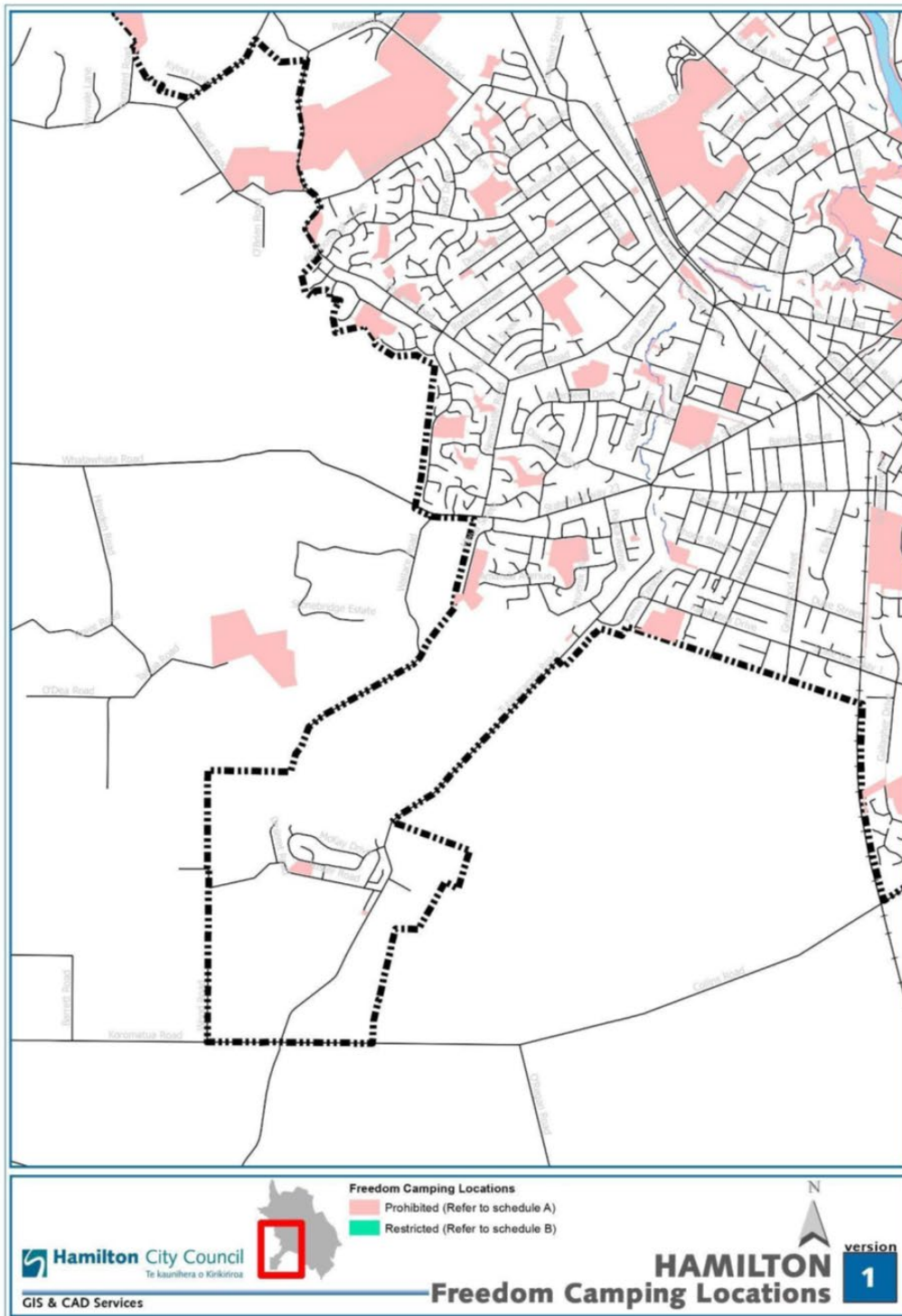
Schedule C: Freedom Camping Locations

Parks in south east Hamilton where freedom camping is prohibited or restricted.



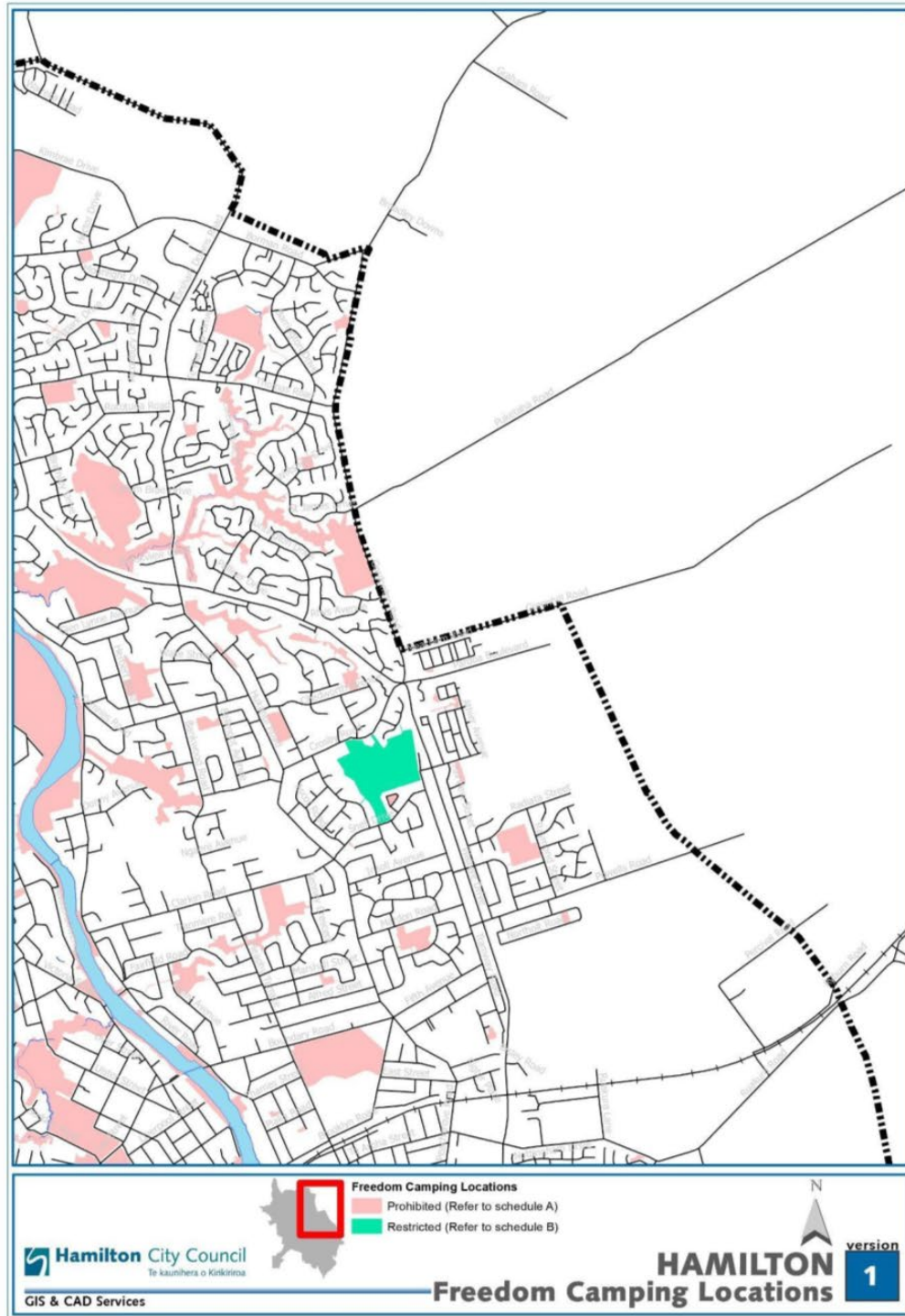
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Parks in south west Hamilton where freedom camping is prohibited or restricted.



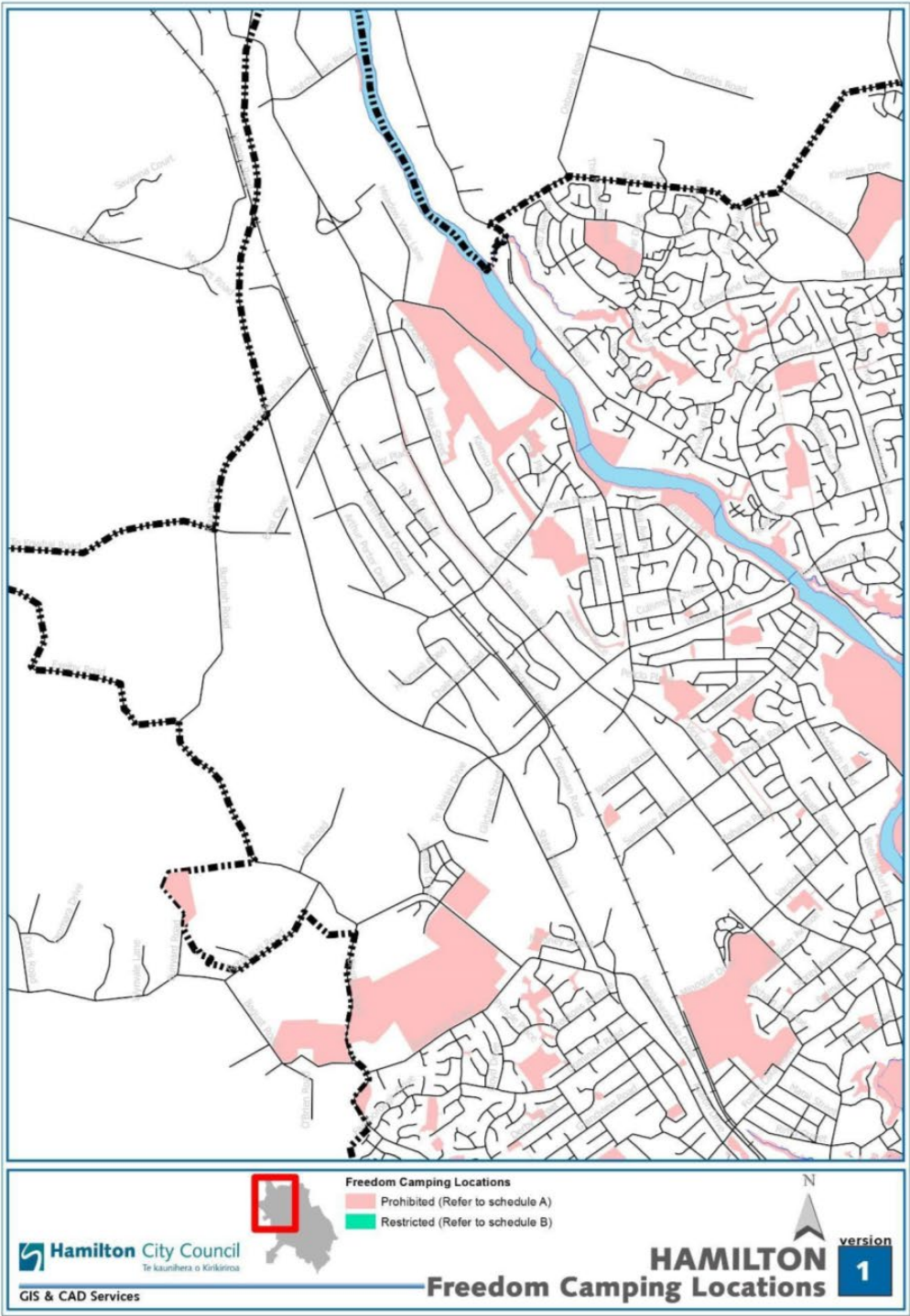
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Parks in north east Hamilton where freedom camping is prohibited or restricted.



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Parks in north west Hamilton where freedom camping is prohibited or restricted.



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Approved by: Council	Date Adopted: 16 December 2021
Date in Force: 20 August 2021	Review Date: 16 December 2031
Version history: 3 August 2023 – Minor amendments made following enactment of the Self-contained Motor Vehicles Legislation Act 2023	

Hamilton Traffic Bylaw 2021

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This bylaw was reviewed in 2021 and in 2023 as per the section 158(1) of the Local Government Act 2002 and updated with minor amendments. This bylaw replaces the Hamilton City Traffic Bylaw 2015.

1. GENERAL

1.1. This Bylaw is made under the Local Government Act 1974, the Local Government Act 2002, the Land Transport Act 1998 and the Freedom Camping Act 2011.

1.2. Purpose

The purposes of this Bylaw are to protect the public from nuisance and protect, promote, and maintain public health and safety. This is through setting the requirements for parking, establishing standards for activities within the road reserve and general control of vehicular or other traffic.

1.3. Scope

This bylaw covers Garden Place, Civic Plaza, transport stations and any road in Hamilton City Council's district including State Highways controlled by New Zealand Transport Agency.

2. DEFINITIONS

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

Act	means the Land Transport Act 1998 the regulations and the rules under that Act.
Approved disabled person's parking permit	Has the same meaning as the Land Transport (Road User) Rule 2004
Boat	Includes jet skis and other water borne vessels.
Bus	Means a bus as defined in the Land Transport (Road User) Rule 2004.
Bus Lane	Means a lane reserved by a marking or sign installed at the start of the lane and at each point at which the lane resumes after an intersection for the use of: <ol style="list-style-type: none"> buses; and cycles, transport devices, mopeds, and motorcycles (unless one or more are specifically excluded by the sign).
Bus Stop	<ol style="list-style-type: none"> means a place where passengers may board or alight from a bus indicated by a sign that includes the text "Bus Stop" as specified in Schedule 1 of the Land Transport Rule; Traffic Control Devices 2004; and Includes an area of the road in the vicinity of a place that is reserved for a bus stop to allow passengers to board or alight from the bus.
Chief Executive	Means the Chief Executive of Hamilton City Council
City	Means Hamilton City
Class of Vehicle	Means groupings of vehicles defined by reference to any common feature and includes- <ol style="list-style-type: none"> vehicles by type, description, weight, size or dimension;

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	<ul style="list-style-type: none"> b) vehicles carrying specified classes of load by the mass, size or nature of such loads; c) vehicles carrying no fewer or less than a specified number of occupants; d) vehicles used for specified purposes; e) vehicles driven by specified classes of persons; f) carpool and shared vehicle; and g) vehicles displaying a permit authorised by Hamilton City Council
Cruising	<p>Means driving repeatedly in the same direction over the same section of road in a motor vehicle in a manner that-</p> <ul style="list-style-type: none"> a) draws attention to the power or sound of the engine of the motor vehicle being driven; or b) creates a convoy that- <ul style="list-style-type: none"> i. is formed otherwise than in trade; and ii. impedes traffic flow.
Council	The Hamilton City Council or any officer authorised to exercise the authority of the Council.
Cycle	<p>Means</p> <ul style="list-style-type: none"> a) A wheeled vehicle that is designed primarily to be propelled by the muscular energy of the rider by means of a crank; and b) Includes a power assisted cycle
Cycle Lane	<p>Means a longitudinal strip within a roadway that is reserved for the use of-</p> <ul style="list-style-type: none"> a) cycles; and b) transport devices (unless specifically excluded from using the lane by a marking or traffic sign); and c) are included in the Cycle Lane Register of this bylaw
Cycle Path	<p>Means part of the road that, defined by signs or markings and is physically separated from the roadway that is intended for the use of cyclists, but which may be used also by pedestrians; and</p> <ul style="list-style-type: none"> a) includes a cycle track formed under section 332 of the Local Government Act 1974 b) are included in Cycle Path Register of this bylaw
Designated	Means specified by Council by resolution.
Driver	Means a person driving a vehicle; and includes the rider of an all-terrain vehicle, a motorcycle, a moped, a cycle, a mobility device or transport device.
Emergency Vehicle	Has the same meaning as in the Land Transport (Road User) Rule 2004.
Enactment	Has the same meaning as section 29 of the Interpretation Act 1999.
Enforcement Officer	<p>Means;</p> <ul style="list-style-type: none"> a) any person appointed or authorised in writing by the Chief Executive or by the Council to act on its behalf and with its authority including a Parking Warden appointed by the Council under the provisions of the Land Transport Act 1998, b) and includes Police Officers.
Engine Brakes	Means a device or feature of an engine to increase, when applied, the retardation force provided by the engine that can be utilised to control the speed of the vehicle.
Freight Container	Is an article of transport equipment that is: Of a permanent character and strong enough to be suitable for repeated use; Specifically designed to facilitate the

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	transport of goods, by one or more modes of transport, without intermediate loading; and Designed to be secured and readily handled having fittings for these purposes.
Freedom Camping	Has the same meaning as the Freedom Camping Act 2011.
Footpath	Means a path or way principally designed for, and used by, pedestrians; and includes a footbridge
Goods Service Vehicle	Means a motor vehicle that is: <ol style="list-style-type: none"> designed exclusively or principally for the carriage of goods; or used for the collection or delivery of goods in the course of trade.
Heavy Motor Vehicle	Has the same meaning as in the Land Transport (Road User) Rule 2004.
Lane	<ol style="list-style-type: none"> Means a longitudinal strip of the roadway intended for the passage of vehicles or a specific class of vehicles that is separate from other parts of the roadway by- <ol style="list-style-type: none"> a longitudinal line or lines of paint or raised studs; or another method of lane delineation specified in clause 7.12(1) or (1A) of the Land Transport Rule: Traffic Control Devices 2004; and includes- <ol style="list-style-type: none"> a cycle lane; and a lane for the use of vehicular traffic that is at least 2.5m wide; and a lane of a two-way road divided by a centre line
Launching Ramp	Means a place described in the Launching Ramp Register of this Bylaw.
Metered Parking Place	Means any road or portion of a road or any area of land or any building owned or controlled by the Council which is designated as a parking place and requires a prescribed fee or rental charge for a limited time.
Mobility Device	Has the same meaning as the Land Transport (Road User Rule) 2004.
Mobility Parking Space	Means a parking place set aside under the provisions of this Bylaw for use by people who hold an approved disabled person's parking permit.
Motor vehicle	<p>means a vehicle drawn or propelled by mechanical power; and includes a trailer; but <u>does not include</u>-</p> <ol style="list-style-type: none"> a vehicle running on rails; or a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or a pedestrian-controlled machine; or a vehicle that the Agency has declared under section 168A of the Act is not a motor vehicle; or

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	g) a mobility device.
Network Utility Operator	Has the same meaning given to it by section 166 of the Resource Management Act 1999.
Parking Machine	Means a device or system (including electronic or software based systems) that is used to collect payment in exchange for a vehicle parking in a particular place for a limited time.
Parking Place	Means a place (including a building) where vehicles, or any class of vehicles may stop, stand or park; and may be situated: <ul style="list-style-type: none"> a) within a road or road reserve (on-street parking); or b) on property owned by Council which is not road reserve (off-street parking)
Parking Warden	Means a parking warden appointed under section 128D of the Land Transport Act 1998.
Passenger Service Vehicle	Has the same meaning as section 2(1) of the Land Transport Act 1998.
Pedestrian	Means <ul style="list-style-type: none"> a) a person on foot on a road; or b) a person in or on a contrivance equipped with wheels or revolving runners that is not a vehicle; or c) a person operating a powered wheelchair
Pedestrian Crossing	Has the same meaning as the Land Transport (Road User Rule) 2004.
Pedestrian Mall	Means a road or part of a road specified by the council where the driving, riding or parking of vehicles or the riding of animals is prohibited either generally or during particular hours. A pedestrian mall only has legal status if it has been declared as stated in section 336 of the Local Government Act 1974.
Person	Includes a natural person, corporation sole and body of persons whether incorporated or unincorporated.
Power-assisted Cycle	Has the same meaning as the Land Transport (Road User Rule) 2004.
Powered transport device	Means a wheeled vehicle (other than a cycle or a mobility device) powered by 1 or more propulsion motors, that the Agency has declared, under section 168A(2) or (3) of the Act, is not a motor vehicle.
Powered wheelchair	Means- <ul style="list-style-type: none"> a. a mobility device that is a wheelchair propelled by mechanical power and operated by a joystick or other specialist interface; but b. does not include a mobility device operated by a tiller or handlebar
Public Work	Has the same meaning as section 2 of the Public Works Act 1981.
Public Place	Includes <ul style="list-style-type: none"> a) every motorway, road, street, private street, footpath, access way, service lane, court, mall, and thoroughfare b) any public reserve within the meaning of section 2 of the Reserves Act 1977 to which the public generally has access, whether with or without payment

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of any fee, and any reserve under that Act classified as a nature reserve or a scientific reserve:

- c) any park, garden, or other place of public recreation to which the public has access, whether with or without payment of any fee:
- d) any beach or foreshore, or the bank of any river or stream, or the margin of any lake, to which the public traditionally has access, whether with or without payment of any fee:
- e) any waters to which the public traditionally has access, whether with or without payment of any fee, for bathing or other recreational purposes:
- f) every wharf, pier, or jetty (whether under the control of a harbour board or not) to which the public has access:
- g) any conservation area within the meaning of the Conservation Act 1987:
- h) any airport within the meaning of section 2 of the Airport Authorities Act 1966:
- i) any cemetery within the meaning of section 2 of the Burial and Cremation Act 1964:
- j) any land vested in or controlled by any local authority (within the meaning of section 5(1) of the Local Government Act 2002) or the Crown, being land that is not occupied pursuant to any lease, licence, or other authority by any private person:
- k) any national park constituted under the National Parks Act 1980:
- l) any other place whether public or private in the open air, including any walkway within the meaning of section 4 of the Walking Access Act 2008, to which the public has access, whether with or without payment of any fee.

Resident	For any particular road subject to a Residents' Parking Scheme under this Bylaw, means a person who resides in a dwelling, apartment or other building which has its only or principal access to that particular road or which has such access in the vicinity of that road.
Residential Zone	Any area designated as a Residential Zone under the Hamilton City Operative District Plan.
Residents' Exemption Permit	Means a permit granted by the Council to eligible residents exempting the permit holder from any time restrictions imposed on any place or area subject to parking restrictions.
Residents Only Permit	Means a permit granted by the Council to eligible residents authorising the permit holder to park in designated Residents' Only parking places specified in the permit.
Residents' Parking Permit	Means the provision by the Council of parking places for residents under clause 11 of this Bylaw which may be used in conjunction with any other parking or loading restrictions that apply outside the hours of operation of the Residents' Parking Scheme.
Rider	means a person riding an animal, an all terrain vehicle, a motorcycle, a moped, a cycle, a mobility device, or a transport device
Road	Means all land comprising formed and unformed roads as defined in the Local Government Act 1974.
Roadway	Means that portion of the road used or able to be used for the time being for vehicular traffic in general.

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Self-Contained Vehicle	Means a vehicle used for camping which meets the conditions of NZS5465:2001 and displays a NZS5465:2001 Self-Containment Certificate. Means a motor vehicle used for camping which meets the conditions of the Freedom Camping Act 2011.
School Patrol Crossing	Has the same meaning as in the Land Transport (Road User) Rule 2004.
Shared Path	Means a path that is intended to be used as a path by some or all of the following persons at the same time: <ul style="list-style-type: none"> a) Pedestrians; b) Cyclists c) Riders of mobility devices d) Riders of transport devices
Shared Zone	Means a length of roadway, defined by signs or markings, intended to be used by pedestrians and vehicles, as set out in the Land Transport (Road User) Rule 2004.
Special vehicle lane	Has the same meaning as in the Land Transport (Road User) Rule 2004.
State Highway	Means a state highway defined in Part 1 of the Land Transport Management Act 2003.
Stock	Includes sheep, cattle, goats and any other herd animal, but does not include a horse that is being led, ridden, or which is drawing any vehicle.
Trade or Trading	Includes but is not limited to the exchange, purchase, or sale of goods; the provision of entertainment activities in return for donations; keeping a mobile shop; busking; hawking; locating and operating a stall; displaying merchandise; setting out street furniture; window washing.
Traffic Control Device	Has the same meaning as Part 2 of the Land Transport (Traffic Control Devices) Rule 2004.
Transport Corridor	All Roads as defined above and includes all land from boundary to boundary (including the Berm and Carriageway).
Transport device	Means- <ul style="list-style-type: none"> a) a powered transport device; or b) an unpowered transport device
Transport Station	Has the same meaning as section 591 (6) of the Local Government Act 1974.
Transit Lane	Means a lane, defined by signs or markings, reserved for the use of the following (unless specifically excluded by a sign installed at the start of the lane): <ul style="list-style-type: none"> a) passenger service vehicles; b) motor vehicles carrying not less than the number of persons (including the driver) specified on the sign; c) cycles; d) transport devices e) motorcycles; f) mopeds.

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Unpowered transport device	Means a wheeled vehicle, other than a cycle, that is propelled by human power or gravity.
Vehicle	Has the same meaning as in the Land Transport Act 1998.
Vehicle Crossing	Is a place where vehicles are being taken or, in the opinion of the council, are likely to be taken, on to or from any land across any footpath on any road or any water channel on or adjoining any road.
Zone Parking	Has the same meaning as in Land Transport Rule: Traffic Control Devices 2004.

3. INTERPRETATION

- 3.1. Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Act unless the context plainly requires a different meaning.
- 3.2. The Interpretation Act 1999 applies to the interpretation of this bylaw.
- 3.3. Explanatory notes are for information purposes only, do not form part of this bylaw, and may be inserted or changed by Council at any time.

4. STOPPING, STANDING AND PARKING

- 4.1. No person shall stop, stand, or park a motor vehicle or motor vehicle combination on any road or parking place in contravention of a restriction imposed by the Council and evidenced by appropriate signs and/or road markings. Notwithstanding the provisions of this subclause and subject to such conditions as appropriate in the circumstances and payment of the prescribed fee, the Council may authorise the stopping, standing or parking of specified vehicles.
- 4.2. No person shall stop, stand or park a heavy motor vehicle or heavy motor vehicle combination for a period of more than one hour on any parking place adjacent to residential zoned. This clause does not prohibit a vehicle from stopping, standing or parking for a period that is reasonably required for the purpose of loading or unloading that vehicle in the course of trade.
- 4.3. No person shall stop, stand, or park any vehicle which by reason of its condition or content causes an offensive odour on any part of the transport corridor, including any parking place.
- 4.4. No person shall, without the prior written permission of the Council, park a motor vehicle or trailer for the purpose of advertising a good or service or for offering the vehicle for sale unless the vehicle is being used for day to day private travel, on any part of the transport corridor, including any parking place. This restriction includes vehicles and trailers displayed for sale, and mobile billboards.
- 4.5. Except with the prior written permission of the Council, no person shall stop, stand or park a vehicle within the transport corridor, for any period exceeding three days, if that vehicle cannot be easily moved on at the request of the Council. No person is permitted to use a vehicle so parked as a place of sleeping accommodation unless they comply with the Freedom Camping on Roads provisions of this Bylaw.
- 4.6. No person shall park or place any machinery, equipment, materials, waste disposal bins, skips or freight containers within the transport corridor except with the permission of the Council and in accordance with any conditions that Council may require. Council may remove any such item for non-compliance with any condition, at the owner's cost. This clause does not apply to those containers that are used solely for the purpose of residential waste collection as authorised by the Council, provided that such containers are placed in compliance with the Solid Waste Bylaw 2019.

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- 4.7. No person shall operate any crane, mobile crane, excavator or drill rig parked on a road, except with the permission of Council and in accordance with any conditions that Council may impose.
- 4.8. No person shall repair, alter or add to a vehicle while the vehicle is on the road, unless those repairs, alterations or additions are necessary to enable the vehicle to be removed from the road.
- 4.9. Regardless of whether a sign is present, a person must not stop, stand or park a motor vehicle on any part of the transport corridor which is laid out as a cultivated area, including a grass plot, a flower bed or shrubbery.
- 4.10. A person may stop, stand or park a motor vehicle in contravention of clause 4.9. if;
 - a) that part of the road is designed and constructed to accommodate a parked vehicle; and
 - b) Council has given permission to stop, stand or park a vehicle in that part of the road.
- 4.11. No person shall stop, stand or park a vehicle on any reserve unless:
 - a) It is within an area set aside for parking and the parking is associated with the use of the reserve; or
 - b) The person has received prior approval from the Council.

5. PARKING PLACES

- 5.1. The Council may with reference to a specified parking place or places, by resolution:
 - a) Permit or prohibit a class or classes of motor vehicles; and
 - b) Permit or prohibit time restrictions on parking; and
 - c) Specify and impose conditions of parking in that parking place or in those parking places; and
 - d) Specify part or parts that are available for public use; and
 - e) Specify part or parts that are available for reserve parking; and
 - f) Specify and prescribe fees and rental charges for parking in or reserving parking in that parking place or in those parking places; and
 - g) prescribe the means by which parking fees may be paid including, by the use of parking machines or otherwise
 - h) permit specified parking places to be used for street vending and market purposes
- 5.2. Council shall display signs indicating any such prohibition, specification or condition as it applies to any road or parking place.
- 5.3. The Council may from time to time, by resolution:
 - a) Declare any road or part of a road, including the days and times, to be a metered parking place or zone parking
 - b) Declare the number and situation of parking places within a metered area.
 - c) Declare the time allowed for parking in such metered parking places and areas of zone parking beyond which it shall be unlawful to remain parked.
- 5.4. Metered parking places, and zone parking requirements apply between 8am and 6pm every day of the week, except where signs relating to those metered areas/places, and zone parking and the Metered Parking Places and Zone Parking Register of this Bylaw indicate otherwise.
- 5.5. Any restrictions that apply to a zone, do not apply in locations within that zone parking area where other specific stopping, standing and parking restrictions apply.

6. PARKING FEE TO BE PAID

- 6.1. No driver or person in charge of a vehicle shall park in a metered parking place or area of zone parking without:

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- a) having paid the appropriate fee and, where required, displayed a legible receipt; and
 - b) correctly activated any parking machine controlling the parking place or zone parking in compliance with any instructions on the parking machine.
- 6.2. No driver or person in charge of a vehicle shall allow that vehicle to remain in or occupy a metered parking place without paying the appropriate fee.
- 6.3. No driver or person in charge of a vehicle shall allow that vehicle to remain in or occupy a metered parking place for longer than the maximum period for parking in that metered area, except as provided by 6.5
- 6.4. Where more than one motorcycle occupies a metered parking place it shall not be necessary for the payment of more than one parking fee. No motorcycle shall remain parked in the metered space after the time has expired and each motorcycle so parking is in breach of this Bylaw.
- 6.5. Where a vehicle displays an approved Mobility Parking Permit, the driver or person in charge of the motor vehicle may occupy a metered parking place for double the maximum time period allowed, provided that the appropriate fee has been paid for the maximum time period. The permit shall not be displayed if the parking place is not being used for the benefit of the Mobility Parking Permit holder.
- 6.6. Unless otherwise specified by Council the driver or person in charge of a motor vehicle in which an approved Mobility Parking Permit is displayed may occupy a mobility parking space for no fee.
- 6.7. Where the Council has reserved parking places as mobility parking spaces, the approved Mobility Parking Permit shall be displayed so that it is clearly visible. The permit shall not be displayed if the parking place is not being used for the benefit of the permit holder.

7. TEMPORARY ALTERNATE USE OF PARKING PLACES

- 7.1. Where parking at a metered parking place or within zone parking is to be temporarily halted, the Council may place or erect signs or notices (or authorise the placing or erecting of signs or notices) stating parking is not available in the specified place or area. It shall be unlawful for any person to park a vehicle in a metered parking place or within specified zone parking areas where parking has been temporarily halted, except with the written permission of the Council.

8. UNLAWFUL PARKING

- 8.1. No person shall park any vehicle or vehicle combination in a parking place except as permitted by the provisions of this Bylaw.
- 8.2. No person shall park a vehicle or vehicle combination in a parking place so that any part of that vehicle extends beyond any line defining that place unless by reason of its size it may be necessary for the vehicle to extend onto an adjoining and unoccupied parking place. If the parking places occupied by the vehicle or vehicle combination are metered parking places the driver shall be liable to pay a parking fee for each place so occupied.
- 8.3. No person shall, if a parking machine is not in operation, park in a metered place governed by that parking machine for a period greater than the maximum indicated on that machine, except where the vehicle is being used for the benefit of an approved mobility parking permit holder.
- 8.4. No person shall obstruct vehicle access to or egress from any parking place.
- 8.5. No vehicle shall be returned to any metered parking place on a road until a period of 20 minutes has elapsed from the time the vehicle previously left the metered parking place.

9. RESIDENTS' PARKING

- 9.1. Council may by resolution reserve any specified parking place as-

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- a) a residents' only parking area for the exclusive use of a person who resides in the vicinity.
 - b) a residents' exemption parking area for the use of a person who resides in the vicinity.
- 9.2. Council may by resolution prescribe-
- a) any fees to be paid annually or in any other specified manner, for the use by persons residing in the vicinity of a parking place; and
 - b) the manner by which any fees may be paid for the use of a parking place by persons residing in the vicinity.
- 9.3. Residential parking restrictions are recorded in the Residents Parking Register of this Bylaw.
- 9.4. Any person who parks a vehicle in a parking place reserved for the exclusive use of a person who resides in the vicinity must pay the prescribed fee and where required display a current approved resident's parking permit so that it is clearly legible.
- 9.5. A person must not park a vehicle in a resident's parking place in contravention of a prohibition or restriction made by Council unless a current approved resident's parking permit is obtained and prominently displayed in the vehicle where required.

10. ONE-WAY ROADS

- 10.1. Subject to the erection of the prescribed signs and/or markings, a person may only drive along the roads or parts of roads listed as a 'one-way road' in the One Way Roads Register of this Bylaw, in the direction specified.
- 10.2. The Council may by resolution specify that cycles may travel in the opposite direction on a one way road.
- 10.3. The Council may by resolution amend the One Way Roads Register to provide for a road, or part of a road, to be a one-way road, or to provide that a road should cease to be used as a one-way road.

11. TURNING RESTRICTIONS

- 11.1. Subject to the installation of the prescribed signs and/or markings, no person shall drive a vehicle contrary to any turning restriction listed the Turning Restrictions Register of this Bylaw.
- 11.2. The Council may by resolution amend the Turning Restrictions Register to prohibit turns, for vehicles on a roadway turning from facing or travelling in one direction to facing or travelling in the opposite direction (No 'U-turns').

12. TURNING MOVEMENTS PERMITTED BY SPECIFIED CLASSES OF VEHICLES

- 12.1. Subject to the installation of the prescribed signs and/or markings, the turning movements listed in the Turning Movements Register of this Bylaw shall be managed by specified classes of vehicles.
- 12.2. The Council may by resolution amend the Turning Movements Register to permit turning movements by specified classes of vehicles at a traffic lane, or to provide that a turning movement or turning movements by specified classes of vehicles should cease at a traffic lane.

13. CYCLE PATHS

- 13.1. Subject to the installation of the prescribed signs and/or markings, the roads, parts of roads and places listed in the Cycle Paths Register of this Bylaw are Cycle Paths and are to operate as shared paths. Priority (if any) is indicated in this register.

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- 13.2. The Council may by resolution amend the Cycle Paths Register to provide for a road, or part of a road, to be used as a Cycle Path either permanently or for a set period of time, or to provide that a road or part of a road should cease to be used as a Cycle Path.

14. SPECIAL VEHICLE LANES

- 14.1. Subject to the installation of the prescribed signs and/or markings Council may by resolution prescribe a road, or a part of a road, as a special vehicle lane that may only be used by a specified class or classes of vehicle.
- 14.2. A person must not use a special vehicle lane contrary to any restriction made by Council as listed in the Special Vehicle Lane Register.

15. LIGHT MOTOR VEHICLE PROHIBITIONS

- 15.1. Subject to the installation of the prescribed signs and/or markings Council may by resolution restrict or prohibit any vehicle having a gross motor vehicle mass less than 3,500kg from being operated on any road generally between the hours of 9pm and 4am unless specified otherwise in the Light Motor Vehicles Prohibitions Register of this Bylaw.
- 15.2. No person may drive or permit a motor vehicle to be driven in contravention of a resolution made by Council unless:
- a) that motor vehicle is used for the express purpose of visiting a property with a frontage to a road specified in the resolution; or
 - b) that motor vehicle is being used for the time being as a passenger service vehicle; or prior written permission from Council has been obtained.
- 15.3. Council may by resolution:
- a) specify any section of road or roads on which cruising is controlled, restricted, or prohibited;
 - b) prescribe the period of time that must elapse between each time a driver drives on a specified section of road for the driver to avoid being regarded as cruising.
- 15.4. No person shall use a motor vehicle on any specified section of road or roads in contravention of a control, prohibition or restriction made by Council as set out in the Light Motor Vehicle Prohibitions Register.

16. HEAVY MOTOR VEHICLE PROHIBITIONS

- 16.1. No person shall operate engine brakes on any road where the permanent speed limit does not exceed 70 kilometres per hour.
- 16.2. No person shall operate engine brakes on any road identified in the Heavy Motor Vehicle Register, Part 1 Prohibition of Engine Brakes of this Bylaw due to noise nuisance.
- 16.3. No person shall drive or permit to be driven any heavy motor vehicle except a passenger service vehicle on or along those roads, or parts of roads listed in the Heavy Motor Vehicle Register Part 2 Prohibition of Heavy Motor Vehicles of this Bylaw, except for the purpose of picking up, or delivering goods to an address on those roads when alternative access is not available for this purpose.
- 16.4. No person shall drive or permit to be driven or park any heavy motor vehicle or any specified class of heavy motor vehicle during such hours or exceeding such period as may be specified for the roads or public places listed in the Heavy Motor Vehicle Register Part 3 of this Bylaw, except for the purposes of loading or unloading goods or passengers at any property whose access is by way of the road or public place.

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- 16.5. No stock shall be transported in heavy motor vehicles through urban areas except over the routes specified in the Heavy Motor Vehicle Register Part 4 Approve Stock routes in Urban Areas of this Bylaw
- 16.6. No person driving or in charge of any heavy motor vehicle, for the purpose of passing through the City of Hamilton, entering the City on the State Highway network and leaving the City on State Highway network, shall drive or allow such vehicle to be driven on any road other than those roads which are high-lighted as through traffic routes in the map which forms the Heavy Traffic Register, Part 5. However, where such a heavy motor vehicle is over dimension, or carrying an over dimensional load, an alternative route is provided. The alternative route follows Te Rapa Road, Ulster Street, Mill Street, Boundary Road, Peachgrove Road, and Galloway Street. This is also shown Heavy Motor Vehicle Register Part 5 Hamilton City Heavy Vehicle Through Traffic Routes of this Bylaw.
- 16.7. No person driving or in charge of heavy motor vehicle, whose trip traverses State Highway 1 north of Taupiri, for the purpose of passing through the City of Hamilton shall enter or exit the City from or to the north along Gordonton Road, Horsham Downs Road or River Road.
- 16.8. For those heavy motor vehicles with business in the city, no such vehicle should travel on local and collector transport corridors within residential zoned land (on both sides of the road) unless they have a destination on that road, or there is no alternate arterial route that will provide access to their required destination.
- 16.9. The prohibitions set out in 16 shall not apply to:
- a) A network utility operator or its authorised agent or contractor engaged in the provision of, or maintenance of a network utility operation.
 - b) Emergency vehicles, vehicle recovery services, tradespersons' vehicles or campervans as identified on signs approaching the road to which the restriction applies.
 - c) Residential waste collections carried out by either the local authority or a contractor licensed by the local authority.
 - d) Any other class of heavy vehicle the Council may exclude from the prohibitions in 16 in accordance with the Local Government Act 2002 and as identified on signs approaching the road to which the restriction applies.
- 16.10. The Council may amend the Heavy Motor Vehicle Registers by resolution to prohibit any heavy traffic on any road or roads within the city or to remove a heavy traffic prohibition.
- 16.11. The Council may, by resolution, amend the Heavy Motor Vehicle Register Part 6 Weight or Load Restrictions of this Bylaw to regulate the weights of vehicles or loads that may pass over bridges or culverts or roads or to remove any such regulation.

File Note: This file note does not form part of the Bylaw. Please note that weight restrictions may be placed on bridges outside the bylaw through section 11 of the 1974 Heavy Motor Vehicle Regulations

17. STOCK MOVEMENT PROHIBITION

- 17.1. No person shall move or permit the movement of stock on any road other than in a vehicle, except with authority from Council, which may be given with or without restrictions.

18. FREEDOM CAMPING ON ROADS

- 18.1. No person shall freedom camp in Civic Plaza and Garden Place, as set out in the Freedom Camping Register of this Bylaw.
- 18.2. A person using a self-contained vehicle ~~which displays an NZS 5465:2001 self-containment certificate,~~ may stop, stand or park on any local road and collector road where parking is not controlled or is not in contravention of a restriction imposed by the Council and evidenced by appropriate signs and/or road markings and use it for the purposes of freedom camping under the condition that;

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- a) the self-contained vehicle does not pose a health and safety risk
- b) all waste is disposed of at an authorised dump station
- c) the self-contained vehicle is not parked on the same road for any continuous period exceeding 3 days without authority from Council.
- d) does not cause a nuisance to residents.

19. PEDESTRIAN MALLS

- 19.1. Council may, by using the special consultative procedure set out under Section 336 of the Local Government Act 1974;
- a) declare a specified road or part of a specified road to be a pedestrian mall; and
 - b) prohibit or restrict the driving, riding, or parking of any vehicle, on all or any portion of the pedestrian mall either;
 - i. generally; or
 - ii. during particular hours
- 19.2. The roads, parts of road and places listed in Pedestrian Mall Register, Part 1 are declared 'Pedestrian Malls' with the conditions as set out in that register.

20. SHARED ZONES

- 20.1. Council may by resolution specify any road to be a shared zone and specify any restrictions on how the shared zone is to be used by the public. In addition to any roads declared to be shared zone by resolution under Clause 20.1, the roads, parts of road and places listed in Shared Zones Register of this Bylaw are 'Shared Zones'.
- 20.2. Except where Council has by resolution specified otherwise, no person may stand or park a vehicle in a shared zone.
- 20.3. No person may use a shared zone in a manner contrary to any restriction made by Council.

21. CHILDREN IN VEHICLES

- 21.1. Council may enter or allow entry into a vehicle in any parking area to aid a child who has been left unattended in that vehicle, where it appears that the child is in distressed condition or leaving the child in the vehicle is likely to endanger its safety or health.

22. ANIMALS IN VEHICLES

- 22.1. Council may enter or allow entry into any vehicle in any parking area where an animal has been left unattended in that vehicle and it appears that the animal is in a distressed condition.

23. LAUNCHING RAMPS

- 23.1. No person may use a launching ramp other than for launching boats from trailers or retrieving boats onto trailers, except with authorisation from Council.
- 23.2. No person shall:
- a) Stop any vehicle on any part of a launching ramp or the approach to a launching ramp for longer than is necessary to launch or recover a boat.
 - b) Drive or move any vehicle onto a launching ramp to recover a boat before the boat is ready to be recovered.
- 23.3. Council may, by resolution, amend the Launching Ramp Register to remove or add launching ramps and approaches to launching ramps from this Register.

24. TRADING AT INTERSECTIONS

- 24.1. No person shall, within 50 metres of any intersection on any road, attempt to sell to, advertise or trade with any person in any vehicle stopped on any road, unless they comply with the Hamilton

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City Public Places Bylaw 2016 and subsequent amendments.

For clarity, trade includes activities such as window washing and collecting donations.

25. SEIZURE AND IMPOUNDING

- 25.1. A council enforcement officer authorised to enforce the provisions of this bylaw, may seize and impound any property used in a manner that breaches this bylaw if:
- a) the property is materially involved in the commission of an offence; and
 - b) it is reasonable in the circumstances to seize and impound the property; and
 - c) before seizing and impounding the property, the enforcement officer:
 - i. directed (orally or in writing) the person committing the offence to stop committing the offence; and
 - ii. has advised (orally or in writing) the person committing the offence that, if he or she does not stop committing the offence, the enforcement officer has power to seize and impound the property; and
 - iii. provided the person with a reasonable opportunity to stop committing the offence.
- 25.2. However, if the property is not in the possession of a person at the time the enforcement officer proposes to seize and impound the property, the enforcement officer does not have to comply with
- 25.3. As soon as practicable after seizing and impounding the property, an enforcement officer must give a notice in the prescribed form (where a form is prescribed):
- a) to the person in possession of the property at the time it was seized and impounded; or
 - b) if paragraph a) does not apply, to any person who the enforcement officer can ascertain is the owner of, or has an interest in, the property.
- 25.4. Council may require the vehicle owner to pay Council's costs in seizing, impounding, transporting, and storing the property.
- 25.5. A notice under this section may be served:
- a) By delivering it, or a copy of it, personally to the person who appears to be in possession of the property at the time it was seized and impounded; or
 - b) By sending it, or a copy of it, by post addressed to any person who the enforcement officer can ascertain is the owner of, or has an interest in, the property at his or her last known place of residence or business or postal address.

26. REMOVAL OF VEHICLES AND THINGS

- 26.1. In addition to the powers conferred on it by any other enactment, Council may remove or cause to be removed any vehicle or thing found to be in breach of this bylaw, from any parking place, transport station or road.
- 26.2. Council may recover from the person who committed the breach of this bylaw the costs incurred by Council in connection with the removal of the vehicle or thing.

27. OFFENCES AND PENALTIES

- 27.1. Every person commits an offence against this Bylaw who;
- a) Fails to comply with any control, restriction, limitation or prohibition made pursuant to this bylaw, or
 - b) Fails to comply in all respects with any prohibition, restriction, direction or requirement indicated by the lines, markings, traffic signs and other signs or notices laid down, placed, made or erected on or upon any road, public car park, reserve or other places controlled by the Council under any of the provisions of this Bylaw.
 - c) Fails to comply with any condition, duty, or obligation, imposed by this Bylaw.

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27.2. Every person who commits an offence against a clause in this Bylaw is liable under the enabling legislation, to penalties and fines as set out below;

- a) Every person who fails to comply with any control, restriction, limitation or prohibition made pursuant to this bylaw under Section 242(4) of the Local Government Act 2002, is liable on summary conviction to a fine not exceeding \$20,000.
- b) Every person who fails to comply with any control, restriction, limitation or prohibition made pursuant to this bylaw under the Land Transport Act 1998 commits an offence under the Land Transport Act 1998 and the Land Transport (Road User) Rule 2004 and is liable to the penalties and fines as set out in the Land Transport Act 1998 and the Land Transport (Road User) Rule 2004.
- c) A person may not be subject to proceedings under this Bylaw, if that person is also, for the same facts, being proceeded against for a breach of the Land Transport Act 1998.
- d) Every person who fails to comply with clauses in this bylaw made pursuant to the Freedom Camping Act 2011 commits an offence against the Freedom Camping Act 2011 and is liable to the penalties and fines set out in Section 23 of the Freedom Camping Act 2011.

27.3. The following table outlines the offences and the enabling statutes:

Clause	Summary of Offence	Enabling Statutes
4	Stopping, standing and parking	Land Transport Act 1998 22AB, section 1
5	Parking Places	Land Transport Act 1998 22AB, section 1,
6	Parking Fees to be Paid	Land Transport Act 1998 22AB, section 1,
7	Temporary alternative use of parking places	Land Transport Act 1998 22AB, section 1,
8	Unlawful parking	Land Transport Act 1998 22AB, section 1,
9	Resident's Parking	Land Transport Act 1998 22AB, section 1,
10	One way Roads	Land Transport Act 1998 22AB, section 1,
11	Turning Restrictions	Land Transport Act 1998 22AB, section 1,
12	Turning Movements	Land Transport Act 1998 22AB, section 1,
13	Cycle Paths	Land Transport Act 1998 22AB, section 1,
14	Special Vehicle Lanes	Land Transport Act 1998 22AB, section 1,
15	Light Motor Vehicle Prohibitions	Land Transport Act 1998 22AB, section 1,
16.1, 16.3 – 16.11	Heavy Motor Vehicle Prohibitions	Land Transport Act 1998 22AB, section 1,
16.2	Engine Braking	Local Government Act 2002, Section 145 (a)
17	Stock Movement Prohibition	Land Transport Act 1998 22AB, section 1
18	Freedom Camping on Roads	Freedom Camping Act 2011, Part 23
19	Pedestrian Malls	Local Government Act 1974, Section 336
20	Shared Zones	Land Transport Act 1998 22AB, section 1
21	Children in Vehicles	Land Transport Act 1998 22AB, section 1
22	Animals in vehicles	Land Transport Act 1998 22AB, section 1
23	Launching Ramps	Land Transport Act 1998 22AB, section 1
24	Trading at Intersections	Land Transport Act 1998 22AB, section 1
25	Seizure and Impound	Local Government Act 2002, Part 8
26	Removal of Vehicles and Things	Land Transport Act 1998 22AB, section 1

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28. DEFENCES

28.1. A person is not in breach of this Bylaw if that person proves that the act or omission complained of:

- a) Took place in compliance with the directions of an enforcement officer, a parking warden or a traffic control device; or
- b) Was performed by an enforcement officer or a parking warden and was necessary in the execution of that person's duty.

29. EXEMPTED VEHICLES

29.1. This Bylaw shall not apply to emergency vehicles being used in an emergency.

29.2. Clauses 4, 6, 7, 9, 14, 15, 19 and 20 of this Bylaw shall not apply to medical practitioners such as doctors, district nurses and midwives who are attending an emergency.

29.3. This Bylaw shall not apply to vehicles operated by the Council or for the Council during the necessary fulfilment of Council's statutory functions, duties or powers.

29.4. This Bylaw shall not apply to vehicles operated by Utility providers whilst engaged in emergency repair work to a public utility service.

The foregoing bylaw was made by the **HAMILTON CITY COUNCIL** by Special Consultative Procedure and confirmed at a meeting of the Council held on 16 December 2021. This bylaw becomes operative on 20 December 2021.

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Explanatory Notes:

Table of Registers

#	Register Title
1	Shared Zones
2	Pedestrian Malls
3	Residents Parking
4	Cycle Paths
5	Freedom Camping
6	Launching Ramps
7	Heavy Motor Vehicle Prohibitions
	• Part 1 – Prohibition of Engine Brakes
	• Part 2 – Prohibition of Heavy Motor Vehicles
	• Part 3 – Restrictions to Access of Heavy Motor Vehicles
	• Part 4 – Approved Stock Routes in Urban Areas
	• Part 5 – Hamilton City Heavy Vehicle Through Traffic Routes
	• Part 6 – Weight or Load Restrictions
	• Part 6B – HPMV Approved Routes
	• Part 6C – 50MAX Heavy Motor Vehicle restrictions
8	Light Motor Vehicle Prohibitions
	• Part 1 - Cruising
	• Part 2 – Motor vehicles under 3,500kg restrictions
9	One Way Roads
10	Special Vehicle Lanes
	• Part 1 – Cycle Lanes
	• Part 2 – Bus Lanes
	• Part 3 – Transit Lanes
11	Turning Movements
12	Turning Restrictions
	• Part 1 – Right Turns
	• Part 2 – Left Turns
	• Part 3 – U Turns
13	Stop Signs
14	Metered Parking Places and Zone Parking

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Approved by: Council	Date Adopted: 16 December 2021
Date in Force: 20 August 2021	Review Date: 16 December 2031
Version history: 3 August 2023 – Minor amendments made following enactment of the Self-contained Motor Vehicles Legislation Act 2023	

Hamilton Traffic Bylaw 2021

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28. DEFENCES	17
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<p>This bylaw was reviewed in 2021 and in 2023 as per the section 158(1) of the Local Government Act 2002 and updated with minor amendments. This bylaw replaces the Hamilton City Traffic Bylaw 2015.</p>	
1. GENERAL	
1.1. This Bylaw is made under the Local Government Act 1974, the Local Government Act 2002, the Land Transport Act 1998 and the Freedom Camping Act 2011.	
1.2. Purpose The purposes of this Bylaw are to protect the public from nuisance and protect, promote, and maintain public health and safety. This is through setting the requirements for parking, establishing standards for activities within the road reserve and general control of vehicular or other traffic.	
1.3. Scope This bylaw covers Garden Place, Civic Plaza, transport stations and any road in Hamilton City Council's district including State Highways controlled by New Zealand Transport Agency.	
2. DEFINITIONS For the purposes of this Bylaw the following definitions shall apply:	
Act	means the Land Transport Act 1998 the regulations and the rules under that Act.
Approved disabled person's parking permit	Has the same meaning as the Land Transport (Road User) Rule 2004
Boat	Includes jet skis and other water borne vessels.
Bus	Means a bus as defined in the Land Transport (Road User) Rule 2004.
Bus Lane	Means a lane reserved by a marking or sign installed at the start of the lane and at each point at which the lane resumes after an intersection for the use of: a. buses; and b. cycles, transport devices, mopeds, and motorcycles (unless one or more are specifically excluded by the sign).
Bus Stop	a. means a place where passengers may board or alight from a bus indicated by a sign that includes the text "Bus Stop" as specified in Schedule 1 of the Land Transport Rule; Traffic Control Devices 2004; and b. Includes an area of the road in the vicinity of a place that is reserved for a bus stop to allow passengers to board or alight from the bus.
Chief Executive	Means the Chief Executive of Hamilton City Council
City	Means Hamilton City
Class of Vehicle	Means groupings of vehicles defined by reference to any common feature and includes- a) vehicles by type, description, weight, size or dimension;
<hr/>	
HAMILTON CITY COUNCIL HAMILTON TRAFFIC BYLAW 2021	
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	<ul style="list-style-type: none"> b) vehicles carrying specified classes of load by the mass, size or nature of such loads; c) vehicles carrying no fewer or less than a specified number of occupants; d) vehicles used for specified purposes; e) vehicles driven by specified classes of persons; f) carpool and shared vehicle; and g) vehicles displaying a permit authorised by Hamilton City Council
Cruising	<p>Means driving repeatedly in the same direction over the same section of road in a motor vehicle in a manner that-</p> <ul style="list-style-type: none"> a) draws attention to the power or sound of the engine of the motor vehicle being driven; or b) creates a convoy that- <ul style="list-style-type: none"> i. is formed otherwise than in trade; and ii. impedes traffic flow.
Council	The Hamilton City Council or any officer authorised to exercise the authority of the Council.
Cycle	<p>Means</p> <ul style="list-style-type: none"> a) A wheeled vehicle that is designed primarily to be propelled by the muscular energy of the rider by means of a crank; and b) Includes a power assisted cycle
Cycle Lane	<p>Means a longitudinal strip within a roadway that is reserved for the use of-</p> <ul style="list-style-type: none"> a) cycles; and b) transport devices (unless specifically excluded from using the lane by a marking or traffic sign); and c) are included in the Cycle Lane Register of this bylaw
Cycle Path	<p>Means part of the road that, defined by signs or markings and is physically separated from the roadway that is intended for the use of cyclists, but which may be used also by pedestrians; and</p> <ul style="list-style-type: none"> a) includes a cycle track formed under section 332 of the Local Government Act 1974 b) are included in Cycle Path Register of this bylaw
Designated	Means specified by Council by resolution.
Driver	Means a person driving a vehicle; and includes the rider of an all-terrain vehicle, a motorcycle, a moped, a cycle, a mobility device or transport device.
Emergency Vehicle	Has the same meaning as in the Land Transport (Road User) Rule 2004.
Enactment	Has the same meaning as section 29 of the Interpretation Act 1999.
Enforcement Officer	<p>Means;</p> <ul style="list-style-type: none"> a) any person appointed or authorised in writing by the Chief Executive or by the Council to act on its behalf and with its authority including a Parking Warden appointed by the Council under the provisions of the Land Transport Act 1998, b) and includes Police Officers.
Engine Brakes	Means a device or feature of an engine to increase, when applied, the retardation force provided by the engine that can be utilised to control the speed of the vehicle.
Freight Container	Is an article of transport equipment that is: Of a permanent character and strong enough to be suitable for repeated use; Specifically designed to facilitate the

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	transport of goods, by one or more modes of transport, without intermediate loading; and Designed to be secured and readily handled having fittings for these purposes.
Freedom Camping	Has the same meaning as the Freedom Camping Act 2011.
Footpath	Means a path or way principally designed for, and used by, pedestrians; and includes a footbridge
Goods Service Vehicle	Means a motor vehicle that is: <ol style="list-style-type: none"> designed exclusively or principally for the carriage of goods; or used for the collection or delivery of goods in the course of trade.
Heavy Motor Vehicle	Has the same meaning as in the Land Transport (Road User) Rule 2004.
Lane	<ol style="list-style-type: none"> Means a longitudinal strip of the roadway intended for the passage of vehicles or a specific class of vehicles that is separate from other parts of the roadway by- <ol style="list-style-type: none"> a longitudinal line or lines of paint or raised studs; or another method of lane delineation specified in clause 7.12(1) or (1A) of the Land Transport Rule: Traffic Control Devices 2004; and includes- <ol style="list-style-type: none"> a cycle lane; and a lane for the use of vehicular traffic that is at least 2.5m wide; and a lane of a two-way road divided by a centre line
Launching Ramp	Means a place described in the Launching Ramp Register of this Bylaw.
Metered Parking Place	Means any road or portion of a road or any area of land or any building owned or controlled by the Council which is designated as a parking place and requires a prescribed fee or rental charge for a limited time.
Mobility Device	Has the same meaning as the Land Transport (Road User Rule) 2004.
Mobility Parking Space	Means a parking place set aside under the provisions of this Bylaw for use by people who hold an approved disabled person's parking permit.
Motor vehicle	<p>means a vehicle drawn or propelled by mechanical power; and includes a trailer; but <u>does not include</u>-</p> <ol style="list-style-type: none"> a vehicle running on rails; or a trailer (other than a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of the New Zealand Defence Force; or a trailer running on 1 wheel and designed exclusively as a speed measuring device or for testing the wear of vehicle tyres; or a vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or a pedestrian-controlled machine; or a vehicle that the Agency has declared under section 168A of the Act is not a motor vehicle; or

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	g) a mobility device.
Network Utility Operator	Has the same meaning given to it by section 166 of the Resource Management Act 1999.
Parking Machine	Means a device or system (including electronic or software based systems) that is used to collect payment in exchange for a vehicle parking in a particular place for a limited time.
Parking Place	Means a place (including a building) where vehicles, or any class of vehicles may stop, stand or park; and may be situated: <ul style="list-style-type: none"> a) within a road or road reserve (on-street parking); or b) on property owned by Council which is not road reserve (off-street parking)
Parking Warden	Means a parking warden appointed under section 128D of the Land Transport Act 1998.
Passenger Service Vehicle	Has the same meaning as section 2(1) of the Land Transport Act 1998.
Pedestrian	Means <ul style="list-style-type: none"> a) a person on foot on a road; or b) a person in or on a contrivance equipped with wheels or revolving runners that is not a vehicle; or c) a person operating a powered wheelchair
Pedestrian Crossing	Has the same meaning as the Land Transport (Road User Rule) 2004.
Pedestrian Mall	Means a road or part of a road specified by the council where the driving, riding or parking of vehicles or the riding of animals is prohibited either generally or during particular hours. A pedestrian mall only has legal status if it has been declared as stated in section 336 of the Local Government Act 1974.
Person	Includes a natural person, corporation sole and body of persons whether incorporated or unincorporated.
Power-assisted Cycle	Has the same meaning as the Land Transport (Road User Rule) 2004.
Powered transport device	Means a wheeled vehicle (other than a cycle or a mobility device) powered by 1 or more propulsion motors, that the Agency has declared, under section 168A(2) or (3) of the Act, is not a motor vehicle.
Powered wheelchair	Means- <ul style="list-style-type: none"> a. a mobility device that is a wheelchair propelled by mechanical power and operated by a joystick or other specialist interface; but b. does not include a mobility device operated by a tiller or handlebar
Public Work	Has the same meaning as section 2 of the Public Works Act 1981.
Public Place	Includes <ul style="list-style-type: none"> a) every motorway, road, street, private street, footpath, access way, service lane, court, mall, and thoroughfare b) any public reserve within the meaning of section 2 of the Reserves Act 1977 to which the public generally has access, whether with or without payment

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of any fee, and any reserve under that Act classified as a nature reserve or a scientific reserve:

- c) any park, garden, or other place of public recreation to which the public has access, whether with or without payment of any fee:
- d) any beach or foreshore, or the bank of any river or stream, or the margin of any lake, to which the public traditionally has access, whether with or without payment of any fee:
- e) any waters to which the public traditionally has access, whether with or without payment of any fee, for bathing or other recreational purposes:
- f) every wharf, pier, or jetty (whether under the control of a harbour board or not) to which the public has access:
- g) any conservation area within the meaning of the Conservation Act 1987:
- h) any airport within the meaning of section 2 of the Airport Authorities Act 1966:
- i) any cemetery within the meaning of section 2 of the Burial and Cremation Act 1964:
- j) any land vested in or controlled by any local authority (within the meaning of section 5(1) of the Local Government Act 2002) or the Crown, being land that is not occupied pursuant to any lease, licence, or other authority by any private person:
- k) any national park constituted under the National Parks Act 1980:
- l) any other place whether public or private in the open air, including any walkway within the meaning of section 4 of the Walking Access Act 2008, to which the public has access, whether with or without payment of any fee.

Resident	For any particular road subject to a Residents' Parking Scheme under this Bylaw, means a person who resides in a dwelling, apartment or other building which has its only or principal access to that particular road or which has such access in the vicinity of that road.
Residential Zone	Any area designated as a Residential Zone under the Hamilton City Operative District Plan.
Residents' Exemption Permit	Means a permit granted by the Council to eligible residents exempting the permit holder from any time restrictions imposed on any place or area subject to parking restrictions.
Residents Only Permit	Means a permit granted by the Council to eligible residents authorising the permit holder to park in designated Residents' Only parking places specified in the permit.
Residents' Parking Permit	Means the provision by the Council of parking places for residents under clause 11 of this Bylaw which may be used in conjunction with any other parking or loading restrictions that apply outside the hours of operation of the Residents' Parking Scheme.
Rider	means a person riding an animal, an all terrain vehicle, a motorcycle, a moped, a cycle, a mobility device, or a transport device
Road	Means all land comprising formed and unformed roads as defined in the Local Government Act 1974.
Roadway	Means that portion of the road used or able to be used for the time being for vehicular traffic in general.

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Self-Contained Vehicle	Means a motor vehicle used for camping which meets the conditions of the Freedom Camping Act 2011.
School Patrol Crossing	Has the same meaning as in the Land Transport (Road User) Rule 2004.
Shared Path	Means a path that is intended to be used as a path by some or all of the following persons at the same time: <ul style="list-style-type: none"> a) Pedestrians; b) Cyclists c) Riders of mobility devices d) Riders of transport devices
Shared Zone	Means a length of roadway, defined by signs or markings, intended to be used by pedestrians and vehicles, as set out in the Land Transport (Road User) Rule 2004.
Special vehicle lane	Has the same meaning as in the Land Transport (Road User) Rule 2004.
State Highway	Means a state highway defined in Part 1 of the Land Transport Management Act 2003.
Stock	Includes sheep, cattle, goats and any other herd animal, but does not include a horse that is being led, ridden, or which is drawing any vehicle.
Trade or Trading	Includes but is not limited to the exchange, purchase, or sale of goods; the provision of entertainment activities in return for donations; keeping a mobile shop; busking; hawking; locating and operating a stall; displaying merchandise; setting out street furniture; window washing.
Traffic Control Device	Has the same meaning as Part 2 of the Land Transport (Traffic Control Devices) Rule 2004.
Transport Corridor	All Roads as defined above and includes all land from boundary to boundary (including the Berm and Carriageway).
Transport device	Means- <ul style="list-style-type: none"> a) a powered transport device; or b) an unpowered transport device
Transport Station	Has the same meaning as section 591 (6) of the Local Government Act 1974.
Transit Lane	Means a lane, defined by signs or markings, reserved for the use of the following (unless specifically excluded by a sign installed at the start of the lane): <ul style="list-style-type: none"> a) passenger service vehicles; b) motor vehicles carrying not less than the number of persons (including the driver) specified on the sign; c) cycles; d) transport devices e) motorcycles; f) mopeds.

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Unpowered transport device	Means a wheeled vehicle, other than a cycle, that is propelled by human power or gravity.
Vehicle	Has the same meaning as in the Land Transport Act 1998.
Vehicle Crossing	Is a place where vehicles are being taken or, in the opinion of the council, are likely to be taken, on to or from any land across any footpath on any road or any water channel on or adjoining any road.
Zone Parking	Has the same meaning as in Land Transport Rule: Traffic Control Devices 2004.

3. INTERPRETATION

- 3.1. Any undefined words, phrases or expressions used in this bylaw have the same meaning as in the Act unless the context plainly requires a different meaning.
- 3.2. The Interpretation Act 1999 applies to the interpretation of this bylaw.
- 3.3. Explanatory notes are for information purposes only, do not form part of this bylaw, and may be inserted or changed by Council at any time.

4. STOPPING, STANDING AND PARKING

- 4.1. No person shall stop, stand, or park a motor vehicle or motor vehicle combination on any road or parking place in contravention of a restriction imposed by the Council and evidenced by appropriate signs and/or road markings. Notwithstanding the provisions of this subclause and subject to such conditions as appropriate in the circumstances and payment of the prescribed fee, the Council may authorise the stopping, standing or parking of specified vehicles.
- 4.2. No person shall stop, stand or park a heavy motor vehicle or heavy motor vehicle combination for a period of more than one hour on any parking place adjacent to residential zoned. This clause does not prohibit a vehicle from stopping, standing or parking for a period that is reasonably required for the purpose of loading or unloading that vehicle in the course of trade.
- 4.3. No person shall stop, stand, or park any vehicle which by reason of its condition or content causes an offensive odour on any part of the transport corridor, including any parking place.
- 4.4. No person shall, without the prior written permission of the Council, park a motor vehicle or trailer for the purpose of advertising a good or service or for offering the vehicle for sale unless the vehicle is being used for day to day private travel, on any part of the transport corridor, including any parking place. This restriction includes vehicles and trailers displayed for sale, and mobile billboards.
- 4.5. Except with the prior written permission of the Council, no person shall stop, stand or park a vehicle within the transport corridor, for any period exceeding three days, if that vehicle cannot be easily moved on at the request of the Council. No person is permitted to use a vehicle so parked as a place of sleeping accommodation unless they comply with the Freedom Camping on Roads provisions of this Bylaw.
- 4.6. No person shall park or place any machinery, equipment, materials, waste disposal bins, skips or freight containers within the transport corridor except with the permission of the Council and in accordance with any conditions that Council may require. Council may remove any such item for non-compliance with any condition, at the owner's cost. This clause does not apply to those containers that are used solely for the purpose of residential waste collection as authorised by the Council, provided that such containers are placed in compliance with the Solid Waste Bylaw 2019.

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- 4.7. No person shall operate any crane, mobile crane, excavator or drill rig parked on a road, except with the permission of Council and in accordance with any conditions that Council may impose.
- 4.8. No person shall repair, alter or add to a vehicle while the vehicle is on the road, unless those repairs, alterations or additions are necessary to enable the vehicle to be removed from the road.
- 4.9. Regardless of whether a sign is present, a person must not stop, stand or park a motor vehicle on any part of the transport corridor which is laid out as a cultivated area, including a grass plot, a flower bed or shrubbery.
- 4.10. A person may stop, stand or park a motor vehicle in contravention of clause 4.9. if;
 - a) that part of the road is designed and constructed to accommodate a parked vehicle; and
 - b) Council has given permission to stop, stand or park a vehicle in that part of the road.
- 4.11. No person shall stop, stand or park a vehicle on any reserve unless:
 - a) It is within an area set aside for parking and the parking is associated with the use of the reserve; or
 - b) The person has received prior approval from the Council.

5. PARKING PLACES

- 5.1. The Council may with reference to a specified parking place or places, by resolution:
 - a) Permit or prohibit a class or classes of motor vehicles; and
 - b) Permit or prohibit time restrictions on parking; and
 - c) Specify and impose conditions of parking in that parking place or in those parking places; and
 - d) Specify part or parts that are available for public use; and
 - e) Specify part or parts that are available for reserve parking; and
 - f) Specify and prescribe fees and rental charges for parking in or reserving parking in that parking place or in those parking places; and
 - g) prescribe the means by which parking fees may be paid including, by the use of parking machines or otherwise
 - h) permit specified parking places to be used for street vending and market purposes
- 5.2. Council shall display signs indicating any such prohibition, specification or condition as it applies to any road or parking place.
- 5.3. The Council may from time to time, by resolution:
 - a) Declare any road or part of a road, including the days and times, to be a metered parking place or zone parking
 - b) Declare the number and situation of parking places within a metered area.
 - c) Declare the time allowed for parking in such metered parking places and areas of zone parking beyond which it shall be unlawful to remain parked.
- 5.4. Metered parking places, and zone parking requirements apply between 8am and 6pm every day of the week, except where signs relating to those metered areas/places, and zone parking and the Metered Parking Places and Zone Parking Register of this Bylaw indicate otherwise.
- 5.5. Any restrictions that apply to a zone, do not apply in locations within that zone parking area where other specific stopping, standing and parking restrictions apply.

6. PARKING FEE TO BE PAID

- 6.1. No driver or person in charge of a vehicle shall park in a metered parking place or area of zone parking without:

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- a) having paid the appropriate fee and, where required, displayed a legible receipt; and
 - b) correctly activated any parking machine controlling the parking place or zone parking in compliance with any instructions on the parking machine.
- 6.2. No driver or person in charge of a vehicle shall allow that vehicle to remain in or occupy a metered parking place without paying the appropriate fee.
- 6.3. No driver or person in charge of a vehicle shall allow that vehicle to remain in or occupy a metered parking place for longer than the maximum period for parking in that metered area, except as provided by 6.5
- 6.4. Where more than one motorcycle occupies a metered parking place it shall not be necessary for the payment of more than one parking fee. No motorcycle shall remain parked in the metered space after the time has expired and each motorcycle so parking is in breach of this Bylaw.
- 6.5. Where a vehicle displays an approved Mobility Parking Permit, the driver or person in charge of the motor vehicle may occupy a metered parking place for double the maximum time period allowed, provided that the appropriate fee has been paid for the maximum time period. The permit shall not be displayed if the parking place is not being used for the benefit of the Mobility Parking Permit holder.
- 6.6. Unless otherwise specified by Council the driver or person in charge of a motor vehicle in which an approved Mobility Parking Permit is displayed may occupy a mobility parking space for no fee.
- 6.7. Where the Council has reserved parking places as mobility parking spaces, the approved Mobility Parking Permit shall be displayed so that it is clearly visible. The permit shall not be displayed if the parking place is not being used for the benefit of the permit holder.

7. TEMPORARY ALTERNATE USE OF PARKING PLACES

- 7.1. Where parking at a metered parking place or within zone parking is to be temporarily halted, the Council may place or erect signs or notices (or authorise the placing or erecting of signs or notices) stating parking is not available in the specified place or area. It shall be unlawful for any person to park a vehicle in a metered parking place or within specified zone parking areas where parking has been temporarily halted, except with the written permission of the Council.

8. UNLAWFUL PARKING

- 8.1. No person shall park any vehicle or vehicle combination in a parking place except as permitted by the provisions of this Bylaw.
- 8.2. No person shall park a vehicle or vehicle combination in a parking place so that any part of that vehicle extends beyond any line defining that place unless by reason of its size it may be necessary for the vehicle to extend onto an adjoining and unoccupied parking place. If the parking places occupied by the vehicle or vehicle combination are metered parking places the driver shall be liable to pay a parking fee for each place so occupied.
- 8.3. No person shall, if a parking machine is not in operation, park in a metered place governed by that parking machine for a period greater than the maximum indicated on that machine, except where the vehicle is being used for the benefit of an approved mobility parking permit holder.
- 8.4. No person shall obstruct vehicle access to or egress from any parking place.
- 8.5. No vehicle shall be returned to any metered parking place on a road until a period of 20 minutes has elapsed from the time the vehicle previously left the metered parking place.

9. RESIDENTS' PARKING

- 9.1. Council may by resolution reserve any specified parking place as-

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- a) a residents' only parking area for the exclusive use of a person who resides in the vicinity.
 - b) a residents' exemption parking area for the use of a person who resides in the vicinity.
- 9.2. Council may by resolution prescribe-
- a) any fees to be paid annually or in any other specified manner, for the use by persons residing in the vicinity of a parking place; and
 - b) the manner by which any fees may be paid for the use of a parking place by persons residing in the vicinity.
- 9.3. Residential parking restrictions are recorded in the Residents Parking Register of this Bylaw.
- 9.4. Any person who parks a vehicle in a parking place reserved for the exclusive use of a person who resides in the vicinity must pay the prescribed fee and where required display a current approved resident's parking permit so that it is clearly legible.
- 9.5. A person must not park a vehicle in a resident's parking place in contravention of a prohibition or restriction made by Council unless a current approved resident's parking permit is obtained and prominently displayed in the vehicle where required.

10. ONE-WAY ROADS

- 10.1. Subject to the erection of the prescribed signs and/or markings, a person may only drive along the roads or parts of roads listed as a 'one-way road' in the One Way Roads Register of this Bylaw, in the direction specified.
- 10.2. The Council may by resolution specify that cycles may travel in the opposite direction on a one way road.
- 10.3. The Council may by resolution amend the One Way Roads Register to provide for a road, or part of a road, to be a one-way road, or to provide that a road should cease to be used as a one-way road.

11. TURNING RESTRICTIONS

- 11.1. Subject to the installation of the prescribed signs and/or markings, no person shall drive a vehicle contrary to any turning restriction listed the Turning Restrictions Register of this Bylaw.
- 11.2. The Council may by resolution amend the Turning Restrictions Register to prohibit turns, for vehicles on a roadway turning from facing or travelling in one direction to facing or travelling in the opposite direction (No 'U-turns').

12. TURNING MOVEMENTS PERMITTED BY SPECIFIED CLASSES OF VEHICLES

- 12.1. Subject to the installation of the prescribed signs and/or markings, the turning movements listed in the Turning Movements Register of this Bylaw shall be managed by specified classes of vehicles.
- 12.2. The Council may by resolution amend the Turning Movements Register to permit turning movements by specified classes of vehicles at a traffic lane, or to provide that a turning movement or turning movements by specified classes of vehicles should cease at a traffic lane.

13. CYCLE PATHS

- 13.1. Subject to the installation of the prescribed signs and/or markings, the roads, parts of roads and places listed in the Cycle Paths Register of this Bylaw are Cycle Paths and are to operate as shared paths. Priority (if any) is indicated in this register.

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- 13.2. The Council may by resolution amend the Cycle Paths Register to provide for a road, or part of a road, to be used as a Cycle Path either permanently or for a set period of time, or to provide that a road or part of a road should cease to be used as a Cycle Path.

14. SPECIAL VEHICLE LANES

- 14.1. Subject to the installation of the prescribed signs and/or markings Council may by resolution prescribe a road, or a part of a road, as a special vehicle lane that may only be used by a specified class or classes of vehicle.
- 14.2. A person must not use a special vehicle lane contrary to any restriction made by Council as listed in the Special Vehicle Lane Register.

15. LIGHT MOTOR VEHICLE PROHIBITIONS

- 15.1. Subject to the installation of the prescribed signs and/or markings Council may by resolution restrict or prohibit any vehicle having a gross motor vehicle mass less than 3,500kg from being operated on any road generally between the hours of 9pm and 4am unless specified otherwise in the Light Motor Vehicles Prohibitions Register of this Bylaw.
- 15.2. No person may drive or permit a motor vehicle to be driven in contravention of a resolution made by Council unless:
- a) that motor vehicle is used for the express purpose of visiting a property with a frontage to a road specified in the resolution; or
 - b) that motor vehicle is being used for the time being as a passenger service vehicle; or prior written permission from Council has been obtained.
- 15.3. Council may by resolution:
- a) specify any section of road or roads on which cruising is controlled, restricted, or prohibited;
 - b) prescribe the period of time that must elapse between each time a driver drives on a specified section of road for the driver to avoid being regarded as cruising.
- 15.4. No person shall use a motor vehicle on any specified section of road or roads in contravention of a control, prohibition or restriction made by Council as set out in the Light Motor Vehicle Prohibitions Register.

16. HEAVY MOTOR VEHICLE PROHIBITIONS

- 16.1. No person shall operate engine brakes on any road where the permanent speed limit does not exceed 70 kilometres per hour.
- 16.2. No person shall operate engine brakes on any road identified in the Heavy Motor Vehicle Register, Part 1 Prohibition of Engine Brakes of this Bylaw due to noise nuisance.
- 16.3. No person shall drive or permit to be driven any heavy motor vehicle except a passenger service vehicle on or along those roads, or parts of roads listed in the Heavy Motor Vehicle Register Part 2 Prohibition of Heavy Motor Vehicles of this Bylaw, except for the purpose of picking up, or delivering goods to an address on those roads when alternative access is not available for this purpose.
- 16.4. No person shall drive or permit to be driven or park any heavy motor vehicle or any specified class of heavy motor vehicle during such hours or exceeding such period as may be specified for the roads or public places listed in the Heavy Motor Vehicle Register Part 3 of this Bylaw, except for the purposes of loading or unloading goods or passengers at any property whose access is by way of the road or public place.

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- 16.5. No stock shall be transported in heavy motor vehicles through urban areas except over the routes specified in the Heavy Motor Vehicle Register Part 4 Approve Stock routes in Urban Areas of this Bylaw
- 16.6. No person driving or in charge of any heavy motor vehicle, for the purpose of passing through the City of Hamilton, entering the City on the State Highway network and leaving the City on State Highway network, shall drive or allow such vehicle to be driven on any road other than those roads which are high-lighted as through traffic routes in the map which forms the Heavy Traffic Register, Part 5. However, where such a heavy motor vehicle is over dimension, or carrying an over dimensional load, an alternative route is provided. The alternative route follows Te Rapa Road, Ulster Street, Mill Street, Boundary Road, Peachgrove Road, and Galloway Street. This is also shown Heavy Motor Vehicle Register Part 5 Hamilton City Heavy Vehicle Through Traffic Routes of this Bylaw.
- 16.7. No person driving or in charge of heavy motor vehicle, whose trip traverses State Highway 1 north of Taupiri, for the purpose of passing through the City of Hamilton shall enter or exit the City from or to the north along Gordonton Road, Horsham Downs Road or River Road.
- 16.8. For those heavy motor vehicles with business in the city, no such vehicle should travel on local and collector transport corridors within residential zoned land (on both sides of the road) unless they have a destination on that road, or there is no alternate arterial route that will provide access to their required destination.
- 16.9. The prohibitions set out in 16 shall not apply to:
- a) A network utility operator or its authorised agent or contractor engaged in the provision of, or maintenance of a network utility operation.
 - b) Emergency vehicles, vehicle recovery services, tradespersons' vehicles or campervans as identified on signs approaching the road to which the restriction applies.
 - c) Residential waste collections carried out by either the local authority or a contractor licensed by the local authority.
 - d) Any other class of heavy vehicle the Council may exclude from the prohibitions in 16 in accordance with the Local Government Act 2002 and as identified on signs approaching the road to which the restriction applies.
- 16.10. The Council may amend the Heavy Motor Vehicle Registers by resolution to prohibit any heavy traffic on any road or roads within the city or to remove a heavy traffic prohibition.
- 16.11. The Council may, by resolution, amend the Heavy Motor Vehicle Register Part 6 Weight or Load Restrictions of this Bylaw to regulate the weights of vehicles or loads that may pass over bridges or culverts or roads or to remove any such regulation.

File Note: This file note does not form part of the Bylaw. Please note that weight restrictions may be placed on bridges outside the bylaw through section 11 of the 1974 Heavy Motor Vehicle Regulations

17. STOCK MOVEMENT PROHIBITION

- 17.1. No person shall move or permit the movement of stock on any road other than in a vehicle, except with authority from Council, which may be given with or without restrictions.

18. FREEDOM CAMPING ON ROADS

- 18.1. No person shall freedom camp in Civic Plaza and Garden Place, as set out in the Freedom Camping Register of this Bylaw.
- 18.2. A person using a self-contained vehicle may stop, stand or park on any local road and collector road where parking is not controlled or is not in contravention of a restriction imposed by the Council and evidenced by appropriate signs and/or road markings and use it for the purposes of freedom camping under the condition that;
- a) the self-contained vehicle does not pose a health and safety risk

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- b) all waste is disposed of at an authorised dump station
- c) the self-contained vehicle is not parked on the same road for any continuous period exceeding 3 days without authority from Council.
- d) does not cause a nuisance to residents.

19. PEDESTRIAN MALLS

- 19.1. Council may, by using the special consultative procedure set out under Section 336 of the Local Government Act 1974;
- a) declare a specified road or part of a specified road to be a pedestrian mall; and
 - b) prohibit or restrict the driving, riding, or parking of any vehicle, on all or any portion of the pedestrian mall either;
 - i. generally; or
 - ii. during particular hours
- 19.2. The roads, parts of road and places listed in Pedestrian Mall Register, Part 1 are declared 'Pedestrian Malls' with the conditions as set out in that register.

20. SHARED ZONES

- 20.1. Council may by resolution specify any road to be a shared zone and specify any restrictions on how the shared zone is to be used by the public. In addition to any roads declared to be shared zone by resolution under Clause 20.1, the roads, parts of road and places listed in Shared Zones Register of this Bylaw are 'Shared Zones'.
- 20.2. Except where Council has by resolution specified otherwise, no person may stand or park a vehicle in a shared zone.
- 20.3. No person may use a shared zone in a manner contrary to any restriction made by Council.

21. CHILDREN IN VEHICLES

- 21.1. Council may enter or allow entry into a vehicle in any parking area to aid a child who has been left unattended in that vehicle, where it appears that the child is in distressed condition or leaving the child in the vehicle is likely to endanger its safety or health.

22. ANIMALS IN VEHICLES

- 22.1. Council may enter or allow entry into any vehicle in any parking area where an animal has been left unattended in that vehicle and it appears that the animal is in a distressed condition.

23. LAUNCHING RAMPS

- 23.1. No person may use a launching ramp other than for launching boats from trailers or retrieving boats onto trailers, except with authorisation from Council.
- 23.2. No person shall:
- a) Stop any vehicle on any part of a launching ramp or the approach to a launching ramp for longer than is necessary to launch or recover a boat.
 - b) Drive or move any vehicle onto a launching ramp to recover a boat before the boat is ready to be recovered.
- 23.3. Council may, by resolution, amend the Launching Ramp Register to remove or add launching ramps and approaches to launching ramps from this Register.

24. TRADING AT INTERSECTIONS

- 24.1. No person shall, within 50 metres of any intersection on any road, attempt to sell to, advertise or trade with any person in any vehicle stopped on any road, unless they comply with the Hamilton

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City Public Places Bylaw 2016 and subsequent amendments.

For clarity, trade includes activities such as window washing and collecting donations.

25. SEIZURE AND IMPOUNDING

- 25.1. A council enforcement officer authorised to enforce the provisions of this bylaw, may seize and impound any property used in a manner that breaches this bylaw if:
- a) the property is materially involved in the commission of an offence; and
 - b) it is reasonable in the circumstances to seize and impound the property; and
 - c) before seizing and impounding the property, the enforcement officer:
 - i. directed (orally or in writing) the person committing the offence to stop committing the offence; and
 - ii. has advised (orally or in writing) the person committing the offence that, if he or she does not stop committing the offence, the enforcement officer has power to seize and impound the property; and
 - iii. provided the person with a reasonable opportunity to stop committing the offence.
- 25.2. However, if the property is not in the possession of a person at the time the enforcement officer proposes to seize and impound the property, the enforcement officer does not have to comply with
- 25.3. As soon as practicable after seizing and impounding the property, an enforcement officer must give a notice in the prescribed form (where a form is prescribed):
- a) to the person in possession of the property at the time it was seized and impounded; or
 - b) if paragraph a) does not apply, to any person who the enforcement officer can ascertain is the owner of, or has an interest in, the property.
- 25.4. Council may require the vehicle owner to pay Council's costs in seizing, impounding, transporting, and storing the property.
- 25.5. A notice under this section may be served:
- a) By delivering it, or a copy of it, personally to the person who appears to be in possession of the property at the time it was seized and impounded; or
 - b) By sending it, or a copy of it, by post addressed to any person who the enforcement officer can ascertain is the owner of, or has an interest in, the property at his or her last known place of residence or business or postal address.

26. REMOVAL OF VEHICLES AND THINGS

- 26.1. In addition to the powers conferred on it by any other enactment, Council may remove or cause to be removed any vehicle or thing found to be in breach of this bylaw, from any parking place, transport station or road.
- 26.2. Council may recover from the person who committed the breach of this bylaw the costs incurred by Council in connection with the removal of the vehicle or thing.

27. OFFENCES AND PENALTIES

- 27.1. Every person commits an offence against this Bylaw who;
- a) Fails to comply with any control, restriction, limitation or prohibition made pursuant to this bylaw, or
 - b) Fails to comply in all respects with any prohibition, restriction, direction or requirement indicated by the lines, markings, traffic signs and other signs or notices laid down, placed, made or erected on or upon any road, public car park, reserve or other places controlled by the Council under any of the provisions of this Bylaw.
 - c) Fails to comply with any condition, duty, or obligation, imposed by this Bylaw.

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27.2. Every person who commits an offence against a clause in this Bylaw is liable under the enabling legislation, to penalties and fines as set out below;

- a) Every person who fails to comply with any control, restriction, limitation or prohibition made pursuant to this bylaw under Section 242(4) of the Local Government Act 2002, is liable on summary conviction to a fine not exceeding \$20,000.
- b) Every person who fails to comply with any control, restriction, limitation or prohibition made pursuant to this bylaw under the Land Transport Act 1998 commits an offence under the Land Transport Act 1998 and the Land Transport (Road User) Rule 2004 and is liable to the penalties and fines as set out in the Land Transport Act 1998 and the Land Transport (Road User) Rule 2004.
- c) A person may not be subject to proceedings under this Bylaw, if that person is also, for the same facts, being proceeded against for a breach of the Land Transport Act 1998.
- d) Every person who fails to comply with clauses in this bylaw made pursuant to the Freedom Camping Act 2011 commits an offence against the Freedom Camping Act 2011 and is liable to the penalties and fines set out in Section 23 of the Freedom Camping Act 2011.

27.3. The following table outlines the offences and the enabling statutes:

Clause	Summary of Offence	Enabling Statutes
4	Stopping, standing and parking	Land Transport Act 1998 22AB, section 1
5	Parking Places	Land Transport Act 1998 22AB, section 1,
6	Parking Fees to be Paid	Land Transport Act 1998 22AB, section 1,
7	Temporary alternative use of parking places	Land Transport Act 1998 22AB, section 1,
8	Unlawful parking	Land Transport Act 1998 22AB, section 1,
9	Resident's Parking	Land Transport Act 1998 22AB, section 1,
10	One way Roads	Land Transport Act 1998 22AB, section 1,
11	Turning Restrictions	Land Transport Act 1998 22AB, section 1,
12	Turning Movements	Land Transport Act 1998 22AB, section 1,
13	Cycle Paths	Land Transport Act 1998 22AB, section 1,
14	Special Vehicle Lanes	Land Transport Act 1998 22AB, section 1,
15	Light Motor Vehicle Prohibitions	Land Transport Act 1998 22AB, section 1,
16.1, 16.3 – 16.11	Heavy Motor Vehicle Prohibitions	Land Transport Act 1998 22AB, section 1,
16.2	Engine Braking	Local Government Act 2002, Section 145 (a)
17	Stock Movement Prohibition	Land Transport Act 1998 22AB, section 1
18	Freedom Camping on Roads	Freedom Camping Act 2011, Part 23
19	Pedestrian Malls	Local Government Act 1974, Section 336
20	Shared Zones	Land Transport Act 1998 22AB, section 1
21	Children in Vehicles	Land Transport Act 1998 22AB, section 1
22	Animals in vehicles	Land Transport Act 1998 22AB, section 1
23	Launching Ramps	Land Transport Act 1998 22AB, section 1
24	Trading at Intersections	Land Transport Act 1998 22AB, section 1
25	Seizure and Impound	Local Government Act 2002, Part 8
26	Removal of Vehicles and Things	Land Transport Act 1998 22AB, section 1

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28. DEFENCES

28.1. A person is not in breach of this Bylaw if that person proves that the act or omission complained of:

- a) Took place in compliance with the directions of an enforcement officer, a parking warden or a traffic control device; or
- b) Was performed by an enforcement officer or a parking warden and was necessary in the execution of that person's duty.

29. EXEMPTED VEHICLES

29.1. This Bylaw shall not apply to emergency vehicles being used in an emergency.

29.2. Clauses 4, 6, 7, 9, 14, 15, 19 and 20 of this Bylaw shall not apply to medical practitioners such as doctors, district nurses and midwives who are attending an emergency.

29.3. This Bylaw shall not apply to vehicles operated by the Council or for the Council during the necessary fulfilment of Council's statutory functions, duties or powers.

29.4. This Bylaw shall not apply to vehicles operated by Utility providers whilst engaged in emergency repair work to a public utility service.

The foregoing bylaw was made by the **HAMILTON CITY COUNCIL** by Special Consultative Procedure and confirmed at a meeting of the Council held on 16 December 2021. This bylaw becomes operative on 20 December 2021.

Attachment 4

Hamilton City Council BYLAWS



Explanatory Notes:

Table of Registers

#	Register Title
1	Shared Zones
2	Pedestrian Malls
3	Residents Parking
4	Cycle Paths
5	Freedom Camping
6	Launching Ramps
7	Heavy Motor Vehicle Prohibitions
	• Part 1 – Prohibition of Engine Brakes
	• Part 2 – Prohibition of Heavy Motor Vehicles
	• Part 3 – Restrictions to Access of Heavy Motor Vehicles
	• Part 4 – Approved Stock Routes in Urban Areas
	• Part 5 – Hamilton City Heavy Vehicle Through Traffic Routes
	• Part 6 – Weight or Load Restrictions
	• Part 6B – HPMV Approved Routes
	• Part 6C – 50MAX Heavy Motor Vehicle restrictions
8	Light Motor Vehicle Prohibitions
	• Part 1 - Cruising
	• Part 2 – Motor vehicles under 3,500kg restrictions
9	One Way Roads
10	Special Vehicle Lanes
	• Part 1 – Cycle Lanes
	• Part 2 – Bus Lanes
	• Part 3 – Transit Lanes
11	Turning Movements
12	Turning Restrictions
	• Part 1 – Right Turns
	• Part 2 – Left Turns
	• Part 3 – U Turns
13	Stop Signs
14	Metered Parking Places and Zone Parking

Council Report

Item 10

Committee: Council

Date: 03 August 2023

Author: Cory Lang

Authoriser: Helen Paki

Position: Building Control Manager

Position: General Manager Customer and Community

Report Name: Dangerous and Insanitary Building Policy

Report Status	Open
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Purpose - *Take*

1. To inform the Council on the Dangerous and Insanitary Building Policy review.
2. To seek the Council's approval to adopt the amended Dangerous and Insanitary Building Policy.

Staff Recommendation - *Tuutohu-aa-kaimahi*

3. That the Council:
 - a) receives the report; and
 - b) approves the adoption of the amended Dangerous and Insanitary Building Policy (**Attachment 1**).

Executive Summary - *Whakaraapopototanga matua*

4. Council is required to hold and maintain a policy on Dangerous and Insanitary Buildings, which has recently been reviewed by staff.
5. At the 4 May 2023 Council meeting, approval was given to consult with the public on the proposed changes (see [agenda](#) and [minutes](#)).
6. The consultation period ran from 15 May to 12 June 2023 and a total of three written submissions were received, with no requests for verbal submissions.
7. Staff have reviewed the submissions and recommend adopting the amendments to the Dangerous and Insanitary Building Policy, as detailed in paragraph 20 below.
8. Staff consider the decision in this report has medium significance and that the recommendations comply with the Council's legal requirements.

Background - *Koorero whaimaarama*

9. The aim of the Dangerous and Insanitary Building policy is to address the risk posed to a community from a dangerous or insanitary building and to protect building occupants or those who use the building from any harm.

10. The purpose of the policy is to outline how Council will identify and apply the powers available to it under the Building Act (the Act) when assessing if a building meets the threshold of dangerous or insanitary.
11. The Act provides clear definitions on dangerous, affected and insanitary buildings which means there is limited discretion that can be used when assessing a building. The high threshold means very few buildings meet the definition of dangerous or insanitary.
12. The policy is to be reviewed every five years, in response to any issues that arise, or as a result of legislative changes, whichever comes first. In this instance the review took place as part of its scheduled review.
13. The policy is subject to the special consultative procedure to ensure that those who may be impacted by the policy, such as building owners or occupants, have the opportunity to feedback on any changes.
14. Public consultation took place between 15 May and 12 June 2023 and a total of three submissions were received.
15. A Regulatory and Hearings Committee meeting was scheduled for 27 June 2023 however, due to no requests for verbal submissions the meeting was not required.

Discussion - *Matapaki*

16. Staff reviewed the existing policy and proposed minimal changes for public consultation. There had been no legislative change since the policy was established therefore there was no requirement to amend how Council applies the policy when assessing buildings.
17. The proposed staff changes included; an update to note the scope of the policy applies to dangerous and insanitary buildings, the owner of the policy, and reference to the relevant sections under The Act.
18. The public was invited to provide feedback on the policy and recommended changes through the consultation period of 15 May to 12 June 2023.
19. The engagement campaign during consultation included a public notice release and reaching out to key stakeholders such as the Property Council, Heritage New Zealand Pouhere Taonga and Hamilton Central Business Association. These businesses were invited to encourage building owners and occupants to have their say on the proposed policy.
20. A total of three written submissions were received through the Have Your Say portal;
 - i. Two submitters agreed with the proposed changes to the Dangerous and Insanitary Building Policy and had no additional comments
 - ii. One submitter requested the Policy update the reference from 'Fire Service' to 'Fire and Emergency New Zealand'
21. Following the consultation staff have reviewed the feedback and agree to incorporate the proposed change. Due to the minimal changes a tracked change version has not been provided but a clean copy of the updated policy, including the recommendation provided, has been included in **Attachment 1**.
22. If the recommendation is not approved, Council will not be meeting its obligations under the Act to review the policy every five years.

Financial Considerations - *Whaiwhakaaro Puutea*

23. This is a regular operating activity funded through the Long Term Plan.
24. There are no financial implications in relation to the adoption of the Dangerous and Insanitary Building Policy.

Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

25. Staff confirm that the Dangerous and Insanitary Building Policy complies with the Council's legal and policy requirements under the Building Act 2004 and the Local Government Act 2002.

Climate Change Impact Statement

26. Staff have assessed and determined:
27. No assessment required because there are no known climate risks or adaptation opportunities associated with this project.
28. No assessment required because the project has no impact on emissions.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

29. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
30. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below.
31. The recommendations set out in this report are consistent with that purpose.

Social

32. The Policy supports the community by ensuring the buildings they occupy are healthy and safe. This is done by ensuring any potential buildings that may be considered dangerous or insanitary are dealt with as a matter of priority.
33. Staff will work with building owners, where possible, to understand their requirements and ensure buildings are safe for those who occupy them.

Economic

34. There are no economic impacts to note.

Environmental

35. There are no environmental impacts to note.

Cultural

36. The Policy recognises the importance of Hamilton's heritage buildings and will protect the heritage value of these buildings wherever possible, without compromising the health and safety of the public.

Risks - *Tuuraru*

37. There are no known risks associated with the decisions required for this matter.

Significance & Engagement Policy - *Kaupapa here whakahira/anganui***Significance**

38. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the recommendation(s) in this report has/have a medium level of significance.
39. Public consultation was undertaken so the people who occupy buildings, that may be affected by the policy, had the opportunity to feedback on the proposed changes.

Engagement

40. Community views and preferences are already known to the Council through the adoption of the Policy in 2018 and through the recent public consultation process which took place from 15 May to 12 June 2023.
41. Key stakeholders were contacted and encouraged to invite building owners and occupants to feedback on the proposed policy.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Dangerous and Insanitary Buildings Policy - 2023

First adopted:	May 2018
Revision dates/version:	May 2023
Next review date:	July 2023 (every 5 years as specified under section 132 of the Building Act 2004)
Engagement required:	Special Consultative Procedure required
Document Number	D-4635994
Associated documents:	N/A
Sponsor/Group:	General Manager Customer and Community

Dangerous and Insanitary Buildings Policy

Ko te Puutaketanga

Purpose

1. The purpose of this policy is to outline the approach the Council will take and clarify the Council's priorities in performing its functions under the Building Act 2004.
2. Section 131 of the Building Act requires each Territorial Authority to maintain a policy on Dangerous and Insanitary Buildings.

Ko te Whaanuitanga

Scope

3. This Policy applies to:
 - a) Dangerous buildings;
 - b) Insanitary Buildings

Ko ngaa Whakamaaramatanga

Definitions

Term	Means
Affected Building	Defined in s121A of the Act; A building is an affected building for the purposes of this Act if it is adjacent to, adjoining, or nearby: (a) a dangerous building as defined in Section 121; or (b) a dangerous dam within the meaning of Section 153.
Building Owner	Defined in s7 of the Act; Owner in relation to any land or buildings on the land, (a) means the person who – (i) is entitled to the rack rent from the land; or (ii) would be so entitled if the land were let to a tenant at a rack rent; and (b) includes – (i) the owner of the fee simple of the land; and (ii) for the purposes of sections 32, 44, 92, 97, and 176(c), any person who has agreed in writing, whether conditionally or unconditionally, to purchase the land or any leasehold estate or interest in the land, or to take a lease of the land, and who is bound by the agreement because the agreement is still in force.

Dangerous Building	<p>Defined in s121 of the Act;</p> <p>(1) A building is dangerous for the purposes of this Act if:</p> <p>(a) in the ordinary course of events (excluding the occurrence of an earthquake), the building is likely to cause—</p> <p>(i) injury or death (whether by collapse or otherwise) to any persons in it or to persons on other property; or</p> <p>(ii) damage to other property; or</p> <p>(b) in the event of fire, injury or death to any persons in the building or to persons on other property is likely.</p> <p>(2) For the purpose of determining whether a building is dangerous in terms of subsection (1)(b), a territorial authority:</p> <p>(a) may seek advice from employees, volunteers, and contractors of Fire and Emergency New Zealand who have been notified to the territorial authority by the board of Fire and Emergency New Zealand as being competent to give advice; and</p> <p>(b) if the advice is sought, must have due regard to the advice.</p>
Heritage Building	<p>Defined in s7 of the Act;</p> <p>Means a building that is included on :</p> <p>(a) the New Zealand Heritage List/Rarangi Korero maintained under section 65 of the Heritage New Zealand Pouhere Taonga Act 2014; or</p> <p>(b) the National Historic Landmarks/Ngaa Manawhenua o Aotearoa me onaa Korero Tuturu list maintained under section 81 of the Heritage New Zealand Pouhere Taonga Act 2014.</p>
Immediate danger	<p>Defined in s129 of the Act;</p> <p>(1) This section applies if, because of the state of the building;</p> <p>(a) immediate danger to the safety of people is likely in terms of section 121 or 123; or</p> <p>(b) immediate action is necessary to fix insanitary conditions.</p>
Insanitary Building	<p>Defined in s123 of the Act;</p> <p>A building is insanitary for the purposes of this Act if the building:</p> <p>(a) is offensive or likely to be injurious to health because:</p> <p>(i) of how it is situated or constructed; or</p> <p>(ii) it is in a state of disrepair; or</p> <p>(b) has insufficient or defective provisions against moisture penetration so as to cause dampness in the building or in any adjoining building; or</p> <p>(c) does not have a supply of potable water that is adequate for its intended use; or</p> <p>(d) does not have sanitary facilities that are adequate for its intended use.</p>
Property file and register	A record of legal information the Council is required to maintain in terms of 216 of the Act
Structural condition	The structural condition of the building at the time the Council carries out an inspection of the building to ascertain its state.
Territorial Authority	<p>Defined in s7 of the Act;</p> <p>(a) means a City Council or District Council named as Part 2 of Schedule 2 of the local Government Act 2002; and</p> <p>(i) in relation to land within the district of the territorial authority, or a building on or proposed to be built on such land, means that territorial authority; and</p> <p>(ii) in relation to any part of a coastal marine area (within the meaning of the resource management Act 1991) that is not within the district of the territorial authority, or a building on or proposed to be built on any such part, means the territorial authority whose district is adjacent to that part; and</p> <p>(b) includes the Minister of Conservation or the Minister of Local Government, as the case may be, in any case in which the Minister of Conservation or the Minister of Local Government is the territorial authority under section 22 of the Local Government Act 2002.</p>
The Act	The Building Act 2004
The Council	The Hamilton City Council

Ko ngaa Tikanga Whakahaere Kaupapahere**Principles of Policy**

4. The guiding principles for this Policy are:
 - a) The Council will seek immediate or early resolution of any defect to minimize potential risk to public health or safety.
 - b) The Policy recognises the importance of Hamilton's heritage buildings and will protect the heritage value of these buildings wherever possible, without compromising public health and safety.
 - c) The Council will work pro-actively with building owners to ensure the best outcome for all parties.

Ko ngaa Tikanga Policy*Identifying dangerous and insanitary buildings*

5. The Council will respond to building complaints received from the public, Fire and Emergency New Zealand, or any person or organisation that has a health and safety interest in a particular building and investigate the complaint and assess the condition of the building.
6. The assessment of dangerous buildings will be in accordance with Section 121 of the Act.
7. The assessment of insanitary buildings will be in accordance with Section 123 of the Act.

Actions for dangerous and insanitary buildings

8. Priority for action will be decided after investigation of complaints.
9. The Council will liaise with Fire and Emergency New Zealand to discuss the proposed action when notification has been received from Fire and Emergency New Zealand of a dangerous building.
10. The Council may also engage a subject matter expert to assist with determining the course of action.
11. The Council may use the powers given in Section 124 of the Act to take action regarding dangerous or insanitary buildings to serve formal notice in accordance with the Act and consider if it should erect a hoarding, fence or warning sign.
12. On being advised of conditions that are alleged to be insanitary within the provisions of Section 123 of the Act, the buildings will be inspected and a determination made whether action in terms of Sections 124 or 129 of the Act will be taken.
13. Where it is considered measures are necessary to avoid immediate danger or to fix insanitary conditions. The Council may use the powers given in Section 129 of the Act.

Working with building owners

14. Where there is an agreement between the Council and the building owner to rectify any deficiency, the Council may elect to forego the issue of a formal notice, but will retain details of

the building in the property file and register.

15. Where an acceptable agreement between the building owner and the Council cannot be obtained, the Council will exercise its powers and issue a notice under Section 124 of the Act. The Section 124 notice will outline the danger to be removed and a timeframe to achieve the necessary result.
16. In urgent cases the Council may at the outset serve formal notice under Section 124 of the Act.

Recording a building's dangerous or insanitary status

17. The Council will keep a record of all dangerous and insanitary buildings noting the status of requirements for improvement or the results of improvements as applicable.
18. In addition, the Council will keep and record the following information that may be placed on the Land Information Memoranda (LIM) for each dangerous or insanitary building:
 - a) A statement that the building is considered to be dangerous or insanitary.
 - b) The date by which rectification of any deficiency, or demolition is required (only if known).
 - c) If a notice under Section 124 is issued in respect of any dangerous or insanitary building then a record may also be included.
 - d) A statement that further details may be available from Council's property file.

Access to information

19. Information concerning the dangerous or insanitary status of a building (if known) will be contained in the property file.
20. If a notice under Section 124 is issued in respect of any dangerous or insanitary building then a record of that will also be available on the relevant property file.
21. Access to information may be available through a LIM application or request for information in terms of the Local Government Official Information and Meetings Act 1987.
22. Building owners will be able to access information from the Council relating to their building during normal office hours.

Heritage buildings

23. Heritage buildings will be assessed in the same way as other dangerous and insanitary buildings.
24. The Council will work with the building owner to ensure the development of appropriate management and planning for these buildings for their protection wherever possible. This will be achieved by:
 - a) Recognising the heritage buildings that exist in the city, including the Heritage New Zealand Register, the Heritage Items Schedule of the Hamilton City District Plan, listed heritage places, and buildings of significance to iwi, and other buildings of significance to the community, for

example:

- i. Any listed in a strategy or management plan prepared under the Conservation Act 1987 or Reserves Act 1977
 - ii. Any within a reserve identified by the Te Turi Whenua Maori Land Act 1993 for historic and cultural purposes;
 - iii. Any listed in an iwi management plan;
 - iv. Buildings or structures associated with historic cemeteries or memorials;
 - v. Any building managed for heritage purposes by agencies, such as Heritage New Zealand, Department of Conservation or by Council; and
 - vi. Buildings or structures subject to heritage order, heritage covenant or other protective covenant.
- b) Informing relevant statutory organisations, including Heritage New Zealand, with regards to any listed building identified as dangerous or insanitary.
 - c) Ensuring the consideration of any advice from Heritage New Zealand or professional conservation organisation, heritage professional, including the Council's own heritage advisers (if relevant).
 - d) Considering any relevant conservation report, conservation plan, condition report, management plan, heritage assessment or other document.
 - e) Any statutory protection, including any listing in the Heritage Items.
 - f) For any notice issued in relation to a heritage building under Section 124 of the Act, the Council will provide a copy of the notice to Heritage New Zealand.

Ko te Aroturukitanga me te Whakatinanatanga **Implementation**

Monitoring and

- 25. The implementation of this policy will be monitored by the General Manager Customer and Community.
- 26. The policy will be reviewed in response to any issues that may arise, every five years as required under section 132 of the Act, at the request of Council or in response to changed legislative and statutory requirements (whichever occurs first).

Ko ngaa Tohutoro **References**

- 27. The policy is made under section 131 of Building Act 2004.

Council Report

Committee: Council

Date: 03 August 2023

Author: Lance Vervoort

Authoriser: Lance Vervoort

Position: Chief Executive

Position: Chief Executive

Report Name: Chief Executive Report

Report Status	<i>Open</i>
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Purpose - *Take*

1. To inform the Council on Sister city relationship and seek approval of a proposed visit to Ieper in 2024.

Staff Recommendation - *Tuutohu-aa-kaimahi*

2. That the Council:
 - a) receives the report;
 - b) approves the visit to Ieper by the Mayor scheduled for April 2024; and
 - c) approves the proposed visit to Ieper to be funded by Council, at a cost of \$5500.00.

Executive Summary - *Whakaraapopototanga matua*

3. Hamilton Kirikiriroa has four sister cities – two in China, one in Japan and one in the United States – as well as a friendship city in Belgium.
4. Mayor Southgate is planning a trip to Ieper Belgium Wednesday 24 April 2024 to Sunday 28 April 2024. The purpose of this trip is to reconnect in person, and build on the strong collegial relationship between Ieper and Hamilton City.
5. The estimated cost to Council for the trip is approximately \$5500.00 for the flights accommodation and meals.
6. We are working with two local companies on a gift for Mayor Southgate to present to the city of Ieper. The proposal is either a set of large, decorative, metal gates, or a gateway arch, which will be installed at the entrance to Hamilton Park. These will be designed, fabricated and freighted to Ieper at no cost to Council.
7. Staff recommend the trip be approved as relationships such as Council's friendship with Ieper, provide opportunities for Hamiltonians to understand, appreciate and celebrate other cultures as well as to share New Zealand culture with our sister cities.
8. Staff consider the matters in this report have low significance and that the recommendation complies with the Council's legal requirements.

Background - *Koorero whaimaarama*

9. The Council has four existing sister city relationships:
 - i. Saitama, Japan – formalised 14 May 1984
 - ii. Wuxi, People’s Republic of China – formalised 15 July 1986
 - iii. City of Sacramento, United States of America – formalised 25 May 1989
 - iv. Chengdu, People’s Republic of China – formalised 6 May 2015.
10. The Council also has a friendship city relationship with Ieper (Ypres), Belgium that was formalised on 5 February 2015.
11. The work has focused on the four formal sister city relationships, as these have a broad potential scope for engagement. In contrast, our friendship city relationship with Ieper is more tightly defined around ANZAC Day and remembrance.

Discussion - *Matapaki*

12. Ieper is home to the “Menin Gate Memorial to the Missing” which bears the names of around 54,896 missing British and Commonwealth soldiers who fell during World War One in the Ieper area but have no known grave. Many New Zealand soldiers fought and fell in and around Ieper, particularly during the Battle of Messines and at this battle New Zealand losses were greater than any other battle fought before or after this time.
13. The Menin Gate Memorial is the site for the nightly Menin Gate Ceremony that has been performed every night since 1928, except for a brief time during World War Two when Ieper was under German occupation.
14. Every night at 8pm the road is closed and buglers gather with Ieper locals and many visitors under the Menin Gate to play ‘The Last Post’. Residents and the Commonwealth War Graves Commission staff also regularly tend to the graves of New Zealand and other British Empire soldiers to ensure they are immaculately maintained and cared for.
15. Ieper location, the city is also known as Ypres:



16. On ANZAC day 2006 former Councillor Peter Bos saw a TV programme on Ieper and Flanders Field. He made contact with the then Mayor of Ieper, Luc Dehaene, to see if a relationship between Ieper and Hamilton could be established. He then found sponsorship to recreate the Menin Gate at Memorial Park, Hamilton in 2007.
17. Since then a number of visits and initiatives to strengthen ties between the two cities have occurred.
18. In 2007 Mr Dehaene, along with three other delegates from Ieper – Chairman of the Last Post Association, Benoit Mottrie, and two buglers from The Last Post Association, Raf Decombel and

Rick Vandekerckhove – visited Hamilton and recreated the Menin Gate Memorial during the city's ANZAC Day ceremony, marking the 90th anniversary of the Battle of Passchendaele.

19. In 2008 Councillor Bos visited Ieper as he continued to develop the relationships with both the Last Post Association and the City of Ieper. In 2012 Cr Peter Bos was made the first Honorary Board Member of The Last Post Association.
20. On the 9th February 2009 Hamilton Mayor, Bob Simcock, gave an Honorary Citizenship to the Mayor of Ieper in recognition for the Belgium city's ongoing generosity in caring for, and remembering, the large number of New Zealanders who fell in the battles around Ieper in World War One.
21. In 2010 the Mayor of Ieper, and the Ieper office of the War Graves Commission, presented to HCC a granite headstone which was then placed in Memorial Park. The presentation was made on Anzac Day. In December 2010 Chairman of The Last Post Association, Benoit Mottrie made his second visit to Hamilton and visited the council, exchanging city gifts with Mayor Hardaker.
22. The Mayor of Ieper visited Hamilton again in 2011. This was followed by a visit from Deputy Mayor Frans Lignel and bugler Raf Decombel in 2012, who attended both the dawn and civic Anzac Day ceremonies in Memorial Park. This visit included a meeting with the Maaori King.
23. The special relationship between Hamilton City and the City of Ieper was formally recognised in 2013 with the signing of a Memorandum of Understanding by Mayor Luc Dehaene and Mayor Julie Hardaker (attached). At the same ceremony the position of Chairman of The Last Post Association was given Honorary Citizenship of the City of Hamilton.
24. In 2014 a Trust, led by former Councillor Peter Bos, was established to raise funds to build a suitable memorial to be located in Memorial Park. The Ieper Memorial Garden (stage 1) was completed and unveiled by Mayor Hardaker, Dr Lisbeth Jacobs (Belgian Honorary Consul) and Peter Bos on 24 April 2015.
25. In 2017 stage 2 of the Garden was completed and unveiled by Mayor Andrew King, Willie Apiata VC, Peter Bos and the Hon. David Bennett on Armistice Day. The second stage includes a dedication to Ieper and musical notes to The Last Post.
26. In July 2018 former Mayor Andrew King and Deputy Chief Executive, Lance Vervoort, visited Ieper and were hosted by Jan Durez, the Mayor of Ieper, staff of the City of Ieper and former Mayor Luc Dehaene. During the visit they attended the 90th Anniversary celebrations of The Last Post Association and the opening of Hamilton Park which is located on the ramparts and moat section of Ieper City. This park commemorates the special relationship between the two cities and features New Zealand native plantings.
27. Below, Hamilton Park in Ieper:





28. International borders were closed during the COVID pandemic and travel to leper was not possible. During this period Mayor Paula maintained written communication with the Mayor of leper.
29. Mayor Southgate is planning a trip to leper from Wednesday 24 April 2024 to Sunday 28 April 2024.
30. The purpose of this trip is to reconnect in person, and build on the strong collegial relationship between leper and Hamilton City. During her 3 to 4 day stay, Mayor Paula is planning to visit the Mayor and the Council offices, attend the Last Post Ceremony at the Menin gate, the city's Museum, make a presentation to the buglers of the Last Post Association, potentially visit some local schools and do a tour of some historical sites in the surrounding countryside.
31. Mayor Southgate will also visit Hamilton Park and unveil our gift to the city of leper. This is in keeping with previous visits. Staff are working with a local engineering firm in Hamilton (Longveld Ltd) who are prepared to engage an artist and fabricate a pair of special metal gates, or a gateway arch (which have artwork included in them). These will be mounted at the one of the entrances to Hamilton Park. Longveld Ltd will do this at no cost to either council and Porter Group are willing to organise the freighting of the gates to leper, also at no cost to either council. Installation will be carried out by the leper Council.
32. The estimated cost to Council for the trip is approximately \$5500.00 are outline below and will be attributed to the International Relations budget line:
 - i. Airfares – Auckland to Brussels return economy NZ\$3020.00
 - ii. Travel Insurance \$300.00
 - iii. Train fares – Brussels to leper return \$81.00
 - iv. Accommodation - leper 4 nights Wed 24 April to Sun 28 April – Ariane Hotel - \$1147.00
 - v. Meals – 4 breakfasts \$160 and 4 dinners \$400.00
 - vi. Gifts for leper Mayor and President of The Last Post Association from NZ - \$300.00

Legal and Policy Considerations - *Whaiwhakaaro-aa-ture*

33. Staff confirm that staff recommendation complies with the Council's legal and policy requirements.

Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

34. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
35. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report.
36. The recommendations set out in this report are consistent with that purpose.

Social

37. Social interactions between the communities of each sister city build on the civic relationship between the local governments, leading to wider trust and understanding in the community. They often provide unique opportunities, such as the annual school visit of students from Saitama to Melville Intermediate.

Economic

38. Sister city relationships can generate economic benefits. The potential for these relationships to develop is typically built on a foundation of mutual trust developed at the civic level and strengthened by community interaction and exchange.
39. Some examples of the types of benefits that can arise from these relationships are:
- i. establishing business contacts
 - ii. providing a gateway into new markets and product lines
 - iii. enhancing the overseas reputation of both individual firms, and New Zealand as a whole – giving businesses a competitive edge
 - iv. reducing transactions and search costs in business negotiations
 - v. attracting foreign-fee-paying students
 - vi. facilitating knowledge and technology sharing and joint research
 - vii. increasing tourism.

Environmental

40. Our current sister city relationships do not specifically focus on shared environmental outcomes; however, this is an emerging area we are exploring. Knowledge sharing regarding electric vehicles is one topic we are exploring with Sacramento, to look at ways we might adopt, incentivise or leverage other municipal mechanisms to support transition.
41. Other potential topics include primary sector knowledge sharing and the increase in farm-to-table food sourcing.

Cultural

42. Cultural relations underpin all sister city relationships. They build trust between the cities and show the genuine commitment to an enduring relationship.
43. The relationships provide opportunities for Hamiltonians to understand, appreciate and celebrate other cultures as well as to share New Zealand culture with our sister cities.

Risks - *Tuuraru*

44. There could be reputational risk of ratepayers not agreeing with this type of expenditure related to a Sister City Memorandum of Understanding.

Significance & Engagement Policy - *Kaupapa here whakahira/anganui*

45. Having considered the Significance and Engagement Policy, staff have assessed that the matters in this report have low significance and no engagement is required.

Attachments - *Ngaa taapirihanga*

Attachment 1 - Signed City to City Relationship Agreement with Ieper

Attachment 2 - International Relations Policy - 18 March 2021



Agreement to Establish a City to City Relationship

Parties

1. City of Hamilton, New Zealand
2. City of Ieper, Belgium

Purpose

1. The cities of Hamilton, New Zealand and Ieper, Belgium have been in a friendship relationship since 2007, formed from a unique and very close relationship founded through historic events dating back to the First World War.
2. On 27 September 2012 the Hamilton City Council resolved to enter into a formal relationship with Ieper.
3. The Parties formalized their relationship with a Memorandum of Understanding on the 5th of February 2013
4. The Parties now wish to enter into a City to City Relationship. The Ieper City Council granted approval of the Agreement on the 1st of July 2019. The Hamilton City Council granted approval on the 17th of September 2019.
5. This Agreement sets out the scope of cooperation between Hamilton and Ieper and provides opportunities to grow the Sister city relationship.

Page 1 of 4

Background

1. Ieper is a Belgian municipality located in the Flemish province of West Flanders with a population of around 35,000 residents. Hamilton is a city in the North Island of New Zealand with a population of 170,000.
2. Ieper is home to the Menin Gate Memorial to the Missing, which bears the names of around 54,896 missing British and Commonwealth soldiers who fell during World War One. Many New Zealand soldiers fought and fell in and around Ieper, particularly during the Battle of Messines, and at this battle New Zealand losses were greater than any other battle fought before or after this time.
3. Every night buglers gather with Ieper locals and visitors under the Menin Gate to play The Last Post. Residents also regularly tend to the graves of New Zealanders to ensure they are immaculately maintained and cared for.
4. Since 2007 Ieper and Hamilton have shared a unique and very closely aligned relationship emanating from historic events dating back to the First World War.
 - a. Official visits have been exchanged between Ieper and Hamilton.
 - b. In February 2009, the Burgemeester of Ieper was granted Honorary Citizenship of Hamilton.
 - c. The Chairman of the Last Post Association has visited Hamilton on two occasions and on ANZAC 2012, a bugler from the Last Post Association played at Hamilton's ANZAC Day ceremony.
 - d. Hamilton has officially acknowledged Ieper for the city's ongoing generosity in caring for and remembering the large number of New Zealanders who fell in the battles around Ieper in World War One.
 - e. Hamilton has established the Ieper memorial garden which was opened

in 2015 in Hamilton's memorial park.

f. In July 2018 the Hamilton Garden was inaugurated in Ieper.

5. Both cities have continued to foster the city to city relationship and wish to promote this relationship further by a formal agreement.

Agreement

1. The parties agree to continue building international cooperation at the municipal level, promoting cultural understanding and exchanges in various fields, as well as fostering education of our shared history.
2. Hamilton and Ieper agree to:
 - a. Support and encourage visits by the citizens of both cities;
 - b. Establish organizational affiliations (such as the museums and schools) of both cities;
 - c. Promote cultural exchanges in the fields of history and education;
 - d. Develop a mutual understanding of the citizens of both cities by exchanging information;
 - e. The position of Mayor of Ieper (Burgemeester) has an Honorary Citizenship of Hamilton;
 - f. The position of Chairperson of Last Post Association has Honorary Citizenship of Hamilton;
 - g. Acknowledge the relationship at Hamilton's Civic Anzac day celebrations held on 25 April each year, Armistice day, and any other appropriate military commemorations held in the City.
 - h. Encourage visits between representatives from each city. These could be in the following fields, but not limited to, civic, business, culture/museums, social, commemoration, education.
3. Each city will publicly acknowledge this city to city relationship by including reference to it on websites or official international relationships publications.

4. The success of this relationship will be the responsibility of the city councils of each city with the support of the citizens of Hamilton and Ieper.
5. The management of the relationship will be the responsibility of the Office of the Mayor of Hamilton and the Office of the Burgemeester of Ieper with the support of the relevant staff.

Signatures

1. This City to City Relationship comes into force at the time of signing.
2. This Agreement is signed by the Mayors of Hamilton and Ieper on behalf of their respective cities.

Andrew King
Mayor of Hamilton, New Zealand

Date:

Witnesses:

Date:



Emmily Talpe
Burgemeester van Ieper, België

Date:



Stefan Depraetere
Chief Executive Stad Ieper

Date:

International Relations Policy

Purpose and scope

1. The purpose of this Policy is to outline the mechanisms with which Council engages international relationships for the benefit of the economic, cultural, social and environmental wellbeing of the city.
2. Hamilton City Council has forged relationships with a number of international cities with the aim of delivering strategic benefits for the city. Council seeks to establish new links with international cities to maximise economic development opportunities for business.
3. This policy sets out the types of international relationships Hamilton will have with international cities and the criteria considered in engaging in international relationships.

Strategic alignment

4. One of the Council's objectives – as set out in legislation – is to improve the economic cultural, social and environmental wellbeing of Hamiltonians. This Policy helps to achieve that. It also helps to achieve Council's five priorities, as set out in Our Vision for Hamilton Kirikiriroa:
 - Shaping a city that's easy to live in
 - Shaping a city where our people thrive
 - Shaping a central city where people love to be
 - Shaping a fun city with lots to do
 - Shaping a green city – sharing best practice
5. It does this through creating opportunities for economic growth internationally; through facilitating cultural, educational and sporting exchanges; and through sharing of best practice.

Principles

6. The guiding principles for this Policy are:
 - a. Council recognises the importance of international relations to the economic, cultural, social and environmental wellbeing of the city.
 - b. Effective international relationships will support the Council's strategic vision, outcomes and goals.
 - c. The Mayor will play a lead role in the development of international relationships.

Policy

International Relationships

7. Hamilton City Council will pursue a range of relationships to ensure international opportunities are harnessed and maximised. This will be a combination of proactively identifying cities that present Hamilton and city businesses with good opportunities and cities expressing an interest in partnering with Hamilton.
8. Decisions to enter into international relationships will be made by Council, with the exception of fee-paying delegations.
9. Relationships will only be entered into if they are sustainable and adequately resourced.
10. The following factors will be used to guide decisions when entering into or reviewing international relationships:
 - a. Ability to **enhance understanding and idea sharing** based on student/teacher exchange programmes, educational institutions linkages, people-to-people interest, energy and commitment.
 - b. Ability to add to Hamilton's sense of place and the vitality/diversity of the city based on similar geographic features, similar social infrastructure and history of cooperation in political, economic, commercial and cultural fields.
 - c. Ability to realise opportunities for growing the local economy through comparative key industries, economic climate, and trade and investment linkages.
 - d. Ability to promote Hamilton based on tourism potential.
11. Review periods will be incorporated into all new relationships with an opportunity to exit the relationship should it no longer meet its objectives.
12. Records of all relationships will be maintained including an International Visits Register.
13. The Council will work with local stakeholders to support their international activities where they align with one or more of the following relationship categories.

Relationship categories

14. Four different types of relationships have been identified:

Sister City relationships

15. Council has forged a number of Sister City relationships with a primary focus to foster and enhance economic, cultural, social and environmental wellbeing.
16. Sister City relationships will be formalised in a Sister City Agreement.

City to City Strategic partnerships

17. This relationship is a strategic partnership with the targeted purpose of fostering and enhancing economic development.
18. These relationships may be led by other people from the city and may be entered into to support private sector relationships, such as those in the education sector.
19. There may be times when a City to City strategic partnership is established for strengthening cultural and social connections.
20. City to City relationships will be formalised in a Memorandum of Understanding (MoU).

Friendship City relationships

21. These relationships may be a starting point to a more formal relationship and are focused on social and cultural engagement.

Fee Paying Delegations

22. Parties or individuals who do not qualify as Sister City relationships, City to City strategic partnerships or Friendship City relationships may be required to pay a fee to Hamilton City Council for visits or functions hosted at their request.

International security

23. The Council will follow all advice from the Ministry of Foreign Affairs and Trade (MFAT) and other government agencies when considering new international relationships and advancing existing relationships.

Monitoring and implementation

24. The Director of the Mayor's Office will monitor the implementation of this Policy.
25. The Policy will be reviewed every three years or at the request of Council or in response to changed legislative and statutory requirements or in response to any issues that may arise.

References

- ☐ MoU guidelines
- ☐ International relationship protocols.
- ☐ Guidelines for Fee-Paying Delegations.

Resolution to Exclude the Public

Section 48, Local Government Official Information and Meetings Act 1987

The following motion is submitted for consideration:

That the public be excluded from the following parts of the proceedings of this meeting, namely consideration of the public excluded agenda.

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

General subject of each matter to be considered	Reasons for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
C1. Confirmation of the Council Public Excluded Minutes 6 July 2023) Good reason to withhold) information exists under) Section 7 Local Government	Section 48(1)(a)
C2. Building Consent Matters - Update) Official Information and) Meetings Act 1987)	
C3. Contract Approval – H3 Event Security and Customer Services		
C4. District Licensing Committee Appointments		

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

Item C1.	to protect the privacy of natural persons	Section 7 (2) (a)
Item C2.	to maintain legal professional privilege	Section 7 (2) (g)
Item C3.	to enable Council to carry out commercial activities without disadvantage	Section 7 (2) (h) Section 7 (2) (i)
Item C4.	to enable Council to carry out negotiations to protect the privacy of natural persons	Section 7 (2) (a)