



**The Extraordinary Meeting of the  
Kawerau District Council will be  
held on Wednesday 16 October 2024  
commencing at 11.00am**

## **A G E N D A**

## **GUIDELINES FOR PUBLIC FORUM AT MEETINGS**

1. A period of thirty minutes is set aside for a public forum at the start of each Ordinary Council or Standing Committee meeting, which is open to the public. This period may be extended on by a vote by members.
2. Speakers may address meetings on any subject. However, issues raised must not include those subject to legal consideration, or be issues, which are confidential, personal, or the subject of a formal hearing.
3. Each speaker during the public forum is permitted to speak for a maximum of three minutes. However, the Chairperson has the discretion to extend the speaking time.
4. Standing Orders are suspended for the duration of the public forum.
5. Council and Committees, at the conclusion of the public forum, may decide to take appropriate action on any of the issues raised.
6. With the permission of the Chairperson, members may ask questions of speakers during the period reserved for public forum. Questions by members are to be confined to obtaining information or clarification on matters raised by the speaker.

**The Extraordinary Meeting of the Kawerau District Council  
will be held on Wednesday 16 October 2024  
commencing at 11.00am**

**A G E N D A**

**1 Karakia Timatanga | Opening Prayer**

**2 Apologies**

**3 Leave of Absence**

**4 Declarations of Conflict of Interest**

Any member having a “conflict of interest” with an item on the Agenda should declare it, and when that item is being considered, abstain from any discussion or voting. The member may wish to remove themselves from the meeting while the item is being considered.

**5 Meeting Notices**

**6 Nga Mihimihi | Acknowledgements**

**7 Public Forum**

**8 Adoption of the Naming Policy (Group Manager, Regulatory and Planning) (110800)**

**Pgs. 1 - 20**

Attached is a report from the Group Manager, Regulatory and Planning covering the Adoption of the Naming Policy.

**Recommendations**

1. *That the report “Adoption of the Naming Policy” be received.*
2. *That Council adopts the Naming Policy effective from Monday, 21 October 2024; and*
3. *That Council authorises the Group Manager, Regulatory and Planning, to make minor edits or changes to reflect decisions made by Council at this meeting.*

**9 Freedom Camping Bylaw – Receipt of Legal Advice (Group Manager, Regulatory and Planning) (320400)**

**Pgs. 21 - 29**

Attached is a report from the Group Manager, Regulatory and Planning covering the Freedom Camping Bylaw – Receipt of Legal Advice.

## **Recommendations**

1. *That the report “Freedom Camping Bylaw – Receipt of Legal Advice” be received.*
2. *That Council adopts Option 1, to place the Freedom Camping Bylaw Review on hold to reassess the site assessments; and*
3. *That Council acknowledges that once the site assessments have been reassessed, the Bylaw will be reviewed based on the new information, and brought back to Council for consideration before further consultation is undertaken.*

## **10 Karakia Whakamutunga | Closing Prayer**

M Godfery

**Chief Executive Officer**

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**Meeting:** Extraordinary Council

**Meeting Date:** 16 October 2024

**Subject:** Adoption of the Naming Policy

**File No.:** 110800

## **1 Purpose**

The purpose of this report is to seek a decision from Council on the adoption of the Naming Policy.

## **2 Background/Situation**

Council is responsible for the naming of roads and numbering of land and buildings under s319 and s319A of the Local Government Act 1974. Beyond these provisions, no other legislation sets out the criteria or considerations to apply when exercising these powers. As a result, it is common practice for Councils to implement a naming policy.

Council has not previously had a formal naming policy in place. The informal process required a written request, followed by Council engaging with Ngāti Tūwharetoa Kaumātua to ensure the name is not offensive and where appropriate, based on local history and traditions and knowledge.

While an informal process has been available, this is largely unknown to the community.

Council staff drafted a naming policy with extends beyond the naming and numbering of roads and includes the naming of open spaces (parks and reserves), features (open space features such as tracks, lookouts or cultural significant sites) and council facilities. This policy also allows for a process for renaming, where set criteria are met.

The policy follows the recommendation from Land Information New Zealand to follow the Australian/New Zealand Standard on Rural and Urban Addressing (AS/NZS 4819:2011) for road naming and numbering and sets out other guidelines that recognise the importance of naming.

The naming policy is aimed at providing a more consistent way to name and rename new roads, open spaces, open space features and Council facilities so that names better reflect our district. Tangata Whenua Iwi Ngāti Tūwharatoa (Bay of Plenty) will continue to be a partner in the naming process as they hold the mana and traditional associations with local places, and are the most appropriate authority, to seek options for Te Reo Māori names.

Alongside the policy, we are reviewing Resource Management processes to ensure applications processed, align with naming requirements. A new naming request application form has been developed and attached for your information.

On 31 July 2024, Council approved the draft naming policy and statement of proposal for public consultation.

Consultation on the draft Policy was undertaken between 5 August 2024 and 6 September 2024. The draft policy, statement of proposal and submission form were made available online, with hard copies available at the Council Office and the Library. Social media posts were also used to inform people of the proposal through links to the online information. Council also provided five public drop in centres to provide the community with an opportunity to discuss any thoughts and provide feedback. These meetings were advertised in the newspaper and on Council's website.

Four submissions were received from the public. No submitters wished to speak to their submissions.

Council received the submissions and deliberated on the submissions during the Council meeting on 25 September 2024. Upon deliberation, Council spoke to the questions raised by submitters and made no recommendations for amendments.

The policy has been updated with the proposed adoption and effective dates. A new contents page has also been added to ease navigation – No changes have been made to the wording of the policy. The proposed naming policy is attached for your information.

The final step in the process is for Council to decide whether to formally adopt the naming policy.

### **3 Options Considered**

Only two options have been considered.

#### **3.1 Option 1: Adopt the Naming Policy (Preferred Option)**

Council underwent public consultation and received four formal submissions from the community. Submissions were presented and deliberations held on 25 September 2024. No updates were requested at the time to the policy.

It is recommended, when adopted, that the Naming Policy becomes effective from 21 October 2024.

The policy will need to be updated to reflect the adoption and effective date once approved. Minor edits or changes can be made to reflect the dates and any decisions made by Council during this meeting if required.

This option is the preferred option and is recommended to enable a clear process for naming road, open spaces, and public venues in the future.

### 3.2 Option 2: Do not adopt the Naming Policy

Council still have the option to decide not to adopt the policy where they think it is not required or not fit for purpose.

This option is not recommended given Elected Members had requested this policy be developed and there being a need to have a policy in place, particularly with the development of Stoneham Park.

## 4 **Policy and Plan Considerations**

There are no identified inconsistencies with any of the Council's policies or plans in relation to this report.

## 5 **Risks**

There are no known risks associated with the matters in this report.

## 6 **Financial Considerations**

There are no budget considerations associated with the recommendations in this report.

## 7 **Legal Considerations**

Under section 319 of the Local Government Act 1974, Council has the power, regarding roads, to name and to alter the name of any road. Beyond the power contained in s319 LGA; there is no other legislation that sets out the criteria and considerations to apply when exercising its power to name a road. Therefore, it is common practice for Councils to adopt a policy on road naming.

## 8 **Significance and Engagement**

The matters of this report are believed to be of medium significance to the community.

Pre engagement has been held with Ngāti Tūwharetoa (Bay of Plenty) Kaumātua to obtain advice on the draft naming policy to ensure alignment with cultural values. No concerns were raised during this consultation. We wish to acknowledge Council's Cultural Adviser Te Haukaka Te Rire for his assistance with this engagement.

Public consultation was conducted between 5 August and 6 September 2024 to obtain the views of the community. The method of consultation is set out above.

## 9 **Conclusion**

The Naming Policy has been prepared for adoption, along with a new naming request application form.

This report is provided to Council for the purpose of formally adopting the naming policy.

## 10 **RECOMMENDATIONS**

1. That the report "Adoption of the Naming Policy" be received.
2. That Council adopts the Naming Policy effective from Monday, 21 October 2024; and
3. That Council authorises the Group Manager, Regulatory and Planning, to make minor edits or changes to reflect decisions made by Council at this meeting.



Michaela Glaspey

**Group Manager Regulatory and Planning**

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# Council Policy

# Naming Policy

<b>Effective Date:</b>	21 October 2024
<b>Date First Adopted:</b>	16 October 2024
<b>Last Reviewed :</b>	New Policy
<b>Next Review Date:</b>	October 2029 (Five Yearly Review)
<b>Engagement Required:</b>	Special Consultative Procedure (s83 LGA)
<b>Document Number:</b>	POL 026
<b>Responsibility:</b>	Group Manager, Regulatory and Planning
<b>Associated Documents:</b>	N/A

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## 1. INTRODUCTION

- 1.1. Kawerau District Council's Naming Policy is designed to provide principles and guidelines for considering and making decisions on the naming of local roads, open spaces, features and council facilities.
- 1.2. This policy recognises the importance of names in connecting our people to the land and environment around them. Local names also help provide the identity for our community, encompassing Kawerau's culture, significant people, character, heritage and landscape now and into the future.
- 1.3. Council recognises Tangata Whenua Iwi Ngāti Tūwharatoa (Bay of Plenty) as holding cultural values, customs and practices associated with the Kawerau Rohe and as such hold the mana to partner in the naming process.
- 1.4. Council is responsible for the naming of roads and numbering of land and buildings under s319 and s319A of the Local Government Act 1974. A wide range of people use road names to accurately locate properties, including emergency services, postal and delivery services and utility providers (phone, power, water companies), along with the general public.

## 2. POLICY PURPOSE

- 2.1. The purpose of this Policy is to:
  - 2.1.1. ensure the names of roads, open spaces, features, and community facilities tell the story of Kawerau and reflect Kawerau's natural, cultural and historic heritage;
  - 2.1.2. encourage locally significant Te Reo Māori names for roads, open spaces, features, and community facilities to enable greater visibility of Tangata Whenua connections to Kawerau;
  - 2.1.3. provide clarity and consistency in the naming of roads, open spaces, features, and community facilities;
  - 2.1.4. ensure names are appropriate and do not duplicate or cause confusion with existing or approved names;
  - 2.1.5. ensure the community is accessible and easily identifiable by facilitating accurate property identification for emergency services;
  - 2.1.6. ensure Council meets its obligations under the Local Government Act 1974 when naming roads and numbering properties.

## 3. SCOPE

- 3.1. The policy applies to the naming and renaming of:

- a. Roads, including private roads, private ways and bridges;
  - b. Open spaces including parks and reserves and land administered by council for storm water management;
  - c. Open space features;
  - d. Council facilities, including developments.
- 3.2. This policy does not apply to unformed or paper roads unless Council deems it necessary.

#### 4. DEFINITIONS

**Applicant** means an individual or entity making an application. This may include Council, a consent holder or the party developing the infrastructure, including but not limited to a developer.

**Council** means Kawerau District Council.

**Council Facility** means a facility owned by Council and which is provided for public amenities, including recreational, sporting or cultural, or community facilities. Such facilities may include but are not limited to community halls, civic spaces and centres, including entertainment facilities.

**Cultural Significance** includes land, water, wāhi tapu, valued flora and fauna, and other taonga significant to Tangata Whenua Iwi Ngāti Tūwharatoa (Bay of Plenty).

**Dual Naming** refers to a reserve or other public place that has both a Te Reo Māori name and English name. Dual naming is not considered renaming for the purpose of this policy. A dual name may not be a direct translation or transliteration of an existing English Name.

**Name** means the word or name (excluding the road type) used to identify a road, open space or Council facility.

**Open Space** includes all parks and reserves administered by Council, and land administered by Council for storm water management.

**Open Space Feature** refers to assets such as tracks, lookouts, sites of cultural significance and natural or historic attributes.

**Park** Council owned public open space held under the Local Government Act 2002 with a primary recreation, conservation, historic or amenity function.

**Private roads and rights of way** means roads and access ways as defined under section 315(1) of the Local Government Act 1974 (or subsequent amendments), and includes rights-of-way, common access lots, retirement village roads. Also included is common property within a Unit Title Development as defined under section 5 of the Unit Titles Act 2010.

- Reserve** means any land classified as a reserve under the Reserves Act 1977 (or subsequent amendments).
- Road** means a road as defined under section 315 of the Local Government Act 1974 or subsequent amendments, and includes access ways, service lanes, any square and any public place intended for the use of the public generally.
- Road Type** means the type of road as set out in The Australian/New Zealand Standard on Rural and urban addressing AS/NZS 4819:2011 (as outlined in Schedule 1).

## 5. POLICY PRINCIPLES

- 5.1. Council has a role in ensuring that the district's history, identity, culture and status of Tangata Whenua Iwi Ngāti Tūwharatoa (Bay of Plenty) is recognised and maintained.
- 5.2. Tangata Whenua Iwi Ngāti Tūwharatoa (Bay of Plenty) hold mana and traditional associations with places, making them the most appropriate authority when seeking Te Reo Māori names. Tangata Whenua Iwi Ngāti Tūwharatoa (Bay of Plenty) are a partner in the process of selecting names for roads, open spaces, features and council facilities.
- 5.3. Council shall provide a consistent approach to determining appropriate future names for roads, open spaces, features and council facilities. This policy is not to be applied retrospectively to existing names except where individual renaming applications are received.
- 5.4. Names should be agreed and used as early as possible in any development application process in order to embed those names locally.
- 5.5. This policy complies with the Australian/New Zealand Standard on Rural and Urban Addressing (AS/NZS 4819:2011) and subsequent amendments where names are written in English.
- 5.6. Naming a private road does not mean Council accepts responsibility for that private road, other than ensuring its name complies with this Naming Policy and the Australian/New Zealand Rural and Urban Addressing Standard (AS/NZS 4819:2011) and updating Land Information New Zealand.
- 5.7. Property numbering, upon implementation of the policy, will be in accordance with Australian/ New Zealand Standard Rural and Urban Addressing (AS/NZS4819:2011) and in the case of retirement villages, also in accordance with Guideline for addressing in retirement villages LINZG80700 (and any subsequent updates).
- 5.8. Where naming or renaming a reserve vested in Council, Council will comply with s16(10) and s16(10A) of the Reserves Act 1977, by consulting with the New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) and placing a notice in the Gazette.

- 5.9. The New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 has precedence over this policy where it applies (naming geographic locations).

## **6. TE REO MĀORI NAMES**

- 6.1. Council supports the use of Te Reo Māori names for roads, open spaces, features and council facilities.
- 6.2. All Te Reo Māori names will be initially drafted in partnership with Ngāti Tūwharatoa (Bay of Plenty) as Tangata Whenua.
- 6.3. Te Reo Māori names, in consultation with Tangata Whenua Iwi Ngāti Tūwharatoa (Bay of Plenty), will be written using the orthographic writing conventions of the Māori language developed by Te Taura Whiri i Te Reo Māori (the Māori Language Commission). Where appropriate, Council will be guided by Ngāti Tūwharatoa (Bay of Plenty) to ensure the integrity of the local dialects and cultural practices with regard to Te Reo Māori names in Kawerau rohe.

## **7. DUAL NAMING**

- 7.1. While Te Reo Māori or English monolingual names are preferred, council supports dual naming in the following circumstances:
- 7.1.1. where there is an opportunity to promote Te Reo Māori by use of a direct Te Reo/English translation;
  - 7.1.2. where both English and Te Reo Māori names are already in current use in the community for the same road, open space, feature or council facility; and
  - 7.1.3. where dual naming will make visible Tangata Whenua Iwi Ngāti Tūwharatoa (Bay of Plenty) connections to a place.
- 7.2. When dual naming is used for open spaces and community facilities the Te Reo Māori name will be positioned before the English name.
- 7.3. Dual naming is not supported by Council for roads and will be avoided.

## **8. GENERAL PROCEDURE FOR SELECTING NAMES (NAMING A NEW ROAD OR PRIVATE WAY)**

- 8.1. New roads or private ways usually result from a subdivision. When applying for a resource consent, the developer should apply for any new road name or private way name, by submitting a "Naming Request Application". Applications must be received prior to the issuing of the s223 certificate.

- 8.2. Applicants are required to consult with Tangata Whenua Iwi Ngāti Tūwharatoa (Bay of Plenty) early and Council will assist with this process. This will help ensure names will meet the requirements of section 9.1 of this policy, before making their application to Council.
- 8.3. It is recommended that applicants provide Council with their preferred name and two alternative names for each road, opens spaces, features and council facilities to be named.
- 8.4. All applications should include supporting evidence of engagement with Tangata Whenua regarding the names proposed (for example, a letter of support, or minutes of a meeting, or a memorandum of understanding etc).
- 8.5. Where no names are proposed, or where council initiates the project, council will facilitate a discussion with Tangata Whenua Iwi Ngāti Tūwharatoa (Bay of Plenty), the applicant and/or landowner to identify suitable names to be used.
- 8.6. Private roads, including those within retirement complexes, must be named where there are six or more houses on the private road, or if there is the potential to develop six or more houses on the private road. The names of private roads must be consistent with the general naming criteria.
- 8.7. Where a private way has multiple owners, supporting evidence of engagement with all associated owners must be provided.
- 8.8. Council has no responsibility for the signage, maintenance or upkeep of any private road.
- 8.9. Council holds the final decision making authority on the choice of names.

## **9. NAMING CRITERIA**

- 9.1. Proposed names must reflect one or more of the following:
  - 9.1.1. Identity of Kawerau;
  - 9.1.2. Historical significance of the area;
  - 9.1.3. Cultural significance of the area;
  - 9.1.4. People who were important in the history of the area, and/or characteristics of people important to the Kawerau rohe;
  - 9.1.5. Events or places significant to a community or communities locally, nationally, internationally.
  - 9.1.6. Flora, fauna and topographical features significant or important to the history or geography of the community, the wider local area or the district.

- 9.1.7. Continuation of existing established theme or creation of a common theme for a development.
- 9.2. Proposed names should avoid the following:
  - 9.2.1. Road name should not repeat or be similar in name or sound, to any name already in use locally or within 5 km of the surrounding districts, as this creates confusion for emergency services, delivery services and maintenance staff.
  - 9.2.2. Names that honour a person more than once should be avoided.
  - 9.2.3. Qualifying words, such as Upper, West, or generic terms, should not be used to distinguish between associated features with the same specific name.
- 9.3. Proposed names will be deemed unacceptable if:
  - 9.3.1. Council consider they may be regarded as derogatory, discriminatory, frivolous, offensive or in poor taste.
- 9.4. Roads may not be named after commercial enterprises. For community facilities, open spaces and features, there may be individually negotiated sponsorship agreements including naming rights that may supersede the criteria in clause 9.

## **10. ADDITIONAL CRITERIA FOR ROAD NAMES**

- 10.1. A road name shall consist of two parts: a name, followed by a road type. A road type shall not be used as the first part of a road name.
- 10.2. Where English names are to be used for roads, they shall comply with the road-naming standard used by the Council (AS/NZS4819:2011).
- 10.3. When using Te Reo Māori names, “Ara” and “Te Ara” may be used as the first part of the name. The use of “Te” before “Ara” is not essential unless the road is being named for a person or thing in which “Te” is an integral part. When using “Ara” or “Te Ara”, this replaces the road type (for example: “Ara Tai” not “Ara Tai Lane”).
- 10.4. Road names should be shorter rather than longer and should be less than 15 letters excluding the road type unless deemed culturally significant by Tangata Whenua Iwi Ngāti Tūwharatoa (Bay of Plenty).
- 10.5. Road names should change at logical intersections and care should be taken to avoid dividing a single section of road.



## 11. PROPERTY ADDRESS NUMBERING

- 11.1. Council may allocate a number to any area of land or building or part of a building within its district and may change the number allocated to any such area of land or building, as set out in Section 319B of the Local Government Act 1974.
- 11.2. Upon implementation of this policy, road numbers will be assigned within the standards set out in the Australian/New Zealand Standards: Rural and urban addressing (AS/NZS 4819:2011).
  - 11.2.1. Urban roads will generally be numbered consecutively from the start of the road with odd numbers on the left and even on the right. Existing number will only be changed where exceptional circumstances exist or to prevent significant numbering inconsistencies.
  - 11.2.2. Rural Roads will usually be numbered using the distance-based address numbering method. Rural roads are generally defined through the zoning of a property and neighbouring properties in the District Plan.
  - 11.2.3. If the zoning of a property changes, consideration will be given to the suitability of the current numbering and renumbering may be required.
  - 11.2.4. Private ways are usually numbered from the adjoining named road which gives access to the private way. The Council will give consideration to issuing separate numbers, only where the private way is officially named. Numbers will only be issued once the road name has been accepted through a resolution of Council.
- 11.3. In cases where Council decides to re-number a road or private way, property owners and residents affected by the renumbering will be given a minimum of four weeks' notice.

## 12. POLICY ON RENAMING

- 12.1. Only in exceptional circumstances will Council consider renaming roads, open spaces, features or Council facilities.
- 12.2. Council may consider renaming open spaces, features, or Council facilities where a new name would better meet the objectives of the policy to promote local identity and Tangata Whenua connections.
- 12.3. Council may consider requests for renaming where there are strong reasons for renaming or dual naming of existing streets.
- 12.4. Applications for renaming may be considered where initiated by a Kawerau

ratepayer or resident of Kawerau District, or by Tangata Whenua Iwi Ngāti Tūwharatoa (Bay of Plenty) and where they fall into one of the following categories:

- 12.4.1. Major changes in road layout or infrastructure and renaming is required to avoid confusion, duplication or ambiguity;
  - 12.4.2. To correct inaccuracies or spelling;
  - 12.4.3. The name is culturally inappropriate;
  - 12.4.4. In circumstances where an incorrect name has become established over time by local usage;
  - 12.4.5. To address a significant wrong or grievance;
  - 12.4.6. Where a new name would better meet the purpose of this policy in promoting local identity and Tangata Whenua Iwi Ngāti Tūwharatoa (Bay of Plenty) connections.
  - 12.4.7. Where there is a strong reason to support dual naming (e.g. to better promote local identity);
  - 12.4.8. Any other reason Council considers appropriate in the circumstances.
- 12.5. An application for renaming must be supplied with the following information:
- 12.5.1. Reasoning or justification for a name change; and
  - 12.5.2. Evidence of consultation undertaken by the applicant with affected property owners, including the outcome of the consultation (e.g. signed letters of agreement);
  - 12.5.3. Support for the proposed names from affected property owners;
  - 12.5.4. Any research undertaken to support the application (if applicable).
- 12.6. If renaming, long-term, historically-embedded existing names, or names that are in common local use, may take precedence over new names if they conform to clause 9.
- 12.7. Applicants for renaming of roads, open spaces, features or Council facilities must agree to meet the costs incurred by Council, including costs of signs, renumbering, administration and any other associated costs. Where Council initiate the renaming, Council will cover the associated costs.
- 12.8. Council will not pursue a renaming application, where the affected residents are not in support of the renaming process.

### **13. ADDITIONAL CRITERIA FOR OPEN SPACES AND FEATURES WITHIN THEM**

- 13.1. Open spaces gifted to Council, may honour the landowner by agreeing on a name in consultation with Tangata Whenua Iwi Ngāti Tūwharatoa (Bay of Plenty).
- 13.2. Open spaces acquired, at market value, must not include a naming condition as part of the sale and purchase conditions.
- 13.3. Open spaces and/or features are not required to include a name type, such as park or reserve, unless considered appropriate.
- 13.4. Contiguous (adjacent) parks and reserves should be given the same name, unless there is exceptional circumstances to do otherwise.
- 13.5. Tangata Whenua Iwi Ngāti Tūwharatoa (Bay of Plenty) direction will be sought as to whether feature descriptions such as 'Mount' and 'Lake' are required where Te Reo Māori is used.

### **14. ADDITIONAL CRITERIA FOR COMMUNITY FACILITIES**

- 14.1. Community facilities are not required to include the nature of the facility, unless considered appropriate.
- 14.2. Community facilities should not be named after commercial entities unless a sponsorship agreement is entered into.

### **15. MONITORING AND IMPLEMENTATION**

- 15.1. Implementation of the policy will be the responsibility of, and monitored by, the Group Manager Regulatory and Planning.
- 15.2. The policy will be reviewed every five years, or earlier at the request of Council or in response to changed legislative and statutory requirements.

## SCHEDULE 1 – AS/NZS 4819 – TYPES OF ROADS

Road Type	Abbreviation	Description
Alley	Aly	Usually narrow roadway in a city or town.
Arcade	Arc	Passage having an arched roof or covered walkway with shops along the sides.
Avenue	Ave	Broad roadway, usually planted on each side with trees.
Boulevard	Blvd	Wide roadway, well paved, usually ornamented with trees and grass plots.
Circle	Cir	Roadway that generally forms a circle; or a short enclosed roadway bounded by a circle.
Close	Cl	Short enclosed roadway.
Court	Crt	Short enclosed roadway, usually surrounded by buildings.
Crescent	Cres	Crescent shaped roadway, especially where both ends join the same thoroughfare.
Drive	Dr	Wide roadway without many cross-streets.
Glade	Gld	Roadway usually in a valley of trees.
Green	Grn	Roadway often leading to a grassed public recreation area.
Grove	Grv	Roadway that features a group of trees standing together.
Highway	Hwy	Main thoroughfare between major destinations.
Lane	Lane	Narrow roadway between walls, buildings or a narrow country roadway. (reserved exclusively for non-public roads)
Loop	Loop	Roadway that diverges from and rejoins the main thoroughfare.
Mall	Mall	Wide walkway, usually with Shops along the sides.
Mews	Mews	Roadway having houses grouped around the end.
Parade	Pde	Public roadway or promenade that has good pedestrian facilities along the side.
Place	Pl	Short, sometimes narrow, enclosed roadway.
Promenade	Prom	Wide flat walkway, usually along the water's edge.
Quay	Qy	Roadway alongside or projecting into the water.
Rise	Rise	Roadway going to a higher place or position.
Road	Rd	Open roadway primarily for vehicles.
Square	Sq	Roadway which generally forms a square shape, or an area of roadway bounded by four sides.
Steps	Stps	Walkway consisting mainly of steps.

Street	St	Public roadway in an urban area, especially where paved and with footpaths and buildings along one or both sides.
Terrace	Tce	Roadway on a hilly area that is mainly flat.
Track	Trk	Walkway in natural setting.
View	View	A road with a view.
Walk	Walk	Thoroughfare for pedestrians.
Way	Way	Short enclosed roadway. (reserved exclusively for non-public roads)
Wharf	Whrf	A roadway on a wharf or pier.

**PURPOSE OF APPLICATION:**

- To provide a consistent approach to naming roads, open spaces (reserves), open space features (tracks), Council facilities and other public places in Kawerau.
- To ensure the identity of the town is recognised and maintained in the naming of public places.
- To encourage locally significant te reo Māori names for roads, open spaces (reserves), open space features (tracks), Council facilities and other public places in Kawerau and to enable greater visibility of tangata whenua connections to Kawerau.
- NOTE: Form applies to both naming or renaming applications (Renaming includes the full name (e.g. name and type of road)).

<b>Applicant Name:</b>	
<b>Postal Address:</b>	
<b>Email Address:</b>	
<b>Phone:</b>	
<b>Organisation (If Applicable):</b>	
<b>Resource Consent No (if applicable)</b>	
<b>Site Address:</b>	
<b>Legal Description:</b>	

Kawerau District Council will decide on the name for roads, open spaces (reserves), open space features (tracks), Council facilities and other public places based on a list of three choices provided by the applicant. The applicant is required to provide evidence to support their recommended names, including evidence of consultation with Tangata Whenua (Council will assist in making contact with the appropriate person).

**PROPOSED STREET NAMES:**

<b>Item to Name</b> – enter road, open space, feature or facility	<b>Options</b>	<b>Proposed Name</b>	<b>Historical Significance of Name/ Reasoning for Renaming</b> – can write in the below box if you run out of room
	Option 1		
	Option 2		
	Option 3		
	Option 1		
	Option 2		
	Option 3		
	Option 1		
	Option 2		
	Option 3		



**Important Note:**

For further guidance on road naming, you are strongly advised to refer to the Kawerau District Council Naming Policy.

Kawerau District Council will give preference to names which reflect any of the following points (it will be helpful to make it clear on your application which of the criteria you are submitting on):

- The identity of Kawerau;
- The historical significance of the area;
- Cultural significance of the area;
- People who were important in the history of the area, and/or characteristics of people important to the Kawerau rohe;
- Events or places significant to a community or communities locally, nationally, internationally;
- Flora, fauna and topographical features significant or important to the history or geography of the community, the wider local area or the district.
- Continuation of existing established theme or creation of a common theme for a development.

Suggested names should not repeat or be similar in name or sound, to any name already in use or within 5km of the surrounding districts. Names that honour a person more than once should be avoided and qualifying words such as upper, west or generic terms, should not be used to distinguish between features with the same name.

Names are preferably short, single words, and be no more than 15 characters plus the road type (e.g. Street, Road, Lane). Private roads, must be named if there are more than, or there is the potential to develop six houses on a private road.

**Internal Use Only:**

Do the proposed names meet the Council Naming Criteria?		
Iwi Engagement – Comments		
Group Manager, Operations and Services Recommendations:		
Group Manager, Regulatory and Planning Recommendations:		
Council Resolution:		
Copy of approved application sent to:	Date	Signature
Road signs provided:	Date	Signature
Numbering completed:	Date	Signature



**Meeting:** Extraordinary Council

**Meeting Date:** 16 October 2024

**Subject:** Freedom Camping Bylaw – Receipt of Legal Advice

**File No.:** 320400

## 1 **Purpose**

The purpose of this report is to provide Council with an update on the legal opinion sought in regards to questions raised during the submission processes.

## 2 **Background**

The Freedom Camping Bylaw 2019 was introduced as a means to address problems that had arisen with freedom camping in Kawerau District. The introduction of the Bylaw was considered the best way to protect freedom camping areas and the health and safety of people in the Kawerau District and enabled Council to adopt an infringement regime to help manage the freedom camping areas.

A new Bylaw must be reviewed within 5 years of implementation and then every 10 years after this. As such, the Freedom Camping Bylaw is due for review.

In addition to a standard review, in June 2023, changes were made to the Freedom Camping Act 2011 and the Plumbers, Gasfitters and Drainlayers Act 2006 through the enactment of the Self-Contained Vehicles Legislation Act 2023, which had the purpose of improving the management of vehicle based freedom camping.

The Freedom Camping Act is now permissible by default, and allows freedom camping on all Council controlled or managed land, unless it is prohibited under legislation such as the Reserve Management Act. Section s44 of the Reserves Act prohibits camping unless a statutory exemption applies. One of the exemptions is if camping is permitted in accordance with a reserve management plan that is currently in force. Council's Reserve Management Plan does not allow camping on any areas except Prideaux Park and Firmin Field. Camping in all other areas is prohibited under the Reserve Management Plan.

Essentially, while the Freedom Camping Act is permissible in nature, it enables Councils to make a Bylaw which may restrict or prohibit areas if necessary to protect the area, protect the health and safety of people who may visit the area or protect access to the area. The provisions under the Freedom Camping Act do not overrule those under the Reserves Act, but Council must not issue a blanket ban. To avoid confusion, any Bylaw implemented should be consistent with the Reserves Management Act and associated Plan.

Other key changes that must be considered are the requirement for freedom campers using vehicles, must use a vehicle that is certified self-contained. The definition of self-contained has been updated to require a fixed toilet. A graduated approach is taken to enable vehicle owner's time to comply with the new requirements (graduated over 2 years ending June 2025).

The last key change is that people experiencing homelessness are not liable for offences under the Freedom Camping Act. The Act now contains an exemption from the freedom camping rules for those experiencing homelessness if they are not in New Zealand on a visitor visa, and they are unable to live in appropriate residential accommodation, i.e. a house, flat, motel, boarding house, or camping ground. This exemption reinforces the approach that people experiencing homelessness should not be penalised and should instead be directed to appropriate social service organisations.

## **2.1. Work to Date**

Council staff have undertaken a review of the Freedom Camping Bylaw 2019, which included a review of the changes to legislation and the impact on bylaw and the district as a whole. The review involved speaking to internal teams to get an understanding of the current issues with the bylaw, and reviewing complaints relating to freedom camping to help understand the community concerns. The proposed freedom camping bylaw has also been reviewed by legal experts to ensure it complies with requirements, however this did not include a review of the site assessments.

Public consultation was carried out between 5 August 2024 and 6 September 2024. The proposed freedom camping bylaw, statement of proposal and submission form were made available online, with hard copies available at the Council Office and the Library. Social media posts were also used to inform people of the proposal through links to the online information. Council also provided five public drop in centres to provide the community with an opportunity to discuss any thoughts and provide feedback. These meetings were advertised in the newspaper and on our website.

An invitation was sent to Ngāti Tūwharetoa ki Kawerau, Tūwharetoa ki Kawerau Hauora, Ngāti Rangitīhi, Ngāti Awa, Māori Investments and Tuhourangi to discuss or make a submission on the proposed Bylaw. No feedback was provided by these parties.

We also reached out to the New Zealand Motor Home Association through local representatives to advise them of the consultation on the Proposed Freedom Camping Bylaw. They have provided a submission on the proposed Freedom Camping Bylaw.

## **3 Situation**

As a result of the consultation a total of 21 submissions were received and one submitter spoke to their submission at the hearing held on 25 September 2024. There was a wide range of views received and there was a good level of information provided through the submissions.

The submissions were reviewed and partly deliberated after the hearing. Decisions were put off until 16 October 2024 to enable time for Council to seek legal opinion in regards to matters raised in the submissions. .

The key questions to be answered related to how the site assessment had been undertaken and whether some of the considerations (cultural, historical and natural environment, commercial and amenity values) were in fact outside of what was intended by legislation.

After the hearing date on 25 September, it came to the attention of staff that the High Court decision (New Zealand Motor Caravan Association Incorporated v Queenstown Lakes District Council [2024] NZHC 2729) had just been released in regards to the Queenstown Lakes District Council Freedom Camping Bylaw. In this case the Court found the 'economic factors' and 'amenity factors' were irrelevant considerations when undertaking site assessments. The High Court is yet to determine what relief is sought and what may be awarded.

The High Court did acknowledge that the claim the Bylaw was inappropriate and disproportionate was outside of their jurisdiction, as that would amount to an assessment of the factual circumstances. There are no provisions for the Courts to review Council decisions to adopt the Bylaw, but the process to those decisions can be judicially reviewed.

Our site assessments were undertaken largely based on the assessment used by Queenstown Lakes District Council. The scoring model behind this was introduced by Taranaki District Council around 2016 and has since been used by many Councils. However, given the outcome of the High Court Case, it is evident that a reassessment of the site assessments will need to be undertaken.

The Court case details were forwarded to the Lawyer preparing a legal opinion. The legal opinion has been received, but due to legal privilege, this has not been attached but is available to Council. Essentially, the advice was to place the bylaw on hold and re-assess the site assessments before moving forward.

While the Freedom Camping Bylaw itself may be sound, the process in which decisions are made, through the site assessments, are subject to judicial review. The Freedom Camping Bylaw should be reviewed again, on the completion of new site assessments.

## 4 Options Considered

Two options have been considered and set out below.

### 4.1 Option 1: Place the Freedom Camping Bylaw Review on hold while new site re-assessments are completed

This option would involve the Freedom Camping Bylaw being placed on hold, while site assessments are undertaken. Once completed the Freedom Camping Bylaw will be reviewed against the new site assessments. Where a Bylaw is still considered to be the most appropriate form to address the perceived problem, we will recommence the review from the beginning following the s83 special consultative process. In the first stage of determining the bylaw is appropriate, we would enable the option to await the High Court Decision of relief sought – if this has not been resolved by that time.

This option **is recommended**. Council needs to comply with requirements and ensure the process has been completed correctly.

#### 4.2 Option 2: Continue with the proposed adoption of the Freedom Camping Bylaw

This option would involve reviewing the legal opinion and deciding to complete the deliberations on the Freedom Camping Bylaw with the intention to adopt at the next Council Meeting.

This option **is not recommended**. As noted above in section 3, a High Court in the case of *New Zealand Motor Caravan Association Incorporated v Queenstown Lakes District Council* [2024] NZHC 2729, has found that two of the assessment guidelines used by Queenstown Lakes District Council, which we have also used in our site assessment, were ultra vires (done beyond legal authority). The Court acknowledged in the decision, that they have no jurisdiction over determining Council's decision to adopt a bylaw, they have the jurisdiction to ensure the process is followed within the scope of the law.

If Council made the decision to adopt the proposed bylaw (although the bylaw itself may be sound), it would open itself up for a potentially successful judicial review.

#### 4.3 Option 3: Place the Freedom Camping Bylaw Review on hold and await the outcome of the relief sought as a result of the High Court decision before taking further steps.

This option would provide more certainty of the relief sought, and enable Council to make a decision on the level of risk and proposed consequences.

In saying this, it would still be recommended to complete new site assessments as outlined under option 1.

This option is **not recommended**. This would delay the process, for no guaranteed benefit. A decision could still be made to await the High Court Decision of relief, once new assessments have been completed under option 1.

## 5 **Policy and Plan Considerations**

There may be minor amendments required to the Reserve Management Plan to align with any amendments required under the proposed Freedom Camping Bylaw.

There are no other identified inconsistencies with any of the Council's policies or plans in relation to this report.

## 6 **Risks**

The key risk to Council is that now there is a High Court decision that has outlined the 'economic factors' and 'amenity factors' were irrelevant considerations when undertaking site assessments, we would be opening ourselves up for a judicial review given our assessments included these elements.

## **7 Financial Considerations**

The following considerations have been undertaken.

Enforcement – Compliance with the Freedom Camping Bylaw is currently undertaken by Council Staff. This will continue at no additional cost.

We are about to tender for the after-hours animal and noise control contracts, in which we will include Freedom Camping as a new role. It is expected this may be able to be covered within our current budget, however this will not be confirmed until the tender process has been completed. An estimate has been prepared indicating an additional cost of approximately \$1,800 per month plus \$58.91 for any call out fees (if applicable).

Where the additional services cannot be covered within current budgets (or exceeds expectations), the services will continue to be undertaken by Council Staff, with the option to extend working hours through running a split shift or provide random monitoring with staff working different hours when undertaking random monitoring.

Council's Economic & Community Development Manager obtained funding of \$80,000 from the Transition Fund to assist with the development of the new bylaw, signage, and ambassadors to work with freedom campers. This will cover the additional costs required for new and more educational signage and pamphlets. A Freedom Camping ambassador will also be able to engage with freedom campers on the introduction of the new bylaw to provide an educational approach, prior to any enforcement.

## **8 Legal Considerations**

Council is required to follow the process and ensure it adheres to the legislative requirements. Given the new High Court decisions, to progress with the adoption of the Freedom Camping Bylaw would open ourselves up for a possibly successful judicial review.

Legal advice has been sought and received, which has advised that new site assessments should be undertaken prior to consideration of the adoption of the proposed Freedom Camping Bylaw.

Where Council wishes to adopt the bylaw it must consider the following statutory obligations.

- Is the Bylaw the most appropriate way of addressing the perceived problem?
- Is the proposed Bylaw the most appropriate form of Bylaw?
- Does the proposed new Bylaw give rise to any implications under the New Zealand Bill of Rights Act 1990?

Explanation around how these are achieved has previously been presented, however given the recommendations within this report are not to adopt the bylaw, they have not been included here. When Council choose to move forward with the bylaw, we would need to prepare the documents for that purpose and set the meeting for a future date. Full considerations for these obligations would be set out for that meeting.

## 9 **Significance and Engagement**

The matters in this report are considered to be of a moderate significance due to the level of community interest, and the possible adverse impact on the community and environment.

Public consultation was conducted between 5 August and 6 September 2024 to obtain the views of the community. The method of consultation is set out above at 1.

If Council decide to complete new site assessments, further community engagement will be undertaken through the special consultative approach.

## 10 **RECOMMENDATIONS**

1. That the report “Proposed Freedom Camping Bylaw – Receipt of Legal Advice” be received; and
2. That Council adopts Option 1, to place the Freedom Camping Bylaw Review on hold to reassess the site assessments; and
3. That Council acknowledges that once the site assessments have been reassessed, the Bylaw will be reviewed based on the new information, and brought back to Council for consideration before further consultation is undertaken.



Michaela Glaspey

**Group Manager Regulatory and Planning**

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## APPENDIX 1

Name/Organisation	Hearing	Submitters response to hearing topics	Response
<p># 21 NZCMA</p>	<p>NO</p>	<p><b>Q1.</b> <i>Respondent skipped this question</i></p> <p><b>Q2.</b> <i>Respondent skipped this question</i></p> <p><b>Q3.</b> <i>Respondent skipped this question</i></p> <p><b>Q4.</b> <i>Respondent skipped this question</i></p> <p><b>Q5.</b> <i>Respondent skipped this question</i></p> <p><b>Q6.</b> <i>Respondent skipped this question</i></p> <p><b>Q7.</b> Introduction 1 The New Zealand Motor Caravan Association Inc. (NZMCA) appreciates the opportunity to submit on this draft bylaw. We understand the review is necessary by operation of law. NZMCA members enjoy travelling the countryside at leisure in their certified self-contained motorhomes and caravans. Some 118,500 New Zealanders are members of the NZMCA and over 230 reside in Kawerau. Our members are directly affected by the draft bylaw. 2 NZMCA members are typically hybrid campers frequently alternating between commercial campgrounds, private campsites, and freedom camping areas. Kawerau is one of 58 official Motorhome Friendly Towns in New Zealand, and we promote the town as a place to visit through our communication channels. A lawful bylaw, along with the ability to freedom camp responsibly in safe and desirable locations is important criteria for towns to</p>	

		<p>achieve and maintain their MHFT status. 3 Overall, the draft bylaw is more restrictive/prohibitive than the 2019 version. We wish to raise the following concerns and comments on the proposal. Purpose of the draft bylaw 4 The explanatory note explicitly notes the bylaw does not apply to private land, however the site assessments used to determine whether a local authority area should be restricted or prohibited considered the impacts of freedom camping on private land. We discuss this concern further on. Definition of a Self-contained Vehicle 5 The explanatory note correctly identifies that the modified Standard NZS 5465 requires permanently fixed toilets, however it should also clarify vehicles with portable toilets certified under NZS 5465 prior to June 7, 2023, can continue to freedom camp until the end of the 2 transition period. Also of note, the modification to NZS 5465 is temporary and does not continue to apply beyond the transition period. Site assessments Scoring system 6 The scoring system was developed by the South Taranaki District Council in 2016 and at the time it was seen to be a pragmatic way of undertaking objective site assessments. Since then, many other local authorities have used the scoring system when drafting bylaws, and some have varied applications of it. The NZMCA has spent eight years observing how local authorities assess their sites and we are not convinced a score of '1' should be applied to the final score when there are no issues present. Particularly if the final score is 9/15. 7 The recommendations made to prohibit freedom camping at Waterwheel Heritage Park, Stock Pound, Fenton Street Reserve, and Owen/Julian Road Reserve are good examples of our concern with this flaw in the scoring system. Irrespective of whether the sites are ideal for freedom camping, they would not have become prohibited areas under the bylaw if they did not</p>	
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			<p>score 1/15 under one of the three assessment criteria. The Council should exclude a score of 1/5 when determining whether an area should restrict or prohibit freedom camping. Irrelevant matters 8 The site assessment report notes the Council can protect areas if they are in environmentally or culturally sensitive locations, and that when assessing sites using the scoring system it may consider areas of cultural or historical significance and the natural environment. 9 Freedom camping at Boyce Park requires Council pre-approval, provided an application does not affect commercial opportunities. We disagree the Council can (or should) decline an application for commercial reasons, particularly as this matter is beyond the scope of section 11 of the Freedom Camping Act 2011 (the Act). 10 Several sites prohibit freedom camping because of the potential negative effects on privacy and amenity enjoyed by private landowners. Not only are these matters beyond the scope of the Council's own scoring method, but we also argue these matters are not relevant under section 11 of the Act. We query whether it is reasonable under the Act to prohibit camping at a public site if a nearby landowner simply objects to the view (visual amenity)?</p>	
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