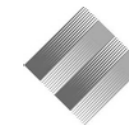


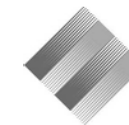
APPENDIX 1 – Table of Reserves Covered by this Management Plan and their Legal Descriptions

Table 1 : Reserves covered by this Management Plan

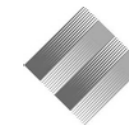
	Reserve Name	Area Land (Total)	Legal Status	Legal Description	Owner	Lease/Licence
1.	Ben Keys Street Road Reserve 383	.0850 ha	Road	Road	Western Bay of Plenty District Council	Contains pump station
2.	Boucher Avenue 197	.0566 ha	Local Purpose Reserve (Plantation)	Lot 2 DPS 27745 (.0176 ha) and Sec 133 SO 50659 (.0390 ha)	Western Bay of Plenty District Council	N/A
3.	Centennial Park 192	9.8322 ha	Recreation Reserve	Lot 2 DPS 25372 (4.5347 ha); Lot 2 DPS 49234 (.2845 ha); Lot 1 DPS 49234 (2.9800 ha) and Lot 1 DPS 7779 (2.0330 ha).	Western Bay of Plenty District Council	Te Puke Lawn Tennis Club Incorporated



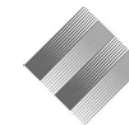
	Reserve Name	Area Land (Total)	Legal Status	Legal Description	Owner	Lease/Licence
4.	Donovan Park/Pioneer Park 200 Pioneer Park (.6076 ha) 189		Recreation Reserve and Fee Simple	Donovan Park Lot 1 DPS 12474 (1.1792 ha) (RR); Lot 6 DPS 18330 (.0780 ha) (RR); Lot 8 DPS 18330 (.0982 ha) (RR); Part Lot 11 DPS 17912 (.1443 ha) (RR); Lot 7 DPS 7913 (.1019 ha) (Fee Simple) and Pt Lot 2 DPS 15333 (2.2833 ha) (Fee Simple); Pioneer Park. Lot 25 DPS 19194 (.6076 ha) (RR)	Western Bay of Plenty District Council	N/A
5.	Fairhaven Park 191	1.3907 ha	Recreation Reserve and Local Purpose (Accessway) Reserve	Lot 1 DPS 20211 (1.3740 ha) (RR) and Lot 6 DPS 25300 (.0167 ha) (LP).	Western Bay of Plenty District Council	N/A
6.	Gemming Green 195	.2695 ha	Recreation Reserve	Lot 61 DPS 21356	Western Bay of Plenty District Council	N/A
7.	Gordon Street 199	0.1146 ha	Fee Simple (Corporate)	Lot 35 DPS 4674	Western Bay of Plenty District Council	N/A



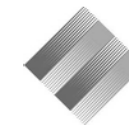
	Reserve Name	Area Land (Total)	Legal Status	Legal Description	Owner	Lease/Licence
8.	Hayward Court Reserve (Also access from Gray Ave) 174	.5280 ha	Recreation Reserve	Lot 78 DPS 40765	Western Bay of Plenty District Council	N/A
9.	Hayward Park 187	1.4947 ha	Recreation Reserve	Lot 79 DPS 40765 (.6260 ha) and Lot 80 DPS 40766 (.8687 ha)	Western Bay of Plenty District Council	N/A
	Hayward Court Drainage Reserve 64	.1835 ha	Local Purpose (Drainage) Reserve	Lot 14 DPS 40764 (.0932 ha); Lot 1 DPS 304949 (.0320 ha); Lot 2 DPS 304949 (.0403 ha) and Lot 22 DPS 40764 (.1528 ha)	Western Bay of Plenty District Council	N/A
10.	Jamieson Oval/Jubilee Park Current Status subject to changes 205	5.2987 ha	Fee Simple Fee Simple Subject to Reserves Act 1977 Subject to Reserves Act 1977 Subject to Reserves Act 1977	Pt Sec 21 DP 16726 Blk II Maketu SD (.0513 ha) (14C/627); Pt Sec 21 DP 16726 Blk II Maketu SD (4.6949 ha) (657/187); Lot 2 DPS 6884 (.0743 ha) (59C/211); Lot 2 DPS 76405 (.4013 ha) (59C/211); Lot 1 DPS 20573 (.0739 ha) (18D1415)	Western Bay of Plenty District Council	Barnardoes, Te Puke Playcentre, Art Society, Scout Group,



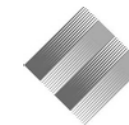
	Reserve Name	Area Land (Total)	Legal Status	Legal Description	Owner	Lease/Licence
11.	Lawrence Oliver Park 203	3.6591 ha	Recreation Reserve	Pt Lot 1 DP 31022 (.9111 ha); Lot 1 DP 30250 (.2921 ha) and Lot 2 DP 11354 (2.4559 ha).	Western Bay of Plenty District Council	N/A
12.	McLoughlin Park 204	.7577 ha	Recreation Reserve	Lot 1 DPS 15747	Western Bay of Plenty District Council	N/A
13.	Te Puke Domain 190	4.5745 ha	Recreation Reserve and Local Purpose Reserve	Pt Sec 50 SO 51580 (4.5345 ha) and Pt Sec 50 SO 51580 (.0400 ha)	Western Bay of Plenty District Council	Lease parts to Te Puke High School, Te Puke Netball Assn, Te Puke Cricket Inc and to Girls Guides
14	Te Puke Holiday Park 231	1.5201 ha	Recreation Reserve	Lot 1 DP 31116	Western Bay of Plenty District Council	Motor Camp, Ham radio transmitter



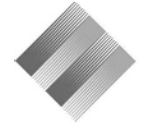
	Reserve Name	Area Land (Total)	Legal Status	Legal Description	Owner	Lease/Licence
15.	Te Puke Library and Service Centre (Area Office) 1025	.1755 ha	Local Purpose Reserve (Community Use)	Pt Lot 56 DP 342	Western Bay of Plenty District Council	Area Office and Library
16.	Te Puke Smallbore Rifle Club 186	.1133 ha	Recreation Reserve	Lot 1 DPS 13934	Western Bay of Plenty District Council	Small Bore Rifle Club 1 Dec 1995 to 30 Nov 2015 ROR
17	Te Puke War Memorial Hall 1026	.1772 ha	Local Purpose (Community Use) Reserve	Pt Lot 1 DP 13811 (.1241ha); Pt Lot 2 DP 13811 (.0426 ha) and Pt Lot 1 DP 36300 (.0105 ha)	Western Bay of Plenty District Council	Hall Committee
	Walkway Reserves					
18.	Raparapahoe Stream Esplanade Reserve 91, 66	6.0990 ha	Local Purpose (Esplanade) Reserve	Lot 4 DPS 63080 (2.3390 ha); Lot 8 DPS 62146 (.6000 ha); Lot 10 DPS 62146 (.6600 ha); Lot 9 DPS 62146 (.6000 ha) and Lot 6 DPS 64058 (1.9000 ha) 3004/62 1491/189 1491/725 1491/1093 1497/73	Western Bay of Plenty District Council	N/A

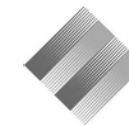


	Reserve Name	Area Land (Total)	Legal Status	Legal Description	Owner	Lease/Licence
19	Kaituna Bridge Esplanade 249	.0551 ha	Local Purpose Esplanade Reserve	Maketu 1A7B8B1 Residue	Western Bay of Plenty District Council	N/A
20.	Noel Bowyer Park	.8678 ha	Recreation Reserve and Local Purpose (Drainage) Reserve	Lot 7 DPS 81126 (.3905 ha) and Lot 9 DPS 29064 (.4773 ha)	Western Bay of Plenty District Council	N/A
21.	Ohineangaanga Stream Esplanade Reserves	3.1391 ha	Local Purpose (Esplanade) Reserves	Lot 13 DPS 67754 (.7027 ha); Lot 20 DPS 23733 (.2076 ha); Lot 4 DPS 31345 (.5100 ha); Lots 9 and 10 DPS 77728 (.2330 ha and .0465 ha); Lot 4 DPS 83784 (.3400 ha); Lot 3 DPS 61811 (.6760 ha); Lot 4 DPS 67315 (.2733 ha) and Lot 2 DPS 85078 (.1500 ha)	Western Bay of Plenty District Council	N/A
22.	Otawa Walk way	NA	Road	Road	Western Bay of Plenty District Council	N/A
23.	Waiari Esplanade Reserve	0.3040 ha	Local Purpose (Esplanade) Reserve	Lot 3 DPS 63114	Western Bay of Plenty District Council	N/A



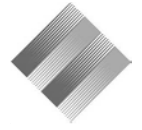
	Reserve Name	Area Land (Total)	Legal Status	Legal Description	Owner	Lease/Licence
24.	Waiari Landing Reserve	1.0270 ha	Landing Reserve	Pt Sec 22A SO 53183	Western Bay of Plenty District Council	N/A
25	Waitangi Quarry Reserve	0.7783 ha	Quarry Reserve	Part Rangiuuru No. 1A	Western Bay of Plenty District Council	
26.	Water Conservation Local Purpose Reserves	55.1182 ha	Local Purpose Reserves	Sec 7 SO 4700/A (12.0191 ha); Sec 8 SO 4700/A (9.3887 ha); Sec 11 SO 4700/A (7.1224 ha); Sec 15 SO 4700/A (20.6794 ha) and Sec 12 SO 4706 (5.9084 ha).	Western Bay of Plenty District Council	N/A





APPENDIX 2 – Reserves requiring classification or reclassification under Section 14 of the Reserves Act 1977

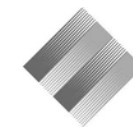
1.	Ben Keys Reserve	Stop Road and classify as Recreation Reserve.
2.	Waiari Landing Reserve	Reclassify from Landing Reserve to Local Purpose (Esplanade) Reserve.



APPENDIX 3 – Bylaws – For Information Not Consultation

Western Bay of Plenty District Council operates a series of bylaws relevant to the management of reserves. These can be found as follows:

- ❑ Dog Control Bylaw 2004 SEE ATTACHED – Council's current Dog Policy is being reviewed which will result in a review of the Bylaw.
- ❑ Recreational and Cultural Facilities Bylaw 2005 SEE ATTACHED – Council's current Bylaw is being reviewed.
- ❑ General Bylaw 2008 - Chapter 2 - Animals (Excluding Dogs) SEE ATTACHED
- ❑ General Bylaw 2008 - Chapter 4 - Nuisances SEE ATTACHED
- ❑ General Bylaw 2008 - Chapter 5 - Public Places SEE ATTACHED



Dog Control Bylaw 2004

1. Introduction

1 Definitions

Control – has the same meaning as in Section 52 Dog Control Act 1996.

Dog Control Officer – means a Dog Control Officer appointed by the Western Bay of Plenty District Council under Section 11 of the Dog Control Act 1996 and includes a warranted officer exercising powers under Section 17 of the same Act.

Dog Ranger – means a Dog Ranger appointed under Section 12 of the Dog Control Act 1996 and includes a person appointed as an Honorary Dog Ranger.

Foreshore – means such parts of the bed, shore or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tide.

Impound – means to seize and impound any dog in accordance with the provisions of the Dog Control Act 1996.

Leash Control – means a dog is attached by a leash to a person physically capable of restraining the dog.

Leash – means an adequate material restraint not exceeding 2 metres in length.

Owner – (in relation to any dog) has the same meaning as in Section 2 of the Dog Control Act 1996.

Premises – means any land, house, storehouse, shop, cellar, yard, building or part of the same, or enclosed space separately occupied; and all lands, buildings and places adjoining each other and occupied together shall be deemed to be the same premises.

Public Place has the same meaning as in Section 2 of the Dog Control Act 1996.

Reserve – means any land under the management or control of Western Bay of Plenty District Council and set apart for any public

purpose as described from time to time, in the Reserves Act 1977, including parks, gardens, recreation grounds, open spaces and foreshores.

Stock – has the same meaning as in Section 2 of the Dog Control Act 1996.

Warranted Officer – means any person who is, for the time being, a warranted officer within the meaning of the Conservation Act 1987.

Working Dog – has the same meaning as in Section 2 of the Dog Control Act 1996.

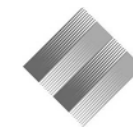
2. Dog Control

In accordance with the principles set out in Council's Dog Control Policy and the powers under Section 20 of the Dog Control Act 1996 and Part 8 of the Local Government Act 2002 including Section 151(2):

2.1 The owner of any dog shall provide for it a weatherproof shelter, kennel or place of confinement, with access to clean water and a floor area of sufficient size to allow reasonable movement and space to turn around, and of sufficient height so that it may stand freely, constructed on dry ground and, in the case of a kennel without other means of containment be provided with a fixed chain which allows the dog free movement about the kennel. The kennel or place of confinement shall be kept in a clean and sanitary condition and situated not closer than 5 metres of any adjoining land in Rural zoned areas or 3 metres in all other zones.

2.2 (i) Dogs must be under control at all times. Any dog causing or likely to cause danger, distress or nuisance must immediately be placed under leash control. This requires the owner to carry a leash at all times.

(ii) No person shall cause or permit or suffer any dog belonging to that person or in their possession to be in or on any public place in contravention of any regulation or Bylaw.



(iii) Council may by resolution prohibit the entry of dogs (other than working dogs) in any public area or part of the district whether the dog is under control or not at any time or at any specified time.

(iv) Council may by resolution, identify any area or parts of the district that are to be designated “dog exercise areas”, on which any dog may run freely provided that dogs are under control at all times. Any dog causing or likely to cause danger, distress or nuisance must immediately be placed under leash control. This requires the owner to carry a leash at all times.

(v) Council may, by resolution, identify any area or parts of the district where dogs (other than working dogs) are to be controlled on a leash at all times.

2.3 No person, being the owner or having control of any dog shall cause or permit the dog to defecate and foul in or on any public place or on land or premises other than that occupied by the dog owner/controller; provided that no offence shall be deemed to have been committed against this Bylaw where the person having control of the dog removes the droppings immediately for disposal in a hygienic manner.

2.4 Any person who behaves so as to cause any dog in any public place to become restive or aggravated, whether or not that person is the owner thereof, shall be guilty of an offence against this Bylaw.

2.5 No person being the owner or having control of any diseased dog shall take the dog into any public place or cause or permit or suffer such dog to enter or remain thereon or to be at large.

2.6 Any bitch “in season” shall be prohibited from any public place during the period it remains in that “condition”.

2.7 (i) No occupier of premises, other than in areas zoned Rural in the Western Bay of Plenty District Plan, shall allow to remain or shall keep more than two dogs over the age of three months at any one time (whether or not that person is the owner thereof) on the premises unless such person shall be the holder of a permit for such purposes from Council.

(ii) Such permit may be issued upon and subject to such terms, conditions and restrictions (including restrictions as to the number of dogs that may remain or be kept on the premises at one time) as the Council may consider necessary in the particular case.

(iii) Any person wishing to keep such number of dogs on the premises shall make written application to the Council with such information as it may require.

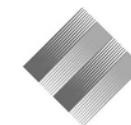
(iv) The Council may, through its Annual Plan procedure, fix a fee for a permit issued in terms of this clause which shall be payable on the issue of the permit – such fee shall be additional to any registration fees payable in terms of the Dog Control Act 1996.

3. Offences and Penalties

Any person who is alleged to have committed an offence under this Bylaw may either:

- (a) be proceeded against under the Summary Proceedings Act 1957, or
- (b) be served with an infringement notice under Section 245 of the Local Government Act 2002.

[Note: Infringement fees are as set under the Dog Control Act 1996 Schedule 1, under the heading “Infringement Offences and Fees”. The maximum penalty for an offence against the Bylaw made under Part 8 of the Local Government Act 2002 is set out in Section 242(4) of the Act].



3.1 Every person who does, permits or causes any act contrary to any provision of this Bylaw or contravenes or fails to comply with any provision of this Bylaw commits an offence.

3.2 Every person who commits an offence under this Bylaw shall be liable on summary conviction to the penalty set out in Section 242(4) of the Local Government Act 2002 or may be served with an infringement notice under Section 245 of the Act.

First Schedule

Prohibited Areas

Pursuant to Clause 2.2(iii), dogs are excluded at all times in the following areas:

(Maps are accessible from the Bylaws which are available on our Website [www.westernbay](http://www.westernbay.govt.nz)).....

Omokoroa Domain

The area between the children’s playground and toilet block (Refer to map on web, Attachment A)

Children’s Playgrounds

Within the soft fall area (bark or rubber) of any children’s playground.

Maketu Spit (Kaituna Reserve)

The area east of the fence line which is situated approximately 800m from the Maketu end of the spit (see map, Attachment B)

Pukehina Spit (Dotterel Point Reserve)

The area north west of the Pukehina Combined Trust building (see map, Attachment C)

Papamoa Hills Cultural Heritage Regional Park

NOTE: None of these provisions shall apply to any working dog whilst carrying out their working dog functions.

Second Schedule

Restricted Areas

Pursuant to Clause 2.2(iii), dogs are excluded for the times stated below in the following areas:

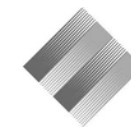
Dogs are prohibited from the following reserve areas during the period from the third Wednesday of December in each year to the second Wednesday of the following February, both days inclusive, between the hours of 9.00am and 7.00pm. No person shall take or allow any dog in their custody or charge or under their control to go on or to remain on the reserves during these hours. Outside the period stated above any dog may run free on the foreshore provided that such dog under control at all times. Any dog causing or likely to cause danger, distress or nuisance must immediately be placed under leash control. This requires the owner to carry a leash at all times.

- Waihi Beach, Island View, Pios Beach.

The reserve area from the Orakawa Scenic Reserve which is situated at the northern end of Waihi Beach to and including the Bowentown Head which is situated in the Bowentown Scenic Reserve. (see map attachments D,E & F)

- Omokoroa

The reserve area adjacent to the public right of way which is situated between No 69 and 71 Omokoroa Beach Road, to the jetty which is situated at the eastern end of The Esplanade. (see map attachment G)



- Maketu

The reserve area from the Waitepuia Stream which is situated approximately 1km north of the Spencer Avenue / Maketu Road junction, to and including Bledisloe Park which is situated at Little Waihi. (see map attachments H and I)

There are currently no areas designated under this bylaw.

Restricted Areas

Dogs are prohibited from the following area between Labour Weekend (starting Saturday) and the following Easter Monday (both days inclusive).

Outside the period stated above any dog may run free on the foreshore provided that such dog is under control at all times. Any dog causing or likely to cause danger, distress or nuisance must immediately be placed under leash control. This requires the owner to carry a leash at all times.

- Omokoroa

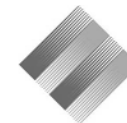
The area between the foreshore and the post and rail fence on the Domain, from the Crapp Reserve to the Omokoroa Jetty (see Attachment A).

NOTE: None of these provisions shall apply to any working dog whilst carrying out their working dog functions.

Third Schedule

Dog Exercise Areas

Pursuant to Clause 2.2(v), the following areas have been designated as dog exercise areas where dogs may run freely provided they are under control at all times. Any dog causing or likely to cause danger, distress or nuisance must immediately be placed under leash control. This requires the owner to carry a leash at all times.



Recreational and Cultural Facilities Bylaw 2005

1. Introduction

1.1. Definitions

- 1.1 Throughout the text of all sections of this *Bylaw* certain words are printed in italics and indicates that those words are included in the definitions set out below.
- 1.2 The headings to the clauses under this *Bylaw*, and the explanatory notes or marginal notes to any Clauses shall not affect the construction thereof.
- 1.3 Minor amendments to prescribed *Bylaw* forms are allowed where the meaning and content of the forms remains unchanged.
- 1.4 Words or expressions not expressly set out in this *Bylaw* have the definitions shown below:
- 1.5 In this *Bylaw*, unless the context otherwise requires:
- 1.6 **Appeal** – See *Right of Appeal*

Authorised Officer means a Police *Officer* or any person including a parking warden for the time being appointed by the *Council* to carry out or exercise the duties, offices, or powers referred to in or granted by this *Bylaw*, and in acting as provided by this *Bylaw* shall act as agent for the *Council*.

Borrower means any person to whom the *Council* has by registration or otherwise granted any licence or privilege to borrow books or other material from libraries within the Western Bay of Plenty *District*.

Borrower's Card means any card issued by the Librarian as a means of identification of any *Borrower* from the library.

Building shall have the meaning assigned by the Building Act 1991 (or subsequent replacement).

Bylaw means a *Bylaw* of the *Local Authority* for the time being in force, made under the provisions of any Act or authority enabling the *Local Authority* to make *Bylaws*.

Controlling Officer means a person for the time being who is officially in charge of the facility or reserve area.

Council or **District Council** means the Western Bay of Plenty *District Council* or a duly *Authorised Officer* of the *Council*.

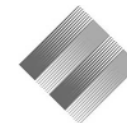
Cycle or **bicycle** means a vehicle having at least 2 wheels and designed to be propelled solely by the muscular energy of the rider. Children's cycles having wheels less than 355 mm (14") diameter are excluded.

Cycle track or **cycle-way** means any portion of a *Road* which has been designated by the *Council* under *Section 332* of the Local Government Act 1974 Chapter XXI or this *Bylaw* for the use of cyclists.

District means the area administered by the Western Bay of Plenty *District Council*.

Enforcement Officer means any person appointed by the Western Bay of Plenty District Council to act on its behalf to administer these *Bylaws*.

Facility means any public toilet, library, playing field, park, *Reserve*, public swimming pool, community hall or any other cultural, recreational or administrative *Facility* provided by and /or administered by *Council*, and



includes the beaches, foreshores and sand dunes being under the jurisdiction or control of Council.

Foreshore means such parts of the bed, shore or banks of a tidal water as are covered and uncovered by the flow and ebb of the tide at ordinary spring tides.

Guide Dog means a dog certified by the Royal New Zealand Foundation for the blind as being a guide dog or a dog under training as a guide dog.

Horses means any horse, mare, gelding, rig, colt, filly, pony, ass, or mule

Invalid chair means a wheelchair but does not include an invalid carriage as defined in the Transport Act 1998.

Librarian includes any person for the time being appointed to control or manage (or to assist in the control and management of) the library.

Library means any library established and carried on for the time being by the *Council* for use by the public, or any *Section* of the public, and includes every portion of any *Building* used for such purposes, and includes a mobile library.

Licensed means holding a licence, *Permit*, or *Written* approval from the *Council* or other authority under this *Bylaw* or any statute.

Material (when appearing in the Library section of this *Bylaw*) means whether printed or electronic, any book, magazine, newspaper, periodical, pamphlet or manuscript, or map, picture, piece of music including a gramophone record or sound recording, tape or compact disc, computer disc, roadsheet, card, newspaper cutting, photographic or negative film, microfilm or photocopy, whether the property of Council or for the time being under the control of Council.

Motor Cycle means a motor vehicle running on 2 wheels, or not more than 3 wheels when fitted with a side-car, and includes any vehicle with motor cycle controls declared by the Secretary or Transport to be a motor cycle; but does not include a moped.

Motor Vehicle has the meaning assigned to it from time to time by the Transport Act 1998.

Offence includes any act or omission in relation to this *Bylaw* or any part thereof for which any person can be punished either on indictment or by summary process.

Person/s includes a corporation sole and also a body of persons whether corporate or non-corporate.

Poultry includes geese, ducks, pigeons, turkeys, emus, ostriches and all types of domestic fowls.

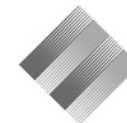
Public Notice means a notice published in a newspaper circulated in the District in which the area is situated.

Ramp means any structure made for the purpose of launching vessels into or hauling vessels out of a body of water.

Reserve means any land under the management or control of *Council* and set apart for any public purpose as described from time to time in the *Reserves Act 1977* including parks, gardens, playgrounds, recreation grounds, open spaces and foreshores.

Ride a Skateboard means having either one or both feet or any other part of the body of any person on the skateboard when it is moving.

Right of Appeal means a right of *Appeal* to *Council* against any decision, order, or direction given under any provision of this *Bylaw*



Skateboard means a wheeled device controlled or propelled by gravity, or by the muscular energy of the rider, (or by any other means of propulsion), and also includes roller-skates, in-line skates, scooters or any similar device, but does not include any bicycle, tricycle, wheelchair, baby or invalid carriage.

Stock means;

- (a) any live horse, cattle, sheep, swine, alpaca, llama, bison, donkey, hinny, mule or water buffalo that is not in a wild state.
- (b) any deer, goat, thar, rabbit, possum or other animal that is kept within a fence or enclosure for domestic or farming purposes.

Temporary Sign means an advertising device to announce or advertise an event, function, or sale of product, erected or displayed only for such a limited period of time as is stipulated on the granting of a *Permit*.

Territorial Authority means any *Territorial Authority* within the meaning of the Local Government Act 2002.

Territorial Authority District means any territory over which the *Territorial Authority* has jurisdiction.

Toxic Substances shall have the same meaning as in the Hazardous Substances and New Organisms Act 1996.

Vehicle has the meaning set out in the Transport Act 1998, but does not include -

- (a) A pram or pushchair;
- (b) A shopping or sporting trundler not propelled by mechanical power;
- (c) A wheelbarrow or hand-trolley;
- (d) A child's toy, including a tricycle and a bicycle, provided, in either case, no *Road* wheel (including any tyre) has a diameter exceeding 355mm;

- (e) A pedestrian-controlled lawnmower; or any pedestrian-controlled agricultural machinery not propelled by mechanical power;
- (f) Any article of furniture;
- (g) Any invalid wheel-chairs not propelled by mechanical power;
- (h) Any other contrivance specified by notice in the Gazette not to be a vehicle;

Vessel means any ship or boat.

Writing, Written or any term of like import means and includes words printed, painted, engraved, lithographed, or otherwise traced or copied, and where anything is required to be *Written* it may be partly in writing and partly in printing.

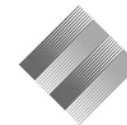
1.7 Words importing the singular number include the plural number and words importing the plural number include the singular number; and words importing the masculine gender include the feminine gender.

1.8 Words referring to any *District*, locality, place, person, office, *Officer*, functionary, party or thing shall be construed distributively as referring to each *District*, locality, place, person, office, *Officer*, functionary, party, or thing to whom or to which the provision is applicable.

1.9 The headings of the clauses of this *Bylaw* shall not affect the construction thereof.

1.10 Every Schedule to this *Bylaw* shall be deemed to form part of this *Bylaw*.

1.11 All *Officers* appointed by the *Local Authority* under or for the purpose of any repealed *Bylaw*, and holding office at the time of the coming into operation of this *Bylaw*, shall be deemed to have been appointed under this *Bylaw*.



1.12 Nothing in this Part of this *Bylaw* shall derogate from any provision of, or the necessity for, compliance with any relevant Act of Parliament or any regulations or rules made thereunder.

1.2. Application of Bylaw to the District

Except as herein expressly provided this *Bylaw* shall apply to the whole of the Western Bay of Plenty District Council Facilities as defined in clause 1 of this Bylaw.

1.3. Licences

1 Any person doing or proposing to do anything or to cause any condition to exist for which a licence or approval from the *Council* is required under this *Bylaw* or any other enactment shall first obtain a licence or approval from the *Council*.

2 The granting of any licence or the giving or the imposing of any directions or conditions in respect of any licence by the *Council* or any *Officer* of the *Council* shall not render the *Council* or such *Officer* liable in respect of any damage caused by or arising out of any act done or omitted in pursuance of or in connection with such licence.

3 The *Council* may attach to any licence such terms or special terms or conditions as it thinks fit.

4 No application for a licence or *Permit* from the *Council*, and no payment of or receipt for any fee paid in connection with such application, licence, or *Permit* shall confer any right, authority or immunity on the person making such application or payment and the *Council* shall be under no obligation to grant any such licence or *Permit*.

5 Except as may be otherwise provided in any enactment or in this *Bylaw*, should it be brought to the notice of the *Council* that the holder of any licence granted hereunder :

- (i) Has acted or is acting in a manner contrary to this *Bylaw* ; or
- (ii) Has failed to comply with any of the conditions of such licence; or
- (iii) Is in any way unfit to hold such licence;
- (iv) Has allowed the *Premises* covered by such licence to be used for any purpose other than that stated in the licence, or has failed to maintain the *Premises* in the condition required by such licence, then the *Council* may by notice in writing call upon him/her to appear before the *Council* or a Committee of the *Council* at a time and place stated in the notice, and show cause why his/her licence should not be revoked or suspended. The *Council* or Committee may, if it considers the allegations correct or if there is no appearance by the holder of a licence, revoke the licence or suspend the same for as long as it may think fit.

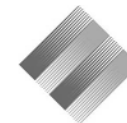
6 Any person whose licence has been suspended, and any *Premises* in respect of which the licence has been suspended, shall, during the period of such suspension, be deemed to be unlicensed.

1.4. Dispensations

1 The *Council* may grant a dispensation from full compliance with any provision in this *Bylaw* or any other *Bylaw* enacted by it, in a case where the *Council* is of opinion that full compliance would needlessly and injuriously affect any person or business, without a corresponding benefit to the public or any section of it.

2 Written application for a dispensation shall be made to the *Council*, giving full details of the relief sought and the reasons why the relief is sought.

3 The *Council* may either refuse the application, or grant it subject to such conditions as it may consider appropriate.



1.5. Offences and Breaches

1 Every person commits a breach of this Bylaw who:

(a) Does, or causes to be done, or permits or suffers to be done, or is concerned in doing, anything whatsoever contrary to or otherwise than as provided by this *Bylaw*;

(b) Omits, or neglects to do, or permits or suffers to remain undone, anything which according to the true intent and meaning of this *Bylaw* ought to be done at the time and in the manner therein provided;

(c) Does not cease any action which the person is required to cease under this *Bylaw*;

(d) Knowingly permits or allows any condition of things to exist or continue to exist contrary to this *Bylaw*;

(e) Fails, refuses or neglects to comply with any notice duly given to that person under this *Bylaw*;

(f) Obstructs or hinders any *Officer* of the *Council* or other person appointed, employed or authorised by the *Council* in the execution or performance or attempted execution or performance of any duty to be discharged by such person under or in the exercise of any power conferred by this *Bylaw*;

(g) Fails to comply with any notice, or direction, or conditions contained in any licence granted by the *Council*.

2 (a) Whenever any person fails to comply with a lawful notice, request, or order, given by an *Authorised Officer of the Council* under any of the provisions of this *Bylaw* the failure, whether wilful or otherwise, to comply with such notice, request, or order shall be a separate *Offence*

upon each day that such person fails to comply with the notice, request, or order.

(b) The provisions of this clause shall not be construed to relieve any person from any penalty which he or she may have incurred before receiving such notice.

3 Except where it is expressly otherwise provided by any Act, any person (including a member of the Police) may lay an information for an *Offence* against this *Bylaw*.

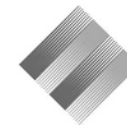
4 Any person who in the opinion of an *Authorised Officer of the Council* is committing or has committed an *Offence* under any of the provisions of this *Bylaw* shall if so required by such Officer desist from such *Offence* and also upon request give his or her full name and address.

1.6. Serving of Notices, Documents Etc

1 Except where otherwise expressly provided for in any Act, in any case where it is provided by this *Bylaw* or any Part thereof, that an order may be made upon or notice given to any person requiring that person to do or abstain from doing anything, or any notice is required by this *Bylaw* to be given or sent to any person, the order or notice shall be delivered to that person either personally or by sending it to the person's last known address, place or abode or business, and in the case of a company to its registered office, by messenger or by ordinary post.

2 If that person is absent from New Zealand, the order or notice may be sent to that person's agent instead of to that person in any manner mentioned in clause 6.1.

3 If that person is not known, or is absent from New Zealand and has no known agent in New Zealand, and the order or notice relates to any land or *Building*, the order or notice, addressed to the owner or occupier of the land or *Building*, as the case may require, may be served on the inhabitant or occupier of that property, or left with some person



residing therein, or, if there is no occupier, may be put up on some conspicuous part of the land or *Building*. It shall not be necessary in any such notice to name the occupier or the owner of the land or *Building*.

4 If that person is deceased the order or notice shall be served in any such manner as aforesaid on that person's personal or legal representative or executor.

5 Where an order or notice is sent by post it must be sent so as to arrive in the due course of post on or before the latest time on which the order or notice is required to be served and shall be deemed to have been served at the time when the letter would be delivered in the ordinary course of post.

1.7. Right of Appeal

1 Any person who claims to be unfairly or adversely affected by any decision, order, or direction, given by a duly *Authorised Officer of Council* shall have the right of *Appeal* to the *Council*.

2 Such *Appeal* shall be in writing setting out the reasons for the *Appeal* and shall be lodged within fourteen (14) days of the date on which the decision, order, or direction was given.

3 Council may appoint any standing committee of *Council* to consider the *Appeal* and to hear *Written* or personal submissions from the appellant if the committee so decides

4 The committee, after considering such evidence as it thinks necessary, may revoke, confirm, or modify the decision, order, or direction giving rise to the *Appeal*.

1.8. Penalties

Any person who is alleged to have committed an offence under this Bylaw may either:

- (a) be proceeded against under the Summary Proceedings Act 1957 or,
- (b) be served with an infringement notice under the Local Government Act 2002.

And be subject to the penalties set out in Section 242(4) of the Local Government Act 2002.

1.9. Officers

(a) For any of the purposes of this *Bylaw*, any *Officer* or other person duly appointed, employed or authorised by the *Council* in that behalf may at all reasonable times enter upon any land, *Building or Premises* in order to carry out an inspection thereof and may execute thereon any works or actions authorised under or pursuant to this *Bylaw*.

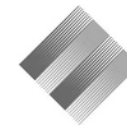
(b) All Inspectors or other *Officers* appointed by the Council under or for the purpose of any repealed *Bylaw* and holding office at the time of the coming into operation of this *Bylaw* shall be deemed to have been appointed under this *Bylaw*.

(c) Every person commits an *Offence* against this *Bylaw* by impersonating any person who is charged with the administration of this *Bylaw* or of any aspect thereof.

(d) No civil or criminal liability shall attach to *Officers* as a result of proper performance of authorised duties.

1.10. Fees

The *Council* may, under clause 150(3) of Local Government Act 2002 and subject to using the process set out in clause 83 of the Act prescribe fees for the purpose of this *Bylaw*.



1.11. Delegation

Council may at any time, by resolution, delegate any powers under this *Bylaw* to a committee of *Council* or a duly *Authorised Officer* or *Officers* of *Council* in accordance with the provisions of the Local Government Act 2002.

1.12. Statutory Amendments

Reference in this *Bylaw* to any statute, regulation, or *Bylaw* shall, unless the context requires, include reference to all subsequent statutes, regulations, or *Bylaws*, made in amendment or in substitution and for the time being in force.

1.13. Amendments to Bylaws or Schedules

1.13.1 *Council* may amend this *Bylaw* using the procedures set out in the Local Government Act.

1.13.2 *Council* may from time to time by resolution publicly notified amend the *Schedules* to this *Bylaw* subject to clause 156 Local Government Act 2002.

1.14. New Technology

If, after the coming into force of this *Bylaw*, any person wishes to install or use in the *District* any article or thing which had not been introduced into the *District* prior to the coming into force of this *Bylaw* and which, while not complying entirely with the provisions of this *Bylaw*, may in the opinion of the *Council* be properly installed and put into use, and which does not contravene the intention and spirit of this *Bylaw*, the *Council* may either generally or specifically authorise the installation and use of such article or thing, and may impose such conditions as it deems necessary

2. General

Recreation and Cultural Facilities

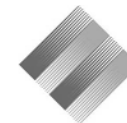
1. The Council may in accordance with Section 151(2) of the Local Government Act 2002, by resolution publicly notified:

- a) Adopt a policy for the purpose of protecting, maintaining, preserving, developing or enhancing the recreational and cultural facilities under its control;
- b) Set the terms and conditions applicable to the granting by Council of any licence, right, permit or approval in respect of any activity in or about any recreational or cultural Facility under its control;
- c) Prescribe fees rates and charges for any licence, right or permit given, or any other thing to be made, done or given by the Council, or its agents, arising out of or in connection with any recreational or cultural Facility;
- d) Establish and fix fees for admission to any Facility or part of any Facility, excluding libraries within the District, and set the hours of operation of any Facility including District libraries.

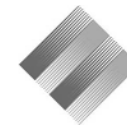
2. Any person who is granted any licence, right or permit, or approval by Council in respect of any activity on or in any recreational or cultural facility, shall comply with any conditions attaching to such permission. Any person who fails to comply with such conditions shall be guilty of an offence against this Bylaw.

3. No person shall:

- a) Pollute, damage or interfere with any facility or deface or disfigure any surface, structure, or exhibit within a cultural or recreation facility, including trees, shrubs and flowerbeds;



- b) Fail to comply with all reasonable requests of any authorised officer on duty;
 - c) Smoke or consume food within a facility or area (indicated by signs) where this is specifically excluded;
 - d) Consume or supply any intoxicating liquor in areas (indicated by signs) where drinking is specifically excluded;
 - e) Bring any wheeled vehicle or conveyance other than an invalid chair, pram, pushchair, shopping bag or basket into any Council controlled community hall or swimming pool.
 - f) Permit any animal controlled or owned by that person to enter a cultural or recreational building except where expressly allowed by the Bylaw except that guide dogs may be permitted to enter,
 - g) Enter a restricted area or an area set apart for staff without the permission of an a Controlling Officer;
 - h) Deposit or throw any litter, or any substance or article that is likely to be of a dangerous or offensive nature except in a place or receptacle provided for that purpose;
 - i) Behave in any way that could interfere with or prevent another person's enjoyment of the facility or remain on any facility in view of other persons unless properly and sufficiently clad.
4. A person who in the opinion of any duly authorised officer or controlling officer is not in a fit state to be admitted to any cultural or recreational facility, shall not enter, or having entered, shall leave immediately when requested by that officer to do so.
5. Any person who in the opinion of a duly authorised officer is committing any breach of this Part of this Bylaw shall upon request of that officer leave immediately, but shall nevertheless be liable also to be prosecuted for the breach. A failure to leave on the request of that officer shall amount to a further offence.
6. The Council may restrict access by the public to certain areas at specified times for the private use of a particular organisation or for the holding of a private function. No such restriction shall have effect unless not more than 14 days nor less than 7 days before the restriction is to occur, public notice is given stating the period of restriction and the area to which it relates.
7. Any person who wishes to conduct any activity, such as race or competition etc in an area to which this Bylaw applies may apply to Council to suspend application of the Bylaw in that area during the period of that activity. During such activity Council may impose terms and conditions over the area reserved that it might consider necessary for the protection of the amenity or in the case of foreshores, the coastal environment and to protect the safety and convenience of the public.
8. If in the opinion of an authorised officer of Council any facility is being used or is likely to be used for any purpose which may result or be likely to result in riotous conduct or in civil disorder or be or likely to be injurious to health that officer may by notice in any newspaper circulating in the District, or by notice erected or displayed on the entrances to such facility, declare that facility to be closed for such period as deemed advisable.
9. No person shall enter or remain in such facility during such period of closing without the prior permission of an authorised officer of the Council.
10. The Council may close to the public all or any portion or portions of any facility during such times as it thinks fit, and where charges may



lawfully be made, may by resolution publicly notified fix charges for the right to use such portions as are open to the public.

11. Every person who has, before the hour at which any exhibition, show, game, programme of sports, or other entertainment for which the charge is made is due to commence, entered any facility or part thereof without paying the prescribed charge for admission, shall before the commencement of such exhibition, show, game, programme of sports, or other entertainment either pay the proper charge for admission or leave such facility or part thereof.

12. No person shall enter or leave any facility except through the openings, gateways, entrances or exits provided, and any person, after opening any gate shall immediately securely close such gate.

13. No person shall obstruct any of the approaches, entrances, exits, thoroughfares, or walks of any facility, and (where gates are provided) no person shall enter any reserve except while it is open for the admission of the public.

14. Only a child under the age of 8 years may enter or use any place, room or building in any reserve or other recreational or cultural facility which has been set apart for the use of persons of the opposite sex, such child to be accompanied by an appropriate older person and no person shall loiter in or about any such facility.

15. Any person who in the opinion of the controlling or authorised officer commits a breach of any of the provisions of this Part of this Bylaw shall if so requested by an authorised officer supply his or her full name and address.

16. No child under the age of 10 (ten) years shall be allowed to enter or remain in any facility unless such child is accompanied by a person over the age of 14 years. Except where the Controlling Officer gives approval for a child of lower age to enter or remain.

3. Parks and Reserves

Control of Activities

1. The parking, riding or driving of any motor vehicle, cart, motorcycle, moped, land yacht, cycle, unicycle, skateboard, scooter or other similar wheeled device are excluded in those areas identified by official signs and/or appearing in the schedules attached to this Bylaw. Overnight parking of certified self contained motor vehicles (campervans) is only permitted in those areas identified in the Reserve Management Plan.

2. The driving, riding or leading of any horse is not permitted on any reserve or beach except in those areas specifically set aside for such purpose by Council resolution and such areas shall be identified by signs and appear in the schedules attached to this Bylaw. No horses may be ridden on the sand dunes.

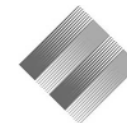
[For restrictions relating to Dogs, see Dog Control Bylaw 2004].

3. No person shall drive, ride or lead any sheep, cattle or other animal on any beach such that in the opinion of a duly authorised officer of Council a nuisance or inconvenience is created for other users of the beach or foreshore, or damage is being caused to the coastal environment.

4. Access for any vehicle or animal, as set out in the above clauses, to any Council controlled reserve or facility shall only be by means of a Council designated and sign posted accessway.

5. Where vehicles are permitted no person shall drive any motor vehicle or motorcycle or moped in any reserve at a speed in excess of 15 km/h.

6. Any restriction contained in the foregoing clauses shall not apply to any Law Enforcement Officer, Surf Patrol, Fire, Rescue or Emergency Services Personnel, Council Officer (including Bay of Plenty Regional Council



Officers), Honorary Ranger (appointed by Council), in the performance of his/her official duties, or any other vehicle movement approved by a controlling officer.

7. In areas where it is permitted, no person shall drive any motor vehicle or cart or ride any motor cycle, moped, land yacht, cycle, unicycle, skateboard, scooter or similar wheeled device or horse or other animal without due care and attention or without reasonable consideration for other persons using the reserve. Where a motor vehicle is moving to and from the edge of the water by means of an approved accessway for the purpose of launching or retrieving a vessel etc, the vehicle shall move across the beach or foreshore by the shortest possible practical route.

8. In areas where it is permitted, no person shall drive or ride any animal or vehicle (whether propelled by mechanical power or not) in such a manner as to cause damage to the surface or to any part of such reserve or land.

9. No person shall post or interfere with any placard, sign, noticeboard, light, navigation mark or beacon in on or about any reserve without the prior permission of a controlling officer of the Council, nor without such permission distribute any handbill or notice in a reserve or at any of the entrances. Nor shall any person erect, maintain or display any light, mark or beacon which may be used or mistaken for a navigation aid, without the permission of the Bay of Plenty Regional Council having first been obtained.

10. No person shall bathe or wade in any water in any reserve in contravention of any sign erected or authorised by Council.

11. No person shall light any fire except in a place specially provided by the Council for that purpose, or continue burning the same in a reserve after sunset without the consent of a controlling officer of the Council. No person shall set fire to any vegetation in any reserve.

12. Any person who lights or uses a fire in a place specially provided by the Council for that purpose commits an offence unless such fire is totally extinguished before such person leaves the reserve.

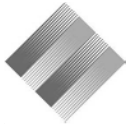
13. No person shall put up or erect any stall, tent, camp, booth, swing, amusement device, or structure of any kind within any reserve except by permission of a controlling officer of the Council and then only in compliance with every condition under which such permission may be granted.

14. No person shall sell or offer for sale any article of food or merchandise or liquor, intoxicating or otherwise, or any kind of drink, or carry on any trade, pursuit, or calling within any reserve, without permission of a controlling officer of the Council, and then only in compliance with every condition under which such permission may be granted.

15. No person over the age of 14 years shall use or occupy any swing, roundabout, slide, sandpit, seesaw, or any children's play apparatus installed or provided for the use of children in any reserve.

16. No person shall by any means whatsoever destroy, shoot, snare, injure, interfere with or take any non-domestic animal, fish, bird, bird's nest or bird's egg, or attempt so to do, in or from any reserve without the prior permission of a controlling officer of the Council. Provided that in the case of any animal or bird 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.

17. No person shall cause or permit any damage to the natural vegetation and ground cover of any Park or Reserve so as to contribute or be likely to contribute to the erosion of any sand, soil or vegetation and includes any deliberate removal of sand, soil or vegetation from any reserve.



18. No person shall deposit any ballast, rock, stone, shingle shell, logs or other material on any reserve.

19. No person shall, within the limits of any reserve except with the prior permission of a controlling officer of the Council, organise, 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.

20. No person shall in any reserve interrupt or interfere with any person authorised to be working therein.

21. An authorised officer of the Council may prevent any game being played on a reserve which in his or her opinion is liable to damage the said reserve or anything therein, or which in his or her opinion is otherwise undesirable.

22. No person shall play any game in any reserve except upon such areas therein as shall be set apart for that purpose or as the controlling officer shall direct.

23. No person shall play at or engage in or practice activities or sports on any playing ground or part thereof on any reserve after being requested by the controlling officer to leave such playing ground or reserve or any part thereof, or when any notice is erected at the main entrance to such playing ground or reserve or on the particular part thereof bearing the words GROUND CLOSED TO PLAY whether alone or with any other words.

24. No person shall play or practise golf except on a reserve which the Council has by resolution set aside for that purpose.

25. No person shall within the limits of any reserve and without the prior permission of a controlling officer of the Council:-

- a) Take, use, or carry any firearm, axe or similar weapon or other instrument of a dangerous character, or any airgun or bow and arrow, trap or net or let off any fireworks; or
- b) Throw stones or other projectiles or missiles either by hand or by means of a catapult or other appliance in a manner causing or likely to cause injury to persons or property.

26. Any authorised officer may take into his or her possession and retain while the person carrying the same is in any reserve, any of the articles referred to in 3.25(a) above, without being liable for any claim arising therefrom.

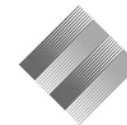
27. No person shall from or in the airspace above any reserve fly any model aeroplane in a manner hazardous to the public and shall cease such activity when directed by a duly controlling officer of the Council.

28. No person shall make use of any part of any reserve for the purpose of the landing thereon or flying there from of an aeroplane or of any kind of flying machine, hot air balloon, or glider except in case of emergency or in accordance with the prior permission of a controlling officer of the Council.

29. No person shall permit or cause wastage of water or permit any water tap to flow for a longer period than may be reasonably required for the filling of utensils for drinking, cooking, or washing purposes; nor shall any person in any manner pollute or otherwise render unfit for use for human consumption or otherwise any water supply in any reserve.

30. No person shall, without the prior permission of any controlling officer of the Council, turn in or allow any stock or other animal or poultry to wander or graze within the limits of any reserve.

31. No person shall use any vehicle for the purposes of temporary living accommodation on any portion of a reserve.



Schedule 1

Pursuant to Clause 2. horses are permitted in the following areas subject to the conditions of access set out below:

Waihi Beach

From 2nd Thursday of February in each year to the Tuesday before the 3rd Wednesday in December of the same year bridled horses may be ridden on that part of the foreshore at Waihi Beach from a line 100 metres south of Albacore Avenue to a line 100 metres north of Pio Road.

Horses may enter and exit the foreshore only from the defined accessway north of Pio Road. (NB no horses may be ridden or lead in dunes anywhere)

General Bylaw 2008 Chapter 2 Animals (Excluding Dogs)

Pursuant to the powers vested in it under section 145 and section 146 of the Local Government Act 2002, and section 64 of the Health Act 1956, the Western Bay of Plenty District Council makes this Bylaw.

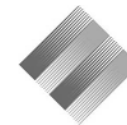
1. Animals

1.1 Every *Person* being the *Owner* or having the care, custody, or *Control* of any *Animal* must keep and prevent the same from wandering or being at large without proper guidance on any *Public Place*.

1.2 Any *Person* who wishes to graze any *Stock* in or on any *Public Place* must apply to *Council* in writing, and the *Consent*, if granted, is subject to any conditions the *Council* considers appropriate as set out in the *Consent*. Failure to comply with any conditions of the *Consent* is a breach of this *Bylaw*.

1.3 No *Person* may –

- (a) Break in, train, clean, shoe, bleed, dress, or expose for show, hire, or sale, any *Horse* or other *Animal* on any *Public Place* without the prior written permission of the *Council*.
- (b) Allow any dangerous *Animal* to stand on any *Public Place*, unless properly and securely controlled.
- (c) By ill-usage or negligence in driving any *Cattle* along or over any *Public Place*, permit any injury or damage to be done by such *Cattle*.
- (d) Being the *Owner*, or *Person* having the custody of any *Cattle* or sheep, ride, lead, or drive the *Cattle* or sheep, or permit the *Cattle* or sheep to go along any footway or *Cycle Track* on any *Public Place*.



(e) Cause, or permit any *Animal* to be led, ridden, or driven upon, across, or along any grass plot or flower bed laid out on any *Public Place*.

1.4 No *Person* may tether any *Horse* or other *Animal* in any area zoned Commercial in the *District Plan*, without the prior written permission of the *Council*.

1.5 The *Person* owning or having custody of any *Animal* tethering on any *Public Place* under 1.4 above must remove all droppings and dispose of such droppings immediately.

1.6 Where a public litter bin is used to dispose of the droppings they must be suitably wrapped or contained to prevent fouling of the receptacle.

1.7 The *Owner* or *Occupier* of any land or *Premises* where hives are sited for the keeping of bees must, on receipt of a notice from an *Authorised Officer*, resite or remove such hives if in the opinion of an *Authorised Officer* of *Council*, such siting has become or is likely to become a nuisance or injurious to health.

2. Pig Keeping

2.1 No *Person* may keep any pigs so as to create any conditions injurious to health, or offensive, or in such a manner as to pollute any water.

2.2 No *Person* may construct or allow any pigsty to remain or any pigs to be at large or to range at a distance less than 50 metres (or some lesser distance as *Council* may, from time to time approve in specific cases) from any *Dwelling*, or any *Building*, or any street or *Public Place* or any place used for the preparation, storage, or sale of food for human consumption, or from any boundary of any adjoining property, except with the prior written permission of the *Council*.

2.3 No *Person* may feed any pigs on garbage obtained elsewhere than on the *Premises* on which the pigs are kept, without obtaining the prior written permission of the *Council*.

3. Pig Sties

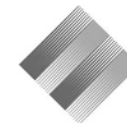
3.1 No *Person* may erect, or cause to be erected any pigsty unless in compliance with the following requirements –

- (a) The roof of the sleeping-pen must be watertight.
- (b) The walls of the sleeping-pen must be constructed as to prevent the accumulation of filth thereon and to afford a surface easily cleaned, and shall for 0.6 metres from the floor be constructed of concrete or other *Approved* impervious material finished to a smooth even surface with all internal angles rounded.
- (c) The floor of the feeding-pen must be constructed of concrete graded to fall 1 in 25 to a channel drain.
- (d) The effluent from the channel drain must be discharged by an *Approved* means.

3.2 The *Occupier* of any *Premises* where a pigsty is situated must keep the pigsty, and all runs, drains, and catchpits or settling tanks used in connection with it in a state of cleanliness, and must remove or cause to be removed and disposed of, all accumulated manure and offensive matter in an *Approved* manner.

3.3 All troughs, from which pigs are fed must be properly constructed of concrete, sheet iron, hardwood, or other *Approved* material so as to be watertight. All troughs must be kept thoroughly cleaned.

3.4 All troughs, if not fixed or permanent, must be placed on proper feeding places constructed as a smooth concrete slab with a raised nibwall all round, and of sufficient size to prevent pollution of the ground surrounding.



4. Pigswill

4.1 No *Person* may cause or permit any manure or offensive matter from pigsties, or any swill or feed to be accumulated, or stored in any place within 50 metres from any *Dwelling*, or any *Building*, or street or *Public Place*, or the boundary of any occupied adjoining property or in such a way as to give rise or be likely to give rise to be injurious to health, or offensive.

4.2 No *Person* may convey pigswill, or any food intended for pigs and emitting an offensive smell, along any street or *Public Place*, or store pigswill or food intended for pigs on any *Premises* or land unless in either case the pigswill is contained in impervious receptacles provided with *Approved* closefitting covers sufficient to prevent the escape of material or odour, and access of flies.

4.3 Every *Person* engaged in conveyance and use of pigswill or pigfeed of a perishable nature must thoroughly clean daily every vehicle, receptacle, cover, or utensil used in the collection, conveyance, or use of such pigswill and pigfeed.

5. Poultry Keeping

5.1 In areas other than those zoned rural no *Poultry* caged or otherwise, may be kept in any part of the *District* except in a properly constructed *Poultry* house covered in with a rainproof roof and provided with a floor of concrete or other *Approved* material with a surrounding nibwall, to which may be attached a *Poultry* run.

5.2 Every *Poultry* house must be constructed in the manner required by this Part of this *Bylaw* and as required by the Building Code as the case may require.

5.3 No *Poultry* house or *Poultry* run may be erected or maintained so that any part of it is within 10 metres from any *Dwelling*, factory, or any other *Building* whether wholly or partially occupied, or within 2 metres of the boundary of adjoining *Premises*.

5.4 Except with the written *Consent* of the *Council*, not more than 12 head of *Poultry* maybe kept in any *Poultry* house or *Poultry* run on any land in areas other than those zoned Rural. An *Authorised Officer* of *Council* may refuse any *Consent* or revoke and cancel any *Consent* or apply conditions if it decides that the *Poultry* house or *Poultry* run in question is likely to be offensive or dangerous to health.

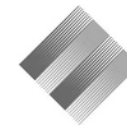
5.5 Where *Consent* has been revoked or refused by an *Authorised Officer* of *Council* the applicant may apply in writing to the *Council* for reconsideration of the decision. On hearing the objection, the *Council* committee may confirm, reverse or modify the decision.

5.6 Every *Poultry* run of whatever size must be enclosed as to confine the *Poultry* within the *Poultry* run.

5.7 Every outside *Poultry* run must be adequately graded and drained, and must be kept at all times clean and dry and in good repair by the *Owner* of the *Poultry*.

5.8 If any *Poultry* house or *Poultry* run becomes a *Nuisance* owing to its construction or state of disrepair, lack of cleanliness, or by reason of any matter referred to in the *Bylaw*, then, the *Owner* of the *Poultry* house or *Poultry* run or of such *Poultry*, upon notice being served upon him or her by the *Council*, must execute and do any work required to abate the *Nuisance*, and as specified in the notice.

5.9 Nothing in this *Bylaw* prevents any *Person* keeping *Poultry* in an auction room, or in any *Premises* used for the killing and dressing of *Poultry* for sale, for not more than 48 hours for the purpose of sale, or



keeping *Poultry* on his or her *Premises* in an *Approved* type of coop for the purpose of immediate consumption, or from keeping *Poultry* in a shop for the purpose of sale.

5.10 All pens in which *Poultry* are placed to be offered for sale must be constructed to the satisfaction of *Council* and kept clean and dry and in good repair.

6. Horses, Cattle and Stock

6.1 No *Person* may keep or suffer to be kept within the *District* (excluding land zoned Rural) any *Horse*, *Cattle* or other *Stock* at less distance than 2 metres from any boundary of adjoining *Premises* used for the purpose of a *Dwelling*, shop, warehouse, factory, work shop, church or school unless the *Animal* is at the time being used, ridden or driven.

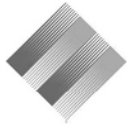
6.2 No *Horse*, *Cattle* or *Stock* may be stabled or housed other than in a stable or other *Approved Building* constructed or made to comply with all relevant regulations.

7. Nuisances

7.1 No *Person* may keep within any *Premises* any noisy *Animal*, bird, or *Poultry* which is offensive to *Residents* in the neighbourhood. No proceedings may be taken against any *Person* for an *Offence* under this clause of this Part of this *Bylaw* until after the expiration of 14 days from the date of service on such *Person* of a notice alleging such an *Offence*, given by the *Council* after receipt by it of a complaint, signed by not less than 3 householders residing within hearing of the *Animal*, bird or *Poultry* causing the alleged *Offence*.

7.2 No *Person* may cause or allow any *Animal* kept within any *Premises* to escape or wander so as to be offensive or be likely to endanger any *Person*.

7.3 Notwithstanding any of the provisions of this *Bylaw*, no *Person* may keep any *Animals* in such a manner or conditions so as to be offensive to *Residents* in the neighbourhood by way of odour from the keeping of such *Animals*.



General Bylaw 2008 Chapter 4 - Nuisances

Pursuant to the powers vested in it under section 145 and section 146 of the Local Government Act 2002, and section 64 of the Health Act 1956, the Western Bay of Plenty District Council makes this Bylaw.

1. General Nuisance Provisions

1.1 No *Person* may do or cause to be done, or permit anything so that a *Nuisance*, of any kind not mentioned or prohibited by this or any other *Bylaw*, exists.

1.2 No *Person* may cause, or permit, any drain, water closet pan, receptacle, material or thing, stable, *Fowl house* or *Fowl run*, dog kennel, pigeon house, outhouse, or yard on any land or *Premises* within the *District* of the *Council* to be or become a *Nuisance*, or by any neglect or default on the part of such *Person* to cleanse the same, to cause an offensive smell to be created.

1.3 Every *Person* must keep *Buildings* and *Premises* and all cellars, outbuildings, and sanitary conveniences belonging to them in a clean condition. Every *Person* must, when required by an *Authorised Officer* of the *Council*, and within the time directed, cause the *Premises* or such part as the *Officer* may order, to be effectually cleaned and as far as practicable, cause such house or *Building* to be so repaired, altered or reconstructed as to prevent the ingress or harbourage of rats or other *Vermin*.

1.4 If there exists a *Nuisance* on any *Premises* such that, in the opinion of an *Authorised Officer* of *Council*, immediate action is

necessary to abate the *Nuisance*, the *Officer* may with such assistance as may be necessary, enter on the *Premises* and abate the *Nuisance* without notice to the *Occupier*.

1.5 All expenses incurred in the abatement of a *Nuisance* under this Part of this *Bylaw* are recoverable from the *Owner* or *Occupier* of the *Premises* in respect of which the costs are incurred.

2. Burning, Smoke, Dust and Fumes

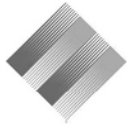
2.1 No *Person* may burn, or permit or suffer to be burnt, any matter or thing in such a manner as to be offensive.

2.2 No *Occupier* of any private residential *Premises* may permit smoke, noxious fumes or other matter to be emitted from any chimney, fireplace, barbecue, incinerator or other device on the *Premises* to such an extent as to cause a *Nuisance*, to *Persons* residing or being in the neighbourhood. Where in the opinion of a duly *Authorised Officer* of *Council* a *Nuisance* is being caused, the *Officer* may require the *Nuisance* to be abated to his or her satisfaction immediately.

2.3 It is an *Offence* for the *Owner* or *Occupier* of any *Premises* to permit the escape of dust or sawdust from any stack or heap on those *Premises* onto any other property or *Public Place*.

3. Offensive Matter and Waste

3.1 No *Person* may deposit, or allow to be deposited, or to accumulate any *Waste* or rubbish of any description including but not limited to sawdust, plastics, materials, waste paper, shavings, filth, tins, glass, rags, straw, garden waste, tree cuttings, iron, or steel on any land not being a place set apart for such purpose by the *Council* unless in so



doing sufficient precautions are taken to prevent the creation of a *Nuisance* or anything offensive or likely to be injurious to health.
Accumulation of *Waste*

3.2 No *Person* may bury, or permit or allow to be buried any *Waste* or offensive rubbish or matter in any garden, or other place not being a place set apart for such purpose by the *Council*, unless in so doing sufficient precautions are taken to prevent the creation of a *Nuisance* or anything offensive or likely to be injurious to health.

3.3 No *Person* may deposit or allow to be deposited any dung, manure, fertiliser, or *Waste*, unless it is immediately incorporated with earth for garden purposes, or satisfactorily covered over, to prevent the escape of effluvia, the establishment of a breeding place for flies or *Vermin*.

3.4 No *Person* may deposit or allow to be deposited any human excretia in or on any *Public Place* except in Public Toilets provided for that purpose.

3.5 No *Person* may permit or suffer to remain overnight or for any unnecessary length of time during any part of the day or night in any street or *Public Place*, a vehicle or receptacle containing or which recently contained, manure, offal, *Offensive Matter* or thing likely to be offensive to or injurious to health.

4. Vermin (including rats, other mammals, reptiles, birds and insects)

4.1 The *Owner* or *Occupier* of any *Building*, land or *Premises* must –
(a) where rats or other *Vermin* exist or are harboured, or in which there is evidence of such existence, or harbouring,

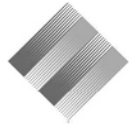
destroy rats by poisoning or trapping, or such other means as an *Authorised Officer* of *Council* may direct;

(b) remove or obliterate nests, burrows, or habitual haunts of rats in any such *Buildings*, land or *Premises*.

4.2 The *Owner* or *Occupier* of any *Building*, land, or *Premises* where, in the opinion of an *Authorised Officer* of *Council*, conditions exist giving rise, or likely to give rise, to the breeding of flies, mosquitoes, or other insects dangerous to health, shall execute and do such disinfecting, spraying or applying of larvicide, cleansing, screening, removal or destruction of breeding grounds or places, as may be necessary to prevent the breeding of flies, mosquitoes or such other insects.

5. Sanitation and Drainage

The *Owner* or *Occupier* of any land or *Premises* upon which any *Offensive Liquid*, or drainage, waste or impure water collects must immediately upon receiving notice from an *Authorised Officer* of *Council* cause such land or *Premises* to be effectually drained or filled up so as to prevent the collection of any such *Offensive Liquid*, drainage, waste or impure water.



General Bylaw 2008 Chapter 5: Public Places

Pursuant to the powers vested in it under section 145 and section 146 of the Local Government Act 2002, the Western Bay of Plenty District Council makes this Bylaw.

1. Obstructions in Public Places

1.1 No *Person* may place or leave any material or thing in, on or over a *Public Place*, and allow it to remain there in circumstances where it obstructs the public right of passage, without the prior written permission of the *Council*.

1.2 No *Person* may place or erect any *Building* on or over any *Public Place* without the prior written permission of the *Council*.

1.3 No *Person* may construct any projection of any kind, including windows, balconies or walls, in a position such that it obstructs free passage on any *Public Place*, without the prior written permission of the *Council*.

1.4 *Council* may require the alteration or removal of any material, *Building* or thing placed on a *Public Place* in contravention of this *Bylaw*, by giving notice to the *Owner*. The *Owner* must comply with any notice within the time stated on the notice.

1.5 The display of *Goods* for sale is not permitted on *Footpaths* except in the areas zoned commercial and industrial in the *District Plan* and then only subject to the following conditions –

(i) all *Goods* are to be displayed within an area having a height of 1.0 metre, a width of 1.0 metre and maximum length of 2.0 metres.

(ii) any such display must be placed adjacent to the *Premises* to which the display relates and must not encroach onto the pavement more than 0.5 metres.

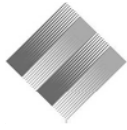
(iii) notwithstanding the provisions of (i) and (ii) above, no display may be placed in a manner which will in the opinion of an *Authorised Officer* of *Council* be likely to cause an undue obstruction to pedestrians or constitute a danger to people or property or cause an obstruction to easy access to adjoining property.

2. Public Safety and Hazards

2.1 No *Person* may place or leave on any *Public Place* materials or substances which in the opinion of the *Council* are likely to be hazardous or injurious to any *Person*.

2.2 Where any wall, fence or land adjacent to a *Public Place* is in a condition or state of disrepair which in the opinion of an *Authorised Officer* of *Council* could cause damage or injury to *Persons* passing, the *Officer* may give notice requiring the *Owner* or *Occupier* to make the land safe within such time as specified in the notice.

2.3 No *Person* may blast any rock, stone, earth timber or other material in, on or near any *Public Place*, without the prior written permission of the *Council*, and then only in compliance with any conditions the *Council* may impose.



2.4 Upon the request of a duly *Authorised Officer* of *Council*, an *Owner* or *Occupier* must cut back any tree deemed by the *Officer* to be overhanging a street light in a *Public Place*, within the time period specified by the *Officer*.

3. Disturbance or Damage to Public Places

3.1 No *Person* may disturb or remove the surface of any *Public Place* without the prior written permission of the *Council*, and then only in accordance with such conditions as the *Council* may impose.

3.2 The *Person* responsible for any works permitted under 3.1 must take all such precautions for guarding against injury to the public as may be necessary, including the provision of adequate lighting where the danger to any *Person* remains during the hours of darkness, to the satisfaction of a duly *Authorised Officer* of *Council*.

3.3 No *Person* may –

- (i) deposit any building material or building rubbish on; or
- (ii) make or maintain a hole or excavation in; or
- (iii) prepare building materials on any part of any *Public Place*, without the prior written permission of the *Council*.

4. Waste and Offensive Matter

4.1 No *Person* may make use of any street tidy or other public *Waste Receptacle* for the purpose of placing or depositing any *Offensive Matter* or any household, shop, office, or any trade *Waste* of any description.

4.2 No *Person* may, other than in the *Approved* manner –

(i) Slaughter, throw or leave any dead *Animal* or part thereof, or *Animal* remains, or *Offensive Matter* of any kind, upon any *Public Place*, or into any river, creek, stream or other water, or on the bank thereof.

(ii) Fail to dispose of the body or part of the body of any *Animal* in their possession that may have been killed or died while straying, or while being driven on any *Public Place*.

(iii) Transport any *Waste* or *Offensive Matter* over any street or *Public Place* unless the receptacle or *vehicle* used is covered or secured to prevent the escape of any of the contents.

(iv) Sweep any *Waste*, dust, or litter onto any *Public Place* from any house or business *Premises*.

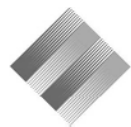
4.3 No *Person* may cause, or permit the burning of any matter on any *Public Place*.

5. Fences

With the exception of those areas zoned rural in the *District Plan*, no *Person* may repair or renew or erect any barbed wire or electric wire or fence along, or within 1 metre of, any boundary line between any adjoining land or *Building*, unless the barbed wire is placed at a height not less than 2 metres from the ground level of any such *Public Place*. No mains operated electric fence may be erected in any residential area without the approval of *Council* which will only be given in special circumstances.

6. Advertising Devices

6.1 This *Bylaw* controls signs on or above *Public Places* and unless permitted by the *District Plan*, Resource Consent or *Building* Consent, also applies to any *Advertising Devices* on private property which may



by virtue of proximity to any *Public Place*, create a hazard to *Persons* if insecurely fixed or constructed.

6.2 One "Sandwich Board" type sign per *Premises* is permitted in areas zoned Commercial and Industrial under the *District Plan* subject to the following conditions –

(i) the sign dimensions be no greater than 0.5 metres in width and no greater than 1.2 metres in length and no less than 0.9 metres in height.

(ii) notwithstanding (i) above, no sign is permitted which in the opinion of an *Authorised Officer of Council* is likely to cause undue obstruction to pedestrians, or constitute a danger to people or property, or is likely to be offensive or cause a detraction from amenities.

(iii) any additional *Advertising Devices* must be placed flat against the *Building* and secured in a manner that will prevent them from falling onto the *Footpath*.

6.3 *Window Signs* and *Name Plates* are permitted subject to compliance with all other aspects of the *Bylaw* and the *District Plan*.

6.4 Every application for a permit must provide such information as is required to assess the application to the satisfaction of an *Authorised Officer of Council*.

6.5 The following matters must be considered in the siting of any *Advertising Device* –

(i) possible physical obstruction of traffic and pedestrians. The minimum siting criteria for devices is generally 2.5 metres above the foot-path, 0.5 metres back from the kerb line, 5.5

metres above the carriageway, with sign cases and show cases projecting over the pavement no more than 0.1 metres.

(ii) possible visual obstruction to traffic and pedestrians.

(iii) possible visual confusion to *vehicle* drivers (generally no reflective material or illuminated or other red or green colours near traffic lights).

(iv) Possible effect on public areas of inadequate maintenance of the *Advertising Device*.

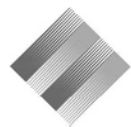
(v) *District Plan* requirements.

6.6 Every *Advertising Device* must at all times be maintained in good repair and condition to the satisfaction of an *Authorised Officer* of the *Council*.

6.7 If any *Advertising Device* is, at any time, not in good order and condition or unsightly or dangerous, the *Council* may, by notice in writing require the *Owner* or *Occupier* to repair or secure or otherwise put in order or remove such device within a period stated in the notice.

6.8 When an *Advertising Device* becomes redundant or, by reason of change of occupancy or otherwise it is no longer relevant to the business carried on in the *Premises* on which it appears, the *Owner* must effectively and properly paint out or remove such device.

6.9 If any *Advertising Device* fails to conform to all the provisions of this Part of this *Bylaw*, it is the duty of the *Occupier* or *Owner* for the time being of the *Premises* or stationary *vehicle* on which such *Device* is displayed or erected, after being served with a notice in writing by the *Council*, to remove or take down the *Device* or that portion that does not conform to the provisions of this Part of this *Bylaw* within the period of time specified in the notice.



6.10 If the *Person* on whom a notice has been served fails to comply with the terms of that notice within the time specified they are liable to prosecution for an *Offence* against this Part of this *Bylaw*.

6.12 Following a second *Offence* the *Advertising Device* may be removed and held until the expiration of any *Appeal* period and failing any *Appeal* disposed of by such means as determined by the *Council*.

6.13 The applicant, or the *Owner* of an *Advertising Device* which is the subject of any action made under this *Bylaw*, after having been informed in writing of such action and the reasons for it, may, within fourteen (14) days of notification of such decision, apply in writing to the *Council* for a review of the decision.

7. Vehicle Crossings

7.1 Any *Person* wishing to construct, remove repair or widen any *vehicle* crossing must first obtain a written *Permit* from the *Council*.

7.2 Where the work is carried out by the applicant a bond may be required prior to work commencing. All work must be completed to the satisfaction of an *Authorised Officer* of *Council*.

7.3 Where a crossing is in a bad or unsafe state of repair the *Council* may order such crossing to be removed immediately and by notice to the *Owner* or *Occupier* of the land or *Premises* require the crossing to be renewed within a period stated in the notice.

7.4 A temporary crossing may be required by an *Authorised Officer* of *Council* where access to a construction site is necessary. The *Officer*

may impose any conditions considered necessary for the protection of public safety and convenience.

7.5 Where, in the opinion of the *Council* reinforcing of a footway or crossing is necessary, the *Owner* or *Occupier* of the applicable *Premises* or land may be required, by notice, to provide adequate reinforcing to such footway or crossing, within the time specified in the notice.

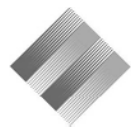
8. Trading in Public Places

Where the nature of any business carried on within the *District* results in substantial quantities of disposable paper, or plastic wrapping, containers, wooden or plastic sticks or material of a like nature being deposited in *Public Places* the *Council* may require the *Proprietor* of the business to provide *Approved* containers for the reception of that litter. The *Proprietor* of the business must pay for any additional costs incurred by the *Council* in the cleaning of the footways, gutters and *Public Places* in the vicinity of the *Premises* of the *Proprietor* by reason of the litter generated by that business.

9. Control of Cycles and Skateboards

9.1 The riding of *Skateboards*, is permitted in *Public Places* except for those areas which *Council* has, by resolution, declared exclusion areas.

9.2 Every *Person* riding a *Skateboard* in the permitted areas must do so exercising due care and having reasonable consideration for the other users of the *Public Place*.



9.3 The riding of *Cycles* on any *Footpath*, lawn, garden or other cultivation forming part of a *Road* is not permitted (except on *Footpaths* for postal, newspaper or other similar deliveries).

9.4 A *Person* may stop, stand or park a *Cycle*, attended or unattended, on any *Footpath*, only with due care and reasonable consideration for the other *Footpath* users.

10. Roading and Building Identification

10.1 No *Person* may give any name to or affix, set up or paint any name on any street, private street, or *Public Place* without the prior written permission of *Council*.

10.2 The *Owner* or *Occupier* of every *Building* must mark the *Building* (subject to clause 10.4) with such numbers as an *Authorised Officer* of *Council* shall direct or *Approve*, and must renew the numbers if they are obliterated or defaced.

10.3 The *Council* may, at any time, alter the number of any *Building* where in the *Council's* opinion it is necessary or advisable to do so.

10.4 Every number being not less than 50mm in height must be placed upon the *Building* in such a position as to be readily visible from any street fronted by the *Building*; or if no such position is available must be placed upon a post, fence, or gate near, or adjacent to the *Building*, and be visible from the street.

