

REPORT TO MACKENZIE DISTRICT COUNCIL ON POLICIES AND BYLAWS

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PURPOSE OF REPORT:

The purpose of this report is to:

1. Provide the Council with the outcomes of the Special Consultative Procedure initiated in relation to the:
 - a. draft Class 4 Gambling Venue Policy; and
 - b. draft TAB Venue Policy; and
 - c. draft Responsible Freedom Camping Bylaw 2016; and
 - d. draft Fire Prevention and Nuisance Burning Bylaw 2016;
2. Provide an overview of submissions that have been received to the above,
3. Provide comments on points raised by submitters and identify possible changes to the documents to address the comments, and
4. Identify matters for Council deliberations.

BACKGROUND

At its meeting of 9 June 2016 the Planning and Regulations Committee considered:

- a Draft Responsible Freedom Camping Bylaw 2016 prepared under the Freedom Camping Act 2011 and
- a Draft Fire Prevention and Nuisance Burning Bylaw 2016 under the Local Government Act 2003 and
- a Draft TAB Venue Policy 2016 and
- a Draft Class 4 Gambling Venue Policy.

The draft bylaws and policies were adopted and approved for public consultation and submissions through the Special Consultative Procedure under the Local Government Act 2002. The Special Consultative Procedure invited submissions from the public and provides submitters a reasonable opportunity to be heard.

SUBMISSIONS

The closing date for all submissions was Tuesday 2 August 2016. Copies of the submissions have already been provided to Council.

No submissions were received to the draft TAB Board Venue Policy 2016 and draft Class 4 Gambling Venue Policy. Appendix 1 to this report provides a copy of each policy for Council consideration. These have been updated to reflect changes necessary for the policies to be finalised.

One submission was received to the draft Fire Prevention and Nuisance Burning Bylaw 2016. This submitter wishes to be heard.

Sixteen submissions were received to the Draft Responsible Freedom Camping Bylaw 2016. Three submitters indicated they wished to be heard.

The submitters who have requested to present their views directly to the Council will do so on 8 August 2016. Consideration is to be given to all written submissions, irrespective of whether submitters have chosen to present their views directly or not.

The Council's role is to hear submissions, deliberate and make decisions on the final content of the Bylaws and Policies.

The first section of this report addresses the draft Fire Prevention and Nuisance Burning Bylaw 2016 and Section 2 of the draft Responsible Freedom Camping Bylaw 2016. Points raised by submitters have been grouped by topic. For each topic this report summarises the submission points, provides comments from staff for the Council to consider and identifies matters the Council will need to deliberate on.

Appendix 1 also contains an updated copy of the Fire Prevention and Nuisance Burning Bylaw 2016 and the Responsible Freedom Camping Bylaw 2016. These identify changes addressed in my comments in this report (in bold) and identifies those parts of the Bylaw where changes are sought by submitters (highlighted).

Some submitters will be presenting their submission to the Council and further points may be raised during these verbal presentations that may not have been considered in this report. The comments and changes identified in this report and in the documents in Appendix 1 are not a response to submissions nor intended to represent any position of the Council.

FIRE PREVENTION AND NUISANCE BURNING BYLAW 2016

A bylaw can be developed if a local authority is satisfied that the bylaw is necessary for one or more of the following purposes:

- Protect the public from nuisance
- Protect, promote and maintain public health and safety
- Minimise potential for offensive behaviour in public places

Submission Topic

The submitter raises three questions regarding the draft bylaw. These questions are:

- How and who will be enforcing this bylaw?
- With the proposal of having permits and different fire seasons in the urban area, how will you stop the confusion in relation to the rural fire restrictions?
- Will this be aligned to the ECAN rules in relation to fires in the urban areas?

Comments

The bylaw will be enforced by the Mackenzie District Council. The bylaw provides for the Mackenzie District Council to authorise enforcement officers who would have the delegation to enforce the Bylaw. The Bylaw does not change any authority of a Rural Fire Authority or New Zealand Fire Service.

The intent of the Bylaw is that at the time a prohibited Fire Season is imposed in the Rural Area then immediately a similar prohibition applies within the Urban Area. The intent of this was to ensure that at the times Fires are prohibited the prohibition applies in both rural and urban areas.

With respect to the alignment with Environment Canterbury (ECAN) rules this is an important consideration. The Bylaw and the ECAN rules both operate independently of each other. Each authority would administer its own rules and bylaw. However, how these matters interrelate is an important consideration in determining whether a bylaw is necessary.

There are currently two sets of ECAN rules controlling outdoor burning. These are:

- Chapter 3 – Air Quality of the Operative Natural Resources Regional Plan. This is the Operative Regional Plan.
- The Proposed Canterbury Air Regional Plan – this is a Proposed document (although the rules have force now). Ultimately this Plan will replace Chapter 3 of the NRRP and Chapter 3 will no longer apply.

Under Chapter 3 of the NRRP outdoor burning of vegetation, papers, cardboard and untreated wood in residential or living zones are controlled and require consent as a non-complying activity. These rules do not apply to commercially zoned land and do not apply to land zoned residential or living, but which is still used predominantly for rural purposes. This creates some potential for outdoor burning to occur as a permitted activity without the need for consent. The draft Bylaw would control activities which are permitted and which have obtained ECAN consent and require a fire permit be obtained from Mackenzie District Council, unless the activity is permitted under the Bylaw without the need to obtain a permit (i.e. barbeque).

Under the Proposed Canterbury Air Regional Plan the rules are more stringent. In urban areas (defined as an area zoned for residential, commercial or industrial activities) the following are provided for:

- Discharge of contaminants into air from outdoor burning for the purposes of cooking (permitted activity Rule 7.13)
- Discharge of contaminants into air from outdoor burning of vegetation and untreated wood as part of a community or cultural event (permitted activity – subject to a number of conditions Rule 7.12).

Other than the two activities above the discharge of contaminants into air from outdoor burning in urban areas is a prohibited activity. As a prohibited activity there is no ability to even apply for a consent to allow the activity. If these rules become operative then the activities the Bylaw seeks to better manage (nuisance burning other than cooking) would not be allowed in any circumstance.

It is noted that there have been a number of submissions lodged opposing the rules in the Proposed Regional Air Plan controlling Outdoor Burning. The hearings have been held but no decisions have yet been released. Therefore the final form of the rules is not known. However, neither the Section 42A report nor the officers response provided to the Panel at the end of the hearings have recommended making these rules less restrictive.

If these rules do become operative and outdoor burning in urban areas (other than provided for in Rules 7.12 and 7.13) would be a prohibited activity not able to occur. This does raise a legitimate question as to whether the Bylaw is necessary in order to:

- Protect the public from nuisance
- Protect, promote and maintain public health and safety
- Minimise potential for offensive behaviour in public places.

Matters for Council Deliberation:
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| 1. Determine whether to adopt the Bylaw with or without changes. |
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RESPONSIBLE FREEDOM CAMPING BYLAW 2016

A bylaw can be developed if a local authority is satisfied that the bylaw is necessary for one or more of the following purposes:

- To protect the area
- To protect the health and safety of people who may visit the area
- To protect access to the area and
- The bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to that area.

A bylaw cannot be made that has the effect of prohibiting freedom camping in all the local authority areas in a district.

The points raised in the submissions are addressed in the following table.

Table 1 Submission topics

Submission Topic	Reasons in Submissions	Staff/Consultant Comment	Matters for Council Deliberation
Support for the Bylaw	<ul style="list-style-type: none"> • The bylaw addresses concerns regarding Freedom Camping in some areas of the District where there have been issues. • The bylaw will enable better enjoyment of some areas, particularly Lake Ruataniwha for all. 	The support is noted.	1. Determine whether to adopt the Bylaw with or without changes.
Concern with additional restrictions in the Bylaw	<ul style="list-style-type: none"> • Two submitters raise concerns that there are additional restrictions in the Bylaw. • One submitter is concerned that there are no areas for non-self-contained camping and seeks the Council be pro-active in providing areas for this type of camping. 	The concerns are noted.	1. Determine whether to adopt the Bylaw with or without changes.
Renaming the Bylaw	<ul style="list-style-type: none"> • Support renaming the bylaw to “Responsible Freedom Camping Bylaw”. • Consider naming the Bylaw just the “Responsible Camping Bylaw”. • One submitter agrees with the change in name, but disagrees with the reasons given for the change. 	<p>The support for the renaming is noted.</p> <p>Renaming the Bylaw to the “Responsible Camping Bylaw” is an option available to the Council.</p> <p>The reason for retaining the reference to “Responsible Freedom Camping Bylaw” was to reinforce the direct relationship between the Bylaw and the Freedom Camping Act 2011 that the Bylaw is written under.</p>	1. Determine the name of the Bylaw

<p>Freedom Camping in Self Contained Vehicles Only</p>	<ul style="list-style-type: none"> • A number of submissions support responsible camping being in self-contained vehicles only • A number of submitters raised concerns that the draft definition of self-contained places an unnecessarily high threshold and seeks amendment to the definition • Changes are sought to the definitions to be consistent with the definitions of Self-contained vehicle and self-contained camping suggested by the New Zealand Motor Caravan Association. • Some submitters support the changes to the definitions including the inclusion of avoiding the use of public toilets. • One submitter seeks that no changes be made until the outcome of the NZMCA review and the Central Government Working Group are clear. 	<p>A limitation such as restricting non-self-contained camping is a matter able to be considered in developing a Bylaw (to protect the health and safety of people who may visit the area).</p> <p>The changes to the definitions sought to address the concern that a number of vehicles that met the then current definition of 'self-contained' had facilities that were never or infrequently utilised. The definition change did seek to raise the standard of facilities required by ensuring that facilities within vehicles were both available and suitable for their intended use.</p> <p>While some submitters support the definitions in the draft Bylaw a number (many whom identify themselves as being members of the New Zealand Motor Caravan Association (NZMCA)) consider the definition to be too stringent.</p> <p>The NZMCA has lodged a submission supporting the thrust of the Bylaw and recognising the validity of the issues the change in definitions seeks to address, but seeking changes to the definitions.</p> <p>The key concerns raised in the submissions relating to the definitions are:</p> <ul style="list-style-type: none"> • They could be applied to not allow the use of public toilets at any time , including for day trippers • The requirement of not moving the toilet within the vehicle is too limiting. <p>At the time the draft bylaw was notified it was known that there was a desire to amend the New Zealand Standard for self-containment, but revised wording was not available in the public arena.</p> <p>The issue for the draft bylaw was one of timing, in that to address the real and current issues with Responsible Freedom Camping in</p>	<ol style="list-style-type: none"> 1. Determine the definition of Self-Contained Vehicle 2. Determine the definition of Self-contained camping.
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		<p>the District the review needed to be initiated before the work on the New Zealand Standard is complete.</p> <p>The NZMCA submission has provided wording that is supported by NZMCA and Local Government New Zealand and that is looking to be advanced through a review of the New Zealand Standard on Self-containment.</p> <p>It is preferable to have consistency in the way terms are defined within the Bylaw and the likely definition in the NZ Standard.</p> <p>The definition and this Bylaw do not apply to people day tripping, or shopping, only overnight camping. These activities are not freedom camping under the Freedom Camping Act. Therefore a number of concerns expressed in the submissions relating to infringement notices being issued to people parking, picnicking and shopping would not occur.</p> <p>The definition of self-contained vehicle put forward in the submission of the NZMCA would address the key concern that self-containment can only be achieved where there is a readily accessible toilet within the vehicle, even when the bed is made up.</p> <p>A number of submitters also seek that the reference to “public toilets” in the definition of self-contained camping be deleted. The intent of the change in this definition was to reinforce that campers being self-contained and not relying on public facilities was fundamental to enabling responsible freedom camping. The use of public toilets while camping was not to be encouraged. The change sought to the definition by submitters is to the explanation that makes it clear use of public toilets is not an acceptable form of providing for ablutions for freedom camping. It does not change the first clause of the definition which is where the exclusion from using</p>	
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		<p>public toilets is provided. The change sought by submitters may not achieve what they are seeking.</p> <p>The definition put forward by the submitters for self-contained vehicle and self-contained camping is provided below (the changes to the draft definition sought are shown in bold font):</p> <p><i>Self-contained camping</i> means camping in a self-contained vehicle or by alternative means providing that the individual camper(s) have the capability of meeting the ablutionary and sanitary needs of occupants of the camp for a minimum of three days without requiring any external services, relying on public facilities or discharging <u>or depositing any waste into the environment</u>.</p> <p><u>For the avoidance of doubt camping of any kind where ablution activities involve the use of public toilets, portable toilets not located and used in a fully private facility, or undertaking ablution activities in the natural environment, are excluded from being considered self-contained camping. .</u></p> <p><i>Self-contained vehicle</i> means a vehicle designed and built for the purpose of camping which has the capability of meeting the ablutionary and sanitary needs of the occupants of that vehicle for a minimum of three days without requiring any external services or discharging any waste and complies with New Zealand Standard 5465:2001, as evidenced by the display of a current self-containment warrant issued under New Zealand Standard Self Containment of Motor Caravans and Caravans, NZS 5465:2001.</p> <ol style="list-style-type: none"> <u>1. Complies with New Zealand Standard 5465:2001, as evidenced by the display of a current self-containment warrant issued under New Zealand Standard Self Containment of Motor Caravans and Caravans, NZS 5465:2001 and</u> <u>2. The toilet facility must be readily usable within the vehicle including sufficient head and elbow room at all times, even with the bed made up. located and able to be used within the vehicle itself at all times (under both day and night</u> 	
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		time configurations) without having to move the toilet or reconfigure the internal layout of the vehicle.	
Definition of Freedom Camping	Some submitters seek that a definition of “freedom camping” be included in the Bylaw. As some of the restrictions are too vague and don’t differentiate between a visitor in a campervan which is staying the day (in Tekapo, by the lake or staying overnight.	<p>The draft bylaw does not define “freedom camping” but does define ‘freedom camp’. The definition is: “Freedom Camp has the same meaning as freedom camp in Section 5 of the Act.” Section 5(2) clearly identifies that a number of activities are not considered to be freedom camping including day trippers, resting and short term temporary parking. This definition already forms part of the Bylaw.</p> <p>This definition is:</p> <p>5 Meaning of freedom camp</p> <p>(1) In this Act, freedom camp means to camp (other than at a camping ground) within 200 m of a motor vehicle accessible area or the mean low-water springs line of any sea or harbour, or on or within 200 m of a formed road or a Great Walks Track, using 1 or more of the following:</p> <p>(a) a tent or other temporary structure:</p> <p>(b) a caravan:</p> <p>(c) a car, campervan, housetruck, or other motor vehicle.</p> <p>(2) In this Act, freedom camping does not include the following activities:</p> <p>(a) temporary and short-term parking of a motor vehicle:</p> <p>(b) recreational activities commonly known as day-trip excursions:</p> <p>(c) resting or sleeping at the roadside in a caravan or motor vehicle to avoid driver fatigue.</p> <p>(3) In subsection (1), —</p> <p>camping ground means—</p> <p>(a) a camping ground that is the subject of a current certificate of registration under the Camping-Grounds Regulations 1985; and</p> <p>(b) any site at which a fee is payable for camping at the site</p> <p>Great Walks Track means—</p> <p>(a) a track specified in Schedule 1; and</p> <p>(b) any other track specified by Order in Council made under section 44 as a Great Walks Track.</p>	1. Determine whether an additional definition of ‘freedom camping is required”.

Length of Time freedom camping is allowed in each area	<ul style="list-style-type: none"> A number of submissions support the change from seven to three days. One submitter agrees with the change, but disagrees with the reasons given for the change. 	The support for the change is noted.	1. Determine the number of nights that a party can camp in one location.
Lake Tekapo Township	Some submissions support the prohibition in Tekapo Township	The support is noted.	1. Determine the extent of the prohibited area within Tekapo Township.
Twizel	Two submitters have questioned whether there is a case for having a prohibited area in Twizel Township.	<p>Determining the extent of prohibited or restricted areas is a matter for the Bylaw and can be considered. The reasons for considering any restrictions or prohibitions need to relate to the following:</p> <ul style="list-style-type: none"> To protect the area To protect the health and safety of people who may visit the area To protect access to the area and The bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to that area. <p>It is understood that in the two years the current Freedom Camping Bylaw has been implemented there has not been the same level of issues occurring in Twizel as has occurred in Tekapo. The Council will need to consider whether a prohibition is appropriate and proportionate to address a perceived problem in Twizel.</p>	1. Determine the extent of the prohibited area within Twizel Township.
Residential Areas	One submitter seeks that Freedom Camping be prohibited from all residential zones in the District including:	<p>Determining the extent of prohibited or restricted areas is a matter for the Bylaw and can be considered. The reasons for considering any restrictions or prohibitions need to relate to the following:</p> <ul style="list-style-type: none"> To protect the area 	1. Determine the extent of prohibited areas within and near residential zones.

	<ul style="list-style-type: none"> • Within 1km of a residential zone • Within 1km of a designated camping area or camping ground. 	<ul style="list-style-type: none"> • To protect the health and safety of people who may visit the area • To protect access to the area and • The bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to that area. <p>It is understood that in the two years the current Freedom Camping Bylaw has been implemented there has not been the same level of issues occurring in other residential areas as has occurred in Tekapo. The Council will need to consider whether a prohibition is appropriate and proportionate to address a perceived problem in all residential areas.</p>	
Lake Ruataniwha	<ul style="list-style-type: none"> • The increased protection of the areas around the lake is supported. • A submitter seeks that all camps be visible from the main road to encourage all vans into one area for example the east end of Lake Ruataniwha and seeks: <ul style="list-style-type: none"> ○ Bollards be provided 20m from the shore and around the trees to confine the area. ○ Seeks a toilet be installed and charge for camping relating to the use of the facilities – this could also be used by boaties and day trippers ○ The above would stop campers camping in other areas. • A submitter seeks that the restricted camping area be 	<p>The support for the changes in the Bylaw are noted.</p> <p>The provision of additional services is not a matter that can easily be addressed within this Bylaw. However, this is a matter that the Mackenzie District Council is considering through its Responsible Camping Policy. If additional areas and facilities are provided then this may necessitate a further review of the Bylaw to review restrictions on some areas.</p> <p>With respect to the nohoanga area under the Ngāi Tahu Claims Settlement Act 1998, Nohoanga sites are specific areas of Crown owned land adjacent to lakeshores or riverbanks, which can be used to facilitate the gathering of food and other natural resources by Ngāi Tahu Whānui. Ngāi Tahu Whānui (tribal members) have temporary, but exclusive rights to occupy these sites between the middle of August and the end of April each year.</p> <p>Given the purpose and rights of tribal members in relation to Nohoanga sites it is considered that there are conflicts in providing this area as a restricted area for Freedom Camping, when this land is available for exclusive rights of occupancy as a nohoanga. It is noted</p>	<ol style="list-style-type: none"> 1. Deliberate on whether any changes are to be made to the Lake Ruataniwha restrictions or prohibited areas

	<p>removed over that part of Diagram 3 that is an identified nohoanga area and this area be included as a prohibited area for freedom camping.</p> <ul style="list-style-type: none"> • A submitter seeks that no restricted camping areas be provided at Lake Ruataniwha and the prohibited area be extended over the whole area. 	<p>that the Freedom Camping Act (Section 42) does not limit or affect any rights a person may have to occupy a local authority area or conservation land (for example, rights of occupation under a nohoanga entitlement). This means that the Bylaw cannot override a nohoanga entitlement.</p> <p>The submission seeking the prohibited area over the whole site would result in no freedom camping being provided for around Lake Ruataniwha.</p> <p>The reasons for considering any restrictions or prohibitions need to relate to the following:</p> <ul style="list-style-type: none"> • To protect the area • To protect the health and safety of people who may visit the area • To protect access to the area and • The bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to that area. <p>At the time the draft bylaw was developed it was considered that it was not necessary to prohibit camping from the whole area. However, this is a consideration open to the Council.</p>	
Lake Poaka	<p>One submitter questions whether there is a case for increased protection for Lake Poaka.</p>	<p>It is understood that the area around Lake Poaka is land managed by the Department of Conservation. Under the Freedom Camping Act 2011 a Mackenzie District Council bylaw can only be developed applying to land of the Mackenzie District Council.</p> <p>It is noted that the Department of Conservation does have restrictions on camping under the Freedom Camping Act for Lake Poaka. This includes having areas that are available for camping and areas where camping is subject to restrictions.</p>	<p>1. Deliberate on the submission point relating to Lake Poaka.</p>

Lake Wardell	One submitter questions whether there is a case for increased protection for Lake Wardell.	<p>The reasons for considering any restrictions or prohibitions need to relate to the following:</p> <ul style="list-style-type: none"> • To protect the area • To protect the health and safety of people who may visit the area • To protect access to the area and • The bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to that area. <p>At the time the draft bylaw was developed it was considered that it was not necessary to prohibit camping from Lake Wardell. However, this is a consideration open to the Council.</p>	1. Deliberate on the submission point relating to Lake Wardell.
Peters Lookout (off State Highway 30)	One submitter seeks that freedom camping at Peters Lookout be stopped.	<p>It is noted that the reasons given by the submitter are valid reasons able to be considered under the Freedom Camping Act relating to whether there could be restrictions or prohibitions provided.</p> <p>The issue is that the Peters Lookout land is not Mackenzie District Council Land. It is land managed by Land Information New Zealand. Under the Freedom Camping Act 2011 a Mackenzie District Council bylaw can only be developed applying to land of the Mackenzie District Council.</p>	2. Deliberate on the submission point relating to Peters Lookout.
Lake Ohau	<p>One submitter seeks that the Lake Ohau lake shore along Glen Lyon Road between the Ohau Canal/Ohau Terminal Moraine Scenic Reserve and Ruataniwha conservation Park be included as a prohibited area in the Bylaw. Reasons given include:</p> <ul style="list-style-type: none"> • Lack of Toilets • Pollution • Fire Risk • Nature of the Land 	<p>The submitter has provided a diagram showing the area of land sought to be included as a prohibited area in the Mackenzie District Responsible Camping Bylaw.</p> <p>It is noted that the reasons given by the submitter are valid reasons able to be considered under the Freedom Camping Act relating to whether there could be restrictions or prohibitions provided.</p> <p>It is understood that this land was considered when the 2014 Freedom Camping Bylaw was developed. An issue with this land is that much of it (up to the road edge) is actually within the Waitaki</p>	2. Deliberate on the submission point relating to Lake Ohau.

	<ul style="list-style-type: none"> Increasing numbers 	District and as such cannot be controlled by the Mackenzie District Council.	
Enforcement	One submitter notes there is no proposed change to the enforcement provisions and asks if the Council has a strategy to ensure effective enforcement.	<p>The provisions relating to enforcement within the Bylaw provide the ability for the Bylaw to be enforced. The Strategy of how this enforcement will occur is a matter outside of the specific wording of the Bylaw.</p> <p>It is understood that the Strategy for enforcement is a matter that is being considered by the Mackenzie District Council under its Responsible Camping Policy, and is a matter being considered in the enforcement of any Bylaw.</p>	1. Determine whether any changes are to be made to the enforcement provisions within the Bylaw.
Provision of facilities	<ul style="list-style-type: none"> Some submitters encourage the Council to consider providing designated areas for low cost camping where toilets and rubbish collection are provided. One submitter raises concerns with any option of someone sectioning off land to accommodate freedom campers and considers that this, or the Council providing facilities, would not create a level playing field with other accommodation providers. 	<p>The provision of additional services is not a matter that can easily be addressed within this Bylaw.</p> <p>This is a matter that the Mackenzie District Council is considering through its Responsible Camping Policy. If additional areas and facilities are provided then this may necessitate a further review of the Bylaw to review restrictions on some areas. However, decisions around providing for additional services or additional areas of other landowners is outside the scope of this Bylaw.</p>	1. Determine whether any changes are made to the Bylaw to address additional services.
Other Matters	<ul style="list-style-type: none"> One submitter notes that with the improved Bylaw for Freedom Camping it is noted that there is also an issue with dog owners not picking up after dogs. 	<p>The concern relating to dogs is noted, but is not a matter that can be addressed through consideration of the draft Responsible Freedom Camping Bylaw.</p> <p>With respect to the submissions addressing the Mackenzie District Council attitude to Freedom Camping, in reading the submissions</p>	1. Determine whether any changes are made to the Bylaw to address the submissions.

	<ul style="list-style-type: none"> • Some submitters consider the Mackenzie District Council relinquish its negative attitude and that the Council be more positive to Freedom Campers. • One submitter notes that visual impact of large groups of campervans congregating creates visual pollution and visual impact should be taken into account when designating camping areas. • One submitter provides rebuttal to any notion that what puts freedom campers off camping grounds is the cost of these facilities. • Concern is expressed by one submitter regarding ensuring people know about fire restrictions and how to have a safe fire. 	<p>some of the concerns appear to be based on the misunderstanding that the Bylaw was seeking to restrict activities when people are in campervans, rather than camping, such as parking and shopping, visiting tourist attractions and parking and picnicing. It is not the case that the Bylaw restricts these activities in any way. The definition of 'Freedom Camp' in the Bylaw identifies that these activities are not considered Freedom Camping.</p> <p>With respect to considering visual impact the matters that are able to be considered determining whether areas can be subject to restriction or prohibition are set out in the Freedom Camping Act 2011. The three reasons do not include specific reference to visual pollution and are:</p> <ul style="list-style-type: none"> • To protect the area • To protect the health and safety of people who may visit the area • To protect access to the area and <p>The cost of camping grounds is considered to be a matter outside the consideration of this Bylaw.</p> <p>With respect to fire restrictions this is a matter beyond the scope of this Bylaw.</p>	
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Appendix 1

MACKENZIE DISTRICT COUNCIL

CLASS 4 GAMBLING VENUE POLICY

1. Objectives of the Policy

- 1.1 To ensure the Council and the community has influence over the provision of new gambling in the district.
- 1.2 To allow those who wish to participate in pokie machine gambling to do so safely and responsibly within the district.
- 1.3 To control and minimise the harm caused by gambling to the community.
- 1.4 To control and manage the growth of gambling in the district.

2. Where Class 4 Gambling Venues may be established

Some venues existing at the time of formulating this policy may not meet all requirements listed below. This policy recognises their rights as an existing use.

- 2.1. Class 4 gambling venues may be established within Business Zones (Village Centre, Service, Industrial, Tourist, Tourist G, Travellers Accommodation) subject to:
 - 2.1.1 Meeting application and fee requirements;
 - 2.1.2 The number of pokie machines proposed for the venue are able to be met within the overall district cap (maximum) and venue licences determined by the Mackenzie District Council;
 - 2.1.3 Not being a venue at which the primary activity is associated with family or children's activities.
- 2.2 Class 4 gambling venues may not be established in any Residential, Rural or Special Purpose Zones.

3. Numbers of gaming machines allowed

- 3.1 New venues shall be allowed a maximum of 9 gaming machines.
- 3.2 Existing venues, with licenses issued after 17 October 2001 and operating fewer than 9 machines, shall be allowed to increase the number of machines operated at the venue to a maximum of 9.

4. Overall cap on number of pokie machines in the district

- 4.1 The number of machines operated within the district shall not exceed 65.

5. Relocation Provisions:

- 5.1 Where a new venue is to replace an existing venue within the District the maximum number of machines permitted at the new venue shall either be nine, or the maximum number of machines permitted at the original venue, whichever is the greater.

6. Primary Activity of Class 4 Gambling Venues

- 6.1 The primary activity of any Class 4 gambling venue shall be:
 - 6.1.1 For sporting activities on licenced premises only;
 - 6.1.2 For the sale of liquor or for liquor and food; or

7. Combined Premises

- 7.1 Where two or more clubs legally and physically combine their premises, they may apply to have up to 18 gambling machines or the sum of the number of gambling machines specified in all of the clubs class 4 venue licences at the time of application, whichever is the lesser of the two numbers.

8. Signage

- 8.1 All signage associated with Class 4 gambling venues shall comply with the requirements of the Mackenzie District Plan for the relevant zone and other Council bylaws.

9. Applications

- 9.1 Applications for Council consent must be made on the approved form and must provide:
- 9.1.1. Name and contact details;
 - 9.1.2. Street address of premises proposed for Class 4 licence;
 - 9.1.3. The names of management staff;
 - 9.1.4. Evidence of police approval for owners and managers of the venue;
 - 9.1.5. A 12 month business plan or budget for the establishment, covering both gambling and other activities proposed for the venue;
 - 9.1.6. A site plan, covering both gambling and other activities proposed for the venue, including details of each floor of the venue; and
 - 9.1.7. Details of liquor licence(s) applying to the premises.

10. Application Fees

- 10.1. These will be set by the Council from time to time, with the intention of recovering full costs from operators, and shall include consideration of:
- 10.1.1. The cost of processing the application, including any consultation and hearings involved;
 - 10.1.2. The cost of triennially reviewing the Class 4 gambling venue and TAB venue policy;
 - 10.1.3. The cost of inspecting Class 4 gambling venues on a regular basis to ensure compliance with consent or licence conditions;
 - 10.1.4. A contribution towards the cost of triennial assessments of the economic and social impact of gambling in the district.

<p>Class 4 Gambling Policy Adopted by: Mackenzie District Council Adopted date: 8 August 2016 Review date: 8 August 2019</p>
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MACKENZIE DISTRICT COUNCIL

TAB VENUE POLICY

1. Objectives of the Policy

- 1.1 To ensure the Council and the community has influence over the provision of new gambling in the district.
- 1.2 To control and minimise the harm caused by gambling to the community.
- 1.3 To control and manage the growth of gambling in the district.

2. Interpretation

- 2.1 Within this policy the following definitions apply.

Board Venue means premises that are owned or leased by the New Zealand Racing Board and where the main business carried on at the premises is providing racing betting or sports betting services under the Racing Act 2003.

TAB Venue has the same meaning as Board Venue.

3.0 Numbers of Venues

- 3.1 No approval will be given for any new TAB venues in the District.

TAB Venue Policy

Adopted by: **Mackenzie District Council**

Adopted date: **8 August 2016**

Review date: **8 August 2019**



MACKENZIE DISTRICT COUNCIL

RESPONSIBLE (FREEDOM) CAMPING BYLAW_2016

RESPONSIBLE FREEDOM CAMPING BYLAW 2016

1. SHORT TITLE

- 1.1 This bylaw is the "Mackenzie District Council Responsible_Freedom Camping Bylaw 2016".

2. PROCEEDURE AND COMMENCEMENT

- 2.1 This Bylaw is made under:

- (a) The Local Government Act 2002; and
- (b) Section 11 of the Freedom Camping Act 2011.

- 2.2 This bylaw comes into force on **27 August** 2016.

- 2.3 Every Schedule to this Bylaw shall be deemed to form part of the Bylaw.

- 2.4 This Bylaw shall have the effect of repealing the Mackenzie District Council Freedom Camping Bylaw adopted in 2014.

3. INTERPRETATION

- 3.1 In this Bylaw, unless the context requires otherwise:

Act means the Freedom Camping Act 2011

Campsite means a site used for freedom camping in a local authority area.

Council means the Mackenzie District Council or any Committee of the Council or officer delegated to exercise the authority of Council.

District means the territory of Council.

Enforcement Officer has the same meaning as contained in Section 4 of the Act.

Freedom Camp has the same meaning as freedom camp in Section 5 of the Act.

Local authority area is.

- (a) an area of land-
 - (i) that is within the District of the Council; and
 - (ii) that is controlled or managed by the Council under any enactment; and
- (b) includes any part of an area of land referred to in paragraph (a); but
- (c) does not include an area of land referred to in paragraph (a) or (b) that is permanently covered by water.

Offence has the same meaning as contained in Section 4 of the Act.

Person includes a corporation and also a body of persons whether corporate or unincorporated.

Public notice means the same as in Section 2 of the Local Government Act 2002 and 'published' and 'publicly notified' have corresponding meanings.

Self-contained camping means camping in a self-contained vehicle or by alternative means providing that the individual camper(s) have the capability of meeting the ablutionary and sanitary needs of occupants of the camp for a minimum of three days without requiring any external services, relying on public facilities or discharging or depositing any waste into the environment.

For the avoidance of doubt camping of any kind where ablution activities involve the use of **public toilets**, portable toilets not located and used in a fully private facility, or undertaking ablution activities in the natural environment, are excluded from being considered self-contained camping..

Self-contained vehicle means a vehicle designed and built for the purpose of camping which has the capability of meeting the ablutionary and sanitary needs of the occupants of that vehicle for a minimum of three days without requiring any external services or discharging any waste and

1. Complies with New Zealand Standard 5465:2001, as evidenced by the display of a current self-containment warrant issued under New Zealand Standard Self Containment of Motor Caravans and Caravans, NZS 5465:2001 and
2. The toilet facility must be **readily usable within the vehicle including sufficient head and elbow room at all times, even with the bed made up.** ~~located and able to be used within the vehicle itself at all times (under both day and night time configurations) without having to move the toilet or reconfigure the internal layout of the vehicle.~~

4. PURPOSE

4.1 The purpose of this Bylaw is to regulate and manage responsible freedom camping in Local Authority Areas and its effects on the Mackenzie District community and environment, in order to:

- (a) protect local authority areas;
- (b) protect the health and safety of people who may visit local authority areas; or
- (c) protect access to local authority owned or controlled areas.

4.2 This Bylaw is intended to encourage responsible Freedom Camping in the Mackenzie District. The principles by which Freedom Camping is regulated to meet the purpose of this Bylaw are set out below:

- (a) The District welcomes visitors who camp responsibly, respect public and private property and follow some simple rules to protect our community and our environment.
- (b) Some controls on Freedom Camping are necessary to protect our community and environment.
- (c) Freedom Camping carries with it the responsibility to respect the community by protecting the environment from harmful contamination or fouling.

- (d) Freedom Campers are expected to remove all waste and not cause any damage to the areas they use.

5. LOCAL AUTHORITY AREAS WHERE FREEDOM CAMPING IS PERMITTED

- 5.1 Freedom Camping is permitted in any local authority area within the District unless restricted or prohibited in an area:

- (a) in accordance with this Bylaw; or;
- (b) under any other enactment.

6. PROHIBITION ON FREEDOM CAMPING

- 6.1 No person may Freedom Camp in any Prohibited Freedom Camping Area within the Local Authority Area, as identified in Schedule 1 of this Bylaw.

7. RESTRICTIONS ON FREEDOM CAMPING

- 7.1 A person may Freedom Camp within the Local Authority Areas identified in Schedule 2 of this Bylaw but subject to the restrictions set out in that Schedule for any particular area.

8. PRIOR CONSENT FROM COUNCIL

- 8.1 The Council may grant consent to waive Freedom Camping restrictions in any of the areas identified in Schedule 1 and Schedule 2 of this Bylaw.
- 8.2 Any application for consent must be made in writing to the Council at least two weeks in advance of the date planned for Freedom Camping within the relevant area.
- 8.3 A person Freedom Camping in accordance with a consent granted under clause 8.1 must comply with any conditions of consent.
- 8.4 A Council Officer may revoke a consent granted under clause 8.1 by giving a direction for the person to leave the Camping Area where that person has:
 - (a) acted in a manner likely to endanger the health and safety of other people;
 - (b) damaged or is likely to cause damage to the site;
 - (c) breached any of the conditions included in any consent

9. CLOSURE OF FREEDOM CAMPING AREA

- 9.1 The Council may close a freedom camping area.
- 9.2 The Council may temporarily close or restrict entry to any overnight freedom camping area or part of any freedom camping area where such restriction is considered necessary by Council to:
 - (a) prevent damage to the local authority area or facilities in the area; or
 - (b) allow maintenance to the local authority area or facilities thereon; or
 - (c) protect the safety of persons or property; or

- (d) allow or facilitate public access.

10. OFFENCES

- 10.1 As specified by section 20(1) of the Act, every person commits an offence who:
 - (a) freedom camps in a local authority area in breach of any prohibitions or restriction in this bylaw that applies to the area: or
 - (b) makes preparations to camp in a local authority area in breach of any prohibition or restriction in this Bylaw that applies to the area.
- 10.2 An Enforcement Officer may issue an infringement notice to anyone who the Enforcement Officer believes on reasonable grounds has committed or is committing an Infringement Offence as set out in section 20(1) of the Act.
- 10.3 Where any person is committing or has committed an offence under this Bylaw or the Act, that person must, on the request of an Enforcement Officer:
 - (a) leave the relevant area immediately; and
 - (b) supply their full name, date of birth, full address, telephone number and occupation to the Enforcement Officer, as well as those same details for any other person connected in any way with the alleged offence.

11. PENALTIES

- 11.1 As specified by section 23(1) of the Act, every person who commits an offence pursuant to section 20(1)(a) and (c) of the Act is liable to an infringement fine of \$200.
- 11.2 The enforcement officer may also take such other action against the permit holder as authorised by this Bylaw or the Act as the enforcement officer deems necessary. It shall not be a precondition to taking such other action that a permit is revoked.

Schedule 1 – Prohibited Freedom Camping Areas

A person must not freedom camp in any prohibited area within the Mackenzie District, as identified in Schedule One: Prohibited Areas for Freedom Camping, without the prior written consent of the Council.

Tekapo Township, Tekapo

Freedom Camping is prohibited within the Tekapo Township. Freedom camping is prohibited on all Council controlled land including roads and reserves in the Tekapo Township within the area shown on Diagram 1 highlighted blue¹.



Diagram 1: Tekapo Area

¹ Except than in relation to Lot 5 DP 455053, Lake Tekapo, provided that such camping is in accordance with any Licence to Occupy granted to the Lake Tekapo Camping Ground as provided in Schedule 2 Section 1(d).

Twizel Commercial Area, Twizel

The Commercial Centre in Twizel township is shown on Diagram 2. Freedom camping is prohibited on all Council controlled land including roads and reserves in the area shown on Diagram 24 highlighted blue.



Diagram 2: Commercial Centre Area, Twizel

Lake Ruataniwha Lagoon Area (West)

The Lake Ruataniwha Lagoon Area (West) is shown on Diagram 3. Freedom camping is prohibited in all parts of this area shown on Diagram 3 highlighted blue.

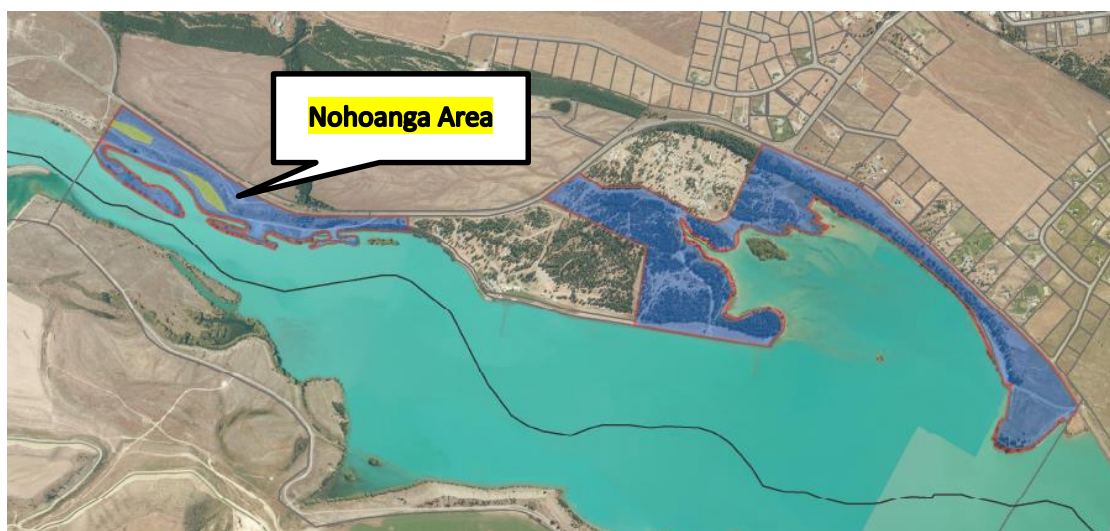


Diagram 3: Lake Ruataniwha Lagoon Area (West)

Schedule 2 – Restricted Freedom Camping Areas

Freedom Camping is provided for, subject to the restrictions specified for each area.

Any restrictions must be complied with unless the prior written consent of the Council is obtained.

All Council Controlled land

1. Freedom camping is restricted to self-contained camping other than in the following areas:
 - a. Fairlie Top Ten Holiday Park
 - b. Lake Alexandrina South End Camp Ground
 - c. Lake Macgregor/Lake Alexandrina Outlet Camp Ground
 - d. Lot 5 DP 455053, Lake Tekapo, provided that such camping is in accordance with any Licence to Occupy granted to the Lake Tekapo Camping Ground.

Lake Opuha - Bennetts Road

1. No camping is allowed 23rd December to second Monday in January (inclusive).
2. No camping within 20 m of the lakeshore.
3. Freedom camping is restricted to self-contained camping.
4. Freedom camping is restricted to a maximum period of **three** consecutive nights.



Diagram 4: Lake Opuha – Bennetts Road Area

Lake Opuha - Hayes Road

1. No camping is allowed 23rd December to second Monday in January (inclusive).
2. No camping within 20 m of the lakeshore.
3. Freedom camping is restricted to self-contained camping.
4. Freedom camping is restricted to a maximum period of **three** consecutive nights.



Diagram 5: Lake Opuha – Hayes Road Area

Lake Opuha - Opuha George Road

1. No camping is allowed 23rd December to second Monday in January (inclusive).
2. No camping within 20 m of the lakeshore.
3. Freedom camping is restricted to self-contained camping.
4. Freedom camping is restricted to a maximum period of **three** consecutive nights.



Diagram 6: Lake Opuha – Opuha Gorge Road

Lake Ruataniwha (West End)

Freedom camping is provided for within the areas shown on Diagram 7 highlighted yellow subject to the following restrictions:

1. No camping is allowed 23rd December to second Monday in January (inclusive).
2. No camping within 20 m of the lakeshore.
3. Freedom camping is restricted to self-contained camping.
4. Freedom camping is restricted to a maximum period of **three** consecutive nights.

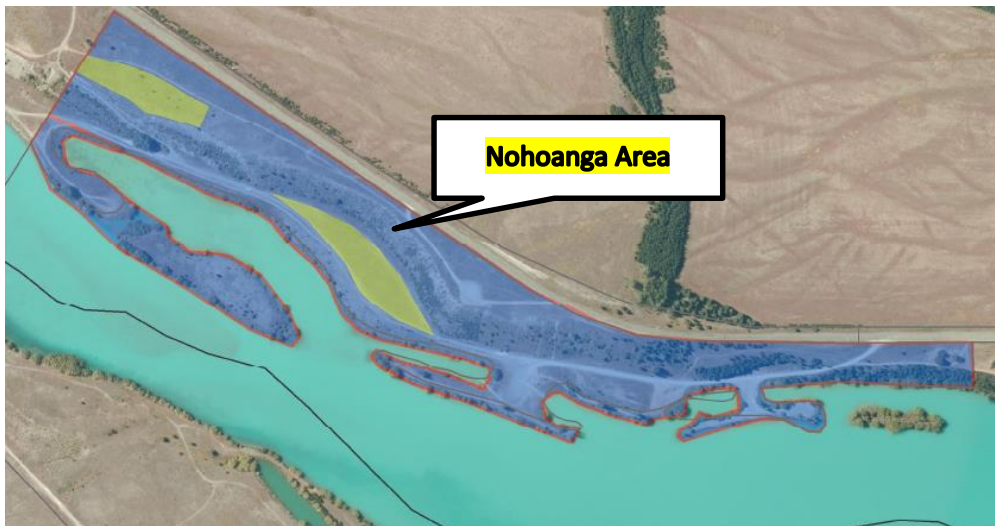


Diagram 7 Lake Ruataniwha (South End)



MACKENZIE DISTRICT COUNCIL

FIRE PREVENTION AND NUISANCE BURNING BYLAW 2016

FIRE PREVENTION AND NUISANCE BURNING BYLAW 2016

1.0 SHORT TITLE AND COMMENCEMENT

- 1.1 This Bylaw is made pursuant to sections 145 and 146(c) of the Local Government Act 2002.
- 1.2 This Bylaw is the Mackenzie District Council Fire Prevention and Nuisance Burning Bylaw 2016.
- 1.3 This Bylaw comes into force on **27 August** 2016.
- 1.4 This Bylaw is intended to be read in conjunction with the Council's Fees and Charges.
- 1.5 This Bylaw is specifically limited to those areas identified in the Mackenzie District Plan as having either a Business or Residential Zone.
- 1.6 This Bylaw does not remove responsibilities for applicants or contractors in relation to the following Acts and Regulations:
 - (a) the Fire Safety and Evacuation of Buildings Regulations 2006 or any regulations passed in amendment or substitution thereof;
 - (b) the Forest and Rural Fires Act 1977 and any Act passed in amendment or substitution thereof;
 - (c) any other applicable Acts of Parliament, regulations or rules;
 - (d) any other Council Bylaws and/or District Plan requirements; and
 - (e) any other requirements imposed by either Environment Canterbury or Department of Conservation.

2.0 PURPOSE

- 2.1 The purpose of this bylaw is to protect and maintain public health and safety by:
 - (a) enabling Council to exercise control over the lighting of fires in the open air and to prevent fires in the open causing a nuisance; and by
 - (b) preventing the spread of fires in times of extreme fire risk.

3.0 INTERPRETATION AND DEFINITIONS

- 3.1 In this bylaw, except where inconsistent with the context:

Approval means approval in writing by Council.

Authorised officer means any person appointed by Council to act on its behalf and with its authority and includes contractors or any person appointed especially or generally to enforce the provisions of this bylaw. It includes employees and officers of the New Zealand Fire Service and officers appointed by the South Canterbury Rural Fire Authority.

Authorised Barbeque Areas means an area of public reserve set aside for barbequing indicated by signage or other means.

Barbeque (BBQ) means any fixed or portable gas or solid fuel burning equipment or device designed or intended for the cooking of food in the open air.

Brazier means an outdoor heating appliance of non-combustible material that is designed to safely burn and contain the embers of any coal or untreated timber.

Chiminea means an enclosed outdoor fireplace made of sturdy non-combustible material with a grill and flue to prevent sparks and smoke nuisance. A chiminea does not include an open fire pit.

Council Officer means any officer of the Mackenzie District Council, or in the case of any function delegated any other authority means any officer of that authority delegated by Council to take action in relation to any particular bylaw, or to undertake the duties of a Council Officer under the bylaw and any person appointed especially or generally by Council to enforce the provisions of this bylaw.

Incinerator means a container used for burning waste material, which is made from non-combustible materials, is less than one metre in diameter, and has a grate and a lid or spark arrester.

Local Authority means Council, person, or group of persons authorised by any Act to make bylaws, and which has made this bylaw, and includes the body corporate on behalf of which any such Council, person, or group acts.

Nuisance means any smoke, odour, debris or fumes produced by a fire in such quantity or of such nature as to cause unreasonable inconvenience or annoyance or harmful effects to any person.

Open Air Fire means any fire other than within a building but excludes:

- (a) a barbeque;
- (b) a traditional cooking fire;
- (c) a brazier, chiminea or outdoor oven; and
- (d) an incinerator

Outdoor Oven means a permanent and immovable enclosed oven of non-combustible material that is designed to be used primarily for baking food outside, and includes a pizza oven.

Permission means the process of obtaining a Council open air fire permit.

Permit means the same as permission.

Prohibited Fire Season means a period of time, whether of fixed or indefinite duration, declared during which the lighting of fires in the open air is prohibited.

Public notice shall have the meaning assigned to it from time to time by the Local Government Act 2002.

Traditional Cooking Fire means any hangi, umu or similar fire in the open air used for preparing food using traditional cooking methods.

4.0 GENERAL MATTERS

Content of Bylaw

- 4.1 Every schedule and policy note to this bylaw shall be deemed to form part of this bylaw provided that any such schedule or policy note may be altered from time to time by Council resolution.

Powers of delegation

- 4.2 In all cases where this bylaw provides for the issue of any permit, order, notice or licence, such permit, order, notice or licence shall be deemed to be issued in compliance with this bylaw if the same be issued by any officer of Council authorised by Council for that purpose.

- 4.3 Where pursuant to this bylaw any powers or duties are imposed on a Council Officer that officer may with the consent of Council delegate any of those powers or duties either generally or particularly to any other officer of Council.

5. LIGHTING OF OPEN AIR FIRES

- 5.1 No person shall light an open air fire in any part of the District covered by this Bylaw:
- (a) without first obtaining a fire permit from the Council or
 - (b) unless provided for in this Bylaw.
- 5.2 An Authorised Officer may grant a fire permit or an grant by fire permit an exemption to any conditions within this Bylaw as he or she thinks fit.
- 5.3 Every person must comply with the conditions of his or her applicable fire permit or exemption, as the case may be.
- 5.4 All fires lit in accordance with clause 5.1 must also comply with all the following conditions:
- (b) No person shall light any fire if it has been declared a prohibited activity during prohibited fire season. For avoidance of doubt the declaration of a prohibited fire season does not apply to a barbeque, brazier or traditional fire.
 - (c) No person shall light a fire if it is likely to cause danger, smoke or ash nuisance to any person or property.
 - (d) Every person responsible for a fire will immediately extinguish the fire if in the opinion of any Enforcement Officer or member of the New Zealand Fire Service, it is deemed to present a nuisance or risk to public health and safety.
 - (e) Every person requested by an Enforcement Officer or member of the New Zealand Fire Service to extinguish a fire, will not re-light the said fire until the issues that caused the fire to be extinguished are fixed or resolved to the satisfaction of the Enforcement Officer or member of the New Zealand Fire Service.
 - (f) The New Zealand Fire Service has the authority to extinguish any fire it considers a nuisance or risk to health and safety.
 - (g) Rubber, plastics, petrol, oil, diesel and treated timber are not used.
 - (h) There must be available at all times an emergency water supply (such as a hose connection to a water supply) or other fire fighting equipment.

6 Fires may be Extinguished or Suppressed

- 6.1 Where an Open Air Fire:
- (a) has been lit or allowed to burn in breach of this Bylaw; or
 - (b) is causing a nuisance by reason of smoke, odour, debris or fumes;
- an Authorised Officer may extinguish any such fire or direct the Occupier of the Premises on which the fire is located, or the person who lit the fire, to extinguish the fire.
- 6.2 Where any Authorised Officer has extinguished or suppressed a fire pursuant to clause 6.1, the Council may recover any costs incurred in extinguishing or otherwise suppressing the fire from either:
- (a) the Occupier of the Premises on which the fire was located; or
 - (b) the person who lit the fire.

7. CONDITIONS FOR LIGHTING BARBEQUES, INCINERATORS, TRADITIONAL COOKING FIRES, BRAZIER, CHIMINEA, OUTDOOR OVENS AND BEEKEEPING

7.1 A fire permit is not required for –

- (a) a barbeque where the barbeque is:
 - (i) properly constructed to prevent sparks/embers leaving the barbeque; and
 - (ii) is under continuous supervision.
- (b) an incinerator, traditional cooking fire, brazier, chiminea or outdoor oven where they are:
 - (ii) properly constructed or maintained to prevent sparks/embers leaving the fire; and
 - (iii) under continuous supervision.
- (c) a smoker or burner used for beekeeping where they are:
 - (i) an approved MPI device; and
 - (iii) under continuous supervision.

8. Declaration of a Prohibited Fire Season

- 8.1 The Council or the Chief Executive Officer may, at any time when it considers it necessary due to the level of fire risk declare a prohibited fire season.
- 8.2 Except as provided for under Clause 8.3 the Council must give public notice of any prohibited fire season made under clause 8.1 by any effective means.
- 8.3 The South Canterbury Rural Fire Authority may declare a Prohibited Fire Season in particular areas of the District under the provisions of the Forest and Rural Fires Act 1977. Where a Restricted Fire Season or Prohibited Fire Season has been declared by the South Canterbury Rural Fire Authority, the Restriction or Prohibition is deemed to concurrently exist for the areas of the District covered under this Bylaw without further public notice being given.
- 8.4 Following the declaration of a Prohibited Fire Season all fire permits are suspended and no person shall light an open air fire in any part of the District until the prohibited fire season is declared over.
- 8.5 In special circumstances the Council may wish to consider individual exemptions to clause 8.1. Any person wishing to obtain a fire permit during a prohibited fire season must apply in writing to the Council.
- 8.6 Upon receiving an application under clause 8.5 the Council may issue a prohibited season permit and may impose such conditions and restrictions in respect of the permit as the Council considers reasonably necessary having regard to:
 - (a) any cultural requirements or practices;
 - (b) the location, terrain, natural vegetation, buildings and weather conditions;
 - (c) the safety, health and comfort of adjoining land owners; and
 - (d) an assessment of the fire safety measures put in place by the applicant to prevent the spread of the planned fire or fires.

9. Powers of Entry

- 9.1 An Authorised Officer may enter land for the purpose of detecting a breach of this Bylaw if the officer has reasonable grounds for suspecting that a breach of the bylaw is occurring on the land.

Before entering the land the officer must, if practicable, give reasonable notice to the occupier of the land of the intention to exercise the power, unless that giving of a notice would defeat the purpose of entry.

- 9.2 An Authorised Officer may enter land without notice for a purpose authorised by this Bylaw if there is a sudden emergency causing or likely to cause loss of life or injury to a person; or damage to property; or damage to the environment; or there is danger to any works or adjoining property.

10. Offences, Breaches and Penalties

- 10.1 Any person commits a breach of this bylaw who:
- (a) Does, or causes to be done, or knowingly permits or suffers to be done anything whatsoever contrary to or otherwise than as provided by this bylaw; or
 - (b) Omits or neglects to do, or knowingly permits or suffers to remain undone, anything which according to the true intent and meaning of this bylaw, ought to be done by them at the time and in the manner therein provided; or
 - (c) Does not refrain from doing anything which under this bylaw they are required to abstain from doing; or
 - (d) Knowingly permits or suffers any condition of things to exist contrary to any provision contained in this bylaw; or
 - (e) Refuses or neglects to comply with any notice duly given to him/her under this bylaw; or
 - (f) Obstructs or hinders any officer of Council in the performance of any duty to be discharged by that officer under or in the exercise of any power conferred upon him/her by this bylaw; or
 - (g) Fails to comply with any notice or direction given under this bylaw.
- 10.2 No application for a permit or approval from Council, and no payment of or receipt for any fee paid in connection with such application for a permit or approval shall confer any right, authority, or immunity on the person making such application or payment.
- 10.3 Every person who breaches this Bylaw commits an offence and is liable upon summary conviction to penalties set out in the Local Government Act 2002 and any other applicable Act and amendments, which ever may apply.
- 10.4 Pursuant to Section 239 and 242 of the Local Government Act 2002, any person who breaches this bylaw commits an offence and is liable on conviction to a fine not exceeding \$20,000.00.
- 10.5 Pursuant to Section 229 of the local Government Act 2002, any person who obstructs or hinders any authorized officer in the performance of any duty to be discharged by that officer under or in exercise of any power conferred by this bylaw commits an offence and is liable on conviction to a fine not exceeding \$5,000.00.
- 10.6 Under section 162 of the Local Government Act 2002 the Council may apply to the District Court for the grant of an injunction restraining a person for committing a breach of this bylaw.

11. Savings

- 11.1 If a fire permit is in force immediately before this Bylaw comes into force, that declaration continues to apply as if it had been made under this Bylaw.

12. Fees

- 12.1 The Council may prescribe fees to be charged to any person doing or proposing to do anything or to cause any condition to exist, under the provisions of the Local Government Act 2002 or any other enactment that requires a permit, permission, written consent or approval from, or inspection by the Council. The setting of any fees will be in accordance with section 150 of the Local Government Act 2002.
- 12.2 Where a fee has been paid under any provision of this Bylaw for a service that has not been given, the Council may provide a refund, a remission, or waiver of any such fee, or portion of it as the Council may determine. If following a request for payment, any due fee remains unpaid, the licence, permit, written consent or approval for which the fee was required, shall have no effect.

13. LOCAL GOVERNMENT ACT 2002 GUIDANCE

- 13.1 In addition to statutory provisions relating to fire safety and prevention in the Forest and Rural Fires Act 1977, the Building Act 2004 and the Fire Service Act 1975, the following provisions of the Local Government Act 2002 should be read together with this Bylaw:
- (a) **Section 183** enables the Council to give notice to require an owner or occupier to remove any growth or matter that could become the source of danger in a fire. "Growth" and "matter" are defined in section 183.
 - (b) **Section 184** provides the right of District Court appeal of a notice issued pursuant to section 183.
 - (c) **Section 186** enables the Council to execute work to remove any growth or matter in default of the owner or occupier and to recover the costs.