

Hey, we need to talk me kōrero ngātahi tātou

We're proposing some changes to our **Nuisance Bylaw**.

Some of the changes may affect you or your family and we'd like to know what you think.

When we've taken into account all the feedback received, we'll finish off the bylaw and it will become effective. What is a bylaw? See page 4 for a brief description of what a bylaw is, and how it works for you.

IMPORTANT DATES

Open for written feedback:
29 March 2019.

Provide your written feedback by:
29 April 2019.

TALK TO US

Paeroa Library Reading Room drop in:
Saturday, 6 April 2019, 9am-10am.

Ngatea Service Centre drop in:
Friday, 12 April 2019, 10am-11am.

Waihi Service Centre Meeting Room drop in:
Wednesday, 17 April 2019, 11am-12pm.

Whiritoa Community Hall drop in:
Thursday, 18 April 2019, 2pm-3pm.

Hearing of submissions:
22 May 2019 in the Hauraki District Council
Chambers, William Street, Paeroa.

See page 4 for the various ways you can have your say.

What we're proposing

We've made some proposed changes to our Nuisance Bylaw include removing a number of clauses, changing the current clauses, and adding some new ones. We want your feedback on these proposed changes.

In a nutshell, the changes we've made are:

- Updating definitions to make our intent clearer.
- Removing parts of the bylaw that are covered elsewhere, like littering and camping.
- Removing parts of the bylaw we think are not best addressed by the bylaw, such as disorderly behaviour, and damage to public places.
- Introducing requirements around keeping livestock, bees, pigs and poultry in urban areas or low density residential zones.
- Introducing some fees to recover our costs for permission to have a vehicle on the beach, and to keep certain animals in urban or low density residential zones.
- Revoking some bylaws that have applied only to the Kaiaua, Pūkorokoro / Miranda areas that were part of the Franklin District in the past.

These proposed changes are explored further on the following pages.



Preventing animal nuisance

(this doesn't include dogs)

Many parts of our bylaw refer to 'zones' or 'areas'. We know this can sometimes be confusing, so we're proposing to clarify the definitions, and have included links to our District Plan so you can see in which zone a property is located. The definitions shown in the blue box will help with reading the below information.

Keeping livestock in urban areas

See clause 5.2 of the proposed bylaw

Our current bylaw allows for a ban or limit to be placed on the number of livestock allowed in urban areas, but the number was never decided. We don't think it's appropriate to keep these animals in urban areas, given the small size of properties (not including lifestyle blocks) and the community expectation that stock should be kept in rural areas not in town. We're proposing to ban keeping stock in urban areas, with some exceptions e.g. for calf club or group day, or where the section is in pasture and rural in nature. The ban does not include Low Density Residential Zones.

Bee keeping

See clause 6.0 of the proposed bylaw

As in the current bylaw, people still need to get our permission to keep bees in an urban area or Low Density Residential Zone. We're not proposing to change this, however we are making it clearer how we'll make the decisions on the keeping of bees. We'll consider, amongst other things, the size of the property where the hives are to be kept and the opinions of the owner and occupier of any adjacent property.

We're proposing that bee hives must be located at least 10 metres from any dwelling or any other building on an adjoining property, or at least 2 metres from any adjoining property boundary or road. We've included this as good flight path management is required and is less likely to be achieved if the hives are too close to the neighbours' house or boundary.

Keeping pigs

See clause 5.3 of the proposed bylaw

We haven't changed our ban on keeping pigs in an urban area. We're proposing to include that up to four pigs are allowed in a Low Density Residential Zone if our written permission is given. We don't think the ban on keeping pigs should extend to Low Density Residential Zones where section sizes and the location of the property might make it appropriate for the keeping of a small number of pigs.

Poultry

See clause 5.4 of the proposed bylaw

We receive several complaints each year in relation to wandering poultry, noisy poultry and other nuisances related to poultry. We're proposing that poultry houses are not allowed within 10 metres from occupied buildings, or within 2 metres of the boundary. We also assessed the limits other councils of similar size placed on their residential areas and we think a limit of 6 poultry kept in urban areas and a limit of 12 poultry in Low Density Residential Zones is appropriate. We haven't changed the fact that you can keep 25 poultry in a rural area before you need a resource consent (as contained in our District Plan).

New fees for permission to keep bees, pigs and poultry

Our proposed bylaw requires permission to be given by the Council for the following matters:

- Keeping of bees in an urban area or Low Density Residential Zone,
- Keeping of up to four pigs in a Low Density Residential Zone,
- Keeping of more than 6 poultry in an urban area,
- Keeping of more than 12 poultry in a Low Density Residential Zone.

We're proposing some new fees to recover the reasonable costs incurred by providing this permission. This means a \$60 fee for an application to keep these animals, and a \$100 fee for inspection in relation to any application. An inspection may not always be needed.

DEFINITIONS

Low Density Residential Zone has the same meaning as defined in the Hauraki District Plan. In a nutshell, this is a semi-rural zone such as a lifestyle block.

Urban area means land within a Residential, Township, Marae Development (Waihi Community Marae only), Town Centre, Industrial and Reserve (Active) Zones as defined in the Hauraki District Plan. For the purpose of the bylaw the term 'Urban area' does not include a Low Density Residential Zone.

General nuisances

As noted above, we've removed some definitions that weren't relevant to the proposed bylaw.

We've updated the definition of 'Nuisance' to meet the definition in the Health Act 1956, and reflect that a nuisance means anyone causing unreasonable interference with the peace, comfort or convenience of another person whether or not that person is in a public place.

Vehicles on the beach

See clause 3.9 of the proposed bylaw

Over the years we've given approval to a number of people to drive their vehicle on the beach at Whiritoa for the purpose of launching boats. Unfortunately, identification stickers were not given out and expiration dates were not stipulated, so the Council is no longer aware of exactly how many people have permission to use vehicles on the beach. Our research shows that there could be an issue with the number of vehicles on the beach at Whiritoa, and we're having trouble enforcing the bylaw when there is no clear way to identify which vehicles are permitted on the beach. As we're working towards improving this process, a new fee of \$60 is proposed to meet the administration costs of assessing and providing this written permission. We've included transitional provisions so that those who currently have permission have 6 months to renew their permit to use their vehicle on the beach.

Disorderly behaviour and damage

We're proposing to remove clauses around disorderly and offensive behaviour as these are matters best dealt with by the NZ Police as they're better trained and equipped for these situations than Council officers. We're also proposing to remove clauses relating to damaging or defacing public places. We don't think the bylaw is the best way to address this as the NZ Police have more enforcement tools and community connections to address these issues.

Driving dangerously and off-road parking

We're proposing to remove the clauses about driving and parking vehicles off-road, or driving in a dangerous or inconsiderate way. The Ministry of Transport recommends that we address vehicle issues in our land transport bylaws. This enables the Police to enforce certain aspects of the bylaw and means we can issue stationary vehicle infringements. We're expecting to look at this when we review our traffic bylaw later in 2019, so watch this space.

Camping

We're proposing to remove a clause relating to camping, as this is now covered in our Freedom Camping Bylaw.

Keep our district beautiful

We're proposing to remove the clause about littering, because we don't think it's necessary. We can fine people up to \$400 for littering in a public place without having it in our bylaw. We've also removed the prohibition of interfering with rubbish that's waiting for collection as this is already in our Solid Waste Bylaw.

Gatherings, parades and peaceful protests

We're proposing to remove the clause requiring people to seek our permission for gatherings and meetings that will affect pedestrians. However, you still need our permission if you want to march on the road as this requires a road closure. The right to peaceful assembly, freedom of association and freedom of movement are human rights. If issues arise during a protest or march such as a breach of the peace, we think this should be assessed by the NZ Police on a case by case basis.

Numbering of properties

The current bylaw has very detailed requirements for the size of numbering displayed for street numbering. We're proposing to remove these stringent requirements around sizing as we don't believe they're needed.

Toilets that don't flush

The current bylaw states that people cannot use a toilet other than a flushing toilet (e.g. long drop or composting toilets), unless they are maintained in a way not to create a nuisance. We're proposing to remove this clause. It is a building control, health, and resource management matter which is governed by the Waikato Regional Plan as well as various other legislation such as the Health Act 1956 and the Building Act 2004, without need for a bylaw.

Ex Franklin bylaws

We're proposing to revoke the Franklin District Council (FDC) Brothel Bylaw 2010 as we are not aware of any issues with brothels in the Kaiaua Coast area. We're also proposing to revoke the FDC Trading in Public Places Bylaw 2008 as this is covered in our current bylaw and the proposed Nuisance Bylaw 2019. Additionally, other clauses in this bylaw are not needed as we don't have issues with them, e.g. vehicle window washers. The Nuisance Bylaw 2019 will apply to all residents of the Hauraki District and the ex-Franklin District.

FURTHER INFORMATION

We think this bylaw is appropriate so we can protect people from nuisance and maintain and promote public health and safety. Our proposed bylaw does not affect your rights under the NZ Bill of Rights Act 1990. The complete bylaw and the background information explaining what we've considered so far is included in this document, or you can download this from our website: <https://weneedtotalk.hauraki-dc.govt.nz>

A guide to giving feedback

Any organisation or member of the public can give us feedback in writing, on the phone, in person or all of these. This is your chance to tell us your thoughts about what we're proposing.

Good feedback is clear, concise and to the point. Tell us which parts you support, and which ones you don't. Let us know why. You are most welcome to provide additional pages or supporting material to with your feedback.

Remember to provide your contact details if you would like to be kept informed of the decisions made after considering your feedback.

Your feedback will be a council record, so may be reproduced as an attachment to a Council agenda, made publicly available and remain on Council minute records. If you aren't providing feedback on behalf of an organisation and would like your contact details to be kept private, please let us know.

Everyone who provides feedback will be notified in writing of the outcome.

Special assistance

We can offer assistance with special requirements at a hearing in terms of language translation, including that of sign language, or presenting through audio visual mechanisms. If assistance is required, please let us know and we will make the appropriate arrangements.

Huh?! What's a bylaw?

Our bylaws are only applicable to the Hauraki District. They're rules that local councils can develop to make our district a safe and healthy place. They can protect the public from nuisance; protect, promote and maintain public health and safety; and minimise the potential for offensive behaviour in public places. We make them in consultation with you – that's why it's important to have your say.

A bylaw can be enforced by the Council or others we have nominated, such as the New Zealand Police. Most of our bylaws are coming up for review over the next couple of years.

1

We review how well the bylaw is working, involving key groups

2

Changes are made to the bylaw as a result of early discussions

3

You tell us what you think of the proposed changes to the bylaw

4

We look at the feedback and may make further changes as a result of your views

5

The bylaw is adopted and then effective

How you can have your say

If you want to **talk** to us:

- drop in to one of our sessions in Whiritoa, Waihi, Paeroa or Ngatea and have a cuppa with a councillor.
- contact us to book in to speak to the Council at a hearing in Paeroa on 22 May 2019, or tick the box on the feedback form to show us you're keen to attend. We'll contact you closer to the date of the hearing to arrange a time for you to speak.
- give us a call and speak with a member of the strategic planning team – we can draft your feedback into a written statement and we'll provide you with a copy.

If you want to **write** to us:

- fill out the online feedback form on our website <https://weneedtotalk.hauraki-dc.govt.nz>
- message or comment on our Facebook page
- email your feedback to info@hauraki-dc.govt.nz
- write a letter, or fill in the printed feedback form (available at our service centres, or downloadable from our website)