

# Thanks for your feedback on our bylaws

Every ten years or so we have to review our bylaws, unless we want to review them earlier to reflect issues in the District. It's quite a big job, so we're doing it in two parts. We've now completed the first part, which included the rules around our cemeteries, wharves and jetties, food safety, and not being a nuisance to your neighbours.

We asked you what you thought, and after listening to what you told us, we've made some changes, which are summarised below. To read the adopted Bylaws you can view them on our website [www.hauraki-dc.govt.nz/our-council/bylaws/](http://www.hauraki-dc.govt.nz/our-council/bylaws/)

## Nuisance Bylaw

### Vehicles on Whiritoa Beach

After considering your feedback we've scrapped permits for driving vehicles on Whiritoa Beach. Now you can only drive on the beach if you're launching your boat or kontiki, driving an emergency vehicle, or if someone in the vehicle has a mobility permit. We realise there may be other reasons for allowing vehicles on the beach that we haven't considered, and these will be looked at on a case by case basis. Please contact us if you think we should make an exception for you. Please keep to a maximum of 10km/hr while driving on the beach – any driver on the beach needs to look out for people, and stay away from the dotterel area.

We also decided restrictions for taking vehicles on beaches should only apply to Whiritoa Beach, rather than all beaches in our district.

We'll be updating our signage at Whiritoa over the next few months to make sure everyone understands the new rules. We'll also send a letter to all our Whiritoa ratepayers outlining key rules before the next summer season. You can also [sign up](#) to our new e-newsletter *In the Loop* for updates and information from your area, or projects and topics you're interested in. Simply enter your name and email address and we'll keep you up to date with the latest info direct to your inbox. You can sign up via our website [www.hauraki-dc.govt.nz](http://www.hauraki-dc.govt.nz).

### Fireworks

We received some feedback about the private use of fireworks outside of Guy Fawkes. We'd like to restrict the private use of fireworks, but we can't because the rules around fireworks are made by central government. There are plenty of other councils in the same boat, so we've teamed up with them and let the government know what we think. We'll let you know how that goes.

### Scoters and skateboards

You told us that scooters and skateboards should be allowed to be ridden on the footpath in some areas of the main street of Ngatea, to allow safe access to school from the residential area. So we've relaxed our rules to allow skating devices to be ridden on the footpaths at the western end of the main street. Skating devices still can't be used on the footpaths from the public toilets down to River Road in Ngatea, as the footpaths are narrower and busier at that end of town.

### Noise nuisance

We had a few people query their neighbour's noisy behaviour. Nuisance noise isn't covered in our Nuisance Bylaw, instead it's treated as a noise complaint and dealt with by our noise control officers, who will make an assessment about whether the noise is excessive or unreasonable, given the time of day. We think it's reasonable that more noise is allowed during the day and evening and this is consistent with the noise standards in the District Plan, where more noise is permitted between 7am - 10pm. When noise complaints between 7am-10pm are received, the noise control officer will make a judgement about whether the noise level is likely to exceed the noise limits in the District Plan, or is

likely to be excessive or unreasonable for other reasons e.g. the duration of the noise. If so, the noise complaint will be responded to, at any time of the day.

## Enforcement and complaints

Some of you asked how we currently enforce our bylaws. When we receive complaints we investigate the issue and take action depending on the situation. Often all that's required is a conversation. At other times permits may be needed, and occasionally we may need to take legal action or involve the Police.

We received some feedback about how we address complaints, and asking that we communicate with complainants using the same way they contacted us. At present, staff use a variety of types of communication to contact the owner of a property or other relevant person, when a complaint is found to be reasonable. This includes sending letters and emails, phone calls and/or personal conversation, depending on what is most appropriate in the circumstances. Council staff should continue to do this.

When complaints are received, some complainants wish to be contacted about the outcome of the complaint and some don't. We are not always able to respond to anonymous complaints, if contact information is not available to us. When contact details are provided and the complainant wants to be contacted, we will contact them following investigation of the complaint. This process should continue to be followed. Complainant details are kept confidential.

## Fire control

Changes in the New Zealand Fire Service have sparked changes in who controls fire related activities in Hauraki. Although we still have a small role to play in dealing with residential smoke nuisance complaints, which are controlled under the Nuisance Bylaw, we're not responsible for fire permits, fire seasons, fire hazards, or fires in public places anymore. From now on, that's what FENZ (Fire and Emergency NZ) are for. For more information go to [www.checkitsalright.nz](http://www.checkitsalright.nz).

## Vegetation

We received a request to include a rule in the bylaw about untidy sections with overgrown gardens. Section 3.6 of the Nuisance Bylaw says that vegetation may not obstruct or interfere with the free movement of persons. If any complaints are received about vegetation over footpaths, the Bylaw provides that Council may require the owner to remove the vegetation.

We have received complaints about untidy sections for both absentee owners and where the owner lives on the property. While some keep their properties tidy, we recognise that some others don't. Developing a bylaw for keeping properties tidy does not seem like a proportionate response to the scale and number of complaints the council gets about untidy sections.

In relation to potential health or safety risks to other people and ensuring that a property does not grossly deface or defile the area due to litter on the property, we can serve a notice telling the occupier to remove or to clean up the litter within 14 days. If there are issues with vermin or other 'nuisances' then this could be dealt with under the Health Act, which means legal action could be taken. If long grass is a fire hazard, then Fire and Emergency New Zealand should be called.

## Bees

We received some helpful recommended changes to our bylaw from Apiculture NZ regarding the keeping of bees. As a result of this feedback we included a rule that where bee hives are located near a public place, e.g. a road, or a neighbouring property a 'flyway' barrier of at least 1.8 metres must be used, as it encourages the bees to fly above head height to avoid contact with people, cars, pets and washing on clothes lines. A flyway barrier could include amongst other things a fence, hedge or shade cloth.

## Cemeteries

### Services cemeteries

We had some feedback from Veterans' Affairs about the naming of our services cemeteries and the wording used in our Cemeteries Bylaw and fees and charges schedule. We've now updated our documents to reflect the correct terminology (services section or services cemetery, rather than RSA section) and we'll be updating the sign at the Pukerimu Cemetery to reflect this too.

As a result of your feedback we also updated the bylaw so that if a spouse or partner of a service person passes away first, they can be interred in the plot before the serviceperson is interred.

## Food Grading

### Tinkering with the system

You shared that the current system is working well and that we shouldn't change it. While we understand that it looks like we're doing an unneeded review, we simply had to review our bylaw as a result of law changes. The previous bylaw had to be amended as it legally cannot be inconsistent with New Zealand law.

We are legally required to inspect food premises in accordance with the requirements of the Food Act 2014 and the Food Regulations 2015, and will continue to do so.

### Food for the homeless

You asked for food safety rules to be changed so that business owners can share leftover food with the homeless, rather than sending it to landfill. Unfortunately, food safety rules are set by the Ministry for Primary Industries, not by us, so this isn't something we can control. This doesn't mean business owners can't share leftover food, you just have to make sure the food is safe and suitable, and still meets the requirements of your Food Control Plan. If you're interested in doing this, you should discuss your proposal with a Council Environmental Health Officer.

## Wharves and Boat Ramps

### Disorderly behaviour

One person raised the issue of disorderly behaviour at our wharves and boat ramps. We're unaware of any issues with disorderly behaviour at our wharves and boat ramps, and if this does occur, we would refer this to the NZ Police, so we haven't made any changes to the proposed bylaw as a result of the feedback.

## Things we'll address a bit further down the track

We received some feedback on things we're planning to address in the future, including:

- Aligning with the Ministry for Primary Industries food grading system. A national system hasn't been developed yet, but when it is, we'll most likely change our bylaw to align with the national system.
- Parking of vehicles. This comes under our Consolidated Bylaw, which isn't currently being reviewed. We'll look at our parking rules when it is reviewed.