EXTRAORDINARY MEETING OF COUNCIL

Hearing of Feedback to and Deliberations on
the Hauraki District Council Draft Bylaws

Wednesday, 22 May 2019, 9.00am

Council Chambers
Council Office
William Street
Paeroa
Membership

**Mayor**
J P Tregidga

**Councillors**
Cr D A Adams (Deputy Mayor)
Cr P D Buckthought
Cr C Daley
Cr R Harris
Cr G R Leonard
Cr M McLean
Cr P A Milner
Cr A Rattray
Cr D Smeaton
Cr A M Spicer
Cr D H Swales
Cr J H Thorp

**Executive Leadership**
L D Cavers
D Peddie
A de Laborde
P Thom
S Fabish

**Public Distribution**
Paeroa Office
Plains Area Office
Waihi Area Office

**Chief Executive**
L D Cavers
EXTRAORDINARY MEETING OF COUNCIL

AGENDA

Wednesday, 22 May 2019 – 9.00am
Council Chambers, Council Office, William Street, Paeroa

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Decision Report

To: The Mayor and Councillors
From: Policy Analyst
Date: Monday, 6 May 2019
File reference: Document: 2568189
Appendix A: Summary of written feedback and staff comments – 2582542
Appendix B: Wharves and Boat Ramps Bylaw 2019 - 2582028
Appendix C: Food Grading Bylaw 2019 - 2582033
Appendix D: Cemeteries Bylaw 2019 - 2581405
Appendix E: Nuisance Bylaw 2019 – 2580602
Full copies of all written feedback circulated separately - 2582552

Portfolio holder: The Mayor, Councillor Milner
Meeting date: Wednesday, 22 May 2019
Subject: Report on consideration of feedback to, and deliberations on, the draft Nuisance, Cemeteries, Wharves and Boat Ramps, Food Grading and Franklin District Council Bylaws.

Recommendation:

THAT the report be received, and

THAT all feedback received to date on the draft Nuisance Bylaw 2019, draft Cemeteries Bylaw 2019, draft Wharves and Boat Ramps Bylaw 2019 and the draft Food Grading Bylaw 2019 (and collated in Attachment A) be received, and

THAT the feedback provided at the hearing on the draft Nuisance Bylaw 2019, draft Cemeteries Bylaw 2019, draft Wharves and Boat Ramps Bylaw 2019 and the draft Food Grading Bylaw 2019 be received, and

THAT all people that provided feedback be thanked for their participation in the process, and

THAT the Council considers all written and verbal feedback and feedback providers be responded to accordingly, and

THAT in accordance with sections 145 and 146 of the Local Government Act 2002 the Council [adopt/accordingly amend] the draft Wharves and Boat Ramps Bylaw 2019 [as attached/and report back to Council], and

THAT Council Community Services staff ensure Council signage at its boat ramps and wharves is consistent with the Wharves and Boat Ramps Bylaw 2019, and
THAT in accordance with section 145 of the Local Government Act 2002 the Council [adopt/accordingly amend] the draft Food Grading Bylaw 2019 [as attached/and report back to Council], and

THAT Council Regulatory Services staff implement the new grading system in the Food Grading Bylaw 2019, and

THAT in accordance with section 146 of the Local Government Act 2002 and section 16 of the Burial and Cremations Act 1964 the Council [adopt/accordingly amend] the Cemeteries Bylaw 2019 [as attached/and report back to Council], and

THAT Community Services staff and Customer Services staff ensure the administrative changes required as a result of the adoption of the Cemeteries Bylaw 2019 are implemented by 1 July 2019, and

THAT in accordance with section 145 and 146 of the Local Government Act 2002 and section 64 and 65 of the Health Act 1956, the Council [adopt/accordingly amend] the draft Nuisance Bylaw 2019 [as attached/and report back to Council], and

That [if adopted at this meeting] the Cemeteries Bylaw 2019, the Wharves and Boat Ramps Bylaw 2019 and the Food Grading Bylaw 2019 and the Nuisance Bylaw 2019 will come into effect on 1 July 2019, and

THAT [if adopted at this meeting] in accordance with section 157 of the Local Government Act 2002 the adoption of the Cemeteries Bylaw 2019, the Wharves and Boat Ramps Bylaw 2019 and the Food Grading Bylaw 2019 and the Nuisance Bylaw 2019 be publically notified, and

THAT the Franklin District Council Brothel Bylaw 2010, the Franklin District Council Trading in Public Places Bylaw 2008 and the Franklin District Council Cemeteries Bylaw 2008 are revoked and the revocation will come into effect on 1 July 2019, and


1 Purpose

This report assists the Council to consider the feedback received on the draft Nuisance Bylaw 2019, draft Cemeteries Bylaw 2019, draft Wharves and Boat Ramps Bylaw 2019 and the draft Food Grading Bylaw 2019 (the bylaws).

Consideration must also be given to the revocation of the Franklin District Council Brothel Bylaw 2010, the Franklin District Council Trading in Public Places Bylaw 2008, and the Franklin District Council Cemeteries Bylaw 2008.

As a result of the hearing of feedback and deliberations process the intention is that the Council adopts the bylaw/s as attached, or instructs staff to make further amendments to the attached bylaw/s as a result of feedback (both written and verbal) and the deliberations process.
If the Council requires further information on certain matters or bylaw clauses need significant amendment as a result of deliberations this can be reported back to the Council at its meeting in June.

2 Hearing and Deliberations process

The Summary of Bylaw Feedback document attached as Attachment A, includes:
- summaries of the written feedback received from 29 March – 29 April 2019
- staff comments on each topic raised in the feedback to date

The full copies of all written feedback have been circulated to elected members separately.

Three people are booked in to speak at the Council hearing. The schedule is as follows:

<table>
<thead>
<tr>
<th>Time</th>
<th>Speaker</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.20 am</td>
<td>Jan de Nicolo</td>
</tr>
<tr>
<td>9.30 am</td>
<td>Kenneth Carter</td>
</tr>
<tr>
<td>9.50 am</td>
<td>Ian James Law</td>
</tr>
</tbody>
</table>

One speaker has not provided written feedback but has indicated they will be providing feedback on the draft Nuisance Bylaw 2019.

The order of proceeding is proposed as follows:
1. Verbal feedback presented to the Council – two people are speaking to their written feedback and one person has not provided written feedback.
2. Verbal feedback presented to the Council by people that have not previously booked in to speak (if any).
3. The written feedback where the submitter does not wish to provide additional verbal feedback will be considered.
4. Deliberations undertaken on all of the feedback received, and move resolutions on policy decisions and include any comments the Council wishes to be included in the response to respondents.
5. The Council adopt bylaw/s or direct staff to report back to the Council meeting in June.

3 Background

At the Council meeting on 29 August 2018 Mayor Tregidga, Deputy Mayor Adams and Councillors Milner, Leonard, Spicer and Harris were appointed to a councillor working party to work with staff on the review of various bylaws. The majority of the Council’s bylaws are due for a legally required 10-year review.

3.1 Changes to the bylaws

The bylaw adoption reports and statement of proposals outline the changes made in the draft bylaws and the rationale for those changes. The Council adopted those documents at its meeting on 27 March 2019 for the purposes of public consultation. That information will not be duplicated in this report, however the documents have been circulated separately from this agenda and can be found on the Council’s consultation website https://weneedtotalk.hauraki-dc.govt.nz/
3.2 Community Engagement

Staff liaised with various stakeholders during the bylaw review process and an online survey was undertaken in December 2018 to help inform the review. The following number of responses were received to the public surveys:

- 96 people completed the nuisance bylaw survey
- 81 people completed the cemeteries survey
- 37 people completed the wharves and boat ramps survey

A summary of the survey feedback can be viewed in the adoption reports for each draft bylaw.

At its meeting of 27 March 2019, the Council then approved the draft Bylaws for the special consultative procedure (public consultation). The one month written feedback period ran from Friday 29 March – Monday 29 April 2019. During this time the Council received written feedback from 22 people/organisations. This includes feedback from 11 people via the Council’s Facebook page. No verbal feedback was received by staff.

Four drop-in sessions were held across the District in Waihi, Ngatea, Paeroa and Whiritoa. The Whiritoa session was the busiest with ten residents attending. A verbal update on these meetings will be provided by staff and elected members in attendance during the deliberations process. Several people that attended these drop-in sessions also provided their feedback in written form. No one requested that their discussion/comments made at the drop-in sessions be presented to the Council on their behalf by staff or elected members.

The feedback received to date has been collated in Attachment A.

4 Issue and options

The draft bylaws are attached to this report. The Wharves and Boat Ramps Bylaw 2019 and the Food Grading Bylaw 2019 do not have track changes shown in the documents as any changes made to the draft version (as consulted on) are minor administrative or grammatical changes. The Cemeteries Bylaw 2019 and Nuisance Bylaw 2019 have amendments shown in track changes based on written feedback received and staff recommendations.

The Council needs to consider the feedback received on the bylaws and determine if the bylaws should be adopted as attached or amended accordingly.

**NOTE:** Initial staff recommendations are provided below, however it is important to note that these are subject to any feedback raised at the hearing meeting.

4.1 Adoption of Wharves and Boat Ramps Bylaw 2019

During the feedback period to date the Council received feedback from two people on the draft Wharves and Boat Ramps Bylaw 2019. One respondent supports the draft bylaw and seeks no amendments, while the other would like the clause about disorderly behaviour reinstated.

Council staff believe disorderly behaviour and offensive behaviour in public places is better addressed by Police Officers in accordance with the Summary Offences Act 1981. Police Officers are specifically trained to handle these potentially volatile situations and better equipped for them.

Staff recommend that:

- the Council adopt the draft Wharves and Boat Ramps Bylaw 2019 as attached (no amendments), and
- the bylaw comes into effect on 1 July 2019, and
• Community Services staff ensure Council signage at its boat ramps and wharves is consistent with the bylaw.

4.2 Adoption of the Food Grading Bylaw 2019
During the feedback period to date the Council received feedback from four people on the draft Food Grading Bylaw 2019. One respondent supports the draft bylaw and seeks no amendments, while one submitter does not want any changes made to the 2013 bylaw. The other feedback received is outside the scope of the bylaw and is governed by the Food Act 2014 and the Food Regulations 2015.

The 2013 Bylaw is due for its five-year legal review and the bylaw cannot be inconsistent with the Food Act 2014. This means the food grading criteria had to be amended to align with the Food Act. The food grades do not have to be changed, however the Councillor working party believes the proposed changes to the food grades (A+, A, B and D, E) will provide a better incentive for food premises to strive for higher levels of compliance.

Staff recommend that:

• the Council adopt the Food Grading Bylaw 2019 as attached (no amendments), and
• the bylaw comes into effect on 1 July 2019, and
• Regulatory Services staff implement the new food grading system as they inspect food premises over the next year/ or alternatively Regulatory Services staff send out new food grading certificates to all food businesses based on their most recent verification process (inspection by a Council environmental health officer).

4.3 Adoption of the Cemeteries Bylaw 2019
During the feedback period to date the Council received feedback from Veteran’s Affairs New Zealand and two other respondents on the draft Cemeteries Bylaw 2019. All respondents support the draft bylaw however, Veterans’ Affairs New Zealand seeks some amendments. Veterans’ Affairs asks the Council to include a statement in the bylaw that plaques and headstones in Services Cemeteries must be made and installed by a Veterans’ Affairs approved provider. Clarity is also sought on how the other clauses of the bylaw apply to Services Cemeteries.

Council staff have liaised with Veterans’ Affairs to seek further clarity on the role of the Council and Veterans’ Affairs in relation to Services Cemeteries. As a result, changes have been made to the draft bylaw and can be viewed in the attached bylaw shown in track changes. Amendments include:

• definition of Services Cemetery.
• removal of the word ‘Sexton’ and replaced with ‘authorised officer’ as a sexton is an authorised officer.
• clarification that only one plot can be reserved in a Services Cemetery per eligible serviceperson and the spouse or partner must be interred in the same plot.
• outlining headstones and plaques in Services Cemeteries must comply with Veterans’ Affairs requirements and be installed by an approved provider.
• additional commentary bubbles about Veterans’ Affairs in the bylaw.

Staff also seek direction from the Council on the following matter:
• Currently according to the Councils internal cemeteries policies and procedures a spouse or partner can only be buried in a Services Cemetery if the serviceperson has already been interred. This is not a Veterans’ Affairs policy, but at the discretion of each council. Council staff recommend the Council consider changing its policy to permit spouses/partners to be buried in the plot if they pass away first. The plot will still be reserved under the serviceperson’s name and burial fees still paid for. The only potential
issue is where a serviceperson may want another partner/spouse to also be interred in the plot (3 interments).

The following minor amendments are also made to the bylaw and shown in track changes:

- Removal of the term ‘tablet’ as it is included in the definition of ‘monument’ and does not need to be stated separately in the bylaw.
- Wording change to clause 3.2 to clarify that a **maximum** of two exclusive rights of burial (two plots) may be reserved by one person at **any** time. Staff believe this wording better reflects the intent of the policy.

The feedback on the Council’s Schedule of Fees and Charges document is addressed in a separate report on this agenda.

Staff recommend that:

- the Council adopt the draft Cemeteries Bylaw 2019 as attached (with amendments as shown in track changes), and
- the bylaw comes into effect on 1 July 2019, and
- Community Services staff and Customer Services staff ensure the administrative changes required as a result of the adoption of the Cemeteries Bylaw 2019 are implemented.

### 4.4 Amendments and adoption of the draft Nuisance Bylaw 2019

During the formal written feedback period the Council received feedback from 14 people on the draft Nuisance Bylaw 2019.

Respondents expressed support for various aspects of the bylaw including; allowing for the keeping of calf club animals in town and the restrictions on keeping of bees, pigs and poultry in urban areas. Also the ban on skating devices on the main streets of Ngatea, Paeroa and Waihi were supported by one respondent.

Respondents also seek various changes to the bylaw and subsequently there are several policy matters for the Council to consider in relation to the written feedback. Staff recommend the Council consider the policy matters below and refer to the staff comments in the Summary of Feedback document on this agenda for further information.

- **Noise nuisance (flag poles)** - whether the bylaw should have a specific clause in relation to noise nuisance.
- **Noise nuisance (fireworks)** – whether the Council should be enforcing noise nuisance in relation to the setting off of fireworks.
- **Untidy private property** - whether the bylaw should have a specific clause in relation to residents keeping their sections tidy.
- **Bee Keeping** – changes recommended by Apiary New Zealand are shown in track changes in the attached Nuisance Bylaw. Whether the Council agrees with the changes to the proximity rule for beehives in relation to adjacent property.
- **Vehicles on Beaches** – whether the Council should require permits for driving vehicles on Whiritoa beach and if so what should the parameters be and the enforcement approach. Whether the bylaw should be made under the Land Transport Act so infringements can be issued by traffic wardens (if Council warranted staff accordingly and Police).
- **Ban on riding of skating devices in the main street of Ngatea** – whether the ban on skating devices in the main street of Ngatea be removed, reduced or left the same.
- **Roaming cats** – whether the bylaw should have rules in relation to roaming cats.
- **Improving enforcement** – Whether the Council commit more resources to enforcement in general. That during the review of the Traffic Bylaw the Council consider the use of infringements (e.g. parking tickets).
Where appropriate the Council should direct staff to amend the bylaw accordingly or provide further information if considered necessary.

The feedback on the cost of an application for Bee Keeping in the Council’s Schedule of Fees and Charges document is addressed in a separate report on this agenda.

Staff recommend that:

• the Council direct staff on the various policy considerations above and either adopt the bylaw as attached (with amendments in relation to the keeping of bees only) or the Council directs staff to amend the bylaw accordingly based on decision reached during the deliberations process, and

• [if adopted] the bylaw comes into effect on 1 July 2019, and

• [if adopted] Community Services staff and Customer Services staff ensure the administrative changes required as a result of the adoption of the Nuisance Bylaw 2019 are implemented.

4.5 Revocation of Franklin District Council Bylaws

The Council received no written feedback on the proposed revocation of the Franklin District Council Bylaws outlined below. The Franklin District Council Bylaws can be viewed at https://www.hauraki-dc.govt.nz/ourcouncil/bylaws/franklin.

4.5.1 Revocation of Franklin District Council Trading in Public Places Bylaw 2008

The bylaw requires people to obtain a licence from the Council before they can trade in a public place or from a vehicle in a public place. This is also known as hawking. The Council’s draft Nuisance Bylaw 2019 requires people to seek the permission of the Council to trade in a public place so this will not change if the Franklin Bylaw is revoked and the relevant clause in the Draft Nuisance Bylaw is adopted. The Franklin bylaw also prohibits the washing of windows of vehicles for payment or donation. The Council has not received complaints about vehicle window washing, probably because the district only has one set of traffic lights which are located in a rural area. It is seen as unnecessary to have a bylaw for window washing when there is no issue.

Council staff and the bylaw review working party recommend the Council revoke the bylaw effective from Monday, 10 June 2019.

4.5.2 Revocation of the Franklin District Council Brothel Bylaw 2010

The Prostitution Reform Act 2003 allows councils to regulate the location of brothels and signage through a bylaw. When the Act was passed the Council took the approach that a bylaw was not an effective means of controlling the location and signage for brothels, as more robust and defensible controls can be implemented through the District Plan.1

Council staff and the bylaw review working party recommend the Franklin District Council Brothel Bylaw 2010 be revoked effective from Monday, 10 June 2019. This means the Kaiaua Coast will have no brothels bylaw in place, which is consistent with the rest of the Hauraki District. Any brothel wanting to operate in the Kaiaua Coast area will have to comply with the signage and other rules for commercial operations in the Franklin District Plan.

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1 For further information see Council report 2548282.
4.5.3 Revocation of the Franklin District Council Cemeteries Bylaw 2008

The Franklin District Council Cemeteries Bylaw 2008 has the same requirements as the current Hauraki District Council Cemeteries Bylaw. Therefore, any changes to the bylaw consulted on with the public will be relevant to the cemetery at Pūkorokoro/Miranda and affect the residents on the Kaiaua Coast in the same way it will affect other district residents.

Council staff and the bylaw review working party recommend revoking the Franklin District Council Bylaw effective from Monday, 10 June 2019.

5 Budget Implications

The adoption of the bylaws and dates they become effective must be publically notified in the Hauraki Herald and communicated with the community. This will involve planned expenditure in the strategic planning budget. This is not considered to be additional expenditure as it can be met through existing budget provision.

Additional staff time will be required to put in place administrative changes as a result of the cemeteries bylaw, however this will also be covered by existing budget provision.

There will be additional cost associated with issuing new food grading certificates, which will be met through existing environmental protection budget provision.

At this point in time staff are not aware of how many wharves or boat ramp signs will need updating, however additional expenditure can be met through the existing recreation activity budget.

6 Recommendation

It is recommended that the Council considers all written and verbal feedback relating to the draft bylaws and thanks all respondents for participating in the consultation process. It is also recommended the Council pass resolutions for each identified policy matter, including additional comments it would like to include in a response to submitters.

Following the consideration of feedback, it is recommended the Council clearly advise of any amendments to the draft Bylaws and adopt the Bylaws on the basis of those amendments or direct staff to report back to the Council at its meeting in June.

Charan Mischewski
POLICY ANALYST
## Summary of Bylaw Feedback

**Draft Cemeteries Bylaw 2019**

### General

<table>
<thead>
<tr>
<th>Feedback</th>
<th>Reason for request</th>
<th>Decision sought</th>
<th>Feedback respondent</th>
<th>Document number</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.1</td>
<td>Support for reservation of burial plots from one person, saying it's more affordable for families to be laid to rest with loved ones. Some interest was expressed in natural burials.</td>
<td>No decision sought.</td>
<td>Facebook Feedback</td>
<td>2567265</td>
</tr>
<tr>
<td>9.2</td>
<td>Respondent has no issues with the changes, all sounds reasonable.</td>
<td>No decision sought.</td>
<td>Bob Tidd</td>
<td>2567030</td>
</tr>
</tbody>
</table>

**Staff recommendation:**  
Staff acknowledge the support for the bylaw. No recommendation is required.

**Staff reason for recommendation:**  
No decision has been sought.

### Services section

<table>
<thead>
<tr>
<th>Feedback</th>
<th>Reason for request</th>
<th>Decision sought</th>
<th>Feedback respondent</th>
<th>Document number</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.2</td>
<td>Respondent suggests it might be worth including a statement that plaques and headstones in services cemeteries must be made and installed by Veterans’ Affairs approved provider.</td>
<td>That the Council includes a statement in its bylaw that plaques and headstones in services cemeteries must be made and installed by Veterans’ Affairs approved provider.</td>
<td>Sally Goyat / VETERANS’ AFFAIRS NEW ZEALAND</td>
<td>2565333</td>
</tr>
</tbody>
</table>

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**Services section (continued)**

**Staff recommendation:**
That a statement is made in the introduction clause in the bylaw making it clear the bylaw applies to Services Cemeteries.

That a definition of Services Cemetery is included in the bylaw.

That a clause be included in the bylaw clarifying that only one plot may be reserved per eligible serviceperson and that their spouse or partner must be interred in the same plot.

That a clause be included in the bylaw clarifying fees related to the exclusive right of burial (plot purchase) do not apply to plots in Services Cemeteries.

That a clause be included in the bylaw clarifying that headstones and plaques in Services Cemeteries must comply with standards set by Veterans’ Affairs and be installed by a provider approved by Veterans’ Affairs.

**Staff reason for recommendation:**
After speaking with Veterans’ Affairs, staff agree that additional wording in the bylaw regarding Services Cemeteries will clarify how the rules apply to Services Cemeteries for both Council staff and the public. Additional clauses in the bylaw will ensure the Council’s internal policies and procedures are consistent with the policy direction of the Council. The additional clause in the bylaw regarding monuments and plaques also means the Council can remove any monument or plaque if it is not consistent with the bylaw.

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**Draft Cemeteries fees and charges**

<table>
<thead>
<tr>
<th>Feed</th>
<th>Reason for request</th>
<th>Decision sought</th>
<th>Feedback respondent</th>
<th>Document number</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1</td>
<td>Respondent has noted a number of statements in the draft fees and charges in relation to veterans/service people that needs updating.</td>
<td>That the Council makes changes to the fees and charges information on returned service personnel and spouses, as recommended in the feedback.</td>
<td>Sally Goyat / VETERANS’ AFFAIRS NEW ZEALAND</td>
<td>2565333</td>
</tr>
</tbody>
</table>

**Staff recommendation:**
That the Council makes changes to the fees and charges information on returned service personnel and spouses, as recommended in the feedback. In addition, the information is also updated on the Hauraki District Council website.

**Staff reason for recommendation:**
The changes recommended by Veterans’ Affairs are reasonable and in line with communication updates they have implemented over the past year.
## Draft Food Grading Bylaw 2019

### General

<table>
<thead>
<tr>
<th>Feed</th>
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<th>Decision sought</th>
<th>Feedback respondent</th>
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</tr>
</thead>
<tbody>
<tr>
<td>10.2</td>
<td>Respondent is happy to hear that HDC can close down establishments if hygiene standards are not acceptable.</td>
<td>That the bylaw is approved and no changes be made.</td>
<td>Guus van de Staak</td>
<td>2567060</td>
</tr>
<tr>
<td>12.2</td>
<td>One respondent called for food safety rules to be changed so that businesses can share leftover food with the homeless, rather than have it go into landfill. Another person suggested looking at the Ministry for Primary Industries grading system to be brought under that.</td>
<td>That the Council adopts better food safety rules so businesses can share leftover food to the homeless.</td>
<td>Facebook Feedback</td>
<td>2567265</td>
</tr>
<tr>
<td>8.1</td>
<td>Respondent believes the current system is working and the Council should stop tinkering with it. Every time something changes it brings with it a new cost and businesses can't take anymore.</td>
<td>That the Council does not make any changes to its food safety bylaw.</td>
<td>Phillipa Brooks / THE CORNER STORE</td>
<td>2567011</td>
</tr>
<tr>
<td>9.3</td>
<td>Respondent has no issues as long as the food places are still regularly inspected by council and enforced. Respondent has seen too many places with high ratings yet have public cutlery pointing up so dirty hands touch the same ends that others have to put in their mouths.</td>
<td>That the Council continues to regularly inspect and enforce food premises as necessary.</td>
<td>Bob Tidd</td>
<td>2567030</td>
</tr>
</tbody>
</table>

### Staff recommendation:

That no changes be made to the draft Food Grading Bylaw as a result of these submissions.

### Staff reason for recommendation:

10.2 - The submitter supports the Food Grading Bylaw and has not requested any changes.

12.2 - The Food Safety rules are set by the Ministry for Primary Industries, not by the Council. As a result, this isn't a matter that is controlled by the bylaw. Any businesses that wish to share leftover food must ensure the food is safe and suitable, and still meets the requirements of their Food Control Plan. They should discuss their proposal with a Council Environmental Health Officer. When the Ministry for Primary Industries brings in a national food grading bylaw then the Council will revoke its current food grading bylaw like all councils will have to.

8.1 - The Food Safety Bylaw clauses in Part 3 (Public Safety) are due for an initial five-year review. This is a legal requirement. In addition, since the bylaw was developed and adopted in 2013, the Food Act 2014 was enacted and the Food Regulations 2015 were developed. The current bylaw must be amended as it legally cannot be inconsistent with the Food Act 2014 or Regulations.

9.3 - The submitter supports the Food Grading Bylaw and has not requested any changes. The Council is 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.
## Draft Nuisance Bylaw 2019

### Animals

<table>
<thead>
<tr>
<th>Feed</th>
<th>Reason for request</th>
<th>Decision sought</th>
<th>Feedback respondent</th>
<th>Document number</th>
</tr>
</thead>
<tbody>
<tr>
<td>12.4</td>
<td>One person supports keeping calf club pets up to 1 year old.</td>
<td>That the Council allows calf club animals up to 1 year old,</td>
<td>Facebook Feedback</td>
<td>2567265</td>
</tr>
<tr>
<td></td>
<td>Two people supported having rules about roaming cats.</td>
<td>That the Council introduces rules around roaming cats.</td>
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</tbody>
</table>

**Staff recommendation:**

**STOCK** - That Section 5.2(a) of the draft Nuisance Bylaw be retained.

**CATS** - That the draft Nuisance Bylaw not be amended to include restrictions on roaming cats.

**Staff reason for recommendation:**

**STOCK** - Section 5.2(a) of the draft Nuisance Bylaw allows stock to be kept in urban areas, when the stock is less than 12 months old and is kept for a children’s agricultural day.

**CATS** - Section 5.1 of the draft Nuisance Bylaw states that every person keeping an animal on private property must ensure it is kept in a manner that the animal does not create a nuisance to any person, as determined by an authorised officer. This is a general requirement that applies to any animal. Complaints about cats roaming are uncommon. It is not considered that any further restrictions are required.

### Bee keeping

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<th>Feedback respondent</th>
<th>Document number</th>
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</thead>
<tbody>
<tr>
<td>12.5</td>
<td>One person opposes the introduction of a fee for keeping bees. They do agree with any rule that says that a hive causing nuisance should be moved on. Respondent states that Tauranga City Council does not have rules on beehives. People are entitled the peaceful enjoyment of their own property and they shouldn't have to pay $160 to apply for that.</td>
<td>That the Council does not charge a fee for permission to keep bees in an urban area.</td>
<td>Facebook Feedback</td>
<td>2567265</td>
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</tbody>
</table>
## Bee keeping (continued)

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<thead>
<tr>
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<th>Feedback respondent</th>
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<tbody>
<tr>
<td>4.1</td>
<td>Apiculture NZ (ApiNZ) submits that the introduction of the bylaw will be useful as beekeeping in urban areas is becoming increasingly popular, however it is importance that any changes are practical and fit for purpose. ApiNZ supports clauses 6.0 b and c and have the made the following suggestions:</td>
<td>That Council considers Apiculture NZ recommendations and that the Local Authorities achieve some consistency with the bee keeping bylaws.</td>
<td>Hannah Amante / APICULTURE NEW ZEALAND</td>
<td>2566539</td>
</tr>
</tbody>
</table>

6.0a – Recommends that Council consider the ecological impact of severely restricting urban beekeeping, provided that beekeepers observe ApiNZ best practice code of conduct guidelines.

6.0d – ApiNZ suggests that due to the nature of bees behaviour it would be better to site a hive where its entrance faces away from any neighbouring property, with the greatest possible distance between the hive entrance and any neighbour. Also the use of a flyway barrier such as a hedge, shade cloth or permanent structure of 1.8m high minimum between the beehive and the road/footpath would ensure that the bee flight path is high enough to prevent nuisance. Consideration also needs to be given for those that keep beehives located on rooftops.

6.0e – ApiNZ supports this provision and recommends that beekeepers are directed to their Code of Conduct for guidance on best practice for beekeeping and that beekeepers participate in a National Bee Keepers Association beekeeping course.

### Staff recommendation:

That the two separate fees for the keeping of bees application remain the same:

- Application to keep pigs, poultry or bees in an urban area or low density residential zone in accordance with the Nuisance Bylaw 2019 - $60.
- Inspection of property in respect to an application to keep pigs, poultry or bees in an urban area or low density residential zone in accordance with the Nuisance Bylaw 2019. - $100

That clause 6.0 (d) in the draft Nuisance Bylaw 2019 be amended to read:

"Where a bee hive is located in close proximity to an adjacent property or public place the bee hive entrance must face away from the adjacent property or public place and a flyway barrier of at least 1.8 metres in height must be used to ensure the bee flight path is high enough to prevent a nuisance. A flyway barrier could include amongst other things a fence, hedge or shade cloth".

That in the bylaw related information sections reference the 'National Beekeepers’ Association’ be changed to reference ‘Apiculture New Zealand’ and any related links be updated.

That when applications for bee keeping are considered by a Council authorised officer the ecological benefits of bee keeping are considered and urban beekeeping is only restricted where beekeepers are not observing industry best practice (e.g. as outlined in Apiculture New Zealand’s Code of Conduct guidelines) or due to adjacent owners and occupiers’ valid health and safety concerns about the keeping of bees at the property.
**Bee keeping (continued)**

**Staff reason for recommendation:**

12.5 - That the fee for the keeping of bees application remains the same, however the Council could consider reducing the cost.

The fee of $60 covers the administration cost for assessing the application and checking that the neighbours are in agreement with any application.

An on-site inspection may not necessarily be required, however if it is there is the cost of staff time involved with that and also the cost of traveling to the site.

Once approved that person does not have to re-apply for keeping bees at that property.

4.1 - Apiculture New Zealand is best placed to advise on best practice for bee keeping and the suggestions in its submission are helpful recommendations. A flyway barrier is recommended as it encourages the bees to fly above head height to avoid contact with people, pets and washing on clothes lines.

**Bylaw communications**

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<tbody>
<tr>
<td>11.3</td>
<td>Respondent states that Whiritoa is a holiday village, and absentee owners, visitors and tourists will not want to check the HDC bylaws. Over 75% of Whiritoa Ratepayers are absentee and using the local newspapers, and/or the HDC website is not sufficient to reach a majority of those wishing to comment.</td>
<td>That the Council compiles a short list of critical bylaws and forward it to all ratepayers, with a suggestion that they post it in plain sight.</td>
<td>Name withheld</td>
<td>2567044</td>
</tr>
</tbody>
</table>

**Staff recommendation:**

That as the bylaw review process is undertaken in 2019 the Council develop a communications plan for Whiritoa Beach residents about key relevant rules, any changes to the bylaws and helpful information.

The Council may also want to consider having a hard copy folder for the bylaws in the Whiritoa community library.

**Staff reason for recommendation:**

Good communication with residents and ratepayers is essential for any engagement, but also when expecting compliance with bylaws.
### Enforcement - general

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<tr>
<td>11.2</td>
<td>Respondent suggests that appropriate action for breach of bylaw is needed and that a few fines would get people's attention and stop the steady decline in standards.</td>
<td>That the Council employs compliance officers at Whiritoa on a regular basis.</td>
<td>Name withheld</td>
<td>2567044</td>
</tr>
<tr>
<td>9.4</td>
<td>Respondent is annoyed that the Council makes the rules but does not enforce them. Respondent requests that the bylaw should include and allow for better enforcement of nuisances that includes but not limited to; noise control (any time of day), fire control beyond what fire service handle (if it is not permitted and complained about, the Council should enforce this), illegal parking over footpaths (obstructing foot/wheelchair traffic) and drive ways, enforce overgrown bushes and trees that obstruct footpaths. Respondent states these are all critical nuisances that ruin the comfort of citizens and need to be better enforced.</td>
<td>That the Council improves its enforcement and controls nuisance behaviour, That noise complaints are addressed prior to 9pm at night, That the Council uses notices left in an offender's letter box notifying them of the complaint, That all complaints received by email or any system should be replied to by the same approach and used to pass on the complaint at a reasonable time.</td>
<td>Bob Tidd</td>
<td>2567030</td>
</tr>
</tbody>
</table>

**Staff recommendation:**

That Section 9.0 - Enforcement and Section 10.0 - Offences and Penalties of the draft Nuisance Bylaw be adopted.

IMPROVING ENFORCEMENT - That Section 9.0 - Enforcement and 10.0 - Offences and Penalties in the Draft Nuisance Bylaw 2019 are adopted.

NOISE - That specific issues with excessive noise or unreasonable noise continue to be dealt with under the District Plan and the Resource Management Act 1991, on a case by case basis.

NOTICES - That, where a complaint is found to be reasonable, the Council continues to contact the relevant person (as occurs at present), to address the complaint.

REPLY TO COMPLAINTS - That complainants are replied to by whatever means they request.

FIRE CONTROL - That Council staff continue to direct customers to Fire Emergency NZ, where appropriate, and investigate any complaints relating to smoke nuisance.

ILLEGAL PARKING - That no action is taken in relation to this submission, however this enforcement approach could be considered as part of the review of the traffic bylaw.

VEGETATION OBSTRUCTING FOOTPATHS - That Section 3.6 of the Nuisance Bylaw be adopted.
Enforcement – general (continued)

**Staff reason for recommendation:**

11.2 - The Draft Nuisance Bylaw contains two sections - Section 9.0 - Enforcement and 10.0 - Offences and Penalties. These will assist officers to effectively enforce the Bylaw, however infringements cannot be issued under the bylaws made under the Local Government Act 2002 as Regulations were never developed to allow for this.

9.4 –

**NOISE** - Council's Noise Control Officers respond to complaints about noise, and make an assessment about whether the noise is excessive or unreasonable, given the time of day. It is 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 prior to 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, and is likely to be excessive or unreasonable. If so, the noise complaint will be responded to, at any time of the day.

**NOTICES** - 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.

**IMPROVING ENFORCEMENT** - The Draft Nuisance Bylaw contains two sections - Section 9.0 - Enforcement and 10.0 - Offences and Penalties. These will assist officers to effectively enforce the Bylaw.

**REPLY TO COMPLAINTS** - When complaints are received, some complainants wish to be contacted about the outcome of the complaint and some don't. When people wish to be contacted, they leave their contact details (usually a phone number or an email address) and this is used, following investigation of the complaint. This process should continue to be followed.

**FIRE CONTROL** - If the complaint is about a fire hazard, this is the responsibility of Fire Emergency NZ, and the complainant is advised to contact FENZ. If the complaint is about a smoke nuisance, this is controlled under the Nuisance Bylaw and investigated by Council staff.

**ILLEGAL PARKING** - Parking of vehicles is controlled by Part 2: Land Transport of the Consolidated Bylaw. As such, it isn't currently subject to review.

**VEGETATION OBSTRUCTING FOOTPATHS** - Section 3.6 of the Nuisance Bylaw states 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.

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### Fireworks

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<tr>
<td>7.1</td>
<td>Respondent is not happy with the use of fireworks on private land for weeks on end after Guy Fawkes. The fireworks go off at all hours of the night and respondent has concern for scared animals.</td>
<td>Not stated, but likely to be that the Council restricts the use of fireworks on private property.</td>
<td>IRENE WALLIS</td>
<td>2566995</td>
</tr>
</tbody>
</table>

**Staff recommendation:**

That the Council does not include a restriction on the use of fireworks on private property in the Nuisance Bylaw.

**Staff reason for recommendation:**

While it is acknowledged there is some use of fireworks after Guy Fawkes, these are isolated events and for a limited period of time. It isn't considered to be an issue that local government can address; this is an issue for central government to address and deemed appropriate by restricting the use of fireworks across the country.
## Flag poles

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<tr>
<td>1.1</td>
<td>Respondent has an issue with a neighbour’s flagpole creating a continuous loud tapping. She refers to the Resource Management Act 1991, section 326 which states that the term excessive noise means any noise that is under human control and of such a nature as to unreasonably interfere with the peace, comfort, and convenience of any person (other than a person in or at the place from which the noise is being emitted). The respondent believes that raising the flag is a human act therefore under human control and there are means of controlling the noise. Respondent has no issue with people flying flags but does have an issue with the noise caused by flagpoles.</td>
<td>That the Council includes requirements around flagpole nuisance in its Nuisance Bylaw, That noise control officers can abate flagpole noise under the Resource Management Act.</td>
<td>Jan de Nicolo</td>
<td>2552800</td>
</tr>
</tbody>
</table>

**Staff recommendation:**

That specific issues with excessive noise or unreasonable noise be dealt with under the Resource Management Act 1991 on a case by case basis and not included in the Nuisance Bylaw 2019.
Flag poles (continued)

Staff reason for recommendation:
There is a wider range of enforcement options for excessive noise or unreasonable noise complaints under the Resource Management Act 1991 than a bylaw made under the Local Government Act 2002.

Under the Resource Management Act 1991, excessive noise directions can be issued by council enforcement officers, and if not complied with, a council enforcement officer may seize and remove, or render inoperable the equipment contributing to the noise. An abatement notice can also be issued for excessive noise and for unreasonable noise. If the abatement notice isn’t complied with, council enforcement officers can seize related property if accompanied by a police officer.

Fines can also be issued under the Resource Management Act. For minor offences, Council can issue fines of up to $750. For more significant offences, a prosecution under the Resource Management Act can result in a maximum penalty of two years imprisonment or a $600,000 fine.

In comparison, under such a bylaw, the Council cannot issue fines, and seizing property is a significant process that requires the Council Officer to obtain a warrant under the Search and Surveillance Act 2012 and to be accompanied by the Police when seizing property. If people continue to breach a bylaw after a caution has been given, then legal proceedings can be taken through the District Court. This is a time consuming process and costly.

General nuisance

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<tr>
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<tbody>
<tr>
<td>10.3</td>
<td>Respondent believes this is a good bylaw and is pleased to see the restrictions on keeping of bees, pigs and poultry in urban areas. Respondent acknowledges that the bylaws are a big job and have been sensibly covered. Although not a regular user of the main streets, respondent approves of restricting the use of bikes and motorised varieties on footpaths.</td>
<td>That the bylaw is approved with no changes made.</td>
<td>Guus van de Staak</td>
<td>2567060</td>
</tr>
<tr>
<td>12.3</td>
<td>Four people believe the rules around scooters and skateboards in Ngatea need to be relaxed so children can scooter to school and the skatepark instead of the state highway.</td>
<td>That the Council reviews the boundaries for scooters and skateboards on footpaths in Ngatea township.</td>
<td>Facebook Feedback</td>
<td>2567265</td>
</tr>
<tr>
<td>2.1</td>
<td>Mr Carter has requested to speak to the Council regarding fine tuning the rules on nuisance in our District.</td>
<td>Not stated.</td>
<td>Kenneth Carter</td>
<td></td>
</tr>
</tbody>
</table>

Staff recommendation:
10.3 - That no changes are made to the draft Nuisance Bylaw, as a result of the submission.

12.3 - That the ban area for skating devices in Ngatea be retained as set out in Schedule 1 of the draft Nuisance Bylaw (the main street). In the alternative the Council could discuss reducing the ban area so it applies from River Road to the public toilets on Orchard West Road (opposite the primary school) instead of the current ban which extends to Kohunui Street.

2.1 – Decision sought unknown – booked to speak at the hearing on 22 May 2019.
**General nuisance (continued)**

**Staff reason for recommendation:**

10.3 - The submitter supports the draft Nuisance Bylaw and has not requested any changes.

12.3 - The prohibited areas were introduced as a result of complaints about safety concerns for pedestrians. The main streets of the three towns are all prohibited areas. This is a consistent approach and is reasonable, given that these are the streets with most foot traffic. In the interests of pedestrian safety, particularly those that are older and/or infirm, it is recommended that the existing prohibited areas for skating devices be retained.

**Nuisance on private property**

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<tr>
<td>3.1</td>
<td>The submitter has lodged a service request with Council to deal with a neighbouring property that is kept in an overgrown and untidy state. The Council has sent a letter to the absentee property owner about the untidy property, but there has been no improvement made to the section.</td>
<td>That Council strengthens the bylaw for getting absentee owners to keep their properties tidy.</td>
<td>Noel Morrison</td>
<td>2560336</td>
</tr>
</tbody>
</table>

**Staff recommendation:**

That the Council does not include a clause in the Nuisance Bylaw 2019 requiring property owners to keep their property tidy.

That any issues where litter on private property ‘grossly defaces or defiles’ the area in which the private land is sited be dealt with directly under section 10 of the Litter Act 1979, where the Council can by notice require the occupier to remove or to clean up such litter within 14 days.

If there are issues with vermin or other ‘nuisances’ as prescribed in the Health Act 1956 then this could be dealt with directly under that Act.

If long grass is a fire hazard, then Fire and Emergency New Zealand should be called.

**Staff reason for recommendation:**

In this instance, the submitter’s neighbour is an absentee owner. However, Council also receives complaints about untidy sections where the owner is resident on the property. Some people keep their properties tidy and others don’t. It's not appropriate for Council to be the arbiter of an acceptable level of tidiness.

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, Council staff believe there is sufficient legislation in place to deal with these issues.

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. During this review process to date staff have not been aware that this is a common issue and believe it is better dealt with on a case by case basis through other legislation.
## Whiritoa Beach

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<tr>
<td>11.1</td>
<td>Respondent’s main concern is vehicles on Whiritoa Beach. Respondent notes that breach of a bylaw is unlikely to result in legal action being taken and the majority of the drivers do not cause a nuisance, or damage to the beach. Irresponsible users of unwarranted and unregistered vehicles on the beach are prime targets for Police action. Respondent states that requiring new permits to drive vehicles on the beach is a waste of time and money, as the majority wouldn't bother applying to the Council as they know there's little possibility of legal action/monetary cost to not gaining a permit. I have spoken to a number of people regarding the wording of clause 3.9.1, and they agree that it would appear that if you are complying with the requirements of sub clause b), you don’t require a permit.</td>
<td>That the Council removes clause 3.9 (vehicles and horses on the beach) from its Nuisance Bylaw 2019 as they can be dealt with by the NZ Police, That if the Council retains the clause, then 3.9.1(b) should be removed, as if all vehicles require a permit, 3.9.1(a) covers this.</td>
<td>Name withheld</td>
<td>2567044</td>
</tr>
<tr>
<td>11.4</td>
<td>The submitter provided additional legal information for the consideration of Council to support his original submission, as he is unable to attend the Hearing.</td>
<td>That the bylaw does not restrict the use of vehicles on Whiritoa Beach because the NZ Police has sufficient powers to address these issues.</td>
<td>Name withheld</td>
<td>2582161</td>
</tr>
<tr>
<td>6.1</td>
<td>The submitter is concerned with the increase in use of motor vehicles being driven on Whiritoa Beach and that the beach is being turned into a dog exercise area at any time. The beach needs to be protected from any activity that may degrade it and negatively impact on the enjoyment of the majority of people who use it. He supports efforts to protect the dunes and the dotterels. The submitter would like Council to introduce a bylaw with a clear message that the beach is not a public road and that vehicles are not permitted on the beach except in specific circumstances. He suggests that the Surf Club could take an active role in educating members and the public about the use of vehicles on the beach as it does with water safety and sand dune protection.</td>
<td>That the Nuisance Bylaw includes a ban of vehicles being driven on Whiritoa Beach, except in specific circumstances. That prominent clear signage is installed at the three entrances to the beach displaying a clear message that the beach is not a public road and that vehicles are not permitted on the beach and a flyer be distributed to Whiritoa property owners to get the message out before next summer.</td>
<td>Ian James Law</td>
<td>2567037</td>
</tr>
</tbody>
</table>
**Whiritoa Beach (continued)**

**Staff recommendation:**
That Section 3.9 of the draft Nuisance Bylaw be retained.

That a new section be added to Section 3.9 which introduces specific restrictions for vehicles on Whiritoa Beach. The new section would require all vehicles on Whiritoa Beach (excluding emergency vehicles) to obtain the prior written permission of Council.

When written permission is granted, it would be subject to conditions, and a tag would be issued which would have to be attached to the relevant vehicle.

That Section 3.9.1 be retained, in its current format, and would apply to all beaches in the District except Whiritoa Beach.

That the Council investigate including restrictions for the use of vehicles on beaches in the Council’s Traffic Bylaw.

**Staff reason for recommendation:**
Community meetings and complaints indicate that there is concern within the community about vehicles on Whiritoa Beach. The issues raised relate to public safety and ecological damage. It is therefore considered necessary to control the number of vehicles on the beach, how those vehicles are used, and improve the enforcement provisions.

It is considered necessary to include provisions specific to Whiritoa Beach, given the unique conditions that exist there. In particular, there is no identifiable boat ramp. People launch boats anywhere along the beach, depending on the surf conditions, rips, holes etc. As a result, the entire beach is effectively a boat ramp.

Under the current bylaw, permission is not required for vehicles launching boats when using a designated launching point e.g. a boat ramp. At Whiritoa, people using vehicles to launch boats anywhere along the beach could argue they do not need to get permission as they are using a designated launching point, while vehicles on the beach for other purposes (e.g. carrying a mechanical kontiki or carrying fishing gear for a person with a disability) clearly require permission. This is inequitable.

In addition, permissions have been granted over time for various people to take vehicles onto the beach, but there is no way of identifying which vehicles are permitted on the beach, and which aren't. This makes enforcement difficult.

In order to address the above issues, it is proposed that all vehicles on the beach require permission. If permission is granted, it would be subject to conditions such as a speed limit and use of identified access points to the beach. If the conditions aren't complied with, the permission could be revoked.

It is also proposed that when permissions are granted that a tag is issued which must be attached to the vehicle, so that Council staff and the community can identify whether the vehicle is permitted to be on the beach or not. This would assist with enforcement.

Signage should also be erected at the vehicle access points to the beach, advising that written permission and a tag is required from Council.

Under the current bylaw made under the Local Government Act 2002 the enforcement tools for this matter include verbal warnings, revocation of the permit and then if non-compliance is still an issue the Council would have to prosecute for breach of the bylaw through the District Court. If a bylaw is made under the Land Transport Act 1998 it enables the Police to issue infringements (fines) for moving vehicle offences. If the Council had an enforcement officer warranted under the Land Transport Act 1998 it would also allow the officer (traffic warden) to issue stationary vehicles infringements e.g. for parking on the beach without a permit.
### Draft Wharves and Boat Ramps Bylaw 2019

#### Enforcement

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<tr>
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<tr>
<td>9.1</td>
<td>Respondent is concerned about disorderly conduct and that if it is only left to the police they will be unlikely to enforce as it will be a low priority. Issues and complaints are often ignored and not enforced by the Council.</td>
<td>That the council implements an approach where it sends a warning notice to the group or person (if known) that their conduct is not accepted, That the Council works with NZ Police to ensure that warned groups of people can be arrested if issues continue, That all complaints received are responded to regarding the action taken and responded to through the same channel by which it was received.</td>
<td>Bob Tidd</td>
<td>2567030</td>
</tr>
</tbody>
</table>

**Staff recommendation:**
That the Council keep the draft bylaw in its current form and not include a clause about disorderly behaviour and the removal of offenders from wharves.

**Staff reason for recommendation:**
Staff believe disorderly behaviour and offensive behaviour is better addressed by Police Officers in accordance with the Summary Offences Act 1981 as they are trained and better equipped for these situations than Council officers.

#### General

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<tbody>
<tr>
<td>10.1</td>
<td>Respondent believes it is a good bylaw without too many restrictions and notes his experience using the wharves in the area.</td>
<td>That the bylaw is approved with no changes made.</td>
<td>Guus van de Staak</td>
<td>2567060</td>
</tr>
</tbody>
</table>

**Staff recommendation:**
Staff acknowledge the support for the bylaw. No recommendation required.

**Staff reason for recommendation:**
Respondent approves of new bylaw.
Appendix

Wharves and Boat Ramps

Bylaw 2019

Effective 1 July 2019
1 Introduction

1.1 Purpose
The purpose of this bylaw is to provide for the management of the wharf facilities that are provided by, owned or controlled by the Council.

1.2 Title
This bylaw is the Hauraki District Council Wharves and Boat Ramps Bylaw 2019.

1.3 Enabling enactments
This bylaw is made in accordance with the following legislation:
- Section 146(b)(vi), Local Government Act 2002.

1.4 Commencement
This bylaw comes into force on 1 July 2019.
This bylaw revokes and replaces Part 9 (Wharves) of the Hauraki District Council Consolidated Bylaw 2007.

1.5 Review
Review of this bylaw will be undertaken no later than 10 years after the last review.

1.6 Related Information
There is related information in comment boxes in this bylaw. Related information does not form part of this bylaw and may be inserted, changed or removed without any formality.
2 Definitions

For the purposes of this bylaw the following definitions shall apply.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tbody>
<tr>
<td>Authorised officer</td>
<td>means any person delegated, appointed or authorised in writing by the Council to act on its behalf and with its authority in respect of any of the matters referred to in this bylaw.</td>
</tr>
<tr>
<td>Berth</td>
<td>means the place at a wharf where a vessel is tethered, anchored or moored.</td>
</tr>
<tr>
<td>Boat ramp</td>
<td>means a sloping entrance to a body of water, designed for launching and retrieving a vessel.</td>
</tr>
<tr>
<td>Council</td>
<td>means the Hauraki District Council or any officer authorised to exercise the authority of the Council.</td>
</tr>
<tr>
<td>Owner</td>
<td>means the registered owner of a vessel.</td>
</tr>
<tr>
<td>Operator</td>
<td>means any person who is responsible for the vessel, whether on the water or on land.</td>
</tr>
<tr>
<td>Vessel</td>
<td>means the same as “ship” in the Maritime Transport Act 1994, which includes every description of boat or craft used in navigation, whether or not it has any means of propulsion.</td>
</tr>
<tr>
<td>Wharf</td>
<td>includes all wharves, quays, piers, and jetties on or from which people or goods may be taken on board or landed from boats.</td>
</tr>
</tbody>
</table>

3 Access to wharves and boat ramps

3.1 Every wharf and boat ramp is open for public pedestrian access, unless it has been closed for health and safety or maintenance reasons.

3.2 No vehicle is to be driven or parked on any wharf without the prior permission of the Council.

4 Berthing of vessels at wharves

4.1 A person can berth a vessel at any wharf for the purpose of loading and unloading people or cargo, subject to the provisions in this bylaw.

4.2 Vessels in excess of 40 tonnes (deadweight tonnage) are prohibited from berthing at any wharf without the prior permission of the Council.
4.3
No vessel is to be left unattended at any wharf, without the prior permission of the Council.

4.4
Permission to leave a vessel unattended at any wharf must be obtained from the Council at least 24 hours before leaving the vessel unattended.

4.5
A vessel must be untied by the owner or operator at the request of an authorised officer if, due to present or anticipated sea or weather conditions the vessel may cause undue strain or damage to the wharf, unless the safety of a vessel or people on the vessel are likely to be placed at risk.

5  Obstructing boat ramps

No vessel or vehicle is to be left on or near any boat ramp in a way that obstructs the reasonable use of the ramp by other people.

6  Removal of offending vehicles and vessels

6.1
An authorised officer may remove (into safe custody), any vehicle or vessel from any wharf or boat ramp, or near any boat ramp, which is contravening any of the provisions of this bylaw, where the owner or person of the vehicle or vessel refuses to move it or cannot be located.

6.2
Vehicles or vessels removed from any wharf or boat ramp are to be released to the owner when the reasonable costs of removal have been paid to the Council.

7  Fees and charges

7.1
The Council may prescribe fees for the commercial use of its wharves in accordance with section 150 of the Local Government Act 2002.

7.2
Any applicable fees are shown in the Council's Schedule of Fees and Charges.
8 Offences and penalties

Every person who does not comply with this bylaw commits an offence and will be subject to the penalty provisions outlined in the offences, penalties, infringement offences, and legal proceedings provisions of the Local Government Act 2002.

Wharves Bylaw validation

This bylaw was adopted at a meeting of the Hauraki District Council on 22 May 2019, following public consultation.

The Common Seal of the Hauraki District Council was affixed in the presence of:

_________________________________ Mr. John Tregidga, Mayor

_________________________________ Mr. Langley Cavers, Chief Executive
For more information:

- W www.hauraki-dc.govt.nz
- E info@hauraki-dc.govt.nz
- P 07 862 8609 or 0800 734 834 (from within District)

Visit us at one of our offices:

- Paeroa: 1 William Street
- Ngatea: 84 Orchard West Road
- Waihi: 40 Rosemont Road
Food Grading Bylaw 2019
Effective 1 July 2019
1.0 Introduction

1.1 Purpose
The purpose of this bylaw is to protect and promote public health by requiring food businesses registered with the Council that operate subject to a Food Control Plan to display a food grading certificate for public information.

The Council’s objectives of a food grading system are to:

a) encourage food businesses to maintain high standards of food safety, and
b) enable potential customers to make informed choices when purchasing food.

This bylaw does not apply to those food premises registered and audited directly by the Ministry for Primary Industries.

1.2 Title
This bylaw is known as the Food Grading Bylaw 2019.

1.3 Enabling enactments
This bylaw is made in accordance the section 145 of the Local Government Act 2002.

Nothing in this bylaw detracts from any provision of, or the necessity for, compliance with the Food Act 2014 and the Food Regulations 2015.

1.4 Commencement
This bylaw comes into force on 1 July 2019.

This bylaw revokes and replaces the food safety provisions in Part 3 (Public Safety) of the Hauraki District Council Consolidated Bylaw 2007.

1.5 Review
Review of this bylaw will be undertaken no later than 10 years after the last review.

1.6 Related information
There is related information in comment boxes in this bylaw. Related information does not form part of this bylaw and may be inserted, changed or removed without any formality.
2.0  Definitions

In this bylaw, definitions are as per subpart 2 of the Food Act 2014. In addition, the following definitions apply unless the context requires otherwise.

**Authorised officer** means any person delegated, appointed or authorised in writing by the Council to act on its behalf.

**Council** means the Hauraki District Council or any officer authorised to exercise the authority of the Council.

**Food business** means a business that prepares or manufactures food for direct retail sale to consumers, and is required to operate under a food control plan under Part 3, Schedule 1 of the Food Act 2014. Examples include but are not limited to—
- bars, cafes and restaurants,
- bakeries that prepare or manufacture and sell pies, cakes, or pastries,
- dairies that prepare or manufacture and sell muffins, sandwiches, or filled rolls,
- fishmongers that prepare and sell fish,
- retail butchers that prepare and sell raw meat or ready-to-eat small goods.

**Food Control Plan** means a plan required under Part 3, Schedule 1 of the Food Act 2014. A Food Control Plan is a plan designed for a particular food business to identify, control, manage, and eliminate or minimise hazards or other relevant factors for the purpose of achieving safe and suitable food.

**Grade and Grading** means the allocated grade resulting from an assessment of a food business’ compliance with their Food Control Plan by an authorised officer of the Council, according to the food business grading criteria as determined by the Council.

**Operator** means the owner or other person in control of the food business, or food control plan.

**Top five** means the top five required aspects of a food control plan verification:
- Training, supervision and competency
- Personal hygiene and behaviour
- Cleaning and sanitising
- Time / temperature control (cooking / processing)
- Preventing cross contamination

**Verification** means an audit inspection carried out by an authorised officer to check the application of methods, procedures, tests, and other checks to confirm compliance with the Food Act 2014.
3.0 Food business grading system

a) An authorised officer will assess and grade each food business registered with the Council, using the Food Business Grading Criteria in Schedule 1 of this bylaw.

b) Food grades are divided into acceptable grades and unacceptable grades. The acceptable grades are made up of the A+ Grade (‘excellent’), the A Grade (‘high standard’) and the B Grade (‘satisfactory’). The unacceptable grades are made up of the D Grade (‘enforcement action required’) and the E Grade (‘premises closed, enforcement action required’).

c) Food business grading assessments will take place in conjunction with the verification process of the food business’s Food Control Plan.

d) A food grading certificate will be issued to the operator of a food business as soon as practicable following the verification, including the verification of any subsequent corrective actions.

e) A new food business or a food business that has had a change of operation will receive a food grading certificate in conjunction with the verification process for their Food Control Plan.

4.0 Display of food grading certificates

a) The grade on the certificate must be displayed at each entrance(s) of the food business, so as to be readily visible from the exterior of the premises, or where this is deemed suitable at a location approved by an authorised officer.

b) Food grading certificates remain the property of the Council. Any certificates that have expired will be removed from the food business premises by the Council.

5.0 Fees

The prescribed fees relating to food business grading are contained in the Hauraki District Council Schedule of Fees and Charges.
6.0 Offences and Penalties

Every person who fails to comply with this bylaw commits an offence and shall be subject to the penalty provisions outlined in the offences, penalties, infringement offences, and legal proceedings provisions of the Local Government Act 2002.

Food Grading Bylaw validation

This bylaw was adopted at a meeting of the Hauraki District Council on 22 May 2019, following public consultation.

The Common Seal of the Hauraki District Council was affixed in the presence of:

______________________________ Mr. John Tregidga, Mayor

______________________________ Mr. Langley Cavers, Chief Executive
Schedule 1: Food Business Grading Criteria

Food businesses will be graded based on their performance in the top five verification areas.

The top five verification areas are:
- Training, supervision and competency
- Personal hygiene and behaviour
- Cleaning and sanitising
- Time / temperature control (cooking and processing)
- Preventing cross contamination

When a verification of a food business takes place, a result is given for each verification area, one of:
- Performing
- Conforming
- Non-conforming
- Non-complying

The results applied to the verification areas are explained in Table 1. When a verification is complete, a total score is calculated.

Table 1

<table>
<thead>
<tr>
<th>Result and explanation</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Performing - Fully meeting applicable requirements of the Act.</strong></td>
<td>100</td>
</tr>
<tr>
<td>• Comprehensive knowledge of the applicable requirements of the Act and how to meet them; and</td>
<td></td>
</tr>
<tr>
<td>• Systems and procedures in place and documented where required; and</td>
<td></td>
</tr>
<tr>
<td>• Procedures followed; and</td>
<td></td>
</tr>
<tr>
<td>• Full records available where required.</td>
<td></td>
</tr>
<tr>
<td><strong>Conforming - Adequately meeting applicable requirements of the Act.</strong></td>
<td>75</td>
</tr>
<tr>
<td>• Observations made of potential for a current activity to deteriorate into non-conformance if allowed to persist.</td>
<td></td>
</tr>
<tr>
<td>• Systems and procedures require slight updates or amendments; or</td>
<td></td>
</tr>
<tr>
<td>• Procedures followed in the majority of cases; or</td>
<td></td>
</tr>
<tr>
<td>• Recording sheets/systems in place with minimal gaps in recording.</td>
<td></td>
</tr>
<tr>
<td><strong>Non-conforming - Applicable requirements of the Act are not fully met but the deficiency(s) are not likely to affect the safety or suitability of food.</strong></td>
<td>50</td>
</tr>
<tr>
<td>• Definite improvement needed in systems and procedures; or</td>
<td></td>
</tr>
<tr>
<td>• Isolated or sporadic lapse in implementation of procedures; or</td>
<td></td>
</tr>
<tr>
<td>• Practices observed/demonstrated are at variance with applicable requirements of the Act; or</td>
<td></td>
</tr>
<tr>
<td>• Consistent failure to keep records, or absence of required recording sheets that do not directly relate to controlling food safety and suitability.</td>
<td></td>
</tr>
<tr>
<td><strong>Non-complying - Applicable requirements of the Act are not met and findings can be referenced to an offence provision in part 4 of the Act. A significant deficiency or failure to manage risks or comply with an applicable requirement of the Act is evident to the extent that food safety and/or suitability is threatened either immediately (Critical Non Compliance) or in the future if improvements aren't made.</strong></td>
<td>0</td>
</tr>
<tr>
<td>• Procedures and systems that directly impact safety and suitability of food are absent or insufficient to manage the risks; or</td>
<td></td>
</tr>
<tr>
<td>• Procedures and systems are not followed and this constitutes a risk to food safety and suitability directly; or</td>
<td></td>
</tr>
<tr>
<td>• Records required that directly relate to controlling food safety and suitability are significantly absent, incomplete, or altered; or</td>
<td></td>
</tr>
<tr>
<td>• A number of non-conformances against an applicable requirement of the Act or a pattern of non-conformance of a single requirement over successive verifications are observed.</td>
<td></td>
</tr>
</tbody>
</table>
The overall score in the top five is calculated as a percentage, which relates to the applicable food grade, as shown in Table 2.

**Table 2**

<table>
<thead>
<tr>
<th>Grade</th>
<th>Score Range</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>A+</td>
<td>100-90%</td>
<td>These businesses provide an excellent level of confidence that they manage a food control plan, practise excellent food safety, and consistently produce safe and suitable food. Minor issues around documentation may cause the score to fall below 100 per cent.</td>
</tr>
<tr>
<td>A</td>
<td>89-71%</td>
<td>These businesses provide a high level of confidence that they manage a food control plan, their practices are good, and they produce safe and suitable food. There may be areas for improvement that do not directly impact food safety, usually around documentation and procedures.</td>
</tr>
<tr>
<td>B</td>
<td>70-50%</td>
<td>These businesses provide a satisfactory level of confidence that they produce safe food. There may be multiple areas for improvement that do not directly impact food safety in the immediate future, particularly around their observed practices. There is potential that food safety could be threatened in the future if improvements to processes and documentation are not resolved.</td>
</tr>
<tr>
<td>D</td>
<td></td>
<td>These businesses have been identified as having issues that are likely to result in food being unsafe or unsuitable, and action has been taken as a response. A Food Safety Officer has issued an improvement notice.</td>
</tr>
<tr>
<td>E</td>
<td></td>
<td>These businesses have had a critical issue relating to food safety, and have (or are in the process of) being closed by a Food Safety Officer as a result.</td>
</tr>
</tbody>
</table>

A ‘non complying’ result for any of the top five will result in an instant D or E grade being issued and enforcement action will be taken.

The D or E grades will be determined by the nature of enforcement or compliance action that a Food Safety Officer deems necessary.

There is no category C, as a grade C would suggest an average standard of premises or a passing grade. Food premises will either be graded as acceptable with A+, A or B grades, or unacceptable with D and E grades.
For more information:

- **W** [www.hauraki-dc.govt.nz](http://www.hauraki-dc.govt.nz)
- **E** info@hauraki-dc.govt.nz
- **P** 07 862 8609 or 0800 734 834 (from within District)

Visit us at one of our offices:

- Paeroa: 1 William Street
- Ngatea: 84 Orchard West Road
- Waihi: 40 Rosemont Road
Appendix

Cemeteries Bylaw 2019

Effective 1 July 2019
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1 Introduction

1.1 Purpose
The purpose of this bylaw is to enable the Council to control and set standards for the operation and amenity of cemeteries that it owns or is responsible for. This includes Services Cemeteries.

1.2 Title
This bylaw is the Hauraki District Council Cemeteries Bylaw 2019.

1.3 Enabling enactments
This bylaw is made in accordance with section 146(b)(v) of the Local Government Act 2002 and section 16 of the Burial and Cremation Act 1964. Nothing in this bylaw detracts from any provision of, or the necessity for, compliance with the:

(a) Burial and Cremation Act 1964;
(b) Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967;
(c) Health (Burial) Regulations 1946;

1.4 Commencement
This bylaw comes into force on 1 July 2019.

This bylaw revokes and replaces Part 6 (Cemeteries) of the Hauraki District Council Consolidated Bylaw 2007.

1.5 Review
A review of this bylaw will be undertaken no later than 10 years after the commencement date above.

1.6 Related information
There is related information in comment boxes in this bylaw. Related information does not form part of this bylaw and may be inserted, changed or removed without any formality.
2 Definitions

In this bylaw, definitions are as per section 2 of the Burial and Cremation Act 1964. In addition, the following definitions apply, unless the context requires otherwise.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Above ground vault</td>
<td>means an above ground burial structure, also known as a mausoleum.</td>
</tr>
<tr>
<td>Ashes</td>
<td>means the cremated remains of an individual person.</td>
</tr>
<tr>
<td>Authorised officer</td>
<td>means any person delegated, appointed or authorised in writing by the Council to act on its behalf and with its authority in respect of any of the matters referred to in this bylaw.</td>
</tr>
<tr>
<td>Berm</td>
<td>means an area of a cemetery in which memorials of prescribed maximum dimensions are allowed to be placed on concrete flush with the ground supplied by the Council.</td>
</tr>
<tr>
<td>Burial warrant</td>
<td>means a certificate issued by the Council, upon payment of the applicable fee, authorising the burial of the person specified in that certificate.</td>
</tr>
<tr>
<td>Council</td>
<td>means the Hauraki District Council or any officer authorised to exercise the authority of the Council.</td>
</tr>
<tr>
<td>Cemetery</td>
<td>means any cemetery owned or under the control of the Council and includes ashes walls.</td>
</tr>
<tr>
<td>District</td>
<td>means the Hauraki District.</td>
</tr>
<tr>
<td>Exclusive right of burial</td>
<td>means the right to bury or inter a deceased person (body or ashes) in an agreed plot in a Council cemetery (also referred to as a plot purchase).</td>
</tr>
<tr>
<td>Interment</td>
<td>means burial in the ground, inurnment or entombment.</td>
</tr>
<tr>
<td>Monument</td>
<td>includes any tombstone, headstone, memorial, kerbing, or other installation and includes any full grave cover or surround.</td>
</tr>
<tr>
<td>Natural burials</td>
<td>means the burial or interment of a body within the living topsoil layer, that body being free from any chemical treatment or preparation. They are also known as eco burials.</td>
</tr>
<tr>
<td>Plot</td>
<td>means a numbered lot in a cemetery, including an ashes wall, where a burial or interment can occur.</td>
</tr>
<tr>
<td>Sexton</td>
<td>means any person appointed by the Council to carry out work on its behalf in any cemetery.</td>
</tr>
<tr>
<td>Services Cemetery</td>
<td>is specific area within cemeteries for people with certain military service, as well as their spouse or partner.</td>
</tr>
</tbody>
</table>
3 Reservation of exclusive right of burial

3.1 A person may reserve the exclusive right of burial in a plot for up to 50 years. The reservation of that right will give that person, or a transferee approved by the Council, the exclusive right of burial in that plot subject to the provisions of this bylaw.

3.2 A maximum of two exclusive rights of burial (two plots) may be reserved by one person at any time, except where the exclusive right of burial is for a plot in a Services Cemetery.

3.3 Where the exclusive right of burial is in a Services Cemetery only one plot may be reserved per eligible serviceperson. The spouse or partner of the eligible serviceperson must be interred in the same plot.

Eligibility for interment in a Services Cemetery will be determined by an authorised officer in accordance with the Act.

3.4 The exclusive right of burial can be purchased at the time the burial warrant is issued by the Council for the first interment in that plot. The exclusive right of burial will be granted when the Council has received payment of the prescribed fees for the use of the plot.

3.5 If no burial has taken place after 50 years from the original date of reservation of the exclusive right of burial in a plot, the right of burial lapses and the Council will not be liable for any refund of any reservation fees paid.
4  Transfer of reservation of exclusive right of burial

4.1  The person who has reserved an exclusive right of burial in any plot may transfer that reservation to another person, subject to the approval of the Council and on payment of any applicable fees.

4.2  The Council may request a statutory declaration from the applicant as proof that they have the right of reservation (through succession or otherwise) to the exclusive right of burial. Unless the Council has cause to doubt otherwise, the provision of a statutory declaration will satisfy the Council's responsibility to evidence reservation of exclusive right of burial.

5  Burial warrants

5.1  No burial will be made in any cemetery without a burial warrant being issued and presented to an authorised officer as authority for burial.

5.2  
   a)  The application for a burial warrant must be delivered to the Council at least two working days before the burial is scheduled to take place.
   
   b)  Clause 5.2(a) shall not apply if the deceased is required to be buried within 24 hours because of their religion and burial customs, in which case the application for a burial warrant must be delivered to the Council as soon as practicable and the Council will endeavour to complete the necessary arrangements.

5.3  If the required notice is not given, the burial or service may be delayed for a reasonable period of time as the Council decides, to enable the Council to complete the necessary arrangements.
6 Fees

6.1 All fees are documented in the Council’s current Schedule of Fees and Charges.

6.2 Fees related to the exclusive right of burial are not applicable for plots in Services Cemeteries. All other fees are applicable.

6.3 An out of district fee will be payable for purchase of the exclusive right of burial where the deceased person was not a resident or rate payer of the District for at least twelve months immediately prior to the date of death.

6.3.1 The out of district fee for purchase of the exclusive right of burial will not apply:

a) where the purchase of the exclusive right of burial is for a deceased person who resided in the District for a continuous period of at least ten years during their lifetime.

b) where the deceased person is a child younger than twelve months old, and is of a parent that has been a resident or ratepayer of the District for at least twelve months prior to the date of death.

6.3.2 Temporary absences of short duration from the district will not detract from the resident status of the deceased person.

6.4 Unless specifically stated to the contrary, burials and related services will only be carried out on payment of the prescribed fee or fees.

6.5 Any request for waiver of fees is at the discretion of the Council and will be decided by the relevant authorised officer of the Council.
7  Responsibility for arrangements

7.1  The funeral director, or the person(s) responsible for funeral arrangements, must ensure that the remains are in an enclosed and suitable receptacle when presented for interment, and that all equipment associated with the burial is provided at the time of burial.

7.2  Any additional expenses incurred by the Council in regard to time taken will be the responsibility of the funeral director or the person(s) arranging the funeral.

8  Days/hours of services and burials

8.1  Services and burials may take place between the hours of 10:00 a.m. and 3:00 p.m. from Monday to Saturday inclusive.

8.2  Burials may take place on a Sunday or at other times, by arrangement with the Council and on payment of any applicable fee.

8.3  No burials will take place on Christmas Day, Good Friday or Anzac Day.

8.4  This clause does not apply where it is necessary for the Council to comply with duties under section 86 of the Health Act 1956 relating to the burial of people who have died of an infectious and/or notifiable disease.
9 Grave plots and graves

9.1 No person other than an authorised officer the Sexton, their assistants, or any other person authorised by the Council will dig the ground in any part of the cemetery.

9.2 No person, other than an authorised officer the Sexton, their assistants, or any other person permitted by the authorised officer the Sexton will fill in any grave.

9.3 The Council will provide for a variety of plot types at its various cemeteries. Not all plot varieties will be available at all cemeteries.

9.4 No more than two caskets will be buried in any plot without the prior consent of the Council.

9.5 In the case of a natural burial, only one deceased person per plot is permitted.

9.6 The minimum depth of cover for any casket shall be 1 metre, unless prior consent is given by the Council.

9.7 Any request to inter ashes into a plot that has an existing concrete top will be dealt with on a case by case basis and is subject to prior consent by the Council.

9.8 Disinterment of a body must be conducted pursuant to sections 51 and 55 of the Burial and Cremation Act 1964.
10 Installation and maintenance of monuments

10.1 No monument or tablet will be installed on the plot unless the exclusive right of burial has been purchased and all fees relating to the burial have been paid in full.

10.2 No monument or tablet other than those approved by the Council is to be installed in a cemetery. All monuments and tablets will be installed to the standard described in New Zealand Standard for Headstones and Cemetery Monuments NZS 4242 and kept in good order or repair by the purchaser of the plot or their agent.

10.3 Headstones and plaques in Services Cemeteries must comply with standards set by Veterans’ Affairs and be installed by a provider approved by Veterans’ Affairs.

10.4 The Council may carry out regular audits of monuments and tablets to ensure their safety. Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulation 1967, the Council may remove any installations of any kind that fall into a state of disrepair. A photographic record of the memorial will be taken prior to removal and retained in cemetery records.

10.5 The construction of above ground vaults is not permitted in any cemetery, unless by prior agreement with the Council.

10.6 No person is to remove any monument or tablet from any cemetery or grave without the written permission of the Council.

10.7 No person will place any kerbing, fencing or other instalment on the grassed part of any grave in a lawn cemetery.
11  Floral and other tributes

11.1 Flowers, wreathes and other tributes may be placed on a burial site at the time of interment.

11.2 At any stage 30 days after the date of interment, the Council may remove from a burial site any flowers, wreaths or other tributes placed there at the time of interment and cause the surface of the burial site to be levelled off and sown in grass.

11.3 After a burial site has been levelled off and sown as described above, artificial or natural cut flowers may be placed in a container or containers on the concrete berm. The container must not be made of glass. Floral tributes are not permitted on the grass area of the plot.

11.4 After a burial site has been levelled off and sown as described above, the placement of other tributes (not including floral tributes in clause 11.3) on the concrete berm, requires the permission of the Council. Other tributes are not permitted on the grass area of the plot.

11.5 Any flowers, wreathes and other tributes placed or remaining on any burial site, which have become unsightly, or any receptacle/container which has been broken or damaged, may be removed by an authorised officer the sexton and may be destroyed or disposed of by an the sexton or authorised officer as they see fit. The Council will be under no liability to any person in respect of such removal, distribution or disposal.

12  Work practices

12.1 No person installing or repairing any cemetery memorial or carrying out other work in any cemetery will use any footpaths or other part of the cemetery for placing or depositing any tools, planks or materials for a longer time than is reasonably necessary to complete the work.
Any person installing or attending a monument or tablet, or carrying out any other work in a cemetery, must withdraw for the duration of a nearby funeral service. Such a person must also remove tools, planks and other materials which may obstruct access to an adjoining service for the duration of said service.

12.2
Any rubble and earth not required in the filling in of the grave, or in connection with the levelling, will immediately be removed either from the cemetery or to a place within the cemetery approved by an authorised officer.

13  Vegetation

13.1
No tree or shrub is to be planted in any part of any cemetery without the consent of the Council.

13.2
No person is to disturb, damage, take or pick any cutting or flower from any tree, shrub, plant or other vegetation in any cemetery without the consent of the Council.

14  Vehicles

14.1
Unless authorised by the Council, no person may take any vehicle of any kind into a cemetery, except during the hours of daylight.

14.2
Vehicles may only be driven on access ways which are open to vehicular traffic, and parked only in designated parking areas.

14.3
Every person driving or in charge of any vehicle in any cemetery must stop or move the vehicle as directed by an authorised officer.
14.4
All vehicles (other than hearses) must yield unconditional right of way to any funeral procession.

14.5
Any person driving a vehicle in a cemetery must obey all signs or notices concerning traffic movement and parking displayed in that cemetery.

14.6
No vehicle is to be driven at a greater speed than indicated on any road within the cemetery, and in any other direction other than indicated by traffic notices. In the absence of speed limit signs, no vehicle may be driven at a speed greater than 5 kilometres per hour in any cemetery.

15  Burial of poor person

15.1
Where application is made to the Council for the interment of a deceased poor person, the applicant shall provide an order signed by a Justice of the Peace, certifying that:

a) such deceased person has not left sufficient means to pay the prescribed fee; and

b) the cost of burial is not covered by an Accident Compensation or Government entitlement or subsidy; and

c) the deceased person’s relatives and friends are unable or unwilling to pay the same.

15.2
A name plaque will be placed on the grave site by the Council.

No monuments are permitted on a poor person’s grave as the Exclusive Right of Burial has not been purchased and belongs to the Council. If a family or other party wishes to install a monument on a poor person’s grave this can be done upon payment of all cemetery fees and charges paid at the current rate.
16 Misconduct

16.1 No person shall unlawfully or improperly interfere with, interrupt or delay the carrying out of any funeral service or ceremony within any cemetery.

16.2 No person shall take any photographs or moving images at a funeral without the consent of the funeral director or other person responsible for the funeral.

16.3 No person will bring into or exhibit in any cemetery any article that is a nuisance or is offensive to any other person.

17 Animals

17.1 Except with the prior written permission of the Council, no person shall allow any animal into any cemetery unless that animal is:

a) a domestic animal, as defined in section 2 of the Dog Control Act 1996.

b) a disability assist dog, as defined in section 2 of the Dog Control Act 1996.

17.2 Every person in control of any animal in a cemetery must ensure it is kept in a manner that the animal does not create nor is likely to create a nuisance to any person in the cemetery.

18 Offences and penalties

Every person who fails to comply with this bylaw commits an offence and shall be subject to the penalty provisions outlined in the offences, penalties, infringement offences, and legal proceedings provisions of the Local Government Act 2002 and the Burial and Cremations Act 1964, and any other enabling enactments.
19 Dispensations

The Council may at its discretion waive any of the requirements of this bylaw except any prescribed by statute if it believes good reason to do so exists.

Cemeteries Bylaw validation

This bylaw was adopted at a meeting of the Hauraki District Council on 22 May 2019, following public consultation.

The Common Seal of the Hauraki District Council was affixed in the presence of:

_______________________________ Mr. John Tregidga, Mayor

_______________________________ Mr. Langley Cavers, Chief Executive
For more information:

- W www.hauraki-dc.govt.nz
- E info@hauraki-dc.govt.nz
- P 07 862 8609 or 0800 734 834 (from within District)

Visit us at one of our offices:

- Paeroa: 1 William Street
- Ngatea: 84 Orchard West Road
- Waihi: 40 Rosemont Road
Appendix

Nuisance Bylaw 2019

Effective 1 July 2019
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Title
Nuisance Bylaw 2019

Sponsor
Strategic Planning
Group Manager Planning and Environmental Services

Approved by
The Hauraki District Council

Adoption date 22 May 2019

Adoption report 2568189

Review by 22 May 2029

Document reference 2580602

Property of the Hauraki District Council
1.0 Introduction

1.1 Purpose

This bylaw facilitates the enjoyment of living in and visiting the Hauraki District by managing and regulating the use of public places and certain activities on private land, including the keeping of animals and bees.

1.2 Title

This bylaw is the Hauraki District Council Nuisance Bylaw 2019.

1.3 Enabling enactments

This bylaw is made in accordance with the Local Government Act 2002 and the Health Act 1956.

1.4 Commencement

This bylaw comes into force on 1 July 2019.

This bylaw revokes and replaces the relevant clauses of Part 3 (Public Safety) of the Hauraki District Council Consolidated Bylaw 2007.

1.5 Review

The review of this bylaw will be undertaken no later than 10 years after the last review.

1.6 Related information

There is related information in comment boxes in this bylaw. Related information does not form part of this bylaw and may be inserted, changed or removed without any formality.
2.0 Definitions

For the purposes of this bylaw the following definitions shall apply:

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal</td>
<td>means stock, poultry and any other vertebrate animal of any age or sex that is kept in a state of captivity or is dependent upon humans for its care and sustenance.</td>
</tr>
<tr>
<td>Authorised officer</td>
<td>means any person delegated, appointed or authorised in writing by the Council to act on its behalf.</td>
</tr>
<tr>
<td>Barbed wire</td>
<td>means any wire that contains barbs, spikes, blades, jagged edges or pointed projections along its length and is used to make fences and barriers.</td>
</tr>
<tr>
<td>Beach</td>
<td>means the foreshore (including the inter-tidal zone above the mean low water spring) and any adjacent area that can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation and includes the adjacent coastal marine area.</td>
</tr>
<tr>
<td>Council</td>
<td>means the Hauraki District Council or any person delegated or authorised to act on its behalf.</td>
</tr>
<tr>
<td>District</td>
<td>means the district of the Hauraki District Council.</td>
</tr>
<tr>
<td>Low Density Residential Zone</td>
<td>has the same meaning as defined in the Hauraki District Plan.</td>
</tr>
<tr>
<td>Nuisance</td>
<td>has the meaning given by section 29 of the Health Act 1956 and its amendments and includes a person, animal, thing or circumstance causing unreasonable interference with the peace, comfort or convenience of another person whether or not that person is in a public place.</td>
</tr>
<tr>
<td>Occupier</td>
<td>means the inhabitant occupier of any property, and in any case where any building, house, tenement, or premises is or are unoccupied shall be deemed to include the owner.</td>
</tr>
<tr>
<td>Poultry</td>
<td>means any bird including, but not limited to domestic fowl, ducks, geese, turkeys, guinea-fowl, pheasants, peacocks and pigeons.</td>
</tr>
<tr>
<td>Premises</td>
<td>means any private land that is occupied or unoccupied and includes any dwelling, building, shop, yard, or part of the same.</td>
</tr>
<tr>
<td>Public performance</td>
<td>includes public speaking, busking, miming, singing, dancing, acting or the playing of musical instruments.</td>
</tr>
<tr>
<td>Public place</td>
<td>is a place under the control of the Hauraki District Council, and is open to, or being used by the public, whether or not there is an admission charge, and includes:</td>
</tr>
<tr>
<td></td>
<td>(i) any road within the district, whether or not the road is under the control of the Council; and</td>
</tr>
<tr>
<td></td>
<td>(ii) any part of a public place.</td>
</tr>
<tr>
<td></td>
<td>Examples of a public place include a reserve (including road reserve), public square, cemetery, beach, wharf, footpath, Hauraki Rail Trail.</td>
</tr>
<tr>
<td>Term</td>
<td>Definition</td>
</tr>
<tr>
<td>----------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Urban area</td>
<td>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 this bylaw the term ‘Urban area’ does not include a Low Density Residential Zone.</td>
</tr>
<tr>
<td>Reserve</td>
<td>means any reserve, park, domain or recreational area under the control or ownership of the Council.</td>
</tr>
<tr>
<td>Rural area</td>
<td>means land zoned Rural, Coastal, Marae Development (excluding the Waihi Community Marae), Conservation (Indigenous Forest or Wetland), or Karangahake Gorge Zones in the Hauraki District Plan.</td>
</tr>
<tr>
<td>Skating device</td>
<td>means roller skates, roller blades, inline skates, skateboard, scooter or other or similar recreational devices but does not include any wheelchair, baby or invalid carriage or bicycles.</td>
</tr>
<tr>
<td>Slaughter</td>
<td>means the process of killing, skinning, and dismemberment of any animal, the retention of parts for use, and disposal of the balance and slaughtered and slaughtering shall have a corresponding meaning.</td>
</tr>
<tr>
<td>Stock</td>
<td>means cattle, deer, llamas, alpacas, donkeys, mules, horses, sheep, goats, and any other animal farmed, and dependant on humans for their care and sustenance. It does not include pigs, poultry or bees.</td>
</tr>
</tbody>
</table>

Maps showing the various urban and rural areas in the District can be found on our website: [www.hauraki-dc.govt.nz/our-council/district-plan/dp-maps](http://www.hauraki-dc.govt.nz/our-council/district-plan/dp-maps)
3.0 Public places

3.1 Prohibited conduct in public places

No person shall in any public place:

a) deposit any household or trade refuse in a public litter receptacle;

b) use any item or object, including skating devices, bicycles or motorised scooters, recklessly or in a manner which may intimidate, be dangerous, injurious, or cause a nuisance to any person, or damage a public place;

c) place or leave any material or object, including signage or items for sale or hire, in a way that interferes with or obstructs the free movement of pedestrians or traffic in any way;

d) solicit any subscription, collection or donation or provide a public performance in a way that does or is likely to create a nuisance.

3.2 Restricted conduct in a public place

Except with the prior written permission of the Council, no person shall in any public place:

a) set off any fireworks, flare or other explosive material;

b) install, construct, or abandon any object, vehicle, material or structure on, over, or under a public place;

c) obstruct any entrance to or exit from a public place;

d) allow any gate or door on property neighbouring a public place to swing over or across the public place;

e) hang an awning, blind or screen from a premises or a structure, or erect or maintain an awning over any public place;

f) take off or land any aircraft, hot air balloon, hang glider, parachute or similar aircraft except in an emergency;

g) carry out any work on any motor vehicle, except in the case of any accident or emergency when repairs are necessary to allow the vehicle to be removed;

h) damage, interfere with, destroy or remove any grass plot, ornamental verge, flowerbed, tree, shrub or plant, or any inscription or label relating to it;
i) remove any sand, soil or other naturally occurring material found in a public place;

j) open a drain or sewer on, or disturb or remove the surface of any public place.

3.3 Electrical or barbed wire fencing

a) Except with the prior written permission of the Council, no person shall erect any electrified fencing or barbed wire fencing along the boundary or within one metre of a public place.

b) Clause 3.3 a) does not apply within a rural area, except when the fence abuts or adjoins a footpath.

3.4 Ban on use of skating devices

The riding of skating devices is prohibited in certain public places in Paeroa, Ngatea and Waihi as contained in the maps in Schedule 1 of this bylaw.

3.5 Trading in public places

No person shall trade, or provide a service to the public, or display for sale any article or service in a public place, except with the prior written permission of the Council.

3.6 Encroachment on public places

If any building, structure or object or any part thereof is installed, constructed or placed upon, under, over or across any public place; or

If any vegetation is permitted or allowed to encroach onto or over any public place so as to obstruct or interfere with the free movement of persons using that public place without the permission of the Council, the Council may by notice in writing require the owner of such building, structure, object or vegetation to remove the same or part thereof as specified in the notice.
3.7 Fires in public places

No person shall light a fire in any public place unless:

a) the fire is contained in an appliance designed for outdoor cooking provided by the Council, or

b) the fire is contained in a portable gas barbeque in a Council reserve, or

c) the Council has given prior written approval.

3.8 Access to beach

Any person wanting to gain access from a public place to a beach must use a designated access where this is available.

3.9 Vehicles and horses on beach

3.9.1 No person shall ride, drive, stop, stand, or park a vehicle on a beach under the control of the Council except:

a) with the prior written permission of the Council; or

b) when launching or retrieving a boat from the sea, or estuary or river; provided that the vehicle access is restricted to the designated launching and retrieval point approved by the Council (such as a boat ramp); or

c) the vehicle is an emergency vehicle used at the time to save or protect life or health, or serious damage to property, or a vehicle used in an official capacity at the time by an authorised officer.

3.9.2 No person shall drive or ride a vehicle or horse on a beach under the control of the Council in a way as to endanger the safety of persons, or be an annoyance or inconvenience to persons, either on the beach or the foreshore.

3.10 Animals on public places (excluding dogs)

a) A person in control of an animal on any public place must ensure that the animal is kept under proper control so as not to create a nuisance or danger for other people using the public place.

b) A person in control of an animal on any public place must ensure that the animal is kept under proper control to ensure that no
damage is caused to the public place or to any object in the public place.
c) A person in control of an animal on any public place must immediately remove any faeces deposited by that animal.

3.11 Slaughter of animals
a) No person is to slaughter any animals or dismember, handle, process or dispose of the carcass or remains of an animal on any premises which, in the opinion of an authorised officer, causes or is likely to cause nuisance or threat to public safety.

3.12 Reserves

3.12.1 A person must not enter or remain on a reserve that Council has:
a) restricted or closed access to the public (for example, to protect public safety from unsafe or damaged areas, protect flora from disease, or for maintenance activity); or
b) set aside for exclusive use of a particular group for the duration of that use, unless that person is part of that group (for example, to allow areas to be temporarily booked for small and large events such as weddings, triathlons, concerts or festivals).

3.12.2 Except with the prior written permission of the Council, no person is to distribute any printed or written material advertising any product, service or public entertainment on a Council reserve.

3.13 Reinstatement on completion of authorised works
A person doing authorised works on a public place must, on completion of the works, reinstate the place to the satisfaction of the Council.

3.14 Road and building identification
a) The Council may alter the number of a building, complex or property when it is necessary or advisable to do so.
b) Numbers required are to be maintained by the owner or occupier in such a manner so as to readily identify the property at all times.
4.0 Nuisance on private property

4.1 Prohibited conduct on private property

No person may on any private property:

a) burn, cause, or permit to be burnt, any matter or thing in a way that creates a nuisance,

b) deposit in or discharge, or cause or permit the deposit or discharge of any litter, animal or other offensive matter or thing into a stream, watercourse, pond, lagoon, open drain, gutter or channel that creates or is likely to create a nuisance,

c) being the owner or occupier of premises, cause or permit offensive liquid or matter to remain in or on, or flow from those premises in a way that creates, or is likely to create a nuisance,

d) being the owner or occupier of premises to cause or permit conditions on those premises likely to contribute to the outbreak or spread of disease by the agency of flies, mosquitoes, or other insects, or of rats, mice, or other vermin.

5.0 Keeping of animals (excluding dogs)

5.1 General nuisance created by animals

Every person keeping an animal on private property must ensure it is kept in a manner that the animal does not create a nuisance to any person, as determined by an authorised officer.

5.2 Keeping of stock in urban areas

a) No person may keep any stock on or within any premises in the urban areas of the District, except where the stock is less than 12 months of age and is being kept for participation in a children’s agricultural day event.

b) Clause 5.2 (a) does not apply where the premises is part of a Structure Plan in the District Plan and is not yet subdivided into lots as permitted by the Structure Plan, or where the section is in pasture and rural in nature.

5.3 Pig keeping

a) No person may keep any pigs on or within any premises in urban
areas of the District.

b) With the prior written permission of the Council, up to four pigs may be kept on a property in the Low Density Residential Zone in the District.

c) No person is to keep any pigs in a manner that is a nuisance or offensive, in the opinion of an authorised officer.

d) Except with the prior written permission of the Council, no person is to construct or allow any pigsty to remain, or any pigs to range, less than 50 metres from any boundary of any adjoining property or road.

5.4 Poultry keeping

a) No person may keep, or permit to be kept, any rooster or cockerel on or within any premises in the urban area and Low Density Residential Zone in Paeroa, Ngatea and Waihi.

b) No person shall keep more than six head of poultry on or within any premises in urban areas, except with the prior written permission of the Council.

c) No person shall keep more than twelve head of poultry on or within any premises in the Low Density Residential Zone, except with the prior permission of the Council.

d) In urban areas and the Low Density Residential Zone all poultry must be kept in a poultry house, to which a poultry run may be attached. Every poultry run shall be enclosed to confine the poultry within the poultry run, with the exception of coops used to keep pigeons, doves and similar birds.

e) No poultry house or poultry run is to be installed or maintained so that any part of it is within 10 metres of any dwelling or any other building on an adjoining property, whether wholly or partially occupied, or within 2 metres of the boundary of an adjoining property or road.

f) Every poultry house and poultry run is to be maintained in good repair, in a clean condition free from any offensive smell or overflow, and free from vermin.

g) No person is to keep on or within any premises in the urban area or Low Density Residential Zone, any noisy poultry which is causing a nuisance, in the opinion of an authorised officer.

h) If a nuisance is created as a result of any poultry house or poultry run or the keeping of poultry, the Council may serve a notice on the owner or keeper of the poultry house, poultry run or poultry requiring that person to stop the nuisance.
6.0 Bee keeping

a) No person is to keep bees or cause or permit bees to be kept on or within any premises in the urban area or Low Density Residential Zone, except with the prior written permission of the Council.

b) No person is to keep bees or cause or permit bees to be kept at or on any public place, except with the prior written permission of the Council.

c) When making a decision on the keeping of bees, the Council will consider, amongst other things, the size of the property where the hives and bees are to be kept and the opinions of the owner and occupier of any adjacent property.

d) Where a bee hive is located in close proximity to an adjacent property or public place the bee hive entrance must face away from the adjacent property or public place and a flyway barrier of at least 1.8 metres in height must be used to ensure the bee flight path is high enough to prevent a nuisance. A flyway barrier could include amongst other things a fence, hedge or shade cloth. Bee hives must be located at least 10 metres from any dwelling or any other building on an adjoining property, whether wholly or partially occupied, or at least 2 metres from the boundary of an adjoining property or road.

e) Every person keeping bees or causing or permitting bees to be kept on private property must ensure that:

   i) the bees do not create, nor are likely to create a nuisance or cause distress to any person; and

   ii) the bees are not kept in such conditions that create or are likely to create a nuisance or cause distress to any person.

7.0 Fees

Any relevant licence, permit, consent or approval fees are documented in the Council’s Schedule of Fees and Charges.

8.0 Permits/licences/consent

8.1 Transfer

No licence, permit, consent or approval issued to a person named in that licence, permit, consent or
approval, or to a vehicle listed in that licence, permit, consent or approval, shall be transferable to any other person or vehicle and no such licence, permit, consent or approval shall authorise any person or vehicle other than the person or vehicle named therein.

8.2 Revocation

If circumstances change, the Council may revoke the licence, permit, consent or approval or suspend it for as long as the Council thinks fit.

8.3 Appeal

There shall be a right of appeal by the applicant from any decision by an authorised officer to the relevant Group Manager. After consultation with the Chief Executive the Group Manager may refer the appeal to the Council, or relevant Committee of the Council, when in the Chief Executive’s opinion this is justified.

9.0 Enforcement

9.1

The Council may use its powers under the Local Government Act 2002 and the Health Act 1956 to enforce this bylaw.

9.2

The Council may pull down, remove or alter or cause to be pulled down, removed or altered any work, material or thing erected or being in breach of this bylaw and recover costs of the removal or alteration from the person who committed the breach.

10.0 Offences and penalties

Every person who fails to comply with any part of this bylaw commits an offence and will be subject to the penalty provisions outlined in the offences, penalties, infringement offences, and legal proceedings provisions of the Local Government Act 2002 and the Health Act 1956.

11.0 Dispensations

The Council may at its discretion waive any of the requirements of this bylaw except any prescribed by statute if it believes good reason to do so exists.
12.0 Transitional Provisions

Any licence, permit, consent or other form of approval granted under Part 3 (Public Safety) of the Hauraki District Council Consolidated Bylaw 2007 continues in force but;

a) expires on the date specified in that approval; or

b) if no expiry date is specified, it expires on the date 6 months after the commencement of this bylaw; and

c) can be renewed only by application made and determined under this bylaw.

Nuisance Bylaw validation

This bylaw was adopted at a meeting of the Hauraki District Council on 22 May 2019, following public consultation.

The Common Seal of the Hauraki District Council was affixed in the presence of:

___________________________   Mr. John Tregidga, Mayor

___________________________   Mr. Langley Cavers, Chief Executive
Schedule 1: Prohibited areas for skating
For more information:

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- **E** [info@hauraki-dc.govt.nz](mailto:info@hauraki-dc.govt.nz)
- **P** 07 862 8609 or 0800 734 834 (from within District)

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- **Ngatea:** 84 Orchard West Road
- **Waihi:** 40 Rosemont Road
Decision Report

To: Mayor and Councillors
From: Strategic Policy Planner
Date: Friday, 3 May 2019
File reference: Document: 2579319
Appendix A: Proposed cemetery fees for 2019/20

Portfolio holder: Mayor
Meeting date: Wednesday, 22 May 2019
Subject: 2019/20 fees and charges changes as a result of bylaw reviews

Recommendation:
THAT the report be received,

THAT in accordance with section 150 of the Local Government Act 2002, a new fee of $60 for keeping pigs, poultry or bees in an urban area or low density residential zone in accordance with the Nuisance Bylaw 2019 be approved,

THAT in accordance with section 150 of the Local Government Act 2002, a new fee of $100 for inspection of property in respect to an application to keep pigs, poultry or bees in an urban area or low density residential zone in accordance with the Nuisance Bylaw 2019 be approved,

THAT in accordance with section 150 of the Local Government Act 2002, a new fee of $60 for permission to drive a vehicle on the beach in accordance with the Nuisance Bylaw 2019 be approved,

THAT in accordance with section 12 of the Local Government Act 2002, the cemetery fees as listed in Appendix A be approved,

THAT all changes be incorporated into the Council’s 2019/20 fees and charges schedule and publicly notified in line with 2019/20 annual plan communications.

1 Purpose

The purpose of this report is to present the Council with the bylaw-related fees and charges for adoption. This report is intended to be considered following the Council’s consideration of feedback on the draft Nuisance Bylaw, draft Cemeteries Bylaw, draft Wharves and Boat Ramps Bylaw, and draft Food Grading Bylaw (2568189). The adoption of the fees in this report is contingent on the Council’s decisions on whether or not to charge fees for certain permissions or approvals (for example, permissions to take a vehicle on the beach).
The matter or suggested decision does not involve a new activity, service, programme, project, expenditure or other deliverable.

2 Background

The Council has the ability to set various user fees and charges under a range of legislative powers. Some fees can only be set via bylaws. Under Section 150 of the Local Government Act 2002, the Council may "prescribe fees payable for a certificate, authority, approval, permit, or consent from, or inspection by the Council in respect of a matter provided for in a bylaw made under the Act". Accordingly, at its meeting of 27 March 2019 the Council considered a number of new fees proposed and approved those fees for public feedback. The review also provided an opportunity for other fees to be reviewed, and some increases to existing fees and other minor wording changes were also proposed. Public feedback was welcomed between 29 March 2019 and 29 April 2019, with a public hearing on 22 May 2019.

3 Issues and options

As noted, the report on the consideration of feedback for the bylaws (2568189) outlines the bylaw policy decisions regarding permissions or approvals. The following matters relate to the fees resulting from these permissions or approvals.

3.1 Regulatory fees

The public was consulted on the following new fees in regard to the proposed Nuisance Bylaw 2019:

<table>
<thead>
<tr>
<th>Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application to keep pigs, poultry or bees in an urban area or low density</td>
<td>$60</td>
</tr>
<tr>
<td>residential zone in accordance with the Nuisance Bylaw 2019.</td>
<td></td>
</tr>
<tr>
<td>Inspection of property in respect to an application to keep pigs, poultry</td>
<td>$100</td>
</tr>
<tr>
<td>or bees in an urban area or low density residential zone in accordance with</td>
<td></td>
</tr>
<tr>
<td>the Nuisance Bylaw 2019.</td>
<td></td>
</tr>
<tr>
<td>Permit to drive a vehicle on the beach</td>
<td>$60</td>
</tr>
</tbody>
</table>

One respondent opposed the introduction of a fee for keeping bees (feedback #12.5), stating that people should be able to have peaceful enjoyment of their property without paying a fee.

Staff agree that people should be able to have peaceful enjoyment, and this includes neighbours of those keeping bees in an urban area or low density residential zone. Staff recommend that the bee keeping application fee is retained as proposed. The fee of $60 covers the administration cost for assessing the application and checking that the neighbours are in agreement with any application. An on-site inspection may not necessarily be required, however if it is there is the cost of staff time and travel to the site. Once approved, an applicant does not have to re-apply for keeping bees at that property.

It is recommended that these fees are adopted to come into effect on 1 July 2019.

3.2 Cemetery fees

The public was consulted on the following fee changes in the cemeteries activity:

- New fee for reservation of burial plot in advance
- New late fee for burials
- Increase in some plaque fees
- Simplify the administration fees for reserved plots
Feedback was received from Veteran’s Affairs New Zealand (feedback #5) regarding some corrections to the ‘RSA section’ wording in the fee schedule. It is proposed that this wording be amended to align with the feedback received. The amended wording has been included in the cemetery fees in Appendix A.

3.3 Other fees
As reported at the Council meeting of 27 March, some outdated food registration fees will also be removed as an administrative matter.

4 Significance and Engagement Assessment
This decision does not trigger the Significance and Engagement Policy Assessment Tool and therefore is not considered significant under the Significance and Engagement Policy 2017.

The level of engagement considered appropriate for this matter, at this point in time, is to inform (i.e. one-way communication disseminating information) the public in line with the publication of the adopted bylaws.

5 Budget Implications
It is not expected that the implementation of the fees contained in this report will cause a significant or material change to forecast income levels, as noted the draft bylaw adoption reports of the 27 March Council meeting (2548282, 2546661). The proposed fees are compliant with the Council’s Revenue and Financing Policy.

6 Recommendation
The Council should make its decision on which option to choose based on that option being the most cost effective, and good quality option for the Hauraki District (s10 of the Local Government Act 2002).

It is recommended that the Council approves the fees set out in this report and that these fees are incorporated into the Council’s schedule of fees and charges for 2019/20.

Sarah Holmes
Strategic Policy Planner
Appendix A: Proposed District cemeteries fees

<table>
<thead>
<tr>
<th>Service Item</th>
<th>Charge (including GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Reserving the right of burial in advance</strong></td>
<td></td>
</tr>
<tr>
<td>Reserve the right of burial in a plot (casket or ashes) – non-refundable</td>
<td>$180</td>
</tr>
<tr>
<td><strong>Purchasing the exclusive right of burial in a plot</strong></td>
<td></td>
</tr>
<tr>
<td>Casket for a resident of the Hauraki District</td>
<td>$640</td>
</tr>
<tr>
<td>Casket for a non-resident of the Hauraki District* (resident charge+60%)</td>
<td>$975</td>
</tr>
<tr>
<td>Plaque Lawn ashes plot for a resident of the Hauraki District</td>
<td>$160</td>
</tr>
<tr>
<td>Plaque Lawn ashes plot for a non-resident of the Hauraki District</td>
<td>$195</td>
</tr>
<tr>
<td>Upright memorial for a resident of the Hauraki District</td>
<td>$160</td>
</tr>
<tr>
<td>Upright memorial for a non-resident of the Hauraki District</td>
<td>$195</td>
</tr>
<tr>
<td><strong>Burial Fees</strong></td>
<td></td>
</tr>
<tr>
<td>Ashes burial</td>
<td>$125</td>
</tr>
<tr>
<td>Casket burial for stillborn and under 1 year of age</td>
<td>$125</td>
</tr>
<tr>
<td>Casket burial for 1 year of age and older**</td>
<td>$1,115</td>
</tr>
<tr>
<td>Older area of Paeroa (Pukerimu) Cemetery (additional cost due to confined access space)</td>
<td>$1,390</td>
</tr>
<tr>
<td><strong>Late site fee</strong></td>
<td></td>
</tr>
<tr>
<td>Service runs more than 1 hour late</td>
<td>$150 / hr</td>
</tr>
<tr>
<td><strong>Weekend – additional charge to burial fees</strong></td>
<td></td>
</tr>
<tr>
<td>Ashes burial</td>
<td>$120</td>
</tr>
<tr>
<td>Casket burial for 1 year of age and older</td>
<td>$265</td>
</tr>
<tr>
<td><strong>Public holidays – additional charge to burial fees</strong></td>
<td></td>
</tr>
<tr>
<td>Casket burial for 1 year of age and older</td>
<td>$335</td>
</tr>
<tr>
<td><strong>Waihi Memorial Wall</strong></td>
<td></td>
</tr>
<tr>
<td>Memorial Wall plaque, inscription and attachment to wall (up to 100 letters)</td>
<td>$565</td>
</tr>
<tr>
<td>Inscription cost per letter over 100 letters</td>
<td>$0.85</td>
</tr>
<tr>
<td><strong>Hauraki Plains Memorial Wall</strong></td>
<td></td>
</tr>
<tr>
<td>Memorial Wall inscription placed on wall</td>
<td>$60</td>
</tr>
<tr>
<td><strong>Hauraki Plains Ashes Wall</strong></td>
<td></td>
</tr>
<tr>
<td>Vault purchase only (not including placement of ashes or plaque inscription)</td>
<td>$355</td>
</tr>
<tr>
<td>Single ashes placement in pre-purchased vault (including plaque inscription)</td>
<td>$280</td>
</tr>
<tr>
<td>Two ashes placement in pre-purchased vault (including plaque inscription)</td>
<td>$370</td>
</tr>
<tr>
<td>Vault purchase with single ashes placement (including plaque inscription)</td>
<td>$540</td>
</tr>
<tr>
<td>Vault purchase with placement of two ashes (including plaque inscription)</td>
<td>$705</td>
</tr>
<tr>
<td>Vault purchase with placement of first (of two) sets of ashes (including plaque inscription)</td>
<td>$515</td>
</tr>
<tr>
<td>Second ashes placement in pre-purchased vault (including plaque inscription)</td>
<td>$420</td>
</tr>
<tr>
<td>Service Item</td>
<td>Charge (including GST)</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>------------------------</td>
</tr>
<tr>
<td><strong>General cemetery fees</strong></td>
<td></td>
</tr>
<tr>
<td>Permit to erect headstone, plaque or memorial</td>
<td>$55</td>
</tr>
<tr>
<td>Breaking concrete (to reinstate is family’s responsibility)</td>
<td>At cost</td>
</tr>
<tr>
<td>Casket disinterment</td>
<td>At cost</td>
</tr>
<tr>
<td>Casket re-interment</td>
<td>At cost</td>
</tr>
<tr>
<td>Ashes disinterment</td>
<td>At cost</td>
</tr>
<tr>
<td>Ashes re-interment</td>
<td>At cost</td>
</tr>
<tr>
<td>Administration fee (includes, but is not limited to, requests to change reserved plot locations and request to sell previously purchased plot back to the Council)</td>
<td>$60</td>
</tr>
<tr>
<td>Request to change name registered to a reserved plot</td>
<td>$115</td>
</tr>
</tbody>
</table>

* An ‘out of district fee’ is charged for the purchase of the right of burial for deceased who were not a resident or a ratepayer of the district for at least twelve months prior to date of death.

** Up to two caskets may be interred within one plot. First and second burials are charged at the same rate.

** Service personnel and spouses **

Under the Burial and Cremation Act 1964 the Council allocates parts of some cemeteries for eligible returned servicepersons. The cost of a plot in the Services Section of the cemetery is not passed onto the deceased person’s estate. However, the burial fee is charged as outlined above.

Veterans’ Affairs New Zealand supports repairs, maintenance and upkeep of services cemeteries. The aim is that services cemeteries are places where veterans are remembered with honour, dignity, and respect, and visitors to services cemeteries will find their loved ones in a well-cared for and serene setting.

Paeroa and Waihi Cemeteries have a Services Section, and there is a Services Section available on the Hauraki Plains ashes wall. The Miranda cemetery does not contain a Services Section.
Decision Report

To: The Mayor and Councillors
From: Policy Analyst
Date: Wednesday, 22 May 2019
File reference: Document: 2568376
Appendix A: Dog Control Bylaw 2016 - 2515669
Appendix B: Freedom Camping Bylaw 2013 - 2517496
Appendix C: Alcohol in Public Places Bylaw 2017 - 2517587
Portfolio holder: The Mayor and Councillor Milner
Meeting date: Wednesday, 22 May 2019
Subject: Separation of Part 3: Public Safety of the Hauraki District Council Consolidated Bylaw 2007

Recommendation:

THAT the report be received, and

THAT the bylaw clauses not due for review in Part 3: Public Safety of the Hauraki District Council Consolidated Bylaw 2007 be separated out into the following individual bylaws; the Dog Control Bylaw 2016, the Freedom Camping Bylaw 2013, and the Alcohol in Public Places Bylaw 2017, and

THAT in accordance with section 156(2) of the Local Government Act 2002 and section 11(b) of the Freedom Camping Act 2011 the administrative changes made to the Dog Control Bylaw 2016, the Freedom Camping Bylaw 2013, and the Alcohol in Public Places Bylaw 2017 are minor changes and do not affect an existing right, interest, title, immunity, or duty of any person to whom the bylaw applies, or an existing status or capacity of any person to whom the bylaw applies, and

THAT the administrative changes to Part 3: Public Safety of the Hauraki District Council Consolidated Bylaw 2007 be publicly notified.

1 Purpose

This report seeks a resolution of the Council to confirm the separation of the clauses in Part 3: Public Safety of the Council’s Consolidated Bylaw into separate bylaws.

The matter or suggested decision does not involve a new activity, service, programme, project, expenditure or other deliverable.
2 Background

The Hauraki District Council’s Consolidated Bylaw 2007 is split into ten Parts. The various Parts have different review deadlines, with several Parts due for review by 1 July and 1 November 2019. At its meeting of 29 August 2018 the Council resolved to form a councillor working party to work with staff on the various review processes, and:

THAT during the review process the various Parts of the Hauraki District Council Consolidated Bylaw 2007 are separated into individual bylaws.

Many councils have individual bylaws, which are often considered easier to navigate and understand than consolidated bylaws by both the public and Council staff. There is likely to be less confusion over empowering legislation, review dates and enforcement options.

Phase One of the bylaw review programme is nearly complete with the following bylaws due for adoption at this Council meeting or the meeting in June:

• Cemeteries Bylaw 2019
• Wharves and Boat Ramps Bylaw 2019
• Nuisance Bylaw 2019
• Food Grading Bylaw 2019

2.1 Part 3: Public Safety

Currently Part 3: Public Safety of the Hauraki District Council Consolidated Bylaw 2007 is very large (65 pages) and is made in accordance with a lot of different legislation. It contains clauses on:

• Safety in public places,
• Nuisance on private property,
• Alcohol control in public places,
• Keeping of animals (excluding dogs),
• Control of dogs,
• Food safety,
• Freedom camping.

The clauses due for review this year include; ‘Safety in public places’, ‘Nuisance on private property’ and ‘Keeping of animals (excluding dogs)’, which were separated into the draft Nuisance Bylaw 2019 during the bylaw review. Food Safety is also due for review and was separated out and renamed the draft Food Grading Bylaw 2019. The following clauses in Part 3: Public Safety are not being reviewed this year:

• Control of dogs.
• Freedom camping.
• Alcohol control in public places.

In line with the Council resolution to separate the Consolidated Bylaw these three clauses have been placed into standalone documents. The standalone Dog Control Bylaw 2016, Freedom Camping Bylaw 2013, and Alcohol in Public Places Bylaw 2017 are attached to this report.

3 Issue and options

3.1 Council resolution required for minor changes to the bylaws

Minor amendments can be made to bylaws only when the changes are minor in nature and do not affect people’s existing rights, interests or obligations. ¹ An example might be amending spelling mistakes or changing job titles of authorised officers. However, the minor

¹ Section 156(2) of the Local Government Act 2002
amendments still require the approval of the Council via a resolution and then the changes must be publically notified.

The policy wording of the bylaws has not changed, so no rights or obligations have been affected. Some minor administrative changes have been made and displayed as track changes in the attached bylaws and outlined below:

- The definition of authorised officer was changed to make it clear that Police Officers are not automatically authorised officers of the Council. Individual Police Officers have to be warranted to be authorised officers under Council bylaws made under the Local Government Act 2002.
- Any position titles for Group Managers have been updated to reflect the change in position description.
- The wording in the enforcement, and offences and penalties section in each bylaw has been amended to better reference the specific empowering legislation.
- In the Dog Control Bylaw, the definition of ‘At large’ has been changed to remove ‘by resolution’ to reflect the legal requirements that when amending bylaws (which includes Schedules) the Council must undertake engagement in accordance with the Local Government Act 2002. Councils cannot amend bylaws by resolution of the Council without meeting its decision-making and engagement requirements under the Act.
- In the Alcohol in Public Places Bylaw 2017 the wording has been amended in the enforcement section to better reflect the enforcement powers of Police in the Local Government Act 2002.

Related information in comment boxes has also been included in the bylaw documents, however this information does not form part of the bylaws.

4 Significance and Engagement Assessment

This decision does not trigger the Significance and Engagement Policy Assessment Tool and therefore is not considered significant under the Significance and Engagement Policy 2017.

The level of engagement considered appropriate for this matter, at this point in time, is to inform (i.e. one-way communication disseminating information) the community via public notice in the Hauraki Herald, Council’s website and information on the Council’s HDC News Page, informing people that the bylaws have been separated into standalone bylaws and that this does not affect any existing rules.

5 Budget Implications

Public notification of the minor changes to the bylaws will involve expenditure in the Strategic Planning activity. This is not considered to be additional expenditure as it can be met through existing budget provisions.

6 Recommendation

It is recommended that the Council passes a resolution that the changes made to the Alcohol in Public Places Bylaw 2017, Freedom Camping Bylaw 2013, and Dog Control Bylaw 2016 are minor in nature and the majority are administrative changes required as a result of separating Part 3: Public Safety of the Hauraki District Council Consolidated Bylaw into standalone bylaws.

Charan Mischewski
POLICY ANALYST
Dog Control Bylaw 2016

Effective 1 August 2016
1.0 Introduction

1.1 Purpose
The purpose of this bylaw is to promote the control of dogs in public places and on private property to minimise danger, distress, or nuisance caused by the keeping of dogs to the public.

This bylaw should be read in conjunction with the Hauraki District Council Dog Control Policy and cannot be inconsistent with that Policy.

1.2 Title
This bylaw is the Hauraki District Council Dog Control Bylaw 2016.

1.3 Enabling enactments
This bylaw is made in accordance with the Dog Control Act 1996 and the Local Government Act 2002.

1.4 Commencement
This bylaw comes into force on 1 August 2016.

In 2019 Part 3 (Public Safety) of the Hauraki District Council Consolidated Bylaw 2007 was separated into individual bylaws and the 'control of dogs' bylaw clauses were separated into this bylaw and renamed accordingly.

1.5 Review
Review of this bylaw will be undertaken no later than 10 years after the last review.

1.6 Related information
There is related information in comment boxes in this bylaw.

Related information does not form part of this bylaw and may be inserted, changed or removed without any formality.
### 2.0 Definitions

For the purposes of this bylaw the following definitions shall apply.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>At large</td>
<td>in addition to its accepted meaning, includes any dog, whether on a leash or not, that is present in any area included in the areas where Council, by resolution, has prohibited the presence of dogs under the provisions of this bylaw. Dogs effectively caged or confined to pens or vehicles shall not be considered to be at large in any prohibited area or public place.</td>
</tr>
<tr>
<td>Authorised officer</td>
<td>means any person delegated, appointed or authorised in writing by the Council to act on its behalf, and with its authority including a Police Constable.</td>
</tr>
<tr>
<td>Council</td>
<td>means the Hauraki District Council or any officer authorised to exercise the authority of the Council.</td>
</tr>
<tr>
<td>Dog ranger</td>
<td>means a dog ranger appointed under section 12 of the Dog Control Act 1996 and includes an honorary dog ranger.</td>
</tr>
<tr>
<td>Dog</td>
<td>includes any bitch, spayed bitch or puppy.</td>
</tr>
<tr>
<td>Domestic animal</td>
<td>has the same meaning as in the Dog Control Act 1996.</td>
</tr>
<tr>
<td>Leash</td>
<td>means an adequate restraint held by a responsible person physically capable of restraining the dog.</td>
</tr>
<tr>
<td>Nuisance</td>
<td>shall have the meaning assigned to it by section 29 of the health Act 1956 and its amendments</td>
</tr>
<tr>
<td>On a leash</td>
<td>means that a dog is kept under control by means of leash, lead or chain which is secured or is held by a capable person so that the dog cannot break loose.</td>
</tr>
<tr>
<td>Owner</td>
<td>in has the same meaning as defined in section 2 of the Dog Control Act 1996.</td>
</tr>
<tr>
<td>Premises</td>
<td>means any private land that is occupied or unoccupied and includes any dwelling, building, shop, yard, or part of the same.</td>
</tr>
</tbody>
</table>
Public place means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

Under control means that the dog is not causing a nuisance, distress, danger, injury, to any person, domestic animal, stock, poultry or protected wildlife, or causing any property damage and; the person in charge of a dog has the dog under continuous surveillance and is able to obtain an immediate and desired response from the dog by use of a leash, voice commands, hand signals, whistles, or other effective means.

Urban area means land within a Residential, Low Density Residential Zone, Township, Marae Development (Waihi Community Marae only), Town Centre, Industrial and Reserve (Active) Zones as defined in the Hauraki District Plan.

Working dog has the same meaning as defined in section 2 of the Dog Control Act 1996.

3.0 Control of dogs in public places

3.1 Dogs to be on-leash

a) The owner or person for the time being in charge of any dog shall keep it on a leash in every public place into which it is taken or led, with the exception of dog exercise areas specified in Schedule 1 and prohibited areas specified in Schedule 2 of this bylaw, and shall keep and prevent such dog from entering or being upon a public place unless it is so controlled.

b) The provisions of sub-clause (a) shall not apply to working dogs exercising the work in respect of which the animal has been registered.

c) The owner or any person in charge or having control of any dog, must ensure that the dog is under control by not causing a nuisance, danger or injury and that the person in charge of the dog is able to obtain an immediate and desired response from the dog by use of a leash, or voice command, hand signals, whistles or other effective means.
d) Every owner allowing a dog to ride on the open tray of a utility vehicle in a public place shall ensure that it is secured by a leash, lead or chain short enough so that the dog cannot fall from the tray and can be kept under control at all times.

3.2 Dog exercise areas
a) Dogs may be exercised free of restraint (off-leash) but under control in the areas specified in Schedule 1 as designated dog exercise areas.

b) The owner or a responsible person over the age of sixteen (16) years must have continuous control of the dog and remain in the exercise area while the dog is running free.

3.3 Prohibited areas
a) Dogs are prohibited from entry into any public place listed in Schedule 2 of this bylaw, whether under control or not.

b) The provisions of this clause shall not apply to working dogs exercising the work in respect of which the animal has been registered.

3.4 Diseased dogs
No person owning or having control or charge of any mangy or diseased dog shall take the same into any public place or permit or suffer such dog to enter or remain thereon or wander free and at large.

4.0 Dog control on private property

4.1 Shelter
Every owner of a dog shall ensure that the dog is provided with adequate shelter and that no suffering is caused to the dog by the manner of the shelter.

4.2 Limitation on the number of dogs on any urban premises
a) No person shall keep, or permit to be kept, on or within any premises within the urban area more than two (2) dogs of greater age than three (3) months without first obtaining the written consent of the Council.

b) Every application for such consent shall be in writing on the prescribed form and signed by the applicant and the applicant shall give to the Council such further information as it may require.
Every such application shall be accompanied by the prescribed application fee which shall be fixed by the Council by resolution from time to time and publicly notified.

c) The Council may grant or refuse to give consent for the issue of a licence at its absolute discretion and subject to any terms, conditions or restrictions as it may impose in any particular case concerning the housing and control of the dogs.

d) Every person who commits any breach of the terms, conditions or restrictions imposed by the Council under sub-clause (b) hereof shall be guilty of an offence against this bylaw.

e) At the end of each dog registration period, any approval given during that year for any person to keep more than two (2) dogs on their premises may be reviewed by an authorised Council officer. On review, the approval may be modified or revoked in the event of non-compliance with any condition of approval.

4.3 Fencing requirements for dangerous dogs

a) The securely fenced portion of an owner’s property used for the containment of a dangerous dog must be a minimum area measuring eight (8) metres by four (4) metres, or such a size as deemed appropriate by an authorised officer.

b) There must be a lockable gate to gain entry to the securely fenced area in sub-clause (a) and the fencing and gate shall be a minimum height of one point eight (1.8) metres, or such a height as deemed appropriate by an authorised officer.

4.4 Nuisances

a) The owner of any dog or the owner or the occupier of any premises whereupon any dog or dogs are customarily kept shall:

i) take adequate precautions to prevent the dog or dogs or the keeping thereof from becoming a nuisance or injurious to health;

ii) keep every bitch in season continuously confined but adequately exercised whilst it is in that condition;

iii) take such steps as are necessary to prevent dogs under the owner’s control from being or becoming a nuisance or annoyance to residents in the neighbourhood by

The Dog Control Act 1996 requires dangerous dogs to be kept in a securely fenced part of an owner’s property that it is not necessary to enter to get access to a door of any house on the property.
b) If in the opinion of the Council’s Group Manager Planning and Environmental Services Manager, any dog or dogs or the keeping thereof on any premises has become or is likely to become a nuisance or injurious to health, the Council or any person duly authorised on that behalf by the Council may by notice in writing require the owner or occupier of the premises within a time specified in such notice to do all or any of the following:

i) Reduce the number of dogs kept on the premises;

ii) Construct, alter, re-construct or otherwise improve the kennels or other buildings used to house or contain such dog or dogs;

iii) Require such dog or dogs to be tied up or otherwise confined during specific periods;

iv) Take such other action as the Council’s Group Manager Planning and Environmental Services Manager deems necessary to minimise or remove the likelihood of nuisance or injury to health.

c) Any person to whom notice is given under the preceding provisions of this clause who fails to comply with such notice within the time therein specified commits an offence against this Bylaw.

5.0 Fouling

The owner or any person in possession or control of any dog that defecates in a public place or on land or premises occupied by anyone other than the owner of the dog shall immediately remove the faeces and dispose of them in an appropriate manner. No offence shall be deemed to have been committed against this bylaw where the person having control of the dog removes the droppings immediately.
6.0 Impoundment and neutering of dogs

a) Any dog found at large in any place in breach of this bylaw whether or not the dog is wearing a collar having the proper label or disc attached, may be impounded.

b) Any dog found at large in any place and impounded on more than three (3) occasions within a continuous period of 24 months, may be required to be neutered.

7.0 Fees

Any relevant licence, permit, consent or approval fees are documented in the Council’s Schedule of Fees and Charges.

8.0 Permits/licences/consent

8.1 Transfer

No licence, permit, consent or approval issued to a person named in that licence, permit, consent or approval, shall be transferable to any other person and no such licence, permit, consent or approval shall authorise any person other than the person named therein.

8.2 Revocation

If circumstances change, the Council may revoke the licence, permit, consent or approval or suspend it for as long as the Council thinks fit.

8.3 Appeal

There shall be a right of appeal by the applicant from any decision by an authorised officer to the relevant Group Manager. After consultation with the Chief Executive the Group Manager may refer the appeal to the Council, or relevant Committee of the Council, when in the Chief Executive’s opinion this is justified.

9.0 Enforcement

The Council may use its powers under the Dog Control Act 1996 and the Local Government Act 2002 to enforce this bylaw.
10.0   Offences and penalties

a) Every person who fails to comply with any part of this bylaw commits an offence.

b) Every person who commits an offence under this Bylaw is liable to a penalty under the Dog Control Act 1996 and the Local Government Act 2002.

List of schedules passed in terms of this bylaw

a) Schedule 1 – Dog Exercise Areas.

b) Schedule 2 – Dog Control Areas.

Control of Dogs Bylaw validation

This bylaw was adopted at a meeting of the Hauraki District Council on 20 July 2016, following public consultation.

The Common Seal of the Hauraki District Council was affixed in the presence of:

______________________________ Mr. John Tregidga, Mayor

______________________________ Mr. Langley Cavers, Chief Executive
**Schedule 1: Dog exercise areas**

**Dog exercise areas**

The following areas of land within the Hauraki District Council are available for the exercising of dogs. Dogs may be off-leash but must be under control.

<table>
<thead>
<tr>
<th>Area and description</th>
<th>Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Paeroa Ward</strong></td>
<td></td>
</tr>
<tr>
<td>Stop bank land in Paeroa, between the Criterion Bridge and William Street.</td>
<td>Off-leash</td>
</tr>
<tr>
<td>Brenan Field, Paeroa, excluding the skate park and the sports fields</td>
<td>Off-leash</td>
</tr>
<tr>
<td><strong>Plains Ward</strong></td>
<td></td>
</tr>
<tr>
<td>Stop bank land in Ngatea between the 100/50 km/hr speed limit sign on River Road and Waikato Regional Council pump station adjacent to Orchard West Road.</td>
<td>Off-leash</td>
</tr>
<tr>
<td>Stop bank land in Ngatea between the corner of Orchard West Road and Kaihere Road to Puhanga Island Bridge, Kaihere Road.</td>
<td>Off-leash</td>
</tr>
<tr>
<td>Public land between the northern boundary of the District at Waharau and the southern boundary of the Wharekawa Recreation Reserve which is defined by the Waihopuhopu Bridge.</td>
<td>Off-leash</td>
</tr>
<tr>
<td><strong>Waihi Ward</strong></td>
<td></td>
</tr>
<tr>
<td>Waihi South Reserve, Consol Street, Waihi.</td>
<td>Off-leash</td>
</tr>
<tr>
<td>Morgan Park, Waihi, behind the netball courts only, excluding the children's playground and the sports fields.</td>
<td>Off-leash</td>
</tr>
<tr>
<td>Area and description</td>
<td>Rules</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
</tr>
<tr>
<td>Whiritoa Beach, including the lagoon, but excluding the southern end of the beach which is defined as south of the beach access off Moray Place.</td>
<td></td>
</tr>
<tr>
<td><em>Note: Outside these hours but within these dates this area is prohibited to dogs.</em></td>
<td>Off-leash from December 20 to March 1 the following year and including all public holiday weekends throughout the year, between the hours of 7pm to 9am the following day</td>
</tr>
</tbody>
</table>

| Whiritoa Beach, including the lagoon, but excluding the southern end of the beach which is defined as south of the beach access off Moray Place. |
| *Note: Outside these hours but within these dates dogs must be on a lead in this area.* | Off-leash from March 2 to December 19 the same year, but excluding public holiday weekends, between the hours of 3pm to 10am the following day |

Entry to land under the control of the Department of Conservation may be restricted. Owners should consult with the Department of Conservation prior to entering land under the Department’s control.
# Schedule 2: Dog control areas

## Prohibited Areas for dogs

<table>
<thead>
<tr>
<th>Area and description</th>
<th>Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Prohibited Sites in the Hauraki District</strong></td>
<td></td>
</tr>
<tr>
<td>Children's playgrounds.</td>
<td>Prohibited</td>
</tr>
<tr>
<td>Skate parks.</td>
<td>Prohibited</td>
</tr>
<tr>
<td>Defined areas of ecological sensitivity identified from time to time by the Chief Executive of Council in conjunction with the Department of Conservation which are publically notified and identified with temporary area restrictions and/or signs.</td>
<td>Prohibited for the duration of the determination</td>
</tr>
</tbody>
</table>
| The southern end of Whiritoa beach; defined as that part of the beach south of the beach access off Moray Place and including the urupā site.  
*Note: This area of beach is recognised by the Department of Conservation as a significant New Zealand Dotterel breeding site.* | Prohibited |
| Whiritoa Beach, including the lagoon.  
*Note: Outside these hours but within these dates dogs may be exercised off leash.* | Prohibited from December 20 to March 1 the following year and including public holiday weekends between the hours of 9am to 7pm the same day |
| The pa/urupā site at the summit of the hill in Ngati Koi Recreation Reserve (Black Hill Reserve), Waihi. | Prohibited |
| The beach area, defined as east of the boundary of East Coast road to the mean low water spring, from the District boundary at Miranda/Pōkorokoro to, the southern boundary of Kaihua, which is defined by the southern 50 kilometre per hour speed limit sign. | Prohibited |
Prohibited Areas for dogs on the Hauraki Rail Trial

Dogs are prohibited from those lengths of the Hauraki Rail Trail corridor outlined below. The corridor is defined as being the formed Hauraki Rail Trail track including any area between the fences on either side of the formed track and includes any bridges, underpasses and farm access tracks. Dogs are prohibited between the following points:

a) That part of the Hauraki Rail Trail between Ferry Road, Hikutaia, and the southern side of the Opukeko Stream Bridge, Paeroa.

b) That part of the Hauraki Rail Trail that commences at Ryall Road, Paeroa, through to the Hauraki Rail Trail Bridge immediately north of the stream/drain known as D3 on the Hauraki District Council Matamata-Piako District Council boundary.

c) That part of the Hauraki Rail Trail from the intersection of Rotokohu Road and Te Moananui Flats Road, Paeroa, through to Bridge Street, Karangahake.

d) That part of the Hauraki Rail Trail that commences at the gateway directly south of the western end of the pedestrian footbridge which traverses the Ohinemuri River adjacent to the Victoria Battery, Waikino, through to the northern side of the Hauraki Rail Trail swing bridge (C-11), Waihi.

e) That part of the Hauraki Rail Trail between the western end of the Kopu Bridge on State Highway 25 and State Highway 25, Pipiroa.

f) That part of the Hauraki Rail Trail between unsealed Buchanan Road, Pipiroa, and State Highway 25, Waitakaruru.

g) That part of the Hauraki Rail Trail that commences where the Trail crosses Front Miranda Road, north of the Hot Springs Canal land drain, through to the southern boundary of Kaiaua which is defined by the southern 50 kilometre per hour speed limit sign, south of Kaiaua.
Dog control areas – Map of Whiritoa
Dog control areas – Map of Kaiaua dog control areas
Dog control areas – Hauraki Rail Trail

- On Leash Areas
- Sections of Rail Trail where Dogs are Prohibited
- Rail Trail outside Hauraki District

Map key:

- Southern side of the Opukeko Stream Bridge
- Intersection of Rotokahu Road and Te Moneanui Flats Road
- Hauraki Rail Trail Bridge over the stream/dike on the Hauraki District Council Matamata-Piako District Council boundary
- Western end of the pedestrian footbridge which traverses the Onomohuri River adjacent to the Victoria Battery, Waihīnī.
For more information:

- W www.hauraki-dc.govt.nz
- E info@hauraki-dc.govt.nz
- P 07 862 8609 or 0800 734 834 (from within District)

Visit us at one of our offices:

- Paeroa: 1 William Street
- Ngatea: 84 Orchard West Road
- Waihi: 40 Rosemont Road
Freedom Camping Bylaw 2013

(as amended in 2014)

Effective 1 December 2013
1.0 Introduction

1.1 Purpose
The purpose of this bylaw is to encourage responsible freedom camping in the Hauraki District, whilst recognising that freedom camping is part of our traditional Kiwi culture and is a valued tourist experience. This bylaw regulates freedom camping in public places and the effects on our community and environment to:
   a) protect areas
   b) protect the health and safety of people who may visit the area
   c) protect access to the area

1.2 Title
This bylaw is the Hauraki District Council Freedom Camping Bylaw 2013.

1.3 Enabling enactments
This bylaw is made in accordance with the Freedom Camping Act 2011.

1.4 Commencement
This bylaw comes into force on 1 December 2013.

1.5 Review
A review of this bylaw will be undertaken no later than 5 years after the commencement date above, or within two years after that date.
Amendments were made to this bylaw in 2014 that came into effect on 2 January 2015.

1.6 Related information
There is related information in comment boxes in this bylaw.
Related information does not form part of this bylaw and may be inserted, changed or removed without any formality.
2.0 Definitions

In this bylaw, the following definitions apply.

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorised Officer</td>
<td>means any person delegated, appointed or authorised in writing by the Council to act on its behalf, and with its authority including a Police Constable.</td>
</tr>
</tbody>
</table>
| Freedom Camp        | has the meaning given in section 5 of the Freedom Camping Act 2011; which means to camp (other than at a camping ground) within 200 metres of a motor vehicle accessible area or the mean low-water springs line of any sea or harbour, or on or within 200 metres of a formed road or a Great Walks Track, using 1 or more of the following:
|                     | a) a tent or other temporary structure                                                                                                  |
|                     | b) a caravan                                                                                                                            |
|                     | a car, campervan, van, housetruck, or other motor vehicle.                                                                               |
| Council             | means the Hauraki District Council, or any officer authorised to exercise the authority of the Council.                                   |
| Council area (local authority area) | a) means an area of land-
|                     | i) that is within the boundary of the Hauraki District Council; and
|                     | ii) that is controlled or managed by the Hauraki District 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.                         |
| District            | means the Hauraki District.                                                                                                             |
| Enforcement Officer | means a person appointed as an enforcement officer under section 32 or 33 of the Freedom Camping Act 2011.                              |
| 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 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 and displays a current self containment warrant on one of the front windows. |
3.0 Freedom camping areas

3.1 Specific areas for freedom camping (with restrictions)
A person may freedom camp in any area identified in Schedule 2: Restricted Areas for Freedom Camping, if they comply with the specific restrictions listed for that site.

3.2 Prohibited areas for freedom camping
A person must not freedom camp in any no freedom camping area within the District, as identified in Schedule 1: Prohibited Areas for Freedom Camping, without the prior written consent of the Council.

3.3 Freedom camping and council reserves
In accordance with the Reserves Management Act 1977 freedom camping is not permitted on Council Reserves unless it is identified as a permitted activity in the Hauraki District Council Reserve Management Plan.

4.0 Prior consent from Council

4.1 A person must not freedom camp at any prohibited freedom camping site within the District as identified in Schedule 1 of this bylaw without the prior written consent of the Council, which may be with or without conditions. Consent must be applied for in writing to the Chief Executive Officer of the Council.

4.2 Permission can also be sought from the Chief Executive Officer to waive freedom camping restrictions on a site listed in Schedule 2: Restricted Areas for Freedom Camping, for specific events, which may be granted with or without conditions.

5.0 Offences and penalties

5.1 The Council may use its powers under the Freedom Camping Act 2011 to enforce this bylaw.
5.2
In accordance with section 27 of the Freedom Camping Act 2011, 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, which includes, but is not limited to;

a) Freedom camping in a local authority area in breach of any prohibition or restriction in this bylaw.

b) Interfering with or damaging the area, its flora or fauna, or any structure in the area.

c) Depositing waste in or on the area (other than into an appropriate waste receptacle).

d) Discharging a substance in or on a local authority area where the discharge of the substance is likely to be noxious, dangerous, offensive, or objectionable to such an extent that it has, or is likely to have, a significant adverse effect on the environment; or has caused, or is likely to cause, significant concern to the community or users of the area or land.

5.3
An enforcement officer may require a person who he or she believes on reasonable grounds is committing or has committed an offence to leave the local authority area or conservation land (being conservation land in respect of which the Director-General has consented to officers exercising enforcement powers) concerned within a specified timeframe.

6.0 Relationship of bylaw with Treaty Settlement Act

This bylaw does not limit or affect the rights in relation to Hauraki Iwi entitlements under the Claims Settlement Act 1998.

List of schedules passed

Schedule 1 – Prohibited Sites for Freedom Camping
Schedule 2 – Restricted Sites for Freedom Camping
Freedom Camping Bylaw validation

This bylaw was adopted at a meeting of the Hauraki District Council on 9 October 2013, following public consultation. It was amended at a meeting of the Council on 17 December 2014, following public consultation.

The Common Seal of the Hauraki District Council was affixed in the presence of:

_________________________________ Mr. John Tregidga, Mayor

_________________________________ Mr. Langley Cavers, Chief Executive
Schedule 1 – Prohibited sites for freedom camping

South end of Rays Rest Reserve, Kaihua

The reserve is off East Coast Road, approximately 4.5 km south of the Kaihua township and adjacent to the Firth of Thames and Department of Conservation reserve.
Schedule 2 - Areas for freedom camping with restrictions

Rays Rest, Kaiaua

The reserve is off East Coast Road, approximately 4.5 km south of Kaiaua township and adjacent to the Firth of Thames. Camping is restricted to self-contained vehicles holding and displaying current NZS 5465:2001 certification, maximum two night stay in any one calendar month.
List of Dump Stations and Council carparks

set aside specifically for freedom camping within the Hauraki District

Hauraki District Council Area Office, Orchard West Road, Ngatea
Dump station plus carparks available for one overnight stay in any calendar month. The site is located behind the Council Area Office.

Railway Reserve, Marshall Street, Paeroa
Dump station plus carparks available as per the Council signage at the site.

Hauraki District Council Area Office carpark, Marshall Street, Paeroa.
Carparks available for one overnight stay - only to be used between the hours of 6pm Friday evening and 7pm Sunday evening.

Victoria Park, Seddon Avenue, Waihi
Dump station available.

Freedom camping (includes tenting) is not permitted on Council reserves (grass areas) adjacent to the carparks listed above.
For more information:

- W www.hauraki-dc.govt.nz
- E info@hauraki-dc.govt.nz
- P 07 862 8609 or 0800 734 834 (from within District)

Visit us at one of our offices:

- Paeroa: 1 William Street
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- Waihi: 40 Rosemont Road
Alcohol in Public Places Bylaw 2017

Effective 9 November 2017
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Title: Alcohol in Public Places Bylaw 2017
Sponsor: Strategic Planning
Group Manager Planning & Environmental Services
Approved by: The Hauraki District Council
Adoption date: 25 October 2017
Adoption report: 2286332
Review by: 25 October 2027
File ref: 2517587
Property of Hauraki District Council
1.0 Introduction

1.1 Purpose
The purpose of this bylaw is to regulate the consumption or bringing into and possession of alcohol in specified public places, and for specified days, times and events.

This bylaw should be read in conjunction with section 147 of the Local Government Act 2002, which empowers the Council to make an alcohol control bylaw and sets out a number of specific exemptions to the bylaw with respect to the transportation of unopened containers of alcohol in an alcohol ban area.

In accordance with section 147 of the Local Government Act 2002, this bylaw does not apply to any licensed premises for which a licence is held under the Sale and Supply of Alcohol Act 2012.

1.2 Title
This bylaw shall be known and cited as the Alcohol in Public Places Bylaw 2017.

1.3 Enabling enactments
This bylaw is made in accordance with the Local Government Act 2002.

1.4 Commencement
This bylaw comes into force on 9 November 2017.

1.5 Review
Review of this bylaw will be undertaken no later than 10 years after the last review.

1.6 Related information
There is related information in comment boxes in this bylaw.
Related information does not form part of this bylaw and may be inserted, changed or removed without any formality.
2.0 Definitions

For the purposes of this bylaw the following definitions apply.

<table>
<thead>
<tr>
<th>Term</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol</td>
<td>has the same meaning as in the Sale and Supply of Alcohol Act 2012, or any subsequent legislation.</td>
</tr>
<tr>
<td>Council</td>
<td>means the Hauraki District Council or any officer authorised to exercise the authority of the Council.</td>
</tr>
<tr>
<td>Licensed premises</td>
<td>has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.</td>
</tr>
<tr>
<td>Public place</td>
<td>has the same meaning given by section 147(1) in the Local Government Act 2002;</td>
</tr>
<tr>
<td></td>
<td>a) means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but</td>
</tr>
<tr>
<td></td>
<td>b) does not include licensed premises</td>
</tr>
</tbody>
</table>

3.0 Designation of specified public place as an alcohol ban area

3.1 A person must not, at all times, in any public place:

a) bring alcohol into an alcohol ban area specified in Schedule 1;

b) consume alcohol in an alcohol ban area or in a vehicle within an alcohol ban area specified in Schedule 1;

c) have alcohol in their possession in an alcohol ban area or in a vehicle that is in an alcohol ban area specified in Schedule 1.

4.0 Temporary alcohol bans

4.1 The Council may from time to time, by resolution under section 151 and pursuant to section 147B of the Local Government Act 2002, specify an additional area(s) as an alcohol ban area for a particular period relating to a specified event or particular time of year.

The same prohibitions in clause 3.1 apply for the period of the temporary ban.

4.2 Where a temporary alcohol ban is put in place, a minimum 7 days’ public notice of the temporary alcohol ban shall be given prior to the event or particular time of the year, specifying the
additional alcohol ban area(s) and the time period when the provisions of clause 3.1 of this bylaw shall apply. Public notices shall be affixed in or adjacent to these alcohol ban areas at such times that the provisions of clause 3.1 of this bylaw apply.

5.0 Dispensation

5.1
a) The Council may, on application by any person grant a waiver, dispensation or licence to do or refrain from doing anything which would otherwise be in breach of clause 3.1 of this bylaw for the purpose of enabling possession and/or consumption of alcohol in a public place at the time of any special event.
b) Such a waiver, dispensation or suspension of operation of any part of clause 3.1 shall be granted only in respect of specific time periods and specific locations associated with the special event, to enable better enjoyment of the event by members of the public.
c) The Council may at its discretion impose conditions on any such waiver or dispensation granted.

5.2
a) In considering any application as provided for in clause 5.1, the Council shall obtain and consider a response to the request from the New Zealand Police, including the reason for that response.
b) The Applicant may be required to publicly notify the waiver, dispensation or suspension prior to the commencement period of the period when the waiver, dispensation or suspension commences.

6.0 Fees

6.1
The applicant may be required to pay the Council a fee or charge to cover any actual and reasonable costs associated with processing the application or obtaining a police response to the application under clause 5.1.

6.2
Any relevant consent or approval fees are documented in the Council’s Schedule of Fees and Charges.

7.0 Special licences

This bylaw does not limit any individual or organisation (corporate or otherwise) from obtaining a Special Licence in accordance with the Sale and Supply of Alcohol Act 2012, in which case clauses 3.0 and 4.1 shall not apply.
8.0 Enforcement

a) A constable may use their powers under the Local Government Act 2002 to enforce this bylaw.

b) In addition to their general powers under sections 169 and 170 of the Local Government Act 2002, the Police may exercise the power under section 170(2) of that Act (to search a container or vehicle immediately and without further notice) on specified dates or in relation to specified events notified in accordance with section 170(3) of that Act.

In accordance with section 169 of the Local Government Act 2002, the New Zealand Police is responsible for enforcing this Bylaw and constables have the powers of search and seizure without warrant, and the powers of arrest.

9.0 Offences and Penalties

a) Every person who breaches this bylaw commits an offence.

b) Every person who commits an offence under this bylaw is liable to a penalty under the Local Government Act 2002.

List of schedules passed

Schedule 1 - Alcohol ban areas.

Alcohol in Public Places Bylaw validation

This bylaw was adopted at a meeting of the Hauraki District Council on 25 October 2017, following public consultation.

The Common Seal of the Hauraki District Council was affixed in the presence of:

_________________________________ Mr. John Tregidga, Mayor

_________________________________ Mr. Langley Cavers, Chief Executive
Schedule 1: Alcohol ban areas

Designation of specified public places as alcohol ban areas

The areas identified in this Schedule are those public places which have been designated as alcohol ban areas in which clause 3.1 of this bylaw applies. Maps are indicative only.

Whiritoa

An alcohol ban is in place in all public places in Whiritoa during the periods indicated in the table below:

<table>
<thead>
<tr>
<th>Period</th>
<th>Alcohol ban</th>
</tr>
</thead>
<tbody>
<tr>
<td>Christmas and New Year period</td>
<td>From 4pm 23rd December to 4am 6th January the following year.</td>
</tr>
<tr>
<td>Auckland Anniversary Weekend</td>
<td>From 4pm Friday to 4am Tuesday inclusive each year</td>
</tr>
<tr>
<td>Easter Weekend</td>
<td>From 4pm Thursday to 4am Tuesday inclusive each year</td>
</tr>
<tr>
<td>Queen's Birthday Weekend</td>
<td>From 4pm Friday to 4am Tuesday inclusive each year</td>
</tr>
<tr>
<td>Labour Weekend</td>
<td>From 4pm Friday to 4am Tuesday inclusive each year</td>
</tr>
<tr>
<td>Any other weekend that has a public holiday on the Friday prior</td>
<td>From 4pm Thursday to 4am Monday inclusive each year</td>
</tr>
<tr>
<td>Any other weekend that has a public holiday on the Monday after</td>
<td>From 4pm Friday to 4am Tuesday inclusive each year</td>
</tr>
</tbody>
</table>
**Waihi**

All public places are included in the permanent alcohol ban area at all times of the year within the areas of Waihi listed below:

- Within the 50 kilometre speed limit areas of the Waihi township, and
- Within the 70 kilometre speed limit area of Parry Palm Avenue and 100 kilometre speed limit area of Parry Palm Avenue from Dean Crescent toward the town centre.
**Paeroa**

All public places are included in the permanent alcohol ban at all times of the year within areas of Paeroa listed below:

- Within the 50 kilometre speed limit areas of the Paeroa township.
Ngatea

All public places are included in the permanent alcohol ban area at all times of the year within areas of Ngatea listed below:

- Within the 50 kilometre speed limit areas of the Ngatea township.
**Dickey Flat Camp Ground, Waitawheta**

Dickey Flat campground is a permanent alcohol ban area at all times of the year.
For more information:

- W www.hauraki-dc.govt.nz
- E info@hauraki-dc.govt.nz
- P 07 862 8609 or 0800 734 834 (from within District)

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- Waihi: 40 Rosemont Road