

# HAURAKI DISTRICT COUNCIL

## EXTRAORDINARY MEETING

MINUTES OF AN EXTRAORDINARY MEETING OF THE HAURAKI DISTRICT COUNCIL HELD IN THE COUNCIL CHAMBERS, WILLIAM STREET, PAEROA ON WEDNESDAY, 22 MAY 2019 COMMENCING AT 9.00 AM

### **PRESENT**

J P Tregidga (His Worship the Mayor), Cr D A Adams (Deputy Mayor), Cr P D Buckthought, Cr C Daley, Cr R Harris (9.00am-1.15pm), Cr M McLean, Cr P A Milner, Cr A Rattray, Cr A M Spicer, Cr and Cr J H Thorp (9.00am-1.06pm)

### **IN ATTENDANCE**

Messrs L D Cavers (Chief Executive), P Thom (Group Manager - Planning & Environmental Services), S B Fabish (Group Manager - Community Services), Mrs C Mischewski (Policy Analyst), Mrs S Holmes (Strategic Policy Planner), Mrs W Harris (Regulatory Services Manager) and Ms C Black (Council Secretary)

### **KARAKIA TIMATANGA**

The meeting was opened with a karakia by Cr Thorp.

### **APOLOGIES**

### **RESOLVED**

THAT the apology of Cr D Smeaton, Cr G Leonard and Cr D Swales be received and sustained.

C19/162

Adams/Spicer

**CARRIED**

### **DECLARATIONS OF INTERESTS**

There were no declarations.

### **HEARING OF FEEDBACK ON THE HAURAKI DISTRICT COUNCIL DRAFT BYLAWS (2568189, 2582542, 2582028, 2582033, 2581405, 2580602, 2582552)**

The Policy Analyst gave an overview of draft bylaws and advised of the process in the hearing of feedback on the bylaws.

### **RESOLVED**

THAT the report be received.

C19/163

Harris/Milner

**CARRIED**

### **RESOLVED**

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.

C19/164

Spicer/Buckthought

**CARRIED**

The Mayor welcomed submitters to the hearing and advised that the hearing of feedback from speakers would be recorded for administrative purposes.

### **Verbal feedback Received**

#### **Speakers:**

- 9:20am – Jan de Nicolo – spoke to written feedback.
  - Ms de Nicolo did not provide any further information to what was provided in her written feedback.
  - The Mayor made an apology to Ms de Nicolo regarding her email about the RMA not being something Council can use to address the problem. The Mayor noted that the RMA should be used.
  - Cr Spicer questioned the repetition of the noise.
  - Staff suggested this issue be dealt with under the discretion of the Noise Control Officer (outside the bylaw)
  
- 9:30am – Kenneth Carter – read out written submission provided on the day.
  - Diesel campervan causing nuisance on neighbouring property.
  - Need to provide an answer to the respondent regarding the staff comments and recommendation (following staff review of the feedback)
  - Person who runs the bus has been there for a few years.
  - Question regarding when the road will be resealed again. A service request to be lodged and advise Mr Carter.
  
- 9:50am – Ian James Law arrived earlier at 9:35am and read out his written feedback.
  - Concerned about use of motor vehicles on the Whiritoa beach.
  - Beach is not a public road.
  - Requested that Council stop activities from happening that are not conducive on the beach.
  - Expressed the view that the beach should be protected as an environment for all to enjoy. Asked Council to exercise its powers to protect the beach.
  - There is an increasing population at Whiritoa.
  - Suggested signage be installed at the entrances to the beach and flyers be issued to advise people that the beach is not for motor vehicles.
  - Permit system for use of quadbikes does not appear to be working.
  - Surf Club needs to be more involved in informing members of the public regarding beach activity and public safety.
  - Mayor – suggestion that Kontiki's be registered.
  - Regulation and enforcement is an issue.
  - A member asked Mr Law what the four wheelers are launching. Mr Law confirmed they are launching boats (inflatables) and kontiki's.

The Policy Analyst gave an overview of the feedback received.

Recording of the proceedings terminated at 9:51am.

**Deliberations commenced at 9.52am.**

#	Issue/feedback	Council discussion	Actions/decisions
	<b>Cemeteries</b>	<p>Need to change the sign at the cemeteries as it says 'RSA Cemetery'. Paeroa in particular.</p> <p>Amend wording 'must be buried in the same plot <b>if buried in the services section of a cemetery</b>'. Include that if a spouse or partner dies first they can be interred in the plot before the serviceperson is interred.</p> <p>Group Manager Community Services and Development proposed that the cemeteries procedures manual is brought back to the Council after review.</p> <p>Question from Cr McLean regarding scattering of ashes and whether there is a charge or this is recorded – no it is not recorded or charged for.</p>	<b>Bring bylaw back with amended wording regarding services cemeteries interment.</b>
	<b>Wharves and boat ramps</b>	Disorderly behaviour not an issue. Adopt as presented in Appendix.	<b>Adopted as per appendix.</b>
	<b>Food grading bylaw</b>	Ensure staff advise business owners that it needs to be visible from outside of the business. Councillors were shown the sample grade certificates.	<b>Adopted as per appendix.</b>
	<b>Vehicles on the beach</b>	<p>The Mayor questioned whether the bylaw can penalise the person who is doing it wrong, not everyone. The Policy Analyst clarified that current bylaw says you need a permit if you're not launching a boat, not an emergency vehicle or if you don't have a permit. Because Whiritoa does not have a formed access way down to the beach then all people launching a boat would essentially need a permit as they are not using a formed boat ramp. The Mayor questioned whether it will apply to Kaiaua – staff confirmed that it will apply to Kaiaua. If a person is driving on the beach they must comply with traffic regulations. Council can put a speed limit on the beach through a speed limit bylaw.</p> <p>The Animal Control Officer noted there is currently people with permits for launching of crafts and kontiki. The footprint of having that bike on the beach is the same. There is</p>	<p><b>Staff to amend bylaw wording – no permits to be issued. Bylaw exceptions given to launching craft, disabled people and emergency vehicles.</b></p> <p><b>Staff to include that bylaw is only applicable to Whiritoa Beach.</b></p>

		<p>an issue with people hooking up domestic trailers with beach umbrellas etc.</p> <p>It was noted if people have a surf caster then it should be carried by hand. Approximately 15 people with permits and there is around 30-40 crafts and there is no way of knowing who is permitted or not. Regardless of the bylaw, the enforcement is difficult. The Policy Analyst noted if the Council adopts a bylaw under the Land Transport Act then a traffic warden can issue infringements but that's only for stationary vehicles (parking). Speed – police will enforce.</p> <p>Mayor – stated that it makes sense to allow for launching of boats and kontikis and emergency vehicles.</p> <p>Cnr Harris queried whether the Council can have a bylaw that goes from labour weekend to Easter. Answer is yes. Suggest that perhaps the only way is to ban everything except emergency vehicles and launching during this time.</p> <p>Registration of vehicles was discussed. The Chief Executive advised that people don't have to be warranted but need to be up to warrant standard. If permits are used staff would prefer a tag or a transfer be used for identification.</p> <p>Mayor asked Cnr opinions on three options:</p> <ul style="list-style-type: none"> <li>- ban all vehicles except for launching of boats and kontiki, emergency (as draft bylaw) and disabled.</li> <li>- Permit for everyone.</li> <li>- No permits for anyone.</li> </ul> <p>Permit system - Cnr Milner, Cnr McLean - 2 Prohibit all vehicles except launching boats, disabilities, emergency vehicles – 7 (i.e. no permits issued).</p>	
7.1	Fireworks	<p>Staff recommendation – fireworks are central government issue.</p> <p>Staff do not believe you can enforce the use of fireworks practically under the RMA.</p>	<p><b>Remove commentary bubble regarding fireworks.</b></p> <p><b>Approve staff recommendation.</b></p>
3.1	Overgrown/litter on private property	<p>Difficult to enforce. Discussion around Health Act/vermin etc.</p>	<p><b>Approve staff recommendation.</b></p>
10.3 12.3 2.1	Skating device areas	<p>Scooters and skateboards are skating devices. Councillors have no problem with relaxing the bylaw a bit, due to streetscape of west end of town.</p>	<p><b>Amend the ban from to start the public toilets</b></p>

			<b>down to River Road.</b> <b>Footpath signs will need to be changed.</b>
1.1	Flag poles	This matter is not to be included in the bylaw, but addressed through other avenues e.g. RMA.	<b>Group Manager to come back to the Council with options for the enforcement of this issue.</b>
11.2 9.4	Enforcement	No recommendations to change the bylaw. Parking enforcement traffic wardens can issue infringements for meters, however the Council does not have a parking warden.	<b>Approve staff recommendation.</b>
11.3	Bylaw communications	Requested better communications around the bylaw issues affecting Whiritoa. Communications team are looking at implementing an e-newsletter.	<b>Staff to come up with key messages to distribute.</b>
12.5	Bee keeping	Recommendation as per Apiculture New Zealand was approved. There are some people that are extremely allergic to bees and carry medication on them. Permits would mean people are aware of neighbours' ability to keep bees etc. Some issues of school kids walking past, and location of hives.	<b>Approve staff recommendation.</b>
12.4	Stock/calf club Cats	Council approved the draft bylaw wording.  The Mayor noted it would be good to ensure that cats don't wander onto DOC reserve. It was decided not to include it in the bylaw though.	<b>Approve staff recommendation.</b>
	Mr Carter's submission.	Inwards document will be dealt with by Planning & Environmental Services staff.	<b>To be addressed through usual process. Mr Carter will be advised.</b>
	Fees and charges	No permits will be issued for vehicles on the beach, so no fee required.  There was much discussion regarding fee for pigs, poultry, bees. Urban area/Low Density Residential Zone. If charging for one then all should be charged for, R&FP for animal control (under community protection) states 5-15% revenue from fees and charges.	<b>Approve staff recommendation.</b>  <b>Cemetery fees adopted as per recommendation.</b>
	Franklin bylaws	Revoked.	<b>Revoked as per staff recommendation.</b>
	Separation of bylaws	The separation of the Consolidated Bylaw was approved for public notification.	<b>Publicly notify as per staff recommendation.</b>

### **Wharves and Boat Ramps Bylaw 2019 Decisions**

The Policy Analyst presented the report on the Wharves and Boat Ramps Bylaw 2019 and sought feedback from the members on content.

#### **RESOLVED**

THAT in accordance with sections 145 and 146 of the Local Government Act 2002 the Council adopt the draft Wharves and Boat Ramps Bylaw 2019 as attached, 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.

C19/165

Buckthought/Spicer

**CARRIED**

### **Food Grading Bylaw 2019 Decisions**

The Strategic Policy Planner and Policy Analyst presented the report on the Food Grading Bylaw 2019 and sought feedback from the members on content.

#### **RESOLVED**

THAT in accordance with section 145 of the Local Government Act 2002 the Council adopt the draft Food Grading Bylaw 2019 as attached, and

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

C19/166

McLean/Thorp

**CARRIED**

### **Cemeteries Bylaw 2019 Decisions**

The Policy Analyst presented the report on the Cemeteries Bylaw 2019 and sought feedback from the members on content.

Following discussion, it was agreed that amendments be made in the wording 'must be buried in the same plot if buried in the services section'. Include that if a spouse or partner dies first they can be interred in the plot before the serviceperson is interred.

The Group Manager – Community Services and Development proposed that the cemeteries procedures manual is brought back to the Council after review.

Cr McLean asked a question regarding scattering of ashes and whether there is a charge and/or if this is recorded. He was advised that is not recorded or charged for.

#### **RESOLVED**

THAT in accordance with section 146 of the Local Government Act 2002 and section 16 of the Burial and Cremations Act 1964 the Council 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.

C19/167

Tregidga/Adams

**CARRIED**

The meeting adjourned at 10.40am.  
The meeting reconvened at 10.55am.

### **Nuisance Bylaw 2019 Decisions**

The Policy Analyst presented the report on the Nuisance Bylaw 2019 and sought feedback from the members on any amendments they considered were required within the nuisance bylaw in consideration of the submissions received and presented.

Following discussion, it was agreed that staff consider feedback further and make amendments if/where required and report back to Council on these.

#### **RESOLVED**

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 accordingly amend the draft Nuisance Bylaw 2019 and report back to Council.

C19/168

Adams/Spicer

**CARRIED**

### **All Bylaws in Effect and Publicly Notified**

#### **RESOLVED**

THAT the Wharves and Boat Ramps Bylaw 2019 and the Food Grading Bylaw 2019 will come into effect on 1 July 2019, and

THAT in accordance with section 157 of the Local Government Act 2002 the adoption of the Wharves and Boat Ramps Bylaw 2019 and the Food Grading Bylaw 2019 be publicly notified.

C19/169

Tregidga/McLean

**CARRIED**

### **Revocation of Franklin District Council Bylaws**

The Policy Analyst presented the report on the revocation of the Franklin District Council Bylaws.

#### **RESOLVED**

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

THAT in accordance with section 157 of the Local Government Act 2002 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 be publicly notified.

C19/170

Milner/Buckthought

**CARRIED**

**2019/20 FEES AND CHARGES CHANGES AS A RESULT OF BYLAW REVIEWS (2579319)**

The Strategic Policy Planner and Policy Analyst presented the report and sought feedback from the members on the bylaw-related fees and charges for certain permissions or approvals related to activities within the bylaws.

**RESOLVED**

THAT the report be received.

C19/171

McLean/Milner

**CARRIED**

Cr Thorp left the meeting at 1.06pm.

**RESOLVED**

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

THAT in accordance with section 150 of the Local Government Act 2002, a new fee of \$60 for keeping pigs in a low density residential zone in accordance with the Nuisance Bylaw 2019 be approved, and

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, and

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

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.

C19/172

McLean/Milner

**CARRIED**

**SEPARATION OF PART 3: PUBLIC SAFETY OF THE HAURAKI DISTRICT COUNCIL CONSOLIDATED BYLAW 2007 (2568376, 2515669, 2517496, and 2517587)**

The Policy Analyst and Strategic Policy Planner presented a report which sought a resolution to confirm the separation of the clauses in Part 3: Public Safety of the Council's Consolidated Bylaw into separate bylaws.

**RESOLVED**

THAT the report be received.

C19/173

Milner/Adams

**CARRIED**

**RESOLVED**

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.

C19/174

Milner/Adams

**CARRIED**

Cr Harris left the meeting at 1.15pm.

The meeting was closed at 1.30pm.

CONFIRMED

J P Tregidga  
Mayor

26 June 2019