

## REPORT

Item Number:

### **Open Meeting**

<b>To</b>	Policy & Regulatory Committee
<b>From</b>	S Duignan General Manager Customer Support
<b>Date</b>	20 January 2016
<b>Prepared By</b>	Shelley Monrad Craig Birkett
<b>Chief Executive Approved</b>	Y
<b>DWS Document Set #</b>	1115261
<b>Report Title</b>	<b>Submission on the proposed Public Places Bylaw 2015</b>

## **1. Executive Summary**

On 12 October 2015 Council resolved to consider and approve the Proposed Waikato District Council Public Places Bylaw 2015 for public notification and consultation, in accordance with Sections 83 (special consultative procedure) and 86 (use of special consultative procedure in relation to adoption or review or amendment of bylaws) of the Local Government Act 2002.

The proposed bylaw was notified for public consultation on 28 October 2015, with submissions closing on 30 November 2015. Public notices to this effect were placed in the Waikato Times, North Waikato News, Franklin County News, and Raglan Chronicle. In addition to this, an overview of the proposed bylaw and summary of changes was included and distributed in the October-November 2015 Link.

In total, 18 submissions have been received on the proposed bylaw (refer to page 4 of Appendix I for the issues that were raised), with 14 submitters indicating that they wish to be heard.

The purpose of this meeting is to hear and consider submissions on the Proposed Waikato District Public Places Bylaw 2015.

The following documents are included as appendices to this report:

- Appendix 1 - A summary report incorporating staff comments on submissions to the Proposed Waikato District Council Public Places Bylaw 2015. (attached separately)
- Appendix 2 - Copies of Original Submissions on the Proposed Waikato District Council Public Places Bylaw 2015. (attached separately)
- Appendix 3 - Revised Waikato District Council Public Places Bylaw 2015. (incorporating suggested changes as a result of submissions as tracked changes) (attached separately)

## **2. Recommendation**

**THAT the report of the General Manager Customer Support – Submission on the proposed Public Places Bylaw 2015 be received;**

**AND THAT pursuant to sections 83 and 150 of the Local Government Act 2002, the Committee consider and, where requested, hear submissions on the notified Proposed Waikato District Council Public Places Bylaw 2015.**

**AND FURTHER THAT subject to any amendments, the proposed bylaw will be further considered by the Committee at its meeting on 15 March 2016, with a view to recommending the Waikato District Council Public Places Bylaw 2015 for adoption at the Council meeting on 11 April 2016.**

### **3. Background**

Council currently has five Bylaws that relate to public places.

1. Franklin District Council Public Places Bylaw 2007;
2. Franklin District Council Traffic Control Bylaw 2006;
3. Waikato District Council Parking, Traffic Control and Public Places Bylaw 2007;
4. Franklin District Council Trading in Public Places Bylaw 2008; and
5. Waikato District Council Trading in Public Places Bylaw 2008.

The reasons for the review are:

1. Consistency across the district in relation to management of public places;
2. Efficiency and effectiveness for managing similar issues in public places; and
3. Due for a 10 year review in accordance with the Local Government Act.

Whilst undertaking this review, consideration was given to the clauses contained in the bylaws listed above, the intention is to revoke those bylaws and replace them with one Public Places Bylaw following consultation.

The proposed Public Places Bylaw 2015 sets specific regulations that allows Council officers to enforce these provisions.

A Bylaw to manage public places in the District is the most appropriate way to address the issues identified.

#### **3.1 Content of the bylaw**

The proposed bylaw is made up of a number of parts, each of these parts aim to address separate issues. The majority of the clauses that are in the proposed public places bylaw have been adopted from the current bylaws. The separate parts of the bylaw are:

##### *Part 1 – Introduction*

This part identifies the background behind the creation of the bylaw and provides information on the interpretation of the bylaw.

##### *Part 2 – Parking*

This part enables parking restrictions to be put in place for public places. This part also identifies other restrictions for parked vehicles or stationary items on the road.

##### *Part 3 – Activities in Public Places*

This part contains clauses that protect the public from nuisance and minimise the potential for offensive behaviour in public places. It also contains clauses for the purpose of managing public places.

#### *Part 4 – Traffic Control*

This part of the bylaw enables Council to set controls for moving vehicles. It allows Council to identify one way streets, restrictions on the type of vehicle that can use certain roads, and engine braking restrictions.

#### *Part 5 – Trading in a Public Place*

This part of the requires anyone selling goods in a public place to have a licence. It sets out the requirement to for what must be contained in an application and the conditions that may be applied to any licence that is granted.

#### *Part 6 - Control of Electoral Signage*

This part identifies the restrictions that will apply to Electoral advertising that can be seen from a public place. This part has been introduced in order to ensure that there are enforceable controls for election signage when Plan Change 19 is completed.

#### *Part 7 – Exemptions, Offences and Penalties*

This part of the Bylaw establishes how the Bylaw is managed and identifies that by not complying with the requirements of the bylaw an offence is created. It also establishes that schedules to the bylaw may be amended by resolution. This enables changes that are needed to parking controls, One way and vehicle street restrictions, areas where skateboards are prohibited.

### **Proposed Public Places Bylaw changes**

The proposed bylaw is a combination of three Franklin District Council bylaws and two Waikato District Council Bylaws relating to public places. By combining the five bylaws, staff created a document that has consistent requirements across the whole district.

Proposed changes to the Bylaw were:

- New rules banning the use of “legal highs” in public places.
- Introduction of restrictions around electoral advertising.
- Amendments to parking restrictions in Huntly, Ngaruawahia and Raglan.
- Removal of freedom camping rules from this bylaw (this will be included in a separate freedom camping bylaw).

### **Removal of Freedom Camping clauses**

Freedom camping is currently controlled under the Parking, Traffic Control and Public Places Bylaw 2007. The proposed Public Places Bylaw will not include controls to address freedom camping. Freedom camping controls will be made in a specific Freedom Camping Bylaw (to be developed in early 2016). The current bylaw will remain in force until the proposed Public Places Bylaw is adopted in April 2016. Until the new Freedom Camping Bylaw is adopted any issues relating to freedom camping will be managed using the Local Government Act and the Freedom Camping Act 2011.

The need to have a separate Freedom Camping Bylaw is in response to the direction set by Central Government through the Freedom Camping Act 2011. The Freedom Camping Act 2011 identifies that freedom camping is permitted in public places unless Council makes a bylaw prohibiting or restricting areas.

### **3.2 Pre-consultation carried out**

The proposed bylaw has been circulated amongst the Community Boards seeking their feedback. This feedback has informed the drafting of the proposed Public Places Bylaw 2015 Bylaw.

### **3.3 Proposed bylaw**

On 28 October 2015, the proposed bylaw was publically notified in accordance with section 83 of the Local Government Act 2002, with submissions closing on 30 November 2015. During the submission period 18 submissions were received.

An overview of the proposed bylaw and summary of changes was included and distributed in the October-November 2015 Link, and was available on Council's website.

Staff have separated out submission points based on their content and clauses of the proposed bylaw.

Appendix one of this report provides a list of submitters and the issues raised by submitters with an accompanying staff comment (where appropriate).

A copy of each original submission for the proposed Public Places Bylaw 2015 is provided as Appendix 2 of this report in numerical order of submitter number.

The submissions on the proposed Public Places Bylaw 2015 cover a wide range of issues, (refer to page 4 of Appendix 1 for the summary).

Council must consider each submission, and make a determination on each of the issues raised. Each submitter is entitled to be informed of the outcome of their submission, including the reasons for the decision.

All submissions to the proposed Public Places Bylaw 2015 have been acknowledged and each submitter will receive a written response following Council's adoption of the Public Places Bylaw 2015.

## **4. Discussion**

### **4.1 Summary of Submissions Received**

Eighteen submitters commented on a variety of issues associated with the proposed bylaw including the placement of parking controls, management of public places and provision of services. While each submission point is addressed in Appendix 1, the main points of concern include:

- Reviewing the parking restrictions in Raglan.

The Raglan Community Board requested some changes to the parking maps for Raglan, a survey of local business was undertaken by the board and was included in their submission.

Concern was expressed at the lack of parking in Raglan particularly during the busy summer period.

Parking at the Raglan Wharf was identified as an issue with requests to incorporate a time restriction for cars with boat trailers and divergent views regarding the proposal to incorporate additional car parking at the wharf.

- Requests for the improvement or inclusion of services that are not currently planned and are outside the scope of the bylaw.

Submitters also made requests for new boat ramps at Raglan, and other physical works associated with boating.

A submitter questioned whether parking/skateboard controls should be put in place for Pokeno.

A submitter also asked for the development of reserves and open spaces in and around Tuakau.

These submission aspects are outside the scope of the bylaw.

Staff have considered each submission and have provided a response to each of the points raised. Where it has been identified that a change could be made to the proposed bylaw it has been included as a tracked change in the revised bylaw in Appendix 3. As a result of the submissions there have been no recommended changes to the clauses in the bylaw, however there have been recommended changes to schedule 1 and maps 3 (Raglan) and 4 (Raglan Wharf).

## **4.2 Submission amendments that have been incorporated into the proposed bylaw**

As a result of the submissions that have been received staff have made recommended changes to the schedules of the Bylaw (where possible these changes have been marked as tracked changes in Appendix 3) these changes are:

Schedule 1: Change made to introduce a 48 hour time limit on boat trailer parks.

Correction of spelling for Wallis Street.

Addition of Bankart Street into a P120 time limit parking area.

Map 3: Change made to show location of Bankart Street P120 time limit parking area (was unlimited parking).

Addition of no stopping areas at helipad off Wainui Road, Bankart Street and Wallis Street.

Addition of a disabled parking area outside 45 Bow Street.

Map 4 Addition of no parking line to show no parking hatched area on wharf.

Addition of emergency vehicle line to show hatched area above boat ramp.

Removal of 1 boat trailer park to replace with 4 carparks (change not shown on map)

## **5. Considerations**

### **5.1 Financial**

It is not envisaged that the proposed Bylaw will require any extra funding over that which is currently provided in operational budgets.

Review of fees and charges associated with the bylaw will follow the special consultative procedure and are incorporated into Council's fees and charges schedule at the next Long Term Plan process in 2018.

## 5.2 Legal

Section 155 of the LGA requires a local authority to undertake an assessment before commencing the process of making a bylaw. The review process to date has identified what the perceived problem is and assessed that the use of a bylaw is an appropriate mechanism to assist in managing activities that happen in public places (roads, streets and parks) in the Waikato District.

Section 155A(2) of the Local Government Act 2002 compels the Council to consider whether a proposed bylaw is the most appropriate form of bylaw. The proposed bylaw has been shaped to focus on readily identifiable problems and customised to suit the particular circumstances of the Waikato District. It is therefore concluded that the proposed bylaw is the most appropriate form of bylaw.

## 5.3 Strategy, Plans, Policy & Partnership Alignment

Staff recommend that fees and charges associated with public places within the district be solely managed through Council's Schedule of Fees and Charges.

## 5.4 Assessment of Significance

The Public Places Bylaw 2015 triggers Council's Significance and Engagement Policy as the Special Consultative Procedure was required and undertaken.

## 6. Consultation

The following stakeholders have been/or will be consulted:

Planned	In Progress	Complete	
		✓	Internal
		✓	Community boards
		✓	Waikato-Tainui/Local iwi
		✓	Police
		✓	NZTA
		✓	Business Associations
		✓	Residents and Ratepayer groups

The Special Consultative Procedure was required to be undertaken in making the bylaw. A public notice was placed as part of this procedure and key stakeholders notified.

Feedback was sought from the Community Boards on this review. Initial feedback was provided in March 2015. Staff reviewed the feedback provided and included changes where appropriate into the proposed Bylaw. These changes in response to the feedback were presented to the Community Boards for further consideration in August 2015 prior to formal notification.

## 7. Conclusion

The proposed Public Places Bylaw 2015 has been notified for public consultation. Eighteen submissions were received and are summarised in this report. Recommendations have been made on the submissions that have been received and recommended changes have been made

to the bylaw. These recommended changes have been identified as tracked changes in Appendix 3. Council will decide the final bylaw following consideration of all submissions.

## **8. Attachments**

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