



Draft Public Places Bylaw: Statement of Proposal

Introduction

Tararua District Council seeks your views on its draft Public Places Bylaw 2024.

The current Public Place Bylaw and Trading in Public Places Bylaw were adopted in 2018 and are now due for review.

This statement of proposal is prepared under sections 83 and 86 of the Local Government Act 2002 (LGA) and contains:

- a copy of the draft Public Places 2024 (the 'draft bylaw')
- information about the proposed amendments, including Council's determinations under section 155 of the LGA;
- the reasons for the proposed amendments;
- how you can have your say; and
- timetable for consultation.

In summary, Council is proposing to amalgamate the current two bylaws relating to the use of public places into a new, more succinct bylaw. It is proposing an update in wording (including for example to use the term 'micromobility device' to catch all small vehicles such as bicycles, scooters, and skateboards); and changes to make the bylaw easier to understand. The bylaw also provides a framework to grant permits/approvals.

Regulations relating to stock control (grazing) and freedom camping have been included, without change, in the schedules to the draft bylaw. The reason for this is that Council is likely to consider, at a future date, making new (separate) bylaws to specifically deal with these matters. If such bylaws are ever made (following a consultation process) then these Schedules can be removed without working through the special consultative process.

Proposal

This statement of proposal relates to the review of the Public Places Bylaw and the Trading in Public Places Bylaw and is prepared in line with sections 83, 83AA and 87 of the LGA.

The Council proposes that:

- (a) a new bylaw (the Public Places Bylaw 2024) should be made;

- (b) the Public Places Bylaw 2018 and Trading in Public Places Bylaw 2018 be revoked once the Public Places Bylaw 2024 comes into force.

The key changes are summarised in this Statement of Proposal and are set out in the draft bylaw (**Attachment 1**).

Proposed Changes

The main proposed changes are summarised below (only substantive changes are listed):

- Additional terms are added into the interpretation section, noting that many of these terms currently sit in the Administrative Bylaw, which is likely to be repealed in the future.
- Adding the term ‘micromobility device’ to be a catch-all phrase for bicycles, skateboards, scooters and any other small, lightweight vehicles (and removing single definitions for bicycles and skateboards).
- Amalgamating all prohibited activities into one clause (clause 6) for ease of reference.
- Amalgamating all activities which require approval into one clause (clause 7) for ease of reference.
- Adding the following prohibitions in public places: (clause 6)
 - Do anything to cause or allow a nuisance to occur.
 - Obstruct, disturb or interfere with any other person in their access, use or enjoyment of that public place.
 - Litter or cause a nuisance by depositing leaflets, fliers, samples or other promotional material.
- Placing the restrictions on freedom camping and stock control into separate schedules (for the reasons outlined in the introduction section above).
- Changing the term ‘exposing articles for sale’ to ‘retail display on footpaths’ (clause 14) for clarity and ease of use.
- Adding a requirement for retail displays that the operator keeps the display clean and tidy at all time (clause 14.2(f)).
- Adding a requirement for awnings, blinds, umbrellas, sandwich boards and tables that they must be maintained to a good standard at all times (clause 15.1(g)).
- Adding requirements for alfresco dining on footpaths (clause 16).
- Simplifying the requirements on mobile traders and hawkers (currently in the Trading in Public Places Bylaw) into one clause which covers all selling and trading of goods and services in public places (clause 17).
- Adding a requirement that event organisers of events in public places should obtain permission (with exceptions for small scale events etc) (clause 20).
- Placing the process for obtaining approvals; reviews of approvals; what happens when there is non-compliance; and enforcement matters into the bylaw (most of which is currently found in the Administrative Bylaw).

Reason for Proposal

Background

Council is empowered by section 145 of the LGA to make bylaws protecting the public from nuisance; protecting, promoting and maintaining public health and safety; and minimising the potential for offensive behaviour in public places.

The draft bylaw is intended to regulate activities in public places; protect the environment; and ensure that public places are safe and accessible.

Legal Framework: s 155 determinations

Council must determine, pursuant to section 155 of the LGA, whether:

- A bylaw is the most appropriate way of addressing the perceived problem;
- The draft bylaw is the most appropriate form of bylaw; and
- The draft bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Council must also comply with the general decision-making requirements in sections 76 to 82 of the LGA in that it must identify and consider all reasonably practicable options and the community's views.

Is a bylaw the appropriate means to deal with a problem?

The problem needs to be defined before determining whether a bylaw is the most appropriate method of addressing the perceived problem. The purpose of this bylaw is to protect, promote and maintain health and safety and the public enjoyment of public places within the District by ensuring that public places are used in a manner that will not cause any obstruction, nuisance or damage, or endanger the public.

It is considered that a bylaw is the most appropriate way to regulate the activities that take place in public places. The purpose of the bylaw can be divided into three broad categories: safety, usability, and the environment. The bylaw prohibits/restricts a specified list of activities in order to promote amenity and safety in public places. It can also be used as a reference in signage that attempts to prohibit violation of a bylaw.

The draft bylaw provides a process for the public to inform Council when undertaking potential nuisance activities such as busking, and allows Council to manage any adverse effects arising from such events.

Is the bylaw in the appropriate form?

The draft bylaw is the most appropriate form of bylaw. It places clear controls and restrictions on the use of public places to reduce the potential for nuisance or harm to others; allows for exceptions and special circumstances and is consistent with Council document standards and has been written in plain English so far as possible.

The final form of the bylaw will be determined after the Council has heard and considered submissions as part of a consultation process using the special consultative procedure.

Is the bylaw consistent with the New Zealand Bill of Rights Act 1990?

The draft bylaw is designed to regulate activities in public places only as far as necessary to ensure they do not create a nuisance or endanger the health and safety of the public. The other issues covered in the draft bylaw permit certain activities to occur (events, busking, trading), provided that certain conditions are met to ensure that these activities do not cause a nuisance to other members of the community. As its purpose is to protect and promote public safety, it does not unreasonably interfere with any of the rights in the New Zealand Bill of Rights Act 1990.

Following the prescribed special consultative procedure set out in section 83 of the LGA Council will consider the final draft of the proposed bylaw and its New Zealand Bill of Rights Act 1990 implications, if any.

Consultation

In making, amending or revoking a bylaw, Council must use the Special Consultative Procedure set out in section 83 of the LGA. Council has prepared and adopted the draft bylaw for public consultation. Any person can make a submission on the draft bylaw and we invite you to have your say.

The following dates are relevant to the consultation process:

- (a) Council resolved to undertake public consultation regarding the Proposal at the Strategy, Growth and Planning Committee meeting on 13 February 2024
- (b) Submissions open on 1 July 2024
- (c) Submissions close on 31 July 2024

Submissions will be heard before the Strategy, Growth and Planning Committee on 7 August 2024, with Council considering the outcome of the consultation process and its decision at a Council meeting some time following the hearing date, and likely to be on 28 August 2024.

The key point to note is that consultation opens on 1 July 2024 and closes on 31 July 2024.

You are encouraged to participate in this important consultation process.

There are several ways you can have your say. A submission form is provided with this document, or you can fill in your submission online.

How to get your submission to us:

Mail to: Draft Public Places Bylaw
Taranua District Council
PO Box 115
Dannevirke 4942

Email to: submissions@tararua.govt.nz

Deliver to: Council offices in Eketāhuna, Pahiatua, Woodville or Dannevirke

Online: <https://www.tararua.govt.nz/publications/consultation/current-consultation>

This Statement of Proposal is issued pursuant to section 155 of the LGA and in compliance with sections 76AA, 82, 83 and 148 of the LGA.

Bryan Nicholson
Chief Executive

Attachments:

1. Draft Public Places Bylaw 2024
2. Submission form