

Ture ā-Rohe mō te Haumarutanga o te Hapori 2025 | Community Safety Bylaw 2025

Tauākī Tūtohu | Statement of Proposal



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Kupu Whakataki | Introduction

Matamata-Piako District Council (Council) are proposing a Community Safety Bylaw (previously Public Safety Bylaw) which is made in accordance with the Local Government Act 2002, the Litter Act 1979, the Health Act 1956, the Land Transport Act 1998, and the Reserves Act 1977.

Currently, the Public Safety Bylaw 2014 contains clauses to support safety in public areas in Matamata-Piako. This draft Bylaw proposes the following:

- a) a change in name to reflect a broader focus of fostering safer, more inclusive communities. This conveys that the bylaw aims to promote safety, amenity and respect, not just in public places but also addresses nuisance issues on private property.
- b) the inclusion of relevant clauses from the Public Amenities Bylaw
- c) strengthening of Bylaw wordings and inclusion of explanatory notes to reflect early engagement received.

The purpose of the Bylaw is to ensure that acceptable standards of convenience, safety, visual amenity and civic values are maintained for the safety and enjoyment of citizens, visitors and businesses within the district.

The Bylaw addresses aspects to support community health and safety including, but not limited to: trading in public places, animals in public places, skating bans, use of vehicles, nuisance on private property, and also includes alcohol ban areas.

Ngā Take mō te Tūtohutanga | Reasons for the proposal

Council is committed to supporting the safety, wellbeing, and quality of life for all members of our community. The draft Community Safety Bylaw is proposed to ensure there are clear guidelines for our public places to address behaviours and activities that impact public health, safety, amenity and civic values. This draft Bylaw aims to set clear expectations for behaviour in public spaces, reducing nuisance and supporting a safe and harmonious environment

A clearly defined Bylaw provides Council and other enforcement agencies (including New Zealand Police) with the necessary tools to address safety concerns consistently and fairly. It also offers the community a transparent understanding of acceptable and unacceptable behaviours and activities in our district.

This proposal reflects our shared commitment to enhancing the quality of life in Matamata-Piako, ensuring our district remains a safe and enjoyable place for everyone.

Te mānuka e kawea ake ana | What we're proposing

Option 1: Adopt the draft Bylaw as proposed to the community

- The draft Community Safety Bylaw has been structured to assist in readability and understanding through the separation of clauses into distinct parts. This means that the community will be able to find applicable rules more easily.
- Applicable definitions have been added/amended from the Council's Introductory Bylaw 2020 to ensure this Bylaw can 'stand alone'.
- Explanatory notes have been added to assist in understanding and to provide context to the reader. They do not form part of the Bylaw and can be updated at any time without formality.

The following provides a summary of proposed changes:

Proposed addition of explanatory notes

Skating devices	In response to some community concerns around mobility scooters in town centres, explanatory notes have been added noting responsibility of users under relevant Land Transport Rules and advice to travel at walking speed and to be considerate of other footpath users.
Animal nuisance	During early engagement, feedback was received calling for Council to include provisions relating to domestic cats. Council considers that this is not practical at this stage due to a lack of central government legislation (as opposed to the Dog Control Act 1996, that specifically empower Council to deal with dogs), and challenges with enforcement. Instead, the focus is placed on responsible cat ownership through the inclusion of an explanatory note recommending microchipping and de-sexing.

Proposed addition of bylaw clauses/maps

Council facilities	The definition of Public Amenity in the Public Amenity Bylaw includes Council facilities such as libraries and swimming pools. In order to continue to respect these places and recognise them as important community assets, Council is proposing to add a clause to the draft Community Safety Bylaw to allow the removal of any person displaying inappropriate or disruptive behaviour. This clause reflects feedback from staff relating to a noted increase in anti-social behaviour at Council facilities and comments from the public about the continued importance of these facilities as safe and inclusive places for the community.
Areas excluded from Mobile Shop Trading (Te Aroha)	During the review of the Public Amenities Bylaw, it has been identified that there was an error with the Te Aroha map. A revised map has been generated to reflect the approach in other areas – e.g. placing some restrictions in the main streets etc.

Proposed strengthening of bylaw clauses

<p>Fires in the open air</p>	<p>A strong theme that came through via early engagement with the community was the nuisance and health issues caused by the burning of fires. This clause has been strengthened through the reference to the Health Act 1956, of which Council has recourse to take action in response to concerns/complaints about smoke nuisance.</p> <p>Explanatory notes have also been added to clarify Fire and Emergency New Zealand and Waikato Regional Council responsibilities and advice around the lighting of fires to avoid smoke nuisance.</p>
<p>Keeping of Animals</p>	<p>To address community concerns related to animal nuisances, it is proposed to strengthen this clause to include any action that Council may take to reduce nuisance effects.</p>

Proposed removal of bylaw clauses

<p>Conduct in public places</p>	<p>It is proposed to remove reference to illegal activities such as illegal drugs as such activities are prohibited by central government legislation and the primary responsibility for enforcement is the responsibility of the New Zealand Police.</p>
<p>Accommodation Standards (including schedule 8 of the Public Amenities Bylaw – operational and management criteria for hostels with regard to safety, ventilation, sanitary conditions and overcrowding)</p>	<p>It is proposed to remove this extensive clause and related schedules due to the following reasons:</p> <ul style="list-style-type: none"> • The standards are already addressed under existing legislation, such as the Residential Tenancies Act 1986 and the Building Act 2004. Removing the clause avoids unnecessary overlap and regulatory duplication and ensures that regulations remain clear and consistent. • Council has a Dangerous, Affected and Insanitary Buildings Policy to address relevant issues through the Building Act 2004. • Effective enforcement is more appropriately managed by central agencies with established processes for inspection and compliance. • The bylaw review aims to streamline regulations and focus on core community safety and amenity issues. Removing this clause ensures that the bylaw remains targeted and relevant to the specific needs of the community.
<p>Food hygiene and standards of training required for staff that handle food (including schedule 7 of the Public Amenities Bylaw)</p>	<p>It is proposed to remove the food hygiene clauses and related schedules. This is because the provisions of the Food Act 2014 applies. The Food Act 2014 established a comprehensive, nationwide framework for managing food safety and hygiene, ensuring consistent standards across all food businesses. Retaining the provisions in the updated bylaw would create unnecessary duplication and regulatory confusion. By aligning with the Food Act 2014, the Council is ensuring that food safety is managed under a single, legal framework, reducing administrative complexity and promoting consistency for businesses and consumers.</p>

What we're proposing to stay the same (apart from some streamlining to the wording):

Some clauses and schedules have been streamlined during the review process and any unnecessary detail repeated in the Bylaw or duplicated in legislation has been removed. This does not change the intent of any of these clauses.

- Obstructing Public Places
- Damage to Public Places
- Assembly on Public Places
- Projections on Public Places
- Animals on Public Places
- Water
- Road and building identification
- Electrical or barbed wire fencing
- Skating (including restricted areas for skating devices)
- Signage including the conditions applicable to sandwich boards schedule (note it is proposed to remove Annexure B within the current Public Safety Bylaw and incorporate within the signage clauses within the Draft Community Safety Bylaw).
- Control over the possession and consumption of alcohol in public places – following recommendation from the New Zealand Police, Council is proposing to continue with the same alcohol ban areas as in the Public Amenities Bylaw.

Ētahi atu kōwhiringa me whakaaro ake | Other options we could consider

Option 2: Status Quo - Keep the current Public Safety Bylaw as it without any amendments

Advantages +	Disadvantages -
The current Public Safety Bylaw is already in place and some may be familiar with the current provisions.	The existing Bylaw does not reflect required changes and updates recommended to reflect legislation and community views/current issues.

Option 3: Adopt the draft Community Safety Bylaw with further amendments.

Note that further community consultation may be required if the changes are significant.

Advantages +	Disadvantages -
The draft Community Safety Bylaw can be updated as proposed with further amendments following formal consultation.	No disadvantages identified.

Option 4: Revoke the current Public Safety Bylaw and do not adopt the draft Community Safety Bylaw

Advantages +	Disadvantages -
Eliminates the need for statutory reviews which may result in cost and efficiency savings.	There would be no legally enforceable rules around community health and safety which may lead to increased health and safety risks.
	Behaviour that impacts public safety (e.g. vandalism, loitering, and unsafe behaviours/activities) may increase.
	The community may view revocation as a reduction in service quality or commitment to maintaining safe and welcoming public places.
	Council may face more challenges managing behaviour or maintaining standards in our communities without enforceable rules.
	Loss of enforcement tool - bylaws often act as a deterrent and without them, Council will not be able to respond as effectively to community concerns/complaints.
	Revoking the Public Safety Bylaw without adopting the draft Community Safety Bylaw may leave the Council out of step with other councils that maintain public health and safety bylaws.

Ngā Whakaarotanga ā-Ture | Legal considerations

The Local Government Act 2002 (LGA) empowers Council to make bylaws on a diverse range of subjects. Some other Acts also empower Council to make bylaws on specific topics.

Bylaws are broadly made to cover one or more of the following purposes:

- to protect the public from nuisance;
- to protect, promote, and maintain public health and safety;
- to minimise the potential for offensive behaviour in public places.

In addition to the general bylaw making powers of the LGA, section 147 specifically empowers Council to make bylaws for the purpose of prohibiting, regulating or controlling any or all of the following:

- a) the consumption of alcohol in public places;
- b) the bringing of alcohol into public places;
- c) the possession of alcohol in public places.

The LGA prescribes a procedure for making and reviewing bylaws. Under section 155 of the LGA, the Council must determine whether a bylaw:

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

Is a Bylaw the appropriate means of addressing the perceived problem?

A bylaw is the most appropriate way of addressing the perceived problems related to safety of residents and visitors. The draft Community Safety Bylaw provides a clear and structured approach to managing risks and behaviours that impact the safety and wellbeing of the community. It allows the Council to regulate specific actions that could pose a danger to public health, security, or amenity, such as disruptive behaviour, hazardous conditions, or misuse of Public Places.

The matters addressed in the Draft Community Safety Bylaw are an effective way of setting clear rules to improve the amenity and safety of Matamata-Piako. By establishing legally binding rules and providing a framework for enforcement, the draft bylaw ensures that safety standards are consistently maintained and respected across the community. It also allows for flexible, tailored solutions to address local safety concerns, while balancing individual freedoms with the collective good.

Other methods, such as voluntary guidelines or informal community initiatives, may lack the necessary authority or consistency to address the full scope of safety issues. A bylaw, is a proven and effective tool for managing public safety and ensuring a safe, healthy environment for all residents and visitors.

Is the draft Bylaw the most appropriate form of Bylaw?

The draft Community Safety bylaw is the most appropriate form of bylaw for the following reasons, as it:

- deals with the identified problems (problems identified through research and early engagement);
- is clear and easy to understand – this has been achieved through the use of explanatory notes;
- meets the Council's obligations under the LGA and other applicable legislation and regulations;
- helps achieve the Council's Community Outcomes;
- is consistent with and does not replicate other Council documents, including bylaws, policies, strategies, and the District Plan;
- allows for exceptions and special circumstances;
- includes provisions that are enforceable under legislation and can be administered efficiently and effectively, supported by Council's Enforcement Policy;
- is within the legal power of the Council to make under section 145 of the LGA and complies with all relevant legislation and regulations.

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

The draft Community Safety Bylaw is within reasonable limits on the rights and freedoms set out in the New Zealand Bill of Rights Act (NZBoRA). Therefore, it has been determined that the bylaw does not give rise to any implications under the NZBoRA. While the bylaw imposes certain restrictions on behaviours and actions in public spaces, these are reasonable, lawful, and necessary to protect public safety, accessibility, and community well-being. The bylaw carefully balances individual rights—such as freedom of movement, expression, and peaceful assembly—with the need to maintain order and safety. Any limitations are minimal, proportionate, and justified in a free and democratic society.

Alcohol ban areas

The draft Community Safety Bylaw proposes the continued inclusion of alcohol ban areas in Matamata, Morrinsville, Te Aroha and Waharoa. The LGA specifically requires that Council:

- a) must be satisfied that it can be justified as a reasonable limitation on people's rights and freedoms; and
- b) except in the case of a bylaw that will apply temporarily for a large scale event, must also be satisfied that—
 - i. there is evidence that the area to which the bylaw is intended to apply has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area; and
 - ii. the bylaw is appropriate and proportionate in the light of that crime or disorder.

The proposed continuation of alcohol ban areas in Matamata, Morrinsville, Te Aroha, and Waharoa has been carefully assessed against the above requirements.

The Council is satisfied that the alcohol bans represent a reasonable limitation on people's rights and freedoms. These restrictions aim to enhance public safety, reduce alcohol-related harm, and ensure that public spaces remain safe and welcoming for all members of the community. In a letter provided to Council from New Zealand Police to assist in the review of these areas (dated 14 November 2024), it is noted that the New Zealand Police apply a graduated model to enforcing the alcohol ban area and are able to carry out the reasonable use of discretion whereby any potential breaches are assessed on a case-by-case basis and common sense applied.

Evidence received from the New Zealand Police shows a history of alcohol-related crime and disorder. Community feedback has also been received around alcohol use in public places contributing to anti-social behaviour, property damage, and public disturbances.

The proposed alcohol bans are appropriate and proportionate responses to these issues. They are a preventative measure designed to address specific concerns without imposing unnecessary restrictions on the community. The continuation of the alcohol bans reflects Council's commitment to safety in our public places, allows to for the New Zealand Police to enforce as per the LGA, and aligns with community expectations.

This position is supported by the New Zealand Police.

Ētahi atu mōhiohio | More information

For more information about this proposal, and to see what else we are seeking feedback on go to mpdc.nz/letstalk

He kōrero whakahoki | Feedback

Whether you agree, oppose or you have suggestions on things we want to hear from you!

Please be aware that feedback made to Council is public information. Your feedback will be used and reproduced for purposes such as reports to Elected Members, which are made available to the public.

Me pēhea te tuku urupare | How to give your feedback

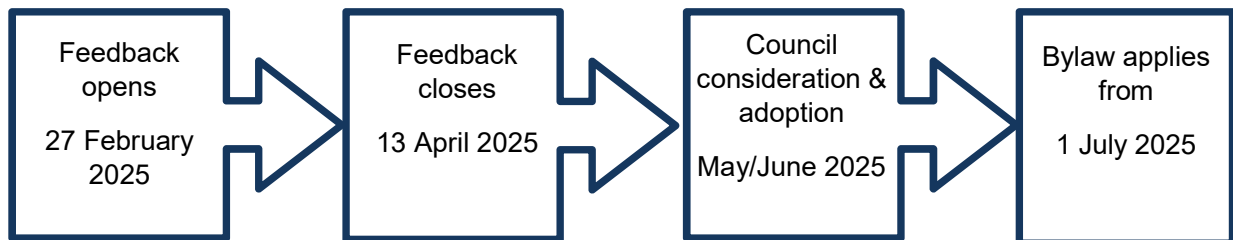
🖥️ Online: To fill out the online form click [here](#).

📧 Mail to: Matamata-Piako District Council, PO Box 266, Te Aroha 3342

✉️ Email: info@mpdc.govt.nz

👤 In person: You can drop your feedback form into any of our Council offices or libraries.

Key dates



Puka whakahoki kōrero | Feedback form – Draft Community Safety Bylaw

Please provide your feedback by 13 April 2025

Name/Organisation: _____

For individuals please simply write name/names, for organisations please write the full organisation name

Email: _____ **Phone:** _____

Address: _____

Town: Matamata Morrinsville Te Aroha Other: _____

Age: Under 18 18–24 25–34 35–44 45–64 65–74 75+

Would you like to speak to the Mayor and Councillors about your feedback?

Feedback can be provided in person or via video on Wednesday 7 May 2025 (and Thursday 8 May if required).

Yes No

Privacy statement: Please be aware that feedback made to Council is public information. Your feedback will be used and reproduced for purposes such as reports to Elected Members, which are made available to the public.

Draft Community Safety Bylaw:

1) Which of these options do you support?

Proposed option: Adopt the draft Community Safety Bylaw

- The Bylaw would be amended as proposed to reflect current issues and early community engagement.

Option 2: Status Quo

- Keep the current Public Safety Bylaw as is without any amendments.

Option 3: Adopt the draft Community Safety Bylaw with amendments

- The Bylaw can be updated as proposed with further amendments as suggested by the community.
Note that further community consultation may be required if the changes are significant.

Option 4: Revoke the current Public Safety Bylaw

- Revoke the current Public Safety Bylaw and do not adopt the draft Community Safety Bylaw as proposed.

Option 5: Other

Additional Comments to support the option chosen above:

Is there anything else you would like us to consider in regard to this Bylaw?

Please provide any further comments below

Please provide your feedback by 13 April 2025