

Attachment E



QUEENSTOWN
LAKES DISTRICT
COUNCIL

**PROPOSED QUEENSTOWN LAKES DISTRICT
NUISANCE BYLAW 2016**

SUMMARY OF STATEMENT OF PROPOSAL

INTRODUCTION

- 1 The Council's Control of Activities and Obstructions in Public Places Bylaw 2010 (**the current bylaw**) was made pursuant to the Local Government Act 2002 (**LGA**). The Council undertook a programmed review of the current bylaw under the requirements of the LGA.
- 2 Section 145 and 146 of the LGA enables the Queenstown Lakes District Council (**Council**) to make bylaws for the following purposes:
 - a. protecting the public from nuisance;
 - b. minimising the potential for offensive behaviour in public places;
 - c. protecting, promoting and maintaining public health and safety;
 - d. protecting land under Council control from misuse, damage or loss; and
 - e. regulating trading in public places.

BACKGROUND

- 3 The Council has undertaken a statutory review of the current bylaw, which is due to expire on 6 November 2017. The Council has determined that the current bylaw should be revoked, and replaced with the proposed Nuisance Bylaw 2016 (**the proposed bylaw**).
- 4 As part of this review, the Council undertook informal consultation with the public regarding the control of certain activities in public places. The Council received 57 responses from individuals, and three responses from organisations. The Council asked questions regarding the regulation of a wide range of activities in public places, including: food stalls, markets, pop-up stalls, fundraising, leaflet distribution, sample distribution, busking, smoking, psychoactive substances, glass on beaches / reserves, positioning of litter bins, and the provision of dog waste bins.

KEY FEATURES OF THE PROPOSAL

- 5 The proposed bylaw is intended to capture activities that give rise to nuisances and may cause obstructions and damage to public places (including roads) and generally impact on the public's perceptions of safety. The proposed bylaw also establishes a permitting system for the following activities in public places:
 - a. Events (including markets, pop up stalls, parades, protests, weddings, etc);
 - b. Busking (singing, dancing, juggling, etc); and
 - c. Organised licensed premises tours (also known as "pub crawls").
- 6 Events and busking will not require additional permits if the activity is already expressly authorised by a resource consent.
- 7 The proposed bylaw will continue to require that a permit is sought for events (eg. markets) and busking in public places, and to prohibit canvassing of members of the public for commercial purposes.

- 8 In addition, controls in the proposed bylaw include:
- a. Imposing a general prohibition on activities in a public place that:
 - i. cause or permit a nuisance to occur;
 - ii. wilfully obstructs, disturbs or interferes with a persons use or enjoyment of a public place;
 - iii. uses any material or thing recklessly or in a manner which may intimidate, be dangerous, be injurious to, or cause a nuisance to any person; and
 - b. Prohibiting the consumption of mind altering substances (eg. glue sniffing, psychoactive substances) in public places.
 - c. Prohibiting the distribution of leaflets, flyers, promotional material, or samples in connection with a trading activity, except within retail premises that offer related goods or services, provided the owner or occupier consents;
 - d. Requiring event organisers to obtain a permit from the Council prior to the start of an event held in a public place, and also requiring that a person does not undertake a trading activity in connection with such an event unless the event is authorised by a permit;
 - e. Requiring organisers of licensed premises tours (commonly referred to as “pub crawls”) to obtain a permit if the event involves payment of a fee, and is advertised to the public (private pub crawls that either do not involve payment of a fee to the organiser, or are not advertised to the public are not intended to be regulated);
 - f. Allowing buskers to perform without requiring a permit from the Council provided they meet certain basic conditions (distance from other buskers, volume, not obstructing pedestrian flow, etc) set out in the bylaw;
 - g. Requiring buskers who cannot meet the basic conditions within the bylaw to obtain a permit from the Council;
 - h. Setting out specific conditions that the Council may impose when issuing permits for events, organised licensed premises tours, or busking; and
 - i. Giving Council enforcement officers powers to:
 - i. direct event organisers, licensed premises tour organisers, and buskers to comply with the proposed bylaw, or conditions in a permit;
 - ii. revoke permits if the person does not comply with the direction within a reasonable time; and
 - iii. if the permit is revoked, the power to direct event organisers, licensed premises tour organisers and buskers to cease or close down the activity, and in the case of buskers to move to a new location.

TIMETABLE FOR CONSULTATION

- 9 The following dates represent the key times in the consultation programme:

- a. Council resolves to undertake public consultation regarding the proposed bylaw.
- b. Advertisement in Otago Daily Times, Southland Times, Mirror and Wanaka Sun.
- c. Submissions close.
- d. Submissions heard by a subcommittee of Councillors (to be confirmed).
- e. Council considers outcome of consultation process. Adoption of Queenstown Lakes District Trading and Events in Public Places Bylaw 2016.
- f. Public notice of final decision (if Council resolves to adopt the bylaw).

10 The Bylaw comes into effect subject to the above.

INSPECTION OF DOCUMENTS AND OBTAINING COPIES

- 11 Copies of this Statement of Proposal and the proposed Bylaw may be inspected, and a copy obtained, at no cost, from:
- a. either of the Council offices at 10 Gorge Road, Queenstown or the Wanaka Service Centre, 47 Ardmore Street, Wanaka;
 - b. any Council library within the Queenstown Lakes District; or
 - c. the Council website – www.qldc.govt.nz

RIGHT TO MAKE A SUBMISSION AND BE HEARD

- 12 Any person or organisation has a right to be heard in regard to this proposal and the Council encourages everyone with an interest to do so.
- 13 The Council would prefer that all parties intending to make a submission:
- a. go to the Queenstown Lakes District Council Website: www.qldc.govt.nz or
 - b. post their submission to: Regulatory Department, Queenstown Lakes District Council, Private Bag 50072, Queenstown 9348.
- 14 Submissions must be received by **Friday 31st May**. The Council will then convene a hearing, which it intends to hold between **Wednesday 8th June and Friday 10th June 2016**, at which any party who wishes to do so can present their submission in person. The Council will give equal consideration to written and oral submissions.
- 15 The Council will permit parties to make oral submissions (without prior written material) or to make a late submission, only where it considers that special circumstances apply.
- 16 Every submission made to the Council will be acknowledged in accordance with the LGA 2002, will be copied and made available to the public, and every submission will be heard in a meeting that is open to the public.
- 17 Section 82 of the LGA 2002 sets out the obligations of the Council in regard to consultation and the Council will take all steps necessary to meet the spirit and intent of the law.

MAKING AN EFFECTIVE SUBMISSION

18 Written submissions can take any form (e.g. Email, letter). An effective submission references the clause(s) of the draft Bylaw you wish to submit on, states why the clause is supported or not supported and states what change to the clause is sought.

19 Submissions on matters outside the scope of the Bylaw cannot be considered by the Hearings Panel.

Mike Theelen

CHIEF EXECUTIVE

APPENDIX 1 - Proposed Queenstown Lakes District Council Nuisance Bylaw 2016