

Statement of
Proposal:

**Inner-City Safety
Bylaw & Policy
Review 2025**



Rotorua Lakes Council is reviewing a number of its bylaws and policies as part of a collective Inner-City Safety review. These will all be consulted on at the same time under the same process as per the Local Government Act 2002. We are seeking your views on the proposed changes.

Council bylaws and policies are created to address specific issues or activities within a local area. More specifically, a policy is a statement of the Council's position on a matter that guides the delivery of our services. Bylaws are rules made by each local authority and are typically enforced by the Council or Regional Council. They can be made for several reasons, including:

- Protecting the public from nuisance
- Protecting, promoting and maintaining public health and safety
- Minimising the potential for offensive behaviour in public places

As part of improving the safety and amenity of the Inner-City of Rotorua, there are three Bylaws and one policy that are proposed to be updated, these are:

- Solid Waste Bylaw 2016
- Traffic Bylaw 2018
- General Bylaw 2017
- The Dangerous, Affected and Insanitary Buildings Policy

These have all been identified for various reasons, including: prohibiting intimidating and other nuisance behaviours in public; cleaning our streets and public places from abandoned shopping trolleys; fixing potentially dangerous verandahs, and managing buildings that pose a risk to the health and safety of people and property.

Should public consultation result in substantive change requested to any of the bylaws and policies included in the review, officers will re-evaluate whether the collective process is the most appropriate method for amendment. For example, one item may need to be deliberated on separately if required.

Process of Amending a Bylaw or Policy

When amending a bylaw or policy, the Council must comply with the requirements under the Local Government Act 2002. If the amendments are deemed to have a significant interest by the public or may significantly impact the public, the special consultative procedure must be used

In this case, the Council considers the matters covered by these bylaws and policies to necessitate the special consultative procedure.



In collectively reviewing these bylaws and policies, Council considered all possible options and has identified these below for each policy and bylaw.

If public feedback requires, we will remove the relevant bylaw/policy from the collective review and conduct a separate review process.

SOLID WASTE BYLAW 2016 REVIEW

The Solid Waste Bylaw 2016 is made pursuant to the Waste Minimisation Act 2008; the Health Act 1956; the Litter Act 1979 and Local Government Act 2002. Together, these enable the bylaw to:

- **Promote effective and efficient waste management and minimisation** in alignment with the Waste Minimisation Act 2008.
- **Protect public health and safety** by regulating the collection, transportation, and disposal of waste.
- **Prevent nuisance and littering** by setting standards for waste handling and disposal.
- **Define responsibilities** of individuals and organisations in managing waste, including the separation of recyclable materials.
- **Support the Council's Waste Management and Minimisation Plan** by providing a legal framework for its implementation.

Abandoned Trolleys

For a number of years, Rotorua has experienced a high volume of shopping trolleys being taken from retailer premises and left abandoned on our streets. These trolleys can impact safety, pose a hazard to pedestrians and influence the amenity and public perception of the area as being a place of lawlessness.

In 2023, Rotorua Lakes Council conducted a pilot study and found that around 260 trolleys a month were being collected at the cost of \$5000 to the ratepayer. Council no longer provides this service and has since worked with retailers to encourage them to collect their own trolleys however, the issue continues. In the past 8 months, the Safe City Guardians recorded around 300 instances of trolleys being abandoned in the Inner-City. This represents just a fraction of the trolleys abandoned.

Proposals

The Solid Waste Bylaw 2016 is proposed to be revoked and replaced with the Waste Management and Minimisation Bylaw 2025. This bylaw will obligate retailers with 10+ trolleys to prevent their shopping trolleys becoming waste. The proposals are:

- Retailers will be required to erect signage prohibiting the removal of trolleys from their premise and information on how to report these trolleys if found.
- If an abandoned trolley is reported to a retailer, they will have 24 hours to pick it up.
- A separate process whereby Council will collect any abandoned trolleys they find and charge retailers for their collection or delivery. The fee will depend on the number of trolleys found and the duration stored. All costs are recoverable under Section 187 of the Local Government Act 2002. A more detailed summary of this process is outlined below.

Abandoned Shopping Trolley Process

Trolleys Collected: Council will pick up any abandoned shopping trolleys during the week and store them in one central location.

Retailers' Notification: Once collected, the council will contact the retailer about their trolleys. Retailers will have 24 hours to collect their trolleys at no cost.

Pick-up Fee (after 24 hours): If not picked up within 24 hours, a fee of \$150 per week will apply - no matter how many trolleys are being held.

Uncollected Trolleys: If a retailer hasn't responded after a month, Council will return the trolleys and charge an uncollected trolley fee (plus accrued pick-up fees). Refer to Table 1.

Table 1. Proposed uncollected trolley fees for the delivery of shopping trolleys after one month.

Number of trolleys	One off weekly fee
1-5 trolleys	\$150
6-10 trolleys	\$300
11+	\$450

Significant Number of Trolleys: If a retailer has more than 15 uncollected trolleys within a month, Council will return them and a \$450 collection fee will apply.

To note: These fees are subject to change. Council will monitor and assess the costs involved with the retrieval and collection of abandoned trolleys and reflect this in the fees prescribed.

Other Amendments

The Bylaw was first adopted in 2016 and is due to be updated by 2026. Therefore, the opportunity was taken to review and update the remaining elements of the Bylaw.

Other updates to this bylaw include:

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- Reformatting and redrafting of certain sections to clarify wording, intent and enable better flow;
- Additional clause to ensure organisations that operate donation and/or collection points to discourage and resolve litter, illegal dumping or nuisance at that space;
- Additional clause on the disposal, collection and transportation of commercial waste, and;
- Removal of waste operator licensing system as Council currently does not have one in place and instead replace with a clause stating council may introduce one in the future.

HE AHA Ō WHAKAARO? WHAT DO YOU THINK?
Which option do you support and why?



Option 1 (Agree): Adopt the new Waste Management and Minimisation Bylaw 2025

This will include requirements for retailers to collect abandoned shopping trolleys within 24 hours of notification otherwise costs will be incurred; reformatting and redrafting of certain sections to clarify intent; the addition of a donation collection point clause and commercial operator clause.

Option 2 (Disagree): Roll over existing bylaw

This will keep the current bylaw as it is and include no updates on preventing shopping trolleys becoming discarded in streets/public places.

TRAFFIC BYLAW 2018 REVIEW

Under the Land Transport Act 1998, and the Local Government Act 2002, Councils can establish traffic bylaws. The main purpose of a traffic bylaw is to manage and regulate traffic flow, ensure public safety, and promote efficient use of roads and parking facilities.

Nuisance behaviours

Rotorua has been experiencing issues with individuals intimidating and generally posing a potential safety risk to others, or themselves around the Inner-City. Currently, Council does not have a clause within any of its bylaws that prohibits offensive, unsafe or other nuisance behaviours. If the behaviours meet the definition of disorderly or offensive under the Summary Offences Act 1981, then the matter can be referred to the police. This bylaw change is intended to capture those instances falling below this threshold.

Some examples of this are:

- Window washing and begging in areas where vehicle traffic intersects with foot traffic, and near busy intersections. Begging in these places can cause driver distraction, obstruct vision, causing elevated risks to pedestrians, the person themselves and motorists.
- The use of scooters (powered or unpowered) in the CBD on the footpath poses a health and safety risk to members of the public if ridden in an unsafe and intimidating manner.

In all of these instances, Rotorua Lakes Council authorised officers use a graduated response method to deal with regulatory and safety related concerns. This ensures a reasonable, proportionate and legally robust approach beginning with education, moving to encouragement and only escalating to enforcement where absolutely necessary. Effective enforcement and deterrence relies on having fit for purpose regulatory mechanisms.

Proposals

This Bylaw already includes a clause which specifically prohibits unsafe and intimidating window washing. It is proposed this clause be expanded in its scope to prohibit all types of nuisance behaviours in a public place, including acts which are: unsafe, obstructing, intimidating, disturbing or distressing to person/s near them.

These proposals do not infringe on people's right to movement or expression under the New Zealand Bill of Rights 1990.

Other Amendments

The opportunity was undertaken to review the rest of the bylaw and minor changes were made to reflect current practice with regards to skip bins and shipping containers on the road.

HE AHA Ō WHAKAARO? WHAT DO YOU THINK?

Which option do you support and why?



Option 1 (Agree): Adopt the amendments to the Traffic Bylaw 2018

This will include new provisions which prohibit unsafe, intimidating and other nuisance behaviours in public.

Option 2 (Disagree): Roll over existing bylaw

This will keep the current bylaw as it is and include no updates on prohibiting intimidating, unsafe or other nuisance behaviours in public.

GENERAL BYLAW 2017 REVIEW

Under the Local Government Act 2002, Councils can create General Bylaws. These bylaws can cover a wide range of topics, including regulations about property, animals, public spaces, and activities within a specific area. It can also establish penalties for breaking those regulations. Its purpose is to protect the public from nuisance, maintain public health and safety and minimise the potential for offensive behaviour in public places.

Verandahs

Under the District Plan, buildings in the city centre and other commercial areas in the district are required to have a verandah. These verandahs overhang the public footpath.

Over time Council has had instances of building owners not maintaining their verandahs to such an extent that they degrade to the point they pose a potential, and sometimes urgent public safety risk if not promptly attended to. In recent years, there have been situations where overhead glass panels have become loose and have fallen onto the public footpath below. Many of these instances do not trigger the specific Building Act definition of 'dangerous' yet can pose a public safety risk.

In these cases, where a risk is posed, authorised officers will always contact the tenant and landlord first and ask them to remedy the problem within a specified timeframe, and to put in place any temporary measures to exclude the affected area from the public.

If ignored, the Council has limited enforcement powers to do anything about the problem. Even if Council proceeded with a prosecution, this is a lengthy process which does not lend itself to resolving public safety issues in a timely fashion.

Having suitable enforcement provisions in the bylaw should also serve to act as an incentive for building owners to proactively maintain verandahs, thereby reducing the chances of an issue occurring in time.

Proposals

The General Bylaw 2017 is proposed to be updated to ensure council officers can issue notices to property owners to fix unsafe and hazardous verandahs. Any repairs or maintenance will be at the cost of the owner, within a suitable timeframe, and may require temporary safety measures (e.g. barriers) to be installed. If cooperation is not forthcoming from the building owner and the level of risk posed by their inaction remains a concern, Council would be entitled to intervene through the Bylaw to take appropriate action followed by recovery of all reasonable costs from the building owner (cost recovery via the Local Government Act 2002).

HE AHA Ō WHAKAARO? WHAT DO YOU THINK? Which option do you support and why?



Option 1 (Agree): Adopt the amendments to the General Bylaw 2017

This will give Council new enforcement powers to enforce the timely repair of unsafe verandahs which overhang public spaces.

Option 2 (Disagree): Roll over existing bylaw

This will keep the current bylaw as it is and include no updates on fixing unsafe verandahs.

DANGEROUS, AFFECTED AND INSANITARY BUILDINGS REVIEW

Under the Building Act 2004, pursuant to section 131, Council's are required to develop and maintain a Dangerous, Affected and Insanitary Buildings policy for their district.

The policy outlines how the Rotorua District identifies and addresses buildings that are unsafe, damaged or insanitary. The policy's goal is to reduce the risk of injury, illness, or property damage by ensuring such buildings are assessed and managed appropriately to protect public health and safety.

The previous version of the Dangerous, Affected and Insanitary Buildings Policy was first adopted in 2020. Council is required under the Building Act 2004 to review the existing policy every 5 years, making the current policy due for review in 2025.

Proposals

Following recommendations and recent guidance from the Ministry of Business, Innovation and Employment (MBIE) the Dangerous, Affected and Insanitary Buildings Policy is proposed to be updated.

In summary, the changes maintain the core approach of the previous version, however clarifies the actions required to reduce risks for building occupants, along with additional contextual information that enhances understanding without altering the effectiveness of existing procedures.

HE AHA Ō WHAKAARO? WHAT DO YOU THINK? Which option do you support and why?



Option 1 (Agree): Adopt the new Dangerous, Affected and Insanitary Buildings Policy 2025

This will include new recommendations and guidance from MBIE.

Option 2 (Disagree): Roll over existing policy

This will keep the current policy as it is and not reflect current MBIE recommendations or guidance.



Next Steps

Community Consultation period:

Submissions OPEN: Tuesday 1 July 2025

Submissions CLOSE: Friday 1 August 2025

Early August – Hearings and Council Deliberates and decides on the way forward.

Late August – Council adopts the final bylaws and policies

Making a Submission

We want feedback from as many people in our community as possible. Give us your feedback through whatever channel is the easiest for you:

- Visit our website: **<https://rlc.net.nz/citysafety>**
- **Write to us:** send your feedback to Rotorua Lakes Council, 1061 Haupapa Street; attention 'Inner-city Safety'
- Drop off or fill out a hard copy form available at the Inner-City Community Safety Hub, The Council Customer centre or the Library
- **Phone us:** Call us on 07 348 4199, (8am-5pm, Monday to Friday)
- **Email us:** send your thoughts to **participate@rotorualc.nz** with the subject line 'Inner-city Safety'

You are welcome to share your views in any way that suits you.





ROTORUA
LAKES COUNCIL