



SUMMARY – STATEMENT OF PROPOSAL DRAFT CONSOLIDATED GENERAL BYLAW 2020



Overview

Council is required to regularly review most of its bylaws and then consult with the community on the outcome of the review. The current Bylaw was last fully reviewed in 2008.

Council has reviewed all Parts of the Consolidated General Bylaw 2008 in accordance with sections 155 and 77 of the Local Government Act 2002 and is now proposing to replace the current Bylaw with a new General Consolidated Bylaw 2008. Council is seeking feedback from the community before making a final decision on the proposal.

Proposal

Council completed the ten year review of the Bylaw in 2019 and as a result of this review, is proposing to make a new Bylaw. A large proportion of the current Bylaw is proposed to remain substantively unchanged in terms of content and context, however a number of matters have been identified that require amending. Additionally, it has been substantially edited to provide a more simplified plain English version. As a result, the proposed Bylaw:

- reflects legislative and technological change
- removes duplication
- makes provisions clearer
- ensures provisions are appropriately located within the Bylaw

The review has also determined that a small number of provisions and some associated powers should be added to the Bylaw to ensure the Bylaw can be appropriately enforced.

Two Parts of the Bylaw are proposed to be amended considerably in terms of content and context, these are Part 4 - Solid Waste and Part 9 – Cemeteries and Crematoria. These changes have been made to reflect Council policy, legislative changes, and to improve transparency. They have also been changed to reflect today's environment around management of perceived issues.

It is also proposed to remove some Parts of the Bylaw; Amusement Galleries, Public Libraries and Recreational and Cultural Facilities, Gin Traps and Skateboards. Some clauses of the Skateboards Part have been transferred into the Public Places Part. These removals are being proposed as it is no longer consider appropriate to regulate these matters through bylaw provisions.

Due to the broad nature of proposed changes, Council is proposing to make a new Bylaw instead of amending the existing one.

Key proposed changes to Parts

Part 1 - Introductory

Improves the administration Part of the draft Bylaw 2020, including common definitions, process around licensing and the general offences and penalties.

Part 2 - Public Places

Retains similar provisions to the Bylaw 2008. There are additional clauses requiring permissions for drones in a public place, and to let off fireworks in a public place. There are new enabling provisions to give effect to the Smokefree Kaipara Policy, and controls around skateboards.

Part 3 - Trading in a Public Place or Trading as a Hawker, Mobile Shop or Itinerant Trader

The main change is to the name of this Part.

Part 4 - Solid Waste

This Part contains significant proposed changes. There is a complete change in scope to better reflect legislation and Council Policy around waste minimization. The provisions are stronger and clearer about what people are required to do and new controls around waste collectors.

Part 5 - Signs

This Part is largely the same as the Bylaw 2008 with additional clauses around billboards.

Part 8 - Animals, Poultry, Stock and Bees

The main changes include clarity of the provisions and better information on where the Bylaw 2020 does and does not apply.

Part 9 - Cemeteries and Crematoria

This Part has no change in its scope to help manage and set controls around Council owned cemeteries. However, how the Bylaw 2020 supports that role is completely different in that it provides more detail and clarity around how this is done. It is a lot more transparent on how we manage our cemeteries and provides clarity on the controls within cemeteries.

Part 12 - Nuisances

This is largely the same as the Bylaw 2008, with the addition of not allowing dead animals to cause a nuisance.

Part 15 - Traffic

This Part is largely the same, with new enabling provisions to put in place weight restrictions on roads and bridges, and placement of U-turns. It is proposed to use a different method to record information on decisions made relevant to this Part as this will be more cost effective.

Part 16 - Water Supply

This Part has had substantial changes to the way it is worded and how it flows. The content in terms of what it covers is largely the same, with the inclusion of the process around exemptions from water restrictions.

Part 17 - Land Drainage

There are some minor wording changes to improve readability.

Placeholder

Information on consultation dates, how to view copies of the full SOP, make submissions and attend hearings to be completed prior to publication

