

Consolidated General Bylaw Review

Meeting: Council Briefing
Date of meeting: 04 March 2020
Reporting officer: Paula Hansen, Senior Policy Planner

Purpose/Ngā whāinga

To provide elected members an opportunity to provide feedback on the reviewed bylaw and to gain guidance on consultation preferences.

Context/Horopaki

The Consolidated General Bylaw (the 'Bylaw') is required to undertake a ten year review. The Bylaw has been reviewed and is almost ready to be put before Council to adopt for consultation. Under the previous Council discussions on potential changes were held with the Regulatory Working Group.

The review has determined that it is appropriate to revoke the current bylaw and replace with a new bylaw. This is due to the number of wording changes to reflect plain English and significant changes to at least two parts of the bylaw.

The Draft Bylaw has been legal reviewed and has had a plain English sensibility check. It is now presented for further comments from elected members before being adopted by Council for consultation. Given the complexity of the bylaw it is proposed to include a summary of the proposed bylaw.

Discussion/Ngā kōrerorero

A lot of changes have been made with regards to the language used, but in some places not many changes to content. High level differences in content between the new proposed bylaw and the current bylaw include:

- Taking out five Parts. These Parts include Part 6 Amusement Galleries, Part 10 Public Libraries, Part 11 Cultural and Recreational Facilities, Part 13 Skateboards, and Part 14 Gin Traps. Note Part 7 Fires in the Open Air has already been revoked.
- Part 1 Introductory – Minor Content changes. This part now includes general provisions around how people go about gaining licenses/permissions/approvals throughout the bylaw. Provides better consistency between this Part and the rest of the Parts.
- Part 2 Public Places – Main changes are around inclusion of some skateboard provisions and enabling Council to implement the Smokefree Kaipara Policy by creating smokefree areas.
- Part 3 Trading in Public Places– Minor content changes.
- Part 4 Solid Waste –Significant changes to better reflect and support the Waste Minimisation Act requirements mainly through the licensing of waste collectors. Introduces new provisions around managing waste from events on public land, and new provisions on nuisances. Clearer direction on management of clean fills, trade waste and hazardous substances has been added. Flexibility has been provided to enable Council to easily amend what recyclables it collects and the type of container that can be used to collect waste in, currently it is plastic bags.
- Part 5 Signs – Minor content changes to reduce repetition.
- Part 8 – Minor content changes. Keeping of Animals, Poultry, Stock and Bees. Clearer provisions on what people need to do when keeping animals, poultry, stock and bees in an urban area. With regards to bees there is a clearer connection between nuisances caused by them in the Rural Zone. Currently this is unclear.

- Part 9 Cemeteries and Crematoria – Significant changes are being made to provide better clarity on Councils rules or expectations of management of cemeteries and behaviours within them. There is a lot of flexibility to enable Council to introduce different cemetery types and what they should or shouldn't have. This Part will now enable Council to provide fines under the Burials and Cremation Act 1964.
- Part 12 Nuisances – No content changes.
- Part 15 Traffic – The way decisions made by Council under this Part has changed from schedules to a resolutions register. Some additional clauses are covered to help future proof the bylaw. These comprise of the ability to put in place weight restrictions, on both roads and bridges, and placement of U-turns.
- Part 16 Water Supply – Minor content changes. Provisions for exemptions from a restricted water season and clarity around extraordinary supplies has been added. Other changes have largely been around use of language, reducing repetition and providing clarity. This looks quite different; however, content has been largely unchanged.
- Part 17 Land Drainage – No content changes.

Before the draft bylaw has been adopted for consultation council needs to consider how they wish to undertake this process. Consultation is to be undertaken under sections 93 and 86 of the Local Government Act 2002 (the 'Act').

Consultation, deliberations and delegations

There are different ways that Council could consult that meet the consultation requirements under the Act. These include:

- a) Typically, Council undertakes a consultation round of one month followed by hearings, deliberations and finally adopted by Council. This process usually involves a Panel of three to four elected members sitting on a hearings panel and making recommendations to Council.
- b) Hold hearings followed by a drop-in session immediately afterwards. This may happen during or after the submission period. Elected members who attend all of the hearings and drop-in sessions should be delegated the authority to make recommendations to Council.
- c) Hold drop-in sessions only and no hearings. This will require any elected member who has been delegated the authority to make recommendations to Council to attend all sessions.

It is proposed that we allow a one-hour hearing followed by a two hour drop in session. It is proposed that this occurs once in Mangawhai and once in Dargaville. After the second session deliberations can then follow. A panel of at least three elected members are delegated the authority to attend the hearings and drop-in sessions and to make recommendations to Council.

Next steps/E whaiake nei

Collate elected member feedback and amend provisions if appropriate and prepare for adoption of the draft bylaw at the March Council meeting.

Attachments/Ngā tapiritanga

	Title
A	Consolidated General Bylaw 2008
B	Proposed Draft Consolidated General Bylaw 2020