

Community & Services Committee
23 February 2017

Report for Agenda Item 3

Department: Finance & Regulatory

Bylaw Overview

Purpose

- 1 This report is to inform the Committee of the Bylaws that are programmed for review over the next 12 months and the Committees' likely involvement.

Recommendation

- 2 That the Community & Services Committee:
 1. **Note** the contents of this report.

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Background

- 3 Council is responsible for a number of statutory regulatory functions, one of which is the development and review of local bylaws.
- 4 The Local Government Act 2002 principally determines the process for the development and review of a bylaw.
- 5 Council has 14 Bylaws, which are reviewed by the lead team who administer the bylaw e.g. Cemeteries Bylaw is reviewed by Parks and Reserves. The current Bylaws are:
 - Activities in Public Places Bylaw
 - Alcohol Ban Bylaw
 - Brothel Control Bylaw
 - Cemetery Bylaw
 - Dog Control Bylaw
 - Food Grading Bylaw
 - Freedom Camping Bylaw
 - Speed Limit Bylaw
 - Trade Waste Bylaw
 - Traffic and Parking Bylaw
 - Water Supply Bylaw
 - Waterways and Ramp Fees Bylaw
 - Navigation Safety Bylaw
 - Shotover River Bylaw
- 6 Five Bylaws are programmed for review in the coming year, each of which will require assistance from this committee. However, other matters do arise through the year that are not programmed, that will require attention from the Committee.

Comment

Bylaw Process

- 7 The Local Government Act 2002 specifies the procedure for making Bylaws, which initially requires Council to determine if a Bylaw is the most appropriate way of addressing the issue, or if there are other means.

- 8 This Committee is proposed to be a sounding board for proposed new Bylaws to facilitate a report to Full Council on the need for the Bylaw (or not), and the form of the Bylaw.
- 9 If a Bylaw is required, Council must undertake public consultation following the special consultative procedure for a minimum of 4 weeks. The consultation includes the proposed Bylaw, a statement of proposal and a summary of the statement of proposal. These documents explain the issue and why a Bylaw is needed, to enable the community to make an informed submission.
- 10 Following any submission received, where a submitter indicates that they would like to be heard, a hearing is arranged, with three Councillors to hear the submissions.
- 11 The hearing process is the key aspect where the Community Services Committee would likely be involved and would hear the submissions. The Committee would then deliberate the submissions received and make a recommendation to Full Council regarding the format of the Bylaw (if recommended) or not to adopt the Bylaw.
- 12 A final report would then be tabled for Full Council including the recommendation from the hearing.
- 13 Where Full Council adopts a Bylaw, this is then publically notified in local newspapers, along with Councils website.

Bylaw Reviews and New Bylaws

- 14 A Bylaw needs to be reviewed, within five years of its adoption. If this is not reviewed within two years of the five year review period, then the Bylaw ceases to have effect. This means there are in practice seven years to review a Bylaw from its adoption of a Bylaw.
- 15 The five Bylaws programmed for review in the coming year are:
 - a) Navigation Safety Bylaw;
 - b) Waterways and Ramp Fess Bylaw;
 - c) Cemeteries Bylaw;
 - d) Brothel Bylaw; and the
 - e) Freedom Camping Bylaw
- 16 It is anticipated that three Councillors from this Committee would participate in the hearing panel for the review of each of these Bylaw reviews.
- 17 The Navigation Safety Bylaw, Waterways and Ramp Fees Bylaw and Cemeteries Bylaw are already under review following a resolution from the Previous Council.

- 18 However, other matters arise through the year, which mean additional Bylaw reviews are needed within the five year review time frame or there is a need to develop a new Bylaw, as a result of a new issue that has developed that needs Councils consideration, which would require consideration of this Committee in the first instance.

Consultation: Community Views and Preferences

- 19 The persons who are affected by or interested in this matter are the whole community, as the decisions regarding local Bylaws affect the wider community.