

Report No:	RESC12-04-02
File No:	R878-1
Date:	13 April 2012
Decision Required	

REPORT SUMMARY

Report to: Engineering Services Committee
Meeting Date: 26 April 2012
Report Author: Dugald Ley, Development Engineer
Subject: **Tasman's Great Taste Trail Bylaw**

EXECUTIVE SUMMARY

This report provides a summary of a proposed bylaw which will support the successful operation of the Tasman's Great Taste Trail. The intended bylaw will allow activities on the loop trail to be controlled so as to prevent nuisance to other users.

RECOMMENDATION/S

That the report be received.

DRAFT RESOLUTION

THAT the Engineering Services Committee receives the Tasman's Great Taste Trail Bylaw report, RESC12-04-02 and;
THAT the Engineering Services Committee agrees that the proposed Tasman's Great Taste Trail Bylaw is appropriate under Section 155 of the Local Government Act 2002 as outlined in the report RESC12-04-02; and
THAT the Engineering Services Committee approves that under Section 156 of the Local Government Act 2002 the proposed Tasman's Great Taste Trail Bylaw be circulated for public consultation under the special consultative procedure as set out in Section 83 of the Local Government Act 2002 and noted in the report RESC12-04-02.

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1. Introduction

1.1 Councillors will be aware of the significance of Tasman's Great Taste Trail and the economic benefits that it will bring to the region. As noted in a previous report presented to the Committee on 4 August 2011, the trail needs to be maintained as a "high quality asset that offers a world-class cycling experience and enhances New Zealand's competitiveness as a visitor destination".

2. Background

2.1 At the Committee meeting on 4 August 2011, the following resolution was passed:

THAT the Engineering Services Committee:

- a) **receives the Tasman Loop Trail Bylaw report, RESC11-08-11;**
- b) **agrees that the Tasman Loop Trail Bylaw is appropriate under Section 155 of the Local Government Act 2002 as outlined in report RESC11-08-11; and**
- c) **approves that under Section 156 of the Local Government Act 2002 the Tasman Loop Trail Bylaw be circulated for public consultation under the special consultative procedure as set out in Section 83 of the Local Government Act 2002 and noted in report RESC11-08-11. CARRIED**

2.2 At a subsequent meeting the proposed bylaw was further discussed and it was suggested by Councillors that the bylaw should include wording that would allow funds to be obtained from local businesses that benefit from the trail. This is similar to the Department of Conservation who provide concessions to businesses within the conservation estate.

2.3. It was also decided to take the opportunity to review the wording in the document and to also consult with a newly formed dog "interest group". Staff met with the dog interest group on 16 March 2012.

2.4 In terms of reviewing the document wording, Council's solicitors have now further advised that the bylaw is not an appropriate vehicle to include any

reference to benefits to businesses. This is noted in clause 145 of the Local Government Act 2002 viz:

*145 General bylaw-making power for territorial authorities
A territorial authority may make bylaws for its district for one or more of the following purposes:*

- (a) protecting the public from nuisance:*
- (b) protecting, promoting, and maintaining public health and safety:*
- (c) minimising the potential for offensive behaviour in public places.*

2.5 Clearly Council has no powers in regard to signage along the trail or in terms of access to and from the trail other than obtaining Council approval solely on safety issues.

3. Summary

3.1 The revised and substantially rewritten draft Bylaw including a set of maps is now resubmitted to the Committee for approval as Appendix A.

3.2 Also attached as Appendix B is the previous report presented to Council on 4 August 2011 as further background information.

4. Recommendation

4.1 That the process to enact the Tasman's Great Taste Trail Bylaw proceeds with a special consultative procedure so that the public can have input to the proposed bylaw.

5. Draft Resolution

5.1 THAT the Engineering Services Committee receives the Tasman's Great Taste Trail Bylaw report, RESC12-04-02 and;

5.2 THAT the Engineering Services Committee agrees that the proposed Tasman's Great Taste Trail Bylaw is appropriate under Section 155 of the Local Government Act 2002 as outlined in the report RESC12-04-02; and

5.3 THAT the Engineering Services Committee approves that under Section 156 of the Local Government Act 2002 the proposed Tasman's Great Taste Trail Bylaw be circulated for public consultation under the special consultative procedure as set out in Section 83 of the Local Government Act 2002 and noted in the report RESC12-04-02.

Appendices

Appendix A – Draft Tasman's Great Taste Trail Bylaw (including maps)

Appendix B – RESC11-08-01 – Tasman's Great Taste Trail Bylaw – report presented to the Engineering Services Committee on 4 August 2011.