

STAFF REPORT

TO: Mayor and Councillors
FROM: Administration Advisor
REFERENCE: B951
DATE: 26 October 2005
SUBJECT: Bylaw Status and Review

PURPOSE/REASON FOR REPORT

To update Council on the review process for Tasman District Council Bylaws, and Bylaws from the four former authorities.

BACKGROUND

Under Section 158 of the Local Government Act 2002 all bylaws must be reviewed within five years after the date of commencement of this section, unless they cease to have effect before a review would otherwise be required.

COMMENT/DISCUSSION

To date we have reviewed and adopted the following bylaws:

Tasman District Council Consolidated Bylaw

- Chapter 2 – Dog Control Bylaw 2004
- Chapter 3 – Control of Liquor in Public Places 2004
- Chapter 4 – Speed Limit Bylaw 2004
- Chapter 5 – Navigation Safety Bylaw 2005
- Chapter 6 – Trading in Streets & Public Places Bylaw 2005
- Chapter 7 – Traffic Control Bylaw 2005
- Chapter 8 – Stock Control & Droving Bylaw 2005

These bylaws will need to be reviewed again within 10 years of their adoption.

Currently Under Review

Chapter 4 – Speed Limit Bylaw 2004 – this bylaw has been through the Special Consultative Procedure for the review of the Golden Bay Speed Limits, with submissions closing on 17 October 2005. A report is on the Council agenda recommending the adoption of these changes, with an implementation date before the end of the year.

The proposed Chapter 9 - Trade Wastes Bylaw 2005 is also going through the Special Consultative Procedure, with submissions closing on 26 October 2005. It is envisaged that the bylaw will be adopted by Council this year, with an implementation date of 1 July 2006.

Proposed Bylaws

Other bylaws proposed to be made include:

Wastewater Drainage – Reticulated
Wastewater Disposal – Non-Reticulated.

Bylaws Not To Be Reviewed & Can Cease to Have Effect

Under the Local Government Act 2002, bylaws that are not reviewed under Section 158 will cease to have effect after the expiry of the transitional period which is 1 July 2007.

The following Bylaws need not be reviewed, and can therefore cease to have effect at the agreed point in time:

Former Waimea County Council Bylaws:

- Town Planning & Subdivision Fees (*These are now prescribed in the Annual Plan*)
- Control of Signs Bylaw No. 16 (*These are prescribed under the Tasman Resource Management Plan*)
- Road Visibility Bylaw No. 14 (*This is prescribed under the Tasman Resource Management Plan*)
- Anti Litter Bylaw 1966 (*Covered under Litter Act 1979 & Amendments*)
- Offensive Trades Bylaw No. 2 (*Covered under Health Act 1956 & Amendments*)
- Setting of Traps Bylaw 18 (*This will cease to exist once the Order in Council is in force*)

Former Golden Bay Council Bylaws:

- Consent to Use of Land (*Covered in Tasman Resource Management Plan*)
- Control of Litter (*Covered under Litter Act 1979*)
- Setting of Traps Bylaw 1980 (*This will cease to exist once the Order in Council is in force*)

Former Motueka Borough Council Bylaws:

- Regulation & Control of Street Meetings 1951 (*Covered under TDC Trading in Streets & Public Places Bylaw 2005*)
- Sanitary, Plumbing & Drainage 1955 (*Covered under Building Act 1991 & Amendments*)
- Regulation & Control of Refuse Tip 1958 (*Redundant*)
- Camping Grounds 1958 (*Redundant – covered under camping ground leases*)
- Signboards & Hoardings 1966 (*Covered under Tasman Resource Management Plan*)
- Noxious Weeds 1967 (*Covered under Biosecurity Act 1993 & Amendments and the Regional Pest Strategy*)
- Conditions of Contract for Building & Civil Engineering Construction (*Covered under Building Act 1991 & Amendments*)
- Precautions Against Fire & Panic in Theatres, Public Halls, & Assembly Halls 1974 (*Covered under Building Act 1991 & Amendments*)
- Deposition of Shellfish & Shells Thereof 1976 (*Redundant*)
- Metrication of Imperial Units of Weights & Measurements 1978 (*Covered under Measurement Standards Act 1992 & Amendments*)
- Noise Control Bylaw 1979 (*Covered under Tasman Resource Management Plan*)
- Restriction of Access to Private Swimming Pools 1979 (*Covered under Fencing of Swimming Pools Act 1987 & Amendments*)
- Bylaw XIX 1970 – Relating to Traps (*This will cease to exist once the Order in Council is in force*)

Former Richmond Borough Council Bylaws:

- Model Building Bylaws Chapters 1-11 (*Covered under Building Act 2004 & Amendments*)
- Control of Noise 1975 (*Covered under Tasman Resource Management Plan*)
- Billiard Rooms 1972 (*Redundant*)
- Licences of Vehicle Stands on Streets 1972 (*Under Traffic Control Bylaw 2005*)
- Amusement Devices & Shooting Galleries 1972 (*Redundant*)
- Clean Indoor Air Bylaw 1988 (*Covered under Smoke Free Environments Act 1990 & Amendments*)
- Chapter 13 – The Keeping of Animals, Poultry or Bees (*Covered under Tasman Resource Management Plan*)

Consideration for Review:

Several Bylaws that have not been used or referred to for quite some time, need consideration as to whether they should be part of the Consolidated Bylaw, are covered by other legislation, or should cease to have effect before a review would otherwise be required. These include bylaws on:

- Cemeteries
- Reserves
- Libraries
- Public Swimming Pools
- Removal of Refuse

Staff are currently reviewing the need for such Bylaws.

Sandra Hartley

<http://tdctoday:82/Shared Documents/Meetings/Council/Full Council/Reports/2005/RCN051103 Report Bylaw Status and Review.doc>