

WORKSHOP MATERIAL

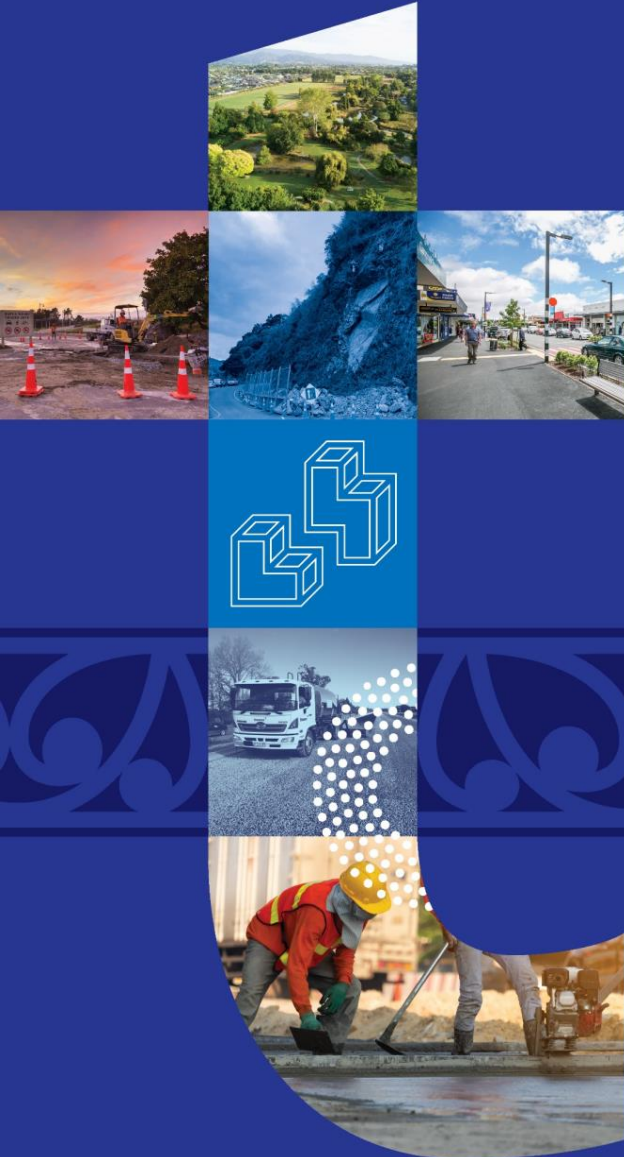
Workshop: Council Workshop – Four Bylaws (review and new)

Date: Tuesday, 10 October 2023

Item	Released Information
1.	Bylaw Omnibus - Presentation

Bylaws: New & Reviews –

10 October 2023



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Bylaw Presentation Overview

- Why have bylaws?
- Preliminary steps to making a bylaw
- Process for making/reviewing bylaws
- Reviewing bylaws
- Tasman District Council's Consolidated Bylaw
- Which bylaws are being reviewed/what new ones are being proposed
- Timeline
- Discussion

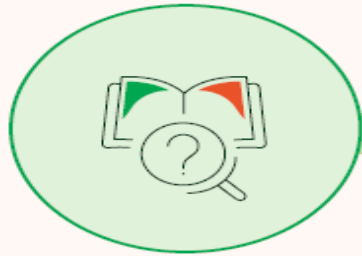
Why do we have bylaws?

S145 of the LGA 2002 allows local authorities to make bylaws for:

- protecting the public from nuisance;
- protecting, promoting, and maintaining public health and safety; and
- minimising potential for offensive behaviour in public places.

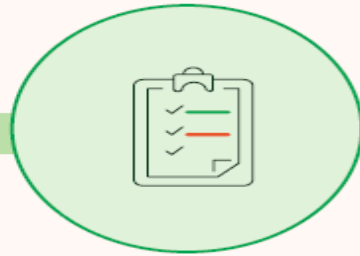
Other legislation, e.g. Land Transport Act 1998, Maritime Transport Act 1994, allows bylaws to be made for specific purposes within their jurisdiction, i.e. parking, speed limits, navigation safety

Preliminary steps to making a Bylaw



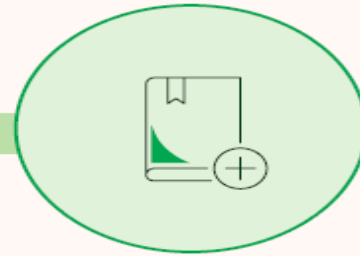
Problem

Identify and define the problem that the bylaw is seeking to address.
Gather evidence



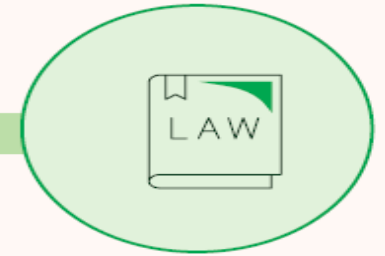
Options

Determine that a bylaw is the most appropriate way of addressing the problem (s155(1), LGA 02)



Form

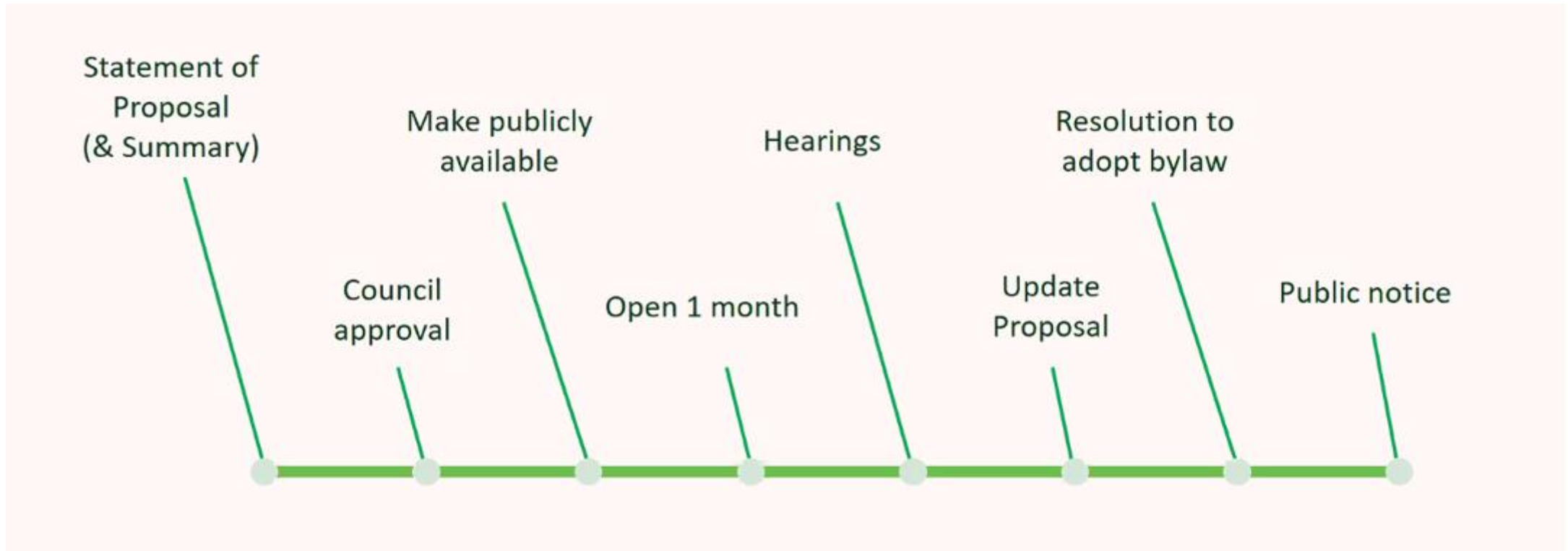
Determine that the bylaw is the most appropriate form of bylaw (s155(2)(a), LGA 02)



Bill of Rights

Determine if the bylaw gives rise to implications under the Bill of Rights, and ensure no inconsistency (s155(2)(b) and (3), LGA 02)

Process for making/reviewing bylaws



When are bylaws reviewed?

Under the LGA 2002

- S158 - bylaws made under this Act or the Maritime Transport Act 1994, to be reviewed no later than five years after the date the bylaw was first made.
- S159 - bylaws made under this Act, the Maritime Transport Act 1994, or the Local Government Act 1974 to be reviewed 10 years after last reviewed.
- S160A - if the bylaw is not reviewed as required, it is revoked on the date that two years after the last date on which the bylaw should have been reviewed.

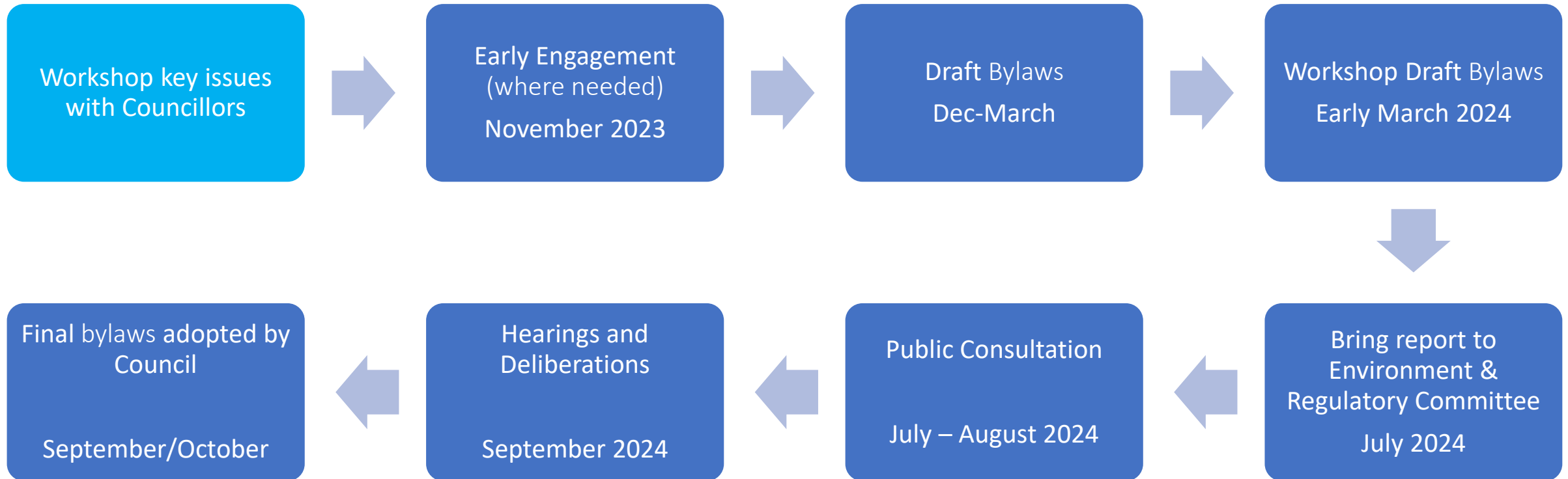
Tasman District Council Consolidated Bylaw

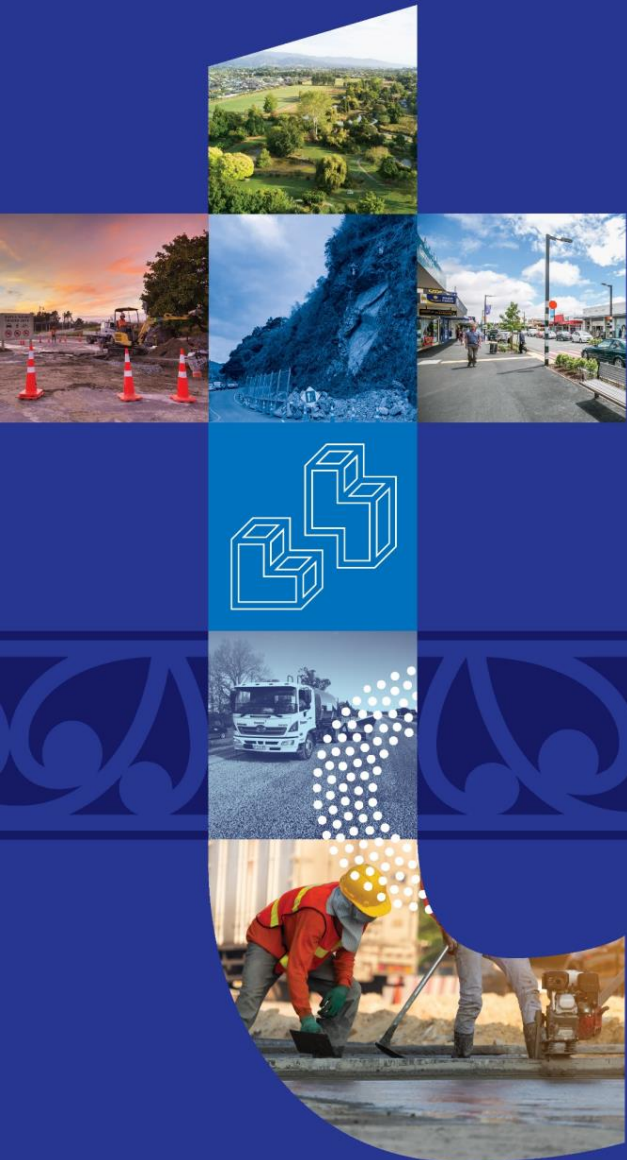
- A set of bylaws
- Currently 12 chapters - 10 still in force, two chapters lapsed.

Proposed Tasman District Council Consolidated Bylaw

Chapter	Bylaw	Status	Review Date	Latest Review Date
1	Introductory Bylaw 2013 - Review	Current	2023	2025
2	Dog Control Bylaw 2014 (amended 01/11/2020) - Review	Current	2024	2026
3	Control of Alcohol in Public Places 2018	Current	2023	2025
4	Speed Limits Bylaw 2016	Current	N/A	
5	Navigation Safety 2015	Current	2025	2027
5A	Mooring Area Bylaw 2023	Current	2028	2030
6	Trading in Public Places 2010	<i>Lapsed</i>		
6	<i>Public Places Bylaw - New</i>	<i>Proposed New</i>		
7	Traffic Control Bylaw 2016	Current	N/A	
8	Stock Control & Droving Bylaw 2022	Current	2027	2029
9	Wastewater Bylaw 2022	Current	2032	2034
10	Public Water Supply Bylaw 2016 (amended 2019) - Review	Current	2026	2028
11	Freedom Camping Bylaw 2017 (amended December 2020)	Current	2025	2027
12	<i>Tasman's Great Taste Trail Bylaw 2012</i>	<i>Lapsed</i>		
12	<i>Cat Management Bylaw - New</i>	<i>Proposed New</i>		

Timeline/Next Steps





Bylaw Review – Chapter 1 Introductory Bylaw 2013

10 October 2023

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Introductory bylaw

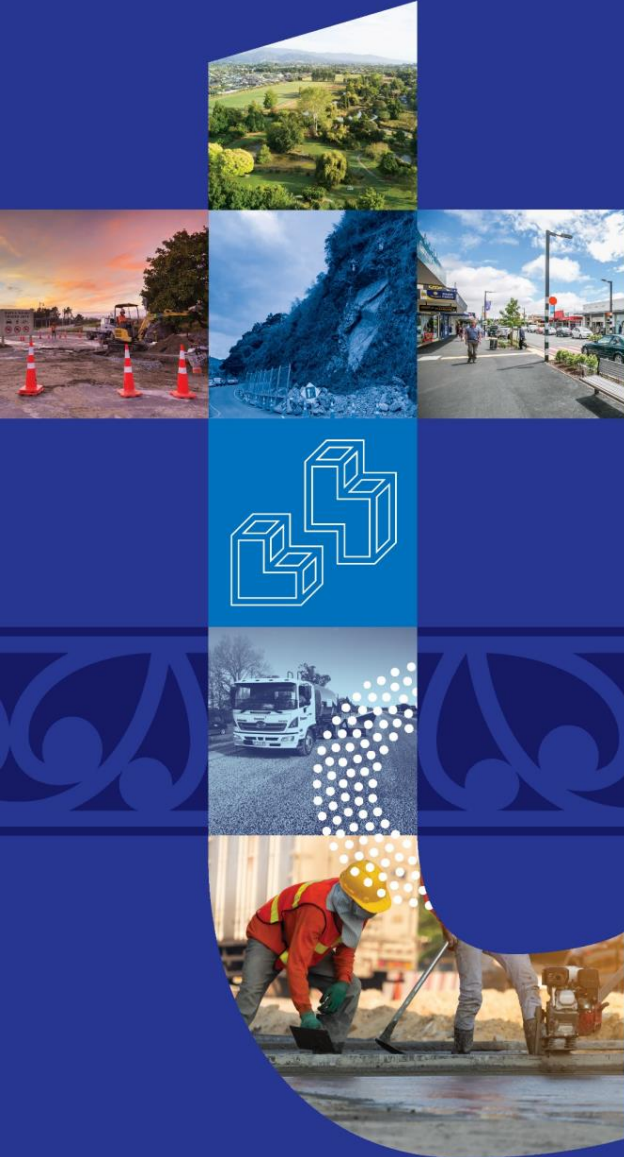
General purpose:

- Provide consistency in interpretation of terms used in other bylaws
- Deal with matters general to all bylaws, i.e. licences, serving of notices,
- Some definitions in common with other bylaws

Last reviewed 2013

Suggested changes

Issue	Recommended Update
Sections/headings restructured	To align with the Council's bylaw template
Minor word changes/additions	For simplicity and clarity
Definitions/Interpretation	Add: Bylaw; Chief Executive Officer; publicly notified Delete: Road (different meaning for different bylaws under legislation)



New Bylaw – Chapter 6 Proposed Public Places Bylaw 2024

10 October 2023

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Proposed Public Places Bylaw 2024 content

General purpose:

The purpose of this proposed Bylaw is to protect the public from nuisance and protect, promote, and maintain public health and safety while using property owned by or under the management of the Council.

Why a new bylaw?

1. Previous Trading in Public Places Bylaw 2010 was due for review in 2020 and has therefore now lapsed.
2. Staff consider a Public Places Bylaw necessary.
3. Staff recommend a more lenient regulatory approach.

Key Issues/Options/Recommendations

Issue	Options	Recommendation
Advertising signs on footpath (sandwich board/flags)	<ul style="list-style-type: none"> • Include regulations in the Bylaw • Have a licence system with administration fee. • Don't regulate 	Bylaw regulations to ensure safe passage for pedestrians and to mitigate any hazardous use.
Outdoor dining	<ul style="list-style-type: none"> • Require formal agreements • Don't regulate 	Council consent required thorough an agreement (generally a licence to occupy)
Trading in Parks and Reserves	<ul style="list-style-type: none"> • Needs to align with relevant Reserve Management Plan • Prohibited, unless permission has been sought and granted • Don't regulate 	Align with Reserve Management Plans policies

Key Issues/Options/Recommendations

Issue	Options	Recommendation
Busking licences	<ul style="list-style-type: none">• Free permit required, conditional restrictions• Clear rules which buskers need to comply with• Don't regulate	Include in the bylaw with clear rules that buskers need to comply with.
Hawkers	<ul style="list-style-type: none">• Permit required as per previous bylaw (the last Hawker license application was >10 years ago)• Clear rules in bylaw that Hawkercs need to comply with• Don't regulate	Include in the bylaw with clear rules that hawkers need to comply with.

Key Issues/Options/Recommendations

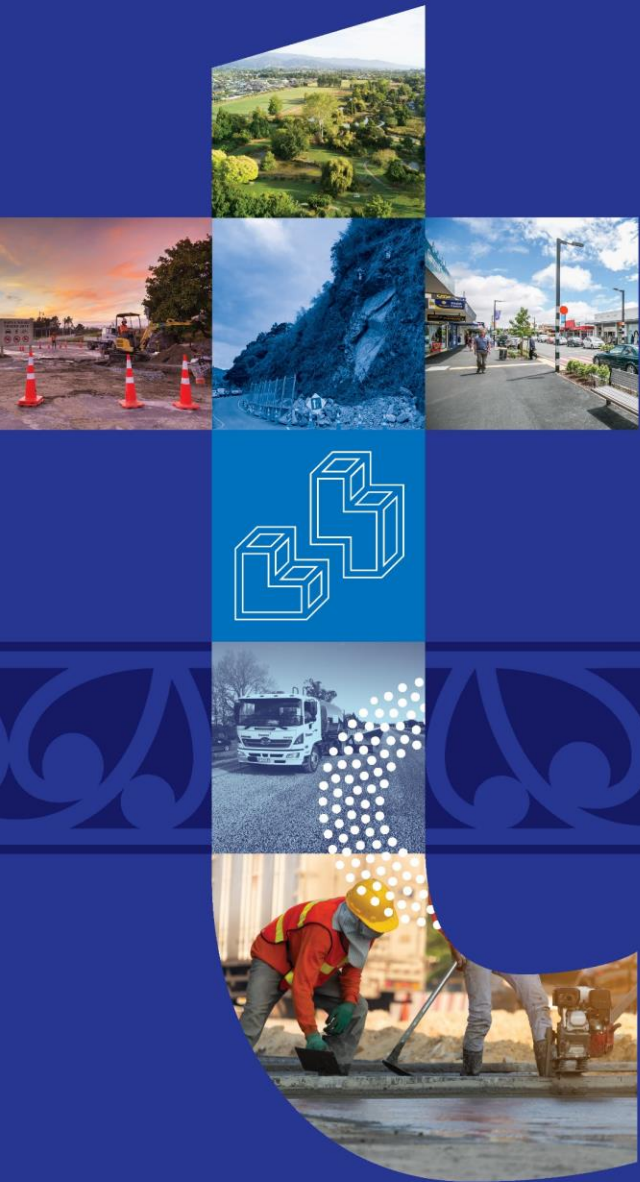
Issue	Options	Recommendation
<p>Mobile traders Currently 38 Mobile Trader Licences issued.</p>	<ul style="list-style-type: none"> • Previous Bylaw – traders apply for license and must meet conditions. Currently very restrictive locations. • Online information with declaration in lieu of license. 	<p>Online information with declaration in lieu of licence. Food trucks and stalls still need food safety registration.</p>
<p>Application for commercial services in a public place (including permanent coffee/food carts)</p>	<ul style="list-style-type: none"> • Require formal agreement with appropriate charges • Don't regulate 	<p>Require formal agreement with appropriate charges</p>
<p>Damage to public places</p>	<ul style="list-style-type: none"> • Include reference in Bylaw • Don't include – Police matter 	<p>Police matter Crimes Act s269. Civil matter for Council to claim damages</p>

Key Issues/Options/Recommendations

Issue	Options	Recommendation
Preachers/petitioners/public speaking	<ul style="list-style-type: none"> • Written authority required as per previous Bylaw • Permitted activity – don't regulate 	Freedom of speech, suggest permitted unless creating an obstruction, intimidation or noise nuisance. Police matter if necessary.
Collection of donations/selling lottery tickets	<ul style="list-style-type: none"> • Written authority required as per previous bylaw • Don't regulate 	Written authority as per previous Bylaw
Protesting/assembly	<ul style="list-style-type: none"> • Require permission and conditions in bylaw • Don't regulate as not a Council matter 	Freedom of speech, peaceful protest permitted. Police matter if creating an obstruction, intimidation or noise nuisance.

Key Issues/Options/Recommendations

Issue	Options	Recommendation
Obstruction in public places, i.e. obstruct entrances/exits or public right of passage	<ul style="list-style-type: none">• Require Council permission• Don't regulate as Police matter	Summary Offences Act 1981 Section 22 Police matter
Homelessness and begging	<ul style="list-style-type: none">• Work with relevant social services – previous Bylaw• Control by Bylaw	Continue working with relevant social services



Bylaw Review – Chapter 2: Dog Control Bylaw

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Need for a Dog Control Bylaw

- Dog Control Act 1996 does not require a Bylaw, but must have a Policy
- A Bylaw would allow for effective controls over aspects of dog ownership that can cause problems for people, animals, dogs
- Last reviewed 2014, Golden Bay provisions added 2020, full review required by 18 September 2024



Potential Issues

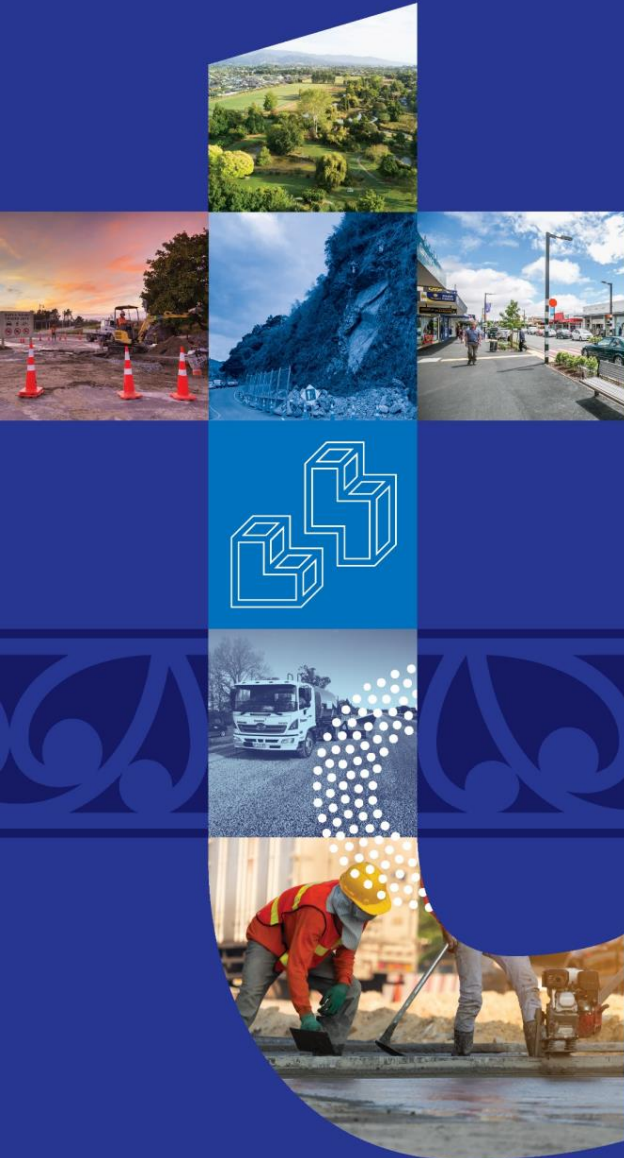
Issue	Options	Recommendation
Appetite from some stakeholders to take dogs away from sensitive areas where they may have negative effects on vulnerable fauna	Provision of designated dog parks. Further restrictions on dogs on beaches and sensitive areas. No changes to current Bylaw.	Early engagement on options
Sustainability of yearly plastic registration tags	Environmentally sound Forever Tags	Staff are investigating this as an operational matter

New Bylaw – Chapter 12 Proposed Cat Management Bylaw 2024

10 October 2023

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Purpose of Workshop

- Need for a Cat Management Bylaw
- Relevant legislation
- Background
- Cat Bylaw content
- Key issues/options and recommendations



Why do we need this Bylaw?



1. Reduce feral and stray cat numbers
 - Prevent injury on pet cats from stray and feral cats
 - Limit kitten dumping and cat colony numbers
2. Locate cat owners when injured pets are identified
3. Identify companion cats from feral during control operations
4. Manage cat nuisance
5. Reduce threat to wildlife



Relevant Legislation

- LGA s145 - Council may make bylaws for the purpose of **protecting the public from nuisance**, protecting, promoting, and maintaining **public health** and safety, and minimising the potential for offence behaviour in public places; and
- LGA s146(a)(v) - Council may make bylaws for the purpose of **regulating the keeping of animals**.



I don't like you talking about me!

Background

- No specific legislation for management of domestic cats
- Biosecurity Act covers feral cat management
- Tasman Nelson RPMP and the Tasman Biodiversity Strategy submissions:
 - controls on both feral and domestic cats; and
 - manage cat health, nuisance, predation and disease.



Statistics



- 41% of NZ households own a cat
- ~2.5 million feral cats in NZ (twice the number of domestic cats)
- ~ 28,000 feral cats in Tasman
- Approximately 88% of domestic cats have been de-sexed (2020)
- 49% of cats microchipped (72% dogs).

New Zealand Cat Legislation

- July 2023 Environmental Committee recommended legislation requiring registration, desexing, and microchipping of cats
- At least eight councils have their own bylaws under the Local Government Act 2002 (3 microchipping only; two desexing only; three for both microchipping and desexing)
- Wellington now revising their Bylaw to include de-sexing



Cat Bylaw content



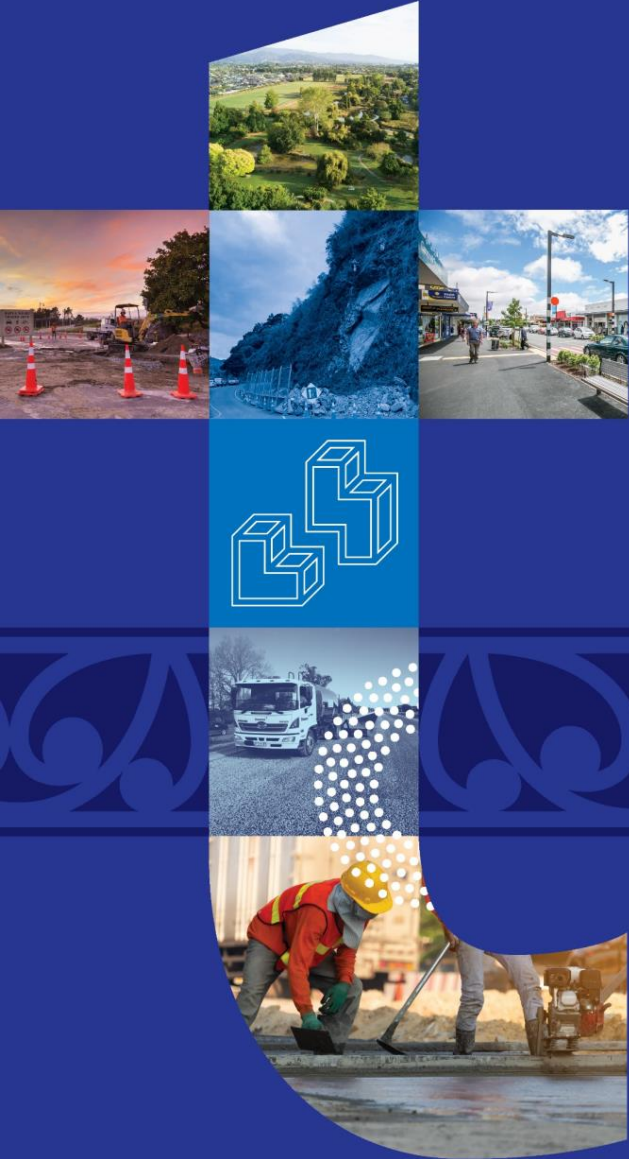
- The proposed bylaw could cover:
 1. Mandatory microchipping of cats before 12 weeks
 2. Entering microchip, cat, and owner details into the Companion Animal Register
 3. Desexing cats before 12 weeks

Key Issues/Options/Recommendations

Issue	Options	Recommendation
Support responsible cat ownership and welfare.	<ul style="list-style-type: none"> • Identify cat owners and owned cats • Community education • Continue not regulating 	Microchip and enter into companion pet database.
Inability to identify cat owners where a cat is lost, injured, involved in risk or nuisance behaviour	<ul style="list-style-type: none"> • Require cat identification and registration • Continue not regulating 	Microchip and enter into companion pet database.
Cat trespass / nuisance	<ul style="list-style-type: none"> • Require cat identification and registration • Continue not regulating 	Microchip and enter into companion pet database.

Key Issues/Options/Recommendations

Issue	Options	Recommendation
Increased unwanted and feral cat numbers	<ul style="list-style-type: none"> • Reduce kitten dumping and interbreeding between domestic and feral cats by neutering • Continue not to regulate 	Defer until greater community buy-in of cat regulation by Bylaw
Reduce cat predation on native species	<ul style="list-style-type: none"> • Reduce cat numbers through neutering • Control cat access • Continue not to regulate 	Defer until greater community buy-in of cat regulation Bylaw
Reduce the spread of cat borne diseases	<ul style="list-style-type: none"> • Reduce cat numbers through neutering • Control cat access • Continue not to regulate 	Defer until greater community buy-in of cat regulation Bylaw



Bylaw Review – Chapter 10 Public Water Supply Bylaw 2016 (amended 2019)

10 October 2023

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Water Supply Bylaw content

General purpose:

- Enables Council to provide and manage public water services
- Protects water networks from damage, misuse, or interference
- Protects the environment, public health, and safety
- Provides direction on water restrictions
- Enables the Council to meet its legislative obligations

Why are we reviewing this bylaw?

Current Bylaw dated 2016 (amended 2019) – due for full review by October 2026:

Needs:

- To align with the Water Services Act 2021 and Drinking Water Quality Assurance rules
- To align with the Nelson Tasman Land Development Manual (NTLDM)
- Additional clarification on backflow prevention device installation and testing requirements
- Updates on who can:
 - access and work on public water networks
 - take water from hydrants
- Further clarification around restricted connections
- Does the Bylaw remain when water services are transferred to the new Water Services Entity?

Key recommendations

- Definitions and descriptions updated to align with Water Services Act (WSA) and NTLDM
- Protection of water quality in water networks to align with the protections under WSA and Drinking Water Quality Assurance rules
- Clarification on testing Backflow Prevention Devices (BPDs), including requirements for rural restricted connections and storage tanks
- Updated charges for BPD installation
- Clarification of access for work on public water supplies, including in emergencies

Summary of Key Changes

2016/19 Water Supply Bylaw	Recommended Update	Impact of change
Disconnect with terms, definitions and clauses in WSA 2021, Drinking Water Quality rules	Align terms, definitions, and clauses with WSA 2021 and Drinking Water rules	More cohesion with current water legislation
Gaps in details around installation of Backflow Prevention Devices (BPDs)	Provide clarification on testing, charges and installation of BPDs including requirements for rural restricted connections and storage tanks	Greater clarity of responsibility for installation, charges and testing of BPDs
Clauses are inconsistent with NTLDM	Alignment between NTLDM and water bylaw	Avoid inconsistencies between water bylaw and NTLDM



Discussion and Feedback