

STAFF REPORT

TO: Council

FROM: Environmental Health Officer

REFERENCE: LB903

DATE: 23 March 2005

SUBJECT: Review of Trading in Streets and Public Places Bylaw

PURPOSE OF REPORT

Section 158 of the Local Government Act 2002 requires that Bylaws be reviewed and, in compliance with this requirement, the Trading in Streets and Public Places Bylaw (No 1 – 1994) has been updated, and is presented for Council’s consideration.

DISCUSSION

The previous Bylaw has been relatively effective in controlling trading in streets and public places but its interpretation by staff has been somewhat difficult due to the format. In an effort to overcome this, subheadings have been provided in the margin to provide a flow-line for easier administration.

As well as amending the Bylaw to reflect the current legislation, additional clauses have been included to cover the sale of food at “flea markets” and the sale of vehicles. The former is a food safety precaution, whilst the latter is an attempt to try and control the proliferation of private vehicles for sale that are lined up on streets, particularly in Salisbury Road. This has resulted in complaints about traffic congestion, visual amenity and trading fairness.

The proposed control allows the display of vehicles for sale on a street but only outside the owner’s residential address and subject to any parking restrictions that may apply. Also, a definition of “vehicle” has been included to cover all forms of transportation (including boats).

COMMENT

Because of the proposed changes to this Bylaw the special consultation procedure under Section 86 of the Act is required to be followed. This requires the advertising of the fact to amend and review this Bylaw, the calling of public submissions and the hearing of any such submissions prior to Council’s adoption of the Bylaw.

RECOMMENDATION

It is recommended that the following resolution be adopted:

“THAT, pursuant to Section 158 of the Local Government Act 2002, the Tasman District Council hereby reviews and amends the Trading in Streets and Public Places General Bylaw No 1 – 1994 and publicly notifies the Tasman District Council Consolidated Bylaw Chapter 6 – Trading in Streets and Public Places – for the purposes of the special consultative procedure prior to the adoption and ratification of this Bylaw.”

D R Lewis
Environmental Health Officer

<http://tdctoday:82/Shared Documents/Meetings/Council/Full Council/Reports/2005/RCN050407 Report Trading in Streets and Public Places Bylaw.doc>