

FAQ – Bylaw Review

What is a bylaw?

Bylaws are rules or regulations made by the Council under national legislation that affect how people live, work and play. Bylaws protect both our District and your rights. They are there to make our District a safe and healthy place.

Bylaws are made to protect the public from nuisance; protect, promote and maintain public health and safety and minimise the potential for offensive behaviour in public places.

Bylaws can address a specific area of operation (for example, traffic and speed, liquor control, dog control) or a variety of areas within the same bylaw (such as water supply, wastewater, tradewaste and stormwater in the Draft Combined Waters Bylaw).

A bylaw can have schedules or attachments that can be read as additional material. Where attachments or schedules are provided in addition to the bylaw, these documents do not have the same legal status as the bylaw.

Bylaws can be enforced by Council staff or external agencies such as the New Zealand Police. Consequences of not complying with a bylaw can include fines, seizure of property and remedial action.

Why is Whakatāne District Council doing a bylaw review?

Bylaws are made under the Local Government Act 2002 which requires that all bylaws must be reviewed five years after the day were first made and then every ten years after that. If a bylaw is not reviewed within the required timeline, it expires. It is then revoked two years after the review due date.

Our Consolidated Bylaw was made in July 2008 so we need to review it again now.

What is a bylaw review?

Bylaws are made to protect the public from nuisance; protect, promote and maintain public health and safety and minimise the potential for offensive behaviour in public places. They cover health, safety and a range of environmental issues.

However, over time nothing stays the same. For example, the problems facing a community can change or the Government can enact new legislation that makes the bylaw irrelevant. These changes can mean that the bylaws or parts of a bylaw are no longer doing the job they were intended to do. That is why Councils are required to review their bylaws every ten years to make sure all bylaws are fit for purpose and continue to meet the needs of the community

Bylaws are reviewed to assess whether:

- They are achieving their intended purpose
- They are effective and how easy it is to enforce them
- They are easy to understand and apply
- Legislative changes that affect the bylaw have occurred since the bylaw was written
- It is addressing the right community issues and problems
- A bylaw is needed or there are other ways to achieve the same outcome

Which bylaws is Whakatāne District Council reviewing?

The Whakatāne District Council currently has one Consolidated Bylaw with 19 parts. The following 17 parts are due for review:

Part 1:	Introduction
Part 2:	Trade Waste
Part 4:	Mobile Trading
Part 5:	Solid Waste
Part 6:	Dog Control (including Dog Control maps)
Part 7:	Wastewater
Part 8:	Water Supply
Part 9:	Cemeteries and Crematoria
Part 10:	Control of Animals (excluding dogs)
Part 11:	Fire Prevention in Urban Areas
Part 12:	Traffic and Speed Limits (including Traffic and Speed Limits maps)
Part 13:	Beaches
Part 14:	Ports and Wharves
Part 15:	Liquor Control
Part 17:	Parks and Reserves
Part 18:	Food Administration
Part 19:	Nuisances and Public Health

Part 3 (Public Places) was reviewed in 2015 and Part 16 (Stock Control) was reviewed in 2013 so these two don't need reviewing now.

Why is Whakatāne District Council replacing one Consolidated Bylaw with separate stand-alone bylaws?

The advantage of a single Consolidated Bylaw is that information relevant to more than one bylaw (such as definitions) can be placed in Part 1 – (Introduction) and doesn't need to be repeated for each bylaw. The disadvantage is that all relevant information could be in more than one document. In today's world no-one wants to be downloading multiple documents to find out what they need to know about any topic. That's why we've decided to do things differently this time. Each bylaw will contain all relevant information so you only need to read one document to get all the whole story.

Why is the bylaw review taking place in several rounds?

The Whakatane District Council is reviewing seventeen bylaws during this review. We have divided the bylaws into 3 groups to make the review process manageable. The table below shows the timeline for each bylaw being reviewed.

Review Programme		
Round 1: Completed by September 2017	Round 2: Completed by December 2017	Round 3: Completed by July 2018
Part 2: Trade Waste Part 7: Wastewater Part 8: Water Supply Part 18: Food Administration New: Stormwater	Part 4: Mobile Trading Part 5: Solid Waste Part 11: Fire Prevention in Urban Areas Part 12: Traffic and Speed Limits Part 15: Liquor Control	Part 1: Introduction Part 6: Dog Control (including maps) Part 9: Cemeteries and Crematoria Part 10: Control of Animals (excluding dogs) Part 13: Beaches Part 14: Ports and Wharves Part 17: Parks and Reserves Part 19: Nuisances and Public Health

How can I have my say on the proposed new bylaws?

A formal consultation process will take place from 29 May to 30 June 2017 with a Public Hearing scheduled on 27 July 2017.

Any person or organisation is welcome to make a submission on any of the proposed Whakatāne District Council bylaws being reviewed. The Council will take into account all submissions when it decides on the final content of the bylaw.

A submission form is available on the Whakatāne District Council website www.whakatane.govt.nz or can be obtained from:

- Whakatāne District Council 14 Commerce Street, Whakatāne
- Whakatāne Library 49 Kakahoroa Drive, Whakatāne
- Edgecumbe Library 38 College Road, Edgecumbe
- Ōhope Library 4 Harbour Road, Ōhope
- Murupara Library/Service Centre Civic Square, 48 Pine Drive, Murupara

Formal submissions may be made:

Online: www.whakatane.govt.nz

Posted to: Bylaw Review, Private Bag 1002, Whakatāne 3158.

Delivered to: Bylaw Review, Whakatāne District Council, 14 Commerce Street, Whakatāne.

Emailed to: submissions@whakatane.govt.nz Attention Bylaw Review

Informal submissions can be made by commenting on our Facebook page at www.facebook.com/WhakataneDistrictCouncil

We encourage you to make a submission online through our website at www.whakatane.govt.nz as this method minimises administration costs and gives you the option to add attachments if you wish.

Submissions should include your name, address, telephone number and email address and should state if you wish to speak to Council in support of your submission.

Submitters should note that their submission will be copied and made available to the public after the submission period closes. The Council will contact all submitters (who wish to be heard) in writing to advise the confirmed time, date and venue of the hearing.

Submissions close at 5pm on 20 June 2017