

Draft Maritime Facilities Bylaw - Community Board Submission

TO	Mercury Bay Community Board
FROM	Kirstin Richmond - Area Coordinator
DATE	20 October 2015
SUBJECT	Draft Maritime Facilities Bylaw - Community Board Submission

1 Purpose of Report

The purpose of this report is to inform the Mercury Bay Community Board of the opportunity to make a submission to the Draft Maritime Facilities Bylaw which is currently out for public consultation.

2 Background

The Thames-Coromandel District Council (the Council) is proposing a new Maritime Facilities Bylaw and is seeking your views. The Statement of Proposal has been prepared in accordance with the Act and includes:

- the reasons for the proposal
- an overview of the proposed bylaw
- a copy of the draft bylaw

Reason for the Proposal

Following feedback from the community and staff, Council considers that a new maritime facilities bylaw should be adopted in time for the 2015/2016 summer period.

Purpose of the bylaw

The purpose of this bylaw is to provide for the orderly management and control of maritime facilities that are owned or under the control of the Thames-Coromandel District Council for the benefit and enjoyment of all users of those facilities.

Scope

This bylaw applies to all maritime facilities owned or controlled by the Thames-Coromandel District Council.

The Council is not required by legislation to have a maritime facilities bylaw, but is able to make one in accordance with the Local Government Act 2002 (the Act) which states that the Council has general bylaw making powers to;

- protect the public from nuisance,
- protect, promote and maintain public health and safety, and
- minimise the potential for offensive behaviour in public places.

Other sections of the Act relate to this proposed bylaw, in particular section 146 which covers provisions to manage, and regulate to protect from, damage, misuse or loss, and section 150 which provides the ability to prescribe fees and charges in bylaws.

In developing the proposed maritime facilities bylaw the Council has considered the alignment of the operational management and governance arrangements developed through the community governance and empowerment approach that has been promoted by Council since 2012. The most recent changes were made through the development of

the 2015-2015 Long Term Plan while trying to retain as much consistency across the district to reduce confusing messages to the public and users.

The Maritime Facilities Bylaw will provide a set of rules for use of Council owned or operated wharves and other coastal structures in the Thames-Coromandel district. These are proposed to cover:

- Cleaning of maritime facilities
- Animals on maritime facilities
- Hazardous substances
- Objectionable odours
- Loading and unloading of goods
- Tying up alongside maritime facilities
- Vehicles on maritime facilities
- Powers of the Maritime Facilities Manager
- Closure of maritime facilities
- Obstruction of maritime facilities and berth operations
- Commercial zones
- Charging of fees
- Removal of goods
- Enforcement, offences, penalties under the bylaw, and
- Dispensation to act outside the bylaw

The intention of the bylaw relating to each of these rules is to protect public health and safety through managing interaction between a variety of users on our maritime facilities, to provide for the appropriate maintenance of these facilities, and to recover reasonable costs either for use of the facilities or damage to them.

3 Issue

The Mercury Bay Community Board may wish to take the opportunity to make a submission to one or more of the draft bylaws currently out for public consultation, in accordance with its community board delegations.

4 Discussion

The Community Board may wish to make a submission, as follows:

- To highlight errors or inaccuracies.
- If the draft bylaw(s) do not reflect the preferences of the Community Board.
- If the Board is aware of matters important to the community that are not reflected in the draft bylaw(s) - for the Mercury Bay Community Board area or District as a whole.
- To comment on any other matters it determines appropriate.

To assist with clarity, should the Board make a submission it is advisable that for each submission point it contain the following:

- Reference to which section of the applicable draft bylaw and page number the submission point relates.
- State the decision sought.
- State the reason(s) for the decision.

Consultation closes at 4pm on 9 November 2015 and Hearings will be held on 19 November 2015. Council will consider the final bylaw for adoption on 25 November 2015. If adopted, the bylaw will take effect from 14 December 2015, in time for the busy summer period.

5 Suggested Resolution(s)

That the Mercury Bay Community Board:

1. Receives the 'Draft Maritime Facilities Bylaw - Community Board Submission' report, dated 20 October 2015.
2. Determines whether to make a submission or not to the Draft Maritime Facilities Bylaw.
3. If applicable, confirms its submission to the Draft Maritime Facilities Bylaw.

References-Tabled/Agenda Attachments

Attachment A *Draft Maritime Facilities Bylaw - Statement of Proposal*

Attachment A

Attachment A - Maritime Bylaw Review