

Statement of proposal

for the draft Beaches Bylaw 2018

This statement of proposal includes:

- the proposed Beaches Bylaw 2018
- the reasons for the proposal.

Beaches Bylaw 2018

Council proposes to review the Beaches Bylaw 2007 to continue to enable the safe, recreational use of Tauranga beaches by controlling activities that are likely to affect public safety, and to minimise nuisance.

Under the Local Government Act 2002, the Council may make bylaws for the following purposes:

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

The proposed Beaches Bylaw 2018 is to be made under this Act and the proposed bylaw forms part of this proposal.

Reason for proposal

The reason for the proposal is to review the Beaches Bylaw 2007. In doing so Council proposes to:

- apply restrictions on vehicle and all-terrain vehicle (quadbike) access to the beach
- clarify rules governing the use of kontiki devices and other fishing apparatus
- clarify that a license is required for the erection of both permanent and temporary structures
- ensure that all commercial users of the beach have a license to do so.

Council has considered further restrictions on nude bathing. No proposals are included for increased restrictions at this time but feedback on this issue is sought from the public.

Council does not propose to introduce new controls on dogs at beaches at this time. Feedback on dog access to beaches will be considered as part of the upcoming review of the dog control bylaw.

Legal requirements

Under section 155 of the Local Government Act 2002, Council must, before commencing the process for making a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived problem. If it is, Council must determine whether the proposed bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Council is of the view that a bylaw is the most appropriate means of addressing issues arising from uses of the beach, the form of the bylaw is the most appropriate form, and it does not give rise to any implications under the New Zealand Bill of Rights Act 1990.

In Council's view the proposed bylaw:

- is authorised by the bylaw-making powers conferred on Council under the Local Government Act 2002
- does not conflict with existing New Zealand law.

Submissions to the proposed Beaches Bylaw 2018

The proposed Beaches Bylaw 2018 will be open for public submissions from Monday, 14 May 2018 until 5pm Friday, 15 June 2018.

Full copies of the proposed bylaw and the submissions forms are available from council's customer service centre at 91 Willow Street, the Tauranga, Mount Maunganui, Greerton and Papamoa libraries and on council's website at www.tauranga.govt.nz/beaches or contact the strategic policy and planning team on 07 577 7000 or info@tauranga.govt.nz