

## Summary of Proposal

### PORTS AND WHARVES BYLAW 2018

#### Introduction

The Whakatāne District Council (the Council) has reviewed Part 14: Ports and Wharves of the Consolidated Bylaw 2008 that is due to expire in 2018.

The Whakatāne District Council seeks your views on the Draft Ports and Wharves Bylaw 2018.

#### Proposal

The Council proposes to revoke Part 13: Ports and Wharves of the Consolidated Bylaw and replace it with a stand-alone bylaw.

The Draft Ports and Wharves Bylaw 2018 is being released for consultation using the Special Consultative Procedure as outlined in section 86 of the Local Government Act 2002 (the Act).

In accordance with section 86 (2) of the Act, Council is required to include the following in a Statement of Proposal:

- A draft of the proposed bylaw;
- The reasons for the proposal; and
- A report on any relevant determinations by Council under section 155 of the Act.

The attached copy of the proposed Whakatāne District Council Draft Ports and Wharves Bylaw 2018 forms part of this Statement of Proposal.

#### Reasons for the Proposal

Under sections 158 to 160 of the Act, the Council is required to review all bylaws within five years of their adoption and every ten years thereafter.

Council staff have reviewed Part 14: Ports and Wharves Bylaw 2008 and consider that while much of the current bylaw is working well, changes have been made to improve the safety of all users, provide clarity around the use of berths, protect the infrastructure, and allow Council to charge storage fees for the storage of goods on a wharf.

The key changes are:

- Changing the title 'Harbours Superintendent' to 'Authorised Officer, which is more accurate and is used in the Whakatāne District Council Ports Operational Plan;
- Emphasising that commercial activities take precedence over leisure activities regarding the use of port facilities;
- Prohibiting any vehicle or vessel from blocking or hindering access to fuel pumps and loading bays;
- Providing clarity around the application process for berthages;
- Prohibiting sub-letting of berths without the written consent of an Authorised Officer;
- Allowing individuals or groups/organisations to apply to the Council for exclusive use of a port structure for an event'
- Regulating swimming and fishing around port structures and in the navigation channel; and
- Enabling Council to charge fees for the use of boat ramps if a boat ramp fee is approved at a later date.

## Consultation and Submissions

Council invites the community to give us feedback on the proposed Bylaw to assist it in the decision-making process.

The formal consultation process will take place between **12 March and 12 April 2018**. Council will hold a hearing in May 2018.

Any person or organisation is welcome to make a submission on the Draft Ports and Wharves Bylaw 2018. The Council take into account all submissions when it decides on the final content of the bylaw.

Copies of the Statement of Proposal are available on Whakatane District Council's website <http://www.whakatane.govt.nz>

Hard copies are available from:

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

Formal submissions may be made:

Online: <http://www.whakatane.govt.nz>

Post to: Ports and Wharves Bylaw, Private Bag 1002,  
Whakatane 3158.

Deliver to: Ports and Wharves Bylaw, Whakatane District Council, 14 Commerce Street,  
Whakatane.

Email to: [submission@whakatane.govt.nz](mailto:submission@whakatane.govt.nz) Attention Bylaw Review

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

### **Submissions close at 5pm on Friday 12 April 2018.**

Submitters should note that their submission will be copied and made available to the public after the submission period closes.

Your submission 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. The Council will contact in writing, all submitters who wish to be heard to advise the confirmed time, date and venue of the hearing.