

REPORT

TO: Chief Executive Officer

FOR: Council Meeting – 25 February 2009

FROM: Bylaw Analyst

DATE: 3 February 2009

SUBJECT: Adoption of the draft Selwyn District Council Rural Fire Bylaw 2009 and the draft Selwyn District Council Parks and Reserves Bylaw 2009 for the Purpose of Consultation

1. RECOMMENDATION

- 1.1 That Council adopt for the purposes of public consultation the draft Selwyn District Council Rural Fire Bylaw 2009 and Selwyn District Council Parks and Reserves Bylaw 2009 as attached to this report together with their corresponding Statement of Proposal and Summary of Information.**
- 1.2 That a sub-committee consisting of Councillors Foster, Walters, Percy, Philps and Lyall hear and consider the submissions and report back to Council at the 10 June 2009 Council meeting for adoption of the final Selwyn District Council Rural Fire Bylaw 2009 and the final Selwyn District Council Parks and Reserves Bylaw 2009.**

2. PURPOSE

- 2.1 The purpose of this report is to:**
 - (a) Present the proposed new Selwyn District Council Rural Fire Bylaw 2009 and Selwyn District Council Parks and Reserves Bylaw 2009 for consideration and put in place the special consultative procedures necessary to adopt the bylaw.**
 - (b) Recommend the appointment of a Bylaw Subcommittee consisting of Councillors and Council staff to hear and consider any submissions made on the proposed Selwyn District Council Rural Fire Bylaw 2009 and Selwyn District Council Parks and Reserves Bylaw 2009.**
 - (c) The bylaw must go through a pre-determined consultative process, which is a requirement for Council under Section 83 of the Local Government Act (LGA) 2002. Other stakeholders and interested parties also need to be consulted such as Local Authorities as part of this process.**

3. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

3.1 Proposed Rural Fire Bylaw 2009

- 3.1.1 The main object and intent behind the original bylaws has changed significantly in the proposed Rural Fire Bylaw 2009.
- 3.1.2 Mostly corrections have been made relating to the removal of portions of the bylaw (for example, storage of hay) that are now adequately addressed elsewhere either in legislation or within a specific bylaw.
- 3.1.3 While the overall intent and principles that created the existing bylaws remain similar in context, the proposed bylaw contains more specific information on the lighting of fires in the open, restricted and prohibited fire seasons.

3.2 Proposed Parks and Reserves Bylaw 2009

- 3.2.1 The main object and intent behind the original bylaws has not changed significantly in the proposed new Parks and Reserves Bylaw 2009 and the changes are relatively minor and administrative in nature.
- 3.2.2 Mostly corrections have been made relating to the removal of portions of the bylaw (for example, dogs, litter, stock etc) that are now adequately addressed elsewhere either in legislation or within a specific bylaw.
- 3.3.3 While some changes have been made to procedural and administrative areas, and some sections rearranged to assist in clarity, it is considered that the overall intent and principles that created the existing bylaws remain the same.

- 3.3 The Local Government Act 2002 requires that the Special Consultative Procedure is required to be used when making amending or revoking any bylaw made under the Act.

4. HISTORY/BACKGROUND

4.1 Proposed Rural Fire Bylaw 2009

- 4.1.1 In 2007 the Management Committee requested that a bylaw was developed for Rural Fire. As a result the Bylaw Analyst initiated the bylaw process.
- 4.1.2 Currently there are two sets of bylaws dealing with the Rural Fire Bylaws; one for Malvern and one for Paparua. The proposed new bylaw brings together and reviews the two bylaws that are still operative. These bylaws are the "The Malvern County Council NZS 9231, 1971 Model Bylaw for Fire Prevention (including amendment 1, 1973 and amendment 2, 1979) and the Paparua County Bylaw 1981 Section 10 Protection Against Fire" (Refer to Appendix One).

- 4.1.3 Both the Council and Buddle Findlay agree that it is appropriate to revoke the existing Rural Fire bylaws as they have not been updated under the Local Government Act 2002.

4.2 Proposed Parks and Reserves Bylaw 2009

- 4.2.1 Currently there are three sets of bylaws dealing with the Parks and Reserves Bylaws; one each for Malvern, Paparua and Ellesmere. The proposed new bylaw brings together and reviews the three bylaws that are still operative. These bylaws are the "Ellesmere County Council General Bylaw 1969 Part XVI Parks and Reserves, Malvern County Council General Bylaw 1987 Chapter 17 Parks and Reserves and the Paparua County Council Bylaw 1981 Section 15 Reserves" (Refer to Appendix One).
- 4.2.2 Both the Council and Buddle Findlay agree that it is appropriate to revoke the existing Parks and Reserves bylaws as they have not been updated under the Local Government Act 2002.
- 4.2.3 In January 1995 Council Executive Officer G R Singleton reviewed the current Parks and Reserves bylaws and developed a new "Parks and Reserves Bylaw" (Appendix One). The Community Works and Services Committee minutes of 31 May 1995 indicates that the Committee discussed the draft bylaw and a number of amendments were proposed (these amendments cannot be located). It appears that while the draft was completed the bylaw was never formally adopted by the Council. It must also be noted that the draft bylaw was written under the Local Government Act 1974.

5. PROPOSAL

5.1 Proposed Rural Fire Bylaw 2009

- 5.1.1 The Bylaw Analyst has developed the proposed Rural Fire Bylaw 2009 in consultation with a working party of consisting of Council staff representing Asset Management and Rural Fire including representatives from the Selwyn, Waimakariri, Hurunui, Ashburton District and the Christchurch City Councils Rural Fire team. Advice was also obtained from the Selwyn Regulatory Department.
- 5.1.2 Specific issues that arose from these discussions included vegetation on road reserve that could be a fire risk and whether a fire permit fee should be implemented.
- 5.1.3 It was determined that the risk of vegetation on Council road reserve being a fire risk was minor in nature and did not warrant inclusion in the bylaw and that this issue could be addressed via education purposes (Council Call etc).
- 5.1.4 There is no intention to charge any permit fees at this point in time and that the wish to do so would require a resolution of Council. A clause has still been included within the bylaw that is similar to that of the Stock Droving Bylaw in the event that this becomes a requirement in the future.

- 5.1.5 Nothing in the proposed Bylaw relieves any person of any obligation to comply with the Canterbury Regional Council's Air Quality Plan for the lighting of fires in the open air in the urban areas.
- 5.1.6 Legal advice has been sought on the proposed new bylaw and any further amendments suggested resulting from this has been incorporated as necessary.
- 5.1.7 A copy of the proposed new bylaw is attached to this report (refer to Appendix Two).

5.2 Proposed Parks and Reserves Bylaw 2009

- 5.2.1 The Bylaw Analyst has developed the proposed Parks and Reserves Bylaw 2009 in consultation with a working party of consisting of Council staff representing Asset Management, Building and Regulatory departments.

5.2.3 Preliminary Consultation – Council Committees

- 5.2.3.1 On 13 August 2008 the Council Committees were provided with a copy of the draft bylaw and a bylaw feedback form. The deadline for feedback was 30 September 2008. Correspondence was also sent to other key stakeholders. Seven committees responded. The majority of the feedback related to the wording within the definitions and enforcement of the bylaw.
- 5.2.3.2 Legal advice was obtained regarding the enforcement of the bylaws as a number of the committees expressed concern as to who would enforce the bylaw with their preference indicating that they wished to enforce the bylaw, not the Council staff.
- 5.2.3.3 The legal advice has indicated that there is no reason why a person who is a committee member could not also be authorised to act as an enforcement officer if the Council thought it appropriate although that person would need to be specifically warranted and the particular powers delegated to them would need to be recorded on their warrant. However, a committee itself could not be authorised to enforce a bylaw, nor could the Council make a blanket delegation which would automatically authorise any person who is a committee member to authorise a bylaw. The Council has to specifically delegate certain powers to a particular person.
- 5.2.3.4 The working party participants resolved that there may be a conflict of interest if a committee of the Council undertook enforcement action (for example, ordering a person off reserve land) and that ongoing training would be necessary for all committee persons delegated this authority (there could be funding related issues, 3 year committee term then re-train again).
- 5.2.3.5 As a result the working party believe that it is appropriate for the Council committees to carry out the educating and communicating of the bylaw to the public and that the formal enforcement action would be carried out by warranted and delegated Council staff who

receive training and are provided with a bylaw enforcement manual. This will ensure consistency with bylaw enforcement principles particularly the investigation process and where Council may be considering prosecution.

- 5.2.4 The Vehicle Speed Restrictions and Controls in Reserves Bylaw 2008 that was reviewed and adopted by the Council in June 2008 has been incorporated into the proposed Parks and Reserves Bylaw 2009. Incorporating this bylaw into the proposed Parks and Reserves Bylaw will streamline the future bylaw review process. No further amendments have been made to this portion of the bylaw.
- 5.2.5 Legal advice has been sought on the proposed new bylaw and any further amendments suggested resulting from this has been incorporated as necessary.
- 5.2.6 A copy of the proposed new bylaw is attached to this report (Appendix Three).

6. STATEMENT OF PROPOSAL AND SUMMARY OF INFORMATION

- 6.1 As part of consultative process a Statement of Proposal and Summary of Information for the bylaws need to accompany the release of the proposed new bylaw detailing the nature, reasons, statutory requirements, benefits/costs, options, consultation and submissions process pertaining to each draft bylaw. This enables the public to be fully informed about the process leading to final adoption.
- 6.2 The Statement of Proposal and Summary of Information for the proposed new bylaws is attached to this report (Refer to Appendix Four).
- 6.3 The Statement of Proposal details the options available to Council in reviewing the bylaws which are as follows;
- 6.4 Proposed Rural Fire Bylaw 2009

6.4.1 *Options Available to Council*

- 1. **Do Nothing** – The Council has responsibilities for Rural Fire and related activities as provided for within the Local Government Act 2002 and the Forest and Rural Fires Act 1977. On this basis this option is not supported by the Council.
- 2. **Revoke the bylaw and rely on other methods (public education)** – This option is not seen as being practical as it would mean the Council would be relying on the co-operation of several different parties. As there are potential environmental problems and because clear rules about what is permitted, with penalties, which can be enforced if those rules are broken are required, the option to rely on other methods is not supported.

3. **Proceed with the review** – The review of the current bylaws will ensure they are up to date with relevant legislation and also update it in terms of current management and operating best practices.

This Statement of Proposal has been prepared on the basis that Council wishes to proceed with Option 3: **Proceed with the review** to formulate a proposed new bylaw.

6.4.2 *Proposed Timeline for Consultation*

The consultation for the proposed Selwyn District Council Rural Fire Bylaw 2009 is as follows:

Timeline	Selwyn District Council Rural Fire Bylaw 2009
25 February 2009 (Council meeting)	<ul style="list-style-type: none"> Adoption of the draft Selwyn District Council Rural Fire Bylaw 2009
28 February 2009 Bylaw advertised	<ul style="list-style-type: none"> Advertise for public submissions to the draft Selwyn District Council Rural Fire Bylaw 2009
30 March 2009 Submissions close	<ul style="list-style-type: none"> Written submissions close at 4:00pm at SDC service centres
21 April 2009 (to be confirmed) Submissions hearing	<ul style="list-style-type: none"> Hearings of submissions on the draft Selwyn District Council Rural Fire Bylaw 2009 by a subcommittee at the Selwyn District Council Headquarters, Norman Kirk Drive, Rolleston
10 June 2009 (to be confirmed) (Council Meeting)*	<ul style="list-style-type: none"> Adoption of the Selwyn District Council Rural Fire Bylaw 2009 at its ordinary Council Meeting
13 June 2009	<ul style="list-style-type: none"> Public notification on the adoption of the Selwyn District Council Rural Fire Bylaw 2009 by Council and its commencement date
24 June 2009* (Council Meeting)	<ul style="list-style-type: none"> <i>Adoption of the Selwyn District Council Rural Fire Bylaw 2009 by Council at its ordinary Council Meeting</i>
1 July 2009	<ul style="list-style-type: none"> Commencement date of new Selwyn District Council Parks and Reserves Bylaw 2009

* It is viewed that written submissions should be reviewed and heard if requested by an appointed subcommittee of Council staff and Councillors. From this process, amendments or changes to the draft bylaw can be incorporated for the consideration of Council to adopt the bylaw at its meeting of 10 June 2009. If it is the view of the subcommittee that the draft bylaw cannot be presented at that time for adoption or if there are further considerations identified by the Council at the meeting of 10 June 2009, this shall be reported back to Council including recommendations on how to proceed or the final bylaw will be sent for adoption at the Council meeting of 24 June 2009.

6.5 Proposed Parks and Reserves Bylaw 2009

6.5.1 *Options Available to Council*

1. **Do Nothing** – The Council has responsibilities to protect and manage the Parks and Reserves as provided in the Local Government Act 2002 and the Reserves Act 1977. On this basis this option is not supported by the Council.
2. **Revoke the bylaw and rely on other methods (public education)** – This option is not seen as being practical as it would mean the Council will have no statutory authority to protect the public asset and would be relying on the co-operation of several different parties. As there are

potential environmental problems and because clear rules about what is permitted, with penalties, which can be enforced if those rules are broken are required, the option to rely on other methods is not supported.

3. **Proceed with the review** – The review of the current bylaws will ensure they are up to date with relevant legislation and also update it in terms of current management and operating best practices. A bylaw is considered necessary because of the potential damage to Council infrastructure and the health and safety of Council staff and the general public.

This Statement of Proposal has been prepared on the basis that Council wishes to proceed with Option 3: **Proceed with the review** to formulate a proposed new bylaw.

6.5.2 *Proposed Timeline for Consultation*

The consultation for the proposed Selwyn District Council Parks and Reserves Bylaw 2009 is as follows:

Timeline	Selwyn District Council Parks and Reserves Bylaw 2009
25 February 2009 (Council meeting)	<ul style="list-style-type: none"> Adoption of the draft Selwyn District Council Parks and Reserves Bylaw 2009
28 February 2009 Bylaw advertised	<ul style="list-style-type: none"> Advertise for public submissions to the draft Selwyn District Council Parks and Reserves Bylaw 2009
30 March 2009 Submissions close	<ul style="list-style-type: none"> Written submissions close at 4:00pm at SDC service centres
17 April 2009 (to be confirmed) Submissions hearing	<ul style="list-style-type: none"> Hearings of submissions on the draft Selwyn District Council Parks and Reserves Bylaw 2009 by a subcommittee at the Selwyn District Council Headquarters, Norman Kirk Drive, Rolleston
10 June 2009 (to be confirmed) (Council Meeting)*	<ul style="list-style-type: none"> Adoption of the Selwyn District Council Parks and Reserves Bylaw 2009 at its ordinary Council Meeting
13 June (to be confirmed)	<ul style="list-style-type: none"> Public notification on the adoption of the Selwyn District Council Parks and Reserves Bylaw 2009 by Council and its commencement date
24 June 2009* (Council Meeting)	<ul style="list-style-type: none"> Adoption of the Selwyn District Council Parks and Reserves Bylaw 2009 by Council at its ordinary Council Meeting
1 July 2009	<ul style="list-style-type: none"> Commencement date of new Selwyn District Council Parks and Reserves Bylaw 2009

* It is viewed that written submissions should be reviewed and heard if requested by an appointed subcommittee of Council staff and Councillors. From this process, amendments or changes to the draft bylaw can be incorporated for the consideration of Council to adopt the bylaw at its meeting of 10 June 2009. If it is the view of the subcommittee that the draft bylaw cannot be presented at that time for adoption or if there are further considerations identified by the Council at the meeting of 10 June 2009, this shall be reported back to Council including recommendations on how to proceed or the final bylaw will be sent for adoption at the Council meeting of 24 June 2009.

7. VIEWS OF THOSE AFFECTED/CONSULTATION

7.1 View of those affected/consultation:

- 7.1.1 The general public will be invited to make submissions on the proposed new bylaws. Public consultation on the bylaws will be undertaken between 28 February to 30 March 2009. Notification measures will include utilising the Public Notices in the Press, Council Call and other local community newspapers where considered appropriate.
- 7.1.2 Specific groups and organisations will be invited to submit directly as identified relevant to the bylaws. These are listed in the Statement of Proposal and could include for example the National Rural Fire Authority.
- 7.1.3 On receipt of submissions a Bylaw Subcommittee consisting of Councillors and Council staff is proposed to be convened to consider and hear the submissions made on the proposed new bylaws. Based on these deliberations the proposed new bylaws will be amended as necessary and reported to Council.

7.2 Consultation with Maori:

- 7.2.1 The Council considers that the public notification and opportunity for submission process in February/March 2009 will provide adequate opportunity for public response, including Maori.

8. COMMUNITY OUTCOMES

8.1 Proposed Rural Fire Bylaw 2009

Appendix Five provides a review of the Community Outcomes and details how the Rural Fire contributes.

8.2 Proposed Parks and Reserves Bylaw 2009

Appendix Five provides a review of the Community Outcomes and details how the Township Reserves & Streetscapes contribute.

9. NEGATIVE IMPACTS

- 9.1 The bylaw is unlikely to negatively impact on the community as a whole or on the Council activities and will assist in the long term sustainable management of Rural Fire and the Parks and Reserves in the Selwyn District.

10. RELEVANT POLICY/PLANS

10.1 Proposed Rural Fire Bylaw 2009

The current Selwyn District Council Rural Fire Bylaws and the draft 1995 Rural Fire Bylaw have been considered as part of the review process and are attached to this report (Refer to Appendix Three).

10.2 Proposed Parks and Reserves Bylaw 2009

The current Selwyn District Council Parks and Reserves Bylaws, the draft 1995 Parks and Reserves Bylaw and the Vehicle Speed Restrictions and Controls in Reserves Bylaw 2008 have been considered as part of the review process and are attached to this report (Appendix One).

11. **LEGAL IMPLICATIONS**

11.1 NZ Bill of Rights:

11.1.1 Section 155(2) ((b) of the Local Government Act 2002 requires that any new bylaw not be inconsistent with the NZ Bill of Rights Act 1990. Council have obtained legal advice to ensure that the proposed new bylaws are consistent with the NZ Bill of Rights Act 1990.

11.1.2 The review of the current bylaw is being processed in a democratic manner by the Council by publicly notifying its intentions, the taking and hearing of submissions and the final consideration being made by an elected Council.

12. **FUNDING IMPLICATIONS**

12.1 The recommendations contained in this report do not have any significant funding implications.

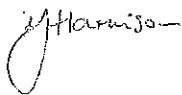
13. **HAS THE INPUT/IMPACT FROM/ON OTHER DEPARTMENTS BEEN CONSIDERED?**

13.1 Proposed Rural Fire Bylaw 2009

The Asset Management Bylaw Analyst has developed the proposed new bylaws with Council staff representing Asset Management and Rural Fire (including representation from adjoining local authorities) and with the assistance of Susan Newell and Kerry Smith of Buddle Findlay (Council Solicitors).

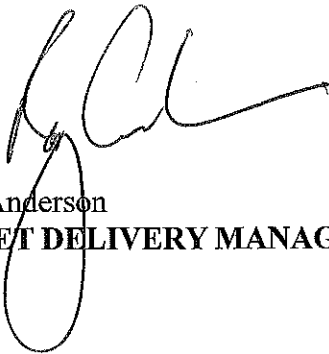
13.2 Proposed Parks and Reserves Bylaw 2009

The Asset Management Bylaw Analyst has developed the proposed new bylaw with Council staff representing Asset Management, Building and Regulatory, Reserve Management Committees and with the assistance of Susan Newell and Kerry Smith of Buddle Findlay (Council Solicitors).



K J Harrison
BYLAW ANALYST

ENDORSED FOR AGENDA



R J Anderson
ASSET DELIVERY MANAGER

APPENDIX ONE

CURRENT RURAL FIRE BYLAWS

- Malvern County Council NZS 9231, 1971 Model bylaw for Fire Prevention (including amendment 1, 1973 and amendment 2, 1979)
- Paparua County Council Bylaw 1981 Section 10 Protection Against Fire

CURRENT PARKS AND RESERVES BYLAWS

- Ellesmere County Council General Bylaw 1969 Part XVI Parks and Reserves
- Malvern County Council General Bylaw 1987 Chapter 17 Parks and Reserves
- Paparua County Council Bylaw 1981 Section 15 Reserves

CURRENT VEHICLE SPEED RESTRICTIONS AND CONTROLS IN RESERVES BYLAW 2008

DRAFT PARKS AND RESERVES BYLAW 1995

FIRST SCHEDULE TO THE MALVERN COUNTY COUNCIL GENERAL BYLAW 1987

NZS 9201 MODEL GENERAL BYLAWS:

- | | | | |
|---------|----|------|--|
| Chapter | 1 | 1972 | Introductory |
| Chapter | 2 | 1972 | Public Places (including amendment 1, 1973). |
| Chapter | 3 | 1972 | Licensing and control of apartment buildings and boarding houses. |
| Chapter | 4 | 1972 | Mobile or travelling shops, and hawkers and itinerant traders (including Amendment 1, 1976.) |
| Chapter | 5 | 1972 | Licences for vehicle stands on streets. |
| Chapter | 6 | 1972 | Removal of Refuse. |
| Chapter | 8 | 1975 | Control of Advertising Signs. |
| Chapter | 9 | 1972 | Scaffolding and deposit of Building materials. |
| Chapter | 10 | 1972 | Amusement devices and shooting galleries. |
| Chapter | 11 | 1972 | Nuisances |
| Chapter | 13 | 1972 | The Keeping of Animals, Poultry and Bees. |
| Chapter | 14 | 1972 | Cemeteries and Crematoria. |
| Chapter | 15 | 1972 | Public Libraries. |
| Chapter | 16 | 1972 | Public Swimming Pools. |
| Chapter | 17 | 1972 | Parks and Reserves. |
| Chapter | 18 | 1972 | Billiard Rooms. |
| Chapter | 19 | 1972 | Beaches Bathing and Control. |

NZS 9231: 1971 Model Bylaw for Fire Prevention (including amendments 1, 1973, and 2, 1979.)

NZS 9232: 1972 Model Bylaw for Precautions against Fire and panic in theatres, public halls and assembly Halls.

PROTECTION AGAINST FIRE

This bylaw to be construed with bylaw 1981 - Section 1

1. RURAL FIRE PROTECTION

Whenever the Council shall consider that owing to weather or seasonal conditions or any other cause, danger from fire may arise to any land, buildings or any other property within the County from the fire lighted in the open, it may resolve that during such period as it shall determine that throughout the whole County or such particular part or parts thereof as it may consider necessary, no persons shall light any fire in the open except in properly constructed fire places approved by the Council for use by picnic or camping parties.

Provided that application may be made to the Council in writing to light fires in the prohibited season for special reasons and the Council may give authority in writing for the same.

2. LIGHTING FIRES

- 1) Within that portion of the County to which fire protection is provided by the New Zealand Fire Service as defined on the map in the Council Offices:

a) No person shall burn any hedge clippings, trees or other material on any road without first having obtained the permission of the Council and in no case shall a fire be lighted on any asphalted or bituminous road. No material of green, wet or objectionable nature likely to cause undue smoke shall be burned on any road.

b) No person shall light any fire in the open or in any drum within 4.5 metres of any building or boundary, hedge or wooden fence, and no such fire shall be of a greater size than one cubic metre unless by special arrangement with the Council or the New Zealand Fire Service.

c) A responsible person shall be in attendance from the lighting of the fire until it is extinguished, this to include any live ashes that remain.

d) No fire shall be lighted, or permitted to remain alight between the hours of sunset and sunrise of the following day, unless special permission of the Council or the New Zealand Fire Service has been obtained.

e) No person shall light any fire during a period when the lighting of fires has been prohibited by the Chief Fire Officer of the New Zealand Fire Service owing to increased fire hazards.

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c) FIRES IN CHIMNEYS

- i) In this clause "chimney" includes any flue, vent, or stove pipe installed or provided to allow the escape of smoke, fumes, heat, or other products of combustion.
- ii) No person for the time being in occupation of any premises shall set on fire or cause or allow to be set on fire any chimney erected on the premises.
- iii) No occupier of premises shall cause or allow any chimney erected on the premises to become so foul as to catch fire.
- iv) No person shall light or allow a fire to be lit in a fireplace or appliance connected with a chimney which is damaged or blocked or in respect of which a notice to clear and repair the same has been given under the hand of the Engineer or the Inspector.
- v) No person shall use any chimney for or in connection with any smithy, furnace, foundry, or factory unless the chimney is constructed for such purpose and is properly fitted with either a protective screen of gauze or other network of fire-resistant material or any other device approved by the Engineer or Inspector.

d) LIVE ASHES

No occupier shall allow to be placed any live cinders or ashes in or upon any premises other than in a container made and constructed of iron or other similarly fire-resistant material so as to prevent the transmission of heat to any flammable or combustible substance or in a pit or upon any fire resistance substance in a manner which will prevent the spreading of fire or heat by the action of wind or otherwise.

e) FLAMMABLE MATERIAL IN RUBBISH

- i) Textile or fibrous waste or rags impregnated or used in connection with oils, grease or similar materials shall be deposited in a metal container fitted with a self-closing lid or shall be disposed of in such other manner as will provide a safeguard against spontaneous ignition.
- ii) Every occupier of premises shall ensure that combustible waste and rubbish are deposited in fire-resistant containers and regularly removed from the premises.

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SECTION 10

- 85 -

above and not less than 1.5m beyond the length of the stack, is situated between the stack and the boundary.

iii) A stack may, with the written approval of the adjoining owner and of the Engineer, be placed closer to the boundary than the distance specified in clause (g)(i) while any of the following conditions continue to exist:

a) Where there is a brick, stone, or concrete wall as defined in clause (g)(ii) without openings situated on the adjoining property and within 1.5m of the common boundary; or

b) Where there are no buildings on the adjoining land.

h) **STORAGE OF GOODS**

Every occupier of premises shall take all reasonable precautions in the storage of goods to prevent or reduce to a minimum the risk of the goods causing or spreading fire, or causing danger from fire, or constituting an obstacle to the exit of persons from the premises in the event of fire, or hampering the operations of the fire brigade in the event of fire on the premises.

Where storage of goods on any premises is likely to constitute or create a fire hazard the local authority may on the recommendation of the Inspector request the occupier of the premises by notice in writing to take such steps as the local authority shall think fit to eliminate or reduce the risk of fire. The notice shall specify the requirements of the local authority and the time within which the occupier shall comply with the terms of the requisitions.

i) **SAFEGUARDING OF PREMISES**

In order to prevent danger from fire every occupier of premises shall take all reasonable precautions with respect to any business or manufacturing operations carried on, in or about the premises, the installation, use or maintenance of any electrical equipment on the premises, the construction, situation and control of any device using an open flame, light or fire, and any heating equipment in or about the premises.

On the failure of an occupier of premises to take all reasonable precautions the local authority may on the recommendation of the Inspector request the occupier by notice in writing to take such precautionary measures as the local authority shall think fit. The notice shall specify

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Charges on
special
occasions.

1631. (a) The local authority may close all or any portion or portions of any reserve set apart for particular games during such times as it thinks fit, and where charges may lawfully be made, may by resolution fix charges within legal limits for the right to use such portions as are open to the public.

(b) The local authority may by resolution adopt regulations governing the use of such portions and the play thereon, and may similarly fix charges therefor. Every playing area shall be used only for the purpose for which it was constructed or set apart, and no person shall go thereon for the purpose of playing unless he shall have first paid the charge fixed for that purpose.

(c) Every person who on any day for which a charge is payable for admission to any reserve or any part thereof enters any such reserve or part thereof without paying the proper charge shall be guilty of an offence against this Part of this by-law.

(d) Every person who on any day for which a charge is payable for admission to any reserve or any part thereof has, before the hour at which any exhibition, show, game, programme of sports, or other entertainment for which the charge is made, is due to commence, entered such reserve or part thereof without paying the prescribed charge for admission, shall before the commencement of such exhibition, show, game, programme of sports, or other entertainment either pay the proper charge for admission or leave such reserve or part thereof.

1632. Every person committing any breach of the provisions of this Part of this by-law shall, upon request by the custodian, immediately leave the reserve; but shall nevertheless be liable also to be prosecuted for such breach, and any person failing with all reasonable speed to comply with such request shall be guilty of a further offence.

Ordering off.

NEW ZEALAND STANDARD

CODE OF GENERAL BY-LAWS

PART XVI

PARKS AND RESERVES

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or interfere with, pick, or pluck any flowers, ferns, or greenery, or walk upon any grass border adjoining any formed path.

1607. No person shall in any reserve enter any of the enclosures or places set apart for the cultivation of plants, nor walk, drive, ride, trespass, or trample—

(i) On any grass plot on which the same is forbidden by notice either general or particular; or

(ii) On any plantation, flower-bed, or border.

1608. No person shall deface by writing or otherwise or in any other manner damage the walls of or anything appurtenant to any building in any reserve, or therein act or use the same otherwise than in a cleanly and decent manner.

1609. No person shall leave any bottle, tin, glass, crockery, paper, remnants of food, or other litter within the limits of any reserve otherwise than in receptacles provided therefor.

1610. No person shall take any dog or allow any dog in his custody or charge or under his control to go within the limits of any reserve unless such dog be led on leash, and the owner or other person for the time being in charge of any dog that shall be found in any reserve without being secured as aforesaid shall be guilty of an offence against this Part of this by-law.

1611. No person shall permit or cause wastage of water or permit any water-tap to flow for a longer period than may be reasonably required for the filling of utensils for drinking, cooking, or washing purposes; nor shall any person in any manner pollute or otherwise render unfit for use for human consumption or otherwise any water-supply in any reserve.

1612. No person shall, without the prior permission of the local authority, turn in or allow any cattle or other animal or poultry to wander or graze within the limits of any reserve.

1613. No person shall ride or drive any animal, whether attached to any vehicle or not, nor ride or drive any motor-car, bicycle, tricycle, or other vehicle or machine whatsoever within any reserve—

(a) Except with the prior permission in writing of the Clerk, and then only in compliance with every condition under which such permission may be granted; or

(b) Except as permitted in this Part of this by-law or as is otherwise from time to time permitted by resolution of the local authority.

1614. No person shall post or interfere with any placard, bill, or notice in or about any reserve without the prior permission in writing of the Clerk, nor without such permission distribute any handbill or notice therein or at any of the entrances thereto.

1615. No person shall bathe or wade within a reserve in any water where such bathing or wading has been forbidden by the local authority.

1616. No person shall light any fire except in a place specially provided by the local authority for that purpose, or set fire to any vegetation in any reserve.

1617. No person shall put up or erect any stall, tent, camp, booth, swing, or structure of any kind within any reserve except by permission of the local authority, and then only in compliance with every condition under which such permission may be granted.

1618. (a) No person shall sell or offer for sale any article of food or merchandise or liquor, intoxicating or otherwise, or any kind of drink, or carry on any trade, pursuit, or calling within any reserve, without permission in writing from the local authority, and then only in compliance with every condition under which such permission may be granted.

(b) No person shall at any time consume, or remain on any reserve for the purpose of consuming, intoxicating liquor except as has been lawfully sold under the foregoing provisions.

1619. Within the limits of any reserve, no person shall wilfully obstruct, disturb, annoy, or interfere with any other person in the use or enjoyment of any reserve, or use any foul, abusive, indecent, or obscene language, or be intoxicated, noisy, or riotous, or in any way misbehave.

FIRST SCHEDULE TO THE MALVERN COUNTY COUNCIL GENERAL BYLAW 1987

NZS 9201 MODEL GENERAL BYLAWS:

Chapter	1	1972	Introductory
Chapter	2	1972	Public Places (including amendment 1, 1973).
Chapter	3	1972	Licensing and control of apartment buildings and boarding houses.
Chapter	4	1972	Mobile or travelling shops, and hawkers and itinerant traders (including Amendment 1, 1976.)
Chapter	5	1972	Licences for vehicle stands on streets.
Chapter	6	1972	Removal of Refuse.
Chapter	8	1975	Control of Advertising Signs.
Chapter	9	1972	Scaffolding and deposit of Building materials.
Chapter	10	1972	Amusement devices and shooting galleries.
Chapter	11	1972	Nuisances
Chapter	13	1972	The Keeping of Animals, Poultry and Bees.
Chapter	14	1972	Cemeteries and Crematoria.
Chapter	15	1972	Public Libraries.
Chapter	16	1972	Public Swimming Pools.
Chapter	17	1972	Parks and Reserves.
Chapter	18	1972	Billiard Rooms.
Chapter	19	1972	Beaches Bathing and Control.

NZS 9231: 1971 Model Bylaw for Fire Prevention (including amendments 1, 1973, and 2, 1979.)

NZS 9232: 1972 Model Bylaw for Precautions against Fire and panic in theatres, public halls and assembly Halls.

RESERVES

This bylaw to be construed with Bylaw 1981 - Section 1.

1. INTERPRETATION

In this bylaw unless inconsistent with the context:-

"Reserves Superintendent" means any person for the time being lawfully appointed to control or supervise the Council's Parks and Reserves.

"Reserve" includes any open space, gravel pit, plantation, park, garden or ground set apart for public recreation, enjoyment or any other use which is now or hereafter may be under the management or control of the Council.

2. ENTRANCES AND EXITS ONLY TO BE USED

No person shall enter or leave any reserve except through the openings, gateways, entrances or exits provided for the purpose.

3. OBSTRUCTION OF ENTRANCES, ETC

No person shall wilfully obstruct any of the approaches entrances, exits, thoroughfares, or walks of any reserve and (where gates are provided) no person shall enter any reserve save while the same is open for the admission of the public.

4. DAMAGE AND INTERFERENCE

a) No person shall interfere with, disturb, remove, displace, deface, disfigure, damage or destroy any inscription or any labels attached to or connected with any article, tree, shrub or other plant, or any noticeboard, sign, label, or tablet, used to indicate or exhibit any notice, name, regulation, bylaw or any part or a provision of a bylaw in any reserve.

b) No person shall remove, disturb, deface, damage or destroy or attempt to remove, disturb, damage or destroy any post, barrier, railing seat (fixed or moveable), gate, bridge, building, structure, wall, object or art or natural object, fence or hedge or any fitting or implement of any kind within or enclosing the whole or any portion of any reserve.

c) No person shall without written authority take, deposit, remove or disturb any soil, uproot or injure any shrub, tree, or other growth or take any cutting or interfere with, or pick any flowers, ferns, or greenery, or walk upon any grass border adjoining any formed path.

gyp B/L

d) No person shall in any reserve enter any of the enclosures or places set apart for the cultivation of plants, nor walk, drive, ride, trespass or trample

i) on any grass plot upon which the same is forbidden by notice either general or particular; or

ii) on any plantation, flowerbed or border.

e) No person shall deface by writing or otherwise or in any other manner damage the walls of or anything appurtenant to any building in any reserve or therein act or use the same otherwise than in a cleanly and decent manner.

5. LITTER

No person shall leave any bottle, tin, glass, crockery, paper, remnant of food or other litter within the limits of any reserve otherwise than in receptacles provided therefor.

6. DOGS

No person shall take any dog or allow any dog in his custody or charge or under his control to go within the limits of any reserve unless such dog be under control and the owner or other person for the time being in charge of any dog found in any reserve not under control as aforesaid shall be guilty of an offence against this bylaw.

7. WATER

No person shall permit or cause wastage of water or permit any water tap to flow for a longer period than may be reasonably required for the filling of utensils for drinking, cooking or washing purposes; nor shall any person in any manner pollute or otherwise render unfit for the use for human consumption or otherwise any water-supply in any reserve.

8. WANDERING STOCK

No person shall, without the prior permission of the Council turn in or allow any animal to wander or graze within the limits of any reserve.

9. RIDING AND DRIVING

No person shall ride or drive any animal, whether attached to any vehicle or not, nor ride or drive any vehicle or machine whatsoever within any reserve:

a) With the prior permission in writing of the Reserves Superintendent, and then only in compliance with every

gyp B/LW

16. CHILDREN'S APPARATUS

No person over the age of twelve years, shall use or occupy any swing, roundabout, slide, sandpit, seesaw or any children's play apparatus installed or provided for the use of children in any reserve.

17. DESTRUCTION OF BIRDS, ETC

No person shall by any means whatsoever, destroy, shoot, snare, injure, interfere with or take any animal, fish, bird, bird's nest, or bird's egg, or attempt to do so, in or from any reserve without the prior written consent of the Council; provided that in the case of any animal or bird protected by the Wildlife Act 1953, no such permission shall be granted unless and until the provisions of that Act have been complied with.

18. ASSEMBLIES

No person shall within the limits of any reserve and except with the prior written authority of the Clerk, organise, hold or conduct, or attempt to hold or conduct any public meeting, gathering or demonstration or make any public address or attempt to collect a crowd.

19. INTERFERENCE WITH EMPLOYEES

No person shall in any reserve interrupt or interfere with any person working therein.

20. SUPERINTENDENT'S AUTHORITY

a) The Reserves Superintendent, and in his absence, any Council employee, may prevent any game being played therein, which in his opinion is liable to damage the said reserve or anything therein, or which in his opinion is otherwise undesirable or unseemly.

b) Every person who shall fail forthwith upon request to desist from playing or taking part in any such game shall be guilty of an offence against this bylaw.

c) No person shall play any game in any reserve except upon such portions thereof as shall be set apart for that purpose or as the Reserves Superintendent shall direct.

21. No person shall play at or engage in or practice activities or sports on any playing ground or part thereof on any reserve after being requested by the Reserves Superintendent, or in his absence, any Council employee, to leave such playing ground or reserve or any part thereof, or when any notice is

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b) No person shall enter or remain in such reserve during such period of closing without the prior permission in writing of the Clerk.

27. CHARGES ON SPECIAL OCCASIONS

a) The Council may close all or any portion or portions of any reserve set apart for particular games during such times as it thinks fit, and where charges may lawfully be made, may by resolution fix charges within legal limits for the right to use such portions as are open to the public.

b) The Council may by resolution adopt regulations governing the use of such portions and the play thereon, and may similarly fix charges therefor. Every playing area shall be used only for the purpose for which it was constructed or set apart, and no person shall go thereon for the purpose of playing unless he shall have first paid the charge fixed for that purpose.

c) Every person who on any day for which a charge is payable for admission to any reserve or any part thereof enters any such reserve or part thereof without paying the proper charge shall be guilty of an offence against this bylaw.

d) Every person who on any day for which a charge is payable for admission to any reserve or any part thereof has before the hour at which any exhibition, show, game, programme of sports or other entertainment for which the charge is made is due to commence, entered such reserve or part thereof without paying the prescribed charge for admission, shall before the commencement of such exhibition, show, game, programme of sports, or other entertainment either pay the proper charge for admission or leave such reserve or part thereof.

28. ORDERING OFF

Every person committing any breach of the provisions of this bylaw shall, upon request by the reserves superintendent, immediately leave the reserve, but shall nevertheless be liable also to be prosecuted for such breach, and any person failing with all reasonable speed to comply with such request shall be guilty of a further offence.

gyp B/LH

**SELWYN DISTRICT COUNCIL
VEHICLE SPEED RESTRICTIONS AND CONTROLS
IN RESERVES BYLAW 2008**

1. TITLE

- 1.1 This Bylaw is made by the Selwyn District Council pursuant to the powers and authority vested in the Council pursuant to Section 145 of the Local Government Act 2002 and Section 17 (2)(a) of the Reserves Act 1977. This bylaw shall be known as the Vehicle Speed Restrictions and Controls in Reserves Bylaw 2008.

2. APPLICATION

- 2.1 This bylaw applies in all Reserves classified and administered by the Selwyn District Council.

3. DATE OF COMMENCEMENT

- 3.1 This bylaw comes into force on 1 July 2008.

4. OBJECTIVES

- 4.1 To control the speed and manner of operation of vehicles within reserves for the protection and general well-being of reserves and for the protection and control of the public using those reserves.

5. DEFINITIONS

- 5.1 In this bylaw, except where inconsistent with the context:

"Cycle" means a vehicle that has at least two wheels and that is designed primarily to be propelled by muscular energy of the rider.

"Council" means the Selwyn District Council or any officer authorised to exercise the authority of the Council.

"Fauna" means animals of any kind.

"Flora" means plants of any kind.

"Natural water body" means any naturally occurring body of water, including a river, creek, stream, drain or lake.

"Registered" in relation to a vehicle, means registered under the Transport (Vehicle and Driver Registration and Licensing) Act 1986.

"Reserve" or **"public reserve"** has the same meaning as the Reserves Act 1977 and includes cemeteries, sports grounds, recreation areas and gravel reserves.

"Vehicle" has the same meaning as in Section 2(1) of the Land Transport Act 1998 except that it does not include cycles.

"Wheeled recreational device" means a vehicle that is a wheeled conveyance (other than a cycle that has a wheel diameter exceeding 355mm) and that is propelled by muscular energy of the rider.

6. VEHICLE CONTROLS WITHIN DISTRICT RESERVES

- 6.1 No person may drive or ride any vehicle within any reserve in a manner which, having regard to all the circumstances is or might be dangerous to any person.
- 6.2 No person may drive or ride any vehicle within any reserve in a manner which, having regard to all the circumstances causes or might cause damage to structures, facilities, flora or fauna.
- 6.3 No person may drive any vehicle in any reserve at a speed in excess of 20 km/h or at a speed contrary to the intent of clause 6.1 or such other speed limit as the Council from time to time indicates by a sign or signs. This limit does not apply to cycles and wheeled recreational devices.
- 6.4 No person may stop or park any vehicle within any reserve in such a manner that it causes or is likely to cause an obstruction to any entrance, thoroughfare, path or walkway.
- 6.5 Where, in the opinion of any authorised officer of the Council, a vehicle (whether complete or not) has been abandoned in any reserve, the officer may take possession of the vehicle and dispose of it in the same manner as provided by Section 356 of the Local Government Act 1974.
- 6.6 No person may operate a vehicle in a natural water body or on its banks and margins and its associated waters.
- 6.7 No person may cause a vehicle to enter or exit a natural water body or its associated waters.
- 6.8 No person may operate the following motor vehicles in any reserve:
 - All-terrain vehicles (ATVs)
 - tri or quad bikes,
 - farm bikes and
 - trail bikes,
 - any other vehicle that has been designed for off road use
 - any vehicle that is not registered
 - any vehicle that does not have a current Warrant of Fitness.unless
 - a) prior approval in writing has been granted by the Council; or
 - b) use of such vehicle is required for authorised reserve maintenance purposes.
- 6.9 A person who does not have a current driver's licence may not operate a vehicle in a reserve.

7. ORDERING OFF

- 7.1 Every person committing any breach of the provisions of this Bylaw must, upon any request or order by any authorised officer of the Council, immediately leave the reserve for such period as the authorised officer deems fit.

8. OFFENCES AND PENALTIES

- 8.1 Every person who breaches this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$1,500.00; and
- 8.2 Every person who is convicted of an offence against this bylaw is liable for the costs of remedying any damage caused in the course of committing the offence.

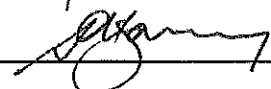
9. REPEALS

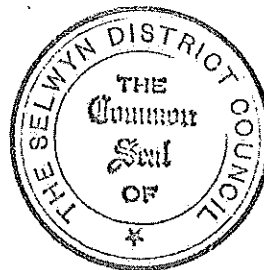
- 9.1 The Selwyn District Council Motor Vehicle Speed Restriction in Reserves Bylaw 1999 is hereby repealed.

The **COMMON SEAL** of the
SELWYN DISTRICT COUNCIL
was hereunto affixed, in accordance
with the Special Order made by the
Council on 11th June 2008
in the presence of:

)
)
)
)
)
)
)

 Mayor

 Chief Executive



SELWYN DISTRICT COUNCIL

**PARKS AND RESERVES
BYLAW**

ADOPTED BY COUNCIL

**THE SELWYN DISTRICT COUNCIL BYLAW NO. 1995
PARKS AND RESERVES**

In pursuance and exercise of the powers vested in it by the Local Government Act 1974, and of all other powers it thereunto enabling the Selwyn District Council hereby makes and ordains this bylaw.

1. SHORT TITLE AND COMMENCEMENT

This bylaw may be cited as the Selwyn District Council Bylaw No. 1995 Parks and Reserves. This bylaw shall be read in conjunction with the Local Government Act 1974 and the Reserves Act 1977.

This bylaw shall come into force on the first day of September 1995.

2. DEFINITIONS

AUTHORISED OFFICER means any person appointed by the Council to act on its behalf with its authority.

COUNCIL means the Selwyn District Council or any Committee which has been appointed by the Council to act on its behalf and with its authority.

RESERVE includes any open space, plantation, park, garden, or ground set apart for public recreation or enjoyment which is now or hereafter may be under the management or control of the Council.

PARKING means the standing of a vehicle in any place for a period in excess of 5 minutes and PARK shall have a corresponding meaning.

3. ENTRANCES

- (1) No person shall enter or leave any reserve except through the openings, gateways, entrances, or exits provided for the purpose.
- (2) No person shall wilfully obstruct any of the approaches, entrances, exits, thoroughfares, or walks of any reserve, and (where gates are provided) no person shall enter any reserve while the same is open for the admission of the public.

4. DAMAGE AND INTERFERENCE

- (1) No person shall interfere with, disturb, remove, deface, damage, or destroy any inscription or any labels attached to or connected with any article, tree, shrub, or other plant, or any noticeboard, sign, label, or tablet used to indicate or exhibit any notice, name, regulation, or bylaw, or any part or provision of a bylaw in any reserve.

- (2) No person shall remove, disturb, deface, damage, or destroy, or attempt to remove, disturb, damage, or destroy, any post, barrier, railing, seat (fixed or moveable), gate, bridge, building, structure, wall, children's play equipment, object of art or natural object, fence, or hedge, or any fitting or implement of any kind within or enclosing the whole or any portion of any reserve.
- (3) No person shall, without the written authority of the Council deposit, remove, or disturb any soil, uproot, or injure any shrub, tree, or other growth, or take any cutting or interfere with, pick, or pluck or otherwise remove any flowers, ferns, or greenery from any reserve.
- (4) No person shall in any reserve enter any of the enclosures or places set apart for the cultivation of plants, nor walk, drive, ride, trespass, or in any other way cause damage -
 - (a) On any portion of the reserve on which the same is forbidden by notice either general or particular; or
 - (b) On any plantation, flowerbed, or border.
- (5) No person shall deface by writing or otherwise, or in any other manner damage the walls of or anything appurtenant to any building in any reserve, or therein act or use the same otherwise than in a clean and decent manner.

5. LITTER

No person shall leave any bottle, tin, glass, crockery, paper, remnants of food, or other litter within the limits of any reserve otherwise than in receptacles provided there for the purpose.

6. POLLUTION

No person shall deposit, discharge or leave any offensive, or dangerous matter or cause pollution within the limits of any reserve or any stream, dam, pond, or fountain therein.

7. DOGS

No person shall take any dog, or allow any dog in his/her custody or charge under his/her control, to be within the limits of any reserve unless such dog is led on leash, and the owner or other person for the time being in charge of any dog that shall be found in any reserve without being secured as aforesaid commits an offence against this Part of this bylaw.

8. WATER

No person shall permit or cause wastage of water or permit any water tap to flow for a longer period than may be reasonably required for the filling of utensils for drinking, cooking, or washing purposes; nor shall any person in any manner pollute or otherwise render unfit for use for human consumption or otherwise any water supply in any reserve.

9. STOCK

No person shall, without the prior permission of an authorised officer of the Council, turn in or allow any cattle or other animal or poultry to wander or graze within the limits of any reserve.

10. RIDING AND DRIVING

No persons shall park, ride or drive any motor vehicle, motorcycle, power cycle or bicycle, or drive, ride, or lead any horse, or other animal on any area of any reserve except on those areas set aside for such purpose.

11. SPEED

No person shall drive any motor vehicle or motorcycle or power cycle in any reserve at a speed in excess of that prescribed from time to time by the Council.

12. DANGEROUS OR INCONSIDERATE DRIVING

(1) No person shall drive any motor vehicle or ride any motorcycle, power cycle or bicycle or horse or other animal in any reserve without due care and attention or without reasonable consideration for other persons using, or driving in, the reserve.

(2) No person shall drive or ride any animal or vehicle (without propelled by mechanical power or not) within any reserve in such a manner as to cause damage to the surface or to any part of such reserve or other land.

13. NOTICES AND SIGNS

No person shall post or interfere with any placard, sign, or noticeboard, in, on, or about any reserve without the prior permission of an authorised officer of the Council, nor without such permission distribute any handbill or notice therein or at any of the entrances thereto.

14. BATHING

No person shall bathe or wade within a reserve in any water where such bathing or wading has been forbidden by the Council.

15. LIGHTING FIRES

- (1) No person shall light any fire in any reserve
 - (a) except in any place specifically provided by the Council or
 - (b) in contravention of any restrictions imposed by the Principal Rural Fire Officer of the Council from time to time.
- (2) No person shall set fire to any vegetation in any reserve or continue burning any approved fire in a reserve after sunset without the approval of an authorised officer of the Council.

16. ERECTION OF TENTS AND BOOTHS

No person shall put up or erect any stall, tent, camp, booth, swing, amusement device, or structure of any kind within any reserve except by permission or an authorised officer of the Council, and then only in compliance with every condition under which such permission may be granted.

17. TRADING AND INTOXICATING LIQUOR

- (1) No person shall sell or offer for sale any article of food or merchandise or liquor, intoxicating or otherwise, or any kind of drink, or carry on any trade, pursuit, or calling within any reserve, without permission of an authorised officer of the Council, and then only in compliance with every condition under which such permission may be granted.
- (2) No person shall at any time consume, or remain on any reserve for the purpose of consuming, intoxicating liquor except as has been lawfully sold under the foregoing provisions.

18. MISBEHAVIOUR

No person shall, within the limits of any reserve, wilfully obstruct, disturb, annoy, or interfere with any, or use any foul, abusive, indecent, or obscene language, or be intoxicated or under the influence of drugs, or noisy, or riotous, or in any way misbehave.

19. CHILDRENS APPARATUS

No person over the age of 14 years shall use or occupy any swing, roundabout, slide, sandpit, seesaw, or any children's play apparatus installed or provided for the use of children in any reserve.

20. DESTRUCTION OF BIRDS ETC.

No person shall by any means whatsoever destroy, shoot, snare, injure, interfere with or take any animal, fish, bird, bird's nest, or bird's egg, or attempt so to do, in or from any reserve without the prior consent of an authorised officer of the Council.

Provided that in the case of any animal or bird protected by the Wild Life Act 1953 no such permission shall be granted unless and until the provisions of that Act have been complied with.

21. PUBLIC ASSEMBLIES

No person shall, within the limits of any reserve and except with the prior authority of an authorised officer of the Council organise, hold, or conduct, or attempt to hold or conduct, any public meeting, gathering, fair or fête, or demonstration, or make any public address, or attempt to collect a crowd.

22. INTERFERENCE WITH EMPLOYEES

No person shall in any reserve interrupt or interfere with any Council employee or other authorised person working therein.

23. SPORTS AND GAMES

- (1) The authorised officer of the Council in charge of reserves, and in his/her absence the custodian, may prevent any game being played therein which in his/her opinion is liable to damage the said reserve or anything therein, or which in his/her opinion is otherwise undesirable or unseemly, dangerous or indecent.
- (2) Every person who shall fail forthwith upon the request of the custodian or authorised officer as aforesaid to desist from playing or taking part in any such game commits an offence against this Part of this bylaw.
- (3) No person shall play any game in any reserve except upon such portions thereof as shall be set apart for that purpose or as the custodian or authorised officer shall direct.
- (4) No person shall play at or engage in or practice activities or sports on any playing ground or part thereof on any reserve
 - (a) after having been requested by the custodian or authorised officer to leave such playing ground or reserve, or any part thereof, or
 - (b) when any notice is erected at the main entrance to such playing ground or reserve or the particular part thereof indicating that the ground is CLOSED to play whether alone or in any combination of words.
- (5) No person shall play or practise golf except on a reserve which the local authority has by resolution set aside for that purpose.

24. FIREARMS ETC.

- (1) No person shall, within the limits of any reserve and without the prior permission of an authorised officer of the Council,

- (a) take, use, or carry any firearm, axe or similar weapon or other instrument of a dangerous character, or any airgun or bow and arrow, or let off any fireworks; or
 - (b) throw stones or other projectiles or missiles either by hand or by means of a catapult or other appliance.
- (2) Any custodian, or authorised officer of the Council, may take into his possession and retain while the person carrying the same in any reserve, any weapon or instrument aforesaid, without being liable for any claim arising therefrom.

25. MODEL AEROPLANES

No person shall fly any model aeroplane except with the prior permission of an authorised officer of the Council and then only in compliance with every condition under which such permission is granted.

26. LANDING OF AEROPLANES ETC.

No person shall make use of any part of any reserve for the purpose of the landing thereon or flying therefrom of an aeroplane or of any kind of flying machine or glider except in case of emergency or in accordance with the prior permission of an authorised officer of the Council.

27. LOCAL AUTHORITY OFFICERS

No act by any officer, employee, or agent of the Council when engaged in the performance of his/her duties on any reserve shall constitute an offence against this Part of this bylaw.

28. TIMES OF OPENING

- (1) The Council may from time to time, by resolution publicly notified, prescribe the period or periods during which any particular reserve shall be open to the public.
- (2) Where the Council has prescribed such period or periods in the manner prescribed in subclause (1) above, no person shall be in or upon or remain in or enter such reserve other than during such period or periods.

29. CLOSURE IN SPECIAL CIRCUMSTANCES

- (1) If in his/her opinion at any time any reserve is being used or is likely to be used for any purpose which may result or be likely to result in riotous conduct or in civil disorder, the officer authorised by the Council in that behalf may, by notice in any newspaper circulated in the district under its jurisdiction or by notice erected or displayed on the entrances to such reserve, declare such reserve to be closed for such period as he/she shall deem advisable.

- (2) No person shall enter or remain in such reserve during such period of closing without the prior permission of an authorised officer of the Council.

1. CHARGES ON SPECIAL OCCASIONS

- (1) The Council may close all or any portion or portions of any reserve set apart for particular games during such times as it thinks fit, and where charges may lawfully be made, may by resolution fix charges within legal limits for the right to use such portions as are open to the public.
- (2) The Council may, by resolution, adopt regulations governing the use of such portions and the play thereon, and may similarly fix charges for that purpose. Every playing area shall be used only for the purpose for which it was constructed or set apart, and no person shall go thereon for the purpose of playing unless he/she has first paid the charge fixed for that purpose.
- (3) Every person who on any day for which a charge is payable for admission to any reserve or any part thereof enters any such reserve or part thereof without paying the proper charge, commits an offence against this Part of this bylaw.
- (4) Every person who on an day for which a charge is payable for admission to any reserve or any part thereof has, before the hour at which any exhibition, show, game, programme of sports, or other entertainment for which the charge is made is due to commence, entered such reserve or part thereof without paying the prescribed charge for admission, shall before the commencement of such exhibition, show, game, programme of sports, or other entertainment either pay the proper charge for admission or leave such reserve or the part thereof.

1. REQUESTS TO LEAVE RESERVES

Every person committing any breach of the provisions of this Part of this bylaw shall, upon request by the custodian or any authorised officer, immediately leave the reserve and may be prohibited from appearing on the reserve for such period as the authorised officer deems fit. That person shall nevertheless be liable also to be prosecuted for such breach, and any person failing with all reasonable speed to comply with such request shall be guilty of a further offence.

2. REQUIREMENT FOR IDENTIFICATION OF OFFENDER

Any person who in the opinion of the custodian or any duly authorised officer commits a breach of any of the provisions of this Part of this bylaw shall if so requested by the custodian or authorised officer supply his full name and address.

3. REVOCATION

The following Bylaws or sections of Bylaws are hereby revoked on the coming into force of this Bylaw. All decisions made in terms of those Bylaws shall continue in force and be given the effect of having been made in terms of this Bylaw.

Ellesmere County Council

General Bylaw 1969 Part XVI Parks and Reserves

Malvern County Council

General Bylaw 1987 Chapter 17 Parks and Reserves

Paparua County Council

Bylaw 1981 Section 15 Reserves

The Special Resolution to make this bylaw was passed by the Selwyn District Council at a Special Meeting of the said Council held on the _____ which resolution was confirmed at a subsequent meeting of the Council held on the _____.

THE COMMON SEAL of the
SELWYN DISTRICT COUNCIL
was affixed in accordance
with the Special Order
made in that behalf by
the said Council on the _____.

MAYOR

DEPUTY MAYOR

GENERAL MANAGER

APPENDIX TWO

PROPOSED SELWYN DISTRICT COUNCIL RURAL FIRE BYLAW 2009

Draft

SELWYN DISTRICT COUNCIL RURAL FIRE BYLAW 2009

1. TITLE

- 1.1 A Bylaw of the Selwyn District Council by way of Special Order pursuant to the provisions of the Local Government Act 2002 and the Forest and Rural Fires Act 1977, powers and authorities enabling it in that behalf to make a Bylaw to be known as the Selwyn District Council Rural Fire Bylaw 2009.

2. DATE OF COMMENCEMENT

- 2.1 This Bylaw comes into force on 1 July 2009.

3. APPLICATION OF BYLAW

- 3.1 This Bylaw applies throughout Selwyn District except in residential areas.
- 3.2 Lighting of fires in the open air in urban areas is regulated under the Canterbury Regional Council's Air Quality Plan, and nothing in this Bylaw relieves any person of any obligation to comply with that Plan.
- 3.3 Compliance with other Acts

The Rural Fire Bylaw 2009 is subject to Acts and Regulations and nothing in this Bylaw derogates from any of the provisions of the Forest and Rural Fires Act 1977 and the Forest and Rural Fire Regulations 2005 and their regulations or subsequent amendments or any other relevant statutory or regulatory requirements. In the event of any inconsistency between this Bylaw and the legislation the more stringent applies.

4. DEFINITIONS

For the purpose of this Bylaw, unless the context otherwise requires:

"Acceptable means of fire suppression" means a hose connected to a reticulated water supply or an alternative means of fire suppression approved in writing in a particular case by an authorised officer.

"Agricultural Crop Residue" includes but is not limited to: plant material remaining after harvesting crops such as cereals, pulses, brassicas, grasses, clovers and other small specialist seed crops and may include leaves, stalks and roots, and also includes plant material that has been desiccated as a result of chemical application. It does not include any material that may be considered anything other than fine fuel.

"Authorised Officer" means a person appointed as a Rural Fire Officer or Principal Rural Fire Officer under the Forest and Rural Fires Act 1977 or any person appointed by the Council as an Enforcement Officer under the Local Government Act 2002 by the Council to perform duties required under this Bylaw.

"Barbeque" means any fixed or portable gas or solid fuel burning equipment or device designed or intended for the cooking of food in the open air.

"Combustible Material" means a substance or material that is able to catch fire and burn.

"Council" means the Selwyn District Council or any officer authorised to exercise the authority of the Council.

"District" means the Selwyn District.

"Ethnic Cooking Fire" means any hangi, umu or similar fire in the open air and used for the preparation of food using ethnic cooking methods.

"Fees" means the list of prices for services associated with the issuing of Rural Fire Permits as adopted by the Council from time to time in accordance with the Local Government Act 2002.

"Fine Fuel" means fuels such as straw, grass, leaves and dropped pine needles that ignite easily and are consumed rapidly by fire when dry.

"Fire Permit" means a permit to light a fire in the open air granted in accordance with clauses 6 and 7 of this Bylaw and has the same meaning as 'Permit' in the Forest and Rural Fires Act 1977.

"Incinerator" means a container made of non-combustible materials which has a grate and a lid or spark arrester, which is authorised by the Principal Rural Fire Officer to be used for burning waste material.

"Incinerator Fire" means a fire within an incinerator.

"Open Air" means lighting a fire out of doors other than in an approved fireplace, incinerator, barbeque or other authorised receptacle.

"Open Fire Season" means a period of time, whether fixed or of indefinite duration, during which lighting fires in the open air is neither prohibited nor restricted under the Forest and Rural Fires Act 1977.

"Principal Rural Fire Officer" means the Principal Rural Fire Officer for the Selwyn District appointed pursuant to the Forest and Rural Fires Act 1977.

"Prohibited Fire Season" means a period of time, whether fixed or indefinite, during which lighting fires in the open air is prohibited under this Bylaw or the Forest and Rural Fires Act 1977.

"Public Notice" has the same meaning as in the Local Government Act 2002.

"Residential" means those areas classified as Living Zones in the Selwyn District Plan.

"Restricted Fire Season" means a period of time, whether of fixed or indefinite duration, during which lighting fires in the open air is prohibited unless authorised by a permit issued under this Bylaw or the Forest and Rural Fires Act 1977.

"Rural Fire District" means the Selwyn Rural Fire district constituted under the Forest and Rural Fires Act 1977.

“Special Fire Permit” means a permit to light a fire in the open air granted in accordance with Clause 7 of this Bylaw and section 24 of the Forest and Rural Fires Act 1977.

“Urban Area” means an urban fire district constituted under the Fire Services Act 1975.

5. FIRES DURING THE OPEN FIRE SEASON

5.1 During an open fire season no person may light a fire in the open air under any of the following conditions:

- (a) Where the location, wind, or other conditions cause or are likely to cause the fire to become:
 - (i) A danger to any person or property; or
 - (ii) Out of control or spread beyond the limits of the premises on which it is lit; or
 - (iii) A smoke or ash nuisance to any person
- (b) Within 10 metres of any part of a building, tree, hedge, fence or other combustible material;
- (c) Between the hours of sunset and sunrise, except in accordance with a fire permit issued by the Council;
- (d) Without continuous supervision being maintained at all times;
- (e) Without an acceptable means of fire suppression being available.

6. RESTRICTED FIRE SEASON

6.1 The Principal Rural Fire Officer may at any time prescribe, vary or cancel a restricted or prohibited fire season within the District or in any part of the District.

6.2 During a restricted fire season no person may set on fire, or cause or permit to be set on fire, in the open air any vegetation or other combustible material except in accordance with a fire permit.

6.3 Any person may apply for a fire permit during a restricted fire season.

6.4 The Principal Rural Fire Officer may issue a fire permit upon payment of the prescribed fee (if any) and may impose such conditions and restrictions in respect of the permit as the Principal Rural Fire Officer considers reasonably necessary.

In deciding whether to issue a fire permit the Principal Rural Fire Officer will consider the following:

- (a) Cultural requirements or practices; and
- (b) The location, terrain and vegetation; and

- (c) The existence of buildings, structures and fuels; and
 - (d) Protection of the safety, health and convenience of persons on the premises in respect of which the permit is issued and on adjoining land and premises and
 - (e) Any other issues that the Principal Rural Fire Officer deems appropriate to consider.
- 6.5 The Principal Rural Fire Officer may issue a fire permit subject to any terms and conditions he or she considers reasonably necessary in the public interest or may decline to issue a fire permit.
- 6.6 Notwithstanding Clause 6.2 the Principal Rural Fire Officer may exempt certain activities from the requirements for a fire permit.

7. PROHIBITED FIRE SEASON

- 7.1 The Principal Rural Fire Officer may at any time prescribe, vary or cancel a prohibited fire season within the District or any part of the district.
- 7.2 In a prohibited fire season no person may set on fire, or cause or permit to be set on fire, in the open air any vegetation or other combustible material unless a special fire permit is issued by the Principal Rural Fire Officer in accordance with the Forest and Rural Fires Act 1977.
- 7.3 The Principal Rural Fire Officer may prohibit the use of gas barbecues in specified areas when, in his or her opinion, such prohibition is reasonably necessary and in the interest of public safety.

8. PUBLIC NOTICE OF RESTRICTED OR PROHIBITED FIRE SEASON

- 8.1 Public notification of the prescription, cancellation or variation of a restricted or prohibited fire season shall be by:
- (a) A notice inserted in a daily or community newspaper circulating within the District; and
 - (b) By any other effective means.

9. REVOCATION OR SUSPENSION OF PERMITS DURING RESTRICTED OR PROHIBITED FIRE SEASON

- 9.1 Every fire permit issued or any exempted activities granted pursuant to this Bylaw remains in force from the date of issue until the time specified in that fire permit or activity, unless a prohibited fire season is declared or the permit or activity is revoked in accordance with Clause 9.2 of this Bylaw.
- 9.2 Notwithstanding any other provisions in this Bylaw, a fire permit or special permit issued under this Bylaw or any exempted activities granted may be revoked by the Principal Rural Fire Officer at any time, or suspended for any period of time on such terms and conditions as the Principal Rural Fire Officer considers reasonable under the circumstances.

10. FEES FOR PERMITS

- 10.1 The Council may from time to time, by resolution publicly notified, specify the fees payable in respect of the issue of any permit under this Bylaw. Council will consult on, and publicly notify, its intended fees prior to making a resolution fixing such fees.
- 10.2 No fire permit is effective until such time as all fees are paid in full.

11. COUNCIL OR ITS AGENT MAY EXTINGUISH FIRES

- 11.1 Where a fire has been lit or allowed to burn in breach of these Bylaws a Rural Fire Officer of the Council or the New Zealand Fire Service may direct the occupier of the premises on which the fire is located, or the persons who lit the fire, to extinguish the fire.
- 11.2 If a direction given under clause 11.1 is disregarded, the Principal Rural Fire Officer may authorise an agent of the Council to extinguish the fire and to take such other steps as may be reasonably necessary to ensure the safety of any person or to protect any property.
- 11.3 Where a fire has been extinguished pursuant to clause 11.2 the Council may recover any costs incurred in extinguishing the fire from the occupier of the premises on which the fire was located and/or from the person who lit the fire.

12. LIVE ASHES

- 12.1 No person may place any live cinders, embers or ashes in or upon any premises other than:
- (a) In a container made and constructed of concrete or other similarly fire resistant material capable of preventing the transmission of heat to any combustible material; or
 - (b) In a pit or upon any fire-resistant substance in a manner that will prevent the spreading of fire or heat by the action of wind or otherwise.

13. OFFENCES AND PENALTIES

- 13.1 Every person who breaches this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$5,000.00; and
- 13.2 Every person who is convicted of an offence against this Bylaw is liable for the costs of remedying any damage caused in the course of committing the offence and the cost to carry out fire suppression.

14. REPEALS

- 14.1 The Malvern County Council NZS 9231, 1971 Model Bylaw for Fire Prevention (including amendment 1-1973, amendment 2-1979) and the Paparua County Council Bylaw 1981 Section 10 Protection against Fire are hereby repealed.

The **COMMON SEAL** of the)
SELWYN DISTRICT COUNCIL)
was hereunto affixed, in accordance)
with the Special Order made by the)
Council on _____)
in the presence of:)

_____ **Mayor**

_____ **Chief Executive**

Draft for Consultation (25 February 2009)

APPENDIX THREE

PROPOSED SELWYN DISTRICT COUNCIL PARKS AND RESERVES BYLAW 2009

SELWYN DISTRICT COUNCIL PARKS AND RESERVES BYLAW 2009

1. TITLE

- 1.1 A Bylaw of the Selwyn District Council by way of Special Order pursuant to the provisions of the Local Government Act 2002 and the Reserves Act 1977, powers and authorities enabling it in that behalf to make a Bylaw to be known as the Selwyn District Council Parks and Reserves Bylaw 2009.

2. DATE OF COMMENCEMENT

- 2.1 This Bylaw comes into force on 1 July 2009.

3. APPLICATION OF BYLAW

- 3.1 This Bylaw applies to parks and reserves vested in or under the control of the Selwyn District Council for the benefit and enjoyment of all users of those parks and reserves.
- 3.2 The Council also has policies which it uses as part of the management of the parks and reserves; they do not form part of this Bylaw but should be consulted by any person interested in the management of the parks and reserves.

4. DEFINITIONS

For the purpose of this Bylaw, unless the context otherwise requires:

"Aircraft" means any man-made device capable of flight, including, but not limited to aeroplanes, helicopters, gliders, hang-gliders, hot air balloons and radio-controlled model aircraft; but does not include kites and balloons which are controlled from the ground via strings.

"Animal" means any mammal, bird, reptile, amphibian, fish or related organism, insect, crustacean or organism of every kind, but does not include a human being.

"Authorised Officer" means any person authorised by the Council to perform duties under this Bylaw on behalf of the Council.

"Camp" means to reside in or sleep overnight in a structure, tent, caravan, campervan or other vehicle.

"Council" means the Selwyn District Council or any officer authorised to exercise the authority of the Council.

"Cycle" means a vehicle that has at least two wheels and that is designed primarily to be propelled by the muscular energy of the rider; and includes a power-assisted cycle.

"Enforcement Officer" means a person appointed by the Council to exercise the power of an enforcement officer in relation to offences against, and offences under, the Local Government Act 2002 and this Bylaw.

"Fauna" means animals of any kind.

"Flora" means plants of any kind.

"Natural water body" means any naturally occurring body of water, including a river, creek, stream, drain or lake.

"Organised sports games" means games that are scheduled by sports codes and/or sports clubs that are played on areas of reserves set aside as sports ground areas.

"Park" has the same meaning as reserve.

"Registered" in relation to a vehicle, means registered under the Transport (Vehicle and Driver Registration and Licensing) Act 1986.

"Reserve" or **"public reserve"** has the same meaning as the Reserves Act 1977 and includes cemeteries, sports grounds, recreation areas and gravel reserves.

"Vehicle" has the same meaning as in Section 2(1) of the Land Transport Act 1998 except that it does not include cycles.

"Wheeled recreational device" means a vehicle that is a wheeled conveyance (other than a cycle that has a wheel diameter exceeding 355 mm) and that is propelled by human power or gravity; and includes a conveyance to which are attached one or more auxiliary propulsion motors that have a combined maximum power output not exceeding 200 W.

5. RESERVES OPEN TO THE PUBLIC

5.1 Reserves are open to the public at all times except;

- (a) When the Council has determined that a reserve or any part of a reserve should be closed temporarily, or during such hours as may be nominated by the Council;
- (b) When the Council has determined that an entry fee is payable, no one may enter a reserve unless that fee has been paid.

5.2 When the Council closes a reserve or part of a reserve, such closure will be clearly signposted at the entrance(s) to that reserve or closed area.

5.3 No one may enter or remain in a closed reserve or any closed part of a reserve when signage indicates that closure, except with the prior written permission of the Council.

5.4 The Council may temporarily close a reserve or part of a reserve to allow it to be used for a particular purpose in accordance with sections 53 and 54 of the Reserves Act 1977.

5.5 The Council may grant a temporary, non-exclusive licence to occupy part of a reserve, on such terms as it considers appropriate.

6. BEHAVIOUR IN RESERVES

6.1 No person may, in a park or reserve:

- (a) Damage, bury, disturb or remove anything in a reserve; or
- (b) Walk on any grass plot or other place within the reserve where walking is prohibited by a notice to that effect; or
- (c) Within any reserve, plant any tree, shrub or plant, or sow or scatter the seed of any tree, shrub or plant of any kind, or introduce any substance that may be injurious to animal or plant life on the reserve; or
- (d) Fix or place any placard, sign, or noticeboard, in, on, or about any reserve,

Unless:

- (e) Prior approval in writing has been granted by the Council; or
- (f) The person or persons is required to carry out the activity for authorised reserve maintenance purposes.

7. VEHICLE CONTROLS WITHIN RESERVES

- 7.1 No person may drive or ride any vehicle within any reserve in a manner which, having regard to all the circumstances is or might be dangerous to any person.
- 7.2 No person may drive or ride any vehicle within any reserve in a manner which, having regard to all the circumstances causes or might cause damage to structures, facilities, flora or fauna.
- 7.3 No person may drive any vehicle in any reserve at a speed in excess of 20 km/h or at a speed contrary to the intent of clause 6.1 or such other speed limit as the Council from time to time indicates by a sign or signs. This limit does not apply to cycles and wheeled recreational devices.
- 7.4 No person may stop or park any vehicle within any reserve in such a manner that it causes or is likely to cause an obstruction to any entrance, thoroughfare, path or walkway.
- 7.5 Where, in the opinion of any authorised officer of the Council, a vehicle (whether complete or not) has been abandoned in any reserve, the officer may take possession of the vehicle and dispose of it in the same manner as provided by Section 356 of the Local Government Act 1974.
- 7.6 No person may operate a vehicle in a natural water body or on its banks and margins and its associated waters.
- 7.7 No person may cause a vehicle to enter or exit a natural water body or its associated waters.

7.8 No person may operate the following motor vehicles in any reserve:

- (a) all-terrain vehicles (ATVs)
- (b) tri or quad bikes,
- (c) farm bikes,
- (d) trail bikes,
- (e) any other vehicle that has been designed for off road use
- (f) any vehicle that is not registered
- (g) any vehicle that does not have a current Warrant of Fitness.

Unless:

- (h) prior approval in writing has been granted by the Council; or
- (i) use of such vehicle is required for authorised reserve maintenance purposes.

7.9 A person who does not have a current driver's licence may not operate a vehicle in a reserve.

8. ANIMALS

8.1 The Dog Control Bylaw states the reserves where dogs are prohibited.

8.2 Horses may not be led or ridden on roads in reserves and in areas of the reserve unless the reserve has been specifically identified for that purpose.

9. FIRES

9.1 Pursuant to the Rural Fire Bylaw 2009 the use of fireplaces specifically designed for that purpose are restricted to the open fire season only.

9.2 The use of gas fire barbeques is permitted.

9.3 Despite Clause 9.2 the Principal Rural Fire Officer may prohibit the use of gas barbeques in a prohibited fire season in specified areas when, in his or her opinion, such prohibition is reasonably necessary and in the interest of public safety.

9.3 Lighting of fires in the open air in urban areas is regulated under the Canterbury Regional Council's Air Quality Plan and nothing in this Bylaw has any effect on requirements under that Plan.

10. CAMPING

10.1 No person may camp in a reserve unless:

- (a) It is in an area specifically set aside by the Council for camping where the Council has authorised the presence of camping through a reserve management plan, licence, designated area or other similar document.
- (b) That person has obtained the prior written permission of the Council to do so.

NOTE [not forming part of this Bylaw] – This Clause applies to Camping in Reserves but does not apply to authorised Camping Grounds. Refer to the Selwyn District Council Camping on Reserves R301 Policy.

11. TENTS, BOOTHS, ETC.

11.1 No person may put up or erect any stall, booth, container, tent (excluding any casual shade tent or a tent used for the purpose defined in Clause 10), or structure of any kind in a reserve unless that person has:

- (a) Obtained the prior written permission of the Council for the purpose and installation of the structure; and
- (a) Paid any applicable fees set by the Council.

11.2 To avoid any doubt, if a person complies with Clause 10, that person is not required to comply with Clause 11.1.

NOTE [not forming part of this Bylaw] – This clause is intended to apply to stalls, booths, tents, or structures, such as circus or carnival tents and associated structures, and corporate hospitality tents.

12. AIRCRAFT

12.1 No person may, without the prior written permission of the Council, and having paid any applicable fees set by the Council:

- (a) Land an aircraft in a reserve, or take off in an aircraft from a reserve; or
- (b) Use an aircraft to set down, pick up, or recover anything in a reserve; or
- (c) Parachute into a reserve.

12.2 Nothing in Clause 12.1 prevents an aircraft from being used in or over a reserve in an emergency situation.

12.3 Clauses 12.1 (a) and (b) do not apply where a reserve has been designated as an airfield under the Reserves Act.

12.4 Despite Clause 12.1 a person may operate power driven model aircraft in a reserve if:

- (a) The Council has set aside an area for that purpose, and then only in accordance with such conditions that are set by Council; or
- (b) With the prior permission of the Council; or
- (c) The model aircraft:
 - (i) Is radio controlled and either battery or electric powered; and
 - (ii) Has a total flying weight of not more than 1 kilogram; and

- (iii) Does not cause annoyance or inconvenience to other users of the reserve; and
- (iv) Does not over-fly the boundaries of the reserve; and
- (v) Does not fly from an area in which the Council has by resolution determined that model aircraft should be specifically excluded, and that exclusion is clearly signposted.

13. SPORTS AND GAMES

- 13.1 Organised sport games may only be played in areas of reserves set aside as sports ground areas.
- 13.2 Organised sports games may only be played outside of sports ground areas with the prior approval of the Council.
- 13.2 No person may enter or remain on a marked sports ground area in a reserve when an organised sports game is in progress, unless he or she is a player or is administering the game in some capacity (for example, refereeing or providing first aid assistance).

NOTE [not forming part of this Bylaw] – This clause is not intended to prohibit the playing of impromptu games on reserves by groups such as scouts, guides, youth groups, or other recreational or family groups.

14. ORDERING OFF

- 14.1 An enforcement officer may order any person to leave a reserve if that person has or may have committed a breach of this Bylaw, and such order is necessary to restore immediate order. Anyone ordered by an enforcement officer to leave a reserve must comply with that order immediately.

15. OFFENCES AND PENALTIES

- 15.1 Every person who breaches this Bylaw commits an offence and is liable on summary conviction to a fine not exceeding \$1,500.00; and
- 15.2 Every person who is convicted of an offence against this Bylaw is liable for the costs of remedying any damage caused in the course of committing the offence.

16. REPEALS

- 16.1 The Ellesmere County Council General Bylaw 1969 Part XVI Parks and Reserves, Malvern County Council General Bylaw 1987 Chapter 17 Parks and Reserves, Paparua County Council Bylaw 1981 Section 15 Reserves and the Selwyn District Council Vehicle Speed Restrictions and Controls in Reserves Bylaw 2008 are hereby repealed.

The **COMMON SEAL** of the)
SELWYN DISTRICT COUNCIL)
was hereunto affixed, in accordance)
with the Special Order made by the)
Council on _____)
in the presence of:)

_____ **Mayor**

_____ **Chief Executive**

Draft for Consultation (25 February 2009)

APPENDIX FOUR

PROPOSED SELWYN DISTRICT COUNCIL RURAL FIRE BYLAW 2009

- Statement of Proposal
- Summary of Information

PROPOSED SELWYN DISTRICT COUNCIL PARKS AND RESERVES BYLAW 2009

- Statement of Proposal
- Summary of Information



**STATEMENT OF PROPOSAL FOR THE PROPOSED
SELWYN DISTRICT COUNCIL RURAL FIRE BYLAW 2009**
(This statement is made for the purposes of sections 83 and 86
of the Local Government Act 2002)

Nature of the Proposal:

This is a statement of proposal by the Selwyn District Council (The "Council") to review the current "Malvern County Council NZS 9231, 1971 Model Bylaw for Fire Prevention (including amendment 1, 1973 and amendment 2, 1979) and the Paparua County Bylaw 1981 Section 10 Protection against Fire".

This review will result in the 2009 version becoming the new Bylaw.

Throughout this report, the process will be referred to as the review of the current Bylaws ("the current Bylaws").

Reasons for this Proposal:

To review, and update as necessary the current Bylaws in accordance with the Local Government Act 2002, and the Forest and Rural Fires Act 1977 and appropriate community outcomes.

The proposed Bylaw brings together and reviews the two Bylaws that are still operative, one each for Malvern and Paparua. These Bylaws having not been reviewed since the earlier amalgamation of local authority areas in Selwyn in 1989.

It is considered that the proposed draft **Selwyn District Council Rural Fire Bylaw 2009** ("the proposed new Bylaw") is the most appropriate form of Bylaw, and the Bylaw is consistent with the New Zealand Bill of Rights Act 1990.

The statutory requirements for introducing a Bylaw:

The Selwyn District Council is responsible for Rural Fire and associated activities within the Selwyn District.

- **Appropriateness:**

The proposed new Bylaw brings together and reviews the two Rural Fire Bylaws that are still operative in the Selwyn District.

The main object and intent behind the original Bylaws has changed significantly from the content of the two current Bylaws.

The proposed Bylaw will:

- regulate activities for the lighting of fires in the open, restricted and prohibited fire seasons
- set clear guidelines and provide information to the public and
- specify the offences and penalties for breaches of the Bylaw.

- **Options Available to Council:**

1. **Do Nothing** – The Council has responsibilities for Rural Fire and related activities as provided for within the Local Government Act 2002 and the Forest and Rural Fires Act 1977. On this basis this option is not supported by the Council.
2. **Revoke the Bylaw and rely on other methods (public education)** – This option is not seen as being practical as it would mean the Council would be relying on the co-operation of several different parties. As there are potential environmental problems and because clear rules about what is permitted, with penalties, which can be enforced if those rules are broken are required, the option to rely on other methods is not supported.
3. **Proceed with the review** – The review of the current Bylaws will ensure they are up to date with relevant legislation and also update it in terms of current management and operating best practices.

This Statement of Proposal has been prepared on the basis that Council wishes to proceed with Option 3: **Proceed with the review** to formulate a proposed new Bylaw.

Benefits/Costs:

- That the proposed new Bylaw will operate under current legislation and management practices.
- Reduce the complexity involved by creating only one Bylaw for the District dealing with Rural Fire.
- Define terms not previously made clear and to bring further clarity to the proposed new Bylaw by means of simplification where possible to make it easier to understand by the general public, and to assist Council staff in achieving compliance in a fair and straight forward manner
- To bring into line with the new Local Government Act legislation, the new penalties of up to \$5,000.00.
- The cost of non-compliance, i.e. a breach of the proposed new Bylaw, will be met by those who light fires outside of the Bylaw provisions.
- A proposed new Bylaw has been determined to be the most appropriate mechanism to manage Rural Fire activities in the Selwyn District. It is considered that the proposed Rural Fire Bylaw 2009 is the most appropriate form of Bylaw, and that the draft Bylaw is consistent with the New Zealand Bill of Rights Act 1990.

Consultation:

The following groups and organisations (both internal and external stakeholders) will also be consulted on the proposed new Bylaw:

Council Elected Members
Community Boards and Reserve Committees
Department of Conservation
Te Taumutu Rununga

National Rural Fire Authority
 New Zealand Fire Service
 Adjoining Local Authorities (Christchurch, Waimakariri, Ashburton)
 Environment Canterbury

Council officers have provided feedback on the direction of the Bylaw and the matters considered. The views of the public will be sought through the special consultative procedure.

Provide Maori the opportunity to contribute:

The Council considers that the public notification and opportunity for submission process will provide adequate opportunity for public response, including Maori. In particular, views were sought as to whether Maori wish to be involved in the decision making process as it relates to the review process.

NZ Bill of Rights:

Section 155(2) ((b) of the Local Government Act 2002 requires that any new Bylaw not be inconsistent with the NZ Bill of Rights Act 1990. Council have obtained legal advice to ensure that the proposed new Bylaw is consistent with the NZ Bill of Rights Act 1990.

The proposed Bylaw is being processed in a democratic manner by the Council by publicly notifying its intentions, the taking and hearing of submissions and the final consideration being made by an elected Council.

The proposed timeline for the introduction of the proposed new Bylaw is:

The consultation for the proposed Selwyn District Council Rural Fire Bylaw 2009 is as follows:

Timeline	Selwyn District Council Rural Fire Bylaw 2009
25 February 2009 (Council meeting)	• Adoption of the draft Selwyn District Council Rural Fire Bylaw 2009
28 February 2009 Bylaw advertised	• Advertise for public submissions to the draft Selwyn District Council Rural Fire Bylaw 2009
30 March 2009 Submissions close	• Written submissions close at 4:00pm at SDC service centres
21 April 2009 (to be confirmed) Submissions hearing	• Hearings of submissions on the draft Selwyn District Council Rural Fire Bylaw 2009 by a subcommittee at the Selwyn District Council Headquarters, Norman Kirk Drive, Rolleston
10 June 2009 * (Council Meeting)	• Adoption of the Selwyn District Council Rural Fire Bylaw 2009 at its ordinary Council Meeting
13 June 2009	• Public notification on the adoption of the Selwyn District Council Rural Fire Bylaw 2009 by Council and its commencement date
24 June 2009* (Council Meeting)	• <i>Adoption of the Selwyn District Council Rural Fire Bylaw 2009 by Council at its ordinary Council Meeting</i>
1 July 2009	• Commencement date of new Selwyn District Council Rural Fire Bylaw 2009

* It is viewed that written submissions should be reviewed and heard if requested by an appointed subcommittee of Council staff and Councillors. From this process, amendments or changes to the draft Bylaw can be incorporated for the consideration of Council to adopt the Bylaw at its meeting of 10 June 2009. If it is the view of the subcommittee that the draft Bylaw cannot be presented at that time for adoption or if there are further considerations identified by the Council at the meeting of 10 June 2009, this shall be reported back to Council including recommendations on how to proceed or the final Bylaw will be sent for adoption at the Council meeting of 24 June 2009.

Submissions:

Submissions are invited on the proposal to implement a new Bylaw to be called the "Selwyn District Council Rural Fire Bylaw 2009".

The proposed Bylaw is to be known as the **Selwyn District Council Rural Fire Bylaw 2009** ("the proposed Bylaw").

At its meeting on 25 February 2009 the Council passed a resolution approving the proposed new Bylaw for the purposes of public consultation through the special consultative procedure prescribed in the Local Government Act 2002.

The proposed new Bylaw can be viewed (and is downloadable in PDF format) on our website www.selwyn.govt.nz. Hard copies are also available during ordinary office hours at the Selwyn District Council Service Centres in Darfield (Darfield Library, McMillian Street), Leeston (Leeston Library, High Street), Lincoln (Lincoln Service Centre, Gerald Street) and Rolleston (Norman Kirk Drive, Rolleston).

Copies can also be requested by phoning 347 2800 or 318 8338.

Submissions on this proposal may be made until **4:00pm, Monday 30 March 2009**.

Submissions on this proposal can be made either via the online submission form on the Council website www.selwyn.govt.nz, or in writing. In order for a submission to be accepted it must state:

- your name, postal address, phone or fax and e-mail address;
- whether you support or oppose the proposal or particular aspects of it;
- your reasons;
- any changes that you wish us to make;
- whether you wish to speak at a hearing; and
- signed (if posted or faxed) and dated.

Submissions in writing shall be addressed to:

**The Bylaw Analyst
Proposed Rural Fire Bylaw 2009
Selwyn District Council
P O Box 90
ROLLESTON 7643**

Or similarly faxed to (03) 347 2799.

On receipt of your submission, Council will send an acknowledgement that your submission has been received.

Any person making a submission may request to be heard in person in support of their submission. If required, the **hearing will be held on 21 April 2009 starting at 9:00am** in the Rolleston Service Centre, Norman Kirk Drive, Rolleston. These details will be further confirmed in advance of any hearing as required.

For more information please contact Keri Harrison, Bylaw Analyst, 03 347 2800.

Related documents:

Proposed Selwyn District Council Rural Fire Bylaw 2009
Report to Council
Summary of Information



SUMMARY OF INFORMATION FOR THE PROPOSED SELWYN DISTRICT COUNCIL RURAL FIRE BYLAW 2009 (This statement is made for the purposes of sections 83 and 86 of the Local Government Act 2002)

Summary of Information:

- The Council has prepared and adopted the proposed new Bylaw to be known as the "Selwyn District Council Rural Fire Bylaw 2009" for public consultation. The proposed new Bylaw was made under the Local Government Act 2002.
- It is considered that the proposed new Bylaw is the most appropriate form of Bylaw, and that the proposed new Bylaw is consistent with the New Zealand Bill of Rights Act 1990.

The proposed Bylaw will:

- Regulate activities for the lighting of fires in the open, restricted and prohibited fire seasons
- Set clear guidelines and provide information to the public and
- Specify the offences and penalties for breaches of the Bylaw.

The proposed timeline for the introduction of the proposed new Bylaw is:

Timeline	Selwyn District Council Rural Fire Bylaw 2009
25 February 2009 (Council meeting)	• Adoption of the draft Selwyn District Council Rural Fire Bylaw 2009
28 February 2009 Bylaw advertised	• Advertise for public submissions to the draft Selwyn District Council Rural Fire Bylaw 2009
30 March 2009 Submissions close	• Written submissions close at 4:00pm at SDC service centres
21 April 2009 (to be confirmed) Submissions hearing	• Hearing of submissions on the draft Selwyn District Council Rural Fire Bylaw 2009 by a subcommittee at the Selwyn District Council Headquarters, Norman Kirk Drive, Rolleston
10 June 2009 * (Council Meeting)	• Adoption of the Selwyn District Council Rural Fire Bylaw 2009 at its ordinary Council Meeting
13 June 2009	• Public notification on the adoption of the Selwyn District Council Rural Fire Bylaw 2009 by Council and its commencement date
24 June 2009* (Council Meeting)	• <i>Adoption of the Selwyn District Council Rural Fire Bylaw 2009 by Council at its ordinary Council Meeting</i>
1 July 2009	• Commencement date of new Selwyn District Council Parks and Reserves Bylaw 2009

* It is viewed that written submissions should be reviewed and heard if requested by an appointed subcommittee of Council staff and Councillors. From this process, amendments or changes to the draft Bylaw can be incorporated for the consideration of Council to adopt the Bylaw at its meeting of 10 June 2009. If it is the view of the subcommittee that the draft Bylaw cannot be presented at that time for adoption or if there are further considerations identified by the Council at the meeting of 10 June 2009, this shall be reported back to Council including recommendations on how to proceed or the final Bylaw will be sent for adoption at the Council meeting of 24 June 2009.

Submissions:

Submissions are invited on the proposal to implement a new Bylaw to be called the "Selwyn District Council Rural Fire Bylaw 2009".

The proposed Bylaw is to be known as the **Selwyn District Council Rural Fire Bylaw 2009** ("the proposed Bylaw").

At its meeting on 25 February 2009 the Council passed a resolution approving the proposed new Bylaw for the purposes of public consultation through the special consultative procedure prescribed in the Local Government Act 2002.

The proposed new Bylaw can be viewed (and is downloadable in PDF format) on our website www.selwyn.govt.nz. Hard copies are also available during ordinary office hours at the Selwyn District Council Service Centres in Darfield (Darfield Library, McMillian Street), Leeston (Leeston Library, High Street), Lincoln (Lincoln Service Centre, Gerald Street) and Rolleston (Norman Kirk Drive, Rolleston).

Copies can also be requested by phoning 347 2800 or 318 8338.

Submissions on this proposal may be made until **4:00pm, Monday 30 March 2009**.

Submissions on this proposal can be made either via the online submission form on the Council website www.selwyn.govt.nz, or in writing. In order for a submission to be accepted it must state:

- your name, postal address, phone or fax and e-mail address;
- whether you support or oppose the proposal or particular aspects of it;
- your reasons;
- any changes that you wish us to make;
- whether you wish to speak at a hearing; and
- signed (if posted or faxed) and dated.

Submissions in writing shall be addressed to:

**The Bylaw Analyst
Proposed Rural Fire Bylaw 2009
Selwyn District Council
P O Box 90
ROLLESTON 7643**

Or similarly faxed to (03) 347 2799.

On receipt of your submission, Council will send an acknowledgement that your submission has been received.

Any person making a submission may request to be heard in person in support of their submission. If required, the **hearing will be held on 21 April 2009 starting at 9:00am** in the Rolleston Service Centre, Norman Kirk Drive, Rolleston. These details will be further confirmed in advance of any hearing as required.

For more information please contact Keri Harrison, Bylaw Analyst, 03 347 2800.

Related documents:

Proposed Selwyn District Council Rural Fire Bylaw 2009
Report to Council
Statement of Proposal



**STATEMENT OF PROPOSAL FOR THE PROPOSED
SELWYN DISTRICT COUNCIL PARKS AND RESERVES BYLAW 2009**
(This statement is made for the purposes of sections 83 and 86
of the Local Government Act 2002)

Nature of the Proposal:

This is a statement of proposal by the Selwyn District Council (The "Council") to review the current "The Ellesmere County Council General Bylaw 1969 Part XVI Parks and Reserves, Malvern County Council General Bylaw 1987 Chapter 17 Parks and Reserves and the Paparua County Council Bylaw 1981 Section 15 Reserves".

This review will result in the 2009 version becoming the new Bylaw.

Throughout this report, the process will be referred to as the review of the current Bylaws ("the current Bylaws").

Reasons for this Proposal:

To review, and update as necessary the current Bylaw(s) in accordance with the Local Government Act 2002, and the Reserves Act 1977 and appropriate community outcomes.

The proposed Bylaw brings together and reviews the three Bylaws that are still operative in relation to Parks and Reserves. These Bylaws having not been reviewed since the earlier amalgamation of local authority areas in Selwyn in 1989. Currently there are three sets of Bylaws dealing with the Parks and Reserves; one each for Malvern, Paparua and Ellesmere.

It is considered that the proposed draft **Selwyn District Council Parks and Reserves Bylaw 2009** ("the proposed new Bylaw") is the most appropriate form of Bylaw, and the Bylaw is consistent with the New Zealand Bill of Rights Act 1990.

The statutory requirements for introducing a Bylaw:

The Selwyn District Council owns and manages Parks and Reserves in the Selwyn District

- **Appropriateness:**

The proposed new Bylaw brings together and reviews the three Parks and Reserves Bylaws that are still operative in the Selwyn District.

The content of the three existing Bylaws form the foundation of the proposed new Selwyn District Council Parks and Reserves Bylaw 2009.

The proposed Bylaw will:

- regulate activities within the parks and reserves in order to protect these assets,
- balance different uses for the enjoyment of the public,
- set clear guidelines and provide information to the public and
- specify the offences and penalties for breaches of the Bylaw.

- **Options Available to Council:**

1. **Do Nothing** – The Council has responsibilities to protect and manage the Parks and Reserves as provided in the Local Government Act 2002 and the Reserves Act 1977. On this basis this option is not supported by the Council.
2. **Revoke the Bylaw and rely on other methods (public education)** – This option is not seen as being practical as it would mean the Council will have no statutory authority to protect the public asset and would be relying on the co-operation of several different parties. As there are potential environmental problems and because clear rules about what is permitted, with penalties, which can be enforced if those rules are broken are required, the option to rely on other methods is not supported.
3. **Proceed with the review** – The review of the current Bylaws will ensure they are up to date with relevant legislation and also update it in terms of current management and operating best practices. A Bylaw is considered necessary because of the potential damage to Council infrastructure and the health and safety of Council staff and the general public.

This Statement of Proposal has been prepared on the basis that Council wishes to proceed with Option 3: **Proceed with the review** to formulate a proposed new Bylaw.

Benefits/Costs:

- That the proposed new Bylaw will operate under current legislation and management practices.
- Reduce the complexity involved by creating only one Bylaw for the District dealing with the Parks and Reserves.
- To protect the infrastructure from damage and misuse.
- Define terms not previously made clear and to bring further clarity to the proposed new Bylaw by means of simplification where possible to make it easier to understand by the general public, and to assist Council staff in achieving compliance in a fair and straight forward manner
- To bring into line with the new Local Government Act legislation, the new penalties of up to \$1,500.00
- The cost of non compliance, i.e. a breach of the proposed new Bylaw, will be met by those who damage or misuse the asset.
- A proposed new Bylaw has been determined to be the most appropriate mechanism to manage the Parks and Reserves in the Selwyn District. It is considered that the proposed Parks and Reserves Bylaw 2009 is the most appropriate form of Bylaw, and that the draft Bylaw is consistent with the New Zealand Bill of Rights Act 1990.

Consultation:

The following groups and organisations (both internal and external stakeholders) will also be consulted on the proposed new Bylaw:

Council Elected Members
 Community Boards and Reserve Committees
 Department of Conservation
 Te Taumutu Rununga
 Adjoining Local Authorities (Christchurch, Waimakariri, Ashburton)
 Environment Canterbury

Council officers have provided feedback on the direction of the Bylaw and the matters considered. The views of the public will be sought through the special consultative procedure.

Provide Maori the opportunity to contribute:

The Council considers that the public notification and opportunity for submission process in March 2009 will provide adequate opportunity for public response, including Maori. In particular, views were sought as to whether Maori wish to be involved in the decision making process as it relates to the review process.

NZ Bill of Rights:

Section 155(2) ((b) of the Local Government Act 2002 requires that any new Bylaw not be inconsistent with the NZ Bill of Rights Act 1990. Council have obtained legal advice to ensure that the proposed new Bylaw is consistent with the NZ Bill of Rights Act 1990.

The proposed Bylaw is being processed in a democratic manner by the Council by publicly notifying its intentions, the taking and hearing of submissions and the final consideration being made by an elected Council.

The proposed timeline for the introduction of the proposed new Bylaw is:

Timeline	Selwyn District Council Parks and Reserves Bylaw 2009
25 February 2009 (Council meeting)	<ul style="list-style-type: none"> Adoption of the draft Selwyn District Council Parks and Reserves Bylaw 2009
28 February 2009 Bylaw advertised	<ul style="list-style-type: none"> Advertise for public submissions to the draft Selwyn District Council Parks and Reserves Bylaw 2009
30 March 2009 Submissions close	<ul style="list-style-type: none"> Written submissions close at 4:00pm at SDC service centres
17 April 2009 (to be confirmed) Submissions hearing	<ul style="list-style-type: none"> Hearings of submissions on the draft Selwyn District Council Parks and Reserves Bylaw 2009 by a subcommittee at the Selwyn District Council Headquarters, Norman Kirk Drive, Rolleston
10 June 2009 (to be confirmed) (Council Meeting)	<ul style="list-style-type: none"> Adoption of the Selwyn District Council Parks and Reserves Bylaw 2009 at its ordinary Council Meeting
13 June (to be confirmed)	<ul style="list-style-type: none"> Public notification on the adoption of the Selwyn District Council Parks and Reserves Bylaw 2009 by Council and its commencement date
24 June 2009* (Council Meeting)	<ul style="list-style-type: none"> <i>Adoption of the Selwyn District Council Parks and Reserves Bylaw 2009 by Council at its ordinary Council Meeting</i>
1 July 2009	<ul style="list-style-type: none"> Commencement date of new Selwyn District Council Parks and Reserves Bylaw 2009

* It is viewed that written submissions should be reviewed and heard if requested by an appointed subcommittee of Council staff and Councillors. From this process, amendments or changes to the draft Bylaw can be incorporated for the consideration of Council to adopt the Bylaw at its meeting of 10 June 2009. If it is the view of the subcommittee that the draft Bylaw cannot be presented at that time for adoption or if there are further considerations identified by the Council at the meeting of 10 June 2009, this shall be reported back to Council including recommendations on how to proceed or the final Bylaw will be sent for adoption at the Council meeting of 24 June 2009.

Submissions:

Submissions are invited on the proposal to implement a new Bylaw to be called the "Selwyn District Council Parks and Reserves Bylaw 2009".

The proposed Bylaw is to be known as the **Selwyn District Council Parks and Reserves Bylaw 2009** ("the proposed Bylaw").

At its meeting on 25 February 2009 the Council passed a resolution approving the proposed new Bylaw for the purposes of public consultation through the special consultative procedure prescribed in the Local Government Act 2002.

The proposed new Bylaw can be viewed (and is downloadable in PDF format) on our website www.selwyn.govt.nz. Hard copies are also available during ordinary office hours at the Selwyn District Council Service Centres in Darfield (Darfield Library, McMillian Street), Leeston (Leeston Library, High Street), Lincoln (Lincoln Service Centre, Gerald Street) and Rolleston (Norman Kirk Drive, Rolleston).

Copies can also be requested by phoning 347 2800 or 318 8338.

Submissions on this proposal may be made until **4:00pm, Monday 30 March 2009**.

Submissions on this proposal can be made either via the online submission form on the Council website www.selwyn.govt.nz, or in writing. In order for a submission to be accepted it must state:

- your name, postal address, phone or fax and e-mail address;
- whether you support or oppose the proposal or particular aspects of it;
- your reasons;
- any changes that you wish us to make;
- whether you wish to speak at a hearing; and
- signed (if posted or faxed) and dated.

Submissions in writing shall be addressed to:

**The Bylaw Analyst
Proposed Parks and Reserves Bylaw 2009
Selwyn District Council
P O Box 90
ROLLESTON 7643**

Or similarly faxed to (03) 347 2799.

On receipt of your submission, Council will send an acknowledgement that your submission has been received.

Any person making a submission may request to be heard in person in support of their submission. If required, the **hearing will be held on 17 April 2009 starting at 9:00am** in the Rolleston Service Centre, Norman Kirk Drive, Rolleston. These details will be further confirmed in advance of any hearing as required.

For more information please contact Keri Harrison, Bylaw Analyst, 03 347 2800.

Related documents:

Proposed Selwyn District Council Parks and Reserves Bylaw 2009
Report to Council
Summary of Information



SUMMARY OF INFORMATION FOR THE PROPOSED SELWYN DISTRICT COUNCIL PARKS AND RESERVES BYLAW 2009 (This statement is made for the purposes of sections 83 and 86 of the Local Government Act 2002)

Summary of Information:

- The Council has prepared and adopted the proposed new Bylaw to be known as the "Selwyn District Council Parks and Reserves Bylaw 2009" for public consultation. The proposed new Bylaw was made under the Local Government Act 2002.
- It is considered that the proposed new Bylaw is the most appropriate form of Bylaw, and that the proposed new Bylaw is consistent with the New Zealand Bill of Rights Act 1990.

The proposed Bylaw will:

- Regulate activities in parks and reserves in order to protect these assets
- Balance different uses for the enjoyment of the public.
- Set clear guidelines and provide information to the public.
- Specify the offences and breaches of the Bylaws
- Specify the penalties for breaches of the Bylaws

The proposed timeline for the introduction of the proposed new Bylaw is:

Timeline	Selwyn District Council Parks and Reserves Bylaw 2009
25 February 2009 (Council meeting)	• Adoption of the draft Selwyn District Council Parks and Reserves Bylaw 2009
28 February 2009 Bylaw advertised	• Advertise for public submissions to the draft Selwyn District Council Parks and Reserves Bylaw 2009
30 March 2009 Submissions close	• Written submissions close at 4:00pm at SDC service centres
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13 June (to be confirmed)	• Public notification on the adoption of the Selwyn District Council Parks and Reserves Bylaw 2009 by Council and its commencement date
24 June 2009* (Council Meeting)	• <i>Adoption of the Selwyn District Council Parks and Reserves Bylaw 2009 by Council at its ordinary Council Meeting</i>
1 July 2009	• Commencement date of new Selwyn District Council Parks and Reserves Bylaw 2009

* It is viewed that written submissions should be reviewed and heard if requested by an appointed subcommittee of Council staff and Councillors. From this process, amendments or changes to the draft Bylaw can be incorporated for the consideration of Council to adopt the Bylaw at its meeting of 10 June 2009. If it is the view of the subcommittee that the draft Bylaw cannot be presented at that time for adoption or if there are further considerations identified by the Council at the meeting of 10 June 2009, this shall be reported back to Council including recommendations on how to proceed or the final Bylaw will be sent for adoption at the Council meeting of 24 June 2009.

Submissions:

Submissions are invited on the proposal to implement a new Bylaw to be called the "Selwyn District Council Parks and Reserves Bylaw 2009".

The proposed Bylaw is to be known as the **Selwyn District Council Parks and Reserves Bylaw 2009** ("the proposed Bylaw").

At its meeting on 25 February 2009 the Council passed a resolution approving the proposed new Bylaw for the purposes of public consultation through the special consultative procedure prescribed in the Local Government Act 2002.

The proposed new Bylaw can be viewed (and is downloadable in PDF format) on our website www.selwyn.govt.nz. Hard copies are also available during ordinary office hours at the Selwyn District Council Service Centres in Darfield (Darfield Library, McMillian Street), Leeston (Leeston Library, High Street), Lincoln (Lincoln Service Centre, Gerald Street) and Rolleston (Norman Kirk Drive, Rolleston).

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Any person making a submission may request to be heard in person in support of their submission. If required, the **hearing will be held on 17 April 2009 starting at 9:00am** in the Rolleston Service Centre, Norman Kirk Drive, Rolleston. These details will be further confirmed in advance of any hearing as required.

For more information please contact Keri Harrison, Bylaw Analyst, 03 347 2800.

Related documents:

Proposed Parks and Reserves Bylaw 2009
Report to Council
Summary of Information

APPENDIX FIVE

COMMUNITY OUTCOMES – RURAL FIRE

We know & help our neighbours	Encourage and support volunteers' involvement with safety initiatives	SDC Community Development Strategy	Reduction in number of injuries in Selwyn		Volunteering Canterbury; Neighbourhood Support Canterbury; Safer Canterbury
We maintain a coordinated and effective response to, and recover from, emergency and disaster events	Provide and maintain a Civil Defence Emergency Organisation and a Rural Fire Organisation	<div>Canterbury Civil Defence Emergency Management Group Plan</div> <div>Civil Defence Emergency Management Act 2002</div> <div>Selwyn District Council Local Emergency Management Arrangements</div> <div>Forest and Rural Fires Act 1977</div> <div>Selwyn District Council Fire Plan</div>	<div>Requirements of the Canterbury Civil Defence Emergency Management Plan and Civil Defence Emergency Management Act 2002 met</div> <div>Requirements of the Forest and Rural Fires Act 1977, the Forest and Rural Fires Regulations 2005 and National Standards met in terms of both legislation compliance and agreed standards</div>		Canterbury Civil Defence Emergency Group; Emergency Services; Government Departments; Health and Social service agencies; Communities groups and communities; Township committees; Community boards
	Encourage and support community involvement in emergency management		Increase in number of volunteers and community groups involved in emergency management		

COMMUNITY OUTCOMES – PARKS AND RESERVES

Community Outcome	How Township Reserves & Streetscapes Contribute
<i>A living environment where the rural theme of Selwyn is maintained</i>	<ul style="list-style-type: none"> • Township reserves and streetscapes contribute to the landscape character of the District and enhancement of rural township environments
<i>Coordination of community/social services</i>	<ul style="list-style-type: none"> • Residents have places for passive recreation and leisure activities to benefit physical and mental wellbeing
<i>An safe living environment</i>	<ul style="list-style-type: none"> • Township reserves provide safe walking and cycling linkages through neighbourhoods

Community Outcome	How Township Reserves & Streetscapes Contribute
<i>A living environment where the rural theme of Selwyn is maintained</i>	<ul style="list-style-type: none"> • Recreation Reserves contribute to the landscape character of the District and enhancement of rural township environments
<i>Coordination of community/social services</i>	<ul style="list-style-type: none"> • Residents have places for physical recreation and leisure activities to benefit physical and mental wellbeing