



STATEMENT OF PROPOSAL FOR THE PROPOSED SELWYN DISTRICT COUNCIL GENERAL 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 "Ellesmere County Council General Bylaw 1969 NZSS 791 Introductory Amendment No.1 and No. 2, Malvern County Council General Bylaw 1987 Chapter 1 (1972) Introductory and the Paparua County Bylaw 1981 Section 1 Interpretations and General".

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.

The proposed new bylaw brings together and reviews the three bylaws that are still operative in relation to the Selwyn District Council General Bylaws. Currently there are three sets of bylaws dealing with the General Bylaws; one each for Malvern, Paparua and Ellesmere.

It is considered that the proposed draft **Selwyn District Council General 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:

- **Appropriateness:**

The proposed new bylaw brings together and reviews the three General bylaws that are still operative in the Selwyn District.

The content of the three existing Bylaws forms the foundation of the proposed new Selwyn District Council General Bylaw 2009.

The proposed new bylaw will:

- Specify how the Council may serve orders and notices on any person for the purposes of a Bylaw and who may sign such order or notice
- Allow for schedules and prescribed forms that form part of bylaws to be altered as required by Council resolution
- Specify how a licence is granted, suspended or revoked
- Specify fees and charges

- **Options Available to Council:**

1. **Do Nothing** – The Council has responsibilities to enforce the bylaws as provided in the Local Government Act 2002. 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 assets and would be relying on the co-operation of several different parties. As there could be potential environmental problems and because clear rules about what is permitted and what action can be taken if those rules are broken, 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 general bylaw is considered necessary to detail the process for enforcement over all of the Council bylaws.

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 Selwyn District.
- To make provisions which are common to all of the Council's bylaws and to ensure those bylaws are administered and enforced in a fair and consistent manner.
- 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.
- A proposed new bylaw has been determined to be the most appropriate mechanism to manage the bylaws in the Selwyn District. It is considered that the proposed General 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 will also be consulted on the proposed new bylaw: The views of the public will be sought through the special consultative procedure.

Council Elected Members and Committees
Te Taumutu Rununga
Adjoining Local Authorities (Christchurch, Waimakariri, Ashburton)
Environment Canterbury

Provide Maori the opportunity to contribute:

The Council considers that the public notification and opportunity for submission process in October 2008 will provide adequate opportunity for public response, including Maori.

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 new 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 General Bylaw 2009 |
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| 10 September 2008 (Council meeting) | • Adoption of the draft Selwyn District Council General Bylaw 2009 for the Special Consultative Procedure |
| 20 September 2008 Bylaw advertised | • Advertise for public submissions to the draft Selwyn District Council General Bylaw 2009 |
| 20 October 2008 Submissions close | • Written submissions close at 4:00pm at SDC service centres |
| 4 November 2008 Submissions hearing | • Hearings of submissions on the draft Selwyn District Council General Bylaw 2009 by a subcommittee at the Selwyn District Council Headquarters, Norman Kirk Drive, Rolleston |
| 10 December 2008 (Council Meeting) | • Adoption of the Selwyn District Council General Bylaw 2009 at its ordinary Council Meeting |
| 20 December 2008 | • Public notification on the adoption of the Selwyn District Council General Bylaw 2009 by Council and its commencement date |
| 11 February 2009* (Council Meeting) | • <i>Adoption of the new Selwyn District Council General Bylaw 2009 by Council at its ordinary Council Meeting</i> |
| 1 January 2009 | • Commencement date of new Selwyn District Council General 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 December 2008. 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 December 2008, 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 11 February 2009.*

Submissions:

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

The proposed new bylaw is to be known as the **Selwyn District Council General Bylaw 2009** ("the proposed bylaw").

At its meeting on 10 September 2008 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 Service Centre, South Terrace), 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 20 October 2008**.

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 General 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 Tuesday, 4 November 2008 starting at 1:00pm** 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 General Bylaw 2009
Ellesmere County Council General Bylaw 1969 NZSS 791 Introductory Amendment No.1 and No. 2
Malvern County Council General Bylaw 1987 Chapter 1 (1972) Introductory
Paparua County Bylaw 1981 Section 1 Interpretations and General
Summary of Information
Report to Council