



## **STATEMENT OF PROPOSAL TO REVOKE A BYLAW FOR SELWYN DISTRICT COUNCIL “OPERATION OF SWIMMING POOLS BYLAW 1999”**

**(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 revoke the current “Operation of Swimming Pools Bylaw 1999”. This review will result in revoking of this bylaw.

Throughout this report, the process will be referred to as the review of the current bylaw (“the current bylaw”).

### **The proposal to review the bylaw is made pursuant to:**

The Local Government Act 2002 section 158(2)(a) states that the current bylaw must be reviewed no later than 1 July 2008 (if the bylaw was made prior to 1 July 2003).

### **Reasons for this Proposal**

To review, and update and revoke as necessary, the current bylaw in accordance with the requirements of the Local Government Act 2002.

The Council proposes to revoke the current bylaw.

### **The statutory requirements for introducing a bylaw**

- **Appropriateness**

A bylaw exists to assist in the compliance with current legislation. Once the bylaw is expired, there is no clear mandate for ensuring compliance.  
Sets clear guidelines and provide information to the public.

- **Options Available to Council**

1. **Do nothing** – failure to review the bylaw by 1 July 2008 will result in the lapse of the bylaw by 2010 and a new process would need to be implemented.
2. **Revoke the current bylaw and rely on other methods** – The stated object of the bylaw is to provide a risk management approach to protect the health and safety of people using swimming pools in Selwyn District and applied to any public, commercial school or commercially operated pool. The issues (from a regulatory perspective), relate to ensuring the public health and safety of pool users and could be achieved via contractual arrangements with pool

committees. Any contractual arrangements would include the need to comply with relevant standards and legislation such as the Fencing of Swimming Pools Act 1987.

3. **Proceed with the review.** Review of the current bylaw will ensure it is up to date with current legislation and also update it in terms of current management practices.

The Statement of Proposal has been prepared on the basis that Council wishes to proceed with **Option 2: Revoke the bylaw and rely on other methods**

### **Revoke the current bylaw and Rely on other Methods**

Although Section 155 of the LGA 2002 refers to the process for making a bylaw it is appropriate to consider whether the existing bylaw is the most appropriate way of addressing any issues around public swimming pool operation.

The issues (from a regulatory perspective), relate to ensuring the public health and safety of pool users and could be achieved via contractual arrangements with pool committees. Any contractual arrangements would include the need to comply with relevant standards and legislation such as the Fencing of Swimming Pools Act 1987.

Given that the regulatory objectives can be met by contractual arrangements a bylaw to regulate the use of public pools is not deemed to be necessary.

This conclusion is supported by the fact that the responsibility for pool management (pool committees), is handled by discreet groups of volunteers in circumstances where it is not appropriate to take punitive action for non-compliance.

### **Consultation**

The following groups and organisations will also be consulted on the proposed revoking of the current bylaw:

- Pool Management Committees in Selwyn District.

### **Provide Maori the opportunity to contribute:**

The Council considers that the public notification and opportunity for submission process in February 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 revoking of the current bylaw is consistent with the NZ Bill of Rights Act 1990.

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.

The proposed timeline for the revoking of the bylaw is:

Timeline	Selwyn District Council Operation of Swimming Pools Bylaw 1999
13 February 2008 (Council Meeting)	<ul style="list-style-type: none"> <li>Adoption to revoke the Selwyn District Council Operation of Swimming Pools Bylaw 1999</li> </ul>
16 February 2008 Bylaw advertised	<ul style="list-style-type: none"> <li>Advertise for public submissions to the current bylaw</li> </ul>
17 March 2008 Submissions close	<ul style="list-style-type: none"> <li>Written submissions close 4:00pm at SDC service centres</li> </ul>
4 April 2008 Submissions hearing	<ul style="list-style-type: none"> <li>Hearing of the bylaw submissions by a subcommittee at the Council Rolleston Headquarters at Norman Kirk Drive, Rolleston commencing at 9 am</li> </ul>
14 May 2008 (Council Meeting)	<ul style="list-style-type: none"> <li>Adoption to revoke the Selwyn District Council Operation of Swimming Pools Bylaw 1999 at its ordinary Council Meeting</li> </ul>
17 May 2008	<ul style="list-style-type: none"> <li>Public notification to revoke the Selwyn District Council Operation of Swimming Pools Bylaw 1999 by Council and its date at which it will discontinue</li> </ul>
11 June 2008* (Council Meeting)	<ul style="list-style-type: none"> <li>Adoption to revoke the Selwyn District Council Operation of Swimming Pools Bylaw 1999 by Council at its ordinary Council Meeting</li> </ul>
1 July 2008	<ul style="list-style-type: none"> <li>The date at which the Selwyn District Council Operation of Swimming Pools Bylaw 1999 is revoked</li> </ul>

\* 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, further information will be supplied for the consideration of Council to revoke the bylaw at its meeting of 14 May 2008. If it is the view of the subcommittee that the bylaw cannot be presented at that time to confirm the bylaw is revoked, or if there are further considerations identified by the Council at the meeting of 14 May 2008, this shall be reported back to Council including recommendations on how to proceed at the meeting of 11 June 2008.

## Submissions

Submissions are invited on the proposal to revoke the current "Operation of Swimming Pools Bylaw 1999".

At its meeting on 13 February 2008 the Council passed a resolution approving the proposed revoking of the bylaw for the purposes of public consultation through the special consultative procedure prescribed in the Local Government Act 2002.

The current Operation of Swimming Pools Bylaw 1999 can be viewed (and downloadable in PDF Format) on our website [www.selwyn.govt.nz](http://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 17 March 2008.**

Submissions on this proposal can be made either via the online submission form on the Council website [www.selwyn.govt.nz](http://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 email address;
- whether you support or oppose the proposal or particular aspects of it;
- your reasons;
- any changes that you wish us to make; and
- Whether you wish to speak at a hearing.
- Signed (if posted or faxed) and dated

Submissions in writing shall be addressed to:

**The Bylaw Analyst  
Operation of Swimming Pools Bylaw 1999  
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 4 April 2008** 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:**

Operation of Swimming Pools Bylaw 1999