



STATEMENT OF PROPOSAL TO REVIEW A BYLAW FOR SELWYN DISTRICT COUNCIL STOCK CONTROL BYLAW 2008

**(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 "Stock Control Bylaw 2000", which was adopted by the Council on 11 October 2000. This review will result in the 2008 version becoming the new 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 current bylaw was originally adopted under Section 72 of the Transport Act 1962 and Section 681 of the Local Government Act 1974.

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 as necessary, the current bylaw in accordance with the requirements of the Local Government Act 2002

The proposed new bylaw is to be known as the **Selwyn District Council Stock Control Bylaw 2008** ("the proposed new bylaw").

The statutory requirements for introducing a bylaw

- **Appropriateness**

The current bylaw exists to assist in the compliance with current legislation. Once this bylaw has expired, there is no clear mandate for ensuring ongoing compliance. Sets clear guidelines and provides information to the public.

- **Options Available to Council**

1. **Do nothing** – failure to review the current bylaw by 1 July 2008 will result in its lapse by 2010 and a new process would need to be implemented.
2. **Revoke the current bylaw and rely on other methods** – the Council will then have no statutory authority to control stock on Selwyn district roads.

3. **Proceed with the review.** Review of the current bylaw will ensure it is up to date with relevant legislation and policies, 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.
- The proposed new bylaw will continue to protect the public from inadequately controlled stock on Selwyn district roads that can create a safety hazard and to minimise damage to Selwyn district roads.
- 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.
- Correct minor errors, and other deficiencies and problems that have been identified during the course of application of the current bylaw that has detracted from its original intent.
- The proposed new bylaw will align with current Council policies and best practices.
- In line with the provisions of the Local Government Act 2002, the proposed new bylaw will utilise penalties for non-compliance of up to \$20,000.
- The cost of non compliance, i.e. a breach of the proposed new bylaw, will be met by those who move stock in a manner which does not comply with the requirements of the bylaw.

Consultation

The following groups and organisations will also be consulted on the proposed new bylaw:

Federated Farmers
NZ Police
Transit New Zealand
Land Transport New Zealand
Fonterra
Environment Canterbury
Adjoining Local Authorities (Christchurch, Waimakariri, Ashburton)
Road Transport Association
Automobile Association

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 new 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 introduction of the bylaw is:

Timeline	• Selwyn District Council Stock Control Bylaw 2008
13 February 2008 (Council Meeting)	• Adoption of draft Selwyn District Council Stock Control Bylaw 2008
16 February 2008 Bylaw advertised	• Advertise for public submissions to the draft Selwyn District Council Stock Control Bylaw 2008
17 March 2008 Submissions close	• Written submissions close 4:00pm at SDC service centres
7-8 April 2008 Submissions hearing	• Hearings of submissions on the Selwyn District Council Stock Control Bylaw 2008 by a subcommittee at the Selwyn District Council Headquarters, Norman Kirk Drive, Rolleston
14 May 2008 (Council Meeting)	• Adoption of the Selwyn District Council Stock Control Bylaw 2008 at its ordinary Council Meeting
17 May 2008	• Public notification on the adoption of the Selwyn District Council Stock Control Bylaw 2008 by Council and its commencement date
11 June 2008* (Council Meeting)	• Adoption of the Selwyn District Council Stock Control Bylaw 2008 by Council at its ordinary Council Meeting
1 July 2008	• Commencement date of new Selwyn District Council Stock Control Bylaw 2008

* 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 14 May 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 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 review the current "Stock Control Bylaw 2000", which was adopted by the Council on 11 October 2000. This review will result in the 2008 version becoming the new bylaw.

The proposed bylaw is to be known as the **Selwyn District Council Stock Control Bylaw 2008** ("the proposed bylaw").

At its meeting on 13 February 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 17 March 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 Stock Control Bylaw 2008
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 7 and 8 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:

Stock Control Bylaw 2000
Proposed Stock Control Bylaw 2008