



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"> 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.

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, McMillan 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