

Report 16.299
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Committee Council
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Proposed Greater Wellington Parks, Forests and Reserves Bylaws 2016

1. Purpose

The purpose of this report is to brief the Council on the consultation undertaken on the proposed Greater Wellington Parks, Forests and Reserves Bylaws 2016 and recommend adoption of the Bylaw, with amendments as proposed.

2. Background

The Park Bylaws provide for the enforcement of rules for park and forest use and development which are defined in policies such as the GWRC Parks Network Plan 2011 (PNP). They enable formal enforcement by authorised officers when other methods of park visitor management have not been effective. They cover all regional parks, forests, water collection, and flood protection areas managed by GWRC.

A briefing and draft revised Parks Bylaw was presented to Council on 30 March 2016. The process of reviewing the bylaw was outlined, two minor amendments to bylaw definitions were proposed, and Council approved a 30 day public notification period. The bylaw review process and consultation undertaken was in accordance with the requirements of the Local Government Act 2002 (LGA).

The minor changes proposed to the Parks Bylaws were changes to Section 2 definitions for 'aircraft' and 'vehicles'. Descriptive definitions were removed and replaced with a reference to the definitions provided by the agency that manages the rules associated with these activities; in particular, changing the definition of aircraft/ unmanned aircraft to reference the definition in the New Zealand Civil Aviation Authority Rules, and changing the definition of vehicle/ motorised vehicle to reference the Land Transport Act

1998 definitions. These changes were proposed to ensure that the Park Bylaws remain current in future as definitions in other legislation change.

Consultation

Section 156 of the LGA identifies the consultation requirements when making amendments as a result of a Bylaw review. The changes proposed were not deemed to be significant, and as a result consultation in a manner that gives effect to the requirements of section 82 was undertaken.

Consultation undertaken was commensurate with the minor nature of change proposed to the Park Bylaws definitions. A public notice was prepared and placed in the Dominion Post newspaper to inform the public of the intention to review the existing Bylaw with the minor definition amendments as proposed. Details of the proposed changes were outlined in the consultation section of the Council website, and printed copies of the proposed Bylaw were made available in GWRC office reception areas at Shed 39 and Upper Hutt. No submissions were received as a result of this consultation.

2.1 Section 155 LGA Act considerations

The Council considered the section 155 matters at the meeting on 30 March 2016 and agreed that the proposed bylaw:

- a. is the most appropriate way for the Council to regulate and control behaviour and activities within the parks, forests and reserves
- b. is the most appropriate form of bylaw
- c. does not contravene the New Zealand Bill of Rights Act 1990.

As no issues have been raised with the proposed amendments as a result of consultation, no further changes are proposed. Accordingly, the section 155 requirements continue to be met.

2.2 Making the Bylaws

The *2009 Greater Wellington Parks, Forests and Reserves Bylaws* will be revoked on the day the Proposed 2016 *Greater Wellington Parks, Forests and Reserves Bylaws* come into force. To allow the amended Bylaw to be approved and public notice given, the date the new Bylaw will come into effect is proposed as 8 July 2016.

2.3 Review of the Parks Network Plan

Under section 41 of the Reserves Act, preparation of management plans for parks and reserves is required, and these plans must be kept under continuous review so that changing circumstances and knowledge are reflected in them. The Parks Network Plan (2011) is the overarching management plan for most GWRC parks and reserves. Policy 100 of the PNP identifies that the plan will be reviewed every ten years with analysis of the effectiveness of the plan undertaken every three years. To date the currency of the plan has been maintained through the development and council adoption of two amendments; Parangarahu Lakes area 2014 and Baring Head/ Orua-pouanui 2012. Another amendment with two minor changes is in progress.

The process to undertake an overall review of the PNP has recently commenced and is expected to will extend to extensive public consultation in 2017-18. Because there is a direct relationship between the ‘Activity Rules’ in the Parks Network Plan (PNP) and the Park Bylaws, feedback during the consultation process for the PNP may identify the need to undertake further amendment of the bylaws in the future. If this is the case, the LGA process will need to be followed.

3. The decision-making process and significance

The matter requiring decision in this report has been considered by officers against the requirements of Part 6 of the Local Government Act 2002 and the specific provisions relating to bylaws.

3.1 Significance of the decision

The term ‘significance’ has a statutory definition set out in the LGA. Officers have considered the significance of the matter, taking the Council’s Significance and Engagement Policy and Decision-Making Guidelines into account. Officers consider that the matter has low significance.

4. Communication

Section 157 of the LGA identifies procedures and communication for making bylaws. It identifies that:

- (1) As soon as practicable after a bylaw is made, the local authority must give public notice of the making of the bylaw, stating—
 - (a) the date on which the bylaw will come into operation; and
 - (b) that copies of the bylaw may be inspected and obtained at the office of the local authority on payment of a specified amount.
- (2) A local authority must—
 - (a) keep copies of all its bylaws at the office of the local authority; and
 - (b) make its bylaws available for public inspection, without fee, at reasonable hours at the office of the authority; and
 - (c) supply to any person, on request and on payment of a reasonable charge, a copy of any of its bylaws.

To satisfy these requirements, a public notice will be placed in the Dominion Post in the week following the Council meeting. In addition, the Park Bylaws will be published on the GWRC website, appended to the Parks Network Plan, and available at GWRC offices at Shed 39 and Upper Hutt. The Parks, Forests and Reserves Bylaws 2016 as proposed is attached as **Attachment 1**.

5. Recommendations

That the Council:

1. *Receives the report.*
2. *Notes the content of the report.*

3. **Agrees** that the consultation undertaken has given effect to the section 82 requirements of the Local Government Act 2002.
4. **Determines** that the proposed Greater Wellington Parks, Forests and Reserves Bylaws 2016:
 - a. is the most appropriate way for the Council to regulate and control behaviour and activities within the parks, forests and reserves
 - b. is the most appropriate form of bylaw
 - c. does not contravene the New Zealand Bill of Right Act 1990.
5. **Adopts** the Greater Wellington Parks, Forests and Reserves Bylaws 2016.
6. **Approves** the date of commencement for the Greater Wellington Parks, Forests and Reserves Bylaws 2016 as 8 July 2016.
7. **Revokes** the Greater Wellington Parks, Forests and Reserves Bylaws 2009.
8. **Agrees** to officers preparing the public notification and communicating the Parks Bylaws 2016, as proposed.

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Attachment 1: Proposed Greater Wellington Parks, Forests and Reserves Bylaws 2016