



Report 09.170
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Committee Council
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Adoption of the proposed Parks, Forests and Reserves Bylaw 2009

1. Purpose

To provide an overview of the submissions of the draft *Parks, Forests and Reserves Bylaw 2009* and recommend the proposed Bylaw for adoption.

2. Consideration by Committee

The matters raised in this report were considered by the Regional Sustainability Committee at its meeting on 25 March 2009 (Report No. 09.143 refers). The recommendations contained in this report have been endorsed by the Committee for the Council's consideration and decision.

3. Significance of the decision

The content of this report is the result of the Council's consultation with the public through submissions being made on the proposed *Parks, Forests and Reserves Bylaw 2009*. The formal submission process undertaken complied with the decision making and special consultative procedures set out in sections 76 to 79 and 83 to 85 of the *Local Government Act 2002*.

4. Background

The proposed Bylaw was drafted following a review by officers of the previous bylaws for forests, parks and recreation areas that were adopted in 1994. The review provided an opportunity to update the bylaws in light of policy and legislative changes. In 2007/8 officers worked with key stakeholders, territorial authorities and park rangers to draft the proposed Bylaw.

At its meeting on 3 November 2008 the Council resolved to initiate the special consultative procedure to consider the proposed *Parks, Forests and Reserves Bylaw* (Report 08.828).

Public notices were published in newspapers on 17 November 2008 and 10 January 2009 which invited submissions on the proposed amendment to the Bylaws. Two written submissions were received. Although neither submitter wished to be heard, their submissions were subsequently considered by the Regional Sustainability Committee at its meeting on 25 March 2009.

The Committee also considered a number of small amendments proposed by officers. Two of the changes proposed were the result of feedback from meeting with iwi groups. These were to amend the:

- Meaning of waahi tapu to be place sacred to Maori rather than *the Maori people*.
- Wording of 3.8 (*Damage or interference of sites*) to align with the *Historic Places Act 1993*.

After considering the proposed changes recommended by officers, the submissions and officers' comments in respect of those submissions, the Committee resolved to recommend that the Council adopt the proposed *Parks, Forests and Reserves Bylaw 2009* as set out in Attachment 2 to Report 09.143.

5. Comment

The Bylaw, as proposed, is included as Attachment 1 to this report.

Officers suggest the proposed *Parks, Forests and Reserves Bylaw 2009* come into force on 1 May 2009. This would allow officers a suitable amount of time to advise the public of the amendment.

6. Communication

As soon as practicable after the making of the Bylaw, Greater Wellington Regional Council (GWRC) must give public notice, stating:

- The date on which the Bylaw will come into operation; and
- That copies of the Bylaw may be inspected and obtained from its offices.

The Bylaw will also be made available from GWRC offices, including park rangers' offices, as well as available on GWRC's web site. Officers will also prepare a media release.

Each submitter will receive a letter from the Council Chair which thanks the submitter for their contribution to the Council's decision making process. As far as possible, the letter will also respond to the points raised in the submission.

7. Recommendations

That the Council:

1. *Receives and notes the contents of the report.*

2. ***Adopts*** the proposed *Parks, Forests and Reserves Bylaw 2009* as set out in Attachment 1 to this report.
3. ***Resolves*** that the *Parks, Forests and Reserves Bylaw 2009* will come into effect on 1 May 2009.
4. ***Agrees*** to a process of public communication of the new *Bylaw*.

Report prepared by:

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Attachment:

- 1 Proposed *Parks, Forests and Reserves Bylaw* (with proposed changes from submitters and officers incorporated in highlight)