

Report 07.519
Date 30 July 2007
File PK/01/09/01

Committee Ara Tahi
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Review of Bylaws of Greater Wellington Regional Council's Parks and Forests

1. Purpose

To provide the Ara Tahi Committee with background information about the current review process of the *Wellington Regional Council Bylaws for Forests, Parks and Recreation Areas* and to seek Ara Tahi's advice on the preferred mechanism/s for further engagement to ascertain iwi's views on the future parks and forests bylaws.

2. Background

Functions of Bylaws

Under the LGA 2002, Regional Councils have powers to make bylaws in relation to forests, and for parks, reserves, recreation grounds, or other land that the Regional Council owns or controls. The bylaws play an important role in implementing Council's policy. While parks and forest management plans and other statutory documents provide policy direction in terms of managing the regions parks and forests, they in themselves do not provide the powers for officers to enforce them and cannot be used to control the behaviour of park users.

Existing Bylaws

The existing bylaws (*Wellington Regional Council Bylaws for Forests, Parks and Recreation Areas*) were adopted and came into effect in August 1994, and cover parks and forests owned or managed by Greater Wellington Regional Council (GW). As the current bylaws are now some 13 years old, some of them are out of step with either changes in legislation, park management plans or other Council policy reviews that have occurred since that time.

While there is a legislative requirement to review the bylaws (as explained later in this report) there is also a "best practice" need to do so.

3. Legislative Requirements

Local Government Act 2002

The current bylaws are required under section 158 of the LGA to be reviewed by 1 July 2008. If they are not reviewed by this time, the bylaws will expire and cease to have effect. A review of these bylaws must be made by formal resolution of the Council following the completion of a Special Consultative Procedure process under section 83 of the LGA. This process enables public input into the bylaws by commenting on or making submissions supporting or opposing any proposed bylaws or recommending modification to them.

Once the bylaws are reviewed and adopted, they are not required to be reviewed for a further 10 years.

The main steps involved in the review of bylaws under the LGA include:

- Consideration of options for addressing perceived problems (see section 5 of this report for explanation);
- Bylaw drafting;
- Formal consultation using the Special Consultative Procedure;
- Adoption of the bylaws by Council.

While there are also provisions in the Reserves Act 1977 and the Wellington Regional Water Board Act 1972 for making and reviewing bylaws which need to be adhered to, Councils are required to follow LGA processes in developing them.

4. Bylaw Review and Consideration of Alternatives

A wide range of activities take place within the region's parks and forests without causing problems, however, occasionally some activities do cause perceived or real problems. Under the LGA, the Council must determine whether a bylaw is the most appropriate way of addressing such problems or whether other alternatives might be a more effective option. Other ways to deal with these issues may include non-regulatory options like education initiatives to encourage voluntary compliance or signage in parks and forests.

Staff are currently undertaking an analysis of the existing forests and parks bylaws to determine their level of appropriateness, whether or not the issues are still relevant, whether or not there is a gap that needs to be addressed, or whether there are any provisions that can be revoked due to overlaps with other legislation.

Early preliminary investigations including: discussions with GW Rangers; a review of Auckland Regional Council's proposed parks bylaws; and the proposed Hutt City Council Parks and Reserves Bylaw 2007, have identified some management issues and problems which may be able to be addressed by bylaws such as:

- Inappropriate activities in parks and forests e.g. activities not being carried out appropriately as per the management plan;
- Damage to park facilities e.g. damage to structures, vandalism, graffiti, burning picnic tables, dangerous driving on roads within parks;
- Behavioural issues e.g. disruptive, offensive behaviour, intoxicated persons causing nuisance, failing to obey orders of enforcement officer e.g. Council Rangers
- Activities needing approval from Council e.g. entering a park or forest without obtaining permission, or the erection of structures;
- Removal of natural materials from parks/forests;
- Enforcement of bylaws by rangers;
- Penalties for breaching a bylaw.

Staff are continuing to further investigate issues and problems with a view of confirming the primary issues and considering alternative options to address these. A recommendation will then be made to the Landcare Committee as to the need for bylaws.

5. Consultation

5.1 Formal consultation process

The power to make a bylaw has to be made by the Council. A Special Consultative Procedure must be followed as outlined in section 83 of the Local Government Act. This process is essentially a formal community consultation process. This process will commence, following the Council's approval of the draft parks and forests bylaws. It is proposed that a Council subcommittee will be set up to hear/consider submissions and make recommendations.

5.2 Informal consultation

Informal meetings are currently being undertaken with interested parties including GW rangers, Council staff, and other interested parties to formulate a range of comments, issues, and viewpoints to ensure that the best options are put forward in the draft bylaws.

Staff will also continue to liaise with representatives from territorial authorities in the Wellington Region dealing with parks and reserve bylaws to ensure that there is a consistent approach applied to similar bylaws across the Region.

Parks and forests policy requires that appropriate consultation is undertaken with tangata whenua when assessing proposed activities and uses. Regional parks and forests are managed in cooperation with tangata whenua.

Parks policy staff would like to explore other bylaws issues that may be relevant to iwi. Policy staff would like an indication from Ara Tahi as to the preferred mechanism/s for further engagement to ascertain iwi's views on the

future of the parks and forests bylaws prior to any draft policy going out to the wider community.

Options for further consultation with iwi may include:

- a) A workshop
- b) Copies of current policy/fees structure sent to individual iwi
- c) Meet individually with relevant iwi across the Wellington region

It is worth bearing in mind that the bylaws have the potential to remain in force for up to 10 years before being reviewed. It is therefore important to consider future activities and uses and how these may fit in with the revised policy.

6. Recommendations

That the Ara Tahi Committee:

1. ***Receives*** the report.
2. ***Notes*** the content of the report and the work done to progress the production of revised parks and forest bylaws.
- 3a. ***Recommends*** the appropriate mechanism/forum to consult further with iwi as part of the process;

OR

- 3b. ***Agrees*** that officer's proceed to prepare draft bylaws and provide iwi with feedback opportunities through the formal public consultation process under section 83 of the Local Government Act.

Attachment 1: Wellington Regional Council Bylaws for Forests, Parks and Recreation Areas.

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