

Report 09.143  
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Committee Regional Sustainability Committee  
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## Parks, Forests and Reserves Bylaw

### 1. Purpose

To provide an overview of the submissions of the draft *Parks, Forests and Reserves Bylaw* and recommend changes to the Bylaw prior to final adoption.

### 2. Significance of the decision

The matters for decision in this report do not trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the *Local Government Act 2002*. The decisions only relate to the process for handling the submissions Greater Wellington has received on the draft *Parks, Forests and Reserves Bylaw*.

### 3. Background

The previous bylaws for forests, parks and recreation areas were adopted in 1994 and under the *Local Government Act 2002* required review. 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 (who are enforcement officers under the Bylaw) to draft a new Bylaw.

In November 2008 the draft *Parks, Forests and Reserves Bylaw* was made available for public submissions following the special consultative procedure under section 83 of the *Local Government Act 2002*. The draft Bylaw was advertised in newspapers on 17 November 2008 and made available to the public at Greater Wellington Regional Council (GWRC) offices and on-line. Submissions closed on 2 March 2009.

### 4. Submissions

Only two written submissions were received requesting minor changes to the draft Bylaw. Copies of the submissions are attached (Attachment 1). No parties wish to be heard.

## 4.1 Principles of consultation

Six principles of consultation are set out in the *Local Government Act 2002*. One of these principles is that views presented to a local authority should be accepted with an open mind and should be given due consideration by the local authority, in making a decision.

## 5. Issues raised and proposed changes

### 5.1 Issues raised by submitters

Aside from grammatical changes, the submitters sought for the following matters to be addressed:

Submitter 001		
<i>Issue</i>	<i>Relief sought</i>	<i>Proposed amendment by officers</i>
No reference to vertebrate toxic agent in 3.3	Add reference	Vertebrate toxic agent is a subset of pesticide which is referred to. <b>No change required to Bylaw.</b>
Unsure if 3.16 includes unwanted pathogens, viruses and microscopic organisms (such as didymo)	Elaborate to include under 3.16	To include a definition of "plant" in section 2, from the <i>Conservation Act 1987</i> so that these categories are included. <b>Add: <i>Plant: means any member of the plant kingdom: and includes any alga, bacterium, or fungus, and any part of, or seed or spore from any plant.</i></b>
Numbering of sections incorrect	Correct	Correct 4.6, which is used twice. <b>Make correction.</b>
Submitter 002		
<i>Issue</i>	<i>Relief sought</i>	<i>Proposed amendment by officers</i>
Currently no definition of plant	Requests definition to be added	To include a definition of "plant" as per above.

### 5.2 Changes recommended by officers

In addition to the amendments proposed by officers in response to the submitters, some small changes to wording are also recommended. These changes are highlighted in yellow in the final proposed Bylaw attached to this report (Attachment 2).

Two of the changes, in particular, were the result of feedback from meeting with iwi groups. These are to amend the:

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

## 6. Next steps

After the Committee has considered the submissions and changes to the draft Bylaws, the Committee may recommend that Council adopt the Bylaw with the proposed amendments. After the meeting, a paper outlining the Committee's recommendation(s) to Council will be prepared by officers. The Council can consider the proposed amended Bylaw at its meeting in April 2009. The Committee's recommendations and the Council's decision must be made in light of the submissions that have been received.

Formal replies will be sent to the submitters soon after the Council has made its decision on proposed amendments. It is suggested that these replies be sent from the Council Chair.

## 7. Communication

It is anticipated that the final *Parks, Forests and Reserves Bylaw* would come into effect in May 2009. When the final Bylaw is adopted, a media release will be sent out and copies of the adopted Bylaw will be made available at GWRC offices and on the web site.

## 8. Recommendations

*That the Committee:*

1. ***Receives and notes*** the contents of the report.
2. ***Receives and considers*** the submissions on the draft *Parks, Forests and Reserves Bylaw*.
3. ***Recommends*** that Council ***adopts*** the proposed *Parks, Forests and Reserves Bylaw 2009* as set out in Attachment 2, together with any amendments.

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### Attachments:

- 1 Submissions received - Nos 1 and 2
- 2 Final draft Bylaw with changes highlighted