

Summary of Information

Draft Greater Wellington Regional Council Parks, Forests and Reserves Bylaw

1. Purpose

This is a Summary of Information as required by section 83 (1)(a)(ii) of the *Local Government Act 2002*, and accompanies the Statement of Proposal. The purpose is to inform the public of the proposed *Greater Wellington Regional Council Parks and Forest Bylaw* (the draft Bylaw).

2. Background

2.1 General

As required by the *Local Government Act 2002 (LGA 2002)*, the Council has recently reviewed the *Wellington Regional Council Bylaws for Forests, Parks and Recreation Areas Bylaws 1994* (the 1994 Bylaws). As a result of the review, the Council considers that the Bylaws should be amended. The *LGA 2002* requires the Council to initiate the special consultative procedure if it considers that bylaws should be amended following their review.

The 1994 Bylaws are now more than 13 years old. Some of the provisions within are out of date with either changes in legislation, management plans or other Council policies that have occurred since that time. The penalty provisions are also inadequate. Therefore, the new draft Bylaw has been developed for a number of reasons:

- To be consistent with changes in legislation
- To ensure that the bylaws reflect the management plans of the Parks and Forests
- To address key issues where there have been problems in the past
- To update the penalty provisions

2.2 Summary of the draft Greater Wellington Regional Council Parks, Forests and Reserves Bylaw

Section 1 – Bylaw administration

- Explains what land the Bylaw applies to, who it shall apply to, and when it comes into force.
- Describes the layout of the Bylaw. There are two sections - activities that are prohibited and those which require approval.

Section 2 – Definitions

- Defines terms used within the Bylaw and where necessary references terms to other existing legislation.

Section 3 – Prohibited activities

Gives prohibitions to carry out activities:

- Where public access has been restricted
- Involving alcohol and drugs (so as to cause a nuisance)
- Involving use of chemicals
- Where not consistent with prohibitions in operative parks, forests or reserve management plans.
- Where dogs interfere with other animals
- Relating to harvesting and planting
- Such as lighting fires and littering
- Causing nuisance, obstructing or other offensive behaviour
- Damaging or interfering with operations, structures and sites
- Which are dangerous activities
- Involving inappropriate riding or vehicle use
- Interfering with waterways

Section 4 – Activities requiring approval

Requires that the following activities can only occur with written approval (inc. signage)

- Aircraft movement
- Commercial activity and gatherings
- Erect structures, signs or camping
- Hunting
- Carrying weapons
- Lighting fires

Section 5 – Breaches and offences

- Describes how a breach can occur
- States what actions a person must take following a breach

Section 6 – Penalties for breach of Bylaw

Provides for:

- Council's power to act, with or without Police assistance
- Fines for breaches, not exceeding \$20,000.
- Council to rectify the situation and recover costs for damages

- Discretion of an authorised officer to request personal details (name, address)

3. Availability of draft Greater Wellington Regional Council Parks, Forests and Reserves Bylaw

The Statement of Proposal contains the new draft Bylaw. A full copy is available from Greater Wellington Regional Council offices in Wellington (142 Wakefield Street) and Upper Hutt (1056 Fergusson Drive) during normal working hours, or alternatively, from our website at www.gw.govt.nz/parks. Otherwise a copy can be requested directly from the address below.

4. Submission process

Written comments and submissions on the new draft Bylaw are welcomed and must be received by the Greater Wellington Regional Council by [*date to be confirmed*]. All submissions will be acknowledged. If required, a hearing will be held in [*date to be confirmed*]. Submitters should indicate in their submission if they wish to be heard in person in support of their submission.

Please note that any submission you make may be publicly available under the *Local Government Official Information and Meetings Act 1987*. If you are making a submission as an individual, we will consider removing your personal details if you request this in your submission.

Enquires and submissions can be made to:

Sharon Thurlow (Advisor – Planning and Policy, Parks)
Greater Wellington Regional Council
PO Box 11646
Manners Street
Wellington 6142

Telephone: 04 381 7753

Fax: 04 802 0300

Email: submissions@gw.govt.nz

5. Summary of the significant changes in the draft Greater Wellington Regional Council Parks, Forests and Reserves Bylaw

5.1 New layout of the Bylaw – Prohibited activities/activities requiring approval

The new draft Bylaw provides greater clarity as to what activities are not allowed under any condition in the park, and what activities require approval to be sought and granted. This layout differs from the 1994 Bylaws, which list provisions and prohibitions by topic only.

5.2 Management plans

The new draft Bylaw makes reference to regional park and forest management plans. These plans are documents developed through public consultation and provide guidance regarding the management of activities in the park, as well as direction for how the parks may be developed. Management plans state what activities are permitted in each of the parks and what activities are prohibited or discretionary (i.e., require a permit or concession to undertake the activity). Management plans may have, for instance, zones or tracks where camping or walking dogs is permitted. These plans already refer to the bylaws. Making reference to the plans in the Bylaw provides a link to activities that are allowed, or discretionary within the plans and the process for how approval is sought.

However, it is noted that while some of the activities listed above are covered by management plans or access plans, there are gaps in both activities and land which are not covered. For example, the current water catchment areas of Wainuiomata/Orongorongo and the adjoining recreation area are under a management plan. There is an access plan in place for the closed water catchment area which addresses access issues only. Similarly, the Conservation Forests and the Flood Protection Reserves do not generally have management plans.

For those reserves and forests which are not covered by management plans, bylaws are essential. For those parks and forests which are covered by management plans, bylaws are an important enforcement tool.

5.3 Fireworks and open fires

The new draft Bylaw makes the lighting of any fireworks a prohibited activity. Under the 1994 Bylaws igniting fireworks require consent. The restriction has been imposed to reduce risk of fires and avoid potentially threatening behaviour. Such controls are welcomed by the New Zealand Fire Service, which is seeking fireworks displays occur as part of a publicly organised event.

Regarding open fires, the provisions in the draft Bylaw states that open air fires require permission. While open fires are generally prohibited in most parks, forests and reserves, they are permitted with approval from the ranger in the Kaitoke Regional Park. Visitors to Kaitoke Regional Park have had a history of being allowed to light open fires down on the riverbeds, provided there are no fire bans imposed by territorial authorities. Thus open fires are subject to the visitor obtaining approval to do so first, or for fires only to be allowed in a Council approved fireplace.

5.4 Hunting

While not explicitly referred to in the 1994 bylaws (refer to “Wildlife”, section 27 in the existing bylaws), for clarity, hunting is included in the new draft Bylaw. Hunting and carrying weapons in parks, forests and reserves for

the purpose of hunting requires approval from the Council. The Council issues permits which can be obtained from the Upper Hutt Depot of Greater Wellington Regional Council.

5.5 Litter

The new draft Bylaw omits reference to receptacles (rubbish bins). The Council has adopted a policy with regard to rubbish that “what you carry in, carry out”, similar to that of the Department of Conservation. All park brochures state that rubbish bins are not provided in the parks and request visitors to take their rubbish home and recycle where possible.

5.6 Alcohol and drugs

The new draft Bylaw makes explicit reference to alcohol and drugs. Excessive use of these, so as to cause a nuisance, will not be tolerated within the parks. This provision does not prevent the consumption of alcohol but is primarily to deal with situations when too much alcohol is consumed resulting in nuisance behaviour. This is particularly an issue during holiday periods; when large groups of people are consuming alcohol (and, in particular, young people); and when vehicles are being driven by intoxicated drivers.

5.7 Dogs

The new draft Bylaw has fewer provisions relating to the control of dogs and reflects current legislation. Management plans and signage delineates where dogs may be walked. The draft Bylaw provides for situations where dogs are a nuisance (behaving in an intimidating manner or interfering with stock or animals and wildlife) within the parks, forests and reserves.

5.8 Penalties

The new draft Bylaw has increased penalties (with a maximum penalty of up to, but not exceeding, \$20,000) for anyone who breaches the Bylaw. This is consistent with the bylaws provisions in the *LGA 2002*.