

## Summary of Proposal

### DRAFT PARKS AND RESERVES BYLAW 2018

#### Introduction

The Whakatāne District Council (the Council) has reviewed Part 17: Parks and Reserves of the Consolidated Bylaw 2008 that expired on 30 June 2018. Under the Local Government Act 2002, Council has twelve months beyond this date to review this bylaw.

The Council seeks your views on the Draft Parks and Reserves Bylaw 2018.

#### Proposal

The Council proposes to revoke Part 17: Parks and Reserves of the Consolidated Bylaw and replace it with a stand-alone bylaw.

The Draft Parks and Reserves Bylaw 2019 is being released for consultation using the Special Consultative Procedure as outlined in section 86 of the Local Government Act 2002 (the Act).

In accordance with section 86 (2) of the Act, Council is required to include the following in a Statement of Proposal:

- A draft of the proposed bylaw;
- The reasons for the proposal; and
- A report on any relevant determinations by Council under section 155 of the Act.

The attached copy of the proposed Whakatane District Council Draft Parks and Reserves Bylaw 2019 forms part of this Statement of Proposal.

**PLEASE NOTE: Restrictions relating to freedom camping or overnight parking are not part of this bylaw. These issues are out of scope for this review and will not be considered.**

In December 2017, Council received funding of \$136,000 from the Tourism Infrastructure Fund established by Central Government for the provision of toilet facilities at Pikowai Campground. We are currently waiting for Government to make a decision regarding whether a review of the Freedom Camping Act 2011 will be undertaken before making any changes to provisions in our Public Places Bylaw on freedom camping or overnight parking.

#### Reasons for the Proposal

Under sections 158 to 160 of the Act, the Council is required to review all bylaws within five years of their adoption and every ten years thereafter.

Council staff have reviewed Part 17: Parks and Reserves Bylaw 2008 and consider that while some of the bylaw is relevant and working well, much of it duplicates other bylaws or prohibits activities already covered by legislation. Therefore the most significant change proposed in this Draft Bylaw is the deletion of 14 sections from the existing bylaw.

Other key changes from the existing bylaw include:

- Expanding the section *Interpretation* to include all relevant terms and definitions;
- Clarifying within each section that the restrictions apply in parks as well as reserves. The current bylaw refers only to reserves;
- Adding clauses to the *Waste* section prohibiting the disposal of household waste in waste receptacles located within parks and reserves, and prohibiting the discharge of waste or stormwater onto parks or reserves from adjoining properties. This has been a problem in some locations;
- Removing the prohibition on the use of playground equipment by individuals over the age of 12 years old. This is because of stricter playground standards (i.e. modern playground equipment is designed take greater weights), and because caregivers will often play with children on these facilities; and
- Re-ordering the sections so they follow a natural progression through the bylaw.

## Consultation and Submissions

The formal consultation process will take place from **19 October to 20 November 2018**. Council will hold a hearing in December 2018.

Any person or organisation is welcome to make a submission on the Draft Parks and Reserves Bylaw 2018. The Council take all submissions into account when it decides on the final content of the bylaw.

Copies of the Statement of Proposal are available on Whakatane District Council's website <http://www.whakatane.govt.nz>

Hard copies are available from:

- |                                     |                                       |
|-------------------------------------|---------------------------------------|
| • Whakatane District Council        | 14 Commerce Street, Whakatane         |
| • Whakatane Library                 | 49 Kahahoroa Drive, Whakatane         |
| • Edgecumbe Library                 | 38 College Road, Edgecumbe            |
| • Ohope Library                     | 4 Harbour Road, Ohope                 |
| • Murupara Library / Service Centre | Civic Square, 48 Pine Drive, Murupara |

Consultation will take place during the period from **19 October to 20 November 2018**.

Formal submissions may be made:

Online: <http://www.whakatane.govt.nz>

Post to: Draft Parks and Reserves Bylaw, Private Bag 1002,  
Whakatane 3158.

Deliver to: Draft Parks and Reserves Bylaw, Whakatane District Council, 14 Commerce  
Street, Whakatane.

Email to: [submission@whakatane.govt.nz](mailto:submission@whakatane.govt.nz) Attention Bylaw Review

Informal submissions can be made by commenting on our Facebook page at  
<http://www.facebook.com/WhakataneDistrictCouncil>

**Submissions close at 5pm on Tuesday 20 November 2018.**

Submitters should not that their submission will be copied and made available to the public after the submission period closes.

Your submission should include your name, address, telephone number and email address and should state if you wish to speak to Council in support of your submission. The Council will contact in writing, all submitters who wish to be heard to advise the confirmed time, date and venue of the hearing.