

22 October 2009

REVIEW OF WESTLAND DISTRICT WILDFOODS AND OTHER EVENTS BYLAW 2003

Statement of Proposal

Introduction: The Westland District Wildfoods and Other Events Bylaw 2003 is being reviewed by the Council.

Reason for proposal: The Local Government Act 2002 provides that any bylaw must be reviewed within 5 years of it having first been adopted. The Westland District Wildfoods and Other Events Bylaw is required to be reviewed.

What is the perceived problem: Council is required to determine if the adoption (including a review of any bylaw) is the most appropriate way of addressing what the Local Government Act 2002 refers to as a “perceived problem”.

An assessment of the Westland District Wildfoods and Other Events Bylaw 2003 has been undertaken to ensure that it continues to meet a need, that its form is appropriate and that it does not give rise to implications under the New Zealand Bill of Rights Act 1990.

The purpose of the Bylaw is to control liquor, glass, trading and camping in specified areas during the annual Wildfoods Festival or other events that may occur in the District.

The Bylaw has been consolidated to include an amendment made in 2006 and to correct an error relating to the use of an incorrect word in the body of the Bylaw.

Community Outcomes: The Bylaw making provisions of the Local Government Act 2002 are designed to ensure that Bylaws continue to address identified problems. The provisions also require that Council considers other options for dealing with local problems. In this way legislative tools to solve local problems may be able to be kept to a minimum. The LTCCP identifies community outcomes and the Bylaw to be reviewed has been assessed as helpful in terms of its relevance to the identified community outcomes.

Options for addressing the problem: The Bylaw remains a valid and meaningful way of controlling abuse of liquor, the operations of temporary trading and traders, and overnight camping in the town area. An option is to not review the Bylaw and let it lapse. However, the community has indicated that controls are required on the Wildfoods Festival on the basis of safety and security. It is unlikely that the management of crowd behaviour could be achieved by anything other than the use of a legislative instrument.

Councils preferred option is to retain the Wildfoods and Other Events Bylaw in its current form, consolidated with the 2006 amendment and showing the correction of a wrongly used word.

Monitoring and enforcement: The reviewed Bylaw will be monitored and enforced by Council Officers and, in particular instances, police officers.

Consultation: As part of the special consultative procedure required by the Local Government Act 2002 Council wishes to hear from any person, group or business that would like to make a submission with respect to the review of the Wildfoods and Other Events Bylaw 2003. The officer for enquiries is Richard Simpson and submissions may be forwarded to the Council by:

1. Delivery to the Chief Executive Officer, 36 Weld Street, Hokitika 7810.
2. Sending to the Chief Executive Officer, Private Bag 704, Hokitika 7842.
3. Email to council@westlanddc.govt.nz.

Submissions must be in writing and are required to be received by the Council by 5.00 pm on 23 November, 2009. Submitters must advise if they wish to be heard by the Council in support of their submission.

After the close of the submission period the Council's Planning and Development Committee will consider the written submissions, listen to any submitters in support of their submission and report it back to the Council with a recommendation to adopt, amend or discard the reviewed Bylaw at a regular Council meeting.

Dated at Hokitika this 20th day of October, 2009.