



**I give notice that
an Ad Hoc Committee - Bylaws Meeting will be held on:**

Date:	Thursday, 14 September 2023
Time:	10.15am
Location:	Council Chamber 107 te Heuheu Street Taupō

AGENDA

MEMBERSHIP

Chairperson

To be elected

Members

Cr Sandra Greenslade
Cr Anna Park
Cr Christine Rankin
Mayor David Trewavas

Quorum

2

Order Of Business

- 1 **Karakia**
- 2 **Whakapāha | Apologies**
- 3 **Ngā Whakapānga Tukituki | Conflicts of Interest**
- 4 **Whakamanatanga O Ngā Meneti | Confirmation of Minutes**
Nil
- 5 **Ngā Ripoata | Reports**
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- 6 **Ngā Kōrero Tūmataiti | Confidential Business**
Nil

5.1 ELECTION OF CHAIRPERSON

Author: Karen Watts, Senior Committee Advisor

Authorised by: Nigel McAdie, Legal and Governance Manager

TE PŪTAKE | PURPOSE

To enable the election of a chairperson for the Ad Hoc Committee - Bylaws as required by the Local Government Act 2002 Schedule 7.

NGĀ KŌRERORERO | DISCUSSION

It is a requirement under the Local Government Act 2002 that the Committee elects a chairperson.

If more than one member is nominated, then the following process should be followed:

Voting for Chairperson

Clause 25 of Schedule 7 of the Local Government Act 2002 sets out the voting systems that are to be used for certain appointments including the election or appointment of the chairperson as follows:

25. Voting systems for certain appointments

This clause applies to—

- (a) *the election or appointment of the chairperson and deputy chairperson of a regional council; and*
- (b) *the election or appointment of the deputy mayor; and*
- (c) *the election or appointment of the chairperson and deputy chairperson of a committee; and*
- (d) *the election or appointment of a representative of a local authority.*

[(2) If this clause applies, a local authority or a committee (if the local authority has so directed) must determine by resolution that a person be elected or appointed by using one of the following systems of voting: —

- (a) *the voting system in subclause (3) ("system A");*
- (b) *the voting system in subclause (4) ("system B").]*

[(3) System A —

- (a) *requires that a person is elected or appointed if he or she receives the votes of a majority of the members of the local authority or committee present and voting; and*
- (b) *has the following characteristics: —*

- (i) *there is a first round of voting for all candidates; and*
- (ii) *if no candidate is successful in that round there is a second round of voting from which the candidate with the fewest votes in the first round is excluded; and*
- (iii) *if no candidate is successful in the second round there is a third, and if necessary subsequent, round of voting from which, each time, the candidate with the fewest votes in the previous round is excluded; and*
- (iv) *in any round of voting, if 2 or more candidates tie for the lowest number of votes, the person excluded from the next round is resolved by lot.]*

(4) System B—

- (a) *requires that a person is elected or appointed if he or she receives more votes than any other candidate; and*

(b) *has the following characteristics:*

- (i) there is only 1 round of voting; and
- (ii) if 2 or more candidates tie for the most votes, the tie is resolved by lot.]

A 'lot' means that the Committee can either toss a coin, put the two names in a hat, draw straws or whatever other method the Committee determines in order to select the candidates in the event of an equality of votes.

The Committee must firstly determine whether System A or System B is to be used for the election process for the Chairperson. Once decided, the Committee must then proceed to call for nominations. Once nominations have closed, voting will take place using the option that the Committee has chosen.

In accordance with the requirements of the process resolutions 1 and 2 must be taken separately.

WHAKAKAPINGA | CONCLUSION

At this inaugural meeting of the Committee, members are obliged to elect a chairperson.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That the Ad Hoc Committee - Bylaws:

1. Confirms that System __ will be used to determine the election process for the Chairperson;
and
2. Elects _____ as the Chairperson of the Ad Hoc Committee - Bylaws.

NGĀ TĀPIRIHANGA | ATTACHMENTS

Nil

5.2	HEARINGS AND DELIBERATIONS ON THE BYLAW REVIEW PACKAGE 2023 (FREEDOM CAMPING, ALCOHOL CONTROL, CEMETERY BYLAWS)
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Author: Andrew Wilson, Policy Advisor

Authorised by: Nick Carroll, Policy Manager

TE PŪTAKE | PURPOSE

This report allows Council to receive, hear and deliberate on submissions made on the bylaw review package for 2023 containing the freedom camping, alcohol control and cemetery bylaws.

WHAKARĀPOPOTOTANGA MATUA | EXECUTIVE SUMMARY

Council is required to review its bylaws regularly to ensure their ongoing relevance and to determine if they are the most appropriate way to manage specific issues.

Officers engaged with a variety of people, organisations, and council teams to help shape the bylaws that were consulted on. The proposed bylaws have been broadly supported by the majority of submitters. Attached is a summary of the key points raised by our community through their submissions. The bylaws were subject to some amendments as a result of the submissions. These changes are highlighted in the attached draft bylaws. As part of the deliberations, the Committee will need to determine if these are appropriate changes.

NGĀ TŪTOHUNGA | RECOMMENDATION(S)

That the Ad hoc Committee - Bylaws:

1. Receives the submissions (Attachment 2) received on the bylaw review package 2023;
2. Accepts the proposed amendments to the bylaws (Attachments 5-7) made by officers based on submitters' feedback; and
3. Recommends that Council adopts the amended bylaws attached to this report.

TE WHAKAMAHIKI | BACKGROUND

The proposal has been before Council at a prior meeting on 27 June 2023, and Council resolved to adopt the draft bylaws and associated statements of proposal for consultation.

As a result, further consultation with the community was conducted from 3 July to 4 August 2023.

NGĀ KŌRERORERO | DISCUSSION

During the development of the draft bylaws, we conducted early engagement with:

- New Zealand Police
- Safe Tūrangi
- Council Representative Groups
- Tūrangi co-governance committee
- Faith groups
- New Zealand Motorhome and Caravan Association (NZMCA)
- Local Iwi and Hapū
- Internal Stakeholders
- Ratepayer/Community associations

Through that engagement we established that:

- Minor changes are needed to help improve the clarity of the bylaws.

- Changes are required to support operational staff.
- Community safety concerns regarding alcohol existed around car parks in the Taupō town centre and Paetiki shopping centre.
- Hapū were concerned about some of the headstones being erected in cemeteries, many of which are situated on land gifted by them to Council.

During the formal consultation in July 2023, we received a total of 35 submissions on all three proposed bylaws. Overall feedback was positive with some requests for changes or amendments that fell outside of the scope of consultation. However, some submissions were within scope and officers have proposed changes based on these.

Submission feedback – Alcohol Control Bylaw

Out of 35 submissions, 31 were on the Alcohol Control Bylaw:

- 19 submitted in support of the Taupō town centre alcohol ban expansion. None submitted against the ban and nine submissions were neutral.
- 19 submitted in support of the Kinloch New Year ban area expansion. Two submitted against it and nine submissions were neutral.
- 26 submitted in support of the Paetiki shopping centre ban. None submitted against the ban and two answered neutrally.
- 18 submitted in support of the Two-Mile Bay ban area linkage. Two submitted against it and eight answered neutrally.

Several submissions against the proposed bylaw changes did not specify why they didn't support the changes. The majority that submitted neutrally did so due to not knowing, or believing that they should not have a say as they didn't live in an area.

Submitters in favour of the changes believe the proposal will reduce the harm and nuisance caused by alcohol consumption by members of their communities. Several submitters questioned the timing of the alcohol ban in the town centre and Paetiki shopping centre and requested it to be changed to seven days a week. This included the submission from the Police. These proposed changes can be accommodated without requiring further consultation and can be changed on the basis of evidence provided through the consultation process. Officers have amended the bylaw to reflect this.

New Zealand Police requested including additional alcohol ban areas in their submission however limited supporting information was provided to justify many of these areas. Including additional areas would also require another round of consultation as they are likely to have drawn in new or different submissions. Officers met with Police to discuss this and have suggested that further information be collected over the coming summer period so that a strong evidence base can be provided to ensure that any further expansion of ban areas is justified. The complete Police submission is included in the full written submissions bundle.

Submission feedback – Freedom Camping Bylaw

Council consulted on the removal of Whakamaru Domain as an open freedom camping site. It is important to note that there are additional changes made to the bylaw text.

Out of 35 submissions on the freedom camping bylaw proposal, 25 submitted on the Whakamaru domain issue. 11 supported the removal of the domain as an open freedom camping site while eight were against the change and six submitted neutrally.

The NZMCA supported the proposed changes and the addition of an explanatory note to the bylaw regarding the Reserves Act 1977 restrictions on freedom camping. NZMCA were happy with the proposal on the understanding that self-contained vehicles could still use the reserve as the change was only to remove it as an open site.

Those who were against the change cited their concerns about camping in Mangakino town and on Matekuri Island. They wished to see those sites closed and all camping sent out of town. Consultation was not conducted regarding either of these sites as there is ongoing work with the lakefront redevelopment in Mangakino. Additionally, decisions about the closing of Matekuri Island are not Council's to make as the island is owned by Land Information New Zealand and sits within Mercury Energy's operating easement.

In addition to the removal of the Whakamaru Domain site, a number of additional amendments are proposed to the bylaw. These were not explicitly consulted on as they are required changes due to the amended Freedom Camping Act 2011 and Self-contained Motor Vehicles Legislation Act 2023. These pieces of

legislation require Council to update its Freedom Camping Bylaw to reflect the national legislation changes which can be done without consultation.

Submission feedback – Cemetery Bylaw

Out of 35 Submitters, 25 submitted on the Cemetery Bylaw:

- Nine submitted in support of the cemetery handbook, two submitted against the handbook and 13 submissions were neutral.
- 12 submitted in support of the burial depth changes, one submitted against it and 11 submitted neutrally.
- 12 submitted in support of the limits on items outside of coffins in grave sites, five submitted against these limits and seven submitted neutrally.
- 10 submitters supported the offensive monuments section of the handbook, two were against it and 10 answered neutrally.

Submitters provided limited feedback on the handbook and a significant number of neutral responses meant that officers were unable to draw any conclusions on why submitters submitted this way.

Submitters supported the changes to burial depths but provided limited written feedback.

Submitters supported the limits on items in grave sites overall. Some submitters were concerned that families should be able to place anything they want in graves or were confused about where items could be located.

Ability to incorporate submitter feedback

The Committee may wish to make additional changes based on hearings. The attached summary of legal assessments document sets out the rationale for incorporating or not incorporating submitters' feedback on a legal basis. Making those changes that are outside of scope without conducting another special consultative procedure would pose a legal risk to Council.

Officers also note that there are bylaws to be reviewed next year and if evidence collected over the summer period suggests that further amendments of the alcohol control bylaw are required then they could be consulted on then.

Style changes and alignment

Officers have also taken the opportunity to align the style of the bylaws so that there is consistency in look and feel of Taupō District Council Bylaws. The bylaws look slightly different to those that were consulted on but contain no substantive changes to the content other than those discussed previously in this report.

Based on this information, Officers propose two options.

NGĀ KŌWHIRINGA | OPTIONS

Analysis of Options

Option 1: Recommend that Council adopt the proposed bylaws.

Officers have amended the draft bylaws to incorporate community feedback insofar as it was within scope, it was supported by evidence, and did not require further consultation.

Option 2: Recommend that Council does not adopt one or more of the proposed bylaws.

Council may decide to not adopt one or more of the proposed bylaws. In this case, the unadopted bylaw(s) will lapse, thus making their management and enforcement impossible to carry out. This would pose a risk to our community wellbeing especially when considering the Alcohol Control Bylaw.

Analysis Conclusion:

Officers consider the proposed bylaws to be a pragmatic approach to manage the respective activities and adequately address community feedback.

Additionally, Officers will be reviewing other bylaws next year and it would be practical to adopt the current amended bylaws in the interim to avoid them lapsing. Officers will explore the issues raised by submitters that were beyond the scope of these bylaw reviews. That will take place over 2024.

NGĀ HĪRAUNGA | CONSIDERATIONS

Whakahāngai ki tā te Kaunihera wawata | Alignment with Council's Vision

Council's vision is 'to be the most prosperous and liveable district in the North Island'. This is accompanied by a core set of values to underpin decision-making, the following of which are relevant to this particular proposal: World Class; Authentic; Charming; Vibrant; Quality; Resilient and Value.

Ngā Aronga Ture | Legal Considerations

Local Government Act 2002

The matter comes within scope of the Council's lawful powers, including satisfying the purpose statement of [Subpart 1 Section 10](#) of the Local Government Act 2002. That section of the Act states that the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. It is considered that social, economic, environmental and cultural well-beings are all of relevance to this particular matter.

The proposal has been evaluated with regards to the following legislation:

- Freedom Camping Act 2011
- Reserves Act 1977
- Self-contained Motor Vehicles Legislation Act 2023
- Burial and Cremations Act 1964

Ngā Hīraunga Kaupapa Here | Policy Implications

The proposal has been evaluated against the following plans:

- Long Term Plan 2021-2031
- Annual Plan
- Waikato Regional Plan
- Taupō District Plan
- Bylaws
- Relevant Management Plan(s)

There are no known policy implications.

Te Kōrero tahi ki te Māori | Māori Engagement

Taupō District Council is committed to meeting its statutory Tiriti O Waitangi obligations and acknowledges partnership as the basis of Te Tiriti. Council has a responsibility to act reasonably and in good faith to reflect the partnership relationship, and to give effect to the principles of Te Tiriti. These principles include, but are not limited to the protection of Māori rights, enabling Māori participation in Council processes and having rangatiratanga over tāonga.

Our statutory obligations outline our duties to engage with Māori, and enable participation in Council processes. Alongside this, we recognise the need to work side by side with the ahi kaa / resident iwi of our district. Engagement may not always be required by law, however meaningful engagement with Māori allows Council to demonstrate good faith and our commitment to working together as partners across our district.

Appropriately, the report author acknowledges that they have considered the above obligations including the need to seek advice, guidance, feedback and/or involvement of Māori on the proposed recommendations, outlined within this report. Officers engaged with Iwi partners at the start of the consultation process and have provided the necessary information on the bylaws with the offer to meet face to face. Several, in-person hui with some Iwi and hapū groups were carried out which helped support the development of the initial draft bylaws, including:

- Meeting with Ngāti Tūrangitukua
- Discussion with the Ngāti Tūwharetoa Natural Resources team

Ngā Tūraru | Risks

There are risks associated with legal challenge regarding bylaws, however officers have reduced these risks by taking a balanced approach when drafting the bylaws, and assessing them against relevant case law and the Bill of Rights Act 1990. A comprehensive consultation process also further reduces this risk.

TE HIRANGA O TE WHAKATAU, TE TONO RĀNEI | SIGNIFICANCE OF THE DECISION OR PROPOSAL

Council's Significance and Engagement Policy identifies matters to be taken into account when assessing the degree of significance of proposals and decisions.

Officers have undertaken an assessment of the matters in the [Significance and Engagement Policy 2022](#) and are of the opinion that the proposal under consideration is significant.

TE KŌRERO TAHI | ENGAGEMENT

Taking into consideration the above assessment, that the decision is of a high degree of significance, Council undertook a period of engagement with the community to better understand their views and preferences.

TE WHAKAWHITI KŌRERO PĀPAHO | COMMUNICATION/MEDIA

Officers will communicate directly with the submitters to inform them of Council's decision post adoption. Council's website will be updated when the bylaws are adopted, and Council is legally required to publicly notify the newly adopted bylaws.

WHAKAKAPINGA | CONCLUSION

Officers have incorporated submitters' feedback where practical and consider the proposed bylaws attached to this report provide a balanced approach between legal risk to Council, submitters' desires, and evidence provided that indicates the proposed amendments are justified.

Officers recommend that the Committee advises Council to adopt these proposed bylaws, on the basis that they continue to be the most appropriate way to address the relevant issues, and the proposed changes will better enable the implementation of the bylaws.

NGĀ TĀPIRIHANGA | ATTACHMENTS

1. Submissions Statistics Report
2. Full Written Submissions Bundle (under separate cover 1) [⇒](#)
3. Officer responses to written submissions
4. Summary of legal assessments for issues raised by submitters
5. Draft Alcohol Control Bylaw 2023
6. Draft Freedom Camping Bylaw 2023
7. Draft Cemetery Bylaw 2023
8. Draft Taupō District Council Cemeteries Handbook 2023