

Notice is given that a Submissions Hearing meeting will be held on:

Date: Monday 23 September 2024
Time: 10.00 am - Public Places Bylaw Hearing
Meeting Room: Tasman Council Chamber
Venue: 189 Queen Street, Richmond
Zoom conference link: <https://us02web.zoom.us/j/82210619973?pwd=cAMdD5z8o8GE0apcQfHmPM5BJsacZA.1>

Meeting ID: 822 1061 9973
Meeting Passcode: 444789

Public Places Bylaw Hearing AGENDA

MEMBERSHIP

Chairperson Councillor C Hill
Members Councillor T Walker
Councillor M Kininmonth
Councillor C Mackenzie
Councillor G Daikee

(Quorum 3)

Contact Telephone: 03 543 8400
Email: tdc.governance@tasman.govt.nz
Website: www.tasman.govt.nz

AGENDA

1 OPENING, WELCOME, KARAKIA

2 APOLOGIES AND LEAVE OF ABSENCE

Recommendation

That the apologies be accepted.

3 REPORTS

3.1 Draft Public Places Bylaw Submissions 4

4 CONFIDENTIAL SESSION

Nil

5 CLOSING KARAKIA

3 REPORTS

3.1 DRAFT PUBLIC PLACES BYLAW SUBMISSIONS

Decision Required

| | |
|----------------------------|--|
| Report To: | Submissions Hearing |
| Meeting Date: | 23 September 2024 |
| Report Author: | Cat Budai, Community Policy Advisor |
| Report Authorisers: | Dwayne Fletcher, Strategic Policy Manager; Kim Drummond, Group Manager - Environmental Assurance |
| Report Number: | RSH24-09-2 |

1. Purpose of the Report / Te Take mō te Pūrongo

- 1.1 The purpose of this report is to accept and hear the submissions received on the [Draft Public Places Bylaw](#).
- 1.2 The report does not include the staff deliberations report or an analysis of the submissions. This will be provided to the Hearing Panel before its deliberations meeting on 15 October 2024.

2. Summary / Te Tuhinga Whakarāpoto

- 2.1 This report is to enable the Hearings Panel to accept and hear submissions on the Draft Public Places Bylaw.
- 2.2 The consultation period for the Draft Public Places Bylaw was open between 26 July and 27 August 2024. We received 35 submissions.
- 2.3 We received no late submissions between 27 August and 3 September 2024. At the time of writing, none have been received beyond this point.
- 2.4 There are five submitters who wish to be heard.
- 2.5 The schedule of presenters for this meeting is attached. Subsequent changes to the schedule will be advised before the hearing commences. A copy of the submissions made by those submitters wishing to be heard has been circulated to the Hearing Panel.
- 2.6 Staff will prepare an analysis of the submissions received on the Draft Public Places Bylaw for the deliberations meeting scheduled for 15 October 2024.
- 2.7 The entirety of submissions has been provided to Councillors on LG Hub and are also available for viewing by the public on the Council's website. Personal contact information has been redacted.

3. Recommendation/s / Ngā Tūtohunga

That the Draft Public Places Bylaw Submissions Hearing

1. receives the Draft Public Places Bylaw Submissions Hearing report RSH24-09-2; and
2. receives and considers all [35 submissions](#) on the Draft Public Places Bylaw received by 27 August 2024; and
3. declines to accept any late Draft Public Places Bylaw submissions received after the consultation period.

4. Background / Horopaki

- 4.1 As part of the consultation process for the Draft Public Places Bylaw submitters have the option of presenting their views to the Council verbally.
- 4.2 The Council asked submitters whether they would like to present their views verbally on the submission form.
- 4.3 Five submitters wish to be heard verbally.
- 4.4 Staff have organised for these submitters to present their views to the Hearing Panel at today's meeting.
- 4.5 Staff have contacted all submitters that wish to be heard and have booked a time for each submitter to speak. At the time of writing, confirmation had not been received from all submitters, so it is possible that some submitters may not show up to present.
- 4.6 At the Environment and Regulatory Committee meeting on 18 July 2024, the Committee appointed a Hearings Panel consisting of Councillors Hill (Chair), Daikee, Ellis, Mackenzie, Walker and Kininmonth.
- 4.7 The purpose of the hearing panel is to:
 - consider the views of submitters (from this hearing and from the written submissions); and
 - deliberate on changes that may need to be made to the Draft Public Places Bylaw.

5. Analysis and Advice / Tātāritanga me ngā tohutohu

The hearing process

- 5.1 The schedule for this hearing is attached as **Attachment 1**.
- 5.2 Each submitter has been allowed a maximum of five minutes to speak to their submission. This time includes any points of clarification from the Hearing Panel.
- 5.3 Staff have asked submitters to be available from the start of the hour that they have been assigned. This is in anticipation that some will not use their allocated five minutes and that some submitters may not attend.
- 5.4 Submitters will be present either in person or on Zoom.

6. Options / Kōwhiringa

6.1 The options are outlined in the following table:

| Option | | Advantage | Disadvantage |
|--------|--|---|---|
| 1. | Receives and considers all submissions, including any late submissions up until the deliberations meeting on 15 October. | All submitters who wish to be heard can be heard. | Any late submissions may not be able to be incorporated into the deliberations report in time |
| 2. | Receives and considers all submissions received during the consultation period. | Submissions can be fully analysed for the deliberations report on 15 October. | Submitters wishing to place a late submission may not feel they have been heard by the Council. |

6.2 **Option 2** is recommended.

7. Legal / Ngā ture

- 7.1 To ensure due process, it is important that the Hearing Panel receives and considers submissions with an open mind.
- 7.2 At its meeting on 18 July 2024, the Environment and Regulatory Committee (the Committee) determined to consult on the Draft Public Places Bylaw.
- 7.3 In the case of a significant decision, the Council must ensure that the decision is made in accordance with the provisions of sections 77, 78, 80, 81 and 82 of the Local Government Act 2002 (LGA). In summary, the Council must:
 - identify and assess the reasonably practicable options;
 - consider the views of interested and affected parties; and
 - establish processes for Māori to participate in decision-making.
- 7.4 The Council must also ensure that the principles of consultation are met. This means that people who will or may be affected or have an interest have reasonable access to relevant information, including about the purpose and scope of the decisions, and are encouraged to present their views. The Council must ensure that:
 - submitters can present their views in a manner and format appropriate to their preferences;
 - the views presented are received with an open mind; and
 - submitters have access to a clear record and explanation of the relevant decisions made by the Council.
- 7.5 At its meeting on 18 July 2024 the Committee decided to hold a submission hearing on the Draft Public Places Bylaw so that the public can present their views verbally.
- 7.6 At the same meeting the Council adopted the Statement of Proposal (including the draft bylaw) and Summary of Information. The bylaw process must follow the Special Consultative Procedure under the LGA, which means the Council is required to offer the opportunity for submitters to present their views verbally.

- 7.7 In accordance with section 161(4) of the Local Government Act 2002, the Council cannot delegate the power to make bylaws. As such, the final bylaw must be adopted by the Full Council.

8. Iwi Engagement / Whakawhitiwhiti ā-Hapori Māori

- 8.1 Iwi have been notified about the bylaw review through the Council’s Iwi Engagement Portal and encouraged to make a submission during the consultation period. Iwi who indicated that they would like to be involved, were sent a further email to invite them to make a submission. No Iwi submissions were received.

9. Significance and Engagement / Hiranga me te Whakawhitiwhiti ā-Hapori Whānui

- 9.1 At the Environment and Regulatory Committee meeting held on 18 July 2024, staff advised elected members of the significance of the draft Public Places Bylaw and recommended a Special Consultative Procedure. A public consultation has been carried out between 26 July and 27 August 2024 to meet the requirements under the Local Government Act 2002.
- 9.2 In the same meeting staff advised that the level of significance for the draft bylaw would be of moderate interest to the general public, although unlikely to require dramatic changes in behaviour from most of the community. The draft bylaw has a higher level of significance for some members of the community, such as people with a disability, business owners, and those wishing to fundraise or perform (busking) in a public place.
- 9.3 The hearing is the next step in the decision making process and provides submitters the opportunity to present their submissions verbally to the Hearings Panel.
- 9.4 The decision for the Hearings Panel to make at this meeting is whether to accept the submissions received during the consultation period, and any future submissions received after 27 August 2024 for the Draft Public Places Bylaw.
- 9.5 The significance of these decisions is low.

| | Issue | Level of Significance | Explanation of Assessment |
|----|---|------------------------------|--|
| 1. | Is there a high level of public interest, or is decision likely to be controversial? | Low | Low level of public interest and moderate/high interest for any late submissions that come in. |
| 2. | Are there impacts on the social, economic, environmental or cultural aspects of well-being of the community in the present or future? | Low | This decision is to accept the submissions received. No decisions are sought on the substantive issues. |
| 3. | Is there a significant impact arising from duration of the effects from the decision? | Low | This is the only opportunity for any late submitters to be heard, however, at the time writing there are none. |
| 4. | Does the decision relate to a strategic asset? (refer Significance and Engagement Policy for list of strategic assets) | No | The decision does not relate to a strategic asset. |

| | Issue | Level of Significance | Explanation of Assessment |
|-----|--|------------------------------|---|
| 5. | Does the decision create a substantial change in the level of service provided by Council? | No | The decision does not change any level of service. |
| 6. | Does the proposal, activity or decision substantially affect debt, rates or Council finances in any one year or more of the LTP? | No | This decision is to accept submissions, which does not have any budgetary implications. |
| 7. | Does the decision involve the sale of a substantial proportion or controlling interest in a CCO or CCTO? | No | This decision does not have any impact on a CCO or CCTO. |
| 8. | Does the proposal or decision involve entry into a private sector partnership or contract to carry out the deliver on any Council group of activities? | No | This decision does not involve a private sector partnership or contract. |
| 9. | Does the proposal or decision involve Council exiting from or entering into a group of activities? | No | This decision does not involve Council exiting from or entering into a group of activities. |
| 10. | Does the proposal require particular consideration of the obligations of Te Mana O Te Wai (TMOTW) relating to freshwater or particular consideration of current legislation relating to water supply, wastewater and stormwater infrastructure and services? | No | This decision does not require consideration of Te Mana o te Wai |

10. Communication / Whakawhitiwhiti Kōrero

10.1 All submitters have had the opportunity to indicate whether they would like to speak to their submission at a hearing. Those who indicated that they wished to speak have been contacted to arrange a time during the hearing.

11. Financial or Budgetary Implications / Ngā Ritenga ā-Pūtea

11.1 There are no budgetary implications associated with the decision to accept submissions.

12. Risks / Ngā Tūraru

12.1 There is a low level reputational risk if late submissions are not accepted as submitters may not feel that they have been heard by Council.

13. Climate Change Considerations / Whakaaro Whakaaweawe Āhuarangi

13.1 There are no climate change considerations associated with the decision to accept submissions.

14. Alignment with Policy and Strategic Plans / Te Hangai ki ngā aupapa Here me ngā Mahere Rautaki Tūraru

14.1 Not applicable.

15. Conclusion / Kupu Whakatepe

- 15.1 This report recommends that the Hearings Panel accepts the submissions received on the Draft Public Places Bylaw during the consultation period of 26 July to 27 August 2024.
- 15.2 The report lists the proposed order of submitters at the hearing. Staff will provide a report to the Hearing Panel for the deliberations meeting on 15 October 2024.

16. Next Steps and Timeline / Ngā Mahi Whai Ake

| Date | Process |
|------------------|--|
| 15 October 2024 | Deliberations. |
| 28 November 2024 | Final Public Places Bylaw presented to the Council meeting for approval and adoption. |
| 13 December 2024 | Public notice in Newsline and on the Council’s website advising that the bylaw has been adopted. |

17. Attachments / Tuhinga tāpiri

1. [Hearing Schedule](#)

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Hearing Schedule for Submission Round: Public Places Bylaw

Monday, September 23, 2024 Council Chambers (5 Speakers)

| Start Time | Duration | Speaker (Submission ID) |
|------------|----------|---|
| 10:00 AM | (5 mins) | Mrs Elizabeth Perrone Michelle Clucas (33401) CCS Disability Action Nelson Marlborough |
| 10:00 AM | (5 mins) | Bruce Struthers (33443) |
| 10:00 AM | (5 mins) | Mrs Kaye Halkett (33889) individual, blind low vision and citizens member |
| 10:00 AM | (5 mins) | Mathias Schaeffner (34009) Tasman Democracy |
| 10:00 AM | (5 mins) | Abbie Langford on behalf of Golden Bay Community Board (33981) Zoom |