

# Kaunihera | Council

## Mēneti Wātea | Open Minutes



Minutes of an ordinary meeting of Matamata-Piako District Council held in the Council Chambers, 35 Kenrick Street, TE AROHA on Wednesday 8 November 2023 at 9.30am.

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### Ngā Mema | Membership

#### **Manuhuia | Mayor**

Adrienne Wilcock, JP (Chair)

#### **Koromatua Tautoko | Deputy Mayor**

James Thomas

#### **Kaunihera ā-Rohe | District Councillors**

Caleb Ansell

Sarah-Jane Bourne

Sharon Dean

Bruce Dewhurst

Dayne Horne

Peter Jager

James Sainsbury

Russell Smith

Kevin Tappin

Gary Thompson

Sue Whiting

## Ngā whakapāha | Apologies

### Kaimahi i reira | Staff Present

| Name               | Title                              | Item No. |
|--------------------|------------------------------------|----------|
| Don McLeod         | Chief Executive Officer            |          |
| Stephanie Hutchins | Governance Support Officer         |          |
| Kuljeet Kaur       | Governance Support Officer         |          |
| Olivia Picard      | Graduate Policy Advisor            | 7.1      |
| Sandra Harris      | Placemaking and Governance Team    | 7.1      |
|                    | Leader                             |          |
| Todd Makeham       | Parks and Reserves Operations      | 7.1      |
|                    | Manager                            |          |
| Mark Naudé         | Parks and Facilities Planning Team | 7.1      |
|                    | Leader                             |          |
| Ally van Kuijk     | District Planner                   | 7,1      |

### I reira | In Attendance

| Name        | Position/Organisation     | Item | Time In | Time Out |
|-------------|---------------------------|------|---------|----------|
| Tish Dixon  | Planning Consultant, GMD  | 7.1  | 9.33am  | 10.17am  |
|             | Consultants               |      |         |          |
| Emma Wright | Principal Consultant, GMD | 7.1  | 9.35am  | 10.17am  |
| McHardie    | Consultants               |      |         |          |

**1 Whakatūwheratanga o te hui | Meeting Opening**

Mayor Adrienne Wilcock welcomed elected members and staff and declared the meeting open at 9.30am.

**2 Ngā whakapāha/Tono whakawātea | Apologies/Leave of Absence**

**WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION**

That the apology from Cr Gary Thompson be accepted and leave of absence from the meeting be granted.

**Resolution number CO/2023/00001**

**Moved by: Cr C Ansell**

**Seconded by: Cr R Smith**

**KUA MANA | CARRIED**

**3 Pānui i Ngā Take Ohore Anō | Notification of Urgent Additional Business**

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“An item that is not on the agenda for a meeting may be dealt with at that meeting if-

- (a) The local authority by resolution so decides; and
- (b) The presiding member explains at the meeting, at a time when it is open to the public,-
  - (i) The reason why the item is not on the agenda; and
  - (ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.”

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“Where an item is not on the agenda for a meeting,-

- (a) That item may be discussed at that meeting if-
  - (i) That item is a minor matter relating to the general business of the local authority; and
  - (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but
  - (iii) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.”

**4 Whākī pānga | Declaration of interest**

Members are reminded of their obligation to declare any conflicts of interest they might have in respect of the items on this Agenda.

**5 Whakaaetanga mēneti | Confirmation of minutes**

**WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION**

That the minutes of the meeting of the ordinary meeting of Matamata-Piako District Council held on Wednesday, 25 October 2023, be confirmed as a true and correct record of the meeting.

**Resolution number CO/2023/00002**

**Moved by: Cr S-J Bourne**

**Seconded by: Cr C Ansell**

**KUA MANA | CARRIED**

**6 Take i puta mai | Public Forum**

There were no speakers scheduled to the Public Forum.

**7 Pūrongo me whakatau | Decision Reports**

7.1 Freedom Camping Bylaw Hearing 2023

5

7 Pūrongo me whakatau | Decision Reports

## 7.1 Freedom Camping Bylaw Hearing 2023

CM No.: 2786738

### Te Kaupapa | Purpose

The purpose of this report is to provide to Council for consideration, all submissions on the proposed Freedom Camping Bylaw.

### Rāpopotonga Matua | Executive Summary

Council sought public feedback on the Freedom Camping Bylaw proposal from 18 September to 18 October 2023. Over this time 74 submissions were received. These have been attached to this report for Council to consider before making a decision on the Freedom Camping Bylaw at the 22 November 2023 Council meeting.

The Statement of Proposal including the draft bylaw, maps and summary of site assessments have also been attached to this report for Council information.

Council will listen to those who wish to present their submission in-person, and consider all the submissions received.

To prepare for deliberations and decision making at the Council meeting on 22 November 2023, Council are invited to request further information of staff and if necessary, investigate any amendments that may be required to the bylaw (based on the feedback received).

Following deliberations and decision making on a final bylaw on 22 November 2023 the date in which the bylaw comes into force is proposed to be 20 December 2023. This will allow staff time to update signage, include communications in newspapers and other mediums, update information on Council's website etc.

## **Tūtohunga | Recommendation**

That:

1. The information be received.
2. Council accepts any late submissions received.
3. Council hears all submitters that wish to be heard.

## **Tūtohunga | Recommendation**

That:

4. Council considers all submissions received, including submissions presented in person.
5. Council request any further information and/or clarification required prior to the Council meeting on 22 November 2023 for the deliberations and adoption of the Freedom Camping Bylaw.
6. Council staff be authorised to make any minor amendments needed prior to the Council meeting on 22 November 2023 for the deliberations and adoption of the Freedom Camping Bylaw.

## **WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION**

That:

1. The information be received.

Resolution number CO/2023/00003

Moved by: Cr D Horne

Seconded by: Cr S Whiting

**KUA MANA | CARRIED**

## **WHAKATAUNGA A TE KAUNIHERA | COUNCIL RESOLUTION**

That:

1. Council considers all submissions received.
2. Council request further information and/or clarification required prior to the Council meeting on 22 November 2023 for the deliberations and adoption of the Freedom Camping Bylaw.
3. Council staff be authorised to make any minor amendments needed prior to the Council meeting on 22 November 2023 for the deliberations and adoption of the Freedom Camping Bylaw.

Resolution number CO/2023/00004

Moved by: Cr K Tappin

Seconded by: Cr B Dewhurst

**KUA MANA | CARRIED**

## Horopaki | Background

### Pre-consultation

Pre-consultation on the proposed bylaw was undertaken with Te Manawhenua Forum and Iwi. Following a workshop with Council in August, key stakeholders were contacted seeking any additional feedback in relation to freedom camping within the District, as well as local interest groups associated with specific areas. This information collected through pre-consultation was considered and incorporated where appropriate into the proposed Bylaw.

### Consultation

Public feedback was sought from the 18<sup>th</sup> of September to the 18<sup>th</sup> of October. Council staff attended and held pop-in sessions in the three main towns. Signage was placed around the district at key sites, with Council's caravan used at various key sites with signage. Feedback was also encouraged through newspaper advertising, facebook posts, information on our website, e-newsletters etc. Neighbours of proposed restricted and prohibited sites were contacted directly through letter or email to ensure awareness of the proposal. Key stakeholders and local interest groups approached during pre-consultation were also directly contacted to encourage them to make a submission.

The submissions have been collated in **Attachment A**.

Facebook comments are not considered submissions but have been attached for Councils information.

### Ngā Take/Kōrerorero | Issues/Discussion

Issues and discussion are captured in **Attachment B** – Statement of Proposal.

### Mōrearea | Risk

Through the pre-consultation outlined above a number of risks have been minimised by having discussions with Te Manawhenua, Iwi and local interest groups early on in the process.

### Ngā Whiringa | Options

| Option One – Status Quo  |               |
|--|---------------|
| Description of option  |               |
| <p>Under this option, no new bylaw is made and the default provisions in the Freedom Camping Act 2011, Reserves Act 1977 and Resource Management Act 1991 will apply. Under the Freedom Camping Act 2011 self-contained freedom camping would be permitted on all land owned or controlled by the Council, except reserves, where it is prohibited unless explicitly provided for within an individual Reserve Management Plan.</p> <p>Under this option, restrictions or prohibitions on freedom camping on local authority land (land controlled or managed by Council) would be those that currently exist under the Reserves Act 1977 and the Resource Management Act 1991. Council would be able to enforce the requirement of self-containment which is within the Freedom Camping Act 2011.</p> |               |
| Advantages   | Disadvantages |

|   |   |
|---|---|
| The District may be perceived as being more welcoming to visitors that choose to freedom camp because, under the Freedom Camping Act 2011, the 'default' is that freedom camping is permitted on all council-owned or managed land. This may result in economic benefits due to more visitors | Section 44 of the Reserves Act 1977 is likely to prevent the use of Council reserves for freedom camping, even on those that may be suitable locations for the activity. This could result in over-use of other locations and cause cumulative negative effects in those areas. |
| Any future Government changes to the Freedom Camping Act 2011 can be addressed as needed  | Relies on enforcement tools under several different pieces of legislation to address the negative effects of freedom camping with the risk that enforcement action becomes piecemeal or inconsistent  |

### Option Two – Making a Bylaw under the Freedom Camping Act 2011

#### Description of option

Under this option the Council would make a bylaw under section 11 of the Freedom Camping Act 2011 to prohibit or restrict freedom camping on land owned or controlled by the Council. Council would also make relevant amendments to the Reserve Management Plans as outlined within the Statement of Proposal for consistency.

#### Advantages

Consistent with recent Council decisions that a bylaw under the Act is necessary and is the appropriate way to regulate freedom camping.

#### Disadvantages

Cost to the Council and committee of implementation (such as communication and signage) and the cost of enforcement of a bylaw – Council should note staff have applied for further funding from Ministry of Business, Innovation and Employment to assist with these costs – at the time of writing this report we are awaiting the outcome of this application.

Infringement offences and other enforcement powers in the Act (e.g. removal of camping items) can be used to deal with breaches

Residents and visitors may see Matamata-Piako as being restrictive in terms of Freedom Camping.

Options will be considered by Council on 22 November 2023.

### Ngā take ā-ture, ā-Kaupapahere hoki | Legal and policy considerations

The relevant requirements are set out earlier in this report and the Statement of Proposal.

#### Local Government Act 2002 (LGA 2002) Decision-making requirements

Having regard to the decision making provisions in the LGA 2002 and Councils Significance Policy, a decision in accordance with the recommendations are assessed as having a medium level of significance.



All Council decisions, whether made by the Council itself or under delegated authority, are subject to the decision-making requirements in sections 76 to 82 of the LGA 2002. This includes any decision not to take any action.

| <b>Local Government Act 2002 decision making requirements</b>  | <b>Staff/officer comment</b>  |
|--|---|
| Section 77 – Council needs to give consideration to the reasonable practicable options available.                | Options are addressed above in this report and in the Statement of Proposal.  |
| Section 78 – requires consideration of the views of Interested/affected people                                   | Feedback from the community was obtained through seeking submissions from the public.   |
| Section 79 – how to achieve compliance with sections 77 and 78 is in proportion to the significance of the issue | The Significance and Engagement Policy is considered above.<br><br>This issue is assessed as having a medium level of significance. |
| Section 82 – this sets out principles of consultation.   | Feedback from the community was obtained through seeking submissions from the public.   |

### **Policy Considerations**

To the best of the writer's knowledge, this recommendation is not significantly inconsistent with nor is anticipated to have consequences that will be significantly inconsistent with any policy adopted by this local authority or any plan required by the Local Government Act 2002 or any other enactment.

### **Ngā Pāpāhonga me ngā Whakawhitiwhitinga | Communications and engagement**

Communications and engagement have been outlined earlier in this report.

#### **Timeframes**

| <b>Key Task</b>   | <b>Dates</b>                    |
|---|---------------------------------|
| Public consultation on Bylaw                                      | 18 September to 18 October 2023 |
| Public hearing  | 8 November 2023                 |
| Council decision  | 22 November 2023                |
| Preparation including communications, installation of signage etc | By 20 December 2023             |
| Bylaw implementation  | 20 December 2023                |

### **Ngā take ā-Ihinga | Consent issues**

Freedom camping is permitted on reserve land under the District Plan if provided for in a Reserve Management Plan. Therefore, the Proposed Bylaw and subsequent proposed changes to the

Passive and Active Reserve Management Plan does not give rise to any consent issues on reserves.

In addition, the Act provides a permissive approach for freedom camping in local authority areas and explicitly states that Councils must not enforce blanket bans on freedom camping across the District, so the Act would prevail if there was an inconsistency between the Act and the District Plan.

## Te Tākoha ki ngā Hua mō te Hapori me te here ki te whakakitenga o te Kaunihera | Contribution to Community Outcomes

The relevant Community Outcomes are set out below:

|                                     |   |  |  |
|-------------------------------------|---|--|--|
| <b>Economic opportunities</b>       | We are a business friendly Council  | Our future planning enables sustainable growth in our District.  | We provide leadership and advocacy is provided to enable our communities to grow.  |
| <b>Healthy communities</b>          | Our community is safe, healthy and connected.                             | We encourage the use and development of our facilities.  | We encourage community engagement and provide sound and visionary decision making.   |
| <b>Environmental Sustainability</b> | We support environmentally friendly practices and technologies.           | Development occurs in a sustainable and respectful manner considering kawa/protocol and tikanga/customs  | We engage with our regional and national partners to ensure positive environmental outcomes for our community.                               |
| <b>Vibrant Cultural values</b>      | We promote and protect our arts, culture, historic, and natural resources | We value and encourage strong relationships with Iwi and other cultures, recognising wāhi tapu and taonga/significant and treasured sites and whakapapa/ ancestral heritage. | Tangata Whenua with Mana whenua status (those with authority over the land under Māori lore) have meaningful involvement in decision making. |

## Pānga ki te pūtea, me te puna pūtea | Financial Cost and Funding Source

The development of this Bylaw has been largely funded through a grant from the Ministry of Business, Innovation and Employment.

## Ngā Tāpiritanga | Attachments

- A. Proposed Freedom Camping Bylaw - Submissions (*Under Separate Cover*)
- B. Statement of Proposal incl proposed Freedom Camping Bylaw
- C. Proposed Freedom Camping Bylaw 2023 - Appendix 1 - Maps
- D. Summary of site assessments to inform proposed Freedom Camping Bylaw

**Ngā waitohu | Signatories**

|           |   |  |
|-----------|---|--|
| Author(s) | Olivia Picard<br><b>Graduate Policy Advisor</b> |  |
|-----------|---|--|

|             |  |  |
|-------------|--|--|
| Approved by | Sandra Harris<br><b>Placemaking and Governance Team Leader</b>     |  |
|             | Erin Bates<br><b>Strategic Partnerships and Governance Manager</b> |  |

10.17 am

The Chairperson thanked Members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD  
OF THE MEETING OF KAUNIHERA | COUNCIL  
HELD ON 8 NOVEMBER 2023.

**KO TE RĀ | DATE:** .....

**TIAMANA | CHAIRPERSON:** .....