
BYLAWS AND POLICY REVIEW 2021



GREAT LAKE TAUPŌ
Taupō District Council

BYLAWS AND POLICY REVIEW 2021

We are currently undertaking a Bylaws and Policy review. Bylaws are reviewed every five to ten years. This process involves public consultation to make sure our bylaws are useful and reflect what the community needs.

WHAT IS A BYLAW?

Bylaws are rules made by Council under the Local Government Act 2002 (the “Act”). They are created for the purpose of:

- Protecting the public from nuisance;
- Protecting, promoting, and maintaining public health and safety; and
- Minimising the potential for offensive behaviour in public places.

Bylaws are also made to regulate activities such as the keeping of animals and appropriate use of public spaces.

WHAT BYLAWS AND POLICIES ARE BEING REVIEWED?

Six Bylaws and one policy are being reviewed:

1. Dog Control Policy 2013
2. Control of Dogs Bylaw 2013
3. Animals, Birds and Bees Bylaw 2016
4. Litter Bylaw 2016
5. Objectionable Signs Bylaw 2016
6. Reserves and Public Places Bylaw 2016
7. Trading in Public Places Bylaw 2016

Along with this statement of proposal, we have prepared a suite of accompanying documents to help you understand the changes we are proposing and why.

These documents can be found at www.taupodc.govt.nz/bylawreview2021.

WHY ARE THE BYLAWS BEING REVIEWED?

Bylaws are made under the Local Government Act 2002 which requires that all bylaws must be reviewed five years after the day they were first made and then every ten years after that. If a bylaw is not reviewed within the required timeline, it expires. It is then revoked two years after the review due date. These bylaws were first made in 2016 and are due for review in the next year. Except for the Control of Dogs Bylaw – it is due for review in 2023, but since it was last reviewed in 2013, some minor changes have occurred that require updating, including a demand for new dog exercise areas. The review has been brought forward to align with the wider bylaw review.

WE WANT TO HEAR YOUR VIEWS

Do you want to share your views on any of the draft bylaws and policy documents? The proposed bylaws and reviews are now open for public consultation, the consultation period will open on January 15 and close on February 15.

YOU CAN MAKE A SUBMISSION:

- Online at taupo.govt.nz/consultation
- By email: BylawReview2021@taupo.govt.nz
- Visit any council office in Taupō, Turangi or Mangakino.
- Mail to: Tēmi Allinson, Taupō District Council, Private Bag 2005, Taupō 3377

We'll then contact submitters who wish to speak about their submissions to attend a Council hearing to take place on Wednesday, March 24 2021.

CONTACT US

If you have any questions about the review, please get in touch via email BylawReview2021@taupo.govt.nz or via phone on 07 376 0714.

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TAUPŌ DISTRICT COUNCIL ANIMAL BYLAW 2021

PURPOSE

The purpose of this Bylaw is to set the requirements for keeping animals, birds (including poultry) and bees within Taupō District to ensure the health and safety of any persons, and to protect the public from nuisance. It is limited to managing issues in the residential environment and does not regulate animal keeping activities in a non-residential area. The Residential Environment managed by this bylaw is in line with those areas that have been identified in the Operative District Plan. The bylaw enables Council to meet its obligations under the Local Government Act 2002, and the Health Act 1956.

WHY ARE WE REVIEWING NOW?

Bylaws are made under the Local Government Act 2002 which requires that all bylaws must be reviewed five years after the day were first made and then every ten years after that. If a bylaw is not reviewed within the required timeline, it expires. It is then revoked two years after the review due date. Our Animal, Birds and Bees Bylaw was first made in June 2016 and is due for review in the next year.

REASONS FOR PROPOSING THE DRAFT BYLAW

The Draft Bylaw provides a tool for the Council to manage, regulate, and protect the public from nuisance and offence associated with the keeping of animals, and maintaining public health and safety.

Not having an up to date bylaw on this matter would be inconsistent with Council's previous approach of having a clear framework for the management of animals across the district.

Pre engagement with the public, along with a review of service requests and complaints received by the Council, demonstrate that there is a continuing need for the bylaw.

PROPOSED CHANGES TO THE ANIMAL BYLAW

Proposed Change	Rationale
Shortening the name of the bylaw	The bylaw has previously been known as the Animal, Birds and Bees Bylaw but has now been shortened to the Animal Bylaw for brevity.
Inclusion of cats within the scope of the bylaw	Cats and dogs have historically been excluded from the bylaw. However, while the management of dogs is overseen by a dedicated Act and bylaw, there is no similar document for the management of cats. The inclusion of cats in this bylaw now provides Council officers a mechanism for managing any nuisance posed by cats.
Restrictions on the feeding of feral and/or stray animals.	Feral and stray animals continue to pose a problem across the district. Well-meaning residents sometimes set out food for these animals. The draft Bylaw is proposing to discourage people from providing food or any such sustenance to feral and stray animals (particularly cats) as they can cause ongoing nuisance and pose health risks to people.

Setting a cap on the number of hives that can be on a property in the residential environment	Plenty of bees are kept in urban areas so wide-open spaces are not essential. However, a cap on the number of hives per property helps to both prevent overcrowding and manage the carrying capacity of food sources for bees in the foraging environment. Bees forage in a radius of up to five kilometres from their hive and having too many bees in a single area can cause competition between colonies and facilitate the spread of disease between hives.
Requiring that all beehives be registered in accordance with Ministry of Primary Industries (MPI) regulations	Urban beekeeping is gaining popularity with the number of hives in residential parts of our District increasing. Beekeepers have a legal obligation to register as a beekeeper and to also register their hives so as to protect bees from exotic pests and diseases.
Requiring that intending beekeepers inform their neighbours before establishing a hive	We know that some members of our community are at risk of a severe allergic reaction to bee stings, with the risk of going into anaphylactic shock or even death. While there is no way to completely eliminate this risk, preliminary engagement with the community on this revealed a strong preference to be notified by a neighbour in advance before setting up a hive in a neighbouring property.

ASSESSMENT AGAINST THE BILL OF RIGHTS ACT 1990

Consideration has been given to the New Zealand Bill of Rights Act 1990. The Draft Animal Bylaw 2020 will not give rise to any implications under the NZBORA and the limits imposed by this proposed bylaw are appropriate to its purpose. Council is operating within the powers and authority under the relevant legislative Acts.

TAUPŌ DISTRICT COUNCIL LITTER BYLAW 2021

PURPOSE

The purpose of this Bylaw is to manage the depositing of waste and litter in public places within Taupō District to ensure the health and safety of any persons, and to protect the public from nuisance.

It manages matters such as the prevention of fly-tipping on both public and private property as well as the proper disposal of waste in public spaces. The bylaw enables Council to meet its obligations under the Local Government Act 2002, and the Litter Act 1979.

WHY ARE WE REVIEWING NOW?

Bylaws are made under the Local Government Act 2002 which requires that all bylaws must be reviewed five years after the day were first made and then every ten years after that. If a bylaw is not reviewed within the required timeline, it expires. It is then revoked two years after the review due date. Our Litter Bylaw was first made in 2016 and is due for review in the next year.

REASONS FOR THE PROPOSING THE DRAFT BYLAW

The Bylaw in its current form works satisfactorily and there is little cause for change. What is proposed are only minor amendments including expanding definitions

PROPOSED CHANGES TO THE LITTER BYLAW

Proposed Change	Rationale
Definitions of key terms	The draft bylaw includes an expanded definition of key terms such as litter, private land and public place. These definitions are in accordance with the definitions in the Litter Act 1979
Expansion of places where a person is not allowed to leave litter	Littering continues to pose a problem across our district – on both public land and privately-owned land. Particularly, charity organizations that receive donations from the public often have large amounts of rubbish and unwanted donations deposited on their properties. The draft bylaw now includes a clause stating that a person cannot leave litter on private land without the occupier's consent. This is in keeping with the provisions of the Litter Act 1979 and provides some enforcement for such groups.

ASSESSMENT AGAINST THE BILL OF RIGHTS ACT 1990

Consideration has been given to the New Zealand Bill of Rights Act 1990. The proposed Litter Bylaw 2020 will not give rise to any implications under the NZBORA and the limits imposed by this proposed bylaw are appropriate to the purpose of the bylaw. Council is operating within the powers and authority under the relevant legislative Acts.

TAUPŌ DISTRICT COUNCIL OBJECTIONABLE SIGNS BYLAW 2021

Fuller details on the analysis of this proposal can be found in the accompanying [Objectionable Signs revocation analysis document](#).

PURPOSE

The purpose of this Bylaw is to set the requirements for objectionable signage within Taupo District to protect the public from nuisance and to minimise the potential for offensive behaviour. The bylaw enables Council to meet its obligations under the Local Government Act 2002, and the Land Transport Act 1998.

WHY ARE WE REVIEWING NOW?

Bylaws are made under the Local Government Act 2002 which requires that all bylaws must be reviewed five years after the day were first made and then every ten years after that. If a bylaw is not reviewed within the required timeline, it expires. It is then revoked two years after the review due date. Our Objectionable Signs Bylaw first made in 2016 and is due for review in the next year.

REASONS FOR REVIEWING

The Council has differing mechanisms for managing signs – the District Plan controls the size and location of signs whilst the Bylaw manages the contents of the signs themselves. This split of responsibilities is often confusing with the public uncertain about which documents oversee which aspect of signage. Additionally, the enforcement of the bylaw often requires Council's compliance staff to make judgment calls that they may be ill-equipped to make.

PROPOSED CHANGES TO THE OBJECTIONABLE SIGNS BYLAW

Proposed Change	Rationale
Revoke the Objectionable Signs Bylaw	<p>Based on the above considerations we propose to revoke the Objectionable Signs Bylaw. This is because the bylaw serves just one specific purpose which could be better managed by other mechanisms and entities that have greater expertise in the management of matters that the bylaw is designed to address.</p> <p>For example, signage that is deemed discriminatory or offensive to human rights and dignity is better resolved by the Human Rights Commission. Similarly, advertisements that are deemed offensive or inaccurate are able to be resolved by the Advertising Standards Authority</p>

ASSESSMENT AGAINST THE BILL OF RIGHTS ACT 1990

Consideration has been given to the New Zealand Bill of Rights Act 1990. The proposed revocation of the Objectionable Signs Bylaw 2016 will not give rise to any implications under the NZBORA. Council is operating within the powers and authority under the relevant legislative Acts.

TAUPŌ DISTRICT COUNCIL PUBLIC PLACES BYLAW 2021

PURPOSE

The purpose of this Bylaw is to set the requirements for the use of Public Places within Taupō District to ensure the health and safety of any persons, and to protect the public from nuisance.

It covers matters such as the appropriate use of public spaces as well as the licensing and granting of permission to undertake trading activities in public places. Trading in this context is not restricted to the sale of goods and services alone but also includes activities like busking and soliciting for donations. The bylaw enables Council to meet its obligations under the Local Government Act 2002, the Land Transport Act 1998, and the Health Act 1956.

WHY ARE WE REVIEWING NOW?

Bylaws are made under the Local Government Act 2002 which requires that all bylaws must be reviewed five years after the day were first made and then every ten years after that. If a bylaw is not reviewed within the required timeline, it expires. It is then revoked two years after the review due date. We have two bylaws that manage Public Places – the Trading in Public Places Bylaw; and the Reserves and Public Places Bylaw. These were first made in 2016 and are due for review in the next year.

REASONS FOR REVIEWING THE BYLAW

Taupō District currently has two different bylaws managing different aspects of Public Places across the District. These are the Trading in Public Places Bylaw 2016 and the Public Places and Reserves Bylaw 2016. With this review, it is proposed to combine the relevant parts of both bylaws into one joint Public Places Bylaw with the Reserve matters sitting in a different bylaw.

This separation also makes administrative sense. The Reserves Act that underpins the Reserves Bylaw requires that ministerial assent be received from the Minister of Conservation before any amendments to the bylaw can come into effect. Separating the bylaws simplifies the assent process. The contents of the two bylaws have largely been retained and the minor changes that have been made are discussed below.

PROPOSED CHANGES TO THE PUBLIC PLACES BYLAW

Proposed Change	Rationale
Expanding the definition of trading in public places	There have been incidences of people offering services out of camping or other mobile vehicles. Clarifying the definition helps to make it clear that the provision of any services out of a public place (including freedom camping grounds) is controlled by the provisions of this bylaw
Removal of the skateboard ban areas	The previous bylaws included a skateboard ban in specific parts of the district – including town centre areas and the pedestrian precinct. However, over the last few years the use of low powered electronic scooters has become popular and a commercial e-scooter service has been trialled in Taupo town over the last year. Preliminary findings from the trial has shown it to be successful and quite popular with both residents and tourists.

	<p>Skateboards and e-scooters (along with other similar devices) are jointly classified as wheeled recreational devices or transport devices. Based on the outcome of the e-scooter trial, we consider that the skateboard ban is no longer appropriate and have removed it from the draft bylaw.</p> <p>In place of the ban, Council has retained the ability to introduce, by resolution, practical controls to manage any effects that emerge</p>
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ASSESSMENT AGAINST THE BILL OF RIGHTS ACT 1990

Consideration has been given to the New Zealand Bill of Rights Act 1990. The proposed Public Places Bylaw 2020 will not give rise to any implications under the NZBORA and the limits imposed by this proposed bylaw are appropriate to the purpose of the bylaw. Council is operating within the powers and authority under the relevant legislative Acts.

TAUPŌ DISTRICT COUNCIL RESERVES BYLAW 2021

PURPOSE

The purpose of this Bylaw is to set the requirements for the use of Reserves within Taupō District to ensure the health and safety of any persons, and to protect the public from nuisance.

It covers matters such as the appropriate use of reserves as well as the licensing and granting of permission to undertake trading activities in reserves. The bylaw enables Council to meet its obligations under the Local Government Act 2002, the Reserves Act 1977, the Land Transport Act 1998, and the Health Act 1956.

WHY ARE WE REVIEWING NOW?

Bylaws are made under the Local Government Act 2002 which requires that all bylaws must be reviewed five years after the day were first made and then every ten years after that. If a bylaw is not reviewed within the required timeline, it expires. It is then revoked two years after the review due date. Our Reserves and Public Places Bylaw was first made in 2016 and is due for review in the next year.

REASONS FOR REVIEWING THE BYLAW

Taupō District currently has a joint Public Places and Reserves Bylaw 2016. With this review, it is proposed to separate the bylaw into two distinct bylaws with one specifically focussed on the management of reserves alone.

This separation also makes administrative sense. The Reserves Act that underpins the Reserves Bylaw requires that ministerial assent be received from the Minister of Conservation before any amendments to the bylaw can come into effect. Separating the bylaws simplifies the assent process. Beyond separation, some minor changes are proposed to the contents of the bylaw itself.

PROPOSED CHANGES TO THE RESERVES BYLAW

Proposed Change	Rationale
Flying a drone on a reserve	We have seen an uptick in the recreational use of drones as a result of their increasing affordability. However, there is a no-fly zone over a large part of the Taupo District - including all of Lake Taupo - as there are several aerodromes in the area. The draft bylaw makes it clear that any use of drones on a reserve, must be accompanied by prior approval from Council and be in keeping with established Civil Aviation Authority guidelines.
Beekeeping on a reserve	Our reserves are used by a wide range of residents and visitors across the district. It is important that they are able to use these spaces without nuisance and/or health risks. The draft bylaw makes it clear that Council expects any beekeepers or apiarists to seek and obtain prior approval before installing a hive on a Council owned or managed reserve or open space
Trading on a reserve	The draft bylaw now includes clear guidance on undertaking trading on a reserve, helping to bring this in line with the rules on trading on other public spaces. Trading in this context is not restricted to market days or the sale of goods and services alone; but also includes activities like busking and soliciting for donations.

<p>Removal of the skateboard ban areas</p>	<p>The previous bylaw included a skateboard ban in specific parts of the district – including town centre areas and the pedestrian precinct. However, over the last few years the use of low powered electronic scooters has become popular and a commercial e-scooter service has been trialled in Taupo town over the last year. Preliminary findings from the trial has shown it to be successful and quite popular with both residents and tourists and it has been renewed for another year</p> <p>Skateboards and e-scooters (along with other similar devices) are jointly classified as wheeled recreational devices or transport devices. Based on the outcome of the e-scooter trial, we consider that the skateboard ban is no longer appropriate and have removed it from the draft bylaw.</p> <p>In place of the ban, Council has retained the ability to introduce, by resolution, practical controls to manage any effects that emerge.</p>
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ASSESSMENT AGAINST THE BILL OF RIGHTS ACT 1990

Consideration has been given to the New Zealand Bill of Rights Act 1990. The proposed Reserves Bylaw 2020 will not give rise to any implications under the NZBORA and the limits imposed by this proposed bylaw are appropriate to the purpose of the bylaw. Council is operating within the powers and authority under the relevant legislative Acts.

TAUPŌ DISTRICT COUNCIL CONTROL OF DOGS BYLAW 2021

PURPOSE

The purpose of the Control of Dogs Bylaw 2021 is to give effect to the Dog Control Policy 2021 by prescribing minimum standards for the keeping and control of dogs, to ensure the health and safety of any persons, and to protect the public from nuisance.

The bylaw enables Council to meet its obligations under the Local Government Act 2002, and the Dog Control Act 1996. It covers matters such as

- a. minimising danger, distress, and nuisance to the community, including animals and wildlife; and
- b. providing for the exercise and recreational needs of dogs and their owners.

WHY ARE WE REVIEWING NOW?

Bylaws are made under the Local Government Act 2002 which requires that all bylaws must be reviewed five years after the day were first made and then every ten years after that. If a bylaw is not reviewed within the required timeline, it expires. It is then revoked two years after the review due date. Our Control of Dogs Bylaw was last reviewed in 2013. It is due for review in 2023, but since it was last reviewed, some minor changes have occurred that require updating including a demand for new dog exercise areas. The review has therefore been brought forward and is being done along with a wider bylaw review.

REASONS FOR THE PROPOSING THE DRAFT BYLAW

The bylaw and its accompanying Dog Control Policy work satisfactorily, and no far-reaching changes are proposed as part of the review. In the eight years since both documents were created, some changes to exercise areas or DOC controlled reserves have occurred and this review will update those. It will also bring the bylaw into the standard template that newer bylaws have been drafted in.

PROPOSED CHANGES TO THE CONTROL OF DOGS BYLAW AND POLICY

Proposed Change	Rationale
Bylaw - Permission allowing Council to make changes by resolution to Bylaw schedules 1 and 2.	The draft bylaw now includes a clause that allows Council to make changes to the first and second schedules depending on various circumstances. The bylaw is a long-lived document, lasting ten years, with this clause allowing Council to make targeted changes to the schedules without having to undertake an expanded review of the Control of Dogs Bylaw
Bylaw - Introducing new dog exercise areas (Schedule 2)	There has been an expressed demand for more off leash dog exercise areas listed in the Second Schedule of the bylaw. We canvassed for suggestions from the public on where these places could be and have identified the areas listed below. We recognise that a number of these areas are already being used informally as off lead dog exercise areas, and the proposal is to formally recognize them as such. <ul style="list-style-type: none">• Harakeke Drive Stormwater Gully which links to Seccombe Park, an established dog exercise area, via the underpass

	<ul style="list-style-type: none"> • Jarden Mile Reserve and stormwater gully; excluding the children’s play area at the top of the reserve • The stormwater gully between Acacia Bay Road and Reeves Road • Extend Marina Terrace Reserve (an existing dog exercise area) into Kenrigg Stormwater Reserve (excluding the children’s play area on Kenrigg Reserve) terminating at the entrance to Boojun Dell and linking into “Kitty Hawk Reserve” • Spa Park, (fenced area on County Ave near the carpark) as a fenced off dog exercise park <p>The 2013 version of the bylaw included Besley Park as an off lead / dog exercise area. Feedback from members of the community indicated that the area was a popular area with families and young children and was not an ideal exercise area. We have taken on this feedback and proposed removing Besley park from the list of dog exercise areas.</p>
Bylaw - Updating the list of dog-prohibited areas (Schedule 1)	The 2013 version of the bylaw omitted the public pools at Mangakino from the list of dog-prohibited areas in the First Schedule of the bylaw. The draft bylaw now includes this on the list
Policy – Change in late registration penalty fees	Although the policy had identified the penalty fee for late dog registrations at 50%, the actual amount being charged was 22%. The penalty fee has now been reduced to 20% to reflect operational practice
Policy – Changes to the Classification of Dogs	The Special Dogs classification used in the 2013 Policy has since been updated to a Responsible Owner classification on the Council website. This change in terminology has now been reflected in the policy
Policy – Neutering of menacing dogs	All dogs classified as menacing and transferring to the district are now required to be neutered
Policy – Updated guide to the list of reserves on DoC land	<ul style="list-style-type: none"> • Removed the sites that are no longer under DoC control from the list of DoC sites. • Updated the contact details of the Turangi and Tongariro DoC offices • Clarified which of the listed DoC sites require a Dog permit for entry

ASSESSMENT AGAINST THE BILL OF RIGHTS ACT 1990

Consideration has been given to the New Zealand Bill of Rights Act 1990. The proposed Control of Dogs Bylaw 2021 will not give rise to any implications under the NZBORA and the limits imposed by this proposed bylaw are appropriate to the purpose of the bylaw. Council is operating within the powers and authority under the relevant legislative Acts.

Possible dog exercise area - Wharewaka



Possible dog exercise area - Nukuhau



Possible dog exercise area – Acacia Bay



Possible dog exercise area - Kinloch



Possible fenced dog exercise area – County Ave.





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