

ADMINISTRATION BYLAW 2018

1 PRELIMINARY PROVISIONS

- 1.1 This Bylaw is the Administration Bylaw, as reviewed from the 2008 Consolidated Bylaw (with previous title of “Introductory”)
- 1.2 This Bylaw is made under the Local Government Act 2002 and all other powers and authorities contained in any other Act enabling the Council to make Bylaws.

2 PURPOSE

- 2.1 The purpose of this Bylaw is to identify those terms and expressions common to and used in all Bylaws.
- 2.2 This Bylaw also addresses the service of orders and notices, powers of delegation and entry, suspension and revocation of licences, removal of works executed contrary to any Bylaw, and fees and charges payable under any Bylaw.

3 COMMENCEMENT

- 3.1 This Bylaw comes into force on 5 November 2018.

4 DEFINITIONS AND INTERPRETATION

- 4.1 Where any individual Bylaw contains any provision that is contrary to this Bylaw, the provision in the individual Bylaw will prevail.
- 4.2 For the purposes of this Bylaw, unless the context requires otherwise, the following definitions apply:

ACT means the Local Government Act 2002

AGENT means a person or business authorised to act on another’s behalf.

ALCOHOL shall have the same meaning as is assigned to it in Section 5 (1) of the Sale and Supply of Alcohol Act 2012.

ANIMAL means any member of the animal kingdom, including any mammal, bird, finfish, shellfish, reptile, amphibian, insect or invertebrate and includes the carcass of constituent parts thereof, but does not include human beings or dogs.

APPROVED means approved by the Council or by any officer so authorised by the Council (Also see “Licence” and “Permit”)

AUTHORISED AGENT means any person who is not an employee of the Council but is authorised in writing by the Chief Executive or by the Council to act on its behalf.

AUTHORISED OFFICER means any person appointed or authorised in writing by the Chief Executive or by the Council to act on its behalf and with its authority and includes a member of the Police.

BEACH means any land adjacent to the sea that is used in connection with the sea and includes the fore dunes.

BYLAW means a Bylaw of the Council for the time being in force, made under the provisions of any enactment or authority enabling the Council to make Bylaws.

CHIEF EXECUTIVE means the principal administration officer of the Council, irrespective of the designation given to the officer and includes any person for the time being appointed by the Council to perform the duties or a particular duty of the Chief Executive.

COUNCIL means the Tararua District Council or any officer authorised to exercise the authority of the Council.

CUSTODIAN means any person for the time being appointed by Council to control or manage or to assist in the control or management of any land, or premises belonging to or under the jurisdiction of the Council.

DISTRICT shall have the meaning assigned to that term in section 5 (1) of the Act.

DISTRICT PLAN means any District Plan or Proposed District Plan which applies to the District under the Resource Management Act 1991.

DOCUMENT means any map, plan, chart, picture, print, disc, photograph, recorded music, broadsheet, card, cutting, negative, photocopy or similar article.

DWELLING OR DWELLINGHOUSE means any house, tent, vehicle, or other structure, whether permanent or temporary and whether attached to the soil or not, used in whole or in part for human habitation and includes the land of the dwelling.

ENFORCEMENT OFFICER shall have the meaning assigned to that term in section 5 (1) of the Act.

FOOTPATH, PRIVATE ROAD, PRIVATEWAY, AND ACCESSWAY shall have the meanings assigned to them in section 315 (1) Local Government Act 1974.

GOODS means any articles, materials or merchandise and includes any rubbish or debris.

GRASS VERGE, BERM or ROAD RESERVE means any grassed area on a road separated from the carriageway by channelling or kerbing, but does not include grassed areas immediately adjoining the carriageway.

HOURS OF DARKNESS means the time between one half hour before sunset and one half hour after sunrise on the next day.

INFRINGEMENT OFFENCE means an offence specified in regulations made under Section 259 (a) of the Act or under any other empowering Act.

LICENCE means any licence, permit or approval or any other form of consent issued or granted under a Bylaw.

LIBRARY means any library operated by the Council for use by the public and includes every portion of the building used as a library and a mobile library.

LOCAL AUTHORITY shall have the meaning assigned to that term in section 5 (1) of the Act.

LONG TERM PLAN means a long term plan adopted under section 93 of the Act.

MOTOR VEHICLE OR VEHICLE shall have the meaning assigned to that term in section 2 (1) Of the Land Transport Act 1998.

NETWORK UTILITY OPERATOR has the meaning assigned to it in section 166 of the Resource Management Act 1991.

NUISANCE shall have the meaning assigned to that term in section 29 of the Health Act 1956.

OCCUPIER means the inhabitant occupier of any property and in any case, where any building, house, tenement, or premises is or are unoccupied includes the owner.

OFFENCE means any act or omission in relation to this Bylaw for which any person can be punished either in indictment or by summary process.

OWNER as applied to any land, building or premises, means any person for the time being entitled to receive the rent of such property, or who would be so entitled if it were let to a tenant at a rack rent and where any such person is absent from New Zealand, includes their attorney or agent.

PERMIT means any licence, permit or approval or any other form of consent issued or granted under a Bylaw.

PERSON means a natural person and also a body of persons, whether corporate or unincorporated.

POULTRY means any live, domesticated or farmed bird included but not limited to fowl, goose, duck, pigeon, turkey, parrot, budgerigar, pheasant, canary, ostrich, guinea fowl or emu.

PREMISES means any land, dwelling, storehouse, warehouse, shop, cellar, yard, building or part of the same, or enclosed space separately occupied and all lands, buildings and places adjoining each other and occupied together are deemed to be the same premises.

PUBLIC NOTICE shall have the meaning assigned to that term in Section 5 (1) of the Act.

PUBLIC PLACE shall have the meaning assigned to that term in Section 147 (1) of the Act.

RATEABLE PROPERTY is a property that is a rating unit as defined by the Rating Valuation Act 1998.

RESERVE shall have the meaning assigned to that term in Section 2 (1) of the Reserves Act 1977.

ROAD shall have the meaning assigned to that term in Section 2 (1) of the Land Transport Act 1998 and Section 315 of the Local Government Act 1974.

ROAD CONTROLLING AUTHORITY means either the Council or the New Zealand Transport Agency.

RURAL, unless otherwise defined in the bylaws, means any area that is zoned Rural Management Area in the Tararua District Plan.

SCHEDULE OF FEES AND CHARGES means a schedule published by the Council from time to time which sets out the fees and charges associated with the doing of certain things or particular activities by Council and for which it is authorised to fix fees and charges.

STOCK OR LIVESTOCK means cattle, sheep, horses, deer, donkeys, mules, goats, pigs, alpacas, llamas or other animal (excluding dogs) including their young, kept in captivity, or farmed and dependent on humans for their care and sustenance.

STRUCTURE means any building, equipment, device or other facilities made by people and which is fixed to land.

TERRITORIAL AUTHORITY shall have the meaning assigned to that term in Section 5 (1) of the Act.

TRAILER has the same meaning as is assigned to that term by section 2 of the Transport Act 1962.

URBAN means areas that are not rural and include the towns of Dannevirke, Eketahuna, Pahiatua, and Woodville. For the purposes of the bylaws other management areas that are not rural are deemed to be urban.

VEHICLE shall have the meaning assigned to that term in Section 2 (1) of the Land Transport Act 1998.

VERANDA means portico, porch, shed, shade, awning, blind, covering or like structure and their supports, projecting into or over any part of a public place.

WATERWORKS shall have the meaning assigned to that term in Section 5 (1) of the Act.

WORKING DAY means any day of the week other than:

- a. Saturday, Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Labour Day; and
- b. A day in the period commencing with 25 December in one year and ending with 2 January in the following year.

WRITING, WRITTEN OR SIMILAR TERM means words written, printed, painted, engraved, lithographed, or otherwise traced or copied.

4.3 INTERPRETATION

- a. Terms not defined in this Bylaw are defined in the particular Bylaw to which the term applies.
- b. Where an individual Bylaw prescribes a different definition for a term included in clause 4.2 of this Bylaw, the definition in that individual Bylaw shall prevail for the purposes of that Bylaw.
- c. Any other words used in Bylaws and not defined by the Bylaws shall have the meaning assigned to that word by the Act or such other legislation as empowers the relevant Bylaw unless such meaning is inconsistent with the context of the Bylaw.
- d. Reference to the singular includes the plural and the plural includes the singular.
- e. Words referring to any district, locality, place, person, office, officer, functionary, party or thing mean each district, locality, place, person, office, officer, functionary, party, thing to whom or to which the provision applies.
- f. For the purposes of the Bylaws the word "shall" refers to practices that are mandatory for compliance with this Bylaw, while the word "should" refers to practices which are advised or recommended.
- g. If any provision of a Bylaw or the application of the same to any person or circumstance is held invalid by a court of competent jurisdiction, such invalidity does not affect other provisions or applications of that Bylaw that can be given effect without the invalid provision or application, and to this end the provisions of the Bylaws are declared to be severable.
- h. No statement in a Bylaw relating to dogs, vehicles or other mechanical devices shall apply to any Disability Assist Dog, or wheelchair (or similar apparatus) used to assist with the mobility of a disabled person.

5 DELEGATION

- 5.1 Council may by resolution delegate to any Committee or elected member of Council or Council officer any of the functions imposed upon it by the Bylaws or any amendments to the Bylaws.
- 5.2 Where a Bylaw requires the approval of the Council such approval may be given by the Chief Executive, and the Chief Executive may delegate that function either generally or particularly to any other Council officer.

- 5.3 Where pursuant to a Bylaw any powers or duties are granted or imposed to a specified Council officer then that officer may with the consent of the Council delegate any of those powers or duties either generally or particularly to any other Council officer.

6 OFFICERS TO CONTINUE IN OFFICE

All officers appointed by the Council at the time this Bylaw takes effect, are deemed to have been appointed under this Bylaw.

7 SERVING OF ORDERS AND NOTICES

- 7.1 Except as otherwise provided for in any other enactment, where any notice, order, or other document is required to be served on any person for the purposes of this bylaw, service may be effected by delivering it personally to the person, by sending it by registered post to that person's last known residential or business address, or by sending it by email or other electronic transmission to that person's last known email or other electronic address.
- 7.2 If the person is absent from New Zealand the order, notice or document may be served on the person's agent in the manner referred to in section 6.1.
- 7.3 If the order, notice or other document relates to land or buildings, then the order, notice or other document should be served on the person who owns that land or buildings. However, if that person is not known, or is absent from New Zealand, or has no known agent in New Zealand, the order, notice or document may be:
- a. Served on the person who is occupying the land or buildings; or
 - b. If there is no person in occupation, put up on some conspicuous part of the land or buildings.
- It is not necessary in that notice to name the occupier or owner of the land or buildings.
- 7.4 Any notice, order or document issued under a Bylaw must state the time within which any remedial action must be carried out, and such time may be extended from time to time by the written authority of a Council officer.
- 7.5 In the absence of proof to the contrary notices, orders or documents are taken to be given or served:
- a. If sent by post, at the time when the notice, order or document would in the ordinary course of post be delivered, and in proving delivery it is sufficient to prove that the notice, order or document was properly addressed and posted; and
 - b. If sent by facsimile, at the time recorded on the notice of transmission; and
 - c. If sent by email or other form of electronic transmission or similar method of communication, at the time the:
 - i Computer system used to transmit the notice has either received acknowledgement of receipt addressed to the electronic mail address of the

- person transmitting the notice order or document, or if there is no record that the transmission of the notice, order or document has failed; or
- ii The person who gave the notice, order or document proves that the notice, order or document was transmitted by computer system to the electronic address provided by the person on whom the notice, order or document is served or given.

7.6 Clause 7 does not apply if:

- a. Another Act specifies the way in which notices, orders or documents are to be given or served; or
- b. To the service or giving of notices, orders or documents in any proceedings in any Court of New Zealand.

8 SIGNING OF NOTICES

8.1 Every notice, order or document required to be signed by the Council will, except as otherwise provided in an Act or Bylaw, be signed by the Chief Executive or any other person authorised by the Council to act on its behalf in that respect, and need not be under seal.

8.2 Where this Bylaw provides for the issue of any licence, order or exemption by the Council, such licence, order or exemption will comply with the Bylaws if it is issued by a Council officer.

Explanatory note: the term "licence" includes any approval, permit or consent (see clause 4).

9 POWERS OF ENTRY FOR THE PURPOSE OF A BYLAW

Except where provided for under any other enactment, sections 171, 172, 173 and 182 of the Act apply in relation to any power of entry under the Bylaws.

10 LICENCES PERMITS CONSENTS AND APPROVALS

10.1 Any person doing or proposing to do anything or to cause any condition to exist for which a licence from the Council is required by Bylaw, shall first obtain a licence from the Council or any authorised officer.

10.2 Every application for a licence shall:

- a. Be made in writing on the appropriate form, if any, and
- b. Contain all the required information, and
- c. Be accompanied by the relevant fee.

10.3 If the application for the licence is declined, the fee shall be refunded less any reasonable processing costs. Where a fee has been paid for which no service has been given the Council may provide a refund or waiver of all or part of the fee as it may determine.

- 10.4 No application for a licence and no payment of or receipt for any fee paid in connection with such application, confers any right, authority or immunity on the person making that application or payment.
- 10.5 Any licence is deemed to be issued in compliance with the Bylaws if it is issued by an authorised officer and every licence is subject to such conditions as may be imposed.
- 10.6 Unless the bylaws provide otherwise, every licence and every application for a licence shall be in such form as may be prescribed from time to time by the Council.
- 10.7 Unless the Bylaws prescribe otherwise, a licence is not transferrable and no such licence authorises any person other than the licence holder to act in any way under its terms and conditions.

Explanatory note: the term "licence" includes any approval, permit or consent (see clause 4.)

11 SUSPENSION AND REVOCATION OF LICENCES

- 11.1 Unless the Bylaws provide otherwise, should a licence holder be convicted of any offence relating the licence holder's suitability as a licensee, the Council may immediately revoke or suspend the licence for any specified time.
- 11.2 The Council may, by notice in writing, call upon ~~the~~ a licence holder to appear before Council and give reasons why the licence should not be revoked or suspended, if any of the following *allegations* are brought to the notice of the Council:
- a. That the licence holder –
 - i Has acted or is acting in a manner contrary to the true intent and meaning of the Bylaws,
 - ii Has failed to comply with any condition of the licence, or
 - iii Is in any way unfit to hold a licence; or
 - b. That the premise for which the licence was issued is being used for any purpose other than stated in the licence, or is in such a state of disrepair contrary to the terms of the licence; or
 - c. That the Bylaw was not being properly observed.
- 11.3 The Council may, if it considers the allegations correct or if there is no appearance by the licence holder, revoke or suspend the licence for any specified time.
- 11.4 Any person whose licence has been suspended under this clause and any premises for which the licence has been suspended is, during the period of that suspension, deemed to be unlicensed.

Explanatory note: the term "licence" includes any approval, permit or consent (see clause 4).

12 OBJECTIONS TO DECISIONS MADE BY OFFICERS

- 12.1 Except as provided otherwise, where any licence or notice under a Bylaw is issued or refused by a Council officer, the person to whom it has been issued or refused can make an objection to the Council.
- 12.2 Every objection shall be in writing and shall be lodged within 10 working days of notice of the decision given.
- 12.3 In considering the objection the Council shall receive and hear evidence from:
- a. The person concerned and/or their representative, and
 - b. The appropriate Council officers and/or their representative.
Such evidence may be solely in writing.
- 12.4 In considering the objection the Council shall have regard to matters including:
- a. The intent and purpose of the relevant Bylaw,
 - b. New Zealand Bill of Rights,
 - c. Preserving public health, safety and welfare, and
 - d. Protecting community assets and systems under its guardianship.
- 12.5 The Council may uphold or dismiss the objection. In doing so it may:
- a. Issue the licence or notice with such conditions as it sees fit,
 - b. Revoke any licence or notice already issued, or
 - c. Amend or vary the licence or notice with such conditions as it sees fit.
- 12.6 In making any determination under this clause the Council may recover such reasonable costs as are incurred by the Council associated with the hearing of the applicant or the objector.
- 12.7 When considering any hearing under this clause the Council shall not have regard to matters of trade competition.
- 12.8 The Council may delegate the responsibilities of this clause only to a Committee of Council.

Explanatory note: The term "licence" includes any approval, permit or consent (see clause 4).

13 DISPENSING POWER

- 13.1 Where in the opinion of the Council full compliance with any provisions of the Bylaws would needlessly or injuriously affect any person, or the course or operation of the business of, or bring loss or inconvenience to any person without corresponding benefit to the community, the Council may, on the special application of that person, dispense with the full compliance with the provisions of the Bylaws; provided that the other terms or conditions (if any) that the Council may deem fit to impose shall be complied with by that person.

- 13.2 Any application for dispensation must be in writing. It must provide full details for the relief sought and the reasons for the application and include supporting information as the Council considers appropriate.

Explanatory note: supporting information may be, for example, reports, diagrams, graphs or photographs.

- 13.3 The Council or any Council officer may refuse or grant the application for dispensation, subject to such conditions as are considered appropriate by the Council.

14 SCHEDULES AND FORMS

- 14.1 Unless otherwise provided, every Schedule to a Bylaw forms part of that bylaw and may be altered from time to time by Council resolution publicly notified.

- 14.2 Wherever forms are prescribed in Bylaws, slight deviations, but to the same effect and not calculated to mislead, do not invalidate those forms.

15 FEES AND CHARGES

- 15.1 The Council may at any time prescribe fees or charges payable for any certificate, authority, or licence from, or inspection by the Council in accordance with section 102 or section 150 of the Act.

- 15.2 If, following a request for payment, any due fee or charge remains unpaid, the certificate, authority, or licence for which the fee or charge was required shall immediately have no effect.

- 15.3 Where a fee or charge has been paid under any provision of the Bylaws for a service that has not been given the Council will provide a refund, a remission or waiver of any such fee or charge, or a portion of it as the Council may determine.

- 15.4 Any fees or charges prescribed by the Council will be published in a Schedule of Fees and Charges and will be available at the Council's offices and on the Council's website.

Explanatory notes:

- i The term "licence" includes any approval, permit or consent (see clause 4).*
- ii Section 252 LGA provides that unpaid fees can be recovered as a debt: "Money payable by a person to the local authority for works, material, or things provided or done by the local authority, and money payable by a person to the local authority as a development contribution, is recoverable by the local authority as a debt."*

16 OFFENCES AND BREACHES

- 16.1 Any person commits a breach of the Bylaws who:
- a. Does, or causes to be done or knowingly permits or suffers to be done anything whatsoever contrary to or otherwise than has been provided in the Bylaws;

- b. Omits or neglects to do, or knowingly permits or suffers to remain undone, anything which according to the true intent and meaning of the Bylaws, ought to be done by that person at the time and in the manner provided by the Bylaws;
 - c. Does not refrain from doing anything which under the Bylaws they are required to abstain from doing;
 - d. Knowingly permits or suffers any condition of or things to exist contrary to any provision contained in the Bylaws;
 - e. Refuses or neglects to comply with any notice duly given to that person under the Bylaws;
 - f. Obstructs or hinders any authorised officer of the Council in the performance of any duty to be discharged by that officer under or in the exercise of any power conferred upon that officer by a Bylaw; or
 - g. Fails to comply with any notice or direction given under a Bylaw.
- 16.2 Where it is suspected that any person has committed a breach of the Bylaws, that person shall, on the direction of any authorised officer, provide their full name and address.
- 16.3 The continued existence of any work or thing in a state, or the intermittent repetition of any action contrary to any Bylaw, shall be deemed to be a continuing offence.
- 16.4 Clause 16.1 applies even if the relevant Bylaw does not state that breach of the terms of that bylaw is an offence.

Explanatory notes:

- i It is an offence to obstruct a Council enforcement officer (section 229 LGA);*
- ii Section 239 provides "Every person commits an offence and is liable on conviction to the penalty set out in section 242(4) or (5) (as the case may be), who breaches a bylaw made under Part 8 (other than a bylaw made under section 147)."*
- iii Section 239A creates an offence to breach an alcohol ban.*

17 REMOVAL OF WORKS

- 17.1 Where the notice served under clause 7 of this Bylaw has not been complied with, the Council, or any authorised officer or agent of the Council, may pull down, remove or alter any work, material or thing erected or being in contravention of any part of the Bylaws.

Explanatory note: see section 163 of the Act for the removal of works and sections 164, 165, 167 and 168 of the Act for the seizure of property.

- 17.2 The Council may recover from any person responsible for the breach of any Bylaw, all expenses incurred by it in connection with such pulling down, removal or alteration. This includes the cost of debt collecting and legal fees.
- 17.3 The exercise of this authority shall not relieve any such person from liability for any penalty for erecting or permitting the continued existence of any such work, material or thing.

- 17.4 If however the breach is such that public health or safety considerations or risk of consequential damage to Council assets is such that delay would create unacceptable results, the Council may take immediate action to rectify the defect and recover all reasonable costs (as allowed for in clause 17.2).
- 17.5 On payment of all Council's costs, including storage where applicable, the lawful owner may claim any object, material or thing removed under clause 17.1.
- 17.6 If not claimed within a reasonable time the Council may dispose of any object, material or thing as it sees fit and apply the proceeds to meet any outstanding costs. The lawful owner shall be entitled to claim any residual sum.

18 PENALTIES FOR BREACH OF BYLAW

- 18.1 Every person who commits an offence against the Bylaws is liable to:
- a. The maximum fine set out in the Act; or
 - b. Where another enactment specifies the penalty for a breach of a bylaw, that other penalty.
- 18.2 In accordance with section 162 of the Act, the Council may apply to the District Court for an injunction to restrain a person from committing a breach of a Bylaw.
- 18.3 Breaches of Bylaws shall be infringement offences as may be prescribed in the Act under which the Bylaw was made or under regulations made pursuant to section 259 of the Act.

Explanatory Note: Clause 18.3 clarifies the application of infringement offences if such offences are prescribed. No infringement offences have been prescribed under the Act at the time this Bylaw was made.

19 REPEALS AND SAVINGS

- 19.1 The repeal of any Bylaw does not prevent any legal proceedings, criminal or civil, being taken to enforce any breach of that Bylaw and such proceedings will continue to be dealt with and completed as if the Bylaw had not been revoked.

This Bylaw was made by the Tararua District Council by resolution at a council meeting on 31 October 2018 and must be reviewed within five years.

*Sealed with the Common Seal of the
Tararua District Council
In the presence of:*

[SEAL]

Mayor

Chief Executive

Objections – Guidelines (not part of the Bylaw)

These guidelines are in addition to the provisions of clause 12 of the Administration Bylaw. The Council will take all practicable steps to ensure that the hearings process is fair. To achieve this the following guidelines have been developed:

A. Principles

1. Objections will be heard in a timely manner.
2. The Council, or the delegated Committee, shall follow the normal rules for Council meetings established by LGOIMA and Standing Orders.
3. The hearing will be heard in public unless there are reasons not to do so under the Local Government Official Information and Meetings Act 1987 (LGOIMA).
4. The Objector and the Chief Executive (or delegate) shall submit statements to the Council in accordance with the procedure.
5. The Objector and the Chief Executive (or delegate) will be entitled to nominate supporting evidence and the Objector may nominate a person to speak on behalf of the objector. Supporting evidence must be listed in the statement submitted to the Council.
6. The Council, or the delegated Committee, may decline to hear additional evidence if the matter has been sufficiently traversed, is not directly relevant, or is vexatious.
7. The Council, or the delegated Committee, shall ensure that the reasons for the decision and the reasons for the objection, with supporting evidence as may be required, are presented in such a manner as to ensure fair consideration of the matter. Without limiting the normal rules, the Council, or the delegated Committee, may:
 - Disallow matters presented for consideration,
 - Stipulate reasonable time limits on presenters,
 - Grant additional time, whether by adjournment or other means, to ensure that the matters are given due consideration (with the opportunity to question speakers if appropriate),
 - Seek additional advice as may be required.
8. The hearing is not a court process and the usual rules of evidence shall not be adhered to. The Chief Executive shall ensure that the hearings administrator acts with independence to ensure a fair process.
9. Any person that that the Courts have ruled to be a vexatious litigant will be granted a hearing only at the discretion of the Council.
10. All decisions will be in writing.
11. The provisions of clause 7 and in particular clause 7.5 of the Administration Bylaw will be used to determine service of documents.

B. Process

1. A decision is received by the Objector.
2. The Objector has 10 working days to lodge a written, signed and dated statement objecting to the decision of the Council officer. The statement shall include a list of any additional evidence or speakers the Objector wishes to present with brief reasons why that evidence or speaker will assist the Council in its deliberations.
3. The Objectors statement shall be addressed to the Mayor at the Council offices.
4. Receipt of the objection shall be acknowledged in writing within 3 working days. The acknowledgement may include information about the procedure for a hearing or may advise that further information will be sent to the objector once the Mayor, or the delegated Committee Chair, has made determinations under paragraph 7 below.
5. The Chief Executive shall ensure that a written statement responding to the objection is lodged with the Council within 10 working days.
6. A copy of the Chief Executive's statement shall be forwarded to the Objector on the same day it is delivered to the Mayor or the delegated Committee Chair.
7. The Mayor, or delegate, shall, in consultation with the Council or Committee (whichever is applicable):
 - a. Read and assess the information provided by the Objector and the Chief Executive,
 - b. Determine matters of principle covered in points 6, 7 and 9 above,
 - c. Set a date for the hearing being, if practicable, no later than 40 days after the receipt of the objection, taking into account any issues the Objector may have regarding a hearing date,
 - d. Circulate the statements to the Council (or Committee) at least three working days prior to the hearing.
8. The hearing shall take place in accordance with LGOIMA and Standing Orders.
9. The Council (or Committee) shall deliberate with public excluded and shall determine, with reasons, whether the objection is granted, declined or the decision of the Council officer is amended. Determination should be made within 10 working days of the conclusion of the hearing and may be made on the day of the hearing.
10. The Mayor, or delegated Committee Chair, shall ensure that the written determination is sent to the Objector and the Chief Executive within 10 working days of the conclusion of the hearing.

C. New Zealand Bill Of Rights

The New Zealand Bill of Rights Act 1990 (NZBORA) enshrines rights and fundamental freedoms enjoyed in New Zealand. It is entrenched as part of the NZ (partly unwritten) constitution. NZBORA includes provisions for:

- Protections of life and security of the person, for example not to be deprived of life without proper judicial process, not to be tortured, subjected to medical or scientific experimentation;
- Democratic and civil rights, for example the right to vote, freedom of thought, religion and belief, freedom of expression, right to assemble peacefully, freedom of association;
- Freedoms for minority rights;
- Restrictions on search, arrest and detention

The Local Government Act 2002 requires that NZBORA is taken into account when drafting a bylaw. Bylaws may impose reasonable limits on civil rights provided those limits:

- Are pressing and substantial sufficient to override the protected right or freedom,
- Have a rational connection that is not arbitrary, unfair or based on irrational considerations,
- Impair the right or freedom as little as possible, and
- The bylaw is a proportional response to the problem.

D. Definitions

CHAIR means the Chair of the Committee delegated with responsibility for hearings of objections to decisions made by a Council officer under the bylaws and includes any action taken on behalf of the Chair by an administrator.

CHIEF EXECUTIVE means the chief executive of the Tararua District Council or delegated Council officer or agent.

COUNCIL is the Council of Tararua District Council and includes any Committee as may be delegated responsibility for hearings of objections to decisions made by a Council officer under the bylaws.

DECISION means any licence or notice issued or refused by a Council officer under a Bylaw.

MAYOR is the duly elected Mayor of Tararua District Council.

E. Indicative Timeline

Note: timeline may vary if the processes are completed in a shorter timeframe or if the date of a hearing is set later than that anticipated by the process.

Working Days	Action	Responsibility
1	Decision received by Objector	Chief Executive
1 - 10	Objector may decide to object, writes statement	Objector
10	Statement of Objection to be received at Council offices	Objector
10 - 13	Acknowledgement of objection (may include further advice about hearings).	Chair / administrator
10 - 20	Statement of Chief Executive delivered to Committee and Objector	Chief Executive
20 - 35	Consideration of papers, Determine matters of principle, Determine hearing date Circulate papers to Committee.	Chair / administrator
35	Hearing	Chair
35 - 45	Deliberations	Chair
45 - 55	Written determination issued	Chair