



# Ordinary Council

## *Hui a te Kaunihera*

Thursday, 17 October 2024  
*Rāpare, 17 Whiringa-ā-nuku 2024*

Totara Room, Whakatāne District Council  
14 Commerce Street, Whakatāne  
9:00 am

Chief Executive: Steven Perdia  
Publication Date: 11 October 2024



**Live Streaming the Meeting - *Ka whakapāho mataora te hui***

**Live Streaming the Meeting - *Ka whakapāho mataora te hui***

**PLEASE NOTE**

The **public section** of this meeting will be Live Streamed via YouTube in real time.  
The live stream link will be available via Council's website.

All care will be taken to maintain your privacy however, as a visitor in the public gallery, your presence may be recorded. By remaining in the public gallery, it is understood your consent is given if your image is inadvertently broadcast.

The opinions or statements expressed during a meeting by individuals are their own, and they do not necessarily reflect the views of the Whakatāne District Council. Council thus disclaims any liability with regard to said opinions or statements.

**A Membership - *Mematanga***

**A Membership - *Mematanga***

Mayor Dr Victor Luca

Deputy Mayor Lesley Immink

Councillor Toni Boynton

Councillor Gavin Dennis

Councillor Andrew Iles

Councillor Wison James

Councillor Julie Jukes

Councillor Tu O'Brien

Councillor John Pullar

Councillor Ngapera Rangiaho

Councillor Nandor Tánczos

## **B Powers of the Council - *Ngā mana o te Kaunihera***

### **B Powers of the Council - *Ngā mana o te Kaunihera***

The Council will meet Eight weekly to make decisions on all matters that cannot be delegated, that it has not delegated or that it has had referred to it by staff or a committee. Extraordinary Council meetings will be called when required in between the Eight weekly cycle for specific purposes such as hearing the Annual Plan submissions.

#### **The powers that cannot be delegated by the Council are:**

- a. the power to make a rate
- b. the power to make a bylaw
- c. the power to borrow money, or purchase or dispose of assets, other than in accordance with the long-term plan
- d. the power to adopt a Long-term plan, Annual plan or Annual report
- e. the power to appoint a Chief executive
- f. the power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the Local Governance Statement
- g. the power to adopt a remuneration and employment policy

#### **The powers that can be delegated but which the Council retains:**

- a. Approve the Council's recommendation to the Remuneration Authority for the remuneration of additional positions of responsibility for elected members and elected members expenses rules
- b. Approve the Local Governance Statement (called "A Guide to the Whakatāne District Council") produced following the triennial election of members
- c. Resolve those decisions required to be made by a local authority under the Local Electoral Act 2001 including the appointment of electoral officer.
- d. Determine whether or how to fill any extraordinary Council vacancies within 12 months of an election
- e. Review and make decisions on Council membership and the basis for elections through representation reviews
- f. Set the direction for the Long-Term Plan
- g. Hearing of submissions on the Long-Term Plan and, if required, the Annual Plan
- h. Appoint and discharge trustees, directors or office holders to Council's Council-Controlled organisations and to other external bodies
- i. Agree the final Statement of Intent for Council's Council-Controlled organisations
- j. Adopt the Half Yearly and Full Year Annual Report of the Whakatāne Airport
- k. Approve the purchase, sale and disposal of Council property
- l. Approve a proposed plan or a change to a District Plan under Clause 17 of the First Schedule of Resource Management Act 1991 (RMA); A1827586 April 2021 Page 14 of 37.
- m. Approve changes to the status or revoke the status of a reserve as defined in the Reserves Act 1977
- n. Authority to name or rename a reserve in accordance with the Reserves Management Plan;

**B Powers of the Council - *Ngā mana o te Kaunihera* (Cont.)**

- o. Authorise any unbudgeted expenditure that exceeds the delegation levels provided to officers, committees or other subordinate decision-making bodies of Council
- p. Approve recommendations from relevant Committees for new fees and charges for services provided, outside of the Annual Plan or Long Term Plan process.

**Procedural matters exercised by Council:**

- a. Receive minutes and recommendations, and make decisions on any recommendations from:
  - Standing Committees, Joint Committees and Joint Forums
  - Iwi Chairs Forum
  - Commercial Advisory Board
  - Toi Economic Development Agency
  - Any other Council appointed advisory board or forum with Council as the parent committee
- b. Consider any matters referred to it from any of the Committees, the Mayor, or Chief Executive.

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**1 Prayer - *Karakia***

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**2 Meeting Notices - *Ngā Pānui o te hui***

**1. Live Streaming**

The Whakatāne District Council livestreams Council and Standing Committee meetings held in Tōtara Room, within the Council building. The webcast will live stream directly to Council's YouTube channel in real time. The purpose of streaming meetings live is to encourage transparency of Council meetings.

Welcome to members of the public who have joined online and to those within the public gallery.

By remaining in the public gallery, it is understood your consent has been given if your presence is inadvertently broadcast. Please be aware the microphones in Totara Room are sensitive to noise, so please remain quiet throughout the meeting unless asked to speak.

**2. Health and Safety**

In case of an emergency, please follow the building wardens or make your way to the nearest exit. The meeting point is located at Peace Park on Boon Street.

Bathroom facilities are located opposite the Chambers Foyer entrance (the entrance off Margaret Mahy Court).

**3. Other**

**3 Apologies - *Te hunga kāore i tae***

No apologies were recorded at the time of compiling the agenda.

**4 Acknowledgements / Tributes - *Ngā mihi mihi***

An opportunity for members to recognise achievements, to notify of events, or to pay tribute to an occasion of importance.

## **5 Conflicts of Interest - *Ngākau kōnatunatu***

### **5 Conflicts of Interest - *Ngākau kōnatunatu***

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected member and any private or other external interests they might have.

The Elected Member Register of Interest is available on the Whakatāne District Council website. If you wish to view the information, please click this [Register link](#).

### **6 Public Participation - *Wānanga Tūmatanui***

#### **6.1 Public Forum - *Wānanga Tūmatanui***

The Council has set aside time for members of the public to speak in the public forum at the commencement of each meeting. Each speaker during the forum may speak for five minutes. Permission of the Chairperson is required for any person wishing to speak during the public forum.

With the permission of the Chairperson, Elected members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by a speaker.

#### **6.2 Deputations - *Ngā Whakapuaki Whaitake***

A deputation enables a person, group or organisation to make a presentation to Community Board on a matter or matters covered by their terms of reference. Deputations should be approved by the Chairperson, or an official with delegated authority, five working days before the meeting. Deputations may be heard at the commencement of the meeting or at the time that the relevant agenda item is being considered. No more than two speakers can speak on behalf of an organisation's deputation. Speakers can speak for up to 5 minutes, or with the permission of the Chairperson, a longer timeframe may be allocated.

With the permission of the Chairperson, Elected members may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by the deputation.

**7 Confirmation of Minutes - *Te whakaaetanga o ngā meneti o te hui***

**7 Confirmation of Minutes - *Te whakaaetanga o ngā meneti o te hui***

**Confirmation of Council Meeting Minutes**

The minutes from the Council meeting meeting held Thursday, 15 August 2024 can be viewed via the Council website.

Click on the link below in order to view the 'unconfirmed minutes'.

- [Unconfirmed Minutes - Extraordinary Council meeting 5 August 2024](#)
- [Unconfirmed Minutes - Ordinary Council 15 August 2024](#)

## 8 Standing and Joint Committee Recommendations and Minutes - *Te tohutohu a te Komiti*

### 8 Standing and Joint Committee Recommendations and Minutes - *Te tohutohu a te Komiti*

#### 8.1 Recommendation – Finance and Performance Committee



Title of Item: **CAPITAL AND OPERATING BUDGETS PROPOSED TO CARRY FORWARD TO 2025 (LTP2034 YEAR 1)**

Committee: **FINANCE AND PERFORMANCE COMMITTEE**

Meeting Date: **THURSDAY, 29 AUGUST 2024**

Recommendation to Council Meeting: **THURSDAY, 17 OCTOBER 2024**

## 7 REPORTS

### 7.2 Capital and Operating Budgets Proposed to Carry Forward to 2025 (LTP2034 Year 1)

Refer to pages 21-36 of the agenda.

**Attendance:** Councillor Iles re-entered the meeting at 10:14 am.  
Manager People and Capability entered the meeting at 10:20 am.  
Councillor Iles left the meeting at 10:20am and returned at 10:22 am.

Moved Councillor Dennis / Seconded Councillor James

#### **RESOLVED:**

1. THAT the Long-Term Plan Non-Financial Performance Report for Quarter 3 2023/24 be **received**; and
2. **THAT the Finance and Performance Committee recommends to the Council to approve the carry forward of unspent capital expenditure budgets related to major projects into the 2024/25 financial year (appendix 1), totalling \$7.74 million, including associated subsidies where applicable; and**
3. **THAT the Finance and Performance Committee recommends to the Council to approve the carry forward of unspent capital expenditure budgets related to other projects and general renewals into the 2024/25 financial year (appendix 2), totalling \$2.57 million, including associated subsidies where applicable; and**
4. **THAT the Finance and Performance Committee recommends to the Council to approve the carry forward of unspent operational project budgets into the 2024/25 financial year (appendix 3), totalling \$1.61 million, including associated subsidies where applicable; and**
5. THAT the Finance and Performance Committee **notes** the release of unspent capital expenditure budgets related to major projects totalling \$665 thousand, as detailed in Appendix 4. These projects, while strategically important, currently lack sufficient clarity or certainty to be included

**8.1 Recommendation – Finance and Performance Committee(Cont.)**

in the 2024/25 carry forward. They will be considered for re-budgeting and submitted for approval once a reasonable level of certainty regarding their timelines is achieved; and

6. THAT the Finance and Performance Committee **endorses** the carry forward of unspent capital expenditure budgets of \$425 thousand associated with the CCO Whakatāne Airport into the 2024/25 financial year (appendix 5).

**CARRIED**

*Advisor Note:* Whakatāne District Council delegations require final approval from Ordinary Council for resolutions 2, 3, and 4 (above).

## 8.2 Standing and Joint Committee Minutes

### 8.2 Standing and Joint Committee Minutes

The minutes from the Whakatane District Council 'Standing Committee' meetings can be viewed via the Council website.

Click on the appropriate link below in order to view the 'unconfirmed minutes'.

#### **Recommendation**

**THAT** the minutes from the following Whakatane District Council Standing Committees be received:

- [Unconfirmed Minutes - CEPSC meeting 7 August 2024](#)
- [Unconfirmed Minutes - Environment, Energy and Resilience Committee 8 August 2024](#)
- [Unconfirmed Minutes - Risk and Assurance Committee 19 August 2024](#)
- [Unconfirmed Minutes - Finance and Performance 29 August 2024](#)

**9 Mayoral and Chief Executive Reports - *Ngā Pūrongo a te Manukura me te Toihautū***

**9** **Mayoral and Chief Executive Reports - *Ngā Pūrongo a te Manukura me te Toihautū***

9.1 Mayor's Report - September/October 2024



**9.1 Mayor's Report - September/October 2024(Cont.)**

## Mayor's Report – September/October 2024

To: **Whakatāne District Council**Date: **Thursday, 17 October 2024**Author: **Mayor Dr Victor Luca**Reference: **A2764232**

### 1 Reason for the report - *Te Take mō tēnei rīpoata*

The purpose of the report is to provide updated information on the Mayor's activities together with any advice and strategic insights thought to be relevant to Council matters. The report covers the period 15 August 2024 to 11 October 2024.

### 2 Executive summary – *Whakarāpopototanga*

As the LTP development recedes into the distance, Council needs to turn its attention to the development of the Annual Report 2023/24 and then the Annual Plan 2024/25. Today, challenges for our community abound on all fronts including in the areas of affordability (cost-of-living crisis), housing, infrastructure (three waters, transport and solid waste), energy and climate change.

In the coming months, serious attention must also be given to completing the spatial plan, consenting of water schemes and the development of a Water Services Delivery Plan (WSDP) that is financially sustainable. Financial sustainability means that we can build the water infrastructure we need and pay for it. Although Government has now cleared a path for increasing borrowing to 500% of revenue through the Local Government Funding Agency (LGFA) for councils that set up an appropriate Council Controlled Organisation (CCO) structure, that is little consolation because the affordability challenge for communities remains. It might even be argued that we are already not sustainable. Although the use of the LGFA as the financing vehicle was always rather obvious, I don't think this solves the financing challenge.

Over the past few months most elected members will have participated in online Department of Internal Affairs (DIA) meetings aiming to provide clarity over the *Local Waters Done Well* reforms.

The third installment of the relevant legislation (Local Government Water Services Bill) is due to be released by December of this year and this will implement the new water services delivery models. The legislation will aim to establish 'enduring settings for the new water services system'.

A good summary of what the bill is intending to achieve includes the following (see [here](#)):

- Setting long-term requirements for financial sustainability;
- Providing for a range of structural and financing tools, including a new class of financially independent CCO so as to achieve balance sheet separation;
- Considering the empowering legislation for Taumata Arowai to ensure the regulatory regime is efficient, effective, and fit-for-purpose, and standards are proportionate for different types of drinking water suppliers;
- Providing a new economic regulation regime for water services providers, to be implemented by the Commerce Commission;

**9.1 Mayor's Report - September/October 2024(Cont.)**

- Establishing regulatory backstop powers (i.e. the 'Crown facilitator' and 'Crown water services specialist' discussed in our last update), to be used when required to ensure effective delivery of financially sustainable and safe water services.

Councils are required to have a WSDP that is financially sustainable completed by 3 September 2025. This is something that is looking to be very difficult given the mountain of work that is potentially required in the three waters space and the limited financial resources available.

The only way that I can see of advancing is to be very realistic about what needs to be done and having clear sight of what the compliance landscape is going to look like. For that reason I keep requesting assurances from DIA and Ministers that the regulatory bar will not be raised to the point that copious amounts of money (that we don't have) are required to reach it. Simply piling up on long-term debt is risky even if interest rates are moving downward at the moment. If water is mostly about public health, then I argue that financial stress is also a health hazard.

Apart from water deliver, we are also extremely challenged in the area of roading, and especially so given that virtually none of our bids in the Regional Land Transport Plan (RLTP) were funded. This was due to the focus on economic development and roads of national significance in the Government Policy Statement (GPS) on land transport that came in toward the end of the RLTP development.

All of these things I have mentioned have to be done in what may turn out to be the most challenging economic environment since the great depression of 1929, with conditions likely to deteriorate before they improve. Fingers crossed that I'm wrong.

**3 Recommendation - *Tohutohu akiaki***

**THAT** the Council receives the Mayoral Report – September/October 2024.

**4 Background - *He tirohanga whakamuri***

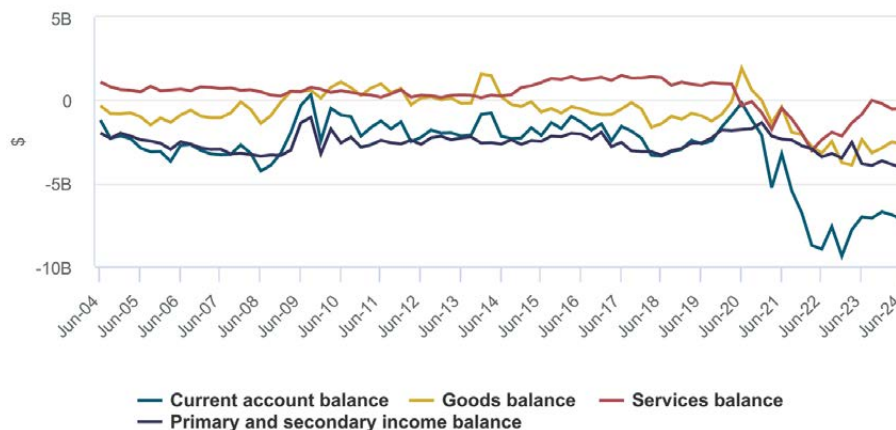
There appears to be no end in sight to our being buffeted by crises. Many of these crises are being driven externally and I spend quite a bit of time following what is going on within our shores and beyond.

**4.1 Economic Climate**

We are experiencing trying economic times and they are not looking like getting better any time soon. The latest data from Stats NZ shows that the current account deficit (negative net trade in goods and services) is not shrinking, which is not particularly great news (*Figure 1*).

Stats NZ has reported that the deficit in the June 2024 quarter was \$7.2 billion, which was \$269 million more than for the March quarter.

9.1 Mayor's Report - September/October 2024(Cont.)



**Figure 1.** New Zealand's seasonally adjusted current account deficit widened by \$269 million to \$7.2 billion in the June 2024 quarter, according to figures released by Stats NZ 9 October 2024. <https://www.stats.govt.nz/news/quarterly-current-account-deficit-7-2-billion/>

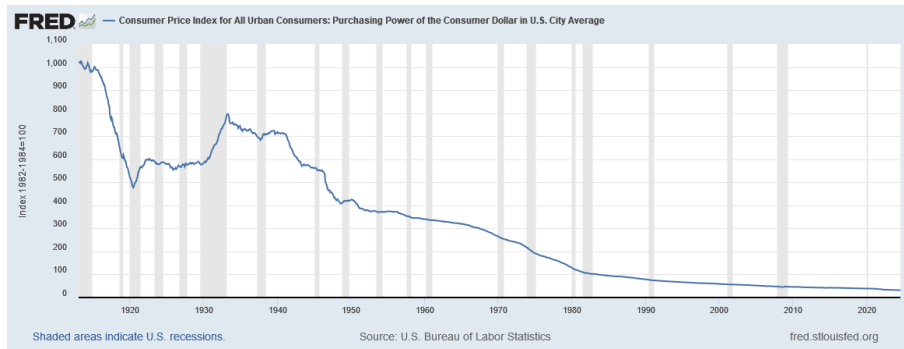
New Zealand's gross domestic product (GDP) fell 0.2% in the June 2024 quarter, narrowly escaping technical recession after a downward revision to the March quarter. The economy grew just 0.1% in the March quarter compared to initial estimates of 0.2% (see [here](#)).

Although the GDP growth is anemic, it could be much worse if net migration weren't so strong. In other words, without an increase in net migration, GDP growth would be much worse. Going forward, net migration is showing signs of slowing and maybe even reversing, if it hasn't already. That is, net outflows.

There are monumental changes going on with the international financial and monetary system with the US Dollar hegemony that has endured for 70 years or so seriously threatened. The United States' theft of Russian money has emphasized the threat posed to nations by the weaponization of the dollar. This has spurred many nations to look for alternatives.

The purchasing power of the consumer dollar has been on a downward trend for more than 100 years and is trending toward zero (*Figure 2*). The FRED graph shows that since about 1910 the USD has lost 97% of its value.

All monetary systems have a life cycle and it has to be asked if the present one is coming to its end. If it is, then a central question is what comes next and how does it affect us?

**9.1 Mayor's Report - September/October 2024(Cont.)**

**Figure 2.** Purchasing power of the consumer dollar over time. **Source:** Federal Reserve Economic Data (FRED) <https://fred.stlouisfed.org/graph/?g=f8ih>

Could it be that the greatest lesson of history is that we don't learn the lessons of history?

Banking sector consolidation is ongoing in the US with 54 Mergers and Acquisitions (M&A) deals announced in the first half of 2024. This year is on track to surpass last year's bank M&A activity. More than two thirds of banks in the [KBW Regional Banking Index](#) are likely to be acquired in the next 12 months (Reuters).

Nearly 2,500 US bank branches were shut down in 2023. The number of branches has shrunk by more than 20% between 2009 and the end of 2023. So far this year an additional 400+ US bank branches have been closed including Bank of America, Chase, US Bank, Capital One, PNC Bank, Wells Fargo and TD Bank.

More Central Bank purchasing and stockpiling of gold is ongoing globally. In fact, the US banking system is not looking particularly healthy.

Protection from dollar weaponization is leading to a multipolar world. China and India have been telling their people to stash gold and silver. The price of both precious metals are at all-time highs and many countries have repatriated some or all of their gold (see [here](#) for details).

The BRICS nations (Brazil, Russia, India, China, South Africa, Iran, Egypt, Ethiopia, and the United Arab Emirates) are exploring new currencies to break the US Dollar hegemony. The next BRICS meeting is scheduled for 22 October 2025 and will be held in Kazan. It will be interesting to see how things shake down.

The BRICS nations are exploring a new reserve currency for international trade reportedly called the United New International Trade (UNIT) which may be 40% backed by gold. There is also [project mBridge](#) – Multi Central Bank Digital Currency (CBDC) Global payment platform.

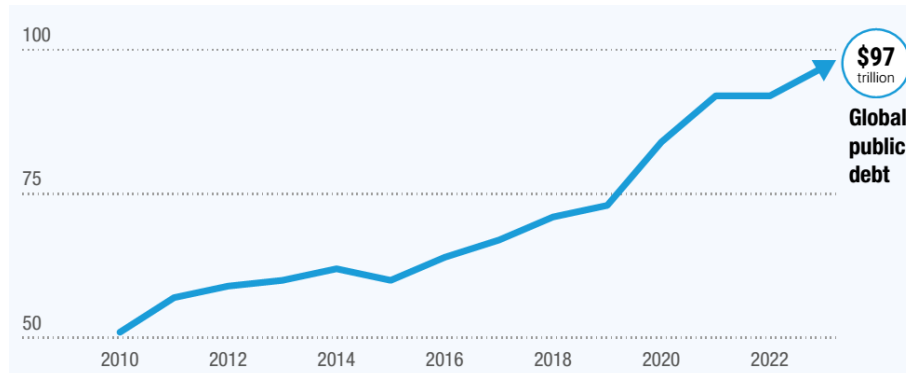
The expanded BRICS group [has a combined population of about 3.5 billion](#), or 45% of the world's inhabitants and the combined, [members' economies are worth more than \\$28.5T](#) - about 28% of the global economy.

The move toward de-dollarization seems to be gaining considerable momentum.

Meanwhile according to the Productivity Commission, New Zealand's productivity is one of the worst among developed economies and needs serious long-term commitment and investment to turn it around (see [here](#)). Sometimes I have to wonder if our population is distracted by social media and celebrity worship? Could we be looking the other way while the ship catches fire and sinks?

**9.1 Mayor's Report - September/October 2024(Cont.)**

And that brings me to the issue of public (Figure 3) and private debt which appears to be on a tear globally with the most affected being the developing nations (see [UNCTAD, A world of debt: a growing burden to global prosperity. Report 2024](#)).



**Figure 3.** Global public debt in nominal trillion US\$. Public debt refers to general government domestic and external debt. General government consists of central, state and local governments and the social security funds controlled by these units. **Source:** UNCTAD, A world of debt report: a growing burden to global prosperity. 2024.

The United States national debt currently sits at about \$35T and therefore debt servicing costs are huge. However, since this debt is denominated in USD, which is the reserve currency and which the US Government can simply print, it is difficult to assess how serious the problem really is. For countries that have national debt denominated in USD there certainly is a problem.

Back home, economist Dr Ganesh Nana says the situation is complex and he thinks Kiwis should be more worried about levels of private debt than the Government’s borrowings (see [here](#)). Others like rebel economist Prof. Steve Keen agree that the more serious debt is private debt.

According to WDC’s LTP 2024-2034, debt financing costs go from \$8M in year one to \$18M in year 10. We clearly need to keep a close eye on this.

**4.2 Geopolitics**

By the time the 69<sup>th</sup> meeting of the [International Peace Coalition](#) is held, there is a distinct possibility that long-range precision-guided missiles are launched from Ukraine in the direction of Russia. Precision guidance is impossible without real time highly-sophisticated technology which is provided by US and NATO satellites.

Head of the Duma, Vyacheslav Volodin, has made it quite clear that if the missiles fly, we are entering the domain of nuclear warfare.

In the Middle East, the war on Gaza has so far conservatively resulted in the death of more than 41,000 Palestinians, the majority of them women and children.

A publication in the Lancet (see [here](#)) dated 20 July 2024 has estimated that there could be as many as four indirect deaths for each direct death reported, and that therefore it is not implausible to estimate that up to 186, 000 or even more deaths could be attributable to the current conflict in Gaza.

**9.1 Mayor's Report - September/October 2024(Cont.)**

Since that date, on 23 September 2024 Israel attacked more than 300 sites in Lebanon killing at least 182 people and injuring more than 700 others. Up to that point Hezbollah had been trying not to enter into all-out war.

On 31 July the Israelis assassinated Ismail Haniyeh, the Hamas political leader in Tehran. Then, between 27 and 29 of September the Israelis assassinated Hassan Nasrallah (Secretary-General of Hezbollah), Nabil Qaouk (Deputy Head of Hezbollah's executive council) and Fatah Sharif (Hamas Leader).

Nasrallah was killed in an underground bunker in Beirut on 27 September. Israel dropped 73 tonnes of explosives on Hezbollah's intelligence headquarters in Beirut to kill Nasrallah's successor. Regarding Nasrallah, Israeli Prime Minister, Benjamin Netanyahu, [defiantly claimed responsibility for the killing](#). "Nasrallah was not a terrorist," he boasted. "He was *the* terrorist."

It is believed that Nasrallah was negotiating a cease fire when he was assassinated.

Lebanon's Foreign Minister, Abdallah Bou Habib, on Christiane Amanpour's CNN program stated categorically that Nasrallah had agreed to a cease fire moments before Netanyahu ordered the assassination (see [here](#)).

On 1 October Iran launched a retaliatory missile attack on Tel Aviv. It is estimated that up to 180 missiles were launched with many penetrating air defence systems. Video footage shows many ground explosions and the odd interception. The US president and western media suggested that the attack was ineffectual which is clearly false.

We now have a situation where Israel continues to fight in Gaza and has claimed that it has sent ground forces into South Lebanon (unconfirmed). Israel is now vowing retaliation against Iran. I estimate that it is a matter of time before hostilities escalate and the war is broadened to include other Muslim nations, perhaps even Turkey. The question remaining is if the Americans will enter the fray more directly, although it can be argued that they are already heavily involved in supplying weapons, intelligence and so on.

Another important question is whether escalation will affect oil shipments through the Strait of Hormuz, a major oil choke point. As I have stated previously, this will seriously constrain world oil supply and introduce inflationary pressure that we will all feel.

The world is currently witnessing a toxic brew of geo-political and geo-economic tensions that are not unlinked and which if they continue to escalate could get very ugly for us all. I doubt we have seen a situation quite like this one since WWII. The problem today is that the nations involved, either directly or indirectly are nuclear armed and that is not good for any of us.

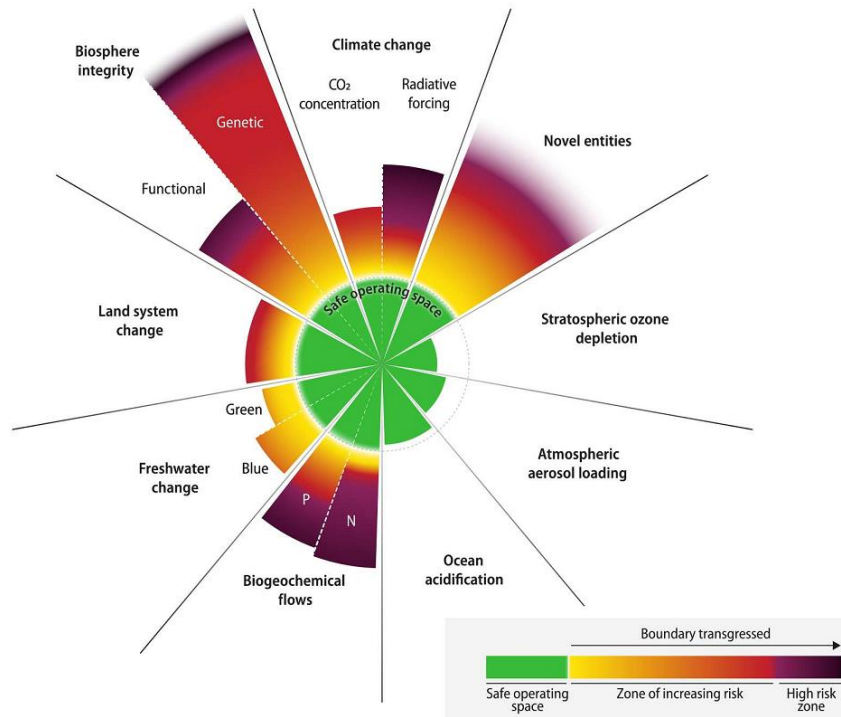
**4.3 Climate Crisis**

Although the possibility of all out nuclear war probably poses the greatest immediate existential risk, the climate change threat is becoming more serious with evidence that we have breached six of nine planetary boundaries (Figure 4) (see [here](#)) (for more detail refer to Richardson, K. *et al.*, [Earth beyond six of nine planetary boundaries](#). *Sci. Adv.* **2023**, *9*, eadh2458.).

Temperature limits continue to be extended and the rate of warming appears to be accelerating. There is good evidence that Earth is approaching tipping points beyond which there will be no return.

The new Planetary Boundaries Science (PBScience) initiative led by the [Potsdam Institute for Climate Impact Research](#) (PIK), whose director is Johan Rockström, and which is supported by the Planetary Guardians and other partners, has launched the [Planetary Health Check](#) (PHC), a first-of-its-kind scientific report and tool for the health of the Earth's vital organs that serve as humanity's life support system. The PHC combines pioneering Earth science, Earth observation data and multi-disciplinary thinking to quantify the planet's health and inform solutions to reverse the impact of human activity on the planet.

9.1 Mayor's Report - September/October 2024(Cont.)



**Figure 4.** Current status of control variables for all nine planetary boundaries. Six of the nine boundaries have been breached. **Source:** Richardson, K. *et al.*, Earth beyond six of nine planetary boundaries. *Sci. Adv.* **2023**, *9*, eadh2458.

As if this isn't bad enough, the bad news never stops flowing. A very recent report by the team headed by William J. Ripple (Oregon State University) has just published an article '[The 2024 state of the climate report: Perilous times on planet Earth](#)' (BioScience, 2024, 0, 1–13). The article opens with the line '*We are on the brink of irreversible disaster*'. Science has been correctly predicting what is happening for more than half a century and yet I don't see the action needed.

Meanwhile back in Aotearoa, Associate Education Minister David Seymour has publicly admonished school students for participating in the School Strike 4 Climate protests held on 27 September 2024 (see [here](#)) ([David Seymour condemns planned school climate protest after addressing country's 'truancy crisis'](#). Benjamin Plummer, NZ Herald, 26-Sep-24).

Well, Mr Seymour, how does the generation that will inherit this planet show their disdain for what previous generations are saddling them with? Seymour has confused truancy with grass-roots activism.

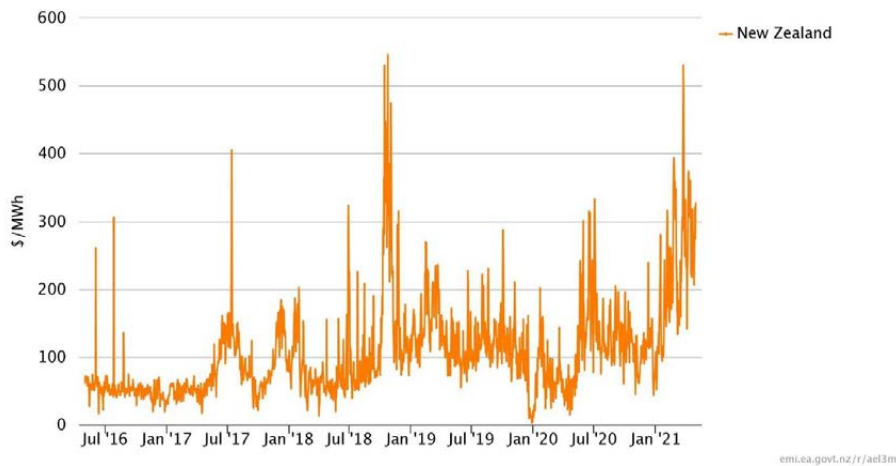
There can hardly be a more educated individual than Noam Chomsky and he has called for civil disobedience. One day off school for a cause that threatens the existence of humanity surely warrants it.

**9.1 Mayor's Report - September/October 2024(Cont.)**

Noam Chomsky says “The next step is activism and organization. That means get out on the streets, press congress, demonstrate. You can have effects. We can run through examples if you like. It does have effects”. (see [here](#) 6:55 into interview).

**4.4 Energy Security Crisis**

I have been calling this one out for more than a decade. Energy is critical for a modern society and yet most folk are energy blind. It was energy security that caused the French to turn to the development of nuclear energy post WWII as France is not a country rich in energy resources (i.e. oil, coal or gas).



**Figure 5.** Spot energy prices over 5 years.

**Source:** Electricity Authority, Electricity Market Information (EMI) website.

[https://www.emi.ea.govt.nz/Wholesale/Reports/W\\_P\\_C?DateFrom=20140101&DateTo=20231231&rsdr=L10Y&RegionType=NZ&si=v|3](https://www.emi.ea.govt.nz/Wholesale/Reports/W_P_C?DateFrom=20140101&DateTo=20231231&rsdr=L10Y&RegionType=NZ&si=v|3)

On 27 May 2021 I addressed the Trust Horizon board and made the point strongly that spot (wholesale) energy prices had not only gone through peaks and troughs, but they were also showing a consistent long-term increase (*Figure 5*). I have also constantly reiterated that a strong dependence on hydro-electricity generation can be both good and bad. Good because hydro-electricity has low carbon emissions and bad because increasing frequency and severity of drought (caused by climate change) can result in decreased generation.

A growing population, the electrification of transport and increased use of data centres are all going to drive increased demand. In fact, some estimates are that we will require an increase in generation of two- or three-fold by 2030. Meanwhile the Government mantra is ‘growth will pay for growth’. Let’s see how that works.

In 2021 wholesale price spikes had forced the temporary closure of the Norske Skog paper mill in Kawerau. The mill subsequently shut its doors for good (see [here](#)). High electricity prices make the production of paper products uncompetitive. In more recent times there have been more mill closures, including the Winston Pulp and Paper Mill in Ruapehu District (see [here](#)).



**9.1 Mayor's Report - September/October 2024(Cont.)**

Even back in 2021 a spokesperson from Meridian Energy had reiterated that the prices at the time were the result of extremely low rainfall for several months and ongoing gas supply issues (see [here](#)).

So it is hardly a surprise that the problem has continued. Actually it had never gone away.

More than three years later and nothing appears to have changed (see [here](#)) and we are only just starting to wake up. Maybe.

Thankfully, Government, and especially Minister Jones, seem to have acknowledged the problem and they now have an opportunity to put money where their mouths are and fund energy-related projects. Thankfully, as gauged by Jones' recent remarks in the media, he seems to have understood the potential of solar and especially geothermal energy in our sub-region.

Whilst the most dramatic price increases are felt by large-scale users that buy on the wholesale market, eventually even retail customers will feel the pinch.

Council itself has seen a dramatic increase in energy costs over the last few years.

In my opinion, over time prices for gas, liquid fuels and electricity are bound increase in real terms. Prof. Alan Brent of Victoria University estimates that electricity costs will increase significantly because demand is expected to grow 2- to 3-fold by 2030 as NZ decarbonizes (see [here](#)). The growth of electric vehicle numbers, and an increasing need for data centres (see [here](#)) will be the likely drivers of increased in demand.

Thus, I continue to preach investment in solar PV systems for energy cost savings, resilience and energy security. Solar is the cheapest form of electricity generation by far and the quickest to deploy. I put aside for now the issue of intermittency.

Of course geopolitical tensions in both the Ukraine, and especially the Middle East, could constrain oil supply and that will cause add to inflationary energy pressure.

## 5 Major Activities

### 5.1 Meeting with NEMA and GNS re Whakaari Monitoring (Thursday, 29 August 2024)

This meeting was organized so that the NZ Volcano Science Advisory Panel (NZVSAP) could provide a briefing to the EBOP Mayors on the status of Whakaari and also provide the context and information relating to what might potentially happen if the current eruption progresses and what the potential impacts might be.

The NZVSAP provides independent science advice for the Emergency Management sector. The NZVSAP is one of the ways that the science system is utilized within the emergency management system. For instance, NZVSAP provides access into the universities if additional science support is required. The first panel was setup in 2012 after the Te Maari eruption at Tongariro (see [here](#)). GNS is the geological hazards agency, and they are responsible for volcano monitoring for the NZ community including Local Government.

The meeting took place in response to concern I expressed in a letter to the Minister of Civil Defence, Mark Mitchell, after he spoke to the CDEM Joint Committee meeting on 5 April 2024. Scientists, [Prof. Tom Wilson](#) (Prof. Disaster Risk & Resilience, University of Canterbury & Chief Science Advisor to NEMA) and [Dr Nico Fournier](#) (Head of Volcano Monitoring, GNS) mentioned that there was no functioning monitoring equipment on Whakaari and that the owners were not allowing GNS to re-deploy monitoring equipment.

I have since written and spoken with Minister Mitchell, and he indicated that the matter was being followed up on with a view to restoring on-island monitoring.

**9.1 Mayor's Report - September/October 2024(Cont.)**

Present at the 29 August meeting were Prof. Tom Wilson and Dr Nico Fournier, [Prof. Jonathan Procter](#) (Massey University, Natural Hazards), Mark Crow (EMBOP, Director of Emergency Management & CDEM Group Controller), Sammy Moore (EMBOP, Communications Advisor), [Graham Leonard](#) (Principal Scientist, Volcanology, GNS), Lily Folds (Regional EM Advisor, NEMA), Mike Gillooly (Regional EM Advisor, NEMA & Team Leader, MWH), Lisa Glass (EMBOP, Communications Lead), Grant Wilson (Senior Advisor, NEMA) and Cara Gordon (Principal Advisor Emergency Management, EMBOP) and Faylene Tunui (Mayor of Kawerau), David Moore (Mayor of Opotiki). Kay Boreham, Steve Perdia, David Bewley. Grant Wilson (Senior Advisor, NEMA), Stace Tahere (Planning Manager, EMBOP).

Whakaari is an offshore strata volcano. Current activity is similar to past history over the last 100 years. However, in my view 100 years is the bat of an eye in the life of a volcano.

The Volcanic Alert Level (VAL) for Whakaari was raised to VAL3 on 9 August 2024 and has remained at that level. Satellite images obtained by NZ MetService have indicated an increase in the amount of volcanic ash in the plume. This suggested that some form of minor eruption had occurred. The latest gas flight occurred on 14 August 2024 (see [here](#)).

Members of the delegation indicated that the possibility of a significant Tsunami generated by Whakaari was considered to be low because Whakaari is a point source. Rather, the issue of ash was considered more significant.

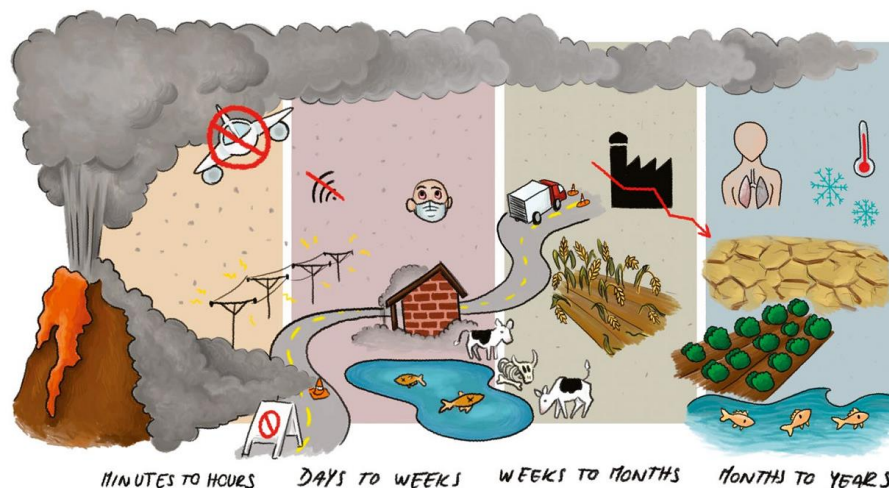
Indeed volcanic ashfall is commonly the most widespread hazard to occur after an explosive eruption (see [Craig et. al., 2016](#)) (Figure 6). The effects of human exposure to fine ash can range from short-term breathing problems and eye/skin irritation, to potential long-term health issues.

I pointed out that I was living in Buenos Aires, Argentina during the [2011 Cordón Caulle eruption](#) when the Puyehue-Cordón volcano on the Chilean side of the Argentine-Chilean border erupted. The eruption deposited a thick layer of ash around the city of Bariloche 400 km away. The ash reached Buenos Aires which was approximately 1,500 km away and in fact reached many other cities including Sydney and Auckland. Therefore depending on meteorological conditions, ash generation can be a significant problem.

The meeting was shown maps of the Whakaari ash plumes from which it was evident that most plumes were being directed to the north by prevailing winds. Nevertheless, there is a possibility that plumes can be blown south and that can be an issue for those living on the mainland.

I asked about correlations between particle size distribution and volcanic temperature and steam velocity.

**9.1 Mayor's Report - September/October 2024(Cont.)**



**Figure 6.** Schematic representation of expected short- and long-term volcanic ash impacts due to a moderate-to large explosive eruption. This cartoon does not represent all the identified impacts associated with volcanic ash. For a more complete list of the impacts, please refer to Paredes-Marino *et al.*, The lifecycle of volcanic ash - advances and ongoing challenges. *Bull. Volcan.* **2022**, *84*, 51.

**5.2 Ōhope Bowling Club 75th Anniversary (6 September 2024)**

This was a big festivity for the Ōhope Bowling Club that has now been around for seven and a half decades. The club is in superb condition after having taken a loan for \$80,000 back in the day to purchase the land and build the club and grounds. That was a lot of money back then and it was quickly paid off. Outdoor bowling is an important sport in New Zealand with a membership exceeding 40,000. Raewyn Vernon is the current President of the club.

Present were Tony and Linda Bonne as well as Dana Kirkpatrick.

Joan Latimer (currently 93) is a life member of the Ōhope Bowling club. She was presented with her Life Member's Badge by fellow Life Member, Brendon Neutze. Joan approach Dana to propose an idea for better funding health. Nice one Joan.

**5.3 Regional Deals (16 September 2024)**

This was a virtual information session covering the Regional Deals Strategic Framework (see [here](#)).

Attending from DIA were Olivia Krakosky (Senior Policy Analyst), Mark Tregurtha (Policy Manager) and Vanessa Blakelock (Partnership Director).

Regional deals appear to be about Government partnering with local government to create Regional Deals. Although it is claimed that central and local government have powerful finance and funding tools and mechanisms at their disposal to meet challenges, unlock economic growth and boost productivity, from what I have heard, it is not exactly clear how. These powerful tools appear to involve taking on debt, public-private partnerships and such like.

Regional deals will apparently involve the development of 10-year strategic plans.

**9.1 Mayor's Report - September/October 2024(Cont.)**

What I seem to have heard in the meeting was that Regional Deals will not involve the Government assisting councils with funding these plans.

**5.4 Omeheu Solar Farm - Project Briefing Session (18 September 2024)**

I was invited to attend the Omeheu Solar Farm information session held at Te Mānuka Tūtahi – Mataatua marae. This is a 40 MW farm located in Edgecumbe area off Putiki Road on 30 Ha of land. The farm will generate sufficient energy to power 5,800 homes. The farm is a joint venture between [Far North Solar Farm](#) and [Aquila Clean Energy Asia Pacific](#) and will comprise 63,000 panels laid out in a tight grid (see [here](#) and [here](#)).



**Figure 7.** Schematic of what the Omeheu solar farm is expected to look like once completed (left) and participants present during the blessing of the farm in March (right).

Te Rūnanga o Ngāti Awa officially blessed the farm in March and gifted the name 'Omeheu' in recognition of the how the area sustained the people of Ngāti Awa for generations. Far North Solar also confirmed their sponsorship for two apprenticeships for Ngāti Awa rangatahi.

It was an interesting information session that was dominated by vigorous questioning from a member of the audience who lives near the farm. The developers are expecting to have boots on the ground in October or November of 2024 providing consenting issues can be resolved soon.

I am rather pleased that our district will be home to three large solar farms. The project developed by Lodestone (30 MW) is already complete and grid connected.

The very large Helios Energy Solar PV project is also to be located in the area and it has now been consented (110 MW). The project was recently purchased by Government owned Genesis Energy.

We desperately need to move away from an energy system based on the burning of fossil fuels and we receive the Sun for free. A modern lifestyle cannot be sustained without abundant energy and solar PV is the cheapest form of renewables and the fastest to deploy, although its intermittency is problematic. However, solar panels, which have a limited lifespan (25+ years), need to be made from something and that itself takes considerable energy. So, we are in a sort of infinite loop where it takes energy to make stuff to make energy.

Maybe it's time to think nuclear? The debate is currently being had in Australia and not for the first time (see [here](#)).

**9.1 Mayor's Report - September/October 2024(Cont.)****5.5 National Land Transport Programme – Final decisions (3 September 2024)**

Final funding decisions by Waka Kotahi NZTA for the NLTP has now been handed down and staff are coming to grips with the implications.

Over the year I have participated in all Regional Transport Committee meetings focusing on the preparation of the Regional Land Transport Plan.

We received our decision letter from Waka Kotahi on 24 September 2024 (*Appendix 1*) and regrettably the results are as I suspected, very disappointing with little money awarded to fund our local road network road transport and resilience program (see [here](#)).

As a consequence of my dissatisfaction with the process involved in the development of the RLTP I requested a round table meeting mostly for the benefit of Councillors to shed light on how the process is supposed to work and how it could be made better. That meeting occurred on 1 October 2024 and I believe that most elected members that could attend found it useful. The description of the process for the development of the RLTP presented by Bay of Plenty Regional Council (BOPRC) Director of Transport Planning, Oliver Haycock, was the clearest I have yet heard.

Given the obvious lack of clarity around the process during the RLTP development, and given that all BOP mayors were first-timers, it would have been very beneficial if that round table could have been conducted at the beginning of the triennium.

It is worth mentioning that although the Mayors were all first-timers, the commissioners were all old-hands. That, and the fact that they were well-connected, gave commissioners an advantage in the advocacy stakes.

From the perspective of the Mayor of a small council it was apparent to me that small councils are at a comparative disadvantage. It was also made clear that during the development of the project bids there is a need for a closer connection between transport managers that form part of the Regional Advisory Group (RAG) and the Mayor so that the Mayor has an intimate knowledge of what is being put into the bid.

**5.6 Growth (Economic Development) Summit (20 September 2024)**

The Growth or Economic Development Summit which I would have rather called the Prosperity Summit was preceded by a pōhiri held on the Ōpōtiki Harbour groyne amid fairly foul weather. It was attended by Deputy PM, Winston Peters, and Minister Shane Jones. Despite the weather, it was a fantastic celebration of what can be achieved with Government support. During the pōhiri the PM announced an additional \$17M of funding for the marina development.

The pōhiri in Ōpōtiki was followed by the Summit held at the Baptist Church hall on Keepa Road. Various ministers were present including Winston Peters, Shane Jones, Todd McClay, Tama Potaka, Mark Patterson (Associate Minister for regional development), Jenny Marcroft (Under-Secretary), and Dana Kirkpatrick. It is the biggest gathering of high ranking Parliamentarians I have seen in our district for some time (*Figure 8*).

**9.1 Mayor's Report - September/October 2024(Cont.)**



**Figure 8.** Members and ministers on stage at the Economic Development Summit.

Regional priorities were led out by myself on behalf of the EBOP and Nigel Tutt (Priority One), and Andrew Wilson (RotoruaNZ).

The Deputy PM talked about New Zealand having lost its mojo noting that the country used to be able to develop infrastructure and now seems to be stuck as 'we've lost our mojo'. It sounded very much like something I have been saying, albeit in a different way, for quite some time .

My speech at the summit is available in *Appendix 2*.

**5.7 New Zealand Security Intelligence Service (NZSIS) Zoom Meeting (24 September 2024)**

The presenter was Andrew Hampton, Director General of Security at the NZSIS. He is also the strategic coordinator for countering foreign interference. Hampton used to be with the [Government Communications and Security Bureau](#).

Also present were others from NZSIS including Paul Baden who is part of the engagement unit with NZSIS. Baden talks to communities about the threats we face.

The objectives of the talk were to provide an overview of the *threatscape* including practical advice and to shine a light on foreign interference and espionage. Primarily NZSIS is a domestic organization.

In early September, NZSIS released its second-ever threat environment report. The report singled out local government as one of the "prime targets" for 'influence building' (refer to [New Zealand's Security Threat Environment](#)). Local Government is attractive due to extensive authority over valuable strategic resources and critical national infrastructure as well as an ability to exert influence at a central government level.

Hampton spoke on the nature of the national security environment. He covered *inter alia* foreign interference, espionage, violent extremism and terrorism. There was also an opportunity at the end of the talk for Q&A.

**9.1 Mayor's Report - September/October 2024(Cont.)**

One of the NZSIS objectives is to assist NZ organizations to secure their information, improve security and make NZ a more resilient target. NZSIS works closely with the police and the Security Bureau. They work across the five-eyes and partner with business, academic, government and iwi. They often operate in secret and have stringent powers. They do not take their social licence for granted.

NZSIS wants NZers to be aware of threats but at the same time they don't want to be alarmist.

Foreign interference comprises actions by a state, often acting through a proxy, which are intended to influence and disrupt. The People's Republic of China is the country of most concern to them although they are also concerned about Russia.

Councils can be attractive targets for 'influence building' since they control assets.

Sister city relationships can be a target. These relationships can be built to achieve other objectives, including foreign interference and espionage. They can be good relationships to have but could also have other purposes. There is a need to be vigilant. It is good to recognize risks and be on the lookout for violent extremism, motivations and politically motivated violent extremist ideologies.

If a council is in a sister city relationship then that can potentially be used as a portal to other nations. Hampton emphasized the need for vigilance.

I asked if given the Snowden and Assange experience how is it possible that we can even trust allied nations since these have been shown to be capable of spying on their own people. Where does that put us with our allies? Interestingly, Hampton responded that we only have one ally and that is Australia. If they go to war we go to war also. Five-eyes has the feature that there are well established protocols and policies.

Hampton warned to be very careful regarding the use of USB sticks.

For more information refer to [New Zealand's Security Threat Environment: An assessment by the New Zealand Security Intelligence Service](#).

**5.8 Remuneration Authority Letter (27 September 2024)**

Recently the Remuneration Authority requested councils complete a table of time commitments of councillors and also offered an opportunity to make a case in writing. Councillor pay is calculated according to a formula with four variables that are each given different weightings: population (50%), total assets (15%), total OpEx (20%) and Socioeconomic Deprivation (15%). However, that formula does not take into account hours worked.

Thus, a councillor in a larger council such as Tauranga City Council can be paid 2.5x more than a WDC councillor. I would argue that a councillor in a larger council does not do significantly more work than those in smaller councils. This seems to me and many others to violate basic principles of fairness. A copy of the letter appears in *Appendix 3*. We can only hope that it doesn't fall on deaf ears. I thank councillors who contributed to the letter.

**5.9 CDEM meeting (27 September 2024)**

BOP CDEM now has a new Director of Emergency Management BOP CDEM group controller, Mr Mark Crow, who made his debut in that capacity. Crow replaced Clinton Naude who stepped down recently.

Mayor Mahe Drysdale, who was not physically present, was confirmed as the Tauranga City Council representative to the CDEM joint committee. Deputy Mayor Jen Scoular and Councillor Kevin Schuler were appointed as TCC alternates.

In the public excluded section two lawyers (Amanda Gordon, Haley Sheridan from [Gordon & Pilditch](#)) came to explain to the group the forthcoming Coronial Process into the Whakaari eruption. The location for that inquiry has yet to be confirmed.

**9.1 Mayor's Report - September/October 2024(Cont.)**

**5.10 Meeting with Darren Toy (Kainga Ora) (2 October 2024)**

Darren Toy is the regional director of Kainga Ora (KO) and the CE and I meet with him periodically.

Darren reports that there is no building of large numbers and that Government has very much constrained the social housing building package. In the BOP most of the new builds are occurring in Rotorua because of their particular need given the emergency housing situation there. They will be building around 310 additional homes by the end of 2025.

Going forward the focus will be on renewals of older KO houses, with numbers still to be determined for the EBOP and with Whakatāne expected to have the lion's share. A renewal can be renovating or replacing an existing home, or selling and replacing it with another house elsewhere. Toy expects that within the coming months he will have a good idea of what can be accomplished.

Ōpōtiki has had 75 new builds in the past 18 months with all being built on piles for obvious reasons.

Building in Kawerau has proved somewhat complicated due to the restrictive nature of the district plan. By November of 2024 KO is to provide government with a reset plan.

The idea of a Commissioning Agency that Daren mooted at our previous meeting appears to be on hold. In fact, it has never been clear what exactly form a Commissioning Agency would take. The model Government appears to be after is one that relies on some kind of community-driven collective. Not simply relying on KO or a [Community Housing Provider](#) (CHP). KO's annual government appropriation has been reduced from \$97M to \$18M.

At present 54% of consents across the BOP have been granted to KO which indicates how difficult things are at the moment.

On a more optimistic note, Darren has indicated there could be potential to partner with WDC and others to realize new or replacement builds in Whakatāne. I am hopeful that we can come up with a solution to achieve densification on some of the 500 or so properties that KO own in urban Whakatāne. This could potentially include a mixture of retirement-oriented builds and other types.

Auckland Council issued 1,332 Code Compliance Certificates (CCCs) for new dwellings in June, down from more than 1,600 in each of the previous three months, and down from 1,742 in June last year (see [here](#)) (Figure 7). Again this demonstrates that the building industry is experiencing a significant slowdown. Not surprising given the tighter credit conditions lately.

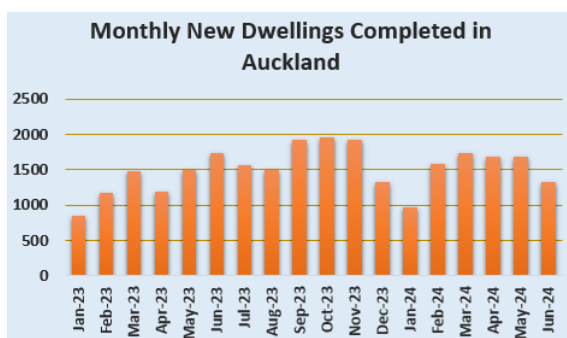


Figure 9. Monthly dwellings completed in Auckland from Jan-23 to Jun-24.



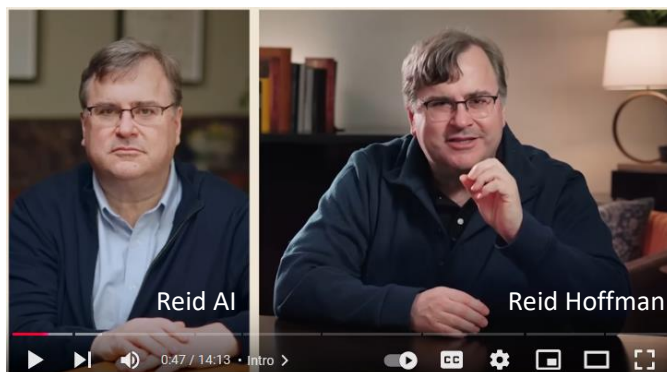
## 9.1 Mayor's Report - September/October 2024(Cont.)

### 5.11 EBOP Community Foundation Dinner (4 October 2024)

The [Eastern Bay Community Foundation](#) is a trusted, independent, not-for-profit community foundation that has registered charitable status. It has been in existence for a relatively short period of time but is starting to gain momentum. I attended the dinner at the Ōhope Golf Club. The foundation's core purpose is to champion and grow a perpetual fund to support projects that will positively impact the communities in our region, and to build a thriving Eastern Bay. Good people trying to do good things.

The after-dinner speaker at the event was Sir Ian Taylor and he gave an inspiring talk chronicling his life's work. And a truly impressive talk it was. Sir Ian took us from his humble beginnings through to present day ambitions. He demonstrated the impressive nature of AI and the rapid growth that it has had.

The talk ended with a video of Reid Hoffman interviewing his digital twin, Reid AI. Reid Hoffman is a famous internet entrepreneur. Reid AI has read everything that Hoffman has ever read and knows him *almost* as well as he knows himself.



#### [Reid Hoffman meets his AI twin - Full](#)

After the talk I went up to chat with Sir Ian and the first thing I asked him was, "do you think we have the wisdom to survive ourselves?" He immediately replied, "NO!" He intimated that he was hoping that at least his grandchildren could have a good life. Ian is a lovely humble man.

Last year Sir Ian had written an article entitled '[Slash and Learn - the huge forestry opportunity for NZ](#)'. In his article he was spruiking the virtues of bio-energy which I was compelled to rebut although the Herald wouldn't publish it as they claimed not to publish rebuttals. Sir Ian was surprised by that.

My main objection to bioenergy that is dependent on the use of wood biomass revolves around the paucity of reliable Life Cycle Assessments and a lack of thorough consideration of the Carbon Debt which has been estimated to range from 44 years to in over 100 years (see paper by Sterman *et al.*, [Does replacing coal with wood lower CO<sub>2</sub> emissions - dynamic lifecycle analysis of wood bioenergy](#). *Environ. Res. Lett.* **2018**, 13, 015007).

It would seem that Sir Ian's emphasis is no longer the energy potential of forestry slash but rather the possibility of converting forestry residues to other potentially valuable bio-materials. He had with him a little bottle of some sort of oil derived from forestry revenues and a PowerPoint presentation containing similar ideas. I am much more comfortable with this approach than converting forestry slash to pellets only to be combusted and CO<sub>2</sub> instantaneously sent into the atmosphere.

I have since taken up the issue of bioenergy with Climate Change Commissioner.

The event was a great opportunity for me to meet and chat with Sir Ian Taylor.

## Ordinary Council - AGENDA

**9.1 Mayor's Report - September/October 2024(Cont.)****6 Conclusion - *Kupu whakamutunga***

Times are tough and storm clouds continue to gather. There is a lot on council's plate in the next few months including the Annual Report, Annual Plan, Water Service Delivery Plan and a whole bunch of consenting of three-waters schemes.

Consenting relies on the compliance landscape which is not yet clear. Assuming that regulations do not undergo significant change, as is being signalled by Government, then the path to re-consenting existing schemes should be relatively straight forward. If this is so then this would be a great relief.

And of course we are expecting to have a full draft of the spatial plan delivered by mid-2025. The spatial plan is a critical spring-board to many of the subsequent deliverables.

**7 Meetings Attended by Mayor or Nominated Representative**

Date	Details	Location
16/08/2024	Bay of Plenty Mayoral Forum	Western Bay of Plenty District Council, Tauranga
21/08/2024	Global Cities Meeting	Embassy of Japan, Wellington
21/08/2024	LGNZ 2024 AGM	Te Papa, Wellington
26/08/2024	1XX Newsroom interview	1XX Offices
31/08/2024	EBOP Business Awards	Whakatāne War Memorial Hall
2/09/2024	Tangi o Kingi Tuheitia	Turangawaewae Marae
3/09/2024	"Home Kills" Film Screening	WhakaMax Movies
5/09/2024	Community Education Screening 'Backpack Full of Cash	WhakaMax Movies
6/09/2024	Ōhope Bowling Club - 75th Anniversary	Ōhope Bowling Club
9/09/2024	Visit from LGNZ CE and President	Whakatāne District Council, Whakatāne
9/09/2024	Mihi whakatau for Chief Executive	Tōtara Chambers
13/09/2024	Regional Transport Committee Meeting	Bay of Plenty Regional Council, Tauranga
13/09/2024	PechaKucha - Korero for Kiwi	Whakatāne War Memorial Hall
16/09/2024	Murupara Reorua	Tipapa Marae, Murupara
17/09/2024	RNZ interview	Via telephone
18/09/2024	Omeheu Solar Farm Briefing	Te Manuka Tūtahi, Whakatāne
19/09/2024	EBOP Joint Committee Meeting	Kawerau District Council, Kawerau
20/09/2024	BOP Growth Summit	Whakatāne
20/09/2024	Pākihikura (Ōpōtiki) Harbour Opening Ceremony	Ōpōtiki
21/09/2024	Whakatane Town Football Club Prize Giving	Rex Morpeth Park, Whakatāne
24/09/2024	Regular 1xx Live Interview	1XX Offices
27/09/2024	Bay of Plenty Civil Defence Emergency Management Group Joint Committee Meeting	Kawerau District Council, Kawerau
27/09/2024	Kiwi Whare Open Home	Thornton
2/10/2024	Meeting with Regional Director, Kainga Ora	Whakatāne District Council, Whakatāne
4/10/2024	Eastern Bay Community Foundation Annual Dinner	Ōhope Beach Golf Links
5/10/2024	Edgumbe Volunteer Fire Brigade Honours Night	Edgumbe Fire Station

**9.1 Mayor's Report - September/October 2024(Cont.)****Appendix 1.****4-Sep-24 Letter from NZTA re the NLTP.**
[www.nzta.govt.nz](http://www.nzta.govt.nz)

44 Bowen Street  
Private Bag 6995  
Wellington 6141  
New Zealand  
T 64 4 894 5400  
F 64 4 894 6100  
[www.nzta.govt.nz](http://www.nzta.govt.nz)

03 September 2024

David Bewley  
Chief Executive Officer  
Whakatane District Council  
Email: [David.Bewley@whakatane.govt.nz](mailto:David.Bewley@whakatane.govt.nz)  
Cc: [victor.luca@whakatane.govt.nz](mailto:victor.luca@whakatane.govt.nz); [David.speirs@nzta.govt.nz](mailto:David.speirs@nzta.govt.nz)

Dear David,

**2024-27 National Land Transport Programme – Final decisions**

The NZ Transport Agency Waka Kotahi (NZTA) Board has now adopted the 2024-27 National Land Transport Programme (NLTP). The NLTP is our commitment to the Government's priorities for the land transport system set out in the Government Policy Statement on land transport 2024 (GPS 2024). These are boosting economic growth and productivity, increasing resilience and maintenance, improving safety and focusing on value for money.

Thank you for the huge amount of time and effort you've put into developing your submissions and supporting documentation. It's only through working closely together that we've been able to develop this NLTP.

**Bay of Plenty Investment for 2024-27**

- A total of \$1.9 billion is forecast to be invested in the Bay of Plenty in the 2024-27 National Land Transport Programme (NLTP) period.
- Investment in the Bay of Plenty during the 2024-27 NLTP is targeted at creating a safer, more resilient transport system to support growth, improve safety and provide critical freight connections.
- The \$1.9 billion forecast investment includes:
  - \$235m forecast maintenance operations investment
  - \$412m forecast to fix potholes investment
  - \$1.1b forecast improvements investment
  - \$119m forecast public transport investment
  - \$2.5m forecast safety investment
  - \$14.6m forecast walking and cycling investment

**Bay of Plenty investment highlights for 2024-27**

- Work will progress on 3 Roads of National Significance - SH1 Tauriko West Connections, Takitimu North Link Stage 1, and Takitimu North Link Stage 2
  - Investigate transport upgrades to Tauranga's western corridor on SH29, SH29A and SH35, and protect the route
  - Continue construction on Takitimu North Link Stage 1, the 6km, 4-lane expressway to connect Tauranga and Te Puna

## Ordinary Council - AGENDA

**9.1 Mayor's Report - September/October 2024(Cont.)**

- Start work on the 7km, 4-lane Takitimu North Link Stage 2 from Te Puna to Ōmokoroa
- Improve the safety and resilience of 349 lane kilometres of the state highway through targeted maintenance operations and fixing potholes
- Replace the SH29 Omanawa bridge and culvert at SH36 Hauraki Stream
- Develop options and seek funding to improve the resilience and safety of SH2 Waioeka Gorge
- Construct a Commercial Vehicle Safety Centre near Tauranga Port

**More information**

This factsheet includes key highlights of our investment in Bay of Plenty. For more information on the 2024–27 NLTP, visit our website.

Attachment 1 sets out your continuous programme allocations and your low-cost, low risk programme allocation.

The complete list of activities included in the NLTP can be viewed [here](#).

**Ministerial Expectations in GPS 2024**

GPS 2024 includes a Statement of Ministerial Expectations for NZTA and the sector in general. This statement recognises the need for active cooperation of all players in the sector to deliver the results for the land transport system that New Zealanders want and deserve.

NZTA is expected to ensure that road controlling authorities and public transport authorities follow the Ministerial expectations where applicable. In particular, it is expected that the NZTA will ensure Ministerial expectations are incorporated into the requirements placed on other road controlling and public transport authorities as a condition of inclusion of their projects in the National Land Transport Programme (NLTP).

We've reflected in Attachment 2 how approved organisations can actively support the delivery of the Minister's expectations in GPS 2024. I would also urge you to ensure that you and your staff are familiar with the contents of the GPS including Section 5 where the expectations are set out.

**Conditions of inclusion in the NLTP and funding**

Alongside adoption of the NLTP, the NZTA Board also approved terms and conditions that apply to NLTP funding approvals during this NLTP period for activities of approved organisations or NZTA (for its own activities). These terms and conditions are set out in Attachment 3 and tie in the general requirements and conditions set out on NZTA's website and any other conditions attached by NZTA to funding of any specific activity. They also reflect and support the Ministerial expectations highlighted above.

These terms and conditions provide that NZTA may develop and provide to approved organisations (and NZTA (for its own activities)) other specific requirements to achieve Ministerial expectations (including measures to assess whether an approved organisation is making appropriate progress), and self-assessment and reporting requirements to demonstrate the steps that an approved organisation has taken to meet relevant expectations and any specific requirements. We are currently in the process of considering what specific requirements, self-assessment and reporting requirements are needed to achieve the Ministerial expectations. We will provide these to you once they have been developed. Generally, this is likely to include requiring:

- periodic self-evaluation and reporting of your performance against Ministerial expectations, including identifying improvements in practices to enhance performance;
- monitoring alignment with Ministerial expectations by NZTA as part of future investment audits.

Ordinary Council - AGENDA

**9.1 Mayor's Report - September/October 2024(Cont.)**

We also anticipate that the reconstituted Road Efficiency Group (REG) will support opportunities for benchmarking, sharing of best practice, use of REG tools etc. to assist in meeting these expectations. The Director of Regional Relationships for your region, David Speirs, will be in contact with you to answer any questions you may have relating to the decisions made and to discuss any questions or concerns you may have. However, please feel free to contact him at your own convenience.

We look forward to continuing to work closely with you in coming months as we work to deliver on the Government's priorities.

Yours sincerely



Nicole Rosie  
Chief Executive

**9.1 Mayor's Report - September/October 2024(Cont.)****Appendix 2****Growth Summit Korero**

On behalf of EBOP, Friday 20-Sep-24

**Tihei mauri ora!**

E ngā mana,

E ngā reo,

**Tēnā koutou katoa.**

Ki a rātau kua wehe atu ki te pō, **haere atu rā. Mihi to those who have passed**

Hoki mai ki a tātau te hunga ora, ki ngā rangatira o ngā Kaunihira o te Moana-a-Toi, ngā manuhiri, rau rangatira mā - **Tēnā koutou. Mihi back to the living & guests**

E tū ana au hei māngai mō ngā Koromatua o Kawerau, o Ōpōtiki, me Whakatāne. **Acknowledging he's speaking on behalf of 3x Mayors**

He Kaupapa whakahirahira tēnei nō reira nōku te whiwhi ki te tuku i ngā wawata o ngā tāone e toru ki a koutou. **Talking about it being his privilege to speak about the aspirations of the three towns**  
Nō reira, tēnā tātau katoa.

I reiterate my welcome to the Bay of **Plenty** and in particular to the Eastern Bay of Plenty. Thank you Mayor Tunui and Mayor Moore for entrusting me to speak on behalf of the Councils of the Kawerau, Ōpōtiki and Whakatāne Districts.

Before I get into what it is that we have plenty of in the Eastern BOP a few introductory remarks are in order.

The current state of human civilization has depended for its advancement on what have been termed the 4C's: Creativity, Critical thinking, Collaboration, and Communication. i.e. we got to where we are by using our brains, communicating and working together.

The harnessing of fossil energy, an indirect result of the powering of Earth by the Sun, led to the steam engine and the first industrial revolution. Energy can come externally or internally. It is energy plus materials that generates useful stuff which enhances well-being.

Nobel prize-winning economist **Joseph Stiglitz** - an economist I respect - has put it this way:

*"The 'wealth of nations' is the result of scientific inquiry - learning about the world around us - and social organisation that allows large groups of people to work together for the **common good**. Markets on their own are short-sighted, and the financialization of the economy has made them even more so. They do not fully account for key risks – especially those that seem distant – even when the consequences can be enormous." **We need Government I say.***

Stiglitz goes on to remark:

*"Slow economic growth, rising inequality, financial instability and environmental degradation are problems born of the market, and thus cannot and will not be overcome by the market on its own. Governments have a **duty** to limit and shape markets through environmental, health, occupational safety and other types of regulation. It is also the government's job to do what the market cannot or will not do, such as actively investing in basic research, technology, education and the health of its constituents."*

**9.1 Mayor's Report - September/October 2024(Cont.)****Again I say, well-spoken Professor Stiglitz.**

If our objective is to lift people out of poverty, then I can't help but conclude that *your* Government will play a pivotal role whether that's banging the broken electricity market into shape or investing in the infrastructure we need for the next century.

**The Bay of Plenty**

The Bay of Plenty received its English name in 1769 from Capt. [James Cook](#), in recognition of the generous [provisions](#) received from Maori living along its shore. He noted golden beaches, abundant marine life, a benign climate and luxuriant forests.

**So what is it that we have plenty of?**

Our sub-region supports dairy and sheep farming, especially on the fertile Rangitāiki Plains. We are home to the Fonterra milk processing factory, employing 400.

The sub-region is also known for avocado and kiwifruit production which are in a growth phase. Whakatāne district has 108,500 Ha of planted forest second only to Taupo in the Central North Island region. **Kaingaroa Forest** covers 2,900 square kilometres of the BOP and is the largest forest plantation in the country.

Timber is processed at Kawerau & Whakatāne to produce pulp, paper and cardboard products for local consumption and export through NZ's largest export port in neighboring Tauranga. We have the highest concentration of forestry product processing in the country. These were foundational industries in two of the EBOP districts. Combined they probably represent the largest concentration of heavy and energy-hungry industry in the country.

**But energy we have aplenty**

Whakatāne often ranks #1 for the highest sunshine hours in country. And so is it any wonder that soon we will be the highest solar energy generating district in the country with 180 MW of installed capacity. Hydro plus solar generates a total of 256 MW.

Kawerau generates 182 MW of electricity and 63 MW of process heat. Ōpōtiki will soon be generating 30 MW (Lodestone @ Waitohi).

This means that EBOP will soon generate about 11% of NZ's electricity although it accounts for a mere 1% of the country's population. And there is plenty of additional solar and geothermal capacity to drive more energy-hungry industry. Our ambition is to continue to unlock solar and geothermal energy, helping feed the expansion of industry. Without this additional energy, New Zealand is at risk of de-industrialising.

**Our three districts also have plenty of other stuff.** Ōhope is one of NZ's best beaches and the coast to the east is spectacular. Our coastline and ocean resources are assets that not only support tourism. Good sports fishing and offshore Islands have led to a rapidly growing boat building sector currently employing 150 staff.

The ocean off the coast of both Whakatāne and Ōpōtiki are ripe for the development of an aquaculture industry that could potentially be worth billions in the years to come **if properly nurtured**. Whakatāne is home to the EBOP's only hospital which employs 800 staff.

**9.1 Mayor's Report - September/October 2024(Cont.)**

**What we don't have much of is housing** and the level of deprivation in our districts is higher than it should be. We would all like to see uplift.

There is also no need why we should stick to primary production. We have abundant energy. The high tech industry in New Zealand is growing and there is no reason why we couldn't host some of it. The lack of traffic alone must make an argument for enhanced efficiency.

**Summing up**

We must look for a competitive edge! We must think outside the box.

We have taken all of the aforementioned commentary that I made into account in building our EBOP economic development strategy that is currently under review.

The strategy has been work-shopped with each of the EBOP councils and feedback received as we move toward finalization.

The sub-regional strategy needs to fold into the Regional Economic Strategy and the sub-regional strategy will be approved if it is deemed by council to meet the EBOP needs.

We are not ready today to show our hand because we are not quite there yet and to do so would not be authentic or even useful.

We can however tell you that our sub-regional priorities will play off our combined strengths by focusing on energy, energy intensive industry including aquaculture, agriculture & forestry and waste management. Housing will also form part of the strategy since new workers will need accommodating. Tourism and some other localised priorities in each district will likely be included.

We are very excited by this work and believe it is pulling together a strong sub-regional narrative that defines what is important and where we are going.

We look forward to sharing with you the strategy and projects identified as soon as we are able to.

**Thank You.**



**9.1 Mayor's Report - September/October 2024(Cont.)**Appendix 3

25 September 2024

Vern Walsh, Local Government Lead  
Remuneration Authority  
PO Box 10084, Waterloo Quay,  
Wellington 6140  
[By email: Vern.Walsh@remunerationauthority.govt.nz](mailto:Vern.Walsh@remunerationauthority.govt.nz)

Tēnā koe Mr Walsh,

Request for careful and fair consideration of Councillor remuneration

Thank you for the opportunity to feedback to the Authority on remuneration to Whakatāne District Council (WDC) Elected Members.

You will have now received our data of hours spent by WDC Elected Members in the service of our communities.

Our survey suggests that a WDC Councillor with no additional responsibilities undertakes a minimum of 35 hours of work per week. They are paid \$45,628 per annum, which can hardly be considered a living wage. Based on the minimum hours worked by our Councillors, this would translate to a pre-tax hourly rate of \$25/h, or \$1.85c above the minimum hourly wage. If you wish to use the value of work as the metric, then one must necessarily conclude that Councillors perform work of very little value. From the data in the appendix, you will see that some of my Councillors are working considerably more than 35 hours per week.

Whakatāne District has a population of about 38,500, it has 14,505 households and is the country's fifteenth largest district council by land area (4,450 km<sup>2</sup>).

I understand that the Remuneration Authority calculates Councillor pay based on a formula with four variables that are each given different weightings: population (50%), total assets (15%), total OpEx (20%) and Socioeconomic Deprivation (15%). The formula might be something like this:

$$\text{Pay} = P*0.50 + A*0.15 + O*0.2 + S*0.15$$

Clearly using such a formula will unfairly disadvantage district councils with small populations and rating bases.

What does not seem to be accounted for is the number of hours dedicated to the job. I posit that a Councillor in my district would need to dedicate a similar amount of time to one in say a larger city such as Tauranga (population 155,200, households 56,472, land area 135 km<sup>2</sup>). I know such Councillors and they share my view.

**9.1 Mayor's Report - September/October 2024(Cont.)**

Tauranga City Councillors (TCC) are paid \$135,900 per annum (comparable to what I get as the WDC Mayor). This is calculated as a \$110,000 minimum salary for a Councillor and an extra \$25,900 for those who are a chair or deputy chair of a committee (which applies to all TCC Councillors). In other words, the TCC minimum salary is 2.4 times more than the minimum for a Whakatāne District Councillor which seems inherently unfair given that the work is essentially the same. In other words, there is no pay equity.

In fact, it seems to me that the pay differential seems to violate the fundamental concept of equal pay for equal work (or work of equal value).

I question why it should really be less important to be responsible for 14,505 versus 56,472 households. Time dedication is about the same, especially given automation. The skills and expended effort would be the same. The system seems rather discriminatory.

It is also worth pointing out that the geographic size of the Whakatāne District, with far-flung satellite communities, has resulted in us having four wards with associated ward Councillors. Councillors from those wards need to expend a significant amount of time travelling. This expenditure of time seems to be uncompensated. Rather these Councillors are compensated for the cost of fuel and vehicle use.

It could also be argued, supported by feedback from some Councillors, that the ratio of Elected Member interaction with constituents is much greater in a smaller Council, adding increased hours. I would also like to highlight that Elected Members are not entitled to superannuation, sick leave, holiday pay, annual wage adjustment, or transition pay at the conclusion of their term.

The Remuneration Authority uses the comparative role of Member of Parliament as the closest to Local Government Elected Members, however MPs can receive superannuation and have a range of entitlements, such as travel and accommodation for family members and receive a transition pay at the end of their term.

I would appreciate your careful consideration of all the matters raised and the inherent inequity in the way our Councillors are remunerated.

Nāku, noa nā

Dr Victor Luca  
Mayor: Koromatua

## 9.2 Chief Executive's Report – October 2024

### 9.2 Chief Executive's Report – October 2024



To: **Whakatāne District Council**

Date: **Thursday, 17 October 2024**

Author: **S Perdia / Chief Executive**

Reference: **A2764171**

#### 1. Reason for the report - *Te Take mō tēnei rīpoata*

The purpose of the report is to provide updated information and advice on relevant Council related matters.

#### 2. Recommendation - *Tohutohu akiaki*

THAT the Chief Executive's Report – October 2024 report be **received**.

#### 3. Issue/subject – *Kaupapa*

##### 3.1. **New Chief Executive**

I am very pleased to have been appointed as the Chief Executive at Whakatāne District Council. The interview process was comprehensive and tested applicants' experiences, motivation and commitment. I would like to acknowledge the Council for ensuring it used a robust process and acknowledge the other candidates who went through the interview process.

I commenced as Chief Executive on 9 September 2024 with a welcoming mihi whakatau from Ngāti Awa and staff to transition me from General Manager into the Chief Executive role. Following this it was straight into a business meeting with Local Government New Zealand and Council discussing issues, concerns and opportunities with our government advocacy body

Being an internal appointment and knowing the Council well means I'm able to 'hit the ground running'. At the same time, I have been working to reset my relationships with staff and external groups, which has included a number of site visits and meetings.

I am very mindful of the cost pressures that local communities are facing after the recently-adopted Long Term Plan and as we approach our Annual Plan process.

One of my first actions was developing a 100-day plan for Council and this has formed the body of this report.

## **9.2 Chief Executive's Report – October 2024(Cont.)**

### **3.2. Business Plan 2024/25**

This organisational planning activity has been completed and will be presented to Council in the coming weeks. It provides a more granular view of the staff work programme integrating 'Business as Usual', current projects and any new work streams that flowed from the recently adopted Long Term Plan 2024-34.

### **3.3. Annual Report 2023-24**

A reminder that the Annual Report process has commenced but the process (which typically takes three months to complete) has been extended to 31 December 2024 to allow for a longer audit process and change in AuditNZ timelines due to additional workloads they are carrying.

### **3.4. Executive Recruitment**

There are several vacancies in the Executive Team which is also an opportunity to rethink its make-up. I have discussed a draft proposal with the CE Performance Committee and Executive Leadership Team and am preparing to share these thoughts with staff and gather feedback prior to advertising. I expect to commence advertising the vacancies towards the end of November.

### **3.5. Growth Summit**

The Mayor and I attended Minister Jones' Regional Growth Summit Event which was held in Whakatāne on 20 September 2024. We received an update on the Regional Infrastructure Fund and there was a good question and answer session where a common theme from the floor was that regions need infrastructure for housing developments before jobs growth.

### **3.6. Spatial Plan Engagement**

The purpose of this project is working with the EBOP councils and iwi partners to prepare a plan for new growth and associated land zoning. This will inform Council's next Long Term Plan processes and infrastructure investment decisions. The first round of public engagement commences on the 14 October and runs until the 17 November 2024.

## 10 Reports - *Ngā Pūrongo*

### 10 Reports - *Ngā Pūrongo*

#### 10.1 Council Meeting Calendar 2025 Report

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To: **Whakatāne District Council**

Date: **Thursday, 17 October 2024**

Author: **C Viljoen / Manager Governance Services**

Authoriser: **E Hatch / General Manager People and Engagement**

Reference: **A2746589**

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#### 1. Reason for the report - *Te Take mō tēnei rīpoata*

The purpose of this document is to present the Draft 2025 Council Meeting Calendar to Council for adoption. This paper aims to ensure that the proposed dates and times align with the strategic objectives and operational requirements of the Council, facilitating effective planning and governance for the upcoming year.

#### 2. Executive summary - *Whakarāpopototanga*

It is prudent to adopt an annual schedule of meetings by October for the forthcoming year. This provides elected members, staff, and the community with certainty regarding when meetings will occur.

The schedule takes into account our work programs and key timeframes for processes such as the Long Term Plan, Annual Plan, Annual Report, policy and bylaw reviews, financial close-off for performance reporting, external funding deadlines and more. Additionally, it allows Council to meet all legislative due dates, align critical activities and maintain compliance throughout the year.

#### 3. Recommendations - *Tohutohu akiaki*

1. THAT the Council meeting calendar 2025 report be **received**; and
2. THAT the Council **adopts** the Council meeting calendar 2025 as appended to the Council Meeting Calendar 2025 report.

#### 4. Background - *He tirohanga whakamuri*

Adopting a schedule of meetings does not preclude it being amended at a later time.

Under the LGA 2002, schedule 7, Calling of meetings, clause 19(6): *“If a local authority adopts a schedule of meetings, - (a) the schedule – (i) may cover any future period that the local authority considers appropriate; and (ii) may be amended; and (iii) notification of the schedule or of any amendment to that schedule constitutes a notification of every meeting on the schedule or amendment.”*

**10.1 Council Meeting Calendar 2025 Report(Cont.)**

The attached draft schedule is largely based on previous scheduling patterns noting the current Council and Committee terms of reference determine meeting frequency, as well as the alignment of significant dates in support of the upcoming 2025 Local Elections.

**5. Issue/subject – *Kaupapa***

Following discussions with the chairperson of the Risk and Assurance Committee, it has been decided that the Risk and Assurance Committee meetings will adhere to the standard meeting structure and will be scheduled for Thursdays.

The Finance and Performance meeting dates have been strategically aligned with the quarterly financial reporting periods to facilitate timely decision-making that meets audit deadlines.

Additionally, to accommodate a two-week recess in July and to ensure adherence to statutory deadlines, there may be necessary adjustments to the regular meeting frequency cycle. This proactive approach ensures that the Council remains compliant with legal obligations while also providing a structured and efficient governance process.

The table below presents a comprehensive outline of the Council's formal meetings as established in its meeting/committee structure. It includes the scheduled dates for the final meetings of the final year of the triennium (January to October 2025).

<b>Meeting type</b>	<b>Frequency</b>	<b>Last scheduled meeting prior to the local elections</b>
Council Meeting	8 weekly	Thursday, 2 October 2025
Infrastructure and Planning Committee	8 weekly	Thursday, 4 September 2025
Living Together Committee	8 weekly	Thursday, 21 August 2025
Environment, Energy and Resilience Committee	Quarterly	Thursday, 7 August 2025
Risk and Assurance Committee	Quarterly	Thursday, 18 September 2025
Finance and Performance Committee	Quarterly	Thursday, 25 September 2025
Community Funding Committee	Quarterly <i>or as required</i>	Tuesday, 16 September 2025
Commercial Advisory Board	Quarterly	Tuesday, 30 September 2025
Chief Executive Performance and Support Committee	Quarterly	
<i>*Iwi Chairs Forum</i>	<i>Quarterly</i>	<i>Tentative</i>
Council Briefing	Monthly	Wednesday, 24 September 2025
Four Community Boards: Whakatāne-Ōhope, Rangitāiki, Tāneatua, Murupara	7 weekly	Week Beginning 8 September 2025

## 10.1 Council Meeting Calendar 2025 Report(Cont.)

### 5.1. Meeting venue

The Whakatāne District Council Tōtara Room (Chambers) will be the primary venue for meetings and briefings administered by Whakatāne District Council. We will continue to find opportunities to hold meetings at various venues throughout the Whakatāne District.

### 5.2. Joint Committees and Fora

Council is a member of joint committees and other fora administered by the Bay of Plenty Regional Council. At the time of writing this report 2025 meeting dates for these committees had not been determined.

Once Council approve the WDC schedule, this will be proactively provided to the BOPRC Governance Team, to reduce the likelihood of any meeting clashes.

When BOPRC meeting dates are available, the schedule will be updated accordingly. A summary of these is outlined below:

Meeting Type	Frequency
Civil Defence Emergency Management Group	Quarterly
Regional Transport Committee	Quarterly
Eastern Bay of Plenty Joint Committee	Bi-annually
Ōhiwa Harbour Implementation Forum	Every six months or as required
Public Transport Committee	Quarterly
Rangitāiki River Forum	Quarterly
Tarawera Awa Restoration Group	Quarterly

### 5.3. Council Briefings

Council Briefings are scheduled monthly. Additional Briefings may be requested as deemed necessary. Briefings are an opportunity for Councillors to discuss particular matters, receive information and provide guidance to staff. Council Briefings are not meetings, and no agreements or decisions can be made at a Briefing.

### 5.4. Last Council Meeting of the 2019-2022 Triennium

During the 2019-2022 triennium, the final Council meeting held was scheduled on Thursday 21 September 2022, which included discussions on various topics. An extraordinary meeting was created on 28 September 2022 to address staff salaries and their implications. Outside of these meetings, no further Council meetings occurred during that year, until the 2022 Local Elections inaugural Council meeting dated 15 December 2022.

## 10.1 Council Meeting Calendar 2025 Report(Cont.)

### 5.5. Upcoming 2025 Local Elections

The upcoming local elections for the 2025-28 triennium are scheduled to be held on Saturday, 11 October 2025. These elections will determine the new members of the Council who will serve for the triennium three years. In preparation for these elections, Council must undertake a series of initiatives to engage the community and inform them about the electoral process. These initiatives will include public meetings, information sessions, and distribution of electoral materials. Council must be transparent, fair, and inclusive election by providing all necessary support and resources to both candidates and voters.

Additionally, all local authorities, advisers and electoral officers must be aware, and adhere to the statutory timetable and best practice processes and requirements relating to particular electoral issues, reviews of representation arrangements, and the conduct of triennial elections.

Awareness of these timetables and requirements will assist achievement of the Local Electoral Act principle of public confidence in and understanding of local electoral processes

Below is an excerpt of the comprehensive timetable, specifically to indicate significant dates Council need to be aware of currently.

Date	Event Type
Friday 4 July 2025	Nominations open/roll open for inspection
Friday 1 August 2025	Nominations close (12 noon)/roll closes
Tuesday 9 September 2025 – Monday 22 September 2025	Delivery of voting documents
Saturday 11 October 2025	Election day
PM Saturday 11 October 2025 – Thursday 16 October 2025	Official count
Thursday 16 October 2025 – Sunday 19 October 2025 (or as soon as practicable)	Declaration of results/public notice of results

### 5.6. Work programmes and other considerations

Governance Services staff have been collaborating with the relevant internal council functions to ensure key dates are considered as part of the alignment of work programmes, in line with the proposed Council/Committee meeting dates in 2025.

Below are a few key considerations that will be included in the development of the draft 2025 Council meeting calendar, as information is released.

- Citizenship Ceremony dates, and Mayoral Youth Awards (yet to be included).
- Te Maruata/LGNZ event and conference dates such as (yet to be confirmed and included):
  - i. Annual Conference dates



**10.1 Council Meeting Calendar 2025 Report(Cont.)**

- ii. Rural and Provincial Conference dates
- iii. Zone 2 meetings dates
- School holidays have been considered through the draft schedule, and where possible, meetings have been avoided at these times.
- A two-week council break is scheduled from 1 to 13 July 2025, which falls during school holidays. There is little to no impact to meeting frequencies as a result of this.
- Pre-agenda meetings will be scheduled approximately 2 weeks prior to the meeting date.
- Every attempt will be made to keep Mondays and Fridays free from Governance meetings.

**6. Options analysis - *Ngā Kōwhiringa***

No options have been identified relating to the matters of this report.

**7. Significance and Engagement Assessment - *Aromatawai Pāhekoheko*****7.1. Assessment of Significance**

The decisions and matters of this report are assessed to be of low significance, in accordance with the Council's Significance and Engagement Policy.

**7.2. Engagement and community views**

Engagement on this matter is not being undertaken.

**8. Considerations - *Whai Whakaaro*****8.1. Financial/budget considerations**

The governance and meeting support function is budgeted for.

**8.2. Strategic alignment**

No inconsistencies with any of the Council's policies or plans have been identified in relation to this report.

**8.3. Climate change assessment**

The decisions and matters of this report are assessed to have low climate change implications and considerations, in accordance with the Council's Climate Change Principles.

**8.4. Risks**

There are no known risks associated with the matters of this report.

**10.1.1 Appendix 1 - Draft Council Meeting Calendar 2025****9. Next Steps**

- Council to approve the meeting calendar at its meeting dated Thursday, 17 October 2024.
- Pre-agenda meetings would be determined based on the approved schedule.
- Governance Services to update all meeting schedule platforms, such as the Annual Reporting Schedule, Outlook Council meeting calendar, Council Website Calendar, YouTube, Stellar and Objective.

**10. Conclusion**

Occasionally, meeting dates may be subject to change, additional meetings may need to be scheduled, or conflicts may arise. In such instances, staff will promptly notify members and carry out the necessary updates to the meeting schedule. This ensures that all members are kept informed, and the calendar remains accurate.

**Attached to this report:**

- Appendix 1 - Draft Council meeting calendar 2025

**10.1.1 Appendix 1 - Draft Council Meeting Calendar 2025**

10.1.1 Appendix 1 - Draft Council Meeting Calendar 2025(Cont.)

	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
SAT												
SUN												
MON						1 Kings Birthday						
TUE							1 School Holidays Councillors Break					
WED	1 New Years Day						2 School Holidays Councillors Break					
THU	2 New Years Holiday	6 Waitangi Day	6 LTC		1 LTC		3 School Holidays Councillors Break		4 IPC	2 Council meeting		
FRI	3 Council Office Closed						4 School Holidays Councillors Break	1 Nominations close				
SAT												
SUN												
MON	5 Office Reopens	10 Murupara CB		7 Tāneatua CB			7 School Holidays Councillors Break		8 Tāneatua CB			
TUE		Whakatāne-Ōhope CB					8 School Holidays Councillors Break		9 Delivery of voting documents			
WED							9 School Holidays Councillors Break		10 Rangitāiki CB			
THU		13 EER	13 RAC	10 IPC	8 Council Meeting	12 RAC	10 School Holidays Councillors Break	7 EER				
FRI							11 School Holidays Councillors Break					
SAT										11 LOCAL ELECTIONS		
SUN												
MON										13 Official count		
TUE		18 CAB	18 CFC				17 Iwi Chairs Forum	15 CAB	12	16 CFC	14 Official count	
WED								16 Rangitāiki CB	13	17	15 Official count	
THU		20 IPC	20 Council Meeting			15 FPC	19 LTC	17 IPC	14 Council Meeting	18 RAC	16 Declaration of results Public notice	20 Potential first Council Meeting
FRI				18 Easter Friday		20 Matariki	18 P/s-election report deadline	15		19	17 Declaration of results Public notice	
SAT											18 Declaration of results	
SUN											19 Public notice	
MON		24 Tāneatua CB	24 Murupara CB	21 Easter Monday		23 Murupara CB	21	18 Murupara CB	22 School Holidays	20 Mayor's School	24	22 School Holidays
TUE			Whakatāne-Ōhope CB			Whakatāne-Ōhope CB	22	19 Whakatāne-Ōhope CB	23	21 Mayor's School	25 CFC tentative Annual grants Lease rebates	23
WED		26 Council Briefing	26 Council Briefing				25 Council Briefing	23	20	24 Council Briefing	22	24
THU		27 FPC					26 Council Meeting	24	21 LTC	25 FPC	23 Suggested date Inaugural Council meeting	27
FRI				25 ANZAC Day				25	22	26		26 Boxing Day
SAT												
SUN												
MON	27 AKL Anniversary				26 Tāneatua CB	30 School Holidays Councillors Break		25	27	29 Labour Day		29 Office Closed
TUE					27 CAB			29 Combined CB	26	30 CAB		30 Office Closed
WED				30 Council Briefing	28 Council Briefing			30 Council Briefing	27 Council Briefing			31 Office Closed
THU					29 IPC			31	28 FPC			
FRI												

## 10.2 Appointment of Director to BOPLASS Ltd.

### 10.2 Appointment of Director to BOPLASS Ltd.



To: **Whakatāne District Council**

Date: **Thursday, 17 October 2024**

Author: **H Keravel / Acting Manager Strategy and Performance**

Authoriser: **L Woolsey / Acting GM Strategy and Transformation**

Reference: **A2763585**

#### 1. Reason for the report - *Te Take mō tēnei rīpoata*

This report seeks Council's approval for the appointment of the Chief Executive Office Steven Perdia to the role of director of Bay of Plenty Local Authority Shared Services (BOPLASS) Ltd.

#### 2. Recommendations - *Tohutohu akiaki*

1. THAT the Director appointment to BOPLASS report be **received**; and
2. THAT Council **appoints** the Chief Executive Officer Steven Perdia as Whakatāne District Council's director on the board of Bay of Plenty Local Authority Shared Services (BOPLASS) Ltd.

#### 3. Background - *He tirohanga whakamuri*

The councils that operate within the Bay of Plenty and Gisborne Regions have formed a Council Controlled Organisation (CCO) to investigate, develop and deliver Joint Procurement and Shared Services projects where delivery is more effective for any combination of some or all of the councils.

The company, known as BOPLASS, is expected to deliver benefits to the region's citizens and save on costs through:

- Improved levels and quality of service
- A co-ordinated and consistent approach to the provision of services
- Reductions in the cost of support and administrative services
- Opportunities to develop new initiatives
- Economies of scale resulting from a single entity representing many councils in procurement

Services delivered are subject to a formal service level agreement between BOPLASS Ltd and the participating councils, outlining the services and activities provided, where when and how; and reflecting the capital and operational costs being met by each service shareholder.

## 10.2 Appointment of Director to BOPLASS Ltd.(Cont.)

### 4. Issue/subject – *Kaupapa*

The Company is governed by its directors. To ensure total synergy between the Company’s activities and its council shareholders’ activities, nine Directors are also the current Chief Executives of their respective shareholding councils.

The dual roles recognise the interdependence of BOPLASS and its councils in the undertaking of its activities. The Board also includes an independent Chair, appointed with specific skills and knowledge to add incremental value. This appointment brings experience and specialist skills that are complementary to those held by the other Directors.

Section 58 of the local government act describes the role of the director which is “to assist the organisation to meet its objectives and any other requirements in its statement of intent”

This report request that Council formally appoint the Chief Executive of Whakatāne District Council, Steven Perdia, to the role of director on the board of BOPLASS Ltd.

### 5. Options analysis - *Ngā Kōwhiringa*

#### 5.1. Option 1 - Appoint the Chief executive as Director on the board of BOPLASS Ltd

##### 5.1.1. *Advantages*

This option provides an opportunity to influence the direction of BOPLASS Ltd to provide benefits to Whakatāne district Council through improved levels of service, reduced costs, improved efficiency and/or increased value through innovation.

This option is coherent in terms of governance structure as eight other directors are also the current chief executive of their respective shareholding Councils.

##### 5.1.2. *Disadvantages*

No disadvantage has been identified with this option.

#### 5.2. Option 2 - Do not appoint the Chief executive as Director on the board of BOPLASS Ltd.

##### 5.2.1. *Advantages*

No advantage has been identified with this option.

##### 5.2.2. *Disadvantages*

To be represented to the board BOPLASS Ltd, Whakatāne district Council would need to set an alternative transparent process to appoint a director.

### 6. Significance and Engagement Assessment - *Aromatawai Pāhekoheko*

#### 6.1. Assessment of Significance

The decisions and matters of this report are assessed to be of low significance, in accordance with the Council’s Significance and Engagement Policy.

**10.2 Appointment of Director to BOPLASS Ltd.(Cont.)****6.2. Engagement and community views**

Engagement on this matter is not being undertaken in accordance with Section 6.1 of the Council's Significance and Engagement Policy. This states that the Council will not consult when the matter is not of a nature or significance that requires public engagement.

**7. Considerations - *Whai Whakaaro*****7.1. Financial/budget considerations**

There are no budget considerations associated with the recommendations of this report.

**7.2. Strategic alignment**

No inconsistencies with any of the Council's policies or plans have been identified in relation to this report.

**7.3. Climate change assessment**

The decisions and matters of this report are assessed to have low climate change implications and considerations, in accordance with the Council's Climate Change Strategy 24-27.

**7.4. Risks**

There are no known risks associated with the matters of this report.

### 10.3 Change in Appointment of Recovery Manager

## 10.3 Change in Appointment of Recovery Manager



To: **Whakatāne District Council**

Date: **Thursday, 17 October 2024**

Author: **D Bewley / GM Development and Environment Services**

Authoriser: **S Perdia / Chief Executive**

Reference: **A2744722**

### 1. Reason for the report - *Te Take mō tēnei rīpoata*

The Council is asked to:

- Rescind the appointment of Steven Perdia as Local Recovery Manager, and
- Appoint Sarah Ellis as a replacement Local Recovery Manager

to meet our responsibilities under the Civil Defence and Emergency Management Act 2002 and commitments through the Civil Defence Emergency Management Group.

### 2. Recommendations - *Tohutohu akiaki*

1. THAT the report titled *Change in Appointment of Recovery Manager* be **received**; and
2. THAT the Council **recommends** to the Civil Defence Emergency Management Group the rescindment of the appointment of Steven Perdia as Local Recovery Manager for the Whakatāne District Council; and
3. THAT the Council **recommends** to the Civil Defence Emergency Management Group the appointment of Sarah Ellis as a Local Recovery Manager for the Whakatāne District Council.

### 3. Background - *He tirohanga whakamuri*

The Whakatāne District Council is required to lead the response during and immediately after a natural hazard emergency and to lead the recovery phase, as outlined in the Civil Defence and Emergency Management Act 2002.

Through the Civil Defence Emergency Management Group, the agreed expectation is that each Council is required to appoint a minimum of two Recovery Managers. The Council currently has Dr Leny Woolsey and Steven Perdia as our appointments.

### 4. Issue/subject – *Kaupapa*

In appointing appropriate people to these roles, it is noted that both the Local Recovery Manager role is a senior role with legislative responsibility and accountability. There are ongoing training commitments and exercises, and an expectation that the incumbents will actively engage with EOC

**10.3 Change in Appointment of Recovery Manager(Cont.)**

staff and with other key emergency management personnel. On this basis the appointment of the Recovery Manager (and Controller) role needs to be considered in the context of their leadership qualities, relationship management skills and relevant experience.

**4.1. Local Recovery Manager**

With the appointment of Steven Perdia as the Chief Executive of the Council, it is no longer appropriate or a reasonable expectation for him to retain the Local Recovery Manager role. Dr Leny Woolsey has been appointed as a Recovery Manager and will retain that role. The Council needs to consider a new appointment to the role and rescind the current appointment of Steven Perdia.

A Local Recovery Manager manages the complex recovery process after a major natural hazard event, with key priorities being:

- The planning, prioritisation and management functions of a Recovery Office.
- Effective reporting mechanisms being developed.
- The Government (and others) being well informed of local and regional issues.
- Recovery resources are identified and obtained.
- Information is provided on the impact of the event on the affected area; and
- Emerging issues are identified, and solutions are sought.

The Recovery Manager role is a significant appointment, due to the fact that the role potentially coordinates work streams across all four well beings.

A Local Recovery Manager must follow the direction of the Group Recovery Manager, but otherwise has autonomy to lead what often is a long term economic recovery (business support, farming recovery, tourism support) with social (such as housing repair and psycho-social support), cultural (such as iwi/hapu led initiatives) and environmental recovery (restoration of natural environments or adaptation of practices to respond to modified environments). The role can involve complex consultation and negotiation, and often take several months following a major event, as was experienced following the Edgecumbe floods.

Sarah Ellis (Senior Strategic Policy Analyst) joined the Council in January 2024. Her role involves policy and bylaw review/development, corporate planning, strategy, as well as supporting the climate change portfolio. She is currently a member of the Emergency Operations Centre as an Intelligence Manager. In April 2024 she completed the Coordinated Incident Management System training, obtaining a Level 4 NZQA qualification.

Prior to joining Council, Sarah's career has been marked by international experience in Singapore, and Japan, and she has worked in both the corporate sector and with government agencies. She holds a Master of Arts in Human Geography from the University of Otago and the University of Toronto. Her thesis focused on the impacts on cultural tourism following the 2002 Bali terrorist attack, which involved three months of field research in Indonesia. Following her studies, Sarah spent a decade in Japan and Singapore specialising in international talent acquisition and recruitment for banking, financial services, and legal sectors. Her roles required effective stakeholder management, business acumen, negotiation, communication, navigating regulations, and staff management.

Having returned to New Zealand to raise her family, Sarah later joined the Ministry of Social Development in 2021 as an Employment Liaison Advisor to launch Connected/Tuhono an All of Government initiative for Employment, Education, and Training in response to COVID-19. Sarah established the service for the Bay of Plenty region which required collaboration across 18 government



**10.3 Change in Appointment of Recovery Manager(Cont.)**

agencies and wider engagement with organisations and Iwi to promote the service. She later moved into a Regional Labour Market Advisor role to setup the Early Response and Redeployment support service for the Western Bay of Plenty. This involved sourcing and utilising labour market intelligence to identify trends, growth sectors, and potential redundancies to minimise job displacement for people at risk of losing their employment. In 2023, she received a professional development award and completed a Management Essentials course through Harvard Business School Online.

Sarah has experienced the profound impact of natural disasters first hand, having lived in Tokyo during the Tohoku earthquake, and later being involved in volunteering clean-up efforts in Ishinomaki a coastal town devastated by the tsunami. Such lived experiences inform her understanding of recovery challenges. Her diverse experience, continuation of learning, professional network, cultural sensitivity, coupled with her analytical and communication skills, makes her a suitable candidate for this role.

**5. Significance and Engagement Assessment - *Aromatawai Pāhekoheko*****5.1. Assessment of Significance**

The decisions and matters of this report are assessed to be of low significance, in accordance with the Council's Significance and Engagement Policy.

**5.2. Engagement and community views**

The appointment of this role is based on personal attributes matched with the necessary skills for the role, rather than a role or a position in the organisation. For these reasons, it is not considered necessary or appropriate to seek input from the community on a nominated person. The Council is therefore best placed to recommend an appointee, based on these attributes.

**6. Considerations - *Whai Whakaaro*****6.1. Financial/budget considerations**

There is limited budget implication in making this decision. There is training required of a Recovery Manager, and the cost of this training may be met by the District Council or potentially by the Group. There is a training budget within the overall Emergency Management budget. The role of Recovery Manager has a financial delegation within defined financial thresholds. There are reporting requirements to the Council.

**6.2. Strategic alignment**

No inconsistencies with any of the Council policies or plans have been identified in relation to this report.

**6.3. Climate change assessment**

The appointment of these roles does not in itself have climate change implications, but the increased frequency of storm events and their impacts support the need to appoint suitable people into this role.

The decisions and matters of this report are assessed to have low climate change implications and considerations, in accordance with the Council's Climate Change Principles.

**10.3 Change in Appointment of Recovery Manager(Cont.)****6.4. Risks**

The aim of these appointments is to reduce risk through resourcing the Recovery Office appropriately with skilled and ultimately well-trained staff. The main risk associated with these key roles is conflicting work priorities. This needs active management between the staff member and their General Manager or the Chief Executive.

**7. Next steps - *Ahu whakamua***

If the Council approve the recommendations, then the rescindment and appointment will be sent to the Coordinating Executive Group (CEG) made up of the Chief Executives of the Councils in the Group (Region), and then to the Civil Defence Emergency Group for approval. The Group is made up of the Mayors of each Territorial Authority and the appointment of a Councillor by the Regional Council.

## 10.4 Appointment of Observers to Limited Partnership Board

### 10.4 Appointment of Observers to Limited Partnership Board



To: **Whakatāne District Council**

Date: **Thursday, 17 October 2024**

Author: **Harvey Keravel / Acting Manager Strategy and Performance**

Authoriser: **Leny Woolsey / Acting GM Strategy and Transformation**

#### 1. Reason for the report - *Te Take mō tēnei rīpoata*

This report seeks Council's approval for the appointment of the Chief Executive of the Whakatāne District Council as its delegated on the Limited Partnership and as Council Observer and the Mayor as alternate observer to the Board of Te Rāhui Herenga Waka Limited Partnership.

#### 2. Recommendations - *Tohutohu akiaki*

1. THAT the Appointment of Observers to Limited Partnership Board report be **received**; and
2. THAT Council **approves** the appointment of Chief Executive Officer, Steven Perdia, as Council's delegated authority for obligations under the Limited Partnership Agreement and as observer to the Board of Te Rāhui Herenga Waka Limited Partnership; and
3. THAT Council **approves** the appointment of the Mayor Victor Luca as alternate Council observer to the Board of Te Rāhui Herenga Waka Limited Partnership.

#### 3. Background - *He tirohanga whakamuri*

Te Rāhui Herenga Waka is a commercial boat harbour development to be constructed on Māori owned whenua at 2 Keepa Road Whakatāne. The project is a transformational partnership between the Te Rāhui Lands Trust, Crown Regional Holdings Limited (Kānoa), Ngāti Awa Group Holdings Limited and the Whakatāne District Council, and in 2020 it attracted a significant amount of Provincial Growth Funding to enable its progression.

The project is being developed and will be managed via a Limited Partnership construct, with each of the partners having appointed a director to the board. The current board of directors are as follows:

- John Rae – Independent Chairman
- Shaneen Simpson Almond (Te Rāhui Lands Trust appointed director)
- Tyrone Newson (NAGHL appointed director)
- Elena Trout (WDC appointed independent director)

As per NZ Company Law, Directors must work in the best interests of the Company or Limited Partnership. While appointed by Council, Elena's role is to direct the project toward successful construction and operation, not to make decisions in the interests of specific shareholders.

Each shareholder has contractual obligations as a limited partner in the project.

#### 10.4 Appointment of Observers to Limited Partnership Board(Cont.)

Each partner organisation also has the legal right to appoint an observer to the board.

The Boat Harbour project is reported to the Risk and Assurance Committee, Council meetings via the Chief Executive's Report and with a written or verbal update from the Council's independent Director. The project has completed planning stages such as Resource Consenting conditions and is currently preparing a plan to manage soil contamination.

#### 4. Issue/subject – *Kaupapa*

Each of the Shareholders has contractual obligations under the Limited Partnership Agreement and have been invited to have an observer present, without voting rights, at Board meetings. This role enables partners to observe board matters and report back as required to the wider organisation. The observer has no speaking or decision rights.

Previously, Council's observer and delegated authority was Chief Executive Steph O'Sullivan. This report request that Council formally appoint the new Chief Executive to the role of observer and the Mayor as alternate observer. The Alternate observer would be the observer to the board should the Chief Executive be unavailable.

#### 5. Options analysis - *Ngā Kōwhiringa*

##### 5.1. **Option 1 Appoint the Chief Executive its delegate to the Limited Partnership and as observer, and Mayor as alternate observer - preferred option**

###### 5.1.1. ***Advantages***

This option enables the partner (Whakatāne District Council) to deal with Limited Partner obligations, or observe board matters and report back as required to the wider organization.

###### 5.1.2. ***Disadvantages***

No disadvantage has been identified with this option.

##### 5.2. **Option 2 Do not Appoint the Chief Executive as observer and Mayor as alternate observer**

###### 5.2.1. ***Advantages***

No advantage has been identified with this option.

###### 5.2.2. ***Disadvantages***

This option does not enable the partner (Whakatāne District Council) to deal with Limited Partner obligations or observe board matters and report back as required to the wider organization.

#### **10.4 Appointment of Observers to Limited Partnership Board(Cont.)**

### **6. Significance and Engagement Assessment - *Aromatawai Pāhekoheko***

#### **6.1. Assessment of Significance**

The decisions and matters of this report are assessed to be of low significance, in accordance with the Council's Significance and Engagement Policy. This paper is part of the broader Boat Harbour project which has a high level of public interest.

#### **6.2. Engagement and community views**

Engagement on this matter will not be undertaken. This is in accordance with Section 6.1 of the Council's Significance and Engagement Policy, which states that the Council will not consult when the matter is not of a nature of significance that requires public engagement.

### **7. Considerations - *Whai Whakaaro***

#### **7.1. Financial/budget considerations**

There are no budget considerations associated with the recommendations of this report.

#### **7.2. Strategic alignment**

No inconsistencies with any of the Council's policies or plans have been identified in relation to this report.

This decision aligns with the LTP 24/34 where Council decided to continue to closely monitor the Boat Harbour project

#### **7.3. Climate change assessment**

The decisions and matters of this report are assessed to have low climate change implications and considerations, in accordance with the Council's Climate Change Strategy 24-27.

#### **7.4. Risks**

There are no known risks associated with the matters of this report.

## 10.5 Eastern Bay of Plenty Spatial Plan: Project Governance Group Revised Terms of Reference Report

### 10.5 Eastern Bay of Plenty Spatial Plan: Project Governance Group Revised Terms of Reference Report



To: **Whakatāne District Council Ordinary Council Meeting**

Date: **Thursday, 17 October 2024**

Author: **N Woodley / Manager Policy, Planning and Consents**

Authoriser: **D Bewley / GM Development and Environment Services**

Reference: **A2762199**

#### 1. Reason for the report - *Te Take mō tēnei rīpoata*

To approve the amended Terms of Reference for the Eastern Bay of Plenty Spatial Plan Project Governance Group.

#### 2. Executive Summary- *Whakarāpopototanga*

As discussed at previous Council meetings, the Eastern Bay Spatial Plan project is on a tight timeline to develop a final plan by mid-2025. This report provides a brief update on the structure of the project and confirms the next steps.

There is a need to gain momentum and make decisions to progress this project, hence the amended approach and governance structure, which has been simplified. A Project Governance Group (PGG) was established in 2023 with the Whakatāne District Council representative being Mayor Luca.

The Terms of Reference of the PGG have been amended following a review of efficiency led by the Project Leadership Group (Chief Executives) and are attached as Appendix 1.

The PGG will take a more active role to deliver key milestones through the upcoming engagement process whilst maintaining appropriate multi-partner governance oversight.

The main consultation period is scheduled for 14 October to 17 November 2024, led by the three territorial authorities with a wide range of opportunities for the community to give feedback on the settlement patterns, as well as long-term aspirations for the Eastern Bay.

Note that a similar report and recommendations have been considered and approved by the other territorial authorities, being Kawerau District Council and Ōpōtiki District Council, along with Bay of Plenty Regional Council, through workshops/meetings during September - October 2024.

#### 3. Recommendations - *Tohutohu akiaki*

1. THAT the Eastern Bay of Plenty Spatial Plan: Project Governance Group Terms of Reference Report be **received**; and
2. THAT Council **adopt** the amended Terms of Reference for the Eastern Bay of Plenty Spatial Plan Project Governance Group.

## **10.5 Eastern Bay of Plenty Spatial Plan: Project Governance Group Revised Terms of Reference Report(Cont.)**

### **4. Background - *He tirohanga whakamuri***

#### **4.1. Eastern Bay of Plenty Spatial Plan**

Spatial plans are about the places we live in and how we want them to be for our future generations.

When completed, they provide a roadmap for our future spaces and places and an evidence base and direction to align other strategies and planning processes towards common outcomes.

In late 2022, Local Authorities and Iwi Authorities in the Eastern Bay of Plenty began to work collaboratively with Government agencies to scope and develop a spatial plan for the sub-region. The intention is for a plan that reflects the partners aspirations for our rohe, informs Council long term plan processes and Government infrastructure investment decisions.

#### **4.2. Project Governance Group: Revised Terms of Reference**

The purpose of the PGG is to provide political and strategic leadership into the development of the Eastern Bay of Plenty Spatial Plan and planning for its implementation. The PGG will make the key decisions on the project for the next 12 months through to recommendations for approval of a final Spatial Plan and a draft framework for implementation. The PGG will complete this work in accordance with its Terms of Reference and report back to the four local authorities prior to the elections in October 2025.

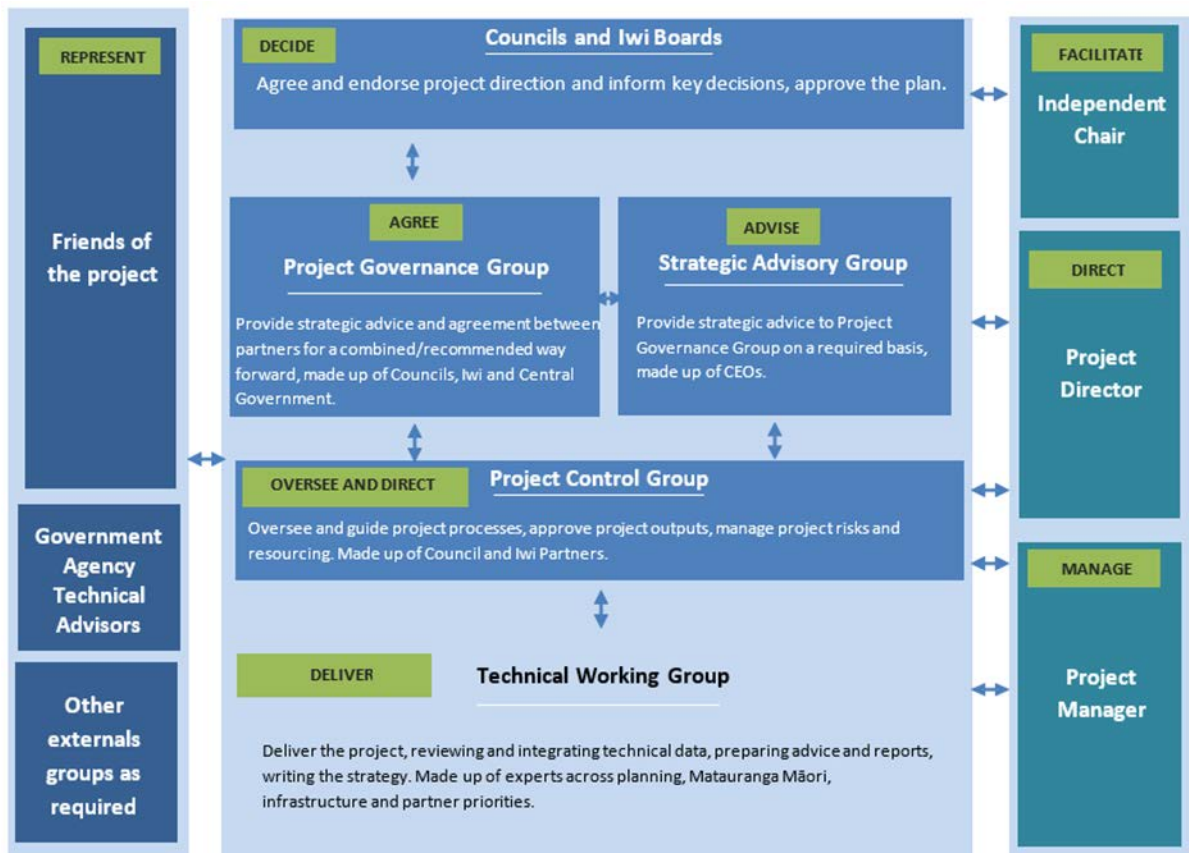
The full description of the purpose, responsibilities, powers and membership of the group are described in the draft Terms of Reference attached as Appendix 1 to this report. Whakatane District Council's appointed member is Mayor Luca.

Note the structure for the next phases of the project has been changed to be more efficient and effective. The main change includes removing the Project Leadership Group (PLG) - this group is made up of Chief Executives from the Councils involved and Iwi as well as Central Government advisors. The PLG was a group layered between the PGG and the Project Control Group; by removing this additional governance layer, the project intends to speed up decision-making by giving the Project Control Group more authority and further elevating the role of the PGG with a clearer mandate and more direct influence on the project. The PGG quorum will also be reduced to a minimum to reflect the competing demands on project partners' time.

The revised Terms of Reference will be endorsed in due course by the PGG following approval by the four Councils, and the project plan will be amended by the project team.

Note the new structure for the next phases of the project is as follows:

**10.5 Eastern Bay of Plenty Spatial Plan: Project Governance Group Revised Terms of Reference Report(Cont.)**



**5. Significance and Engagement Assessment - Aromatawai Pāhekoheko**

**5.1. Assessment of Significance**

The decisions and matters of this specific report are assessed to be of low significance in accordance with the Council’s Significance and Engagement Policy. However, this report is part of a broader process that is assessed to be of high significance.

**5.2. Engagement and community views**

This paper is procedural in nature, however it is critical that there is Iwi representation on the PGG and opportunities for input into the draft spatial plan. This has been addressed through the targeted engagement to date which is ongoing, and the membership of the governance group. Iwi authorities are participating in the project at the pace and in ways that fit their capacity and interests.

Round one of wider community engagement is planned for 14 October 2024 - 17 November 2024, with a second round planned for early/mid 2025.

It is recognised that engagement and consultation with the community is essential to the success of the project.



### 10.5.1 Appendix 1 - Amended Terms of Reference

#### 6. Considerations - *Whai Whakaaro*

##### 6.1. Financial/budget considerations

There are no budget considerations associated with the recommendations of this report.

##### 6.2. Strategic alignment

No inconsistencies with any of the Council's policies or plans have been identified in relation to this report.

##### 6.3. Climate change assessment

The matters addressed in this report are of a procedural nature and there is no need to consider climate change impacts. The implications of climate change from both mitigation and adaptation perspectives will be integral to the evaluation of scenarios for managing growth and development in the Eastern Bay, however the details and merits of options are outside the scope of this report.

##### 6.4. Risks

There are no significant risks associated with this agenda item and recommendations. The Project Control Group maintains an up-to-date register of key risks and mitigations, including risks relating to achieving the project deliverables within the timeline, meeting partner expectations, resourcing, and capacity and capability of Iwi and hapū to engage in a meaningful way. Decisions on the content of the Eastern Bay Spatial Plan are not within the scope of this report. Existing membership of the Project Governance Group will give Whakatāne District Council Elected Members influence over decisions regarding that content.

#### 7. Next steps - *Ahu whakamua*

The Terms of Reference has been approved by each territorial authority, being Kawerau District Council, Ōpōtiki District Council and Bay of Plenty Regional Council.

The next step is the amended Terms of Reference being endorsed by the Project Governance Group in December 2024.

##### **Attached to this report:**

- Appendix 1 - Amended Terms of Reference.

### 10.5.1 Appendix 1 - Amended Terms of Reference

**10.5.1 Appendix 1 - Amended Terms of Reference(Cont.)**

**Our Places – Eastern Bay of Plenty Spatial Plan**  
**Project Governance Group**  
*Draft Terms of Reference*

**1. Te Kaupapa/Purpose**

The purpose of the Eastern Bay of Plenty Spatial Plan (Our Places) Project Governance Group (PGG) is to provide political and strategic leadership into the development of the Eastern Bay of Plenty Spatial Plan and planning for its implementation. Championing for their hapori while maintaining a sub-regional perspective, members will help the project team plan for mauri-enhancing development across the Eastern Bay of Plenty that caters for future generations.

The PGG will use collaborative decision-making to bring individual organisation priorities and perspectives to a place of consensus. The members will bring their mana as leaders in their communities to recommend a united position back to their organisations that represents a sustainable, inclusive path to development for the rohe.

The PGG brings together the views and aspirations from iwi, local and regional authorities and, through the development of the Spatial Plan and planning for implementation activities, will bring life to their own respective strategies and visions. Central Government attendance in this forum will ensure the outcomes designed are informed by and align with government policy and investment outcomes, to support their realisation.

**2. Ngā mātāpono/Principles**

The following principles will guide the PGG's approach to working together on this kaupapa.

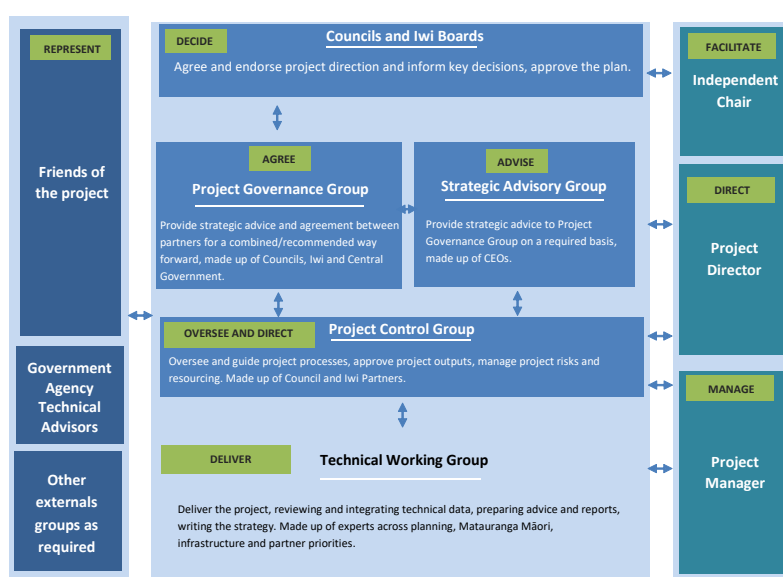
- *Giving life to Te Tiriti o Waitangi*
- *Taking a long-term view – making mokopuna decisions*
- *Collaborative, evidence-based decision-making*
- *Open and honest sharing of information and data*
- *“Best for region” thinking*

### 10.5.1 Appendix 1 - Amended Terms of Reference(Cont.)



### 3. Te Whakatakotoranga o te hinonga/Project structure

The PGG sits within the following project governance structure:



### 4. Ngā Kawenga/Responsibilities

The PGG is responsible for guiding the development of the Eastern Bay of Plenty Spatial Plan (*Spatial Plan*) and overseeing its implementation planning, including:

1. Providing strategic leadership and direction on growth management and spatial planning across the rohe of the Eastern Bay of Plenty.
2. Considering views and perspectives of partner organisations and facilitating the agreement of a preferred sub-regional approach.
3. Strategic oversight of the implementation of the *Spatial Plan* and undertaking reviews and updates, including recommending any draft strategies for public consultation.
4. Engaging with our communities and key stakeholders on the draft spatial plan and responding to feedback from that engagement
5. Recommending a final Spatial Plan and initial Implementation plan before September 2025 to the partner organisations for adoption after community engagement feedback has been considered.

**10.5.1 Appendix 1 - Amended Terms of Reference(Cont.)**

6. Propose a Monitoring and Reporting Framework for implementation
7. Addressing cross-boundary matters within the Eastern Bay of Plenty Sub-region, as well as with other neighbouring areas and regions that are consistent with the agreed settlement patterns, while working with other growth management/spatial planning partnerships as appropriate
8. Championing the *Plan's* integration and implementation through strategies, programmes, plans and policy instruments including alignment with Central Government and other organisations.

**5. Ngā Apatono/Powers**

All powers necessary to perform its responsibilities.

**6. Ngā Tikanga Pōti/Voting**

PGG decision-making is by consensus, facilitated by the Chair.

**7. Tokamatua/Quorum**

*Five members (or their alternates) are required for a quorum. The quorum has been set recognising that final decisions on substantive matters are referred back to member organisations rather than being made by the PGG.*

**8. Ngā Tūranga/Membership****.8.1 Ngā Mema/Members:**

PGG membership is as follows:

- One representative appointed by each of the Iwi partner organisations;
- One elected member representative appointed by each of the local authorities (Whakatāne District Council, Kawerau District Council, Opotiki District Council and the Bay of Plenty Regional Council);
- One member appointed by Waka Kotahi;
- One member appointed by Regional Public Service Commission – Bay of Plenty & Waikato;
- One member from MHUD and/or Kainga Ora as appropriate.

Project Strategic Advisory Group members are encouraged to attend and provide advice.

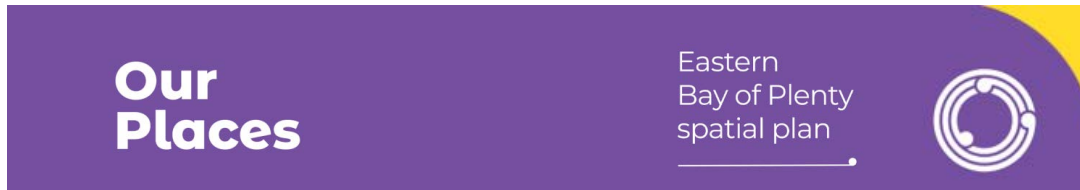
Members will join the PGG as they are appointed by their organisations.

The PGG will be supported by the Project Director and Project Manager and relevant executives from the partner organisations, with other project staff in attendance as required.

Additional experts may also be invited to attend to assist the PGG in its decision making and guidance to the project team.

**.8.2 Ūpoko me te Ūpoko Tuarua/Chair and Deputy Chair:**

**10.5.1 Appendix 1 - Amended Terms of Reference(Cont.)**



An independent chair will be appointed (currently Vaughan Payne) . The Deputy Chair of the Committee is appointed by the Committee from the existing membership, by way of simple majority election.

**.8.3 Ngā Kairiwhi/Alternates:**

Any appointing organisation may appoint one alternate member.

**.8.4 Ngā Hui i te Tau/Frequency of meetings:**

Quarterly or as required to consider feedback from engagement.

## 10.6 Change to Fees and Charges – Tōtara Events Space

### 10.6 Change to Fees and Charges – Tōtara Events Space



To: **Whakatāne District Council**

Date: **Thursday, 17 October 2024**

Author: **C Richards / Manager Customer Services**

Authoriser: **E Hatch / General Manager People and Capability**

Reference: **A2756877**

#### 1. Reason for the report - *Te Take mō tēnei rīpoata*

The purpose of this report is to include an additional fee to the Councils Fees and Charges Schedule for 2024/25. The reason for the proposed addition is to allow the afterhours hire of the Tōtara Event Space in the Civic Centre.

#### 2. Recommendations - *Tohutohu akiaki*

1. THAT the Change to Fees and Charges: Tōtara Event Space report be **received**; and
2. THAT the Council **approve** an additional fee between sections 30 and 31 of the Fees and Charges Schedule as follows:

##### 31.0 CIVIC CENTRE ROOM HIRE (Tōtara Event Space)

<b>31.1</b> 31.1.1	<b>Bond</b> Bond fee	\$200 each
<b>31.2</b> 31.2.1	<b>Tōtara/Kiwi Space</b> General Use	\$330 per evening
<b>31.3</b> 31.3.1	<b>Miro/Kereru Space</b> General Use	\$240 per evening
<b>31.4</b> 31.4.1 31.4.2	<b>Tōtara/Kiwi/Miro/Kereru Space (Entire Space)</b> General Use Registered Non-Profit/Charitable Organisation	\$500 per evening \$240 per evening

#### 3. Background - *He tirohanga whakamuri*

When the Ngā Awa Pūheke Civic Centre Upgrade approved, it was confirmed that the chosen option would see the Council Chambers and public meeting rooms moved from the upstairs level (previous location) to the ground floor (current location). This change would enhance the interaction between Council and the public, would allow new modern meeting spaces to be available for the community to use, and make access and security much easier to manage.

**10.6 Change to Fees and Charges – Tōtara Events Space(Cont.)**

**4. Issue/subject – *Kaupapa***

A new service has been established that allow the Chambers and Committee Room area (rooms Tōtara, Kiwi, Miro, and Kereru) to be hired outside of Council business hours. This service is designed for community and charitable groups, as well as business groups and organisations, to hold meetings, networking events, and seminars.

The fee structure has been developed to full cover all associated costs, including but not limited to bookings, invoicing, setup, tea/coffee and kitchen facilities, training, and concierge services.

To ensure this service does not financially impact non-users, and to initiate the hiring of the area, the Fees and Charges Schedule must be updated to reflect this new service and the applicable fees.

**5. Options analysis - *Ngā Kōwhiringa***

**5.1. Option 1: Add new fees to current 2024/25 Fees and Charges Schedule – Preferred option**

This option would see the inclusion of new fees within the Fees and Charges Schedule to recover the costs of service for the hiring of the Tōtara Event Space.

This will ensure that the service operates on a user-pays basis.

**31.0 CIVIC CENTRE ROOM HIRE (Tōtara Event Space)**

<b>31.1</b>	<b>Bond</b>	
31.1.1	Bond fee	\$200 each
<b>31.2</b>	<b>Tōtara/Kiwi Space</b>	
31.2.1	General Use	\$330 per evening
<b>31.3</b>	<b>Miro/Kereru Space</b>	
31.3.1	General Use	\$240 per evening
<b>31.4</b>	<b>Tōtara/Kiwi/Miro/Kereru Space (Entire Space)</b>	
31.4.1	General Use	\$500 per evening
31.4.2	Registered Non-Profit/Charitable Organisation	\$240 per evening

**5.1.1. Advantages**

- This will allow this space to be offered for hire immediately, giving businesses, community groups and charitable groups a premium local option to hold meetings, seminars and events.

**5.1.2. Disadvantages**

- No disadvantages have been identified for this option.

**10.6 Change to Fees and Charges – Tōtara Events Space(Cont.)**

**5.2. Option 2: Add new fees to the Fees and Charges Schedule within the Annual Plan 2025/26 review**

This option would see the delay the hiring of this service for the remainder of this financial year and would see the addition of the new fee set applied from 1 July 2025 by including it within the next review of the Fees and Charges Schedule within the Annual Plan 2025/26 review.

**5.2.1. Advantages**

- There are no advantages identified with this option.

**5.2.2. Disadvantages**

- This option would pause the current progress in implementing the service and the training of concierge staff until July 2025, delaying the availability of this community space to the public.

**6. Significance and Engagement Assessment - Aromatawai Pāhekoheko**

**6.1. Assessment of Significance**

The Significance and Engagement Policy sets out criteria for assessing the level of significance of the decision being considered and then the engagement process required. The assessment is as follows:

Criteria	Level of Significance
Level of community interest	Low
Level of impact on current and future wellbeing	Low
Rating impact	N/A
Financial impact	N/A
Consistency	Low
Reversibility	Low
Impact on Māori	Low
Impact on levels of service	Low
Impact on strategic assets	Low
Overall	Low

For those criteria where the assessment is judged to be low, this level reflects that general community members and users of the service will likely think that this service has a low significance on the wider community. Overall, the community interest is likely to be limited to those who have a direct interest in the hiring of such types of locations.

In terms of the assessment for rating and financial impact, this has been assessed as Not Applicable due to this being a user pays hire of the space and is designed to be cost neutral. It does not impact rates or have a financial impact on council budgets.

Overall, the decisions and matters of this report are assessed to be of low significance, in accordance with the Council’s Significance and Engagement Policy.



**10.6 Change to Fees and Charges – Tōtara Events Space(Cont.)****6.2. Engagement and community views**

The Significance and Engagement Policy mentions that with an overall low degree of significance, the Council is not likely to seek formal public participation in the decision process but will seek to keep the public informed.

**7. Considerations - *Whai Whakaaro*****7.1. Financial/budget considerations**

There are no budget considerations associated with the recommendations of this report.

**7.2. Strategic alignment**

There are no inconsistencies with any of the Council's policies or plans that have been identified in relation to this report.

**7.3. Climate change assessment**

Based on this climate change assessment, the decisions and matters of this report are assessed to have low climate change implications and considerations, in accordance with the Council's Climate Change Principles.

**7.4. Risks**

There are no known risks associated with the matters of this report.

**10.7 Council Policies and Bylaws: Work Programme Update Report(Cont.)**

10.7 Council Policies and Bylaws: Work Programme Update Report



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To: **Whakatāne District Council**

Date: **Thursday, 17 October 2024**

Author: **G Mischefski-Gray / Strategic Policy Analyst**

Authoriser: **L Woolsey/ Acting GM Strategy and Transformation**

Reference: **A2752913**

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1. Reason for the report - *Te Take mō tēnei rīpoata*

The purpose of this report is to provide Council with an update on our policy and bylaw work programme for the next three years with a specific focus for the 2024-2025 year.

2. Recommendations - *Tohutohu akiaki*

1. THAT the Council Policies and Bylaws: Work Programme Update Report be **received**; and
2. THAT the Council **note** a schedule of the policy and bylaw review timetable will be published on the Council website; and
3. THAT the Council **revoke** the Whakatāne District Council COVID-19 Policy.

3. Background - *He tirohanga whakamuri*

Every six months the Council receives an update report of the policy and bylaw work programme for the next year.

The policy and bylaw work programme is aligned with the Long-Term Plan timeframe. As this is the beginning of the Long-term plan cycle (2024-2027) a proposed three-year work programme to gradually review the policies and bylaws is included in this report.

Policies are typically reviewed on a five yearly basis, as legislatively required, or as it is seen fit.

Bylaws that are made under the Local Government Act 2002 are required to be reviewed five years after they are first created (section 158), and 10 years after that (section 159). All of Council's existing bylaws are required to be reviewed every 10 years and most bylaws in the work programme are not required to be reviewed until 2028. Staff are planning to bring forward the review of some bylaws to spread the workload more evenly (noting that 2027 will be busy with the development of the next Long-Term Plan). The bylaws which are being brought forward are listed in section 4.4 of this report.

**10.7 Council Policies and Bylaws: Work Programme Update Report(Cont.)****4. Issue/subject – *Kaupapa***

Staff reviewed the policy and bylaw work programme to reflect the new Long Term Plan cycle. Overall, good progress on the policy work programme was made. In the last six months, Council has adopted the LTP policies as legislatively required. However, due to the Long-Term Plan several policies were delayed which will now be reviewed.

Progress is being made on the Public Places bylaw, Freedom Camping bylaw, Road Naming policy, Diversity, Equity and Inclusion policy. We are working through the appeal process for the Local Alcohol Policy.

The Council website provides a list of all external policies & bylaws.

**4.1. Policy Work Programme for the year 2024/25****Table one: Policy review schedule**

<b>Name of Policy</b>	<b>Description</b>	<b>Policy last reviewed/ adopted</b>	<b>Consultation required (indicative indication)</b>	<b>Commentary on indicative timeline</b>
<b>Eastern Bay of Plenty Joint Local Alcohol Policy</b>	Applies to the sale, supply and consumption of alcohol in the Eastern Bay of Plenty region. It provides a policy framework for licensing decisions to meet the object of the Sale and Supply of Alcohol Act 2012.	Review process started November 2021	Yes - completed	Provisional policy has been adopted. The three Councils are now working through the appeals process.
<b>Asset Management Policy</b>	This is an internal facing policy. It sets out policy objectives and principles to guide asset management, ensuring consistency with the Long-Term Plan. It provides for regular internal reviews.	12/02/2021	No	Review beginning Mid-2025.
<b>Dog Control Policy</b>	Required under section 10(1) of the Dog Control Act 1996 - every territorial authority must adopt, in accordance with the special consultative procedure set out in section 83 of the Local Government Act 2002, a policy in respect of dogs in the district of the territorial authority.	25/08/2022	Yes	This policy will be updated alongside the bylaw. Mid-2025 prospective briefing.
<b>Museum and Arts Collections Policy</b>	Guide the responsible care, management and enhancement of, and access to, the collections held by the Museum in its role as an arts, culture, and heritage kaitiaki (guardian).	05/04/2018	Yes	Early 2025.
<b>Gordon Ellis Trust policy</b>	The purpose of this policy is to provide for the long-term care and preservation of The Gordon Ellis Collection.	02/10/2016	Yes- Only with the Gordon Ellis Trust	Early 2025.

**10.7 Council Policies and Bylaws: Work Programme Update Report(Cont.)**

Name of Policy	Description	Policy last reviewed/ adopted	Consultation required (indicative indication)	Commentary on indicative timeline
<b>Rural Roads Fence Encroachment Policy</b>	Sets out the Council's practice regarding the management and licensing of areas of Council-administered rural roads fenced for grazing of stock by the adjoining property owner/occupier.	2006	Yes	Review has started. Mid-2025.
<b>Gambling Policy (Class 4 Venues and Board Venues)</b>	The Gambling Act 2003 requires the Council to adopt a Class 4 Venue Policy for the District.	19/05/2022	Yes	Mid-2025.
<b>Electronic Surveillance (CCTV) Policy</b>	Sets out the intended practice for the Council regarding Electronic Closed-Circuit Television (CCTV).	2017	Yes	Review has started. Early 2025.
<b>Dangerous, Affected and Insanitary Buildings Policy</b>	Statutory policy. Sets out the intended practice for the Council regarding dangerous, affected and insanitary buildings.	2019	Yes	MBIE has recommended WDC review its policy to align with best practice, this review is underway. Any changes will require consultation, as per legislation. Early 2025.
<b>Property Policy</b>	Sets out principles for the management of property and process for buying and selling. It includes a property stocktake of all Council owned or managed property and its categorisation	22/06/23	Yes	Review beginning in early 2025, adoption later in 2025.
<b>Procurement Policy</b>	This policy covers activities associated with the purchasing of all goods and services by or on behalf of the Whakatāne District Council.	2013	Yes	Review is currently underway.
<b>Diversity, Equity and Inclusion Policy</b>	This policy provides guidance on social cohesion and Councils approach to enable all people to participate.	New	Yes	Adoption early 2025.

Note: The proposed dates in the table are indicative and may change.

**10.7 Council Policies and Bylaws: Work Programme Update Report(Cont.)**

**4.2. Bylaw work programme for the year 2024/25**

*Table two: Bylaw review schedule*

Name of Bylaw	Summary	Bylaw last reviewed/adopted	Consultation required (indicative indication)	Indicative date for Bylaw to go to council
<b>Dog Control Bylaw</b>	The purpose of this bylaw is to give effect to the Whakatane District Council's Policy on Dogs which regulates the control of dogs, so they do	2018	Yes	Reviewed alongside Dog Policy. Mid-2025 Prospective briefing.
	not cause danger, distress or nuisance to the community.			
<b>Public Places and Freedom Camping Bylaws</b>	To protect the public from nuisances, to promote and maintain public health and safety and to minimise the potential for offensive behaviour in public places. It currently includes provisions on Freedom Camping.	2021	Yes- Consultation complete.	Intention is to separate Bylaws. Adoption in October 2024.

Note: The proposed dates in the table are indicative and may change.

**4.3. New Policies or Bylaws to be Developed or Considered**

Two new policies and one new bylaw are potentially going to be developed and incorporated in the work programme. These are in the exploration stages of development and therefore do not yet have indicative dates.

*Table 3: New Policies or Bylaws to be added to the current work programme*

Name of Policy or Bylaw	
<b>Climate Change Policy</b>	Policy a key part of the Climate Change Strategy adopted in June 2024.
<b>Mobile Traders Bylaw</b>	Aiming to address multiple issues in this space.
<b>Public Arts Policy</b>	Policy is a part of the Arts Strategy 2023. This may be 2025-26.

**4.4. Overview of the policy and bylaw work programme for the next three years:**

Policy				
Year 1: 2024-2025	Year 2: 2025-2026	Year 3 LTP: 2026-2027	After this LTP cycle	
Asset Management Policy	Acceptance of Late submissions Policy	Backflow Prevention Policy	Community Grants and Funding Policy	
Museum and Arts Collection Policy	Community Hall Policy	Corporate Risk Management Policy	Easter Sunday Trading Policy	
Dangerous, Affected and Insanitary Buildings Policy	Sensitive Expenditure Policy	Development Contributions Policy		
Electronic Surveillance Policy	Smoke and Vape Free Public Spaces Policy	Revenue and Financing Policy		
Gambling Policy (class 4 venues and board venues)	Rural Roads Fence Encroachment Policy	Significance and Engagement Policy		
Local Alcohol Policy (EBOP joint)	Elected Members Remuneration Related Policy	Financial Contributions for Roads and Public Reserves		
Procurement Policy		Fraud Policy		
Property Policy		Treasury Policy		
Dog Policy		Protected Disclosures Policy		
Use of funds from the Gordon Ellis Trust Policy		Rates Remission and Postponement Policies		
Bylaws	2025-2026	2026-2027	2028	2028 and beyond
Dog Control Bylaw*	Beaches Bylaw and Beaches Bylaw Maps*	Combined Waters Bylaw	Cemeteries and Crematorium Bylaw	Waste Minimisation and Management bylaw
Public Places Bylaw	Control of Animals (excl dogs), Bees and Poultry Bylaw*		Traffic and Speed Limit Bylaw	
Freedom Camping Bylaw	Ports and Wharves Bylaw*		Parks and Reserves Bylaw	
	Alcohol Control Bylaw and Alcohol Control maps*			

Note: The bylaws which have been brought forward have an asterisk next to them.

The bylaws that have been brought forward from 2028 to 2024-25:

- Dog Control Bylaw

The bylaws that have been brought forward from 2028 to 2025-26:

- Beaches Bylaw and Beaches Bylaw Maps
- Control of Animals (excl dogs), Bees and Poultry Bylaw
- Ports and Wharves Bylaw
- Alcohol Control Bylaw and Alcohol Control Maps

#### **4.5. COVID-19 Policy**

The current COVID-19 policy is outdated and was designed to address the situation at the time. If a new pandemic occurs, we will need a different approach, so it's best to revoke this old policy. If another pandemic arises, we'll create a new policy tailored to that specific situation.

### **5. Options analysis - *Ngā Kōwhiringa***

#### **5.1. Option 1 – Revoke COVID-19 policy**

##### **5.1.1. Advantages**

- Removing an out-of-date policy and maintain our policy work programme.

##### **5.1.2. Disadvantages**

- No disadvantage has been identified with this option.

#### **5.2. Option 2 – Do not revoke COVID-19 policy**

##### **5.2.1. Advantages**

- Keeps the policy as a 'placeholder.'

##### **5.2.2. Disadvantages**

- This policy is no longer relevant, and it would need to be completely reviewed and updated if another pandemic arises.

### **6. Significance and Engagement Assessment - *Aromatawai Pāhekoheko***

#### **6.1. Assessment of Significance**

The decisions and matters of this specific report are assessed to be of low significance in accordance with the Council's Significance and Engagement Policy.

The significance of each individual policy will be assessed on an individual basis and therefore inform the need to consult or not.

#### **6.2. Engagement and community views**

Consultation on the matters in this report is not required in accordance with section 6.1(a) of the Council's Significance and Engagement Policy. This states that the Council will not consult when the matter is not of a nature or significance that requires consultation.

However, engagement will occur as needed during the review of policies and bylaws. A schedule of the policy/bylaw review timetable as set out in this report will be published on the Council website. Iwi will be specifically notified of the policy/ bylaw schedule to make resourcing decisions about the policy reviews they would like to be involved in.

**10.7.1 Appendix 1 - COVID-19 Policy**

Staff will also be looking at opportunities (where appropriate) to group some policies to go out for consultation as similar dates to deliver a more cohesive message and to make it easier for our community.

For the review of bylaws, the special consultative procedure is required as per section 82 and 86 of the Local Government Act 2002 – unless they are minor changes as described in section 156(2) of the Local Government Act 2002 (whereby public notification will suffice).

**7. Considerations - *Whai Whakaaro*****7.1. Financial/budget considerations**

There is no budget considerations associated with the recommendations of this report.

**7.2. Strategic Alignment**

The work programme will ensure that policies and bylaws are fit for purpose and aligned with our strategic direction set out in our Long-Term Plan 2024-34.

**7.3. Climate change assessment**

The decisions and matters of this report are assessed to have low climate change implications and considerations, in accordance with the Council's Climate Change Principles. At the time of each individual policy and bylaw review, an assessment of potential climate change impacts and considerations will be undertaken.

**7.4. Risks**

There are no major risks associated with the decisions recommended in this report.

**Attached to this report:**

- Appendix 1 - COVID-19 Policy

**10.7.1 Appendix 1 - COVID-19 Policy**





# Whakatāne District Council COVID-19 Policy

<b>Initial adoption</b>	8 December 2021, version 1
<b>Review date</b>	18 May 2022
<b>Latest version adopted date</b>	13 June 2022, version 2
<b>Review responsibility</b>	People & Capability

## 1. Overview

In March 2020, the World Health Organisation declared COVID-19 a pandemic virus. Globally, variants of the virus have circulated, including the current dominance of the Omicron variant with increased transmissibility compared with previous COVID-19 virus strains.

Whakatāne District Council (**Council**) is committed to ensuring a safe and healthy work environment for its employees, contractors, consultants, and volunteers.

## 2. Purpose

To outline Council’s requirements and management of health and safety in relation to potential exposure to and transmission of the COVID-19 virus. Council recognises that successful health and safety management is best achieved through transparent information sharing and good faith co-operation between all workplace participants.

Council will provide information on all relevant Ministry of Health New Zealand guidelines, and corresponding health and safety obligations to staff as they become available.

## 3. Scope

This policy applies to:

- All employees – permanent, fixed term, casual, on call, and summer students;
- Contractors and consultants who undertake work on behalf of Council; and
- Volunteers who undertake work on behalf of Council.

OBJECTIVE: A2203408 DATE: 13/6/22

**10.7.1 Appendix 1 - COVID-19 Policy(Cont.)****4. Risk management**

Under the Health and Safety at Work Act 2015, Council is required to eliminate, or where that is not reasonably practicable, minimise work-related risks to our workers and others. This extends to ensuring we appropriately manage the risk of COVID-19 infection and transmission within our workplace. Risks associated with COVID-19 cannot be eliminated, so management of them involves minimising them as far as is reasonably practicable.

The health and safety risks created by COVID-19, and the measures and controls that can be taken to manage those risks, continue to evolve. This policy may change as further measures or controls become available or appropriate.

In accordance with the Council's Risk Management Framework, the Council has no risk appetite for anything that unreasonably compromises people's safety and welfare and non-compliance with legal obligations.

To enhance the health, safety and wellbeing of workers, contractors and volunteers, and to assist with its decisions on what steps could be taken to minimise risks, Council undertook risk assessments for all roles in relation to the risk posed by COVID-19 in December 2021. These assessments were reviewed in April 2022.

Where a risk assessment determines there is a medium or high risk of contracting and transmitting COVID-19 to others, Council will require risk control measures to be put in place. One risk control measure is vaccination and Council adopted mandatory vaccinations after our December 2021 risk assessments.

In conducting its April reassessments of risk, Council considered New Zealand's current high vaccination rates and reduced risk of reinfection for those who have recently recovered from COVID-19. Additionally, Council has implemented a range of mitigations, including those recommended by the Ministry of Health (such as remote working and physical distancing), to reduce the transmission of COVID-19 in the workplace. With these in mind, and the considerations mentioned above, the April reassessments showed a drop in risk across a significant number of roles and with the other risk mitigations, it is no longer considered necessary or a reasonably practicable step to require mandatory vaccinations.

**5. COVID-19 Public Health Order**

Certain categories of workers must be vaccinated under the COVID-19 Public Health Response (Vaccinations) Order 2021 (**Vaccinations Order**) to carry out their work. That Vaccinations Order (and any amendments to that Order or similar Orders) takes precedence over this policy.

**6. Government suppression strategy**

Council supports the government's COVID-19 suppression strategy which encourages all people to be vaccinated and requires employees covered by the Vaccinations Order to be vaccinated to perform certain work.

OBJECTIVE: A2203408 DATE: 13/6/22

**10.7.1 Appendix 1 - COVID-19 Policy(Cont.)**

Council also acknowledges that while vaccination against COVID-19 may no longer be mandatory to ensure health and safety, there is still a level of risk posed by COVID-19 given that the virus is still circulating in New Zealand, and vaccination is still being encouraged by the Government. Council also takes into account the results from our COVID-19 Risk Assessments. To that end, all employees are encouraged, but not required, to be fully vaccinated against COVID-19 (i.e., against infections caused by SARS-CoV-2) and to provide their vaccination status to Council. Council will continue to facilitate or support staff to get the vaccine/s wherever possible.

Council will also continue to provide information on all relevant Ministry of Health New Zealand guidelines, and corresponding health and safety obligations to staff as they become available.

**7. Privacy Regarding Vaccination Status**

Vaccination status information collected from employees, contractors, consultants and/or volunteers will be managed in accordance with the Privacy Act 2020, and/or other applicable legislation and organisational policies.

All vaccination status information may be disclosed to other third parties, where necessary, to enable individuals to perform services for the Council and/or for implementing this Policy.

**8. Attendance at Work and COVID-19 Testing**

Employees who experience cold or flu-like symptoms at work (irrespective of them being related to or associated with COVID-19) must immediately notify their Manager or Team Leader and may be required to leave the workplace and utilise any existing sick leave entitlement. Council may consider providing COVID-19 special leave, subject to approval from the Chief Executive or a General Manager.

Employees who experience cold or flu-like symptoms at home (irrespective of them being related to or associated with COVID-19) must not come to work and must notify their Manager or Team Leader and may be required to utilise any existing sick leave entitlement. Council may consider providing COVID-19 special leave, subject to approval from the Chief Executive or a General Manager.

Symptomatic employees should take a COVID-19 test in accordance with the relevant Ministry of Health New Zealand guidelines. Symptomatic employees must not attend the workplace until such time that they are deemed safe to return in accordance with the relevant Ministry of Health New Zealand guidelines. Council may require confirmation and/or evidence of a negative COVID-19 test before a return to work.

**9. Travel****Domestic Travel**

Employees that are required to travel domestically for work will do so in accordance with the Ministry of Health, and/or other relevant Government COVID-19 and public health rules and requirements.

**10.7.1 Appendix 1 - COVID-19 Policy(Cont.)****Overseas Travel**

Employees who choose to, or are required to travel overseas, are subject to the below conditions and expectations.

**1. Personal Travel**

Employees who travel overseas, for personal reasons:

- a) will travel “at their own risk” in respect of any health risks, financial implications (for example, costs associated with isolation/quarantine, or an inability to return to New Zealand as planned), and/or employment-related implications (including but not limited to termination of employment due to an inability to return to New Zealand immediately following any approved period of leave);
- b) Council expects employees to return to work following an approved period of leave and are encouraged to consult with their Manager over reasonable accommodations to enable the employee to work remotely for a short period of time after any approved period of leave overseas, should they be temporarily unable to return to New Zealand, or have to stay in isolation/quarantine after their return to New Zealand;
- c) should maintain regular contact with their Manager if they cannot return to New Zealand and/or they are required to isolate or move into quarantine upon their return to New Zealand;
- d) must be aware that they may be required to utilise existing and available leave entitlements if they cannot return to work as planned after their overseas travel. In the absence of leave entitlements, Council may, but will not be compelled to, agree to leave in advance of entitlement or leave without pay.

**2. Work-Related Travel**

Employees who travel overseas, for work-related purposes:

- a) must follow all Government and airline company COVID-19 requirements.
- b) must take their Council laptop computer and mobile phone, if any, with them to ensure that they are able to work remotely (where that is possible, having regard to the employee’s role), should they be temporarily unable to return to New Zealand, or have to stay in isolation/quarantine after their return to New Zealand;
- c) will be required to work remotely if they cannot return to New Zealand (for any reasons that are not personal to the employee), or during any period of isolation/quarantine after their return to New Zealand if this is practicable and possible, unless the employee and Council agree on leave entitlements being utilised;

OBJECTIVE: A2203408 DATE: 13/6/22

**10.7.1 Appendix 1 - COVID-19 Policy(Cont.)**

- d) will continue to be paid if they cannot return to New Zealand as planned or during any unplanned period of isolation/quarantine, and if they cannot perform work (due to the nature of the employee's role);
- e) will be reimbursed for reasonable expenses incurred by the employee if they cannot return to New Zealand (for any reasons that are not personal to the employee), or during any period of isolation/quarantine.

**7. Further Information and Resources**

Employees can obtain further information about COVID-19, their corresponding rights and obligations, public health orders and travel requirements here:

- COVID-19 (novel coronavirus) | Ministry of Health NZ:  
<https://www.health.govt.nz/our-work/diseases-and-conditions/covid-19-novel-coronavirus>
- COVID-19 vaccines | Unite against COVID-19 (covid19.govt.nz): <https://covid19.govt.nz/health-and-wellbeing/covid-19-vaccines/>
- Vaccines and the workplace » Employment New Zealand:  
<https://www.employment.govt.nz/leave-and-holidays/other-types-of-leave/coronavirus-workplace/covid-19-vaccination-and-employment/>

**8. Policy Amendments**

Council is entitled to amend this policy at its sole discretion and in accordance with regulatory and/or other developments from time to time.

This policy revokes the previous "COVID-19 Vaccination Mandates & Interim Procedures document – A2150635".

**9. Relevant Legislation and Documents**

- Employment Relations Act 2000
- Privacy Act 2020
- Health and Safety at Work Act 2015 and associated Regulations
- COVID-19 Public Health Response Act 2020
- COVID-19 Public Health Response (Vaccinations) Order 2021
- Individual Employment Agreements
- Collective Employment Agreements

OBJECTIVE: A2203408 DATE: 13/6/22

## 10.8 Approval of the Public Places Bylaw and Freedom Camping Bylaw

### 10.8 Approval of the Public Places Bylaw and Freedom Camping Bylaw

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To: **Whakatāne District Council**

Date: **Thursday, 17 October 2024**

Author: **H Allison / Senior Strategic Policy Analyst**

Authoriser: **L Woolsey / Acting GM Strategy and Transformation**

Reference: **A2762469**

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#### 1. Reason for the report - *Te Take mō tēnei rīpoata*

The purpose of this report is to approve the amended Public Places Bylaw, revoke and replace the Freedom Camping Bylaw, and approve the amended District Reserve Management Plan.

#### 2. Recommendations - *Tohutohu akiaki*

1. THAT the Council **receive** the Approval of Public Places Bylaw and Freedom Camping Bylaw report; and
2. THAT the Council **approve** amendments to the Public Places Bylaw; and
3. THAT the Council **revoke** the freedom camping provisions within the Public Places Bylaw and **replace** with the Freedom Camping Bylaw; and
4. THAT the Council **approve** the amendments to the District Reserve Management Plan.

#### 3. Background - *He tirohanga whakamuri*

##### 3.1. Legislation

In June 2023, changes were made to the Freedom Camping Act 2011 and the Plumbers, Gasfitters and Drainlayers Act 2006 through the Self-Contained Vehicles Legislation Act 2023 to improve the management of vehicle-based freedom camping. A key change made by the amendment means that since June 2023, if a person is freedom camping on Council controlled or managed land using a vehicle, they must be using a certified self-contained vehicle to freedom camp. The definition of self-contained has been updated to require a fixed toilet. This change and others has initiated a review of Councils freedom camping provisions that currently sit within the Public Places Bylaw to ensure that the bylaw aligns with the changes.

In order to support this work, Council has been granted funding from the Tourism Facilities Development Grant from Ministry of Business, Innovation and Employment to the sum of \$129,860. This funding is to support initiatives to assist with the transition from the existing freedom camping system to the new rules and regulations, including the review and revision or creation of bylaws and the upgrade of signage at these sites.

**10.8 Approval of the Public Places Bylaw and Freedom Camping Bylaw(Cont.)**

**3.2. Development of bylaws**

To date, staff have consulted with colleagues across various departments, including regulatory, open spaces, building, consents, and transport teams, to identify any issues with the Public Places Bylaw and to assess community concerns that could be addressed through its use. Additionally, we have reviewed Public Places and Freedom Camping Bylaws from other regions to understand best practices and have drafted proposed amendments. The revised Public Places and Freedom Camping Bylaws have also been examined by legal experts to ensure they comply with the Bill of Rights Act 1990 and do not exceed their legal authority (ultra vires).

On 5 June 2024 and then on the 19 June 2024, a Council briefing was held to update Council on the work undertaken to date and to gather insights on the key concerns of both the Council and the community. During this briefing, a draft of the amended Public Places Bylaw and Freedom Camping Bylaw was presented with feedback provided by Councillors.

The proposed Public Places Bylaw and proposed Freedom Camping Bylaw were approved by the Living Together Committee on 1 August 2024 to go out for consultation with the community. Consultation was open from 12 August to 13 September 2024, in which 81 submissions were received with seven submitters requesting to be heard by Council.

Hearings of submissions and deliberations we held on 3 October 2024 at the Living Together Committee. Guidance from Council was received at this meeting and has been actioned within the changes made to the proposed bylaws attached to this report. The changes to each bylaw have been detailed in section 4.4 of this report.

**4. Issue/subject – *Kaupapa***

**4.1. Overview of submissions received**

A total of 81 submissions were received throughout the consultation period, including three late submissions. These submissions were a combination of online and hard copy forms, and written submissions via email.

**4.1.1. Summary of response to key proposals**

The table below summarises the response to the four key proposals on the submissions form.

**Table 1 – Summary of responses to key proposals from submissions forms**

<b>Key Proposal (Public Places)</b>	<b>Agree</b>	<b>Disagree</b>	<b>Unsure</b>
Do you agree with the proposal to separate the Freedom Camping provisions from the Public Places Bylaw to make a separate Freedom Camping Bylaw?	<b>37 (53%)</b>	22 (31%)	11 (16%)
Do you agree with the proposal to prohibit lighting fires in public places, except for the following exceptions: cultural cooking fires (hāngī, umu, or lovo), barbecues (electric, coal, or gas-fired appliances designed for cooking food), and emergency flares?	32 (44%)	<b>34 (47%)</b>	6 (8%)

**10.8 Approval of the Public Places Bylaw and Freedom Camping Bylaw(Cont.)**

<b>Key Proposal (Freedom Camping)</b>	<b>Agree</b>	<b>Disagree</b>	<b>Unsure</b>
Do you agree with the proposal to amend the provision enabling freedom campers to stay slightly longer in restricted areas, increasing from the current two night maximum stay to three nights maximum, within a four-week period?	<b>39 (55%)</b>	30 (42%)	2 (3%)
Do you agree with the proposal to include the Awatarariki debris flow area in Matatā as a prohibited area for freedom camping?	<b>42 (59%)</b>	18 (25%)	11 (15%)
Do you agree with the proposal to extend the prohibited freedom camping areas at West End, Ocean Road, and the Port Ōhope Reserve?	<b>33 (47%)</b>	<b>33 (47%)</b>	4 (6%)
Do you agree with the proposal to prohibit freedom camping in Rex Morpeth Park?	<b>33 (47%)</b>	27 (39%)	10 (14%)
Do you agree with the proposal to allow freedom camping in a self-contained vehicle within three carparks at the Edgecumbe Domain?	31 (44%)	<b>35 (50%)</b>	4 (6%)

Note: Emailed submissions have not been included in this table as they do not directly answer these questions set out in the submission form. Emailed submission comments have been included below.

**4.2. Summary of comments provided on Public Places Bylaw**

There is a recurring theme that existing bylaws are poorly enforced, and that Council need to ensure that processes are in place to enable effective compliance.

Submissions reflect a tension between protecting cultural cooking practices (such as hāngī) and ensuring public safety. Some submitters suggest limiting these practices to designated areas or requiring permission, which signals a need for deeper engagement with Iwi and cultural groups to balance cultural rights with public safety.

The submissions show a divide between preserving beach fires for social and recreational reasons and ensuring public safety. Several submitters argue that current regulations (e.g. under FENZ) are adequate, and further restrictions from the Council are not required.

Some submissions advocate for education rather than prohibition, suggesting that informing the public about responsible fire use could mitigate risks without restricting community activities. This presents an opportunity for the council to consider less restrictive, educational approaches.

**4.3. Summary of comments provided on Freedom Camping Bylaw**

A significant portion of submitters express the need for stricter enforcement by Council of self-contained vehicle requirements. Current reliance on residents to report overstayers or violations appears not to be sufficient. Some believe that many vans with "self-contained" stickers aren't properly equipped with a self-contained toilet. Concerns were raised that without proper enforcement, the bylaw is ineffective and results in waste being left behind, overstaying, and the overuse of facilities.



## **10.8 Approval of the Public Places Bylaw and Freedom Camping Bylaw(Cont.)**

Submitters express concerns about freedom campers leaving behind rubbish, excrement, and dog waste, especially in areas used by the community for recreation. There is a fear that this would pollute the environment and make spaces less usable for locals.

Some submitters support freedom camping at locations like Port Ōhope and Edgecumbe Domain, citing that it provides affordable options for individuals and families who may not be able to afford holiday parks. Edgecumbe Domain was mentioned as a peaceful area where campers can rest before continuing their journey, especially due to the availability of dump stations for waste disposal.

However, the strongest opposition was voiced against Edgecumbe Domain, specifically, around safety concerns for children and the community. The domain is heavily used for children's sports, after-school programs (Blue Light), and other gatherings. Many worry that freedom camping would risk these activities and the safety of children due to increased traffic and the presence of homeless people. Several comments focus on the limited parking availability, particularly during sports events and community activities.

A recurring sentiment is that freedom campers should not be "palmed off" to smaller towns like Edgecumbe, particularly if larger areas like Whakatāne and Ōhope are being more restrictive. Some feel this unfairly burdens smaller communities, which lack the infrastructure and oversight to handle an influx of freedom campers.

There are mixed views on the economic impact of freedom camping. Some believe that freedom campers do not contribute significantly to the local economy (beyond shopping at supermarkets) and feel that they should be encouraged to use paid campgrounds that support employment and pay rates. Others appreciate the low-cost travel opportunities that freedom camping provides, especially for individuals who cannot afford holiday parks.

One submitter pointed out that freedom camping allows access to public spaces for all, not just wealthy tourists who can afford high-end accommodations. They argue for creating more spaces for non-self-contained vehicles as long as there are public toilets and amenities available.

At West End there is a concern about the behaviour of some freedom campers who misuse public facilities. Overstaying and unsanitary behaviour (e.g., brushing teeth and spitting on the grass) were noted as significant issues, raising the need for better regulation and signage.

### **4.4. Recommendations from Hearings and Deliberations**

At the hearings and deliberations meeting on 3 October 2024, the Living Together Committee took into consideration the feedback received and debated the proposed bylaws. The following feedback was implemented.

The tracked changes from consultation of both the Public Places Bylaw and Freedom Camping Bylaw have been included as appendix 1 and 2.

#### **4.4.1. Public Places Bylaw changes**

1. Cultural fires including hāngi have been removed from the proposed exemption within the fire prohibition provision, as the council does not permit the digging of holes or damage to council-owned land which traditional hāngi practices do. Permits from Council will be required for such activities and will ensure Council can better manage safety concerns. The cooking of foods will remain permitted, provided they are prepared in a cooking device as defined within the provision.

### **10.8 Approval of the Public Places Bylaw and Freedom Camping Bylaw(Cont.)**

2. The term “coal” has been removed from the exemptions within the fire prohibition, meaning coal fires are no longer permitted in public places due to safety concerns.
3. The wording “or fires lit in accordance with the Beaches Bylaw” has been added to the fire provision to clarify that the Beaches Bylaw, which allow certain fires (e.g., bonfires), remain applicable. This change addresses community concerns about the continued allowance of bonfires on the beach.

#### **Freedom Camping Bylaw changes**

1. The full definition of “freedom camping” from the Freedom Camping Act has been included within the interpretation section to clearly outline what freedom camping is, what it does not include, and who is exempt. Additionally, an explanatory note has been added after the penalties section of the bylaw, stating: “Freedom camping infringements and penalties cannot be applied to individuals experiencing homelessness. Enforcement officers will refer these individuals to social support agencies when appropriate.” This reinforces the position that those experiencing homelessness will not be penalised under the Freedom Camping Act.
2. The definition of Nohoanga Entitlement has been included after engagement with Ngāti Awa, ensuring that the bylaw language is consistent with Iwi Settlement Acts. An explanatory note has also been added to identify specific nohoanga sites within the district. This is intended to educate the public, providing clarity on where these sites are located to avoid any misunderstanding and to affirm that individuals using these sites are not in breach of the bylaw. The explanatory note allows for future updates to the listed sites as needed.
3. The proposal to allow three self-contained vehicles to camp at Edgecumbe Domain has been removed from the proposed bylaw following community submissions. As a result, Edgecumbe Domain will maintain its current status under the Reserves Act 1977, which does not permit freedom camping at this location.

#### **4.5. Determinations**

Section 155A(2) of the LGA 2002 compels the Council to consider whether a proposed bylaw is the most appropriate form of addressing a problem. The proposed bylaws have been shaped to focus on readily identifiable problems and customised to suit the circumstances of the Whakatāne District. It is therefore concluded that the proposed bylaws are the most appropriate form to manage the issues included.

#### **4.6. Bill of Rights Act**

Section 155(2) of the LGA 2002 also requires the Council to determine whether the proposed bylaws “gives rise to any implications under the New Zealand Bill of Rights Act 1990”. No bylaw may be inconsistent with this legislation. The Bill of Rights Act 1990 details a number of rights and freedoms in relation to life and security of people. We consider the proposed amended bylaws impose no infringements or gives rise to implications with the New Zealand Bill of Rights Act 1990.

#### **4.7. Changes to the District Reserve Management Plan**

Section 44 of the Reserves Act 1977 generally prohibits camping in reserves unless certain statutory exceptions apply. One of those exceptions is where camping in a reserve is permitted in a reserves management plan (section 44(1)(e)). The Whakatāne District Council District Reserve Management Plan has been updated to provide for freedom camping in reserves listed in Schedules One and Three of the Freedom Camping Bylaw, subject to conditions. Where a local authority area listed in Schedule One and Schedule Three of the bylaw is a reserve, a person must comply both with the bylaw and

## 10.8 Approval of the Public Places Bylaw and Freedom Camping Bylaw(Cont.)

with the Reserves Act, including any conditions imposed on freedom camping under the District Reserve Management Plan. The changes within the District Reserve Management Plan have been included in appendix 3. These changes are minor and simply mirror the changes to reserves where freedom camping is permitted or restricted through the bylaw.

These changes have been consulted on alongside the Freedom Camping and Public Places Bylaw consultation as per section 83, 86 and 156 of the Local Government Act 2002.

### 4.8. Enforcement

The Council's Freedom Camping Bylaw is designed to manage freedom camping within the district, ensuring that campers comply with regulations to protect the area, the health and safety of those who use the area, and access. Enforcement of the bylaw is crucial to maintaining balance between allowing visitors to enjoy freedom camping and preserving the quality of life for residents and other users of the area.

Enforcement of the Freedom Camping Bylaw will be managed through a combination of education, monitoring, and penalties which is to be undertaken by both enforcement officers from Council and our external security company.

Council's security contract which covers the entire District and is already budgeted for includes regular patrols of our existing freedom camping sites. Additional patrols are scheduled on an as-needed basis. Staff will continue to seek external funding to further boost the monitoring of freedom camping should this become available.

Over the 2022-23 and 2023-24 summer periods, our security company was engaged through the funding received from Ministry of Business, Innovation and Employment. These services included promoting education on the new freedom camping rules and regulation, as well as increasing site monitoring through daily patrols at each site from 20 December to 31 March.

Enforcement of the Public Places Bylaw is largely driven by community complaints that are received by the customer services team.

## 5. Options analysis - *Ngā Kōwhiringa*

### 5.1. Public Places Bylaw

Several options have been considered within the review of the Public Place Bylaw with the analysis of each option outlined below.

#### 5.1.1. ***Option 1 – That the Council amend the Public Places Bylaw (Recommended option)***

This option would see the amendment of the Public Places Bylaw which includes changes discussed and suggested by the Living Together Committee on the 3 October 2024. The amended Public Places Bylaw has been attached as appendix 1.

#### **Advantages**

- The changes made from the existing Public Places Bylaw are aligned with the feedback received from Council and the public during consultation.

## 10.8 Approval of the Public Places Bylaw and Freedom Camping Bylaw(Cont.)

- The proposed bylaw sets clear rules for what is permitted or prohibited in public spaces, providing consistency across the district.
- The proposed Public Places Bylaw allows Council to regulate activities that could pose a risk to public safety, such as nuisance behaviour, or unsafe use of public spaces. This helps create a safer environment for residents and visitors.

### Disadvantages

- No disadvantages have been identified with this option.

### 5.1.2. *Option 2 – Status quo - Existing Public Places Bylaw*

This option would see the Council choose to retain the existing Public Places Bylaw with the freedom camping provisions within it.

### Advantages

- No advantages have been identified with this option.

### Disadvantages

- The existing bylaw does not include the changes made from the review which has had input from Council and wider public.

## 5.2. Freedom Camping Bylaw

Several options have been considered within the review of the Freedom Camping Bylaw with the analysis of each option outlined below.

### 5.2.1. *Option 1 – That the Council revoke and replace the Freedom Camping Bylaw (Recommended option)*

This option would see the revocation of the freedom camping provisions within the existing Public Places Bylaw and replace with the Freedom Camping Bylaw which includes changes discussed and suggested by the Living Together Committee on the 3 October 2024. The Freedom Camping Bylaw has been attached as appendix 2.

### Advantages

- Through the review of the bylaw, information and evidence gathering exercises undertaken by staff suggest the Public Places Bylaw and freedom camping provisions were largely fit for purpose and an important tool for Council.
- The proposed Freedom Camping Bylaw allows the council to manage and regulate freedom camping on council owned land, ensuring that these spaces remain clean, safe, and accessible for everyone. It helps prevent environmental damage such as littering, pollution, and degradation of natural landscapes, particularly in areas such as beaches, parks, and reserves.
- By restricting freedom camping areas, the bylaw helps balance the needs of campers with those of local residents and other visitors. This ensures that public amenities like restrooms, car parks, and picnic areas are not overwhelmed, maintaining the quality of life for the local community and enhancing the visitor experience.
- Freedom camping is popular with tourists, and the proposed bylaw would help ensure that this activity can be done sustainably. By managing where and how freedom camping occurs, the

## 10.8 Approval of the Public Places Bylaw and Freedom Camping Bylaw(Cont.)

council can promote responsible tourism while protecting the environment and community resources.

- The bylaw provides the legal framework for enforcing rules related to freedom camping. By revoking and replacing the proposed Freedom Camping Bylaw, Council enforcement officers have the ability to manage illegal camping or undesirable behaviour. The bylaw enables them to issue fines or take other appropriate action when necessary.

### Disadvantages

- There will be fewer areas where people may freedom camp in the district.

### 5.2.2. *Option 2 – Status quo (Existing Freedom Camping provisions with Public Place Bylaw)*

This option would see the Council choose to retain the existing provisions for freedom camping within the Public Places Bylaw.

### Advantages

- No advantages have been identified with this option.

### Disadvantages

- The proposed Freedom Camping Bylaw helps to manage and regulate freedom camping on council owned land, ensuring that these spaces remain clean, safe, and accessible for everyone. It helps prevent environmental damage such as littering, pollution, and degradation of natural landscapes, particularly in areas such as beaches, parks, and reserves.

## 5.3. District Reserve Management Plan

### 5.3.1. *Option 1 – That the Council approve the proposed changes to the District Reserve Management Plan (Recommended option)*

This option would see the approval of the changes to the District Reserve Management Plan to align with the proposed Freedom Camping Bylaw. The amended District Reserve Management Plan has been attached as appendix 3.

### Advantages

- The District Reserve Management Plan will correctly reflect the changes within the proposed Freedom Camping Bylaw if approved by Council. This will ensure that reserves included within the bylaw can be used for freedom camping and confirms the reserves where freedom camping is not allowed and can be enforced by the Freedom Camping Act 2011.

## 10.8 Approval of the Public Places Bylaw and Freedom Camping Bylaw(Cont.)

### Disadvantages

- No disadvantages have been identified with this option.

### 5.3.2. *Option 2 – Status quo (retain current District Reserve Management Plan)*

This option would see the Council choose to retain the existing District Reserve Management Plan.

### Advantages

- No advantages have been identified with this option.

### Disadvantages

- The District Reserve Management Plan could incorrectly reflect the decision made by council.

## 6. Significance and Engagement Assessment - *Aromatawai Pāhekoheko*

### 6.1. Assessment of Significance

The decisions and matters of this report are assessed to be of moderate significance, in accordance with the Council's Significance and Engagement Policy.

The following criteria are of particular relevance in determining the level of significance:

- Level of community interest: the expected level of community interest, opposition or controversy involved.
- Level of impact on current and future wellbeing: the expected level of adverse impact on the current and future wellbeing of our communities or district.
- Impact on whānau/hapū/iwi: the expected level of impact on whānau/hapū/iwi, taking into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga.
- Reversibility: the expected level of difficulty to reverse the proposal or decision, once committed to.

### 6.2. Engagement and community views

Pre-engagement activities have been carried out with key stakeholders, including the New Zealand Motor Caravan Association, New Zealand Transport Agency, and local Iwi. Community concerns were also identified and analysed through a review of past complaints regarding illegal freedom camping.

Formal consultation on both the Public Places Bylaw and the Freedom Camping Bylaw was conducted in accordance with the Special Consultative Procedure outlined in the Local Government Act 2002 from 12th August to the 13<sup>th</sup> of September.

During the consultation phase, the Council utilised social media and direct emails to stakeholders to encourage engagement and submissions on the proposal. Letters were also sent to residents near key freedom camping sites (West End, Maraetōtara, Edgumbe, and McAlister Street) informing them of the proposed changes and inviting their feedback. Letters were also sent to all Iwi in the district.

A total of 81 submissions were received, with seven submitters requesting to speak at the hearings.

### 10.8.1 Appendix 1 - Public Places Bylaw (Final)

#### 7. Considerations - *Whai Whakaaro*

##### 7.1. Financial/budget considerations

There are no budget considerations associated with the recommendations of this report.

##### 7.2. Strategic alignment

There are no inconsistencies with any of the Council's policies or plans have been identified in relation to this report.

##### 7.3. Climate change assessment

Based on the climate change assessment, the decisions and matters of this report are assessed to have low climate change implications and considerations, in accordance with the Council's Climate Change Principles

##### 7.4. Risks

There are no known risks associated with the matters of this report.

#### 8. Next steps - *Ahu whakamua*

If the Council approves the amendments to the Public Places Bylaw and revokes and replaces the Freedom Camping Bylaw, the bylaws will be made available online for public access and staff will update our website page that provides information on where you can and cannot freedom camp in the district, which includes an interactive map.

As a result of the changes to the Freedom Camping Bylaw, signage at affected sites will be updated to ensure consistency and clarity. This will help educate the public on the specific rules governing each area and promote compliance.

Both bylaws will be actively monitored to ensure they are functioning as intended. Data on enforcement and any issues that arise will be collected to inform future assessments and improvements. This ongoing monitoring will help ensure the bylaws remain effective and responsive to community needs.

The next scheduled review of the Public Places Bylaw and Freedom Camping Bylaw is in 10 years' time, unless earlier action is required based on emerging issues or changes in legislation.

##### **Attached to this report:**

- Appendix 1 – Public Places Bylaw (Final)
- Appendix 2 – Freedom Camping Bylaw (Final)
- Appendix 3 - Amended District Reserve Management Plan (Tracked changes)

### 10.8.1 Appendix 1 - Public Places Bylaw (Final)

**10.8.1 Appendix 1 - Public Places Bylaw (Final)(Cont.)**

# Public Places Bylaw

Date made:	17 December 2015
Commencement:	21 December 2015
Amendments:	17 October 2024
Next review date:	17 October 2034
Review frequency:	Every 10 years after the last review, as per section 159 of the Local Government Act 2002.
Relevant legislation:	This bylaw is made under the Local Government Act 2002, the Health Act 1956 and the Litter Act 1979.



**10.8.1 Appendix 1 - Public Places Bylaw (Final)(Cont.)**

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**10.8.1 Appendix 1 - Public Places Bylaw (Final)(Cont.)**

## PART 1: INTRODUCTION

### 1.0 Short title, commencement and application

This Bylaw shall be known as the Whakatane District Council Public Places Bylaw.

This Bylaw comes into force on 21 December 2015.

This Bylaw applies to public places in the Whakatāne District.

### 2.0 Purpose

The purpose of this Bylaw is to:

- a) protect the public from nuisance;
- b) protect, promote and maintain public health and safety;
- c) minimise the potential for offensive behaviour in public places;
- d) protect the misuse of or damage to public places.

### 3.0 Interpretation

**Authorised officer** means an employee, or a contractor of the Whakatāne District Council appointed or authorised to carry out general or specific duties arising from any of the provisions of this Bylaw, and includes an Enforcement Officer.

**Council** means the Whakatāne District Council.

**Enforcement Officer** means any person appointed by Council for the purpose of enforcing the provisions of the Bylaw as defined in section 5 of the Local Government Act 2002.

**Nuisance** has the same meaning as defined in Section 29 of the Health Act 1956 and includes a person, animal, thing, or circumstance causing unreasonable interference with the peace, comfort, or convenience of another person whether or not that person is in a public place.

**Public Place** means a site that is open to or used by the public, with or without payment of a charge, and which is owned, managed, maintained, or controlled by or on behalf of the Council (e.g. parks, reserves, footpaths, roads, grass berms, garden, recreational grounds, sports grounds, land, cemetery, reserve, park, access way, Council operated or controlled facility that is open for public use (excluding any property subject to a lease to a third party), thoroughfare and walkway of a public nature).

**10.8.1 Appendix 1 - Public Places Bylaw (Final)(Cont.)**

**Poster** means a sign consisting of a placard posted or displayed in a public place as an announcement of a function or event.

**Premise** 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 shall be deemed to be the same premises.

**Vehicle** means:

- a) a contrivance equipped with wheels, tracks, or revolving runners on which it moves or is moved; and
- b) includes a hovercraft, a skateboard, in-line skates, and roller skates; but
- c) does not include—
  - (i) a perambulator or pushchair:
  - (ii) a shopping or sporting trundler not propelled by mechanical power:
  - (iii) a wheelbarrow or hand-trolley:
  - (iv) a pedestrian-controlled lawnmower:
  - (v) a pedestrian-controlled agricultural machine not propelled by mechanical power:
  - (vi) an article of furniture:
  - (vii) any other contrivance specified by the rules set out in the Land Transport Act not to be a vehicle for the purposes of this definition:
  - (viii) any rail vehicle.

**Vehicular crossing** means a formed access for vehicles to enter or leave private land from or to a road.

**Written permission** means a written approval, permit, licence, or consent provided by Council or as delegated, and includes any conditions to be met by the applicant.

**10.8.1 Appendix 1 - Public Places Bylaw (Final)(Cont.)**

## PART 2: BYLAW CLAUSES

## 4.0 Public safety and nuisances

4.1 Except with the prior written permission of the Council or an authorised officer, and in accordance with any conditions that may be required, a person shall not:

- a) ride or use a skateboard, roller skates, roller blades, scooter or bicycle or similar device in such a way as to be dangerous or cause a nuisance or damage the public place;
- b) set off any fireworks or explosive material in or on any public place or so near to any such public place as to endanger, annoy or frighten passers-by along such public place;
- c) light any fire in or on any public place. This provision shall not apply to barbeques (meaning any fixed or portable electric, or gas fired appliance or device, designed, or intended for the cooking of food); or emergency flares; or fires lit in accordance with the Beaches Bylaw; and subject to prohibitions or restrictions on the lighting of fires imposed by Fire and Emergency New Zealand.

*Refuse and Offensive Material*

- d) deposit in or around a public litter receptacle any household, business or trade refuse;
- e) cause or allow any material or thing to be deposited or dropped onto a public place or road;
- f) fail to dispose of in a proper manner the body or part of the body of any animal in their possession into a public place or into any water body or onto any bank thereof;
- g) deposit, discharge or leave any offensive or dangerous matter or cause pollution of any river, stream, pond, lake, watercourse, or open drain;

*Soliciting, Advertising and Busking*

- h) solicit any subscription, collection or donation in a manner that creates a nuisance;
- i) preach, lecture, sing, busk, or play a musical instrument in a manner that creates a nuisance;
- j) use any loud speaker or other broadcast system or similar device in a manner that creates a nuisance;
- k) distribute any printed or written material advertising any product, service or entertainment in a manner that creates a nuisance.

## 5.0 Obstructing public places

5.1 Except with the prior written permission of the Council or an authorised officer, and in accordance with any conditions that may be required, a person shall not:

## Ordinary Council - AGENDA

**10.8.1 Appendix 1 - Public Places Bylaw (Final)(Cont.)**

- a) carry out any work on any vehicle in or on any public place, except in the case of an accident or emergency when immediate repairs are necessary to allow the vehicle to be removed;
- b) loiter in or remain in or on any public place in a manner that causes a nuisance after being directed to move on by an authorised officer;

*Parking on Grass Verge or Berms*

- c) stop, stand or park a vehicle on the grass verge or berm, flower bed or shrubbery laid out on any road or on land vested in or under the control of Council, or on a median strip or traffic island;
- d) park any machinery, equipment, materials or waste disposal bins on any road or public place;
- e) erect, place or use any stationery engine, concrete mixer, air compressor, crane, hoist or any other machinery in or on any public place;

*Overhanging Vegetation*

- f) no owner or occupier of land shall allow vegetation growing over any public place to overhang or encroach by their roots or branches on, above or across any public area so as to obstruct, interfere with, cause damage or injury to any person or traffic in that place;
- g) at the discretion of Council or an authorised officer, any vegetation referred to in clause 5.1(f) may be partly or fully removed, or trimmed back to the property boundary. The Council's costs may be recovered from the property owner.

## 6.0 Damage to public places

- 6.1 Except with the prior written permission of the Council or an authorised officer, and in accordance with any conditions that may be required, a person shall not:
- a) pollute, damage, deface or disfigure, apply graffiti, posters or advertising to, or interfere with any ornament, statue, building, structure or facilities or anything in or constructed on or standing on any public place;
  - b) cause or permit to be done any act whatsoever which causes damage to any public place, or any work or thing in, on, over or under the public place;
  - c) damage or interfere with any natural feature, animal or plant in or on any public place;
  - d) use any vehicle in any manner so that it damages any part of a public place.

## 7.0 Parades and assembly

- 7.1 Except with the prior written permission of the Council or an authorised officer, and in accordance with any conditions that may be required, a person shall not in any public place:

**10.8.1 Appendix 1 - Public Places Bylaw (Final)(Cont.)**

- a) organise or take part in any assembly (including parades or processions) or combine with other persons in such a way as to impede pedestrian or vehicular traffic to or along any public place or to any shops or premises facing onto any public place.
- 7.2 The written permission referred to in clause 7.1 will not be unreasonably withheld. Reasons shall be provided in a written decision where permission is refused. Permission may be refused in circumstances where the Council reasonably believes the activity will or is likely to:
- a) cause a nuisance or;
  - b) endanger public health and safety (including traffic safety).

***Explanatory note***

*This Bylaw will be applied in accordance with the New Zealand Bill of Rights Act 1990, which protects various rights, including freedom of expression. It is important to note that taking part in a public protest does not automatically qualify as a nuisance.*

## 8.0 Posters and display boards

- 8.1 The Council may erect or approve display boards in any public place for the purpose of allowing posters to be displayed announcing forthcoming events.
- 8.2 Any poster must be removed within three days of the advertised event concluding. The poster must be removed by the person running the event, or their agent. Should that person not remove the poster(s), Council staff may remove them at the expense of the person or organisation running the event.

## 9.0 Buildings and structures

- 9.1 Except with the prior written permission of the Council or an authorised officer and in accordance with any conditions that may be required, or where provided for in the District Plan or permitted by any other Bylaw, a person shall not:
- a. erect or place any structure on, over or under any public place;
  - b. put any portico, projecting window, balcony, wall, lamp, doorstep, cellar door, signboard, window shutter, gate post, or other obstruction or projection of any kind whatsoever in, on, over or under a public place or in such a position as to interfere with the free passage of pedestrians or traffic upon on or in any public place;
  - c. erect or maintain or cause to be erected or maintained any awning over any public place, or hang any awning, blind or screen from any portico on any public place;
  - d. cause or allow the drippings from the eaves or other projections of any building or other structure to fall upon any public place;

## Ordinary Council - AGENDA

**10.8.1 Appendix 1 - Public Places Bylaw (Final)(Cont.)**

- e. omit or neglect to secure and maintain the foundations of any building or any wall or fence, or cause or permit any encroachment by any building, wall, or fence abutting on any public place in a way that the public may be damaged or obstructed;
  - f. mix concrete or carry out any other work upon any public place so as to deface or obstruct such public place;
  - g. fail to keep in good repair any rail, gate, fence or cover over any area or entrance or lighting place to any cellar, or any other place opening into or on or over any public place, or keep open for more than a reasonable time for the taking in and out of articles, any entrance to any such area, cellar, or other place, or omit to protect such entrance when open for use;
- 9.2 If any structure or any part thereof is erected, constructed or placed upon, under, over or across any public place, the Council may, by written notice, require the owner of such structure to remove the structure or part thereof.
- 9.3 The notice referred to in clause 9.2 may require such precautions to be taken as the Council determines necessary to ensure public safety.

## 10.0 Building and excavation work

- 10.1 Except with the prior written permission of the Council or an authorised officer and in accordance with any conditions that may be required, no person shall carry out building work or excavations on or in a public place or where any public place may be interfered with or damaged as a result of the works.
- 10.2 No written permission issued under clause 10.1 shall be transferable to any other person without the consent of the Council or an authorised officer.
- 10.3 If any building or excavation work is carried out on a public place, or adversely affects a public place, without the Council's prior written permission, the Council may remove or alter that work. The Council's costs may be recovered from the person who undertook the work, or the property owner for whom the work was being done.
- 10.4 In all cases where building or excavation work is being carried out, the applicant for the requisite consents shall also make any necessary application for the permit for the scaffolding, gantry, hoarding, or barricade to be erected in connection with such building, alterations, repairs or excavations.
- 10.5 The person(s) responsible for any works permitted under this Bylaw shall take all precautions for guarding against injury to passers-by as may be necessary, including the provision of adequate lighting where the danger remains during the hours of darkness.
- 10.6 Nothing in this Bylaw relieves any person from responsibility for compliance with all of the provisions of this Bylaw, any other Bylaw, or any relevant or applicable legislation or regulation.

**10.8.1 Appendix 1 - Public Places Bylaw (Final)(Cont.)**

## 11.0 Fencing

- 11.1 Where a hazard to public safety exists adjacent to a public place, the Council or authorised officer may give written notice to the owner or occupier of the hazardous land requiring them to construct a fence or a retaining wall to protect the public from that hazard.
- 11.2 Where an existing fence or retaining wall adjacent to a public place is in an unsafe condition, Council may require the owner or occupier to remove or make safe the structure.

## 12.0 Restrictions on use of barbed wire and electrified fencing

- 12.1 Except with the prior written permission of Council or an authorised officer and in accordance with any conditions that may be required, no person shall erect any barbed or razor wire within one metre of the boundary of a public place unless it is two metres or higher above the ground level of the public place.
- 12.2 No person shall erect or repair any electrified fencing on a boundary adjoining a public place in any area zoned for residential activity or mixed use in the Whakatane District Plan. The owner or occupier of the land adjacent to the public place shall be responsible for complying with this Bylaw.
- 12.3 Clauses 12.1 and 12.2 shall not apply within any area zoned "rural" in the operative Whakatāne District Plan, except when the fence can be touched from a public footpath.

## 13.0 Vehicular crossings

- 13.1 Except with the prior written permission of the Council or an authorised officer and in accordance with any conditions that may be required, no person shall construct, repair, remove, widen, or narrow any vehicle access.
- 13.2 Before granting permission, the Council will consider what is reasonably necessary to:
- a) ensure the safe and convenient use of the road by pedestrians and vehicles; and
  - b) protect the road (including any footpath or berm) adjacent to the vehicle access; and
  - c) comply with any Council Policy or District Rule Plan in force at the time.
- 13.3 Following approval of the application and after the applicant has paid to the Council the fees required, the work shall be carried out by the applicant or their agent in accordance with the specifications and policy set by the Council and at the full cost of the applicant.
- 13.4 The authorised work shall be carried out as soon as reasonably practicable.



**10.8.1 Appendix 1 - Public Places Bylaw (Final)(Cont.)**

- 13.5 If in the opinion of the Council or an authorised officer, any vehicle crossing is in a bad or unsafe state of repair, the Council or an authorised officer may by written notice require the owner or occupier of the land which the crossing provides access to repair, reconstruct or renew such crossing to the satisfaction of the Council or an authorised officer, or to pay such sum of money as shall be necessary in the opinion of the Council or an authorised officer to repair, reconstruct, or renew such crossing.
- 13.6 Where a permanent vehicle crossing is not required, but access to a construction site or for any other purpose is required, a temporary vehicle crossing is necessary.
- 13.7 Except with the prior written permission of Council or an authorised officer and in accordance with any conditions that may be required, no person shall use any temporary vehicle crossing.

## 14.0 Naming of streets

- 14.1 Except with the prior written permission of Council and in accordance with any conditions that may be required, no person shall give any name to or affix, set up, or paint any name on any street, private street, or public place.
- 14.2 Every person shall be guilty of an offence against this Bylaw who wilfully or maliciously destroys, pulls down, obliterates, or defaces the name of any street, or the number of any property or building, or paints, affixes or sets up any name of any street or any number to any building, contrary to the provisions of this Bylaw.

**10.8.1 Appendix 1 - Public Places Bylaw (Final)(Cont.)**

## PART 3: OTHER MATTERS

### 15.0 General offence and penalties

- 15.1 Every person who fails, refuses, or neglects to do anything required to be done, or does anything prohibited by this Bylaw commits a breach of this Bylaw and is liable to a penalty under section 242 of the Local Government Act 2002.
- 15.2 Council may, pursuant to section 163 of the Local Government Act 2002:
- a) remove or alter any work or thing that is, or has been, constructed, deposited, stored, or accumulated in breach of this bylaw; and
  - b) recover the costs of removal, repair or alternation from the person who committed the breach or was responsible for the activity creating the breach.

### 16.0 Exclusions

- 16.1 This Bylaw does not apply to any person who carries out an act that is done by a member of the emergency services in the course of carrying out their duties.

### 17.0 Fees

- 17.1 Council may in accordance with section 150 of the Local Government Act 2002 prescribe fees or charges for any written permission, certificate, licence, approval, permit, consent form, or inspection made by Council under this Bylaw as set out in Council Fees and Charges Schedule.
- 17.2 Where a fee has been paid under clause 17.1 for a service which has not been given, the Council may provide a refund, a remission, or waiver of such fee, or portion of it as the Council may determine.

**10.8.2 Appendix 2 – Freedom Camping Bylaw (Final)**

**10.8.2 Appendix 2 – Freedom Camping Bylaw (Final)**

**10.8.2 Appendix 2 – Freedom Camping Bylaw (Final)(Cont.)**

# Freedom Camping Bylaw

Date made:	17 October 2024
Commencement:	17 October 2024
Amendments:	
Next review date:	17 October 2034
Review frequency:	Every 10 years after the last review, as per section 13(2) of the Freedom Camping Act 2011.
Relevant legislation:	This bylaw is made under the Freedom Camping Act 2011.

**10.8.2 Appendix 2 – Freedom Camping Bylaw (Final)(Cont.)**

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**10.8.2 Appendix 2 – Freedom Camping Bylaw (Final)(Cont.)**

## PART 1: INTRODUCTION

### 1.0 Short title, commencement and application

This Bylaw shall be known as the Whakatane District Council Freedom Camping Bylaw.

The commencement date is 17 October 2024.

This Bylaw shall apply to the Whakatane District.

### 2.0 Purpose

The purpose of this Bylaw is to define the local authority areas in the district where freedom camping is prohibited or restricted and, where restricted, the restrictions that apply.

***Explanatory Note***

*Under section 11(2) of the Freedom Camping Act 2011, the prohibitions and restrictions can be made only if the Council considers they are necessary for one or more of the following purposes:*

- *to protect the area;*
- *to protect the health and safety of people who may visit the area;*
- *to protect access to the area.*

### 3.0 Interpretation

**Authorised officer** means an employee, or a contractor of the Whakatāne District Council appointed or authorised to carry out general or specific duties arising from any of the provisions of this Bylaw, and includes an Enforcement Officer.

**The Act** means The Freedom Camping Act 2011.

**Chief Executive** means the chief executive of the Council and any person delegated to perform any duties of the chief executive.

**Council** means the Whakatane District Council.

**10.8.2 Appendix 2 – Freedom Camping Bylaw (Final)(Cont.)**

**Designated Area** means a parking area that is indicated by signs and/or road markings in an area where Freedom Camping is permitted subject to any restrictions and conditions.

**Enforcement officer** means any person appointed by Council under section 32 of the Act for the purpose of enforcing provisions of the Bylaw and the Act.

**Freedom camping** means to camp (other than at a camping ground) within 200 m of an area accessible by motor vehicle or within 200 m of the mean low-water springs line of any sea or harbour, or on or within 200 m of a formed road or a Great Walks Track, using either or both of the following:

- (a) a tent or other temporary structure:
- (b) a motor vehicle.

Freedom camping does not include the following activities:

- (a) temporary and short-term parking of a motor vehicle:
- (b) recreational activities commonly known as day-trip excursions:
- (c) resting or sleeping at the roadside in a motor vehicle to avoid driver fatigue.

A person is not freedom camping if the person—

- (a) is a person other than a person who is in New Zealand on the basis of a visitor visa (within the meaning of the immigration instructions); and
- (b) is unable to live in appropriate residential accommodation; and
- (c) as a consequence of that inability, is living in either or both of the following:
  - (i) a tent or other temporary structure:
  - (ii) a motor vehicle.

**Local authority area** has the same meaning as in section 6 of the Act.

**Motor Vehicle** means each of the following;

- (a) a motor vehicle within the meaning of section 2(1) of the Land Transport Act 1998:
- (b) a unit used for camping that is not itself a vehicle but is capable of being-
  - (i) transported by means of being loaded onto a vehicle; and
  - (ii) used for camping whether or not it is loaded onto a vehicle.

**Nohoanga** means specific Māori ‘camping’ sites to support mahinga kai activities.

**10.8.2 Appendix 2 – Freedom Camping Bylaw (Final)(Cont.)**

**Nohoanga entitlement** means an entitlement granted to settled Iwi governance entities.

**Reserve** has the same meaning as in section 2(1) of the Reserves Act 1977.

**Self-contained vehicle** has the same meaning as "self-contained" in section 4 of the Freedom Camping Act 2011.

**Written permission** means a written approval, permit, licence, or consent provided by Council.



**10.8.2 Appendix 2 – Freedom Camping Bylaw (Final)(Cont.)**

## PART 2: BYLAW CLAUSES

### 4.0 Permitted freedom camping areas

- 4.1 Freedom camping using a tent or other temporary structure or a self-contained motor vehicle is permitted within a local authority area, unless it is restricted or prohibited in an area in accordance with:
- a. clause 5 or 6 of this Bylaw; or
  - b. any other legislation.
- 4.2 Freedom camping using a motor vehicle that is not self-contained is only permitted in the local authority areas listed in Schedule One (Approved Freedom Camping Areas) of this Bylaw. All freedom camping in the local authority areas listed in Schedule One is subject to the restrictions listed for that area in Schedule One.

***Explanatory Note***

*Section 44 of the Reserves Act 1977 generally prohibits camping in reserves unless certain statutory exceptions apply. One of those exceptions is where camping in a reserve is permitted in a reserves management plan (section 44(1)(e)). The Whakatāne District Council District Reserve Management Plan has been updated to provide for freedom camping in those reserves listed in Schedules One and Three of this Bylaw, subject to conditions. Where a local authority area listed in Schedules One and Schedule Three of this Bylaw is a reserve, a person must comply both with this Bylaw and with the Reserves Act, including any conditions imposed on camping under the District Reserve Management Plan.*

### 5.0 Prohibited freedom camping areas

- 5.1 Freedom camping is prohibited in any local authority area outlined in Schedule Two: Prohibited Freedom Camping Areas, without the prior written permission of the Council.

### 6.0 Restricted freedom camping areas

- 6.1 Subject to clause 4.1, a person may freedom camp in a self-contained vehicle in any area identified in Schedule Three (Restricted Freedom Camping Areas), but must comply with the restrictions listed for that area in Schedule Three.

**10.8.2 Appendix 2 – Freedom Camping Bylaw (Final)(Cont.)**

## PART 3: OTHER MATTERS

### 7.0 Fees

- 7.1 Council may in accordance with section 150 of the Local Government Act 2002 prescribe fees or charges for any certificate, licence, approval, permit, consent form, or inspection made by Council under this Bylaw as set out in Council Fees and Charges Schedule.
- 7.2 Where a fee has been paid under clause 7.1 for a service which has not been given, the Council may provide a refund, a remission, or waiver of such fee, or portion of it as the Council may determine.

### 8.0 Exemptions

- 8.1 Written permission can be sought from the Council to waive or modify restrictions imposed on freedom camping in a local authority area which may be granted with or without conditions. Permission must be applied for in writing to the Chief Executive of the Council at least 20 days in advance of the date planned for freedom camping in the area without restrictions applying.

### 9.0 Relationship of Bylaw with nohoanga

Relationship with the Ngāti Awa Claims Settlement Act 2005, the Ngāti Tūwharetoa Claims Settlement Act 2005, Central North Island Forest Land Collective Settlement Act 2008, Ngāti Manawa and Ngāti Whare Settlement Acts 2012, and the Tūhoe Claims Settlement Act 2014.

- 9.1 This Bylaw does not limit or affect the rights in relation to nohoanga entitlements or other Iwi entitlements under the Settlement Acts relating to Iwi within the Whakatāne District, including the Ngāti Awa Claims Settlement Act 2005, the Ngāti Tūwharetoa Claims Settlement Act 2005, Central North Island Forest Land Collective Settlement Act 2008, Ngāti Manawa and Ngāti Whare Settlement Acts 2012, and the Tūhoe Claims Settlement Act 2014.

***Explanatory note***

*Current nohoanga entitlements include: Ngāti Awa Claims Settlement Act 2005 (Te Awa a Te Atua, Port Ōhope Recreation Reserve, Ōhineteraraku Scenic Reserve, and*

**10.8.2 Appendix 2 – Freedom Camping Bylaw (Final)(Cont.)**

*Thornton Lagoon Wildlife Management Reserve), the Ngāti Tūwharetoa Claims Settlement Act 2005 (Te Awa a Te Atua), and Ngāti Manawa (Ngātamawāhine Nohoanga site).*

## 10.0 Offences

- 10.1 Section 20(1) and 20C of the Act specifies the infringement offences applicable to local authority areas, which include that every person commits an offence who –
- a. freedom camps in a local authority area in breach of any prohibition or restriction in this Bylaw that applies to the area; or
  - b. makes preparations to freedom camp in a local authority area in breach of any prohibition or restriction in this Bylaw that applies to the area.
- 10.2 For the purposes of section 20(1)(a) and (f) of the Act, any person who has obtained prior written permission of the Council, granted under clause 8.1 of this Bylaw, and who complies with any conditions on the permission, is not acting in breach of any prohibition or restriction in this Bylaw.

## 11.0 Penalties

- 11.1 As specified in section 20E of the Act, every person who commits an infringement offence is liable to the following fee:
- a. the amount prescribed by regulations made under section 43 of the Act as the infringement fee for the offence; or
  - b. \$400, if no fee is prescribed.

***Explanatory note***

*Freedom camping infringements and penalties cannot be applied to people experiencing homelessness. Enforcement officers will refer these people to social support agencies when appropriate.*

**10.8.2 Appendix 2 – Freedom Camping Bylaw (Final)(Cont.)**

## SCHEDULE ONE: Approved areas for freedom camping

As referred to in clause 4.2, freedom camping (including in a motor vehicle that is not self-contained) is permitted in the areas listed below.

Area name	Specific restrictions	Relevant map
Aniwhenua Reserve, Galatea (near Murupara township)	<ul style="list-style-type: none"> <li>• Maximum 7-night stay in any four-week period.</li> <li>• Camping sites must be left in clean and tidy condition- please take all rubbish and refuse with you.</li> <li>• Campers must follow any direction(s) issued by an authorised officer.</li> </ul>	Map 1

**10.8.2 Appendix 2 – Freedom Camping Bylaw (Final)(Cont.)**

## SCHEDULE TWO: Prohibited areas for freedom camping

As referred to in clause 5.1, freedom camping is prohibited in the local authority areas identified below.

Area name	Description	Rationale	Relevant map
<b>WHAKATĀNE</b>			
Muriwai Drive	Muriwai Drive is located from The Strand at the eastern end of the Whakatāne CBD to the Whakatāne River entrance. There are various reserves along the length of Muriwai Drive from the Fishing Club to the road end that are popular and used for many different recreational activities, including the boat ramp, especially during the summer months.	To protect public health and safety, particularly in relation to road safety, and to protect against nuisances (including access issues for other recreational users), freedom camping is prohibited along the length of Muriwai Drive, including all reserves along the length of this road.	Map 2
Kōhī Point Scenic Reserve	Kōhī Point Scenic Reserve is located at the road end of Kōhī Point Look Out Road between Whakatāne and Ōhope. This is a culturally significant site with a statutory acknowledgement as set out in the Ngāti Awa Claims Settlement Act 2005. It is also a reasonably narrow road with limited parking on the road's edge.	To protect cultural values and to protect access issues that may become a nuisance to other users, freedom camping is prohibited in all parts of Kōhī Point Scenic Reserve.	Map 3
Rex Morpeth Park	Rex Morpeth Park is a popular active reserve with playing fields for a wide range of recreational uses including	To protect health and safety (particularly road safety), to ensure access is maintained for users, and to avoid nuisance	Map 4

**10.8.2 Appendix 2 – Freedom Camping Bylaw (Final)(Cont.)**

	rugby, soccer, cricket, athletics, tennis, and croquet.	effects on other recreational users, freedom camping is prohibited in all parts of Rex Morpeth Park.	
<b>ŌHOPE</b>			
Mahy Reserve	Mahy Reserve is located on Pohutukawa Ave, Ōhope at the intersection of Pohutukawa Ave, West End Road and Ōhope Road. This is a popular beach side reserve and is used for a wide range of recreational uses, including community events, family picnics, children’s play area and the Surf Lifesaving Club. The car park on this reserve is reasonably narrow with limited parking.	To protect health and safety (particularly road safety) and to protect against nuisance effects such as accessibility issues for other recreational users, freedom camping is prohibited in all parts of Mahy Reserve.	Map 5
Wharekura East Reserve	Wharekura East Reserve is a small reserve with a car park at 177B Pohutukawa Ave, Ōhope located adjacent to the tennis courts and opposite Ōhope Beach School.	For road safety reasons and for accessibility reasons (restricting access to the beach, tennis court users and school users), freedom camping is prohibited in all parts of Wharekura East Reserve.	Map 6
Ocean Road and Park, 243 Pohutukawa and Otao North Reserves	This is a long stretch of road and roadside reserve extending from the eastern boundary of Maraetōtara Reserve, Ōhope to the eastern end of Ocean Road, Ōhope.	To protect this sensitive coastal environment and to protect accessibility for other users, freedom camping is prohibited in all parts of these reserves and along the length of Ocean Road.	Map 7
Goodwins Landing	This is a small pull over area on the Ōhiwa Harbour margin that is used heavily for parking by landowners	To protect against nuisance, specifically accessibility to parking for Ohakana Island	Map 8

**10.8.2 Appendix 2 – Freedom Camping Bylaw (Final)(Cont.)**

	travelling by boat to Ohakana Island. It is located off Waterways Drive, Ōhope.	residents, freedom camping is prohibited at Goodwins Landing.	
Uretara East and West	Uretara East and West are reserve strips on the Ōhiwa Harbour Margin accessed by Harbour Road and Ōhiwa Parade, Ōhope. These reserves are planned to form part of the Ōhiwa Bay Walkway and freedom camping on these reserves would restrict access creating a public nuisance. Both these reserves are also sensitive coastal environments.	To ensure these reserves remain accessible, freedom camping on these sites is prohibited.	Map 9
Otao South Reserve	Otao South Reserve is a reserve strip on Ōhiwa Harbour running along Harbour Road extending from approximately Liddon Grove to Anne Street. This reserve has a stormwater and flooding issue and therefore is not suitable for regular or heavy vehicle use.	Freedom camping is prohibited on the Otao South Reserve to protect the reserve and the amenity of the reserve. This is specifically to minimise nuisance effects resulting from vehicles causing rutting of the reserve that is prone to flooding issues as this is likely to impact on the accessibility and enjoyment of other recreational users.	Map 10
Ōhiwa Harbour Wharf car park	This is a car parking area in front of the Ōhiwa Harbour Wharf, a popular recreation area. As well as being a boat launching area and a recreational wharf, the sailing club and a popular restaurant is also situated here.	Freedom camping is prohibited in all areas of the Ōhiwa Harbour Wharf carpark for public road safety, and to protect against nuisances such as accessibility by other recreational users.	Map 11

**10.8.2 Appendix 2 – Freedom Camping Bylaw (Final)(Cont.)**

<b>OTAKIRI</b>			
Braemar Springs (Wairere-a-tu), Otakiri	Braemar Springs is located on Braemar Road, Otakiri. Braemar Springs is a water supply facility. It is also a place of historic and cultural significance to Ngāti Tūwharetoa as identified in the Ngāti Tūwharetoa Claims Settlement Act 2005.	Freedom camping in this area would impede emergency access to the water supply facility and may compromise cultural values. For these reasons freedom camping is prohibited in all areas of Braemar Springs.	Map 12
<b>THORNTON / MATATĀ</b>			
Western Coastal Recreation Reserve (excluding No.2 carpark)	The Western Coastal Recreation Reserve is a coastal strip running from Otamarakau to Golf Links Road and is approximately 30 km in length. This is a sensitive coastal environment identified in the Western Coastal Recreation Reserve Management Plan, made under the Reserve Management Act 1977. The areas along the coastal strip are small and there is reasonable recreational use of the reserves, particularly for fishing.	With the exception of No.2 car park, freedom camping is prohibited along the Western Coastal Recreation Reserve to protect from public nuisance, specifically accessibility issues, and to protect the sensitive coastal environment.	Map 13
Awatarariki Debris Flow Area	The Awatarariki Debris Flow Area is located at the west end of Matata, covering the areas around Clem Elliot Drive, Kaokaoroa Street and the car parks at Richmond Drive as shown in Map 16. This area is high risk to life and property from debris flows. This area is also culturally significant.	Freedom camping is prohibited within the Awatarariki Debris Flow Area to protect public safety and an area of cultural significance.	Map 14



**10.8.2 Appendix 2 – Freedom Camping Bylaw (Final)(Cont.)**

**Explanatory note:**

*The relationship between this bylaw and the Reserves Act 1977 is such that in addition to those areas where freedom camping is prohibited within the Bylaw (Schedule 2), the Reserves Act 1977 also generally prohibits camping in most reserves (pursuant to section 44). The Whakatane District Reserve Management Plan should be read in conjunction with this Bylaw.*

**10.8.2 Appendix 2 – Freedom Camping Bylaw (Final)(Cont.)**

## SCHEDULE THREE: Restricted areas for freedom camping in self-contained vehicles

As referred to in clause 6.1, a person may freedom camp in a local authority area identified below, only pursuant to the following restrictions and any further specific restrictions for that area.

1. Vehicles to camp only in the designated area.
2. Certified self-contained vehicles only.
3. Vehicles to camp for a maximum of three consecutive nights within any four-week period.

Area name	Description	Designated area / Specific restrictions	Relevant map
McAlister Street car park, Whakatane	McAlister Street car park is located in the Whakatāne township near the Whakatāne River and New World Supermarket, adjacent to the skate park and Ocean playground. Toilet facilities are available.	The designated area is in identified carparks only within the northern end of the car park.	Map 15
West End Road, car park, and Reserve	West End Road, car park, and reserve is a popular summer spot. Toilet facilities are available.	Freedom camping is prohibited at West End Carpark from the beginning of the third week of December to 31 March. The designated area is the car park area behind the toilet facilities at the western most point of West End Road.	Map 16

**10.8.2 Appendix 2 – Freedom Camping Bylaw (Final)(Cont.)**

<p>Maraetōtara Reserve, Ōhope</p>	<p>Maraetōtara Reserve is a popular beachfront reserve located at 243 Pohutukawa Avenue, Ōhope (access opposite Maraetōtara Road). This is a large open space reserve with playground, car park, BBQ and toilet facilities.</p>	<p>The designated area is in identified carparks only within the car park area to the north-west of the round-about adjacent to the beach.</p>	<p>Map 17</p>
<p>Eastern end of Harbour Road and Port Ōhope Reserve, Ōhope</p>	<p>Port Ōhope is a large reserve at 541 Harbour Road Ōhope, the eastern most point of Harbour Road. Port Ōhope Reserve is a popular harbour side reserve encompassing the boat ramp at the eastern end. Toilet facilities are available.</p>	<p>The designated area is at the south-west end of the reserve adjacent to the harbour’s edge.</p>	<p>Map 18</p>

10.8.2 Appendix 2 – Freedom Camping Bylaw (Final)(Cont.)

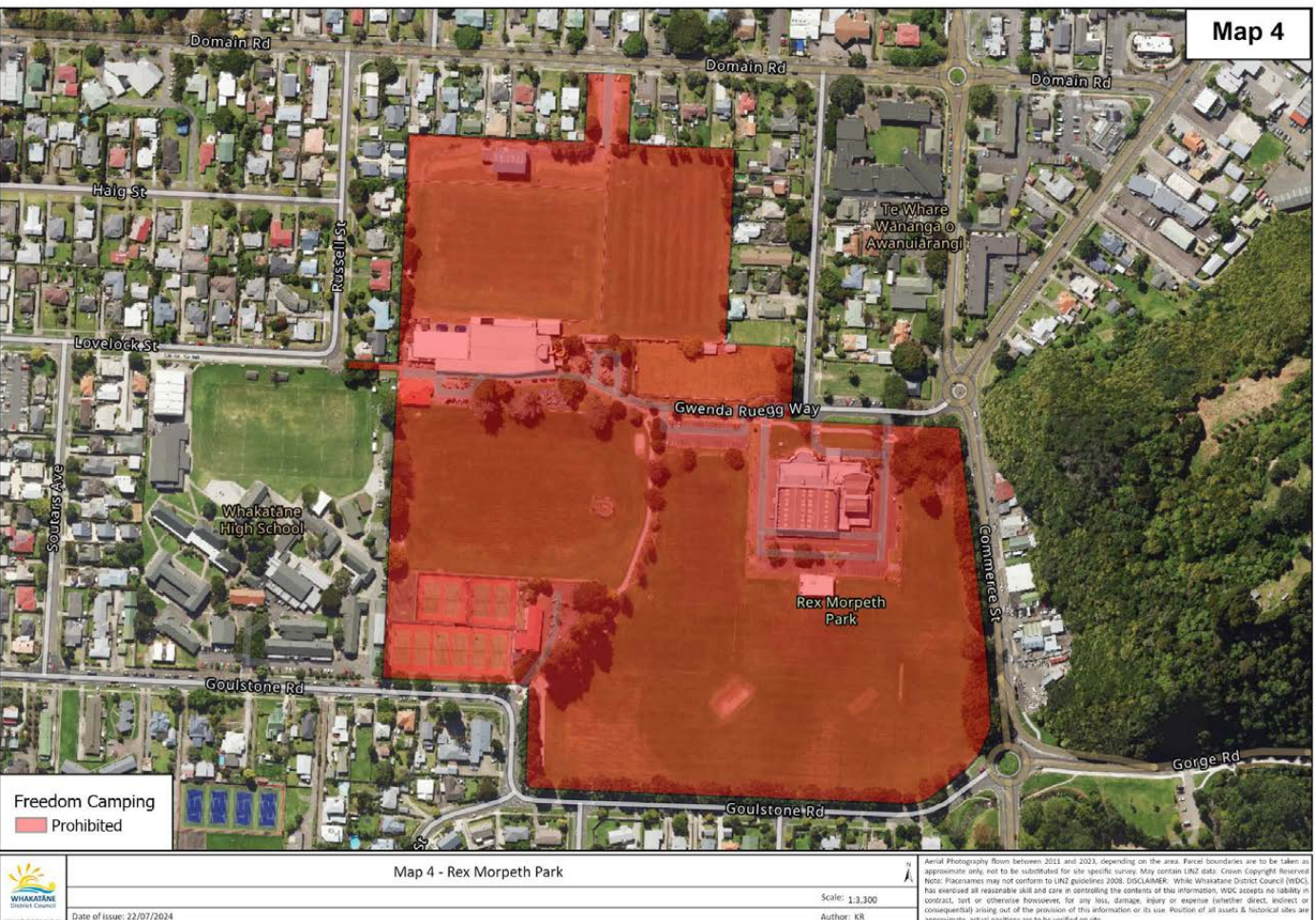




10.8.2 Appendix 2 – Freedom Camping Bylaw (Final)(Cont.)



10.8.2 Appendix 2 – Freedom Camping Bylaw (Final)(Cont.)





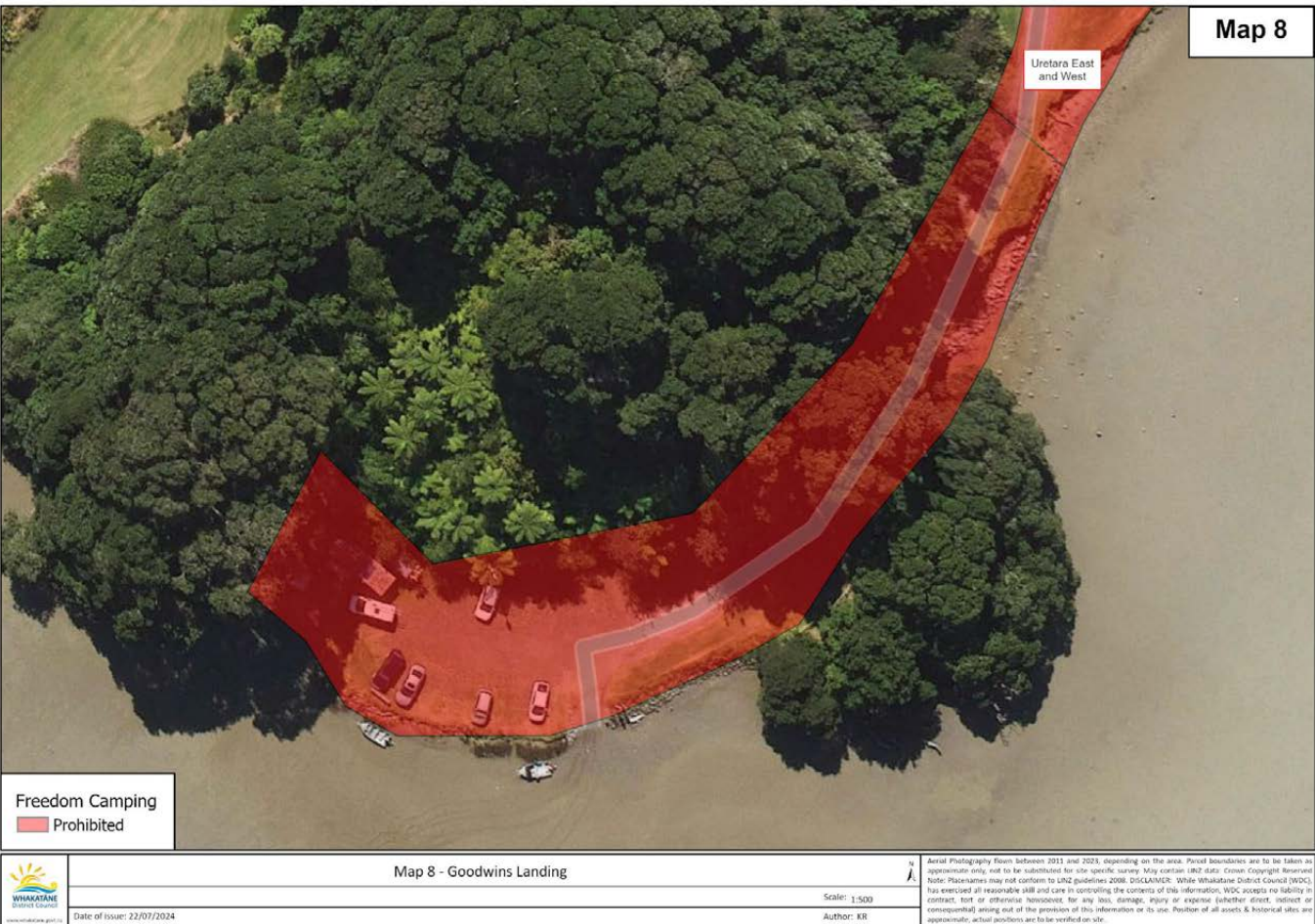




10.8.2 Appendix 2 – Freedom Camping Bylaw (Final)(Cont.)



10.8.2 Appendix 2 – Freedom Camping Bylaw (Final)(Cont.)



10.8.2 Appendix 2 – Freedom Camping Bylaw (Final)(Cont.)



10.8.2 Appendix 2 – Freedom Camping Bylaw (Final)(Cont.)





10.8.2 Appendix 2 – Freedom Camping Bylaw (Final)(Cont.)







10.8.2 Appendix 2 – Freedom Camping Bylaw (Final)(Cont.)









10.8.2 Appendix 2 – Freedom Camping Bylaw (Final)(Cont.)



**10.8.3 Appendix 3 - Amended District Reserve Management Plan (Tracked changes)**

**10.8.3 Appendix 3 - Amended District Reserve Management Plan (Tracked changes)**

## Appendix 3 – District Reserve Management Plan (Tracked Changes)

### 9.2 ~~Overnight Parking~~Freedom Camping in ~~of Self-Contained~~Self-Contained Vehicles

The Freedom Camping Act came ~~in to~~into force in 2011 and under the Act, freedom camping is considered to be a permitted activity everywhere within a local authority (or DOC) area, except at ~~those~~ sites where it is specifically prohibited or restricted. In order to gain access to infringement offences under the ~~new~~ Act, by-laws ~~now~~ need to designate the places where freedom camping is not allowed, or where it is restricted in some way (for example for a limited duration, or only in ~~self-contained~~self-contained vehicles). The ~~Public Places bylaw~~Whakatane District Council Freedom Camping Bylaw ~~currently~~ allows restricted ~~overnight parking~~freedom camping of certified self-contained vehicles in four designated areas within reserves. These areas are McAlister 68 of 88 Street Car Park, Maraetōtara Reserve, Port Ōhope ~~Boat Ramp~~Reserve, and West End Car Park (to note West End is prohibited from the beginning of the third week of December until 31 March).

These restricted areas are also subject to the following conditions: vehicles must display a current self-containment certificate, vehicles may only be parked in designated camping areas, and people must only stay a maximum of ~~threetwo~~ consecutive nights in any one location. ~~Overnight parking~~Freedom camping is prohibited in the following reserves; Kōhī Point Scenic Reserve, ~~Rex Morpeth Park~~, Mahy Reserve, Wharekura East Reserve, Ocean Beach Park, Otao North and South Reserves, Goodwin’s Landing Reserve, Port Ōhope (Ōhiwa Harbour) Wharf Reserve, and Western Coastal Recreation Reserve. Security staff contracted by Council monitor these areas from Labour weekend until Easter and are on call for attendance of complaints outside of this period.

~~Note: The Freedom Camping legislation is currently under review by the Government, which may result in changes to allowances under the Act.~~

#### Objectives

- (iii) To actively monitor and enforce the ~~Public Places bylaw~~Whakatane District Council Freedom Camping Bylaw pertaining to areas in reserves where freedom camping in a self-contained vehicle ~~overnight parking~~ is both restricted or prohibited.
- (iv) To ensure safe freedom camping~~overnight stays~~ while allowing for continued local enjoyment and the protection of the environment in areas where freedom camping in a self-contained vehicle ~~overnight parking~~ is permitted.

## Policies

- (iv) The location and general conditions of both prohibited and restricted self-contained vehicle parking areas, will be communicated with site-specific signage, information via communication networks on websites, and through published material.
- (v) -Council will actively enforce the ~~bylaws~~ [Whakatāne District Council Freedom Camping Bylaw](#) by regularly monitoring both restricted and prohibited reserve sites, by speaking to [freedom](#) campers, issuing infringement notices, and/or requiring [freedom](#) campers to leave to the extent that the bylaw permits.
- (vi) Public complaints regarding [freedom](#) camping on prohibited reserves or any breaches of conditions will be responded to by enforcement, according to bylaw provisions.
- (vii) Users and the community will be educated about [freedom](#) camping options, bylaw and/or policy provisions and legislative responsibilities.



**11 Resolution to Exclude the Public - *Whakataunga kia awere te marea***

**11 Resolution to Exclude the Public - *Whakataunga kia awere te marea***

**11.1 Resolution to Exclude the Public**

**THAT** the public be excluded from the following parts of the proceedings of this meeting, namely:

1. Public Excluded Minutes Ordinary Council Meeting 30 July 2024
2. Public Excluded Minutes Chief Executive Performance and Support Committee Meeting 7 August 2024
3. Public Excluded Minutes Risk and Assurance Committee Meeting 19 August 2024
4. Commercial Land Management Update
5. 2 The Strand Additional Information
6. Pohutu Street Update

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

	<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48(1) for the passing of this resolution</b>
1.	Public Excluded Minutes Ordinary Council Meeting 30 July 2024	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
2.	Public Excluded Minutes Chief Executive Performance and Support Committee Meeting 7 August 2024	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
3.	Public Excluded Minutes Risk and Assurance Committee Meeting 19 August 2024	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)

**11.1 Resolution to Exclude the Public(Cont.)**

4.	Commercial Land Management Update	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
5.	2 The Strand Additional Information	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)
6.	Pohutu Street Update	Good reason to withhold exists under Section 7.	That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48(1)(a)

This resolution is made in reliance on sections 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 7 of that Act, which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public are as follows:

Item No	Interest
1, 2, 3, 5	To protect the privacy of natural persons, including that of deceased natural persons; (Schedule 7(2)(a))
3, 4, 6	Maintain legal professional privilege (Schedule 7(2)(g))
3, 5, 6	To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) (Schedule 7(2)(i))

**11.1 Resolution to Exclude the Public(Cont.)**

**1 Confirmation of Minutes - *Te whakaaetanga o ngā meneti o te hui***

**1 Confirmation of Minutes - *Te whakaaetanga o ngā meneti o te hui***

1.1 Public Excluded Minutes Ordinary Council Meeting 30 July 2024

**2 Standing and Joint Committee Recommendations and Minutes - *Ngā tuhinga hui a te Komiti Ngātahi***

2.1 Public Excluded Minutes Chief Executive Performance and Support Committee Meeting 7 August 2024

2.2 PX Minutes of the Risk and Assurance Committee Meeting 19 August 2024

**3 Reports - *Ngā Pūrongo***

3.1 Public Excluded – Commercial Land Management Update

**3.1.1 Appendix 1 - Valuation advice**

**3.1.2 Appendix 2 - Acquisition Plan Map**

**3.1.3 Appendix 3 - Legal Advice**

**3.1.4 Appendix 4 - MCDA Tool**

**3.1.6 Appendix 6 - Benchmarking Slides**

**3.1.5 Appendix 5 - MCDA Results**

**3.1.7 Appendix 7 - Taxation Advice**

**3.1.8 Appendix 8 - Stakeholder Views**

**3.1.9 Appendix 9 - Polis Summary of Next Steps**

3.2 Public Excluded – 2 The Strand Additional Information

**3.2.1 Appendix 1 - Council paper 27 June 2024 - 2 The Strand**

**3.2.2 Appendix 2 - Tenants feedback**

**3.2.3 Appendix 3 - Iwi Feedback**

3.3 Public Excluded – Pohutu Street Update

**3.3.1 Appendix 1 - Simpson Grierson advice**