



Strategy and Policy Committee
Te Komiti Rautaki me ngā Kaupapa Here

Thursday, 25 November 2021
Rāpare, 25 Whiringa-ā-rangi 2021

Council Chambers, Civic Centre, Commerce Street, Whakatāne
In-person access to meetings is limited to Elected Members & staff
Public can access the meeting via Zoom - please contact Council for a link

Chief Executive: Steph O'Sullivan
Publication Date: 19 November 2021

A Membership - *Mematanga*

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Mayor J A Turner

Deputy Mayor A V Iles

Councillor N S Tánczos - Chairperson

Councillor G L Dennis

Councillor L N Immink - Deputy Chairperson

Councillor W B James

Councillor J C Jukes

Councillor V Luca

Councillor J W Pullar

Councillor A R Silcock

Councillor G F van Beek

B Delegations to the Strategy and Policy Committee - *Tuku Mahi ki te Komiti*

To oversee development of policies, strategies, plans, and bylaws that reflect and implement the Council's vision and direction. Specifically the Policy Committee will:

- a. Develop the Long-term Plan and Annual Plan and determine the form and extent of public consultation methods to be employed (Note 1: the Council cannot delegate to a Committee the adoption of the Long-term Plan and Annual Plan, Note 2: the Council retains for itself the strategic direction setting responsibility of the Long-term Plan process)
- b. Develop, and monitor implementation of, Council's Climate Change Strategy and programme
- c. Develop, and monitor implementation of, Council's Community Development Strategy programme
- d. Develop and review bylaws (Note: the Council cannot delegate to a Committee to "make" (adopt) a Bylaw)
- e. Develop, review and approve strategies, policies and plans (Note: the Council cannot delegate to a Committee the adoption of the policies associated with the Long-term Plan)
- f. Develop a proposed plan or a change to a district plan under the Resource Management Act 1991
- g. Develop draft Statement of Intent for the Council's Council-Controlled organisations (CCO's)
- h. Undertake any reviews of CCO's and make recommendations on any proposed changes to CCO governance arrangements
- i. Consider and approve changes to service delivery arrangements arising from the service delivery reviews required under section 17A LGA 2002 that are referred to the Committee by the Chief Executive
- j. Make recommendations on governance related issues to the Council

B Delegations to the Strategy and Policy Committee - *Tuku Mahi ki te Komiti*(Cont.)

- k. Approve Council submissions to central government, councils and other organisations including submissions to any plan changes or policy statements
- l. Approve all new road names in accordance with the Road Naming and Property Addressing Policy
- m. Receive minutes of the:
 - Whakatāne District Youth Council
 - Whakatāne District Sister Cities Association

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1 Apologies - *Te hunga kāore i tae*

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No apologies have been received at the time of compiling the agenda.

2 Announcements - *Ngā Pānui*

Bob Russell from Acoustic Certificates will be in attendance via Zoom for the Audible Bird Scaring Devices - Monitoring Summary Report - Item 6.1

3 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 interest they might have.


4 Public Forum - *Wānanga Tūmatanui*

The Committee has set aside 30 minutes 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.

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

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

 <p>WHAKATĀNE District Council <i>Kia Whakatāne au i ahau</i></p>	Details of Meeting:	STRATEGY AND POLICY COMMITTEE MEETING HELD VIA THE ZOOM PLATFORM ON THURSDAY, 14 OCTOBER 2021 COMMENCING AT 9:00 AM
	Present:	Her Worship the Mayor J A Turner, Deputy Mayor A V Iles, Councillors N S Tánzos (Chairperson), L N Immink, W B James, J C Jukes, V Luca, J W Pullar, A R Silcock and G F van Beek
	In Attendance:	S O’Sullivan (Chief Executive), D Bewley (General Manager Development and Environmental Services), S Perdia (General Manager Strategy and Transformation), R Trass (CFO and General Manager Business Partnering), B Gray (General Manager Infrastructure), E Hatch (General Manager People and Engagement), G Fletcher (General Manager Community Experience), N Woodley (Manager Policy Planning and Consents), H Keravel (Senior Strategic Policy Analyst), J Joyce (Manager Strategy), C Haeusler (Strategic Policy Analyst) and H J Storey (Governance Support Advisor)
	Visitors:	D McCarthy
	Apologies:	Councillor G L Dennis

The Chairperson opened the meeting with a karakia.

1. APOLOGIES

RESOLVED:

THAT the apology of Councillor G L Dennis be received.

Councillor Pullar/Councillor Jukes

CARRIED

2. CONFLICTS OF INTEREST

No conflicts of interest

3. CONFIRMATION OF MINUTES

3.1. Strategy and Policy Committee 26 August 2021

Refer to pages 7-9 of the agenda.

5 Confirmation of Minutes - *Te whakaaetanga o ngā meneti o te hui*(Cont.)

RESOLVED:

THAT the minutes of the Strategy and Policy Committee meeting, held on Thursday, 26 August 2021 be confirmed as a true and correct record.

Councillor Luca/Deputy Mayor Iles

CARRIED

4. REPORTS

4.1. Proposed Plan Change – Deferred Residential

Refer to pages 10-18 of the agenda.

RESOLVED:

1. **THAT** the Proposed Plan Change – Deferred Residential Report be received; and
2. **THAT** the Strategy and Policy Committee approve Option 1: Council develop plan changes, to commence the development of future changes to the Whakatāne District Plan to rezone Deferred Residential land to Residential.

Councillor James/Her Worship the Mayor

CARRIED

4.2. Annual Plan 2022-23 Project Commencement

Refer to pages 19-22 of the agenda.

RESOLVED:

THAT the Annual Plan 2022-23 – Project Commencement report be received.

Councillor Pullar/Deputy Mayor Iles

CARRIED

4.3. Policy Register Update and Proposed Next Steps

Refer to pages 23-49 of the agenda.

It was requested that the policy review schedule include a further column noting the review period for each of the policies.

RESOLVED:

1. **THAT** the Policy Register Update and Proposed Next Steps Report be received; and
2. **THAT** the Committee note the intention to workshop the proposed approach to policy reviews over the next three years on 3 November 2021

Councillor Jukes/Councillor van Beek

CARRIED

5 Confirmation of Minutes - *Te whakaaetanga o ngā meneti o te hui*(Cont.)

4.4. Local Government Funding Agency 2021 Annual Report to Shareholders

Refer to pages 50-146 of the agenda.

RESOLVED:

THAT the Local Government Funding Agency 2021 Annual Report to Shareholders be received.

Councillor James/Her Worship the Mayor

CARRIED

4.5. General Manager Development and Environmental Services Report

Refer to pages 147-157 of the agenda.

RESOLVED:

THAT the General Manager Development and Environment Services Report – October 2021 be received.

Councillor van Beek/Councillor Jukes

CARRIED

4.6. General Manager Strategy and Transformation Report

Refer to pages 158-164 of the agenda.

RESOLVED:

THAT the General Manager Strategy and Transformation report be received.

Deputy Mayor Iles/Her Worship the Mayor

CARRIED

5. MINUTES OF OTHER ORGANISATIONS

5.1. Meeting Notes Whakatane District Sister Cities Association 16 September 2021

Refer to page 165 of the agenda.

RESOLVED:

THAT the meeting notes of the Whakatane District Sister Cities Association meeting held on Thursday, 16 September 2021 be received.

Councillor Jukes/Deputy Mayor Iles

CARRIED

5 Confirmation of Minutes - *Te whakaaetanga o ngā meneti o te hui*(Cont.)

THE MEETING CLOSED WITH A KARAKIA FROM THE CHAIRPERSON AT 10.35 AM

Confirmed this	day of
CHAIRPERSON	

6 Reports - *Ngā Pūrongo*

6 Reports - *Ngā Pūrongo*

6.1 Audible Bird Scaring Devices – Monitoring Summary



To: **Strategy and Policy Committee**

Date: **Thursday, 25 November 2021**

Author: **Deborah Ganley / Senior Policy Planner**

Authoriser: **David Bewley / General Manager Development and Environment Services**

Reference: **A2115157**

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

This report summarises the outcomes of the Audible Bird Scaring Device (ABSD) monitoring programme.

2. Recommendations - *Tohutohu akiaki*

1. **THAT** the Strategy and Policy Committee receive the Audible Bird Scaring Devices – Monitoring Summary report, and
2. **THAT** the Strategy and Policy Committee approve Option 1: Plan change to modify permitted limits.

The District Plan permits ABSD use from half an hour before sunrise to half an hour after sunset, provided they do not exceed 100db L_{Zpeak} or 3 events within 1 minute, limited to 12 individual events per hour. The use of ABSDs, both the permitted sound level and the frequency was raised by residents concerned with the effects on the community at the Strategy and Policy Committee meeting on the 1 April 2021.

As a result, a monitoring programme has been undertaken to support the subsequent Strategy and Policy Committee resolution on the 1 April 2021:

“...to advocate on the communities behalf for alternative bird scaring options, to undertake section 35 monitoring of the noise provisions in the District Plan and work towards a District Plan change review”.

The monitoring supports the development of a future plan change. This plan change will be carried out in accordance with s73 (Preparation and change of district plans) and Schedule 1 (Preparation, change, and review of policy statements and plans) of the Resource Management Act 1991 (RMA). This will include pre-consultation with the community and affected parties prior to the formal notification process.

6.1 Audible Bird Scaring Devices – Monitoring Summary(Cont.)

3. Issue/subject - *Kaupapa*

Following the Strategy and Policy Committee meeting on 1 April 2021, councillors voted to advocate on communities' behalf for bird-scaring alternatives, and start a process to change the District Plan regulations for the use of these devices, if environmental (compliance) monitoring support that view. Any change to the District Plan will need to be based on evidence, hence a desktop acoustic modelling exercise and a field monitoring programme has been undertaken.

3.1. **ABSD Monitoring**

While the ABSD controls in the District Plan are appropriate for the type of sound being managed, the community has raised concern relating to:

- the permitted sound level,
- the frequency of events, and
- proximity to neighbouring properties and the wider community.

The monitoring program was proposed and undertaken primarily to understand:

- level of ABSD use and compliance with the existing rules, and
- cumulative impact of multiple ABSD use in one area.

3.2. **Desktop Acoustic Model**

To understand how sound from an ABSD could travel away from a site and the impact it could have on local residents, 8 desktop models were carried out by Acoustic Certificates (Bob Russell). The models are attached in **Appendix 1**.

3.2.1. ***Acoustic model locations***

The locations for the acoustic terrain models were selected based on complaints in previous years, proximity to urban areas and orchard clusters where ABSD use would be likely. The locations for the models include:

0.2.3. ***Acoustic model assumptions***

- 108 Shaw Rd, Whakatāne
- 45 Leader Road, Poroporo
- 271 Rewatu Road, Poroporo
- 288 Rewatu Road, Poroporo
- 49 Willow Lane, Edgecumbe
- 191 Gow Road, Edgecumbe
- 996 State Highway Road, Edgecumbe¹
- 927 State Highway Road, Edgecumbe

The models are based on a series of assumptions, these include:

- i. a line (red) that indicates the extent 100db would travel before the sound would start to reduce. For all locations sound 'carries' easily across the relatively low-lying terrain of the Rangitāiki Plains. This distance varies but is generally in the order to 2000 meters.
- ii. an ABSD would be centrally located within an orchard.

6.1 Audible Bird Scaring Devices – Monitoring Summary(Cont.)

- iii. that sound is not directional and an ABSD would be heard at the same frequency within 360 degrees. It is noted that sound is directional and will be at its loudest when facing towards a person / building.
- iv. that consistent 'near perfect' conditions exist. It is noted that sound drift is influenced by wind direction.

The accuracy of the acoustic modelling was field tested. The results from field testing emulated that of the models, thus providing a high degree of certainty.

3.3. Field monitoring

Field monitoring was undertaken for two weeks from Monday 27 September to Friday 8 October 2021. The start for this was delayed due to Covid, regardless of the timeframe changes monitoring still coincided with peak budding season for the main kiwifruit varieties grown in our District (Gold3 and Green14).

The intention of the monitoring programme was to remain dynamic and responsive to the environment and community concerns. The monitoring sites were initially identified on the basis of community complaints (in past years), proximity to kiwifruit orchards and urban settlements (such as Coastlands, Awakeri, Edgumbe, Matata).

For ease of monitoring, two routes (see **Appendix 2**) were identified for the western and eastern parts of the Rangitāiki Plain. The intention was to monitor each route on a daily basis, alternating morning and afternoon site visit. However, due to the time needed to complete each monitoring circuit and limited staffing resources, monitoring frequency was amended to every 2 days.

In addition to changing the monitoring route frequency, monitoring sites for each route altered over time. This was due to:

- lack of ABSD activity in some areas of the district. This was verified by discussions with orchard owners, local residents and lack of community complaints for developed urban areas (ie Coastlands);
- duplication of monitoring sites within a similar soundscape area;
- relocating sites closer to areas using ABSD's; and
- new community complaints received during the monitoring timeframe.

At each monitoring site a single sound observation (reading) was taken with an acoustic sound meter each time an ABSD (boom) went off. At times ABSD's could be heard at a site but were too far away to be accurately recorded. For example, the sound was lower than the background noise for that site and therefore not recorded.

Recordings were generally taken at the legal road boundary. In two instances, on McLean Road, observations were taken on private property down a right of way.

3.4. ABSD Monitoring Communication

A communication plan was developed to ensure that the community was well informed of what was happening, when and why. The main communication avenues included:

- Letter mail out to all orchard and property owners within 500m of existing horticultural sites (identified using GIS aerial photography). A total of 3960 letters were posted to residents, with approximately 203 letters returned. Where possible addressee duplications were limited.

6.1 Audible Bird Scaring Devices – Monitoring Summary(Cont.)

- Council webpage, including ‘frequently asked questions’ to help improve understanding within the general community.
- Public Notice advising of the ABSD monitoring programme in the Beacon on Friday 24 September 2021.
- An article highlighting the ABSD monitoring programme in the Ko Konei insert of the Beacon on Friday 1 October 2021.
- An article on the ABSD monitoring in the District in the rural outlook section of the Beacon on Wednesday 13 October 2021. This article also featured in RNZ (online) on 12 October and the Bay of Plenty Times on 14 October 2021.

Council received 15 calls from the community raising concerns relating to the use of ABSD’s during the monitoring programme timeframe. Queries of a generic nature were referred to the Council ABSD website page. More specific queries were responded to on an individual basis. With calls relating to specific sites ABSD use , monitoring was carried out (if the area was not already being monitored).

Additional community concerns were published in the letters to the editor section of the Beacon on 1 October and Wednesday 6 October 2021. These articles highlighted opposing views of ABSD concerns, that it is part of country living and rural sounds and the other that ABSD’s are noise pollution and need to be better managed.

3.5. Monitoring Outcomes

The monitoring data has been collated into a summary table for each route (see 'Table 4.5 - 1 : Total Monitoring Results').

Table 4.5 - 1 : Total Monitoring Results

Routes	Total observations	Highest decibel reading	Number of observations =>100dB
Route one	204	114	31
Route two	94	121	24
Total for both routes	298	121	55

The monitoring results show that the ABSD sound was above the permitted 100dB level 18% of the time. There were six locations where ABSD observations were =>100dB, two of these sites were at the permitted noise limit and two were significantly over (see 'Table 4.5 - 2 : Monitoring Sites with Observations =>100dB').

Table 4.5 - 2 : Monitoring Sites with Observations =>100dB

Route / Site	Monitoring Site	Times visited	Total observations	Number of observations =>100dB	Highest decibel reading	% above permitted 100dB
1.9	174 Galatea Rd, Te Teko	5	51	18	114	35

6.1 Audible Bird Scaring Devices – Monitoring Summary(Cont.)

1.10	74 Orchard Rd, Awakeri	5	61	13	106	21
2.1	439 West Bank Rd, Edgecumbe	6	35	1	100	3
2.11	102 Otakiri Road, Edgecumbe	6	12	1	101	8
2.12	566 West bank Road, Edgecumbe	3	19	14	121	74
2.13	494 East Bank Road, Edgecumbe	1	7	5	104	71

While this might appear to be a relatively low level of non-compliance, in terms of number of sites with observations above the District Plan rules, because sound is measured in a logarithmic scale the results mean that for:

- sites with observations at 110dB, the sound energy has increased by 10, and
- sites with observations at 120dB, the sound energy has increased by 100.

3.6. Review of other Council ABSD controls

The range of controls used to manage noise and potential effects on the receiving environment by councils within New Zealand are summarised in Table 4.6-1 Summary of Audible Bird Scaring Rules by relevant Council in New Zealand

Councils typically measure sound, either with rules based on either ‘peak’ measurements or an ‘average’ measurement. Many other Councils use an average sound measure. This means a pulse sound could be significant (louder and used for a longer time than permitted within our District), but when averaged over time (including periods of little noise) could still comply the relevant rules.

The most effective rules for managing ABSD use (or pulse sounds like ‘gun’ shots) are ‘peak’ measurements. A pulse sound is described as a short sharp sound that lasts for less than a second. L_{peak} or **Peak Sound Level**, represents the true peak of the sound pressure wave or the maximum value reached by the sound pressure. It is useful for capturing impulsive sounds, such as gun shots and blasting operations. Hence it is more accurate for measuring a single ‘shot’ from an ABSD – or multiple ‘shots’ such as a cluster from an ABSD.

Often sound can include a ‘frequency weighting’, which helps to filter noise from sound to help measure particular parts of the sound spectrum. The District Plan uses L_{zpeak} measurements, where ‘z’ means no frequency weighting is applied. 'Table 4.6 - 1 Summary of Audible Bird Scaring Rules by relevant Council in New Zealand' below only includes councils using L_{zpeak} noise controls as these are the most accurate for measuring pulse sounds or ‘shots’ from an ABSD.

3.6.1. Comparing the District Plan ABSD rules to other Councils

The District Plan controls are consistent with those used by other councils’ (detailed in 'Table 4.6 - 1 Summary of Audible Bird Scaring Rules by relevant Council in New Zealand'), as:

6.1 Audible Bird Scaring Devices – Monitoring Summary(Cont.)

- i. they use L_{zpeak} as the baseline measure for pulse sounds;
- ii. using a notional or zoning boundary;
- iii. they have similar hours of operation; and
- iv. non compliance results in the activity defaulting to restricted discretionary or discretionary.

Areas where the District Plan is not consistent with the other councils include:

- v. having a higher than most permitted sound limit (without additional restrictions).
- vi. having a higher discharge frequency.
- vii. having no controls to manage the cumulative impact of multiple devices within a location.

In the development of a proposed plan change additional controls to manage the impacts of ABSD use could be identified.

Table 4.6 - 1 Summary of Audible Bird Scaring Rules by relevant Council in N ew Z ealand

Rules	Councils with sufficient for measuring pulse sound (ABSDs)					
	Whakatane	Auckland	Waipa	Hastings		
dB noise limit	100dB L_{zpeak}	85 L_{zpeak}	85dBA unweighted peak level	<85dBCpeak	>85dBCpeak to 100dBCpeak	>85dBCpeak - 115dBCpeak
Notional boundary restrictions	Notional boundary of 20m applies	Notional boundary	Residential Zone or dwelling on any Rural Zone property	Residential zone Rural zone	Residential Zone	Rural zone
Use / time limits	1/2hr before sunrise to 1/2hr after sunset	none	between sunrise and sunset	1/2hr after sunset to 1/2hr before sunrise		
Discharge frequency	events per 1-minute period limited to total of 12 individual events / hour	none	six clusters (3 shots) per device per 60-minute intervals	none	< 4 events / hour, or 12 total individual shots / hour (event = 3 individual shots in 1 minute)	none
Buffer zones/limits	none	none	1 device per 10ha of crop	1 device per 4 hectares or part there of.		

6.1 Audible Bird Scaring Devices – Monitoring Summary(Cont.)

Exclusions	short or variable sound event limit is 50dBA SEL.	Not applicable to sound <70dB LZ peak	none	none	Not exceed 100dBCpeak at Residential Zone boundary.	Not exceed 115dBCpeak at Rural Zone boundary.
Non compliance with rule	Restricted discretionary activity	none	Discretionary activity	none		

4. Options analysis - Ngā Kōwhiringa

Throughout the monitoring of ABSD use in the district, site specific concerns were raised by some members of the community. It is noted that most kiwifruit sites using ABSDs were included within the monitoring programme (see 4.3 for site / route rational). However, where new sites were identified or particular concern raised, additional site monitoring was undertaken.

The main outcomes observed from the compliance monitoring were:

- i. A majority of all sites monitored complied with the existing District Plan controls. Specifically, the sound measured at the road boundary was under the permitted 100dB L_{zpeak} limit permitted by the District Plan. It is noted that the 100dB L_{zpeak} limit is high when compared to other Councils, most are 85dB L_{zpeak} .
- ii. The frequency of ABSD events (booms) was highest at sites/areas with multiple ABSD's in use. It was difficult to ascertain compliance with the frequency of events (3 events within 1 minute, limited to 12 individual events per hour) as individual ABSDs could not be sighted. However, it appeared that the frequency of events complied with the District Plan rules.

Despite the Kiwifruit industry complying with the permitted District Plan controls, complaints from the community were received because of 'unreasonable noise'. It is noted that Section 16 (noise) of the Resource Management Act (RMA) relates to the 'duty to avoid unreasonable noise'. This section imposes a general duty on all occupiers of land to control the emission of noise from that land. With section 16(1) imposes a duty on land occupiers to ensure that noise levels are kept at a reasonable level by adopting the best practicable option.

The intention of the District Plan rules is to avoid unreasonable noise. However, it is noted that even with District Plan rules for ABSD use and compliance with the rules, for some people unreasonable noise persists. This is generally due to the persistent and constant 'boom' from ABSDs over an extended period of time for multiple weeks in a row. The cumulative impact of ABSD use, regardless of compliance with the rules, is not considered by the existing District Plan rules. A plan change is the preferred option to manage these impacts.

4.1. Option 1 – Plan change to modify permitted limits (preferred option)

To manage the cumulative impact of ABSD use (particularly for those residents closest to an orchard), a combination of changes to the District Plan are proposed. A plan change is proposed, in line with the Strategy and Policy Committee resolution on the 1 April 2021, to:

6.1 Audible Bird Scaring Devices – Monitoring Summary(Cont.)

- i. reduce the permitted sound limit from an ABSD;
- ii. reduce the discharge frequency;
- iii. consider limiting the number of ABSD's per hectare; and
- iv. introduce a possible buffer zone between rural and residential zones.

This should help to reduce the loudness from horticultural properties using an ABSD, as well as reduce the number of 'booms' heard over an hour.

This will manage the cumulative impact of ABSD use, which should reduce the 'nuisance' factor from ABSD activities.

4.1.2. Disadvantages

Any proposed changes to existing District Plan rule provisions could be opposed from the horticulture industry. It is important to recognise that the intention of any proposed rule changes is to enable rural industry and residents to live in closer proximity to each other more harmoniously. It is likely that sound from ABSD's may still be heard by the community, but it would be at a level that is not causing annoyance to the general community.

4.2. Option 2 – Annual compliance monitoring

Annual compliance monitoring of ABSD use is an option, particularly as more agriculture (dairy) land is converted to horticulture for kiwifruit. There is a chance that more ABSD's could be used in the future and Council could receive more community complaints. and work with the horticultural industry (such as Kiwifruit growers) to meet the District Plan rules.

4.2.1. Advantages

Annual monitoring would reduce the immediate need for a plan change to amend the District Plan rules. Monitoring could enable Council to work proactively with orchardists to encourage best practice and compliance with the District Plan rules.

The Council could use enforcement action for sites where persistent non-compliance remained an issue.

4.2.2. Disadvantages

Over time the level of non-compliance with the existing District Plan rules may increase, resulting in a high level of community dissatisfaction and eventually prompt a plan change to manage the cumulative impacts. It could be more challenging to amend rules when the outcomes as more land is converted to orchards. Equally, community expectation could change over time to a point where ABSD use would not be tolerated. Particularly as monitoring does not manage the cumulative impact of ABSD use or reduce the intensity of ABSD sound and frequency on nearby residents.

In addition, prioritising annual monitoring of ABSD use could be at the expense of other District Plan monitoring or future compliance issues.

6.1 Audible Bird Scaring Devices – Monitoring Summary(Cont.)

4.3. Option 3 – Status quo (do nothing)

Council could continue to rely on the existing District Plan controls and self regulation of ABSD use by the horticulture industry. Where necessary enforcement action could be carried out for sites where persistent non-compliance is an issue, but monitoring would be carried out on an ad-hoc basis based on community complaints.

4.3.1. Advantages

Relying on the existing rules would reduce both the need for a plan change to amend the District Plan rules and annual monitoring costs.

4.3.2. Disadvantages

Given the conversion of agriculture land to horticulture in our district, (particularly to kiwifruit orchards), community dissatisfaction with the existing rules is likely to increase. The existing rules do not consider changing use patterns of our rural landscapes, or conflicting use issues likely to arise. Therefore, community concerns relating to ABSD volume, frequency of use or the cumulative impact are expected to remain.

5. Assessment of Significance

- **Level of community interest:** Moderate. There exists a high level of community interest, predominantly from residents in the rural zone that adjoin kiwifruit orchards. Any changes to the existing Plan are likely to be of interest to the community and industry partners, which could result in a 'high' level of interest.
- **Level of impact on current and future wellbeing:** Moderate. The expected level of 'socially accepted' activities and noise limits within and around the rural zone appears to have changed over time. This report seeks to assess whether the existing Plan rules are appropriate to meet the concerns of existing and future residents in our communities and District.
- **Rating impact:** Low. The expected costs from the report and any consequential outcomes are already included in the policy planning budget for the Review of Strategies and Changes. No additional costs or impact to rates is expected.
- **Financial impact:** Low. The expected costs from the report and any subsequent plan change are already included in the policy planning budget for the Review of Strategies and Changes. No additional financial impact is expected as a result of this report and options.
- **Consistency:** Low /Moderate. The report proposes changes to the District Plan, however any changes will need to be consistent with higher order strategic direction and policies.
- **Reversibility:** Moderate. A plan change could be costly or time-consuming to reverse once committed to.
- **Impact on Māori:** Moderate. ABSD use in relation to horticultural activities in close proximity to Māori ancestral land, water, sites and wāhi tapu sites, could impact on Maori culture and traditions. Any future plan change will need to give effect to this through the post and formal consultation stages. This could result in a 'high' impact on Māori.
- **Impact on levels of service:** Moderate. Recognising the concerns raised by local residents near orchards using ABSD's, we are proactively providing an enhanced level of service.
- **Impact on strategic assets:** Low. This report does not seek the sale of strategic assets and has no impact on the performance of strategic assets.

6.1 Audible Bird Scaring Devices – Monitoring Summary(Cont.)

5.1. Engagement and community views

The level of community engagement will follow the statutory processes, which seek community input via initial community consultation and the formal submission / further submissions processes.

6. Considerations - *Whai Whakaaro*

6.1. Financial/budget considerations

The expected costs from the options proposed in this report can be met in the Review of Strategies Changes Budget (Y50027).

6.2. Climate change assessment

The likely impacts of climate change in the Bay of Plenty been considered in relation to the use of ABSD's as a horticulture operational pest management tool by:

- The use of ABSD's generally relies on a gas explosion (LPG). This will be releasing a small amount of fossil fuel within the Bay of Plenty. Reviewing the use of these devices and working to change existing pest management practices in the horticultural sector, will help to reduce fossil fuel emissions. Alternatives can include visual and water deterrents;
- Limiting the use of ABSD could enhance the district's biodiversity and ecology, by limiting disturbance to native flora and fauna within the vicinity;
- By limiting the use of traditional ABSD devices, more ecological and environmental friendly alternatives could be developed or used more frequently; and
- This report takes into account a locally and culturally appropriate responses to climate change by 'thinking and acting long term' by promoting industry best practice that seeks to reduce reliance on fossil fuels.

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.

6.3. Risks

The key risks for the report options include:

- Adverse effect on the community due to ongoing noise health and wellbeing related issues;
- Possible economic impacts to orchardists due to changing operational practices and impact on quality produce;
- Publicity from affected community and horticulture industry as conflicting expectations create tension;
- Development of a plan change and associated democratic planning process may limit a speedy resolution of this issue; and
- Industry partners and local communities may disagree with the District Plan changes in the future proposed plan change.

These risks will be assessed and managed throughout the project.

6.1.1 Appendix 1 - Acoustic Models

7. Next steps - *Ahu whakamua*

Officers will report back to the Strategy and Policy Committee with progress updates on the development of a future plan change.

It is noted that the future plan change will be undertaken in accordance with s73 (Preparation and change of district plans) and Schedule 1 (Preparation, change, and review of policy statements and plans) of the Resource Management Act 1991 (RMA).

Attached to this report:

- Appendix 1: Acoustic Models
- Appendix 2: ABSD Field Monitoring Sites - Route one and two maps

6.1.1 Appendix 1 - Acoustic Models

6.1.1 Appendix 1 - Acoustic Models(Cont.)

Appendix One – Acoustic Terrain Models

1 Considerations - *Whai Whakaaro*

1.1 Acoustic Models

The following acoustic terrain models identify:

- the extent an acoustic bird scaring device (ABSD) emitting a pulse sound (boom) at 100db would radiate from a central point.
- the red line indicates the extent 100db before the sound would start to reduce.
- the location of an ABSD was centred in an orchard at each modelling location. Modelling locations were based on previous complaints, proximity to urban areas, orchards where seasonal ABSD's are used.
- sound is directional and loudest when facing towards a person / building. The acoustic model is based on the premise that sound is not directional as ABSD's frequently rotate 360 degrees.
- consistent 'near perfect' conditions. Sound is influenced by wind direction, land contours and the built / natural environment (absorption).

The accuracy of the acoustic modelling was field tested. The results from field testing emulated that of the models, thus providing a high degree of certainty.

Acoustic models are included for the following locations:

- 108 Shaw Rd, Whakatāne
- 45 Leader Road, Poroporo
- 271 Rewatu Road, Poroporo
- 288 Rewatu Road, Poroporo
- 49 Willow Lane, Edgecumbe
- 191 Gow Road, Edgecumbe
- 996 State Highway Road, Edgecumbe
- 1927 State Highway Road, Edgecumbe

2 Certification of acoustic models and reports

All models have been prepared by:

Acoustics Certificates Ltd.

Acoustics Certificates Ltd.
021 226 8784 (021 acoustics)
bob@aenz.co.nz
www.acoustics-certificates.co.nz
PO Box 3197,
Greerton Mail Centre,
Tauranga 3142.

6.1.1 Appendix 1 - Acoustic Models(Cont.)

All reports are signed on behalf of Acoustics Certificates Ltd:



Bob Russell -
Director, Acoustics Certificates Ltd.
Post Graduate Diploma of Acoustics & Noise Control of the Institute of Acoustics UK, London
(1991)
Additional Institute of Acoustics UK specialist papers in 'Regulation and Assessment of Noise'
and 'Environmental Noise' (Merit passes, 2012)
Professional Grade Membership of the Institute of Acoustics UK
Auckland Council Building Warrant Number 1806 (Sole specialist building soundproofing
warrant holder 2004 - 2016)
Sponsor: www.regulatorynoise.nz

6.1.1 Appendix 1 - Acoustic Models(Cont.)

2.1 108 Shaw Rd, Whakatāne - Re: Whakatane gas gun (bird scare gun) modelled noise levels from a Zon gas gun located (at 108 Shaw Rd Whakatane, 18-8-2021)

Modelled Peak (Z) 100dB contour line (marked in red), with exemplified measured distance (m).



Modelling settings, LimA-ISO 6913 octave, spinning standard off the rack Zon gas gun at 2m height, receiver contour at 1.5m height, no wind, 10 degrees Celsius, Concawe weather stability class B, ground absorption effects modelled at zero (from actual cross checked gas gun field measurements vs distance).

Modelled example gas gun position circled below in blue.



6.1.1 Appendix 1 - Acoustic Models(Cont.)

2.2 45 Leader Road, Poroporo - Re: Whakatane gas gun (bird scare gun) modelled noise levels from a Zon gas gun located (at 45 Leader Rd Poroporo Date 18-8-2021)

Modelled Peak (Z) 100dB contour line (marked in red), with exemplified measured distance (m).



Modelling settings, LimA-ISO 6913 octave, spinning standard off the rack Zon gas gun at 2m height, receiver contour at 1.5m height, no wind, 10 degrees Celsius, Concawe weather stability class B, ground absorption effects modelled at zero (from actual cross checked gas gun field measurements vs distance).

Modelled example gas gun position circled below in blue.



6.1.1 Appendix 1 - Acoustic Models(Cont.)

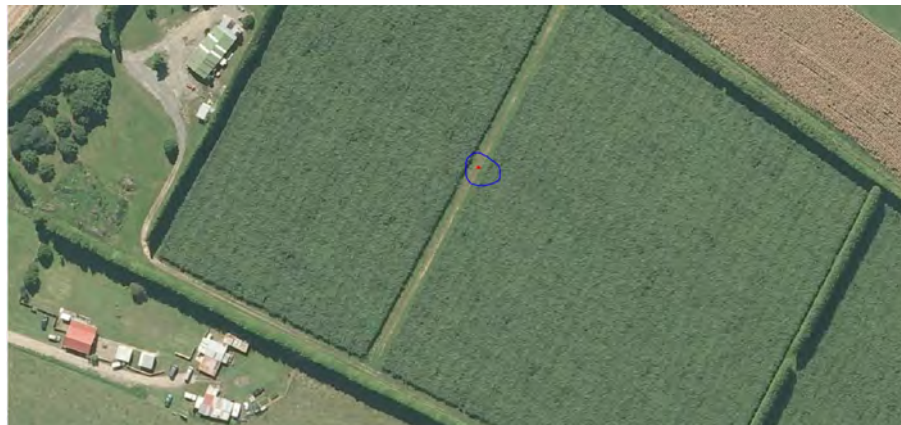
2.3 271 Rewatu Road, Poroporo - Re: Whakatane gas gun (bird scare gun) modelled noise levels from a Zon gas gun located (at 271 Rewatu Rd Poroporo 18-8-2021)

Modelled Peak (Z) 100dB contour line (marked in red), with exemplified measured distance (m).



Modelling settings, LimA-ISO 6913 octave, spinning standard off the rack Zon gas gun at 2m height, receiver contour at 1.5m height, no wind, 10 degrees Celsius, Concawe weather stability class B, ground absorption effects modelled at zero (from actual cross checked gas gun field measurements vs distance).

Modelled example gas gun position circled below in blue.



6.1.1 Appendix 1 - Acoustic Models(Cont.)

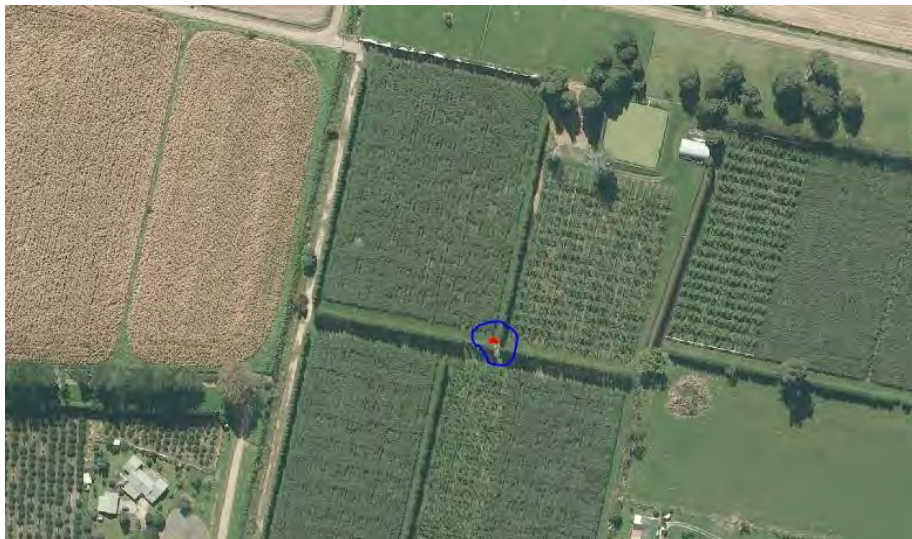
2.4 288 Rewatu Road, Poroporo - Re: Whakatane gas gun (bird scare gun) modelled noise levels from a Zon gas gun located (at 288 Rewatu Rd Whakatane 16-8-2021)

Modelled Peak (Z) 100dB contour line (marked in red)



Modelling settings, LimA-ISO 6913 octave, spinning standard off the rack Zon gas gun at 2m height, receiver contour at 1.5m height, no wind, 10 degrees Celsius, Concawe weather stability class B, ground absorption effects modelled at zero (from actual cross checked gas gun field measurements vs distance).

Modelled example gas gun position circled below in blue.



6.1.1 Appendix 1 - Acoustic Models(Cont.)

- 2.5 49 Willow Lane, Edgecumbe** - Re: Whakatane gas gun (bird scare gun) modelled noise levels from a Zon gas gun located (at 49 Willow Lane Edgecumbe modelled 19-8-2021)

Modelled Peak (Z) 100dB contour line (marked in red), with exemplified measured distance (m).



Modelling settings, LimA-ISO 6913 octave, spinning standard off the rack Zon gas gun at 2m height, receiver contour at 1.5m height, no wind, 10 degrees Celsius, Concawe weather stability class B, ground absorption effects modelled at zero (from actual cross checked gas gun field measurements vs distance).

Modelled example gas gun position circled below in blue.



6.1.1 Appendix 1 - Acoustic Models(Cont.)

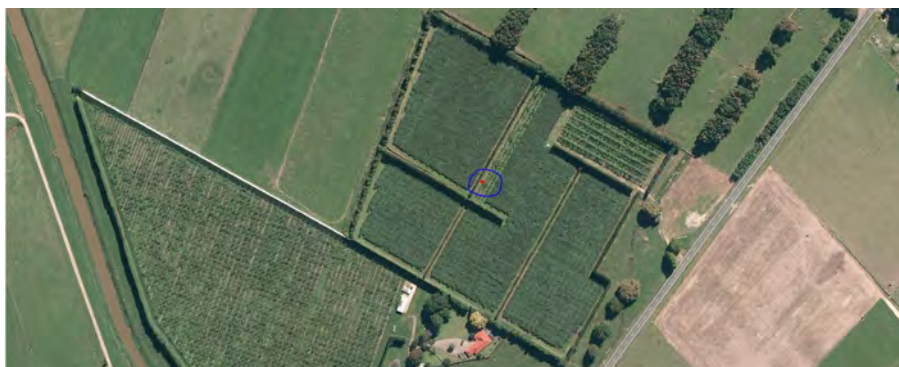
2.6 191 Gow Road, Edgcumbe - Re: Whakatane gas gun (bird scare gun) modelled noise levels from a Zon gas gun located (at 191 Gow Rd Edgcumbe, modelled 19-8-2021)

Modelled Peak (Z) 100dB contour line (marked in red), with exemplified measured distance (m).



Modelling settings, LimA-ISO 6913 octave, spinning standard off the rack Zon gas gun at 2m height, receiver contour at 1.5m height, no wind, 10 degrees Celsius, Concawe weather stability class B, ground absorption effects modelled at zero (from actual cross checked gas gun field measurements vs distance).

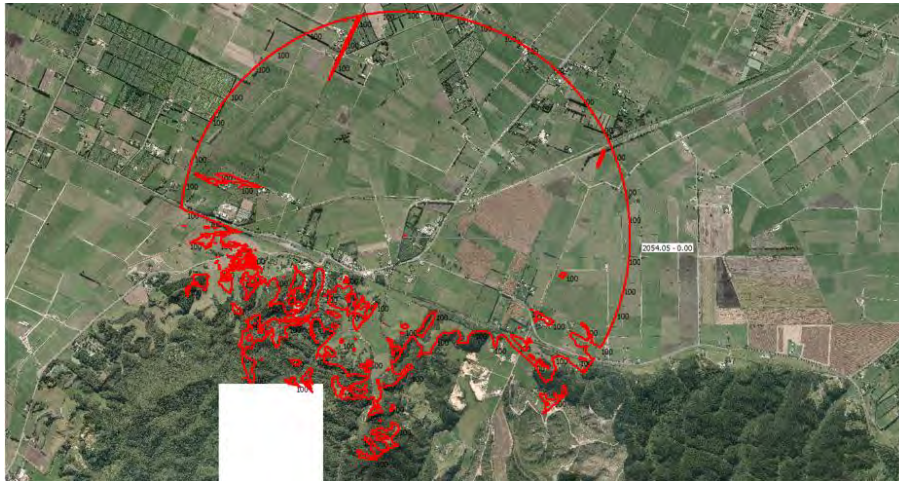
Modelled example gas gun position circled below in blue.



6.1.1 Appendix 1 - Acoustic Models(Cont.)

- 2.7 996 State Highway Road, Edgecumbe** - Re: Whakatane gas gun (bird scare gun) modelled noise levels from a Zon gas gun located (at 996 State Highway 2 Awakeri modelled 19-8-2021)

Modelled Peak (Z) 100dB contour line (marked in red), with exemplified measured distance (m).



Modelling settings, LimA-ISO 6913 octave, spinning standard off the rack Zon gas gun at 2m height, receiver contour at 1.5m height, no wind, 10 degrees Celsius, Concawe weather stability class B, ground absorption effects modelled at zero (from actual cross checked gas gun field measurements vs distance).

Modelled example gas gun position circled below in blue.



6.1.1 Appendix 1 - Acoustic Models(Cont.)

2.8 1927 State Highway Road, Edgecumbe - Re: Whakatane gas gun (bird scare gun) modelled noise levels from a Zon gas gun located (at 1927 State Highway 30 Te Teko modelled 20-8-2021)

Modelled Peak (Z) 100dB contour line (marked in red), with exemplified measured distance (m).



Modelling settings, LimA-ISO 6913 octave, spinning standard off the rack Zon gas gun at 2m height, receiver contour at 1.5m height, no wind, 10 degrees Celsius, Concawe weather stability class B, ground absorption effects modelled at zero (from actual cross checked gas gun field measurements vs distance).

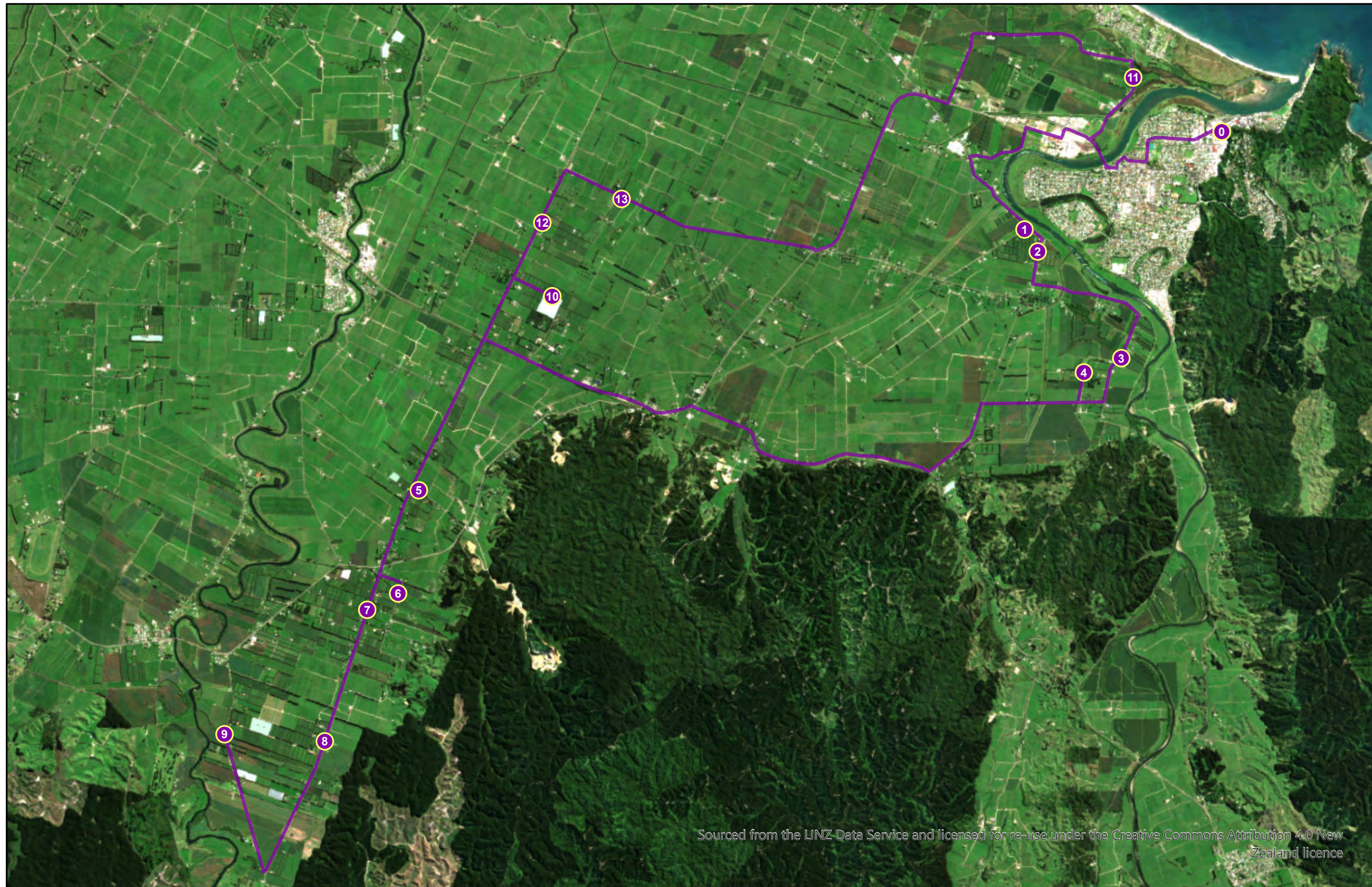
Modelled example gas gun position circled below in blue.




6.1.2 Appendix 2 - Monitoring Route Maps

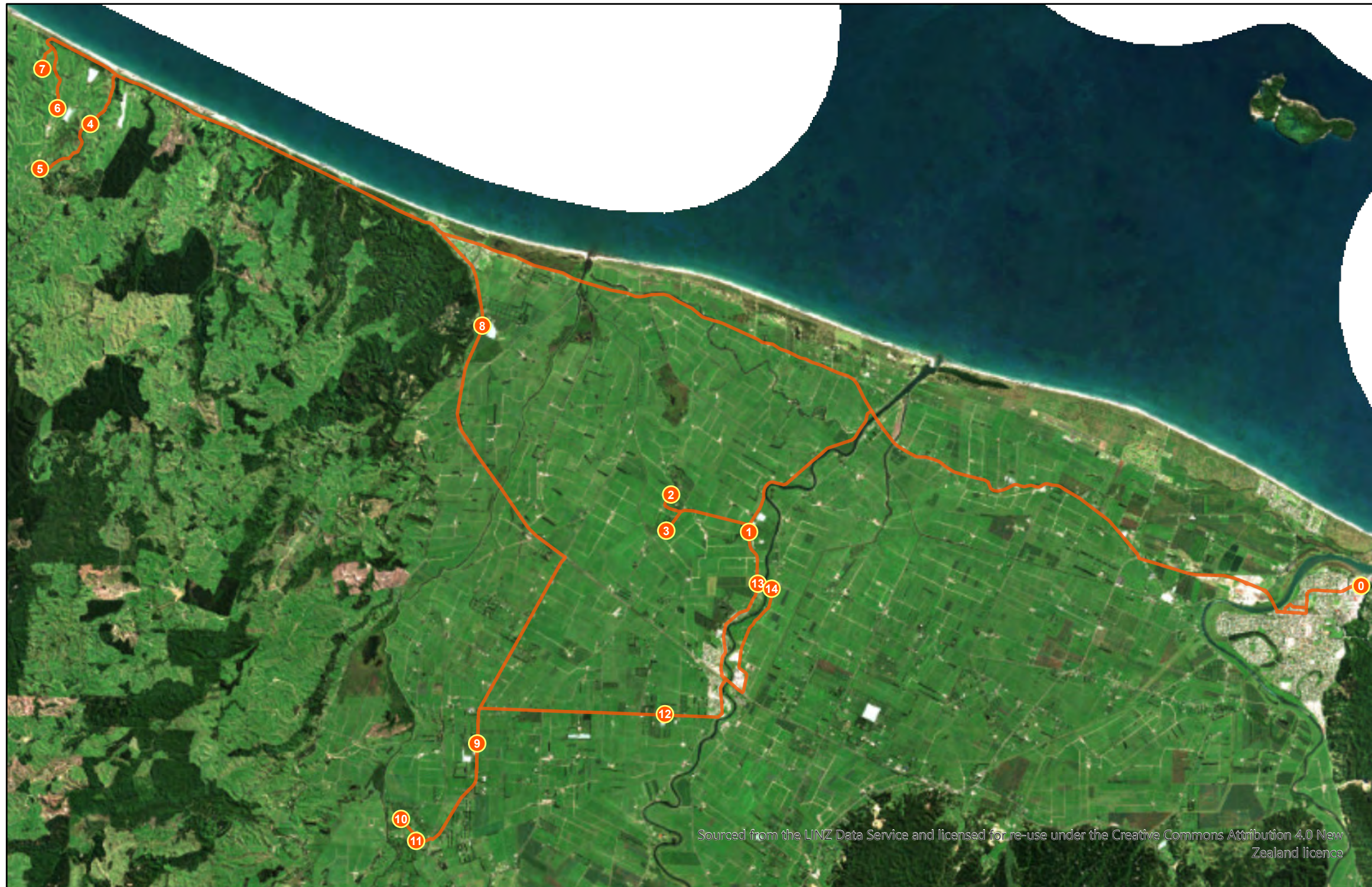
6.1.2 Appendix 2 - Monitoring Route Maps

6.1.2 Appendix 2 - Monitoring Route Maps(Cont.)



 <p>whakatane.govt.nz</p>	<p>ABSD - Field Monitoring Sites - Route One</p> <p>Path: G:\DATA\GIS\ArcGIS\Projects\Planning\ABSD Monitoring.aprx</p> <p>Date of issue: 11/11/2021</p> <p>Scale: 1:80,000</p> <p>Author: stepheno</p>	<p>DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography flown between 2001 and 2016, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</p>
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6.1.2 Appendix 2 - Monitoring Route Maps(Cont.)



<p>whakatane.govt.nz</p>	<p align="center">ABSD - Field Monitoring Sites - Route Two</p> <p>Path: G:\DATA\GIS\ArcGIS\Projects\Planning\ABSD Monitoring.aprx</p> <p>Date of issue: 11/11/2021</p> <p align="right">Scale: 1:110,000 Author: stepheno</p>	<p><small>DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography flown between 2001 and 2016, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</small></p>
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6.2 Removal of Minimum Parking Requirements and Proposed Consequential Change

6.2 Removal of Minimum Parking Requirements and Proposed Consequential Change



To: **Strategy and Policy Committee**

Date: **Thursday, 25 November 2021**

Author: **Glenda Spackman / Senior Policy Planner**

Authoriser: **David Bewley / General Manager Development and Environment Services**

Reference: **A2121118**

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

The purpose of this report is to advise the Strategy and Policy Committee that the minimum parking requirements in the Whakatāne District Plan are being removed as required under the National Policy Statement – Urban Development 2020 (NPS-UD) and to recommend the development of a consequential plan change to require accessible car parking.

2. Recommendations - *Tohutohu akiaki*

It is recommended:

1. **THAT** the District Plan Change – Minimum Parking Requirements be received; and
2. **THAT** the Strategy and Policy Committee notes that minimum parking requirements in the District Plan were being removed, as required by the National Policy Statement – Urban Development; and
3. **THAT** the Strategy and Policy Committee approve Option 1: the development of a plan change to the Whakatāne District Plan to require accessible car parking.

3. Background - *He tirohanga whakamuri*

In July 2020, the Government released the NPS-UD, which sets out a range of policies and requirements that local authorities need to comply with and is a regulation under the Resource Management Act 1991 (RMA). Section 3:38 of the NPS UD states that:

‘If a district plan of any territorial authority contains objectives, policies, rule, or assessment criteria that have the effect of requiring a minimum number of car parks to be provided for a particular development, land use or activity, the territorial authority must change its district plan to remove that effect, other than in respect of accessible car parks.’

Territorial authorities are required to amend their district plans to remove car parking minimums as soon as practicable, and no more than 18 months from the date of commencement of the NPS-UD. These changes must be made to district plans without use of the plan change processes of the RMA.

6.2 Removal of Minimum Parking Requirements and Proposed Consequential Change(Cont.)

Section 3:38 also states that territorial authorities can retain objectives, policies, rules or assessment criteria related to the provision of accessible car parks. This is because a developer or applicant can still decide for commercial or other reasons to provide car parking as part of their development.

4. Issue/subject – *Kaupapa*

4.1. NPS-UD: Removal of parking requirements

As discussed above, the Council is required under the NPS-UD to remove all minimum car parking provisions from the District Plan by February 2022. In order to comply with this requirement, the District Plan has been assessed and all objectives, policies, rules and assessment criteria relating to parking have been identified. This assessment is contained in Table 1 of **Appendix 1**.

The assessment identifies whether a change needs to be made to the text to comply with the NPS-UD and provides the reason for the recommendation. In total, 10 changes to the District Plan have been identified and are outlined in Table 2 of **Appendix 1**.

These changes to the District Plan will be made by 1 December 2021. Once the changes have been made, advice will be posted on our website and a public notice posted in the Beacon to inform the community that the minimum parking requirements have been removed.

4.2. Consequential lack of accessible parking requirements

The NPS-UD advises that district plans can continue to set minimum parking rates for parking designed and marked for use by people with a disability or mobility impairments (accessible car parks).

The Whakatāne District Plan contains no rules or requirements regarding the provision of accessible car parks. Instead, the District Plan assumes that accessible parking will be provided based on the minimum carpark rules.

The requirement for accessible parking is found in the New Zealand Standard Design for Access and Mobility – Buildings and Associated Facilities (NZS 4121:2001), which must be complied with under the Building Act 2004. In particular Table 1 of NZS 4121:2001 is:

Table 1: Number of accessible car parks required under NZS 4121:2001

Table 1 : Number of accessible car parks required under NZS 4121:2001

Total number of car parks	Number of accessible car park spaces
1 – 20	Not less than 1
21 -50	Not less than 2
For every additional 50 car parks or part of a car park	Not less than 1

The key point to note here is that as long as more than one car park is proposed in a development, then under NZS 4121:2001 and the Building Act, at least one accessible car park must also be provided even with the removal of minimum parking requirements from the District Plan.

6.2 Removal of Minimum Parking Requirements and Proposed Consequential Change(Cont.)

However, given that the NPS UD means that applicants do not have to provide any car parks, in the situation where no car parks were proposed Council could not require the provision of any accessible car parks when assessing a resource consent application.

5. Options analysis - *Ngā Kōwhiringa*

5.1. Requiring accessible parking in the District Plan

The only way to require the provision of accessible car parking when minimum parking requirements are removed is by way of a change to the Whakatāne District Plan. Although such a change is closely linked to the removal of parking requirements, it cannot be made at the same time because the addition of this requirement needs to go through the formal plan change process required under Schedule 1 of the RMA. The other option would be to do nothing, and instead rely on individual applicants to choose to include at least one accessible car park when no other car parks are planned.

5.1.1. **Option 1: Develop a plan change to require accessible car parking – preferred option**

Under Option 1, Council will start the process of developing a plan change to require accessible car parking where none is proposed. The proposed plan change will be presented to a future Strategy and Policy Committee meeting for recommendation prior to public notification.

5.1.2. **Option 2: Do nothing**

Under this option no specific plan change will be developed to require accessible parking. Accessible car parks will still be required where one or more car parks are proposed, due to the requirements of NZS 4121:2001 and the Building Act.

5.2. Community well-being and inclusiveness

Ensuring that accessible car parking continues to be provided in situations where it is currently required will have a positive impact on the lives of residents and visitors who currently rely on this type of parking. Adopting Option 1 will contribute to community wellbeing and inclusiveness.

6. Significance and Engagement Assessment - *Aromatawai Pāhekoheko*

6.1. Assessment of Significance

The decisions and matters of this report are considered to be of a high significance. However, the NPS-UD enables the Council to remove compulsory parking requirements without consultation.

The proposed Plan Change to require accessible parking is of high significance in accordance with the Council's Significance and Engagement Policy. The following criteria are of particular relevance in determining this 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.

6.2 Removal of Minimum Parking Requirements and Proposed Consequential Change(Cont.)

- **Consistency:** the extent to which a proposal or decision is consistent with the Council's strategic direction, policies and significant decisions already made.
- **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.

Under Sections 77, 78, 80, 81 and 82 of the Local Government Act, the Council is required to give consideration to the views and preferences of all persons likely to be affected by, or have an interest in the matter, and to establish processes for Iwi to contribute to the decision-making processes.

6.2. Engagement and community views

If the Council approves the development of a plan change to require accessible parking, an engagement plan will be developed to ensure that the public consultation process meets legislative requirements.

7. Considerations - *Whai Whakaaro*

7.1. Financial/budget considerations

The cost of developing a plan change is estimated to be minimal and will be undertaken entirely by Council staff. The costs of a notified plan change will be subject to a future report to the Strategy and Policy Committee but are estimated to be less than \$20,000 and can be met within the budget allocation Y50027.

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

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.

8. Next steps - *Ahu whakamua*

If this proposal is adopted by the Council, the next steps will be to:

- Commence the work required under Schedule 1 of the RMA to develop a plan change that incorporates accessible parking requirements into the District Plan. This work includes developing undertaking the pre-notification consultation, preparing a section 32 evaluation report, and preparing a draft plan change.

Attached to this report:

6.2.1 Appendix 1 - Parking Provisions

- Appendix 1: NPS-UD Plan Change - Minimum Parking Requirements

6.2.1 Appendix 1 - Parking Provisions

6.2.1 Appendix 1 - Parking Provisions(Cont.)

Appendix 1: NPS-UD 2020 – Removal of Minimum Parking Requirements

The District Plan identifies the need to provide parking, however, the NPS-UD 2020 requires that all references to minimum parking requirements be removed. Text to be deleted is shown in red and struck through. Text to be added is shown in red. These changes ensure that NPS-UD requirements are met.

In accordance with section Section 3.38(2) of the NPS-UD, these changes can be made within using the Schedule 1 process of the Resource Management Act.

Table 2: Consequential amendments to the District Plan – Removal of minimum parking requirements

Item No.	District Plan Section and Activity	Recommendation: Remove / Amend	Rationale
	3 Zone Descriptions		
1	3.7.30.1 On-site Parking Council shall have regard to; a. multiple provision on one site – two or more owners may make joint provision for off-street parking so long as the total provision is no less than the sum of the requirements for each individual use except where vehicles will regularly be attracted to the site at times that seldom coincide. A legally binding agreement shall be entered into to ensure the relevant Certificates of Title are amalgamated or otherwise held together;	Delete the following: 3.7.30.1 On-site Parking Council shall have regard to; a. multiple provision on one site – two or more owners may make joint provision for off street parking so long as the total provision is no less than the sum of the requirements for each individual use except where vehicles will regularly be attracted to the site at times that seldom coincide. A legally binding agreement shall be entered into to ensure the relevant	Ensures District Plan complies with section 8 of the NPS-UD by removing requirements for car parking.

6.2.1 Appendix 1 - Parking Provisions(Cont.)

	<p>a. reduction in car-parking requirements – where it is adequately shown that the full parking requirement need not be met because of such factors as;</p> <ul style="list-style-type: none"> i. the small number of persons likely to be attending the site; ii. the low volume of service delivery and visitor traffic likely to be generated by the site; iii. the ability of an adjoining site to provide additional parking; iv. the amount, if any, of public off-street parking that is provided or is planned to be provided in the vicinity of the site, and v. any physical characteristics of the site that may affect its ability to accommodate off-street parking. <p>b. purchase of land for car-parking;</p> <ul style="list-style-type: none"> i. whether an applicant has purchased land adjoining or in close proximity to the activity to provide the required car-parking spaces; and ii. whether a legally binding agreement shall be entered into to ensure the relevant Certificates of Title are amalgamated or otherwise held together. <p>c. payment of a financial contribution;</p> <ul style="list-style-type: none"> i. in lieu of the provision of parking; ii. the provision of on-street parking, with or without a change in the number of spaces, with the cost of providing such car-parks 	<p>Certificates of Title are amalgamated or otherwise held together;</p> <p>b. reduction in car-parking requirements – where it is adequately shown that the full parking requirement need not be met because of such factors as;</p> <ul style="list-style-type: none"> i. the small number of persons likely to be attending the site; ii. the low volume of service delivery and visitor traffic likely to be generated by the site; iii. the ability of an adjoining site to provide additional parking; iv. the amount, if any, of public off-street parking that is provided or is planned to be provided in the vicinity of the site, and v. any physical characteristics of the site that may affect its ability to accommodate off-street parking. <p>c. purchase of land for car-parking;</p> <ul style="list-style-type: none"> i. whether an applicant has purchased land adjoining or in close proximity to the activity to provide the required car-parking spaces; and ii. whether a legally binding agreement shall be entered into to ensure the relevant Certificates of Title are amalgamated or otherwise held together. 	
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6.2.1 Appendix 1 - Parking Provisions(Cont.)

	being met by the owner or developer. ...'	d. — payment of a financial contribution; i. — in lieu of the provision of parking; ii. — the provision of on-street parking, with or without a change in the number of spaces, with the cost of providing such car-parks being met by the owner or developer. ...'	
	13 Transportation and Services		
2	13.2.7 Traffic Flow Generation 13.2.7.2 Any activity in the Business Centre, Mixed Use and Commercial Zone which provides or is required to provide more than 25 on-site parking spaces shall be a discretionary activity.	Amend to read: 'Any activity in the Business Centre, Mixed Use and Commercial Zone which provides or is required to provide more than 25 on-site parking spaces shall be a discretionary activity.'	Ensures District Plan complies with section 8 of the NPS-UD by removing requirements for car parking.
3	13.2.9.1 On-site parking shall be provided at the following rates: ... See Table 13:7 – Onsite Parking Rate	Delete entire section – including Table 13:7 '13.2.9.1 On-site parking shall be provided at the following rates: ... See Table 13:7 – Onsite Parking Rates'	Ensures District Plan complies with section 8 of the NPS-UD by removing requirements for car parking.
4	13.2.11.1 On-site parking should not be diminished by the subsequent erection of any structure, storage of goods, or any other use.	Delete entire section: '13.2.11.1 On-site parking should not be diminished by the subsequent erection of any structure, storage of goods, or any other use.'	This rule is not needed as the design of spaces is covered by 13.2.10.2. Ensures compliance with section 8 of the NPS-UD.
5	13.2.12.1 In assessing the number of spaces to be provided in respect of the floor area of any building, vehicle access and parking spaces contained within the	Delete entire section: '13.2.12.1 In assessing the number of spaces to be provided in respect of the floor area of any building,	Ensures District Plan complies with section 8 of the NPS-UD by

6.2.1 Appendix 1 - Parking Provisions(Cont.)

	building shall not be included in the area for assessment.	vehicle access and parking spaces contained within the building shall not be included in the area for assessment.'	removing requirements for car parking.
6	13.2.12.3 Where the assessment of the number of parking spaces results in a fractional space being required, any fraction under one-half shall be disregarded and fractions of one-half and above shall be counted as one space.	Delete entire section: '13.2.12.3 Where the assessment of the number of parking spaces results in a fractional space being required, any fraction under one-half shall be disregarded and fractions of one-half and above shall be counted as one space.'	Ensures District Plan complies with section 8 of the NPS-UD by removing requirements for car parking.
7	13.4.8 On -site Parking (see Rules 13.2.9)	Delete entire section	Rules in 13.2.9 are being deleted, therefore this reference is redundant.
	14 Financial Contributions		
8	14.2.3 Financial Contribution in lieu of On-site Car Parking in the Whakatāne Business Centre Zone (Planning Map 110B) and Kōpeōpeō Business Centre Zone (Planning Map 109B) Where the District Plan requires an applicant to provide on-site carparking, and there is a shortfall provided, then the Council may charge a financial contribution for the shortfall based on the following formula for each carpark not provided: Contribution = Value of land required + Cost of construction	Delete entire section. '14.2.3 Financial Contribution in lieu of On-site Car Parking in the Whakatāne Business Centre Zone (Planning Map 110B) and Kōpeōpeō Business Centre Zone (Planning Map 109B) Where the District Plan requires an applicant to provide on-site carparking, and there is a shortfall provided, then the Council may charge a financial contribution for the shortfall based on the following formula for each carpark not provided: Contribution = Value of land required + Cost of construction	No longer relevant because car parking requirements have been removed.

6.2.1 Appendix 1 - Parking Provisions(Cont.)

	$C_p = (V_l \times A + D \times A)$ <p> C_p = Value of contribution (\$) </p> <p> V_l = Value of 25m² of land in the vicinity of the off-site car park area as determined by an independent registered valuer </p> <p> A = Number of car parks required to make up the on-site shortfall </p> <p> D = Cost of construction of 25m² of parking area to a permanent asphaltic concrete or concrete surface, including earthworks, pavement, kerbing, drainage and marking determined either by an independent cost assessment or from the current Construction Price Index. </p>	 $C_p = (V_l \times A + D \times A)$ <p> C_p = Value of contribution (\$) </p> <p> V_l = Value of 25m² of land in the vicinity of the off-site car park area as determined by an independent registered valuer </p> <p> A = Number of car parks required to make up the on-site shortfall </p> <p> D = Cost of construction of 25m² of parking area to a permanent asphaltic concrete or concrete surface, including earthworks, pavement, kerbing, drainage and marking determined either by an independent cost assessment or from the current Construction Price Index. </p> 	
9	14.2.3.2 The financial contributions taken by the Council in lieu of on-site car parking shall be used to	Delete entire section:	No longer relevant because the car parking

6.2.1 Appendix 1 - Parking Provisions(Cont.)

	<p>provide, upgrade or extend public car parking in the vicinity of the business centre from which it is collected. It may also be used to contribute towards the cost of public car parking facilities that have already been constructed.</p>	<p>'1.2.3.2 The financial contributions taken by the Council in lieu of on-site car parking shall be used to provide, upgrade or extend public car parking in the vicinity of the business centre from which it is collected. It may also be used to contribute towards the cost of public car parking facilities that have already been constructed.'</p>	<p>requirements have been removed.</p>
10	<p>14.2.3.3 The Council may reduce the value of the contribution in the following circumstances;</p> <ul style="list-style-type: none"> a. The Council has not provided or does not intend to provide additional off-site carparking in the vicinity of the site; or b. The Council has provided carparking in the vicinity of the site or intends to do so, and, in the opinion of the Council, this will mitigate the traffic effects of the proposed development or subdivision, and this has been or will be funded through a different funding source in Council's Long Term Plan, such as development contributions or user fees and charges; and c. The availability of off-site carparks to be used by others, such as people visiting multiple retailers in the Whakatāne Business Centre Zone (Map 110B). 	<p>Delete entire section:</p> <p>'14.2.3.3 The Council may reduce the value of the contribution in the following circumstances;</p> <ul style="list-style-type: none"> a. The Council has not provided or does not intend to provide additional off-site carparking in the vicinity of the site; or b. The Council has provided carparking in the vicinity of the site or intends to do so, and, in the opinion of the Council, this will mitigate the traffic effects of the proposed development or subdivision, and this has been or will be funded through a different funding source in Council's Long Term Plan, such as development contributions or user fees and charges; and c. The availability of off-site carparks to be used by others, such as people visiting multiple retailers in the Whakatāne Business Centre Zone (Map 110B).' 	<p>No longer relevant because the car parking requirements have been removed.</p>

6.3 Road Naming – New Private Road off 1 Norfolk Lane

6.3 Road Naming – New Private Road off 1 Norfolk Lane



To: **Strategy and Policy Committee**

Meeting Date: **Thursday, 25 November 2021**

Author: **Martin Taylor / Manager Transportation**

Authoriser: **Bevan Gray / General Manager Infrastructure**

Reference: **A2116093**

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

The purpose of this report is to present to the Strategy and Policy meeting a request for a new private road name. The request is a result of the development of a subdivision off 1 Norfolk Lane.

The proposed new private road name has been assessed against the Whakatāne District Council Road Naming and Property Addressing Policy.

2. Recommendations - Tohutohu akiaki

1. **THAT** the Road Naming Report – New Private Road off 1 Norfolk Lane report be received; and
2. **THAT** the road name of “Tihori Lane” as provided by Te Rūnanga O Ngāti Awa and recommended by staff be approved.

Norfolk Lane runs off Thornton Road approximately 950m west of the Rangitāiki River. A new 8-lifestyle section subdivision at 1 Norfolk Lane has been completed under resource consent number RC24.3.06.135, with a new right of way serving the new lots. The right of way is constructed as a private road and complies with Council’s Engineering Code of Practice.

Council has issued subdivision 223C and 224C certificate of the Resource Management Act 1991 as evidence that the subdivision is complete and new titles have been processed and issued.

The approval of the private road name is now urgent because there are now new owners of the subdivision lots who are not able to move forward until registration of the road name has been completed. The final address (road name and numbering) is a requirement in their application for building consent and provision of utilities and/or services.

2.2. Road Naming

As part of a subdivisions’ Resource Consent conditions, the developer is required to submit to Council proposed names for the new private road. The road names are reviewed and assessed against Council’s Road Naming and Property Addressing Policy clause 8.0 (Naming a New Road or Private Way). A copy of the Road Naming Policy is available on Council’s Website [here](#).

6.3 Road Naming – New Private Road off 1 Norfolk Lane(Cont.)

3. Issue/subject - *Kaupapa*

3.1. Road Naming Policy

Under section 8.1.2 of the Road Naming and Property Addressing Policy, the subdivision developer has the responsibility to suggest appropriate names for roads that are created as a result of the subdivision.

Proposed road names are to comply with the Council's "Road Naming Criteria". If the name proposed has some cultural significance, being either a Māori name or a culture other than Māori, then consultation with relevant Iwi is required, to ensure the name is appropriate. Supporting documentation for cultural significance will be required.

3.2. Proposed Private Road Name

The proposed names submitted are:

- a. Coast (preferred name by the developer)
- b. Sands (alternative provided by developer)
- c. Tihori (preferred name from Pouroto Ngaropo, and approved by TRONA)

The developer recommended the names based on the character of the land being along the coastal area.

The road type "Lane" has been recommended based on road naming criteria which means a narrow country roadway.

The new private road name, "Coast Lane" is the preferred name of the developer.

Council also sought input from Te Rūnanga O Ngāti Awa around the naming of the road. The rationale behind this is to meet the following principles of the Road Naming Policy;

- 2 - To ensure the character of the District is maintained and enhanced.
- 3 - Preference will be given to road names with cultural, historical, or geographic significance, or in keeping with an existing theme.

The request was passed to local hapū of the area, and they put forward the name "Tihori".

Tihori, was a famous ancestor from Ngāti Awa, a boat builder and powerful tohunga who lived in the Matahina area. At some point he found out that his wife had undertaken an act of infidelity, so he decided to build a canoe and leave, he named it whakapoukarakia. He set sail from the Matahina dam area, came along the Rangitaiki awa and arrived where Norfolk lane is today. Upon docking his waka there, he called upon the taniwha Hakaiatua, Raukawarua, Tutarakauika to create channels so he could get escape to the ocean should he be followed, or attacked. These are the channels that exist to this day.

6.3 Road Naming – New Private Road off 1 Norfolk Lane(Cont.)

4. Options analysis - *Ngā Kōwhiringa*

The Road Naming and Property Addressing Policy Section 8.1.2 identifies that the developer is responsible for naming roads. The policy also provides for the developer to seek input from the public at their discretion. If a culturally significant name is recommended, Māori or that other than Māori, then consultation with the relevant party, and the provision of supporting documentation is required.

Although the recommended road names were English names, Council consulted with Iwi on behalf of the developer. Council staff contacted Te Runanga O Ngati Awa (TRONA), seeking comment and support from relevant Iwi and Hapu. Through this process the name “Tihori” was submitted by Pouroto Ngaropo and approved by TRONA.

5. Significance and Engagement Assessment - *Aromatawai Pāhekoheko*

5.1. Assessment of Significance

In line with the Significance and Engagement Policy Section 6.1e, Council is not required to seek public participation in the decision-making process due to this matter being already addressed by Council’s Road Naming and Property Addressing Policy and considers this matter to be of low significance.

6. Considerations - *Whai Whakaaro*

6.1. Financial/budget considerations

There will be no cost to Council as the result of this process. All costs associated with road naming are borne by the applicant.

6.2. Strategic alignment

The road has been identified as a private road and will have no impacts on the wider community. The Road Naming Policy also identifies that Council has no responsibility for the signage, maintenance or upkeep of any private way.

6.3. Climate change assessment

“Based on this climate change assessment, the decisions and matters of this report are assessed to have low to no impact climate change implications and considerations, in accordance with the Council’s Climate Change Principles.”

6.4. Risks

There are two distinct preferred names here, one an English name put forward as the preferred option by the developer, and a preferred name submitted by local hapū, and approved by TRONA, as a suitable name for the road based on the location, and history of the area.

There is reputational and relationship risk if we choose not to accept the name put forward by Ngāti Awa, especially since we asked them to provide names.

6.3.1 Appendix 1 - Subdivision Scheme Plan

7. Next steps - *Ahu whakamua*

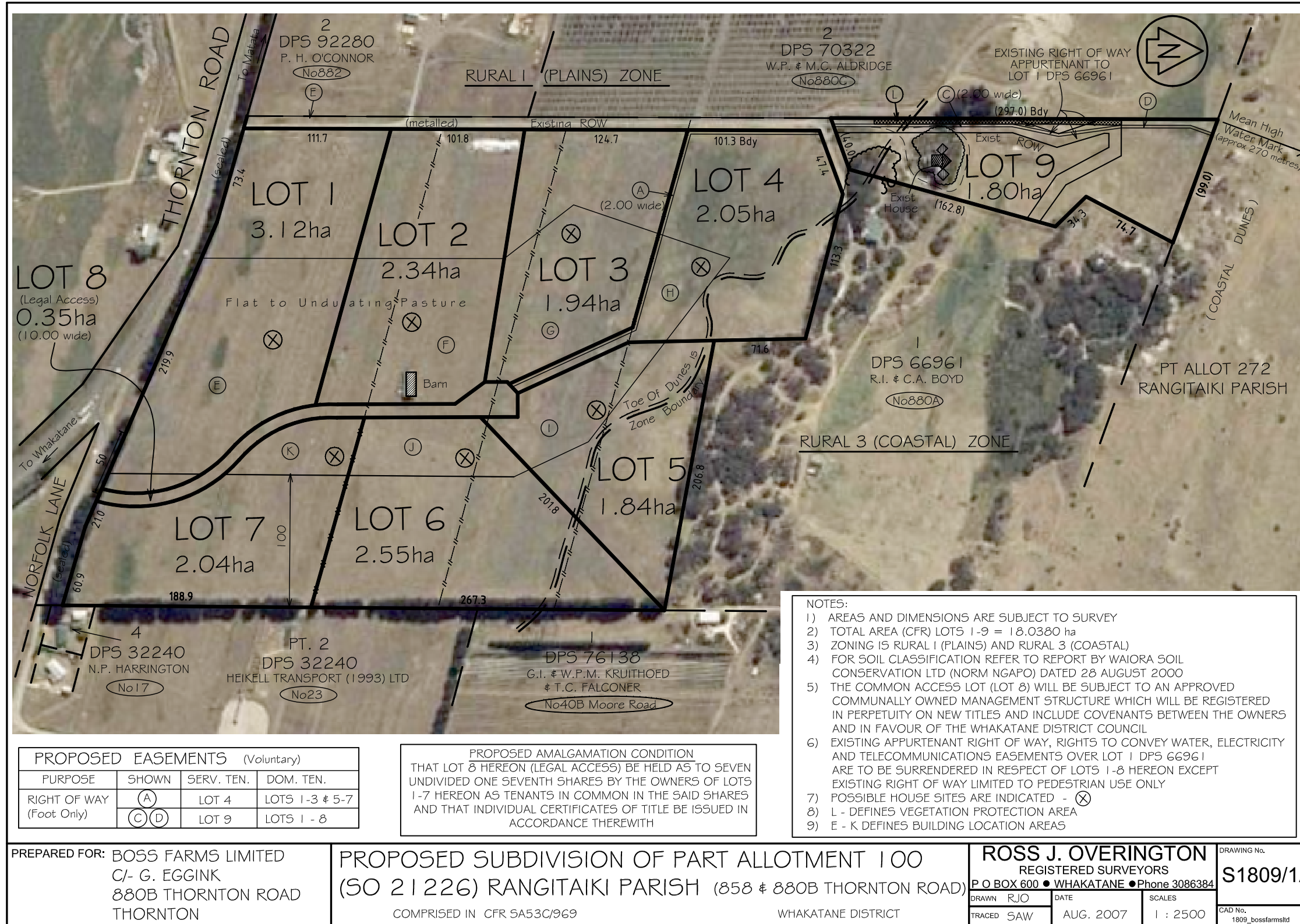
- Advise beacon of new road name
- Email list of all services (fire, police, St John, Rates, LINZ)
- Becomes official after processing
- Roading to affix sign

Attached to this report:

- Appendix 1 – Subdivision scheme plan
- Appendix 2 - Road Naming application form

6.3.1 Appendix 1 - Subdivision Scheme Plan



6.3.1 Appendix 1 - Subdivision Scheme Plan(Cont.)



6.3.2 Appendix 2 - Road Naming Application

6.3.2 Appendix 2 - Road Naming Application

6.3.2 Appendix 2 - Road Naming Application(Cont.)

 WHAKATĀNE District Council		New Road Naming Request Form	
Applicant:	RICK EGGINK	Date:	27 AUGUST 2020
Organisation:	BOSS FARMS LIMITED		
Address:			
Telephone:			
Mobile:	021 417 887		
Email:	rick@getawayhomes.co.nz		
Location of the Road:	1. NORFOLK LAKE	Map Attached:	Y/N
Proposed names (in order of preference):		Justification for name:	
1.	COAST LAKE		Coastal Association
2.	SANDS LAKE		" "
3.			
Evidence of consultation:	NOT REQUIRED.		
Internal use only:			
Is the road naming justified under the Council Road Naming Policy:		Y / N	
Do the proposed names meet the Council Road Naming Criteria? Comments from:			
GIS:			
Roading:			
Planning:			
Do the proposed names contain Te Reo Māori?		Y / N	
Comments from Council Iwi Engagement:			
General Manager Infrastructure Recommendation:			
Council Resolution:			
Copy of approved application sent to:			
GIS (date):	Roading (date):	Planning (date):	
External organisations advised (date):			
Road signs provided (date):			
Numbering completed (date):			
 WHAKATĀNE District Council		P +64 7 306 0500 F +64 7 307 0718	E info@whakatane.govt.nz W www.whakatane.govt.nz
		Commerce St, Private Bag 1002 Whakatāne 3158, New Zealand	1 of 1

6.4 Drinking Water Supply – Boundary Backflow Prevention Policy

6.4 Drinking Water Supply – Boundary Backflow Prevention Policy



To: **Strategy and Policy Committee**

Meeting Date: **Thursday, 25 November 2021**

Author: **Glenn Cooper / Manager Three Waters**

Authoriser: **Bevan Gray / General Manager Infrastructure**

Reference: **A2099599**

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

This report:

- Provides information about how Boundary Backflow Prevention (BBP) is currently managed across Whakatāne District
- Seeks agreement to adopt the Draft Boundary Backflow Prevention Policy for consultation.

This report is a companion report to a report to Projects & Services committee – no meeting date yet assigned.

2. Executive summary – *Whakarāpopototanga*

Under legislation, Council is responsible for supplying safe drinking water to customers in the Whakatāne District. Backflow can happen unintentionally when a change in pressure in the water supply system causes the flow of water in the water supply system to reverse so that water from an external source is drawn into the public water supply system. Boundary backflow prevention provides an effective means to manage the risk of contaminated water flowing from a customer's premises to the public network.

It is estimated that approximately 9,000 properties currently do not have adequate backflow prevention devices. These fall into two main categories – very low hazard situations and low/medium/high hazard. Different responses are required according to the level of hazard.

A Draft Boundary Backflow Prevention Policy has been developed that proposes that:

- Responsibility for and ownership of all boundary backflow prevention devices passes to Council as a part of the Three Waters infrastructure;
- Testing, maintenance and replacement of devices be undertaken by the Council as part of the Three Waters operational management programme;
- Developers are required to install backflow prevention devices in all new developments which will be vested to the Council as part of Three Waters infrastructure.
- Where annual testing of devices is required, Council will carry out testing and recover costs via fees and charges.

6.4 Drinking Water Supply – Boundary Backflow Prevention Policy(Cont.)

3. Recommendations - *Tohutohu akiaki*

1. **THAT** the Boundary Backflow Prevention Policy report be received; and
2. **THAT** the Strategy and Policy Committee approves the adoption of the Draft Boundary Backflow Prevention Policy for consultation.

4. Background - *He tirohanga whakamuri*

Under legislation, the Council is responsible for supplying safe drinking water to customers in the District. Backflow can happen unintentionally when a change in pressure in the water supply system causes the flow of water in the water supply system to reverse so that water from an external source is drawn into the public water supply system. Boundary backflow prevention is at the core of many water safety plans as it provides an effective means to manage the risk of contaminated water flowing from a customer’s premises to the public network.

Oversight, controls and standards for backflow control is covered in a number of areas, most notably the Water Services Act 2021, the Building Code G12 (Water supplies), NZS 4541 (Fire sprinkler standard). Significantly, the Water Services Act requires a drinking water supplier whose supply includes reticulation to ensure that the supply arrangements protect against the risk of backflow and provides for the installation of backflow prevention devices. The Act places a specific duty to protect against risk of backflow, stating that:

- (1) If a drinking water supply includes reticulation, the drinking water supplier must ensure that the supply arrangements protect against the risk of backflow.
- (2) If there is a risk of backflow in a reticulated drinking water supply, the drinking water supplier may—
 - (a) install a backflow prevention device and require the owner of the premises to reimburse the supplier for the cost of installation, maintenance, and ongoing testing of the device; or
 - (b) require the owner of the premises to install, maintain, and test a backflow prevention device that incorporates a verifiable monitoring system in accordance with any requirements imposed by the supplier.
- (3) A person who installs a backflow protection device must take all reasonable steps to ensure it operates in a way that does not compromise the operation of any fire extinguisher system connected to the drinking water supply.
Compare: 1956 No 65 s 69ZZZ

The Building Act has a similar intent to the Water Services Act in that it seeks to, amongst other things, “Safeguard people from illness caused by contaminated water. It differs however in that it is specific to buildings only with the focus on protecting the safety of **users of buildings** rather than on protecting the water supply. The oversight of such devices is covered through Building Warrant of Fitness certifications.

4.1. Hazard criteria

The risk of water contamination from premises is classified, and the classification dictates the sophistication of the BBP device requirements.

Table 1 – Hazard/response table

Hazard	Required response (device)	Indicative cost	Annual device testing required?
Very low	Dual check valve	\$220	No

6.4 Drinking Water Supply – Boundary Backflow Prevention Policy(Cont.)

Low	Testable double check valve	\$800	Yes
Medium	Testable double check valve	\$800	Yes
High	Reduced pressure zone valve	\$3,000	Yes

High/medium hazard activities include medical centres, industrial, dental, agriculture, beauty salons, car washes, auxiliary water supplies (bores), milking sheds, swimming pools and others.

4.2. Historical approach - Bylaws

Until recently, Council has taken a somewhat hands off approach to BBP. For example, Part 8 of the Water Supply Bylaw, 2008 stated that:

- ‘Backflow Prevention is the customer’s responsibility...to take all necessary measures...’

The Combined Waters Bylaw (2017) used slightly different language, stating that:

- ‘The Council may require the Customer to provide backflow prevention either by ensuring (and registering with Council) an adequate air gap or by installing a Council approved backflow device...’.

The current bylaw has an explanatory note stating:

- ‘it is the Customer's responsibility under the Health Act 1956, and the Building Act 2004 to take all necessary measures on the Customer's side of the point of supply to prevent water which has been drawn from the Council's water supply from returning to that supply’.

The bylaw then states that:

0.4. Current state of backflow prevention in the District

0.4.1. Number of backflow prevention devices

- ‘for unmanaged risks of backflow that Council may fit a backflow prevention device on the Customer side of the point of supply where the Customer cannot demonstrate that the risk of backflow is adequately managed. The Council may recover the cost of installing and testing the device from the Customer’.

Historically, BBP funding has been inconsistent and sporadic, and many properties still do not have appropriate devices installed. It is estimated that less than half of Whakatāne urban properties currently include boundary backflow prevention. However, given they are largely domestic, most are in the very low risk category. It is also possible that a significant number of medium or high hazard properties do not include BBP. We currently have no active programme to locate, and address this situation. Where new applications to connect to the three waters network are received, BBP is required and is installed at the time the water connection is made.

Desktop analysis has been carried out to determine the magnitude of the device shortfall. The results are displayed below in Table 2. Note that the estimated shortfall does not have a very high level of confidence.

6.4 Drinking Water Supply – Boundary Backflow Prevention Policy(Cont.)

Table 2 – Estimated device shortfall

Scheme(s)	Connections	Estimated device shortfall
Equalised	9412	5000
Plains	1884	900

Current testing regime

For all but very low hazard properties, annual BBP device testing is required, but until stimulus funding became available in November 2020 this had not been carried out. The stimulus funding is finite and there is no dedicated staff resource in place for BBP testing. Rather, the current testing and replacement program has been outsourced to a private contractor.

5. Issue/subject – *Kaupapa*

5.1. **Current approach not working**

The historical hands-off approach of assigning responsibility to the customer is not delivering the necessary water safety measures prescribed in current water safety plans nor in the Water Services Act. The main challenges that need addressing if we are to fulfil our responsibility include:

- Where testable devices are in place they need to be tested annually.
- If devices fail testing they needed to be repaired/replaced.
- Where devices are required (but not in place) they need to be installed.
- Where inappropriate devices are in place they need to be changed (usually upgraded).
- Statements in Water Safety Plans about BBP are not being fully adhered to.

5.2. **Council responsibility**

Legislation and regulations make it clear that the Council must take full ownership of this issue. The current approach (with mixed customer/Council responsibility) is not meeting legislative requirements. Clarity is required about device ownership and who has responsibility for hazard assessment, installation, testing, maintenance and the associated actions.

6. Proposed Boundary Backflow Prevention Policy

A Draft Boundary Backflow Prevention Policy (Policy) has been developed to address these matters. The three key issues the Policy addresses are discussed below.

6.1. **Installation of backflow prevention devices**

As discussed in section 4.3.1, it is thought that approximately 6,000 properties do not have a backflow prevention device attached at the boundary.

The Policy proposes that the Council will progressively install devices on all these properties, rather than rely on landowners to do so. A separate paper is being prepared for the Projects and Services Committee, outlining funding options.

6.4 Drinking Water Supply – Boundary Backflow Prevention Policy(Cont.)

6.2. Ownership of Backflow Prevention Devices

Ownership of boundary backflow prevention devices is another key issue that is addressed in the Policy. Under the current arrangements, property owners own backflow prevention devices, but testing is seldom carried out. Moving forwards there are three options addressing ownership issues:

- Council owned (preferred option)
- Customer owner
- Combined ownership.

Table 3 below provides an overview of the three optio

Table 3

Options	Description	Issues	Benefits
Option 1: Council owned (preferred)	<ul style="list-style-type: none"> • Point of supply is after last fitting of meter & backflow device • Council owns all backflow devices • Council responsible for testing, maintenance & replacement • Customer pays for testing 	<ul style="list-style-type: none"> • Customer accepting vesting of devices • Possible access issues if devices inside boundary • Customer resistance to paying for devices they don't own or for a new device 	<ul style="list-style-type: none"> • Council managed programme of testing, retesting and maintenance ensures health requirements are met • Risk of devices being non-compliant or not being tested is significantly lowered • Less administration time chasing & auditing test reports.
Option 2: Customer Owned	<ul style="list-style-type: none"> • Point of supply is upstream of backflow device • Customer fits, owns, tests and maintains device • Verifiable monitoring system requires approval from both Council and drinking water assessor • Verifiable monitoring system requires proof that approved technician has done testing and maintenance 	<ul style="list-style-type: none"> • More difficult to ensure accuracy of testing and maintenance records • Records of devices and testing need to be collated and maintained • Reliant on customer to provide test records • Council needs to remind customer to test devices • Non-tested, failed, non-compliant devices are a 	<ul style="list-style-type: none"> • Lower costs for Council • Allows customer choice as per the Commerce Act

6.4 Drinking Water Supply – Boundary Backflow Prevention Policy(Cont.)

		<p>significant risk to the water supply</p> <ul style="list-style-type: none"> Enforcement will be required to ensure appropriate testing is undertaken and devices are replaced if necessary 	
<p>Option 3: Combined ownership (Current model)</p>	<ul style="list-style-type: none"> Point of supply options are in the Policy or Bylaw. Options and responsibility for ownership detailed to customer at time of connection. Agreements required 	<ul style="list-style-type: none"> Issues outlined in Options 1 & 2 above Disputes may arise if device is not tested, or if test is duplicated because the Device Compliance testing schedule timeframe differs from the Council owned programme for testing 	<ul style="list-style-type: none"> Council may not wish to own large devices or those with access / shutdown issues Allows both the customer and Council more choice

Option 1 is the only option that enables the Council to meet legislative and regulatory requirements. Adopting Option 1 in the Policy means that:

- Ownership of all existing devices, together with responsibility for testing, maintaining and replacing them, passes from the current situation to the Council. The requirement for annual testing will be dealt with by Council. The backflow devices will be depreciated and this will fund their replacement when required.
- Council will be responsible for installing devices or upgrading them where the need is there. These will be owned as part of the three waters network.
- In any new development or dwelling, the developer will be required to install the appropriate device as part of the development, but it will be vested to the Council as part of the network along with all other three waters infrastructure.

6.3. Fees and Charges

The Policy proposes that the responsibility for and costs of testing are recovered from customers. Currently the annual testing fee is \$150 (incl. GST) and this is included in the current fees and charges.

7. Significance and Engagement Assessment - *Aromatawai Pāhekoheko*

7.1. Assessment of Significance

The decisions and matters of this report are assessed to be of high significance in accordance with Council's Significance and Engagement Policy because:

6.4 Drinking Water Supply – Boundary Backflow Prevention Policy(Cont.)

- Installing backflow prevention devices on all connections will improve the security of the potable water supply.
- Adopting the proposed policy will have a financial impact on all customers who will effectively fund the overall costs for management, and replacement of devices.
- The Policy will have a financial impact on the Council. The overall capex cost to Council of implementing this Policy is estimated at over \$2 million.
- The Policy will protect the community by significantly reducing the contamination risk to the water supply. And it comply with the law.
- Once the policy has been implemented, it will be very difficult to reverse
- Some communities do not wish to have water treatment, so requiring backflow prevention devices will support their desires by protecting the water supply.

7.2. Engagement and community views

As noted in sections 6.2 and 6.3 above, there may be some resistance from customers who are unhappy with the new policy.

An Engagement Plan will be developed once the Policy has been adopted. The purpose of the Engagement Plan will be to inform stakeholders of the changes being made relating the backflow prevention devices and provide information around how the Policy will be implemented.

Key stakeholders include:

- Property owners that currently have a device fitted
- Property owners who currently do not have a device and will need to have one installed
- Developers who need to install backflow prevention devices for all new properties.

8. Considerations - *Whai Whakaaro*

8.1. Financial/budget considerations

8.1.1. *Installing devices on properties that currently lack them*

The current LTP includes a capex project to install BBP devices. This is spread over years 1 to 3 of the LTP totalling \$2.9M. A companion paper is being presented to the Projects and Services Committee addressing Capex and Opex options and implications.

8.1.2. *Charges for testing*

There are existing fees and charges in place for testing.

8.2. Strategic alignment

The proposed Policy is aligned to the following Strategic Priorities outlined in the Long Term Plan:

- Enhancing the environmental outcomes of our activities
- Improving the safety, security and resilience of infrastructure.

The proposed Policy is well aligned to all the Core Outcomes of the Infrastructure Policy 2021-2031:

6.4.1 Appendix 1 - Draft Boundary Backflow Prevention Policy

- Delivering quality core services
- Encouraging communities and businesses to thrive
- Working together to meet the community's needs
- Rates affordability.

8.3. 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.

8.4. Risks

The risks associated with this proposal include:

- Adverse effect on the community: If the Council does not adopt and implement the proposed Draft Policy, there is a risk that the public drinking water supply will be at risk of backflow contamination events. This would have a serious adverse effect on the community.
- Public perception: There is a risk that customers may have concern about the ownership model proposed.
- Health and safety: If the Draft Water Supply Backflow Prevention Policy is not adopted and implemented, Council will not be adhering to its Water Safety Plan obligations.
- Legal: If the Council does not implement the proposed Draft Policy, there is a likelihood that the Council will not meet legislative and regulatory requirements.

9. Conclusion - *Kupu whakamutunga*

The current arrangements for managing the risk of contamination in the water supply through backflow are inadequate. The proposed Policy will enable the Council to better manage this risk by:

- ensuring all properties connected to the network have an appropriate backflow prevention device at the boundary.
- establishing a testing, maintenance and replacement regime.


This Policy will ensure that the Council meets regulatory and legislative requirements.

Attached to this report:

- **Appendix 1:** Draft Boundary Backflow Prevention Policy


6.4.1 Appendix 1 - Draft Boundary Backflow Prevention Policy

6.4.1 Appendix 1 - Draft Boundary Backflow Prevention Policy(Cont.)



Draft
Boundary Backflow
Prevention Policy

whakatane.govt.nz



WHAKATĀNE
District Council
Kia Whakatāne au i ahau

6.4.1 Appendix 1 - Draft Boundary Backflow Prevention Policy(Cont.)

Draft Boundary Backflow Prevention Policy: October 2021

Development of Boundary Backflow Prevention Policy

Policy overview

This paper describes the new Boundary Backflow Prevention Policy (the Policy) and how it will be implemented.

The production and preservation of safe, drinking water is the highest priority for all public water supply authorities. In Whakatāne, the water supply authority is the Whakatāne District Council (Council). Backflow can happen unintentionally when a change in pressure in the water supply system causes the flow of water in the water supply to reverse so that water from an external source is drawn into the system. If germs or chemicals are in water that backflows into the public drinking water supply, then sickness or even death can occur.

This Policy outlines a framework of principles that will govern the management, use, functionality and specification of backflow devices on connections. The Council's Policy is that an appropriate level of backflow prevention must be provided on all water connections to minimise the risk that the drinking water supply becomes contaminated through backflow.

The requirements of the Policy are **separate** from and in addition to, the legislative requirements of the Building Act 2004. Currently, some backflow prevention requirements are undertaken via the requirements of the New Zealand Building Code Clause G12 Water Supplies. However, the focus of the Building Act backflow prevention requirements is on protecting the safety of all users in buildings rather than on protecting the water supply. The Building Act requirements do not provide protection to Council's drinking water supply and are not aligned with the backflow requirements in legislation and codes relating to drinking water supply safety.

Therefore, the purpose of this Policy is on meeting the backflow requirements related to protecting the safety of the drinking water supply.

The Council will achieve the Policy through the effective and efficient enforcement of section 20 (Backflow Prevention) of the Combined Waters Bylaw 2017.

Overview of the proposed Policy

- ▶ The Council is responsible for supplying safe drinking water to customers and preventing backflow into the water supply. This can be achieved by installing backflow prevention devices, which stop water from being drawn back into the drinking water supply.
- ▶ This policy is to protect the community and customers connected to Council's Drinking Water Supply from backflow risks. Every connection has the actual or potential ability to allow backflow and is therefore a contamination hazard.
- ▶ This Policy requires all connections to the drinking water supply to have backflow prevention devices installed in order to protect the water supply from contamination. These requirements

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Draft Boundary Backflow Prevention Policy: October 2021

are separate from requirements under the Building Act 2004 to have backflow prevention devices which may be needed to protect the health and safety of building users.

- ▶ The type of activity that takes place (or potentially takes place) within a property dictates the potential hazard rating and the type of protection device required to reduce the likelihood of contamination to the water supply.
- ▶ The costs associated with testing backflow devices (where testable and required) will be charged to the owner of the premises.
- ▶ Other than testing costs, no other charge will be made (e.g. replacement costs if testing reveals faults)
- ▶ Fees and charges will be adjusted as necessary to reflect the position reached by this policy.
- ▶ Adjustments may be required to other policies (such as the Combined Waters Bylaw) as a result of the position reached by this policy.

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1. We'd like to hear from you

Before making a submission on this Policy, we recommend you read through the relevant section of this document thoroughly to ensure you have all the information available.

- ▶ Post or deliver submissions to: Whakatāne District Council Murupara Service Centre
Commerce Street Pine Drive
Private Bag 1002 Murupara
Whakatāne
- ▶ Submit online: www.whakatane.govt.nz
- ▶ Email submissions: submissions@whakatane.govt.nz

2.

3. Key Dates

Submission closes: xx / xx / 202X at 5pm.

Hearing: xxx xx / xx / 202X. (For those who would like to present their submission to the Council).

If you have any questions about the policies and proposals contained in this pack, or about the process of making a submission, our website is a great place to start. You can also feel free to get in touch with one of your elected Council members or staff here at the Council.

- ▶ Website: www.whakatane.govt.nz
- ▶ Email enquiries: info@whakatane.govt.nz
- ▶ Phone enquiries: (07) 306 0500 (ask for the Three Waters Team)

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1. Introduction

The production and preservation of safe, drinking water is the highest priority for all public water supply authorities. In Whakatāne, the water supply authority is the Whakatāne District Council (Council).

Backflow can happen unintentionally when a change in pressure in the water supply system causes the flow of water in the water supply to reverse so that water from an external source is drawn into the public water supply system. If germs or chemicals are in water that backflows into the public drinking water supply then sickness or even death can occur. Every consumer connection has the actual or potential ability to provide a cross connection and is therefore a contamination hazard.

The Council is responsible for supplying safe drinking water to customers and preventing backflow into the water supply. This is done by installing backflow prevention devices, which stop water from being drawn back into the drinking water supply.

2. Purpose

The purpose of this policy is to outline a framework of principles that will govern the ownership, management, use, functionality and specification of backflow devices in the District. To minimise the risk that the treated water supply becomes contaminated, the Council's policy is that an appropriate level of backflow prevention must be provided on **all** water connections.

This policy outlines how the Council will achieve this policy.

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Draft Boundary Backflow Prevention Policy: October 2021

3. Definitions

Auxiliary Supply	Water	means any water supply on or available to any premises other than from a public water supply
Building Warrant of Fitness (BWOFF)	of	is required on the anniversary of the issue of the compliance schedule (every 12 months).
Cross Connection		means an actual or potential connection between the drinking water supply and an auxiliary supply or pipe work potentially containing a contaminant.
Council		is the Whakatāne District Council.
Customer		means an owner or occupier of a property who is responsible for the water reticulation within that property
Individual protection		is protection at the source, installed as close as possible to the receiving area and is generally a requirement of a compliance schedule issued under the Building Act.
IQP		means an Independent Qualified Person. This is defined in the Building Act 2004 as a person who: <ul style="list-style-type: none">a. has no financial interest in the building, other than as a qualified person; andb. is accepted by the territorial authority as being appropriately qualified to undertake the inspection and maintenance of the feature or system concerned.
Point of Supply		is the point where the responsibility for ownership and maintenance of the water supply pipe passes from the Council to the Customer. Where the connection box and/or meter box is on public land the point of supply is where the supply pipe crosses the property boundary. Where the connection box is on private land, the point of supply is where the service pipe leaves the meter box. That is after backflow prevention and metering. Council will take responsibility for all pipe, fittings and meters up to the point of supply.
Three Waters		is the department within the Council that has responsibility under the Local Government Act 2002 to manage the water supply systems in the Whakatāne District.

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4. Principles

The following principles apply with respect to this policy:

1. Council is responsible for supplying safe drinking water to customers and preventing backflow into the water supply.
2. All connections are required to have boundary backflow prevention.
3. The type of backflow prevention device is dependent on the potential risk to the water supply posed by the activities undertaken or potentially undertaken on the site. This level of risk can be assessed as very low, low, medium or high.
4. Domestic/ordinary urban use connections will generally have a (non-testable) dual check device. Commercial/industrial/extraordinary/rural use connections will generally have a testable backflow prevention device.
5. Additional backflow prevention device/s may be required for individual protection within the customer's internal pipework arrangement at the location of a fixture under the provisions of the NZ Building Code. These installations are separate from the requirements of this Policy as they are covered under a Compliance Schedule issued under the Building Act.
6. Where a boundary prevention device is directly associated with a Compliance Schedule and covered under a Building Warrant of Fitness this will be administered in accordance with the Building Act requirements.
7. Boundary Backflow prevention devices must not interfere with the Building Code requirements – Section C - Protection from fire.
8. Boundary Backflow prevention devices must not inhibit the performance of fire sprinkler systems
9. Testable backflow prevention devices will be tested at least annually in accordance with Boundary Backflow Prevention for Drinking Water Supplies 2nd Edition June 2013 and New Zealand Backflow Testing Standard 2019 – Field Testing of Backflow Prevention Devices and Verification of Air Gaps.
10. Testable backflow prevention devices shall also be tested after maintenance.
11. As boundary backflow devices protect the public drinking water supply system costs associated with the installation of devices shall be bulk funded by Council – rather than charging direct costs to owners of premises.
12. Where owners of premises establish a new activity on a site, that owner shall install appropriate boundary backflow protection at their own cost. If this work is undertaken without the knowledge of Council, Council may require the level of backflow protection to be upgraded at the property owner's cost.
13. The Council will periodically survey existing properties with water supply connections to determine whether any change has occurred in the business activity resulting in a change needing to be made to the level of backflow protection required.

6.4.1 Appendix 1 - Draft Boundary Backflow Prevention Policy(Cont.)

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14. Failure to comply with the Policy could result in a property being deemed non-compliant and the water supply being restricted to that property. In emergency situations, where the public water supply is being contaminated or is in immediate danger of contamination, the water service may be interrupted at the Council's discretion.
15. The costs associated with testing backflow devices (where testable and required) will be charged to the owner of the premises.

5. Legislation and Regulations

New Zealand's legislation determines the Council's responsibilities and actions regarding the supply of drinking. The legislation outlines:

- how a drinking water supply is managed.
- who has responsibility for ensuring that a water supply is not contaminated.
- the actions that need to be undertaken to ensure water supplies remain safe.
- what happens if a supply is contaminated.

Water Suppliers along with all water consumers are responsible under common law, as well as under the Water Services Act 2021 and the Building Act 2004, to ensure the safety of water in the public supply system and in all buildings on sites.

The principal legislation most relevant to drinking water quality and therefore to the prevention of backflow includes:

- Water Services Act 2021
- Building Act 2004
- Health and Safety at Work Act 2015
- Local Government Act 2002

An overview of the relevant information in each of the currently applicable Acts and Regulations is contained in **Appendix 1**.

6. Relevant Standards and Guidelines

As well as meeting the requirements of the legislation, the following standards and guidelines relate to drinking water quality and the prevention of backflow and cross connection contamination.

- Building Code (G12) – Water supplies
- Building Code (C1 – C6) – Protection from Fire
- New Zealand Drinking Water Standards 2005 (revised 2018)
- Boundary Backflow Prevention for Drinking Water Suppliers 2nd Edition 2013, published by Water NZ

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- New Zealand Backflow Testing Standard 2019 – Field testing of backflow prevention devices and verification of air gaps, published by Water NZ
- Water Safety Plan Guide 'Distribution System – Backflow Prevention', version 1, Ref D2.4 published by the Ministry of Health
- Public Health Grading of Community Drinking-Water Supplies and Guidelines
- AS/NZS 2845.1 Backflow Prevention Water Supply Material Design Performance
- AS/NZS 2845.3 Backflow Prevention Field Testing and Maintenance
- AS/NZS 3500. 1:2300 National Plumbing and Drainage – Water Services
- NZS PAS 4509:2008 NZFS Firefighting Water Supplies Code of Practice
- NZS 4510:2008 Fire Hydrant Systems for Buildings
- NZS 4512: 2010 Fire Detection and Alarm Systems in Buildings
- NZS 4541:2013 Automatic fire sprinkler systems
- NZS 4515:2009 Fire sprinkler systems for life safety in sleeping occupancies (up to 2000 m²)
- NZS 4517:2010, 'Fire sprinkler systems for houses
- NZQA Unit Standard 23847 - Prepare to test, and inspect and test, water supply backflow prevention devices
- NZQA Unit Standard 23848 - Describe suitability, installation, and testing of water supply backflow prevention devices, and fault identification

7. Combined Waters Bylaw 2017

The Combined Waters Bylaw 2017 requires that the public water supply be protected and states:

S20 Backflow Prevention

(1) The Council may require the Customer to provide backflow prevention either by ensuring (and registering with Council) an adequate air gap or by installing a Council approved backflow prevention device to prevent any cross-connection between the Council water supply and:

- (a) Any other water supply (potable or non-potable);
- (b) Any other water source;
- (c) Any storage tank;
- (d) Any other pipe, fixture or equipment containing chemicals, liquids, gases, or other non-potable substances.

Unmanaged Risk

(2) Notwithstanding clause 20(1), the Council may fit a backflow prevention device on the Customer side of the point of supply where the Customer cannot demonstrate that the risk of backflow is adequately managed. The Council may recover the cost of installing and testing the device from the Customer.

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8. General Requirements for Backflow Prevention Devices

8.1 *Legislative Requirements*

The legislation and regulations listed above require the Council to ensure that the following backflow prevention devices are installed:

- (a) Source (point of risk) individual protection

For buildings where compliance with the provisions of the Building Act and the NZ Building Code is required, an appropriate backflow prevention device must be installed as close as possible to the source of potential contamination to protect the health and safety of water users in the building. The type of device used must be compliant with the Building Code G12.

- (b) Zone Protection

Zone protection is generally only applicable within large industrial and commercial complexes and usually requires workshop areas to be separated from offices and communal areas. If required, this falls under the Building Act and its associated provisions in respect to compliance schedules.

- (c) Boundary backflow protection

In addition to any individual backflow prevention (8.1(a)), an appropriate backflow prevention device must be installed on the service pipe as close as practicable to the point of supply.

The Council will carry out a programme to install backflow prevention devices on properties that do not have them. The direct costs of installation will be met by the Council.

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8.2 Ownership of Boundary (Containment) Backflow Devices

Boundary backflow prevention devices will be owned by the Council unless a boundary prevention device is directly associated with a Compliance Schedule issued pursuant to the Building Act 2004. In such instances the customer shall retain ownership of the device and be responsible for ongoing compliance with the testing and maintenance provisions specified under the Compliance Schedule. Administration of compliance in this regard will be the responsibility of Councils Building Compliance team.

8.3 Roles and Responsibilities

Under the legislation and regulations, the Council has responsibility for preventing backflow. Within the Council, two separate departments have responsibility for backflow prevention devices: Three Waters and Building Compliance.

8.3.1 Three Waters Department

The responsibilities of Three Waters is governed primarily by the Water Services Act which gives the department the general responsibility for the safety of the public water supply system. The Act requires Three Waters to ensure that containment devices are provided at the point of supply of all properties. **Boundary protection is independent of any internal backflow prevention.**

Three Waters staff or authorised agents may need to inspect a property to determine the level of risk and to assess Boundary Backflow prevention requirements. This could be when a change of business activity occurs or has occurred or when water use within the property changes.

The installation of a backflow prevention device for boundary backflow prevention by Three Waters or its authorised agent shall be in Three Waters' capacity as a network utility operator. Accordingly, if this is the only work undertaken then said work is exempt from the building consent provisions under the Building Act.

Three Waters is required to ensure that all testable boundary backflow prevention devices are tested annually. Three Waters or its authorised agents will undertake testing of devices and record test results.

The customer shall report any failure of any device or any incident that occurs involving a backflow prevention device.

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8.3.2 Building Compliance Department

Building Compliance is responsible for ensuring compliance with the Building Act and Building Code. This legislation is focused on protecting building occupants and users from possible dangers, including cross connections and backflow. Under these provisions, the building owner is responsible to protect the buildings occupants. The building owner must install and test appropriate backflow preventers where a hazard exists in accordance with the relevant provisions of the Building Code and the requirements of the Compliance Schedule issued under the Building Act. The building owner is also responsible for reporting any failure of any backflow device and for the payment of all fees, charges and costs associated with backflow prevention devices required under the Building Act.

9. Types of Hazards

9.1 Types of Hazards

A range of specific hazards relating to certain activities have been identified and are outlined in detail in: **Appendix 2**.

Many common installations require backflow prevention, regardless of the nature of the activities conducted on the premises. The hazard rating supplied in the Table 1 below is a general assessment, which means that the specific hazard for an installation may differ from the rating listed below. When in doubt, refer to the section 9.2 below.

9.2 Hazard Ratings

The following levels of risk to public health as outlined in Table 2 below, relate to a hazard rating as defined in G12 of the Building Code.

Table 1: Description of hazard ratings as defined in the Building Code

Hazard Rating	Description
High Hazard	Any condition, device or practice which, in connection with the potable water supply, has the potential to cause death.
Medium Hazard	Any condition, device or practice which, in connection with the potable water supply system, has the potential to injure or endanger health.
Low Hazard	Any condition, device or practice which in connection with the potable water supply system, would constitute a nuisance, by colour, odour or taste, but not injure or endanger health.

Unless otherwise exempted, Three Waters requires that an appropriate and testable boundary backflow prevention device be provided as close as practicable to the boundary on the service pipe of any property for which the activity occurring on site is such that the hazard rating is anything other than very low.

6.4.1 Appendix 1 - Draft Boundary Backflow Prevention Policy(Cont.)

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Exemptions may be granted at the discretion of Three Waters where it is agreed there is no significant potential for a possible event that could contaminate the public drinking water supply either accidentally or intentionally from the business activity occurring on site. Appropriate supportive evidence shall be supplied in all instances for any exemption to be considered.

10. Interruption or Restriction of Water Supply

If a potentially serious hazard to the public water supply exists, the connection to that property may be interrupted or restricted. Three Waters will make every effort to inform customers in advance of interruption or restriction. Restoration of the supply will not be undertaken until appropriate action has been taken to meet the requirements specified by the Three Waters Manager. The costs may be attributed to the property owner.

Interruption or restriction of the water supply may be undertaken in accordance with the Local Government Act 2002, Water Services Act 2021 and the Council's Combined Waters Bylaw 2017.

10.1 Backflow Incidents

If the public water supply is contaminated by a backflow incident, the person(s) responsible for causing the contamination will be held responsible for covering the cost of rectifying the contamination irrespective of whether or not legal action is taken.

11. Types of Backflow Prevention Devices

The types of backflow prevention devices are categorised according to the following levels of risk: very low, low, medium or high. However, certain devices may not be suitable in all situations even if they have the correct hazard rating. For example an air gap would be impractical as a boundary device. The types of devices to be used are shown in Table 3 below.

Hazard	Device
Very Low Hazard	Dual check valve (non-testable)
Low Hazard	(Testable) Double check valve
Medium hazard	(Testable) Double check valve
High hazard	(Testable) Reduced pressure zone

Table 2: Types of Backflow Prevention Devices

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11.1 *Backflow Prevention Devices*

All backflow prevention devices must be manufactured in accordance with AS/NZS 2845.1 Water Supply Backflow Prevention Devices Materials, Design and Performance Requirements.

For boundary devices at the property boundary, only top entry backflow preventers complying with AS 2845.1 can be used, see Three Waters Approved Materials List for approved models.

It is important to ensure that the correct device is chosen to cover each potential hazard. If there is any doubt, a higher level of protection must be used.

12 Council installation and ownership of backflow prevention devices

Council records indicate that there are various devices currently in place across the District. Most frequently these are at farms on the Rangitāiki Plains, with some at commercial Whakatāne properties and some at properties at Murupara, Edgecumbe, Tāneatua and Waimana.

Under this Policy, the Council will undertake a programme to identify all properties without backflow prevention and will install the devices without direct cost to the property owner. These devices will be managed by the Council as part of the Three Waters network.

All existing boundary backflow prevention devices shall be treated as part of the Three Waters network. The exception would be a device installed in accordance with the Building Act/Code and forming part of the Building WOF requirements.

13 Testing

13.1 *Test Procedures*

Council will undertake testing procedures for backflow preventers in accordance with the New Zealand Backflow Testing Standard 2019 – Field testing of backflow prevention devices and verification of air gaps and/or the American EPA Cross Connection Control Manual. Testing shall be carried out at the following times:

- Immediately after installation
- Annually
- On completion of any maintenance work (triggering a re-test need)
- After a backflow or suspected backflow failure
- At the request of the Area Health Officer, Taumata Arowai, a Building Control Officer or designated Three Waters personnel.

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If an incident involving a backflow prevention device occurs on any site, the Council must be notified immediately.

13.2 Test Equipment

The test equipment used must be the correct type for the device being tested. The equipment must be a recognised make and model, and not a 'homemade' device. The test kit must have a maximum working pressure of at least 1200Pa and must have colour coded- hoses for ease of use. Test equipment shall be periodically calibrated, and it is recommended that each hose should contain an in-line filter which should be cleaned out regularly. Testing staff must be appropriately qualified to NZQA Unit Standard 23847.

13.4 Test Record

Test procedures and results shall be recorded and may include:

- Type of test (initial, annual etc.)
- Street address
- Device details (location, make, model, size, serial number)
- Unique backflow registration number (if the tag requires a replacement, then both the old and new number are recorded)
- Associated water meter number (for boundary devices only)
- Type of hazard
- Strainer cleaning
- Test results
- Maintenance work undertaken
- Pass / Fail result
- Test kit information
- Authorised signature and date of test.

14 Surveying

The surveying of properties for potential cross connection and backflow issues shall be undertaken only by designated Three Waters personnel or an authorised agent.

On completion of a survey, a report shall be provided to the owner or occupier. A copy shall be kept within the Council record management system.

6.4.1 Appendix 1 - Draft Boundary Backflow Prevention Policy(Cont.)

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Appendix 1: Relevant Legislation

New Zealand has strict legislation relating to the prevention of backflow in order to protect the safety of our drinking water. The installation of backflow prevention devices is mandatory and required in accordance with the following Acts and Regulations.

1. Water Services Act 2021

Section 27 requires boundary backflow prevention for reticulated systems. Two broad options are available:

- Device ownership and management by Council; or
- Device ownership and management by the owner of the premises

Whakatāne District Council prefers device ownership, testing, maintenance and renewal by Council and this policy is written with this in mind.

2. Building Act 2004

The Building Act contains the principal legal and regulatory provisions to ensure that buildings are safe and sanitary, and to safeguard occupants from possible illness caused by unclean water. The Building Act protects the water supply network and deems a building unsanitary if it is without a supply of potable water adequate for its intended use.

The Act requires an annually renewable Building Warrant of Fitness (for non-residential buildings) to ensure the specified systems stated in the compliance schedule are operating correctly. The compliance schedule includes any backflow preventers installed at the source of possible contamination.

The owner is responsible for ensuring that the water supply complies with the requirements of the Building Act and the Building Regulations 1992. If a building is unsanitary, the Act outlines a number of actions that must be implemented.

Building Code Acceptable Solutions - Section C

3. Health and Safety at Work Act 2015

This Act provides for the prevention of harm to employees at work. It makes the employer responsible for providing and maintaining a safe working environment for employees. Under this legislation, the employer must ensure that all hazards are identified and eliminated or minimised.

6.4.1 Appendix 1 - Draft Boundary Backflow Prevention Policy(Cont.)

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4. Local Government Act 2002

Under Part 8 of the Local Government Act, the Council may make bylaws as it thinks fit for the purposes of 'protecting, promoting, and to maintain public health and safety'.

5. Other Relevant Legislation

There are a number of other Acts and Regulations which may impact on the requirements for backflow prevention including:

- Camping Ground Regulations 1985
- Civil Defence Emergency Management Act 2002
- Education (Early Childhood Centre) Regulations 1998
- Food (Safety) Regulations 2002
- Food Act 2014
- Food Hygiene Regulations 1974

Local Government Rating Act 2002

6. Fire fighting standards

- NZS PAS 4509:2008 - NZFS Firefighting Water Supplies Code of Practice
- NZS 4510:2008 - Fire Hydrant Systems for Buildings
- NZS 4512: 2010 - Fire Detection and Alarm Systems in Buildings
- NZS 4541:2013 - Automatic fire sprinkler systems
- NZS 4515:2009 - Fire sprinkler systems for life safety in sleeping occupancies
- NZS 4517:2010 - Fire sprinkler systems for houses

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Appendix 2: Hazard Rating, Activities and Equipment

This Appendix gives examples and guidance for the overall hazard when determining the boundary backflow prevention required at the types of premises described. The hazard rating is a general assessment and the overall hazard for the specific site may differ from this.

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HAZARD	COMMENTS	DEVICE REQUIRED
High <i>Any condition, device or practice which, in connection with the potable water supply system, has the potential to cause death.</i>	Equipment used for handling, mixing, measuring and processing hazardous chemical or harmful microbiological substances	Reduced pressure zone device, Registered air gap, Reduced pressure zone detector for fire systems
ACTIVITY	EQUIPMENT	
Medical facilities (includes laboratories, hospitals, pharmacies)	Autoclaves, sterilisers, aspirators, haemodialysis machines, pan washers, bidets, sluice sinks, spittoons/cuspidors	
Fire or cooling systems with chemicals	Systems containing chemicals such as anti-freeze, anti-corrosion, biocides, or fungicides	
Industrial and trade waste customers	Boiler, chiller, steam calorifier and cooling tower make-up and recycled water; electroplating, degreasing, descaling, pickling, stripping and dipping tanks and vessels	
Car and factory washing facilities	Chemical dispensers and chemical injectors (high toxicity)	
Water treatment facilities	Chlorinators, demineralising equipment using ion-exchange resins with acid/alkali regeneration. Plants with auxiliary supplies. Drinking water in reclaimed water plants.	
Dental clinics	Dental equipment	
Commercial buildings	Direct heat exchangers (unsealed and toxic environment). Fire sprinkler systems and fire hydrant systems that use toxic or hazardous water.	
Commercial laundries	Recirculated or recycled water, venturi detergent and bleach dosing	
Mortuaries	Embalming systems	
Pest control businesses	Hose taps associated with High hazard situations like mixing of pesticides, aspirators, sprayers	
Food preparation facilities	Clean in place tanks, vats and food storage vessels	
Photography labs X-ray machines	Developer mixing facilities	
Airports, piers and docks	Seawater cross-connections (ie, hoses on wharves, fire systems using seawater, primed by town supply)	
Sewage pump stations and sump ejectors	Wash-down hoses and decontamination systems	
Horticultural and commercial gardens	Irrigation systems with chemicals	

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Agriculture	Livestock water supply added chemicals/chemigation (ie, antibiotic injectors and bloat control), farm irrigation with fertigation systems and cow shed washdowns
Veterinary clinic	Veterinary equipment
Water filling stations	Water tankers and associated hoses
Schools, universities and polytechnics	Boilers and water based heating systems, laboratories, irrigation systems, swimming pools
Inappropriate use of hydrants	Purging of flammable or explosive gases in gas systems

HAZARD	COMMENTS	DEVICE REQUIRED
Medium <i>Any condition, device or practice which, in connection with the potable water supply system, has the potential to injure or endanger health.</i>	In general Commercial and residential water uses other than domestic sanitary fixtures.	Reduced pressure zone device, Registered air gap, Double check valve Double check detector for fire systems
ACTIVITY	EQUIPMENT	
Beauty salon and hairdresser's sinks	Hairdresser's sinks	
Commercial car washes or vehicle wash down	Appliances, vehicles or equipment wash-down facilities without chemical additives	
Water treatment systems	Deionised water, reverse osmosis units and equipment cooling without chemicals	
Auxiliary water supplies such as pumped and non-pumped fire sprinkler secondary water	Fire sprinkler systems and building hydrant systems Hose taps and fire hose reels associated with Medium hazard	
Horticultural and commercial gardens	Irrigation systems with underground controllers but without chemicals (includes residential irrigation)	
Rural water supply	Livestock water supply without added chemicals; milking sheds	
Rain water collection	Untreated water storage tanks	
Recirculated water systems	Water for equipment cooling and steam cleaning	
Residential and commercial premises	Swimming pools, spas and fountains	

6.4.1 Appendix 1 - Draft Boundary Backflow Prevention Policy(Cont.)

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HAZARD	COMMENTS	DEVICE REQUIRED
Low <i>Any condition, device or practice which, in connection with the potable water supply system, would constitute a nuisance, by colour, odour or taste, but not injure or endanger health</i>		Double check valve, Registered air gap, Hose connection vacuum breaker
ACTIVITY	EQUIPMENT	
Commercial premises with potential for change of use.	Domestic sanitary fixtures only	
Cafes, restaurants and other facilities used for the storage or preparation of food and beverages	Drink dispensers with carbonators, coffee machines, dishwashers, garbage can washer, retractable hoses, urinal, auto vegetable peeler, ice maker	
Residential premises	Hose tap used for fixed domestic irrigation systems	
Schools and Parks, etc	Drinking water fountains	
HAZARD	COMMENTS	DEVICE REQUIRED
Very Low All household units (ie, residences).	MoH PHRMP Guideline recommends a non-testable dual check valve to be part of meter assembly maintained by water supplier.	Non-testable dual check valve Air gap
ACTIVITY	EQUIPMENT	
Residential water connections	Domestic sanitary fixtures only	

Table 3: Hazard Rating¹, Activities and Equipment

¹ Boundary Backflow Prevention for Drinking Water Supplies – 2013 Water NZ.

6.5 Responding to the Reform Agenda

6.5 Responding to the Reform Agenda



To: **Strategy and Policy Committee**

Date: **Thursday, 25 November 2021**

Author: **Wouter Vullings – Senior Advisor Strategy and Transformation**

Authoriser: **Steven Perdia – General Manager Strategy and Transformation**

Reference: **A2134140**

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

The purpose of this paper is to formally establish council's reform programme in response to central government's reform agenda. A 'Terms of Reference' is attached setting out details for our reform programme including the governance arrangements, structure of the response unit, objectives, and principles (amongst other details).

2. Recommendations - *Tohutohu akiaki*

1. **THAT** the report Responding to the Reform Agenda be received; and
2. **THAT** the Strategy and Policy Committee approves the 'Terms of Reference' attached as Appendix 1 to this report.

3. Background - *He tirohanga whakamuri*

Central Government has initiated a range of reforms that will directly and significantly impact the Local Government Sector. These reforms are organised into three tranches including 'three waters reform', 'resource management act reform' and 'future local government review'. The reforms of local government are acknowledged as being the most significant to be progressed since the broad sweeping reforms of the late 1980's that largely shaped the sector and its functions as we know them today. Individually each reform tranche, and certainly collectively, will stand to significantly impact the Whakatāne District, its communities and the Council organisation.

The three waters reform is currently 'front and centre' with the pace of change expected to accelerate across the wider reform agenda in the new year. With the reforms (particularly three waters) already well underway, out of necessity, a response unit within Council has already come together. The Council's response unit largely comprises staff from within the organisation, supplemented by external/contracted support and advisors as required. The confirmation of the response unit will essentially formalise a structure that is already in effect for three waters and extend the model over the broader reform programme.

6.5 Responding to the Reform Agenda(Cont.)

4. Issue/subject - *Kaupapa*

This report touches on specific aspects within the attached 'Terms-of-Reference' that are highlighted for the Committee's consideration. Feedback is of course welcome on any aspect of the Terms of Reference.

4.1. Objectives and principles

The reaction to central government's reform agenda has been varied, both within the local government sector and wider community. Within this context, it is acknowledged that the Whakatāne District Council approach continues to be cautious and measured, testing proposals as they come forward and engaging constructively with the process to apply influence.

A series of objectives and principles are set out in the attached draft 'terms-of-reference' document. At the highest level these guide us to consider that everything we do must ultimately be for the net benefit of the Whakatāne District communities, even if it is at the expense of individual interests or the interest of the Whakatāne District Council as an organisation.

4.2. Programme team and governance arrangements

Over these past few months Council workshops have shown to be an effective forum to discuss new information, build an understanding, and formulate views in an evolving context. Council workshops will continue to be a critical forum to update and seek direction from our elected councillors on our response to the reform programme.

Within the reform programme, there will be stages at which formal decisions will need to be made. In keeping with Council's delegations register, it is proposed that these be made by the Strategy and Policy Committee of Council with decisions of higher significance elevated to full Council where necessary.

4.3. Delegated authority for submissions

As we have already experienced, the central government reform agenda is moving at a rapid pace and will at times require urgent action, particularly with co-ordination, submissions and feedback.

It is proposed in the Terms of Reference that the Mayor, Deputy Mayor, and Chair of the Strategy and Policy Committee are lead governance representatives for the programme providing co-ordination and guidance to help navigate through times of urgency.

The appointment of delegated authority for the approval of Council submissions (under this reform programme only) would also be of benefit to support the organisation to keep up with the pace of reforms. This would apply only for instances where timeframes don't allow for a full formal Committee or Council process and would be an exception to our usual approach. Where the delegated approach is used, where possible all elected members would be proactively informed and asked to provide their input. Any submissions finalised through delegated authority would be formally reported to the Strategy and Policy Committee at their next available meeting.

4.4. Maintaining forward work programmes

Forward work programmes will be maintained for each reform tranche. The evolving nature of the reforms means the programme work schedule will need to be adjusted and updated as progress is made - for this reason the three waters programme is ahead of the others for example. Visibility of the forward work programmes (including Council expected touchpoints to the programme) will be

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provided to Council through the workshop arrangement as has been the practice for the three waters reforms to date. The Terms-of-Reference attached to this report sets out in broad scope of what the work programmes will cover.

At the programme level, regular reporting has commenced covering key actions and milestones from the previous period and looking ahead to those coming up. At the time of writing this reporting is fortnightly to the Executive Team, with the programme looking at how best to extend the key information to elected members, staff and iwi.

5. Options analysis - *Ngā Kōwhiringa*

While the reform agenda is driven by central government, Council has an obligation to the community to provide leadership and promote wellbeing. The establishment of a response unit, and proactive engagement in the reform programme will help to ensure positive impacts for our communities are maximised, and adverse impacts mitigated as much as possible.

If we do not commence a dedicated reform programme, it is likely we will take a reactive approach to the reform agenda missing opportunities to shape the future of our sector and the outcomes and impacts this may have for our communities.

The recommendation is therefore to formally commence our reform programme through approval of the attached Terms of Reference. Adjustments can be made to the Terms-of-Reference if required.

6. Considerations - *Whai Whakaaro*

6.1. Resourcing considerations

There will be costs and resourcing requirements associated with various stages of the reform from participation and engagement through to transition and implementation. Expected costs will include staff time, engagement and partnership costs, specialist and consultant support, and service investments. Additionally, the need to address the reform agenda risks drawing staff capacity away from other BAU projects and work programmes. The evolving nature of the reforms means that costs of the programme cannot be fully understood from the outset.

Central government is offering stimulus and support funding to local government to participate in the reform programme and to make sure our planning and assets are well prepared for change. Council has, and will continue to, take advantage of this funding where available and appropriate – with care taken to assess any commitments, expectations, or agreements associated with the uptake any funding.

Cost tracking for each reform has been put in place for transparency and to support cost recovery opportunities.

6.2. Strategic alignment

It is highly likely that the reforms will result in inconsistencies with Council's strategy and policy framework. This may include for example, changes to Council's portfolio of activities and strategic assets, and the strategies and policies that guide them. The timeframes of each reform agenda will likely require much realignment to culminate through and alongside the next Council Long Term Plan. A proactive approach will be needed to ensure the opportunities and priorities identified by Council

6.5.1 Appendix 1 - Reforms - Draft Programme Terms of Reference

continue to be advanced within the future structure of policy development and service delivery. Key examples include the development of a spatial plan for our District, and well-prepared growth and levels of service planning for our three waters future.

6.3. Climate change assessment

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

6.4. Risks

There are a number of risks to Council associated with the reform agenda as set out in the attached terms of reference. A number of these risks have already been tested to varying degrees through the reform work already passed. The learning from these experiences and a deliberate approach to managing risk through the programme will help us mitigate the effects.

6.5. Assessment of Significance and engagement

Multiple aspects of the central government reform agenda will likely be of high significance in accordance with a number of criteria in Council's Significance and Engagement Policy. This said, the intention of this paper 'to formally establish council's reform programme', is assessed as being of low significance. In keeping with the assessed level of significance, community views on the formal establishment of a reforms programme and response unit, is not required.

Attached to this report:

- Whakatāne District Council Reform Programme - Terms-of-Reference

6.5.1 Appendix 1 - Reforms - Draft Programme Terms of Reference

6.5.1 Appendix 1 - Reforms - Draft Programme Terms of Reference(Cont.)

LOCAL GOVERNMENT REFORMS PROGRAMME – TERMS OF REFERENCE

1. Programme description

Programme name: Local Government Reforms Programme 2021-24

References: This document: A2096912 / Programme file administration: fA747958

Overview: Central Government (CG) has initiated a range of reforms that directly impact the Local Government (LG) Sector. These reforms are organised into three tranches including 'three waters reform', 'resource management act reform' and 'future LG review' (see brief overview of these reforms in the section 4 below). The reforms of LG are acknowledged as potentially the most significant to be progressed since the broad sweeping reforms of the late 1980's. Individually each reform, and certainly collectively, will stand to significantly impact the Whakatāne District, its communities and the Council organisation. A dedicated response unit is being established within Council to address the reform agenda. The Council's response unit largely comprises staff from within the organisation, supplemented by external/contracted support and advisors as required.

2. Overview of reforms

Three Waters Reform - Led by Department of Internal Affairs (DIA):

- Standards and regulations for three waters services increasing through the establishment of a new regulator Taumata Arowai.
- Proposal to move service delivery of drinking, wastewater and storm water from local councils to four new, large water service delivery entities.

Resource Management Act Reform - Led by Ministry for the Environment (MfE)

- Resource Management Act 1991 (RMA) is being repealed and replaced with three new Acts:
 - The Natural and Built Environments Act (NBA), to be the main replacement for the RMA.
 - The Strategic Planning Act (SPA), which will require councils, iwi/Māori and CG agencies to develop 30-year regional spatial plans.
 - The Climate Change Adaptation Act (CAA), which deals with the legal and technical matters associated with climate change adaptation and managed retreat.

LG Future - Led by Department of Internal Affairs (DIA):

- A broad future thinking review of what LG is, what it does, how it does it, and how it pays for it. DIA note the scope should include, but not be limited to:
 - Roles, functions and partnerships
 - Representation and governance; and
 - Funding and financing.

3. Objectives of programme

The reforms are not owned by the Whakatāne District Council (i.e. we are the recipient of reforms progressed by CG). CG has set objectives for each of the reforms that respond to the respective challenges and opportunities. What follows are the objectives of the Whakatāne District Council in participating in and responding to the reforms:

To ensure the Council is well informed and prepared for reforms

- To understand and assess reform proposals and its impacts on our business
- To participate effectively in the opportunities to influence the reforms
- To look for and make the most of the opportunities that come with change
- To support communities to be informed and participate
- To support iwi to ensure they are informed and prepared
- To minimise uncertainty and disruption for our communities, district, organisation and staff
- To ensure Council is well prepared to implement change

6.5.1 Appendix 1 - Reforms - Draft Programme Terms of Reference(Cont.)**4. Principles guiding the programme:**

The following principles are intended to help guide our considerations and decisions as we navigate the reforms:

1. We will engage genuinely and openly into reform agenda and expect same from CG
2. We will work as good treaty partners through the process
3. We will place the wellbeing of our communities at the fore, taking a long-term view
4. We will place wellbeing of our organisation and workforce as the core of our deliberations
5. We will view opportunities in change constructively
6. We will take an evidence-based approach
7. We will consider different perspectives with an open mind
8. We will acknowledge the New Zealand inc. perspective
9. We will be part of the solution
10. We will keep learning as we go

5. Programme work schedule

A forward work programme will support Council to work through each reform tranche. The programme will guide tasks and provide visibility and accountability to upcoming milestones, and overview council and other key stakeholder touchpoints. The evolving nature of the reforms means the programme work schedule will need to be adjusted and updated as progress is made. This will be maintained as a live document separate to this project structure document.

Broadly speaking the work programmes will cover the following areas of focus:

- Understanding and influencing the detail: Understand where the points of influence are. Understand the information. Engage into the process to influence we can (shaping the solutions and ensuring ongoing pathways of influence).
- Tracking concerns: Develop and maintain register of concerns and ideas, to help guide our responses, and show if our concerns are being addressed.
- Communications and engagement: (Noting the reforms are owned by CG) dovetail into CG communications and engagement process to ensure our local iwi, stakeholders and communities are informed and engaged.
- Internal engagement: Support our staff to keep in touch with and understand the reforms. Support staff through proactive change management process where needed.
- Proactive transition: Regardless of what the future may look like for Whakatāne District Council – we need to ensure we are well prepared for change. This will help to maximise the benefits to our communities.

6. Programme Budget

There will be costs and resourcing requirements associated with various stages of the reform from participation and engagement through to transition and implementation. The evolving nature of the reforms mean that costs of the programme cannot be fully understood from the outset.

Expected costs will include staff time, engagement and partnership costs, specialist and consultant support, and service investments. Additionally, the need to address the reform agenda risks drawing staff capacity away from other BAU projects and work programmes. This may require some combination of backfilling capacity and/or reprioritising work.

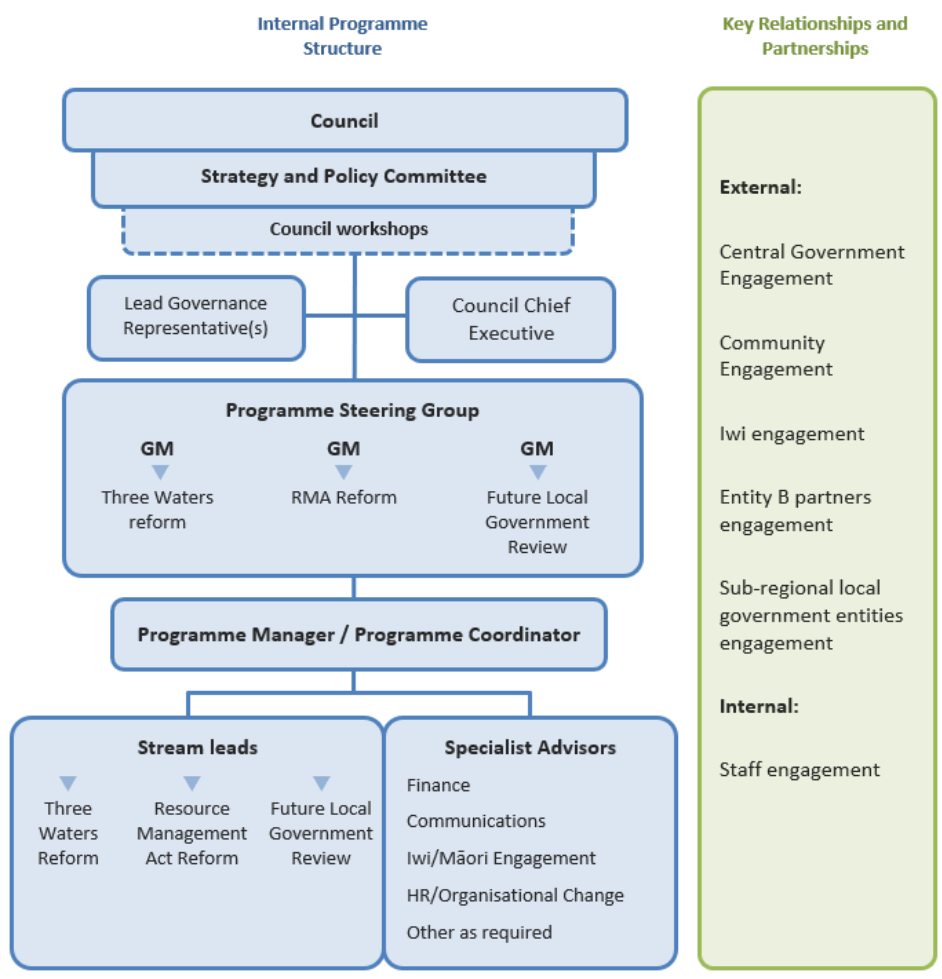
Central government is offering stimulus and support funding to local government to participate in the reform programme and to make sure our planning and assets are well prepared for change. Council has, and will continue to, take advantage of this funding where available and appropriate – with care taken to assess any commitments, expectations, or agreements associated with the uptake any funding.

Mechanisms have been established to allow cost tracking for each reform tranche.

- Three Waters Reform: 65.30.68 - job code: 306807
- Resource Management Act Reform: 25.20.20 - job code: Y50049
- Future LG Review: 10.30.10 - L30107

6.5.1 Appendix 1 - Reforms - Draft Programme Terms of Reference(Cont.)

7. Programme Structure
 7.1: Overview of programme structure



7.2: Internal programme structure definition

Role:	Description:
Council:	Required to consider and make formal decisions of high significance.
Strategy and Policy Committee:	Strategy and Policy Committee are delegated to approve submissions and make formal decisions to direct Council’s responses to the reform. Decisions of high significance will be recommended to full Council for a decision.
Council workshops:	Council workshops will be a common part of the process given the need to process much information, build an understanding and formulate views in an evolving context.

Strategy and Policy Committee - AGENDA

6.5.1 Appendix 1 - Reforms - Draft Programme Terms of Reference(Cont.)

Lead Governance Representative(s):	The Mayor, Deputy Mayor and Chair of Strategy and Policy Committee as lead governance representatives to support the connection and communication of the programme with Council and provide for efficiency if/when required and appropriate. Delegated authority is provided to the lead governance representative to approve submissions on behalf of Council in instances where timeframes don't allow for a full formal Committee or Council process.
Programme Sponsor - Council Chief Executive	The Chief Executive will have a critical relationship role in the programme and is the programme sponsor with final accountability for the programme.
Programme Steering Group	The programme steering group has a responsibility to provide regular guidance to the programme manager and oversee the programme. The steering group will fortnightly and comprises the following membership: <ul style="list-style-type: none"> • Three waters: GM Infrastructure • RMA reform: GM Development and Environment Services • Future LG review: GM Strategy and Transformation
Programme Manager	The Programme Manager has day to day responsibility for management of the programme which may include: <ul style="list-style-type: none"> • Scanning/analysing and distributing information to key people. • Providing secretariat to fortnightly Steering Group meetings. • Supporting the development and delivery of forward work programme for each reform tranche. • Supporting internal and external communications campaigns. • Monitoring of implementation and reporting on progress, risks, and quality specifications.
Stream leads	Stream leads will be responsible for managing and delivering specific programme activities and projects: <ul style="list-style-type: none"> • Three waters: Glen Cooper / Ian Morton • RMA reform: Nicholas Woodley • Future LG review: Steven/ Sheryl/Wouter
Specialist advisors and experts	<ul style="list-style-type: none"> • Communications and engagement: Kay Boreham • Finance: CFO/GM Business Partnering – Rob Trass • Iwi/Māori engagement: Kaihautu Māori – Paul Warbrick • HR/organisational change: GM people and Engagement – Emlyn Hatch • Other advisors and experts as required

7.3: Key relationships and partnerships

Internal and External communications plan	<p>A communications plan will support the programme. This will map out key relationships and partnerships to the programme covering both the external relationships (it is expected these may evolve as the reforms progress) and internal relationships.</p> <p>Communications planning will also set out expected engagement activities. While we can be proactive about some aspects of engagement, some campaigns and actions can only be planned as and when the reforms evolve and more is known about the information requirements to inform decision points.</p> <p>Care will need to be taken to dovetail locally led engagement processes and messaging into those of CG as the lead entity for the reforms.</p> <p>A proactive internal communications plan will also be developed and delivered acknowledging the reforms will be of interest to staff given the potential impact on Council services, organisation and jobs.</p>
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6.5.1 Appendix 1 - Reforms - Draft Programme Terms of Reference(Cont.)

8. Programme Risks			
Risk	Likelihood	Impact	Proposed Mitigation
Timeframes: Timeframes set by the reform process may be tight at times, particularly where local consultation is needed to inform Council's decision.	M	M	<ul style="list-style-type: none"> Communicate any risks to CG. Ensure forward planning has good understanding of milestones. Allow for flexible decision making (delegation) where necessary and appropriate. Establish engagement plan early. Consider agile resourcing that may be drawn of if and when required. Triage approach to our level of involvement in tasks Look for efficiencies through partnerships (e.g. all councils going through the same)
Capacity/impact on BAU: Reforms require additional capacity not able to be met in-house	H	M	<ul style="list-style-type: none"> Identify pressure points early and contract support for programme where needed – note resource requirements of doing this. Per timeframes risk – apply triage approach to our level of prioritisation/involvement in tasks.
Reputation: Council reputation negatively impacted the reform process	M	M	<ul style="list-style-type: none"> Clear messaging that this is a CG owned process Supplement CG communication, messaging, information sharing to build understanding. Clear messaging that our local objectives place the outcomes for the Whakatāne District and its people at the fore.
Outcomes: Outcomes don't meet local expectations/ preferences	M	H	<ul style="list-style-type: none"> Ensure critical opportunities are taken up to influence the reforms. Provide engagement opportunities to help build understanding of local concerns and aspirations (noting this is a CG process) Advocate on behalf of local expectations and aspirations and keep these at the fore through decision making.
Costs: Unbudgeted costs arise from programme delivery	H	M	<ul style="list-style-type: none"> Keep separate record of costs associated with programme. Access CG funding support where available and if appropriate. Consider availability of budget allocated through Annual Plan adjustments.
Staff: Reforms impact on staff morale and job security	M	M	<ul style="list-style-type: none"> Maintain strong staff-oriented communication campaign. Advocate for staff concerns to the reform process.

What will happen if we do not proceed with this programme?

If we do not proceed with the programme it is likely Council would take a more reactive and possibly siloed approach to the reforms. This would result in 'not' influencing the reform as effectively as we could, and not being as well prepared for the change as we may need to be. How well we are able to participate in the reforms and prepare for change will have both short and longer-term impacts for our organisation, communities and District.

6.5.1 Appendix 1 - Reforms - Draft Programme Terms of Reference(Cont.)

9. Project Monitoring and Control

Progress Reporting	<ul style="list-style-type: none">Regular updates will be provided to the programme team, executive team, council, staff, and key partners.
Issue Management	<ul style="list-style-type: none">Issues will be identified and actioned via the project reporting and meetings described above. The Programme Manager will initially endeavour to resolve issues, but will seek assistance from the steering group where required.
Record Management	<ul style="list-style-type: none">Records will be managed in accordance with the Council's record management procedures.

10. Version control

Ref	Description/Change	Author	Approved by	Approval date
V1	Original draft	Wouter Vullings	XXX	XXX

6.6 Development and Environment Services Report

6.6 Development and Environment Services Report



To: **Strategy and Policy Committee**

Meeting Date: **Thursday, 25 November 2021**

Author: **David Bewley / General Manager Development and Environment Services**

Authoriser: **Steph O'Sullivan / Chief Executive**

Reference: **A2122492**

1. Reason for the Report - Te Take mō tēnei rīpoata

This report updates and informs the Committee on performance in the Development and Environment Services Business Group for October 2021 and highlights the business priorities for the next two months.

This group comprises resource management, strategic resilience projects, building, environmental health, liquor licensing, land information memoranda, emergency management, animal control, parking enforcement and community regulation.

2. Recommendation - *Tohutohu akiaki*

THAT the Development and Environment Services Report for October 2021 be received.

3. Key Highlights and Business Priorities

3.1. Key Highlights

- The Emergency Operations Centre was set up and responded well following heavy rain on the 28 and 29 October 2021, by coordinating the response and planning for any welfare issues arising from road closures, landslips and inundated infrastructure.
- The District Licensing Committee will conclude its second term of four years in December 2021. The Committee has been well led by Commissioner Russell Orr, with the support of Jenny Mahoney and Michelle Heath (for the Whakatāne District). All can reapply if they wish to.
- The Council retained its status as a recognised verification agency for compliance of food premises, for the Ministry of Primary Industry (MPI). This was through a remote Surveillance Assessment of the performance of our Environmental Health Officers and of our Quality Management System.

3.2. Business Priorities

- Monitoring the development of the Resource Management Act Reform programme, with the Natural and Built Environments Act and Strategic Planning Bills due for submission in mid-2022, and the Climate Adaptation Bill potentially later available for submission late in the electoral cycle.

6.6 Development and Environment Services Report(Cont.)

- Complete project planning with the Leadership Group to develop the Whakatāne/Kawerau Spatial Plan, and to assist the development of a Regional Spatial Strategy under the Strategic Planning Act.
- Continual to develop and complete Plan Changes to the Whakatāne District Plan, as agreed.
- Appointing members of the District Licensing Committee along with the Kawerau and Ōpōtiki District Councils.
- Continuing to focus on improving resource and building consent processing times and establish performance measures that monitor progress.
- Continue to build relationships to strengthen community resilience during emergencies, and to complete Community Response Plans.

4. Planning

4.1. Resource Management - Consent Processing

4.1.1. *Gulati Enterprises Ltd*

The Gulati application, concerning the proposed self-service fuel station opposite the Hub, was heard by the Court of Appeal in Wellington on 16 November 2021. This appeal has been brought by Lysaght Development Ltd in regard to the High Court decision which found that he was not required to be notified of the application. The High Court has required the Council to reconsider its non-notification decision in relation to the adjoining residential neighbours, and this will occur once we have received the decision of the Court of Appeal.

4.1.2. *MMS GP Ltd, 77 Bunyan Road, Whakatāne*

The Opihi subdivision appeal of the Environment Court decision, which found there is no right of appeal concerning this subdivision, was heard before the High Court on 17 November 2021. This hearing will involve each of the submitters, the applicant and Council.

Alongside this is the appeal by the same submitters against the Heritage NZ archaeological authority granted in respect of the earthworks required for the subdivision. The Environment Court has confirmed the reporting requirements from each of the parties. It is likely to be heard in December. This hearing will involve the appellants, the applicant, Heritage NZ and the Whakatāne District Council.

4.1.3. *Wedding and Events Venue*

A limited notification resource consent hearing, relating to a proposed wedding and events venue at Awakeri with one submitter opposed, has been set down for a hearing before two Hearing Commissioners on 13 December 2021.

4.2. Resource Management – Policy

4.2.1. *Resource Management Act Reforms – Update*

In early 2021, the Government announced its intention to repeal the RMA and replace it with three pieces of legislation which are currently at various stages of development:

- Natural and Built Environments Bill (NBA) – which would be the primary replacement for the RMA.

6.6 Development and Environment Services Report(Cont.)

- Strategic Planning Bill (SPA) – will require the development of long-term regional spatial strategies
- Climate Adaptation Bill (CAA) – will seek to address issues associated with managed retreat due to climate change effects.

In June 2021 an exposure draft of the NBA was released and submissions sought from all stakeholders. The NBA paper was then referred to the Environment Select Committee, who heard submissions and recommended changes as follows:

- Work is undertaken with iwi and Maori groups to further develop and define the concept of Te Oranga o te Taiao (the wellbeing of the natural environment) and how the legislation will uphold Oranga o te Taiao.
- The purpose clause is amended to ensure environmental goals have priority, and that the NBA is clearly linked to outcomes for housing, infrastructure and cultural heritage in the built environment, and for dealing with pollution and harm. The purpose statement should not be used as the basis of determining individual development applications.
- Existing definitions in the RMA are carried over into the NBA where possible, to ensure existing case law is retained.
- The NBA should include further direction on how the principles of Te Tiriti o Waitangi are to be given effect to.
- Environmental limits to be set by the Minister in the National Policy Framework (NPF) will protect the ecological integrity of the natural environment and/or human health
- The NBA will consolidate the list of outcomes into groupings, and provide direction on how conflicts between outcomes are to be resolved
- Work needs to be done to clarify the purpose of the NPF and how it relates to the legislation and other regulatory tools, and to establish what regulations should be included in the NPF
- Local authorities will have a substantial role in place-based planning and the development of regional natural and build environments plans, and how this will happen needs to be developed
- The involvement of local communities in the NBE plan making process should be made explicit in the NBA
- Further work is needed to identify the role of planning committees, including representation, how they work and make decisions, and the role of the secretariat.

4.2.2. *National Planning Standards – Implementation within the Whakatāne District Plan*

The Whakatane District Plan is being reviewed to enable compliance with the prescribed templates and layout requirements of the National Planning Standards (the Standards). Council is required to comply with the Standards by 3 May 2024. Significant change is expected to the chapters and text of the District Plan to enable compliance with this mandated change.

The assessment of the mandatory definitions for inclusion in the District Plan has been completed. The Standards recognise that Councils may need to retain some existing definitions for clarity of existing District Plan provisions. However, there are a large number of residual definitions included in the District Plan and staff now need to assess these with the intention of streamlining to comply with the intention of Standards.

6.6 Development and Environment Services Report(Cont.)

4.2.3. *Deferred Residential Plan Change*

Council staff have met consultants acting for the owners of the deferred residential land in Huna/Shaw Roads to discuss responsibilities and next steps for a plan change. It was agreed that we will work collaboratively in developing the plan change with Council undertaking consultation in accordance with the requirements of the RMA and the owner's consultants undertaking the preparatory reports needed prior to notification. This will reduce the costs to Council of undertaking the plan change. A proposed plan change for this area will be presented to a future meeting of the Strategy and Policy Committee prior to notification.

Regarding the Deferred Residential zone at Maraetōtara, Council staff have discussed a potential plan change with representatives of the Māori land trust who own the majority of the land within this zone (comprising nearly three quarters of the total area). They have confirmed that they do not want to undertake a residential development, have no intention of ever selling their land, and are opposed to rezoning the land to enable residential development. On that basis Council staff do not intend to progress a plan change for the Deferred Residential zone at Maraetōtara. The land will remain deferred residential until the next review of the District Plan (or equivalent planning document at the time).

4.2.4. *Spatial Plan/Future Development Strategy*

A second meeting of the Spatial Plan Leadership Group was held on 12 November 2021. This included representatives of the Whakatāne, Kawerau and BOPRC Councils, Kāinga Ora, Ministry for Housing and Urban Development (MHUD), and Waka Kotahi, as well as a Ōpōtiki District Council staff member attending in an observer capacity. The meeting involved a facilitated workshop to discuss the temporal and geographic scope of the Spatial Plan, as well as the level of detail, engagement approach, and implementation model. Based on the workshop outcomes, the project plan is being updated for discussion at the next meeting, which will be held in December 2021.

4.2.5. *Plan Change 3 – Matters of Control to the Whakatāne District Plan*

The s42A report with recommendations on the submissions and further submission for Council's Hearing Committee is undergoing internal review prior to finalisation in preparation for a hearing.

4.2.6. *Plan Change 4 – Built Floor Levels*

This Plan Change will see the current rule relating to in the District Plan reviewed. The aim of the change is to update and provide consistency around setting a minimum floor level for development and subdivision. The scope of the plan change is largely confirmed, with pre-notification consultation and preparation of the section 32 evaluation report to be undertaken in early 2022.

5. Building Resilience

5.1. Regional Climate Change Risk Assessment

The inaugural Toi Moana Bay of Plenty Climate Change Risk Assessment survey was carried out during late October/early November. The survey, which is an output from the Regional Climate Change Adaptation Working Group formed late last year, is important as it will identify and highlight areas of climate change concerns to regional communities. The outputs from this assessment will help inform district-level climate change risk assessments and subsequent adaptation initiatives. A workshop

6.6 Development and Environment Services Report(Cont.)

to review survey responses is scheduled for late November with a final report due around March 2022. A Whakatāne District Climate Change Risk Assessment will follow the release of the Regional Assessment.

5.2. Storm Damage

The high rainfall intensity storm event that occurred on the 29 and 29 October 2021 saw around 100mm of rain fall in Whakatane and 130 mm on the Rangitaiki Plains over a 24 hour period. This caused landslides to properties at West End, Ohope and Carling Road, Whakatāne; and ground and streambank erosion to a Maraetōtara Road property. The West End landslide debris came to a stop upgradient of the toe of the escarpment and did not impact upon any structures on the property which were set back approximately 20 metres from the escarpment.

Debris from the Carling Road landslide extensively damaged the back wall of an attached garage at the base of the escarpment. The downgradient property is located on The Fairway. Figures 1 and 2 illustrate the landslide and building damage.



Figure 1 Landslide face



Figure 2 Landslide damage to garage wall

Land above the landslide face remained unstable and measures were taken to reduce the likelihood of a further landslide occurring.

The Maraetōtara Road property was affected by a torrent of funnelled floodwater that came from rural land on the opposite side of the road. The torrent of water surged across the road and eroded a section of land underneath the dwelling as well as significantly contributing to a loss of an area of streambank. Figures 3 and 4 show the section of streambank that has eroded and some of the erosion under the dwelling.

6.6 Development and Environment Services Report(Cont.)



Figure 3 Streambank erosion

Erosion around driven piles



Figure 4 Erosion around driven piles

A section of streambank immediately adjacent to the section that was eroded is unstable. As the rear portion of the ground floor deck of the dwelling is in close proximity to the area of instability, a Restricted Entry placard was issued to prevent use of this section of the deck.

In the Maraetōtara Road and Carling Road/The Fairway cases, Council staff are continuing to work with property owners to monitor the situation and assist facilitate appropriate solutions.

6. Building – Consents and Inspections

The number of building consents being received for processing continues to be high exceeding 50 consents per month. The timeframe for processing consents has come under pressure due to lockdown and particularly high volume of consents three to four months ago. Our statutory compliance for processing has reduced to 75% for the month of October, whereas we have been achieving 90% for the majority of the year.

Despite supply chain issues and a limited number of builders, the requests for building inspections have risen over the last month meaning that an inspection can take up to 5 days to be met.

The efficient processing of consents and ensuring building investment continues are key elements in Council supporting economic development and to meet housing demand in our district. Accordingly, the resourcing of the department, and the ability to work remotely will become a focus for the team.

6.1. Building Consent Authority Audit

We continue to work to the levels stated in our BCA manual and system audits of these processes have not identified any serious non-conformances.

6.2. Continuous Improvement (CI)

No new Continuous Improvements have been generated since the previous report. We continue to work through the outstanding Continuous Improvements previously identified.

6.6 Development and Environment Services Report(Cont.)

7. Environmental Health

7.1. Audit – Surveillance Assessment of Food Verifier

On 4 November 2021 the remote Surveillance Assessment took place for our verification of food premises on behalf of the Ministry of Primary Industry (MPI). The assessment was successful, and the Whakatāne District Council continues to be a recognised agency for the Ministry of Primary Industry (MPI). There was one minor non-conformance and a couple of recommendations. IANZ acknowledged the work by the team, and improvements from the last assessment.

7.2. Service Agreement Kawerau District Council and Whakatāne District Council

The Whakatāne District Council provides Environmental Health and Liquor Licensing services for the Kawerau District Council. A review of the Service Agreement was completed in November 2021.

8. Liquor Licensing

8.1. District Licensing Committee (DLC) and Local Alcohol Policy (LAP)

The four-year term for members of the Eastern Bay of Plenty District Licensing Committee will conclude in December 2021. This has provided an opportunity to review the Terms of Reference for the Committee, and membership. Applications are currently being invited for community representatives to be appointed to the District Licensing Committee. Based on the Terms of Reference, each Council will appoint two members from their District. There will also be an appointed Commissioner to lead the DLC.

The Eastern Bay of Plenty Local Alcohol Policy is due for review. This Policy sets the local framework for decisions on liquor license applications to guide the DLC. The General Manager Strategy and Transformation is leading the review of the LAP. Community Regulation

8.2. Due Diligence

The General Manager will lead a due diligence exercise with the Animal Control team in early December 2021. Councillors are invited to attend that exercise. The focus will be on health and safety measures in relation to entering properties.

9. Emergency Management

9.1. New Zealand Shakeout 2021

The Council recognised New Zealand Shakeout on the 28 October 2021. This is our national earthquake drill, where at 9:30am all staff practice the *Drop, Cover, Hold* message.

Following the exercise, all EOC rostered staff were invited to the BOPRC Council Chambers as our alternative EOC, to let them familiarise themselves with this facility and best to set up if needed. The Mayor attended as part of a broader discussion about roles during an emergency. It was a very successful session.

6.6.1 Appendix 1 - Building Statistics Year to Year Comparison October-November 2021



As noted earlier, that evening we had a rain event where a small EOC was then stood up at the Whakatāne District Council on the 29 November, that provided further experience for those rostered to the EOC.

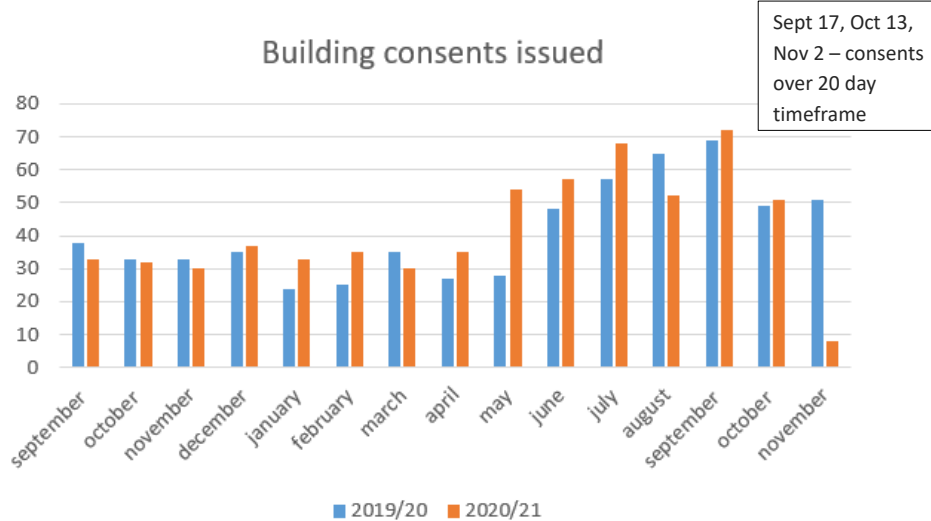
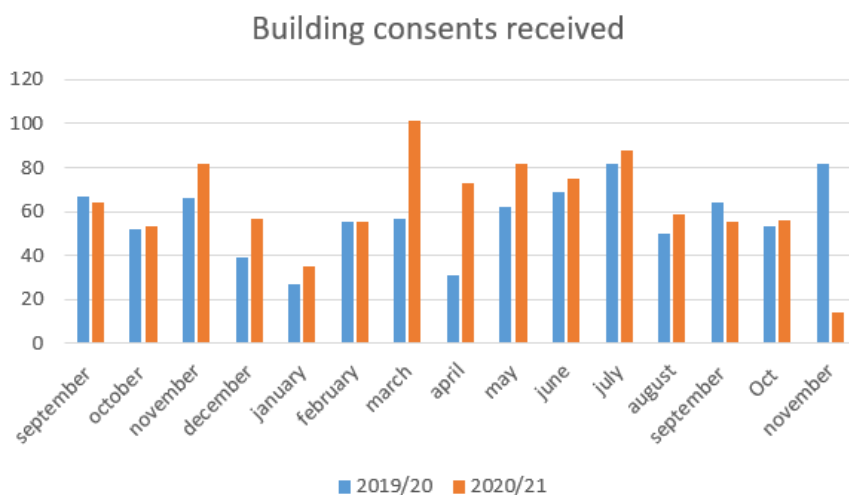
Attached to this Report:

- Appendix 1: Building Statistics Year to Year comparison

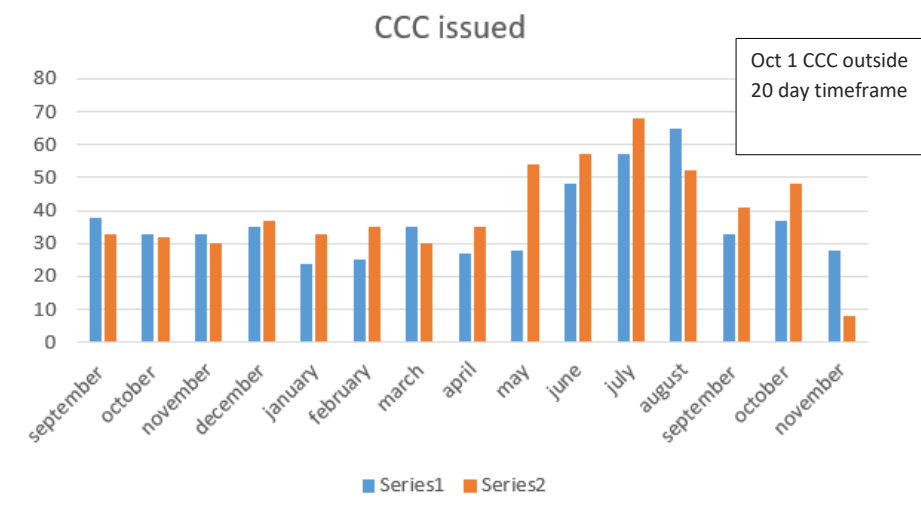
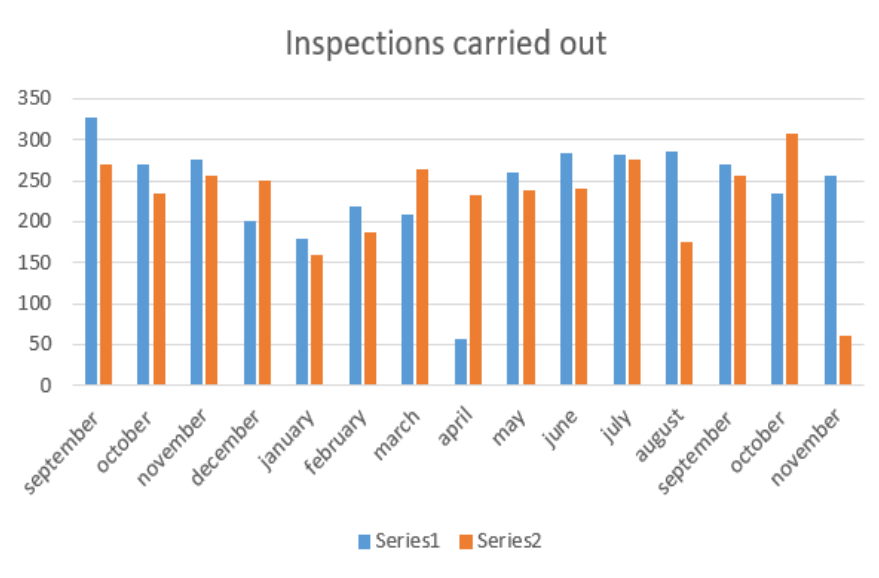
6.6.1 Appendix 1 - Building Statistics Year to Year Comparison October-November 2021

6.6.1 Appendix 1 - Building Statistics Year to Year Comparison October-November 2021(Cont.)

Building Statistics Year to Year comparison 2019/20 – 2020/21



6.6.1 Appendix 1 - Building Statistics Year to Year Comparison October-November 2021(Cont.)



6.7 General Manager Strategy and Transformation Report

6.7 General Manager Strategy and Transformation Report



To: **Strategy and Policy Committee**

Meeting Date: **Thursday, 25 November 2021**

Author: **Steven Perdia / General Manager Strategy and Transformation**

Authoriser **Steph O'Sullivan / Chief Executive**

Reference: **A2122522**

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

This report covers the key highlights, business priorities and updates from the Strategy and Transformation business group from the last report up to 16 November 2021. Activities included in this area are Strategy and Policy, Economic Development, Tourism, and Strategic Property.

2. Recommendation - *Tohutohu akiaki*

THAT the General Manager Strategy and Transformation Report up to 16 November 2021 be received.

3. Business Priorities

3.1. Business Plan 2021 – 2022

The Whakatāne District Council Business Plan for 2021 – 2022 has been completed and distributed to Council. It supports the implementation of the Long-Term Plan (LTP) by breaking it down and providing a view of our active programme of work tasks for the coming year. The Plan has been designed to be used by both Council/staff and for external communities and partners. For external stakeholders it provides greater visibility of the things Council is currently working on or about to start.

Some of the immediate uses include General Managers using the Business Plan to assist with setting team objectives and individual performance plans, the ELT will review the Business Plan each quarter to monitor our delivery and the strategy team have started mapping exercises between the Business Plan and LTP Strategic Priorities to review activity alignment.

3.2. Annual Plan 2022- 2023

The Annual Plan 2022 – 2023 process has commenced with budgets and the Long-Term Plan year two workplan being reviewed. We are expecting that there will be minimal changes given Council has just completed the Long-Term Plan process. Council can expect this work to be discussed in workshop prior to Christmas. We are aiming to present the draft budget, recommendations for fees and charges, any changes to the work programme and the significance and engagement assessment to the Strategy and Policy Committee on the 17th of February for approval.

6.7 General Manager Strategy and Transformation Report(Cont.)

3.3. Annual Report and Airport Annual Report

The Whakatāne District Annual Report 2020 - 2021 is Council's report back to the community on its financial and non-financial performance for the year ended the 30 June 2021. The draft of the Report was presented to the Organisational Performance Committee on the 22nd of October 2021 and minor adjustments have been made based on the discussion. The draft is in the audit process and the finance team have started responding to queries. Subject to audit timeframes we are expecting Council to be in a position to adopt the Annual Report on the 15th of December.

Note - The statutory timeframes for adoption of Annual Reports for councils, as well as council controlled organisations, has been extended by Audit NZ to 31 December 2021 as a result of the COVID-19 pandemic.

The Whakatāne Airport Annual Reports for 2018/19 and 2019/20 are outstanding and we have been advised by Audit NZ they will be finalised alongside the 2020/21 Airport Annual report audit process. This means the Whakatāne Airport Authority Annual Reports for 2018/19, 2019/20 and 2020/21 can be adopted at the same time. AuditNZ has now indicated that the Annual Airport report adoption is likely to be early next year due to a shortage of staff and Covid-19 impacts.

3.4. Reform Programme

We have established a 3Reforms group working group which is sponsored by three General Managers and resourced by one (1) staff member. The working group will oversee the management of information, the Council work programme and reports to Council. The Terms of Reference for the working group will be presented to Council for approval.

3.5. Policies and Bylaws

A three-year calendar for policy reviews was presented to Council on the 14 October. The Strategy Team have commenced policy reviews in earnest to meet legislative requirements noting that there are still vacancies in the team. Council have since revoked two outdated policies and extended one with no changes during the last 6 weeks.

Also, Council has commenced the review of the gambling policy, which was workshopped in November, and staff have established an Eastern Bays working group for the liquor policy review between Ōpōtiki and Kawerau Councils.

3.6. Organisational Performance

A working group including Councillors Jukes and Táncoz have been developing an Organisational Performance Report based on the four quadrants model that was workshopped with Council earlier this year. The intent of the report is to provide Council with a high-level view of the general health of the organisation and it will be presented at the first Organisational Performance Committee of 2022.

3.7. Strategic Property

Two requests for rent relief have been requested linked to the last covid lockdown. Staff have discussed this item with Council in a workshop and will bring a paper to Council with options and a recommendation in December.

6.7 General Manager Strategy and Transformation Report(Cont.)

Staff have commenced scoping a stocktake of Council's property assets across the District and developing a method to identify and describe Council's properties as efficiently as possible. More detail on the approach will be brought to Council once the scope is complete, along with a scope to undertake a property strategy.

4. Business Updates for the Committee's Information

The remainder of this report includes updates for the Committee's information.

4.1. Te Ara Hou Programme

Council is preparing to meet with Kānoa (formerly the Provincial Development Unit) to discuss a revised Te Ara Hou proposal that reflect that Whakatāne's local economic context has significantly changed since the time of application in September 2019.

4.2. Boat Harbour Development

We are waiting on the final agreement of lease details and commercial arrangements between the project partners.

The resource consent application is ready and can be fully drafted and filed post partner negotiations and lease execution.

4.3. Joint BOP submission on the draft NZ Emission Reduction Plan underway

The Climate Change Commission has issued its [draft Emission Reduction Plan discussion document](#)

A joint submission has been prepared by the Bay of Plenty Councils Joint Group of Chief Executives.

The joint submission builds on our submission made earlier in the year on the development of the plan, and provides further commentary on topics relevant to our District such as forestry, agriculture, and the equity of climate change. The submission also notes the very short time frame for consultation as impractical for local Council processes.

4.4. Energy management funding secured

Council has secured co-funding from the Energy Efficiency and Conservation Authority (EECA) towards two work streams that inform Council's ongoing energy management programme, delivered together with our energy management contractor Emsol.

These two work streams are:

- An update of our 2019 energy audit with further energy saving opportunities, including the monthly monitoring of additional facilities and sites, and
- Development of a feasibility study phasing out natural gas at all Council facilities, including investigating options to replace LPG gas use at the Whakatāne Holiday Park.

This work is to commence prior to Christmas and will contribute to the next two years of Council's ongoing energy management programme.

6.7 General Manager Strategy and Transformation Report(Cont.)

4.5. New interactive energy management platform launches

Council has launched an interactive energy reporting dashboard on its website. This allows the community to view Council's energy and carbon emissions information at various sites and can be used by staff to raise awareness about Council's energy management programme.

The platform is available on Council's climate change website, here:

<https://www.whakatane.govt.nz/residents/climate-change/energy-management-programme>

4.6. Tourism Marketing update

Covid lockdown uncertainty and apprehension to travel has continued to impact tourism activity over the last month. We are expecting that the summer holiday makers will generally make last-minute, low-risk travel decisions. We are gearing our Local Rays of Sunshine campaign to specifically target the short drive (1-2 hours) and local/EBoP regional market, running from November through the summer. The campaign will encourage locals in the Eastern Bay of Plenty to support local tourism operators by enjoying closer-to-home experiences; offering a warm welcome when it's safe to travel.

Complementary marketing initiatives launched in the past month include the [Bare Kiwi](#) campaign (bareback horse riding) commenced on 24 October and interactive content launched through [Stuff.co.nz](#) on 1 November runs for one month. On the 7th of November we ran a two-page editorial feature in the Sunday magazine (Sunday Star Times). Lastly the 1XX Discover Our Local 50 Places in 50 Days campaign concluded at the end of October.

4.7. Tourism Recovery Programme

The Ōhope wharf activity & food hub initiative provides an opportunity for tourism businesses and food trucks to benefit from the summer visitor market in a stunning harbourside location. The project is progressing well and on track to commence Saturday 4th of December as a trial until the end of March.

The Destination Management Plan process is progressing well with a further round of engagement workshops with Ngāti Whare, Ngāti Rangitahi and Environmental Care Groups.

The cycle and walking trails concept is progressing with engagement and has support from Bay of Connections.

4.8. Economic & Tourism Data

Marketview Whakatane Nov 2020 – Oct 2021 compared to Nov 2019 – Oct 2020 by sector.

6.7 General Manager Strategy and Transformation Report(Cont.)

Industry	Spending Total	Change
Retail Trade	\$58,924,088	+9.2%
Food & Beverage Services	\$15,933,658	+26.5%
Accommodation	\$6,773,210	+15.0%
Arts & Recreation Services	\$1,515,698	-1.7%
Transport & Travel Services	\$262,639	-50.3%
Total	\$83,409,292	+11.9%



4.9. Marketing Statistics

Recent marketing data shows that the visitor market is researching travel information in our area. Whakatāne.com traffic continues to rise linked to marketing activity.

1 October 2021 to 10 November 2021:

- Unique Users: 26,241 (+41% yoy)
- Sessions: 34,584 (+49.9% yoy)
- Page Views: 59,854 (+24.4% yoy)

The Bare Kiwi campaign films have been played in full over 53,000 times on Facebook. A very positive result that we hope translates into visitors.

6.7 General Manager Strategy and Transformation Report(Cont.)**4.10. Events Programme**

Covid Delta is affecting planning for the summer events programme. Events including Toi's Challenge are having to adapt, review event delivery or cancel in this uncertain environment. Many of these events are run by Trusts, community organisations and volunteers who are not willing to take extended risks with large-scale gatherings and the possibility of Covid transmission occurring in the community.

Organisers are waiting on further details from government on the Covid Vaccination Certificates (CVC) roll out and how CVC's are managed for events. Council staff are supporting local event organisers with regular updates and information, and keeping across changes, cancellations, and postponements to the event calendar for 2021 & 2022.

TRC Tourism facilitated an event industry workshop progressing the District Events Strategy. The strategy is due to be complete in December 2021.

4.11. CBD Security and Safety

The CBD security and safety review underway has completed workshops with some retailers, Police, EPIC and other interest groups. The report is expected to be completed in the next few weeks.

An Auckland based consultant was selected as he works for BECA and provides specialist security consulting services to their Bay of Plenty office.