

Ordinary Council *Hui a te Kaunihera*

Thursday, 8 May 2025 *Tāite, 8 Haratua 2025*

Tōtara Room, Whakatāne District Council 14 Commerce Street, Whakatāne Commencing at 9:00 am



Chief Executive: Steven Perdia | Publication Date: 2 May 2025



Live Streaming the Meeting - Ka whakapāho mataora te hui

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PLEASE NOTE

The **public section** of this meeting will be Live Streamed via YouTube in real time.

The live stream link will be available via Council's website.

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

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

A Membership - Mematanga

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Mayor Dr Victor Luca

Deputy Mayor Lesley Immink

Councillor Toni Boynton

Councillor Gavin Dennis

Councillor Andrew Iles

Councillor Wilson James

Councillor Julie Jukes

Councillor Tu O'Brien

Councillor John Pullar

Councillor Ngapera Rangiaho

Councillor Nandor Tánczos

B Powers of the Council - Te mana o te Kaunihera

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

The powers that cannot be delegated by the Council are:

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

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

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

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

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

Procedural matters exercised by Council:

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

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1 Prayer - Karakia

1 Prayer - *Karakia*

2 Meeting Notices - Ngā Pānui o te hui

1. Live Streaming

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

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

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

2. Health and Safety

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

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

3. Other

3 Apologies - Te hunga kāore i tae

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

4 Acknowledgements / Tributes - Ngā mihimihi

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

5 Conflicts of Interest - Ngākau konatunatu

5 Conflicts of Interest - *Ngākau kōnatunatu*

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

The register of interest can be viewed on the Council website.

1. Financial Conflict

- Members present must declare any direct or indirect financial interest that they hold in any
 matter being discussed at the meeting, other than an interest that they hold in common with
 the public.
- Members cannot take part in the discussion, nor can they vote on any matter in which they have a direct or indirect financial interest, unless with an approved exception.
- Members with a financial interest should physically withdraw themselves from the table.
 If the meeting is public excluded, members should leave the room.

2. Non-Financial Conflict

- If a member considers that they have a non-financial conflict of interest in a matter they must not take part in the discussions about that matter or any subsequent vote.
- Members with a non-financial interest must leave the table when the matter is considered but are not required to leave the room.

6 Public Participation - Wānanga Tūmatanui

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6.1 Public Forum - Wānanga Tūmatanui

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

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

6.2 Deputations - Ngā Whakapuaki Whaitake

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

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

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

Confirmation of Council Meeting Minutes - 20 March 2025

The minutes from the Council meeting meeting held xx MONTH 2024 can be viewed via the Council website. Click on the link below in order to view the 'unconfirmed minutes'.

• <u>Unconfirmed Council Meeting Minutes - 20 March 2025</u>

8 Standing and Joint Committee Recommendations to Council - Te tohutohu a te Komiti

8 Standing and Joint Committee Recommendations to Council - Te tohutohu a te Komiti

The minutes from the Whakatane District Council 'Standing Committee' meetings can be viewed via the Council website. Click on the appropriate link below in order to view the 'unconfirmed minutes'.

Recommendation:

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

- <u>Infrastructure and Planning Committee 20 February 2025 unconfirmed</u>
- Risk and Assurance Committee 27 March 2025 unconfirmed

9 Mayoral Reports - Ngā Pūrongo a te Koromatua

9 Mayoral Reports - Ngā Pūrongo a te Koromatua

9.1 Mayoral Report – May 2025

District Council

To: Whakatāne District Council

Meeting Date: Thursday, 8 May 2025

Author: Victor Luca, Mayor - Koromatua

Reference: **A2878762**

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

The purpose of the report is to provide updated information on the Mayor's activities together with any advice and strategic insights thought to be relevant to Council matters. The report covers the period 13 March 2025 to 2 May 2025.

2. Recommendations - Tohutohu akiaki

THAT the Mayoral Report – May 2025 be received.

3. Background - He tirohanga whakamuri

Work in the period has continued at the usual pace as Council looks to tie up some critical pieces of work including the Eastern Bay Spatial Plan, our Annual Plan, the Water Services Delivery Plan and the Local Waters Done Well (LWDW) consultation. The Annual Report is now complete although we were unable to meet the statutory deadline due to resourcing issues at Audit New Zealand which delayed the start of the audit process.

Government is progressing a phased reform of the resource management system which is gaining momentum and consuming time. Although water reforms are the most pressing for now, once-in-a-generation resource management reforms will be highly consequential. The current RMA reforms highlight balancing the need for development and increased productivity with protection of the environment. The Government's intent is to make the system more enabling. Also highlighted are private property rights. In my opinion, efforts to streamline the system are sensible.

Wastewater standards have now been published and appear to be relatively permissive. Submissions on these closed on the 24 April 2025.

In this period Council finalised its Local Waters Done Well (LWDW) consultation document which is a nice piece of work and is now in the public's hands to digest and provide feedback. I commend staff for generating a document that is extremely readable.

Water Services Delivery Plans are being progressed in order to make the due date to Government of 3 September 2025.

4. Subjects – Kaupapa

4.1. Economic climate

Economic decoupling between China and the United States has been given additional impetus by the Trump tariffs. The trade war started by Trump during his first presidency is calculated to cost America 245,000 jobs (report commissioned by the U.S.-China Business Council (USCBC) see here) and will likely have some ramifications in NZ and around the world.

We are seeing a bifurcation of the global system in areas like geoeconomics, trade, technology and financial systems. The West versus the Rest.

While there seems to be a very slight glimmer of hope on the war fronts that have been raging since before the second Trump term, the United States President has ramped up a far-ranging trade war by imposing tariffs (import duties) on all countries.

At a speech at the White House rose garden on 2 April 2025, the so-called 'Liberation Day' speech, Trump unveiled the biggest hike in global tariffs in US history including a blanket 10% tariff on 185 countries including New Zealand. China initially faced 54% tariff.

'Tariff is the most beautiful word', Trump said.

A long list of reciprocal tariffs was published. Most knowledgeable commentators considered that these tariffs made no sense and that they would be inflationary. That will affect us also.

Following the initial Trump tariff salvos a tit-for-tat exchange kicked off between the US and China and other countries also. To the blanket 10% tariffs on all countries including the MacDonald Islands many countries were targeted with additional tariffs. Then, a 90-day delay was applied to all countries except China for which tariffs were raised to 145% in order to bring China to the negotiating table. China retaliated immediately and there have been no talks. Trade between China and the US has come to a halt.

Trump's latest moves seem to be in an attempt to isolate China by offering over 70 countries lower tariffs, only if they block Chinese goods, ban Chinese firms and stop importing Chinese products.

At the same time as targeting China, Trump has also put the Europeans on notice to pay for their own 'defense'. Trump has effectively increased the unity among ASEAN nations, pushed China closer to Russia and other BRICS countries (Brazil, India, South Africa, Egypt, Iran, the United Arab Emirates, Saudi Arabia, and Ethiopia).

Trump's tariffs make no sense, and will backfire hard on the US economy

Geopolitical Economy Report 194,338 views, Apr 4, 2025

"American Empire Is in Decline": Economist Richard Wolff on Trump's Trade War & Tariffs

Democracy Now! , 2.68M subscribers, 805,264 views Apr 4, 2025.

Back home, the high cost of building remains an issue for younger New Zealanders that don't already own homes. My discussions with developers in our district suggests that there is reluctance to build even on existing vacant sites in Whakatāne because of the costs that would have to be passed on. Why building material costs are so high in NZ remains a mystery.

The cost-of-living crisis continues unabated in New Zealand. The New Zealand Government has announced that <u>"all options" are on the table</u> to address a lack of competition in the supermarket sector. Again, reliance on the market to solve issues hasn't worked here just as it has failed in the energy sector.

The <u>Atlanta FED GDPNow model</u> is now predicting a drop in US GDP from 2% in February to negative 2-3% real GDP going forward. Where the US goes others are sure to follow.

It is clear that many countries including NZ are going to be buffeted by seismic changes in the global economy. We can expect more interest rate cuts as Governments hit the stimulus lever once again. Markets have become highly volatile, and uncertainty is at unprecedented levels.

Climate crisis

While geopolitical tensions continue unabated the climate crisis simmers quietly in the background.

The world's largest insurer Allianz has warned that the climate crisis is on track to destroy life as we know it as well as capitalism. As emissions continue to rise the hope of keeping global average surface temperature rises to below 2°C are fast evaporating. Extreme weather impacts will leave the financial sector unable to operate and governments incapable of providing bail outs.

Günther Thallinger, who is on the board of Allianz SE and is also the CEO of Allianz Investment Management said: 'The good news is we already have the technologies to switch from fossil combustion to zero-emission energy.

Many <u>financial institutions have moved away from climate action</u> after the election of the US president, Donald Trump, who has <u>called such action a "green scam"</u>. Previously he regarded it as a hoax being perpetrated by the Chinese.

This is a time for renewed action not for backing off.

More needs to be done at all levels in the education department including of our youth who will be faced with dealing with what is coming.

<u>Carrington, D.</u> (Environment editor) <u>Climate crisis on track to destroy capitalism, warns top insurer.</u> The Guardian, Thursday 3 Apr 2025.

Energy security crisis

All quiet on this front for now. <u>Transpower's energy security outlook</u> does not appear terribly dire at this stage although the outlook has a one-month lag. The recent rains might have done some good, increasing river flows and lake storage levels.

4.2. Whakatāne-Kawerau Boundary Reorganisation (Tuesday, 1 April 2025)

This boundary change has been decades in the making and the result was formally recognised by a morning tea event which commenced with a Mihi Whakatau led by Tuwharetoa ki Kawerau Kaumatua and Kawerau Council's Iwi Liaison and Cultural Advisor, Te Haukakawa Te Rire.

4.3. BOP Mayors Meeting with BOPRC Chair and CE (Wednesday, 2 April 2025)

I attended a meeting of BOP Mayors that was called by BOPRC Chair Doug Leeder (who was accompanied by his Chief Executive Fiona McTavish) to discuss the looming Resource Management reforms. These reforms have been on the horizon for some time but are about to hit us like a freight train. They will be the most consequential reforms of the resource management system in a generation much as those of the previous Labour government were intended to be.

Minister Chris Bishop has now announced Phase 3, which he flagged some time ago at the Regional Sector Group meeting. That meeting was to discuss what the reforms mean for our region and what the next steps might be.

At previous Mayoral Forum meetings BOPRC Chair Leeder had mentioned reports that the BOP Mayoral Forum commissioned in 2017. These were distributed to the attendees.

There was a sense that these reforms will re-shape Local Government (LG) as we know it since many functions may be passed on to other central government agencies. This leads to the question of what will be left for LG to do as functions are centralised. The push to regionalise and consolidate has been clear for some time and not without some justification.

Concern was expressed that another major RM bill is about to be introduced at speed. Local Government is either going to have some input into the process and try to shape things in a favourable way or have it 'done to us'. I think we have heard this one before in the context of water.

There was some talk at the meeting about the perceived failures of local government, although I never heard a clear articulation of what those failures are. I asked for a clear definition of the actual problem/s we are seeking to solve. I don't think that LG is an abysmal failure.

Rather we do many things very well, or at least as well as can be done within the constraints imposed on us by central government. Constraints include financial, Government and National Policy Statements, consultation requirements and legislation.

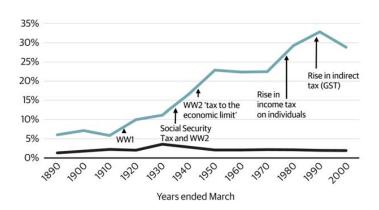
It seems to me that the proposed RM reforms are consistent with this Government's drive to encourage development and productivity. To these ends, trade-offs will be inevitable.

I would argue that infrastructure deficits are directly caused not by LG but by decades of central government policy failure.

That LG is in a funding crisis is a theme that has been a constant at LGNZ conferences where there has been talk about LG getting a portion of the GST take and other mechanisms to help us deliver for communities beyond simply hitting ratepayers.

A solution I have advocated for is to look for other ways of filling the coffers rather than tap already tapped ratepayers. I think we are on that path.

We have all seen a version of this graph.



Taxation as a percentage of GDP in New Zealand. Source: Craven, B., Goldingham-Newsom, J., Hartwich, O. #localismNZ - Bringing power to the people. NZI 2019.

I'm not necessarily advocating going on the attack but at least, let's call a spade a spade and not have accusation of failure leveled at us if they are not warranted.

3-Waters and LWDW are examples of processes that have gone on for years. I am not convinced either that the problem was correctly identified or that we landed on the right solution.

We have heard at meeting-after-meeting that the incident at Havelock North was the result of systemic failures when the real problem could have been solved by a fence. i.e., Campylobacteria come from animal faeces. More specifically, at Havelock it was sheep. So, the simple solution was to keep animal (and of course human) faeces away from drinking water supplies.

Water infrastructure deficits could have been addressed centrally by the Government making available additional funding to bridge the gap. This was one of the three main options considered at the initial stages of the 3-waters reforms and discarded.

It seems to me that the fact that we are experiencing crises in housing, health, education, infrastructure, energy, law and order and so on are not the making of local government. As creatures of statute LG follows the rules imposed upon us. You can't be to blame if you don't have the tools.

Given this scenario, Government will ultimately have its way. All we can do is try to influence.

Finally, we should keep an open mind that some of what is being suggested may actually result in improvements.

Lots of things to consider and little time to respond with local body elections on the horizon. Some key themes were suggested at the meeting:

- What can be done best locally and regionally as compared to centrally. (e.g., in the social housing space)
- Should we not be 'looking after home' and empowering local communities.
- Need to keep the local voice and respond faster and more efficiently to customers.
- Importance of Māori partners and treaty settlements to this region is a unique point of difference.
- Importance of learning from health and tertiary education reforms that haven't worked well for local communities.

- Importance of taking our communities with us on future discussions
- Much of what councils do in the Compliance, Monitoring and Enforcement (CME) space needs to improve but is dependent on Government policy settings and legislation which LG doesn't control.
- [1] Bay of Plenty Local Government Futures Project Close-out Report. August 2017.
- [2] Martin-Jenkins BAY OF PLENTY LOCAL GOVERNMENT FUTURES Final Report Opportunities for improvement. 18 April 2016.
- [3] Martin-Jenkins BAY OF PLENTY LOCAL GOVERNMENT FUTURES Final Report A think-piece on communities of interest and local government democracy and leadership. 21 September 2016.

4.4. First meeting of the Mayor's Taskforce for water (MTFW) (Thursday, 3 April 2025)

The first meeting of the MTFW comprised an introduction and overview of water schemes so that the members could get an appreciation of what WDC, and communities are faced with.

The meeting was led out by WDC engineers Glenn Cooper and Jim Finlay. The next step will be to go through the technical aspects of each water scheme. What this group is mostly charged with doing is to explore innovative and especially cost-effective solutions that allow safe, sustainable and secure water service delivery.

The feedback I have had from all attendees has been overwhelmingly positive. The next meeting will focus in on a particular water scheme, likely Whakatāne drinking water.

4.5. Meeting with Ngāti Rangitihi chair (Monday, 14 April 2025)

The Chair of Ngāti Rangitihi, Leith Comer and I had a discussion about areas of common interest, including the current stage of the spatial plan development and Matatā wastewater.

4.6. BOP Mayors and CEs Meeting on RM reform (Wednesday, 23 April 2025)

This was a follow-up of the 2 April 2025 meeting, only this time with a facilitator, Rachel Reese. Ms Reese was a former Mayor of Nelson City Council and therefore knowledgeable of the LG sector. Prior to the meeting Reese rang around and talked with each Mayor.

It is widely agreed that the resource management system is not fit for purpose. There was a general sentiment of reform fatigue around the room with the water, RMA and LG reforms over the past two trienniums.

For the past several years the world has become an unstable and uncertain place, and the continual reform is hardly adding stability. The world is now questioning the economic paradigm that has held for 40 years. Yet these reforms are completely framed in the past.

Again, there was considerable wide-ranging discussion. Most Mayors and CEs regarded the ongoing water reforms to be of primary concern and are capturing most attention. It was made apparent to the meeting that 'This government is galvanized about seeing change go through.'

There is a widely held view that the RMA has passed its use-by date and that there was cross-party support for change.

Government thinking is articulated in both the review by the expert advisory group [1] and a recent cabinet paper [2].

There was a feeling around the room that 'Place and identity are important'.

LG has the ability to be heard although the effectiveness of the LGNZ voice was felt to be underwhelming.

LG does already have shared services, e.g. BOPLASS. Joint CCOs are being considered.

However, aggregation of services can have both positive and negative impacts especially in terms of size disparities resulting in disproportionate influence. The question of how to achieve balance was posed.

Relationship with iwi was raised by many of the Mayors due to population dynamics.

There are changes in regions including changes of political systems and CEs. Amidst the change there have been patches of good continuity. There was some enthusiasm on BOP being investment ready. What is necessary is an appropriate planning environment.

The question of how LG can prepare 15-20 years in advance was a central one. Work (by BOPRC) is ongoing in the area of Compliance, Monitoring and Enforcement (CME) because both the report by the expert advisory group and the cabinet paper suggested that these may be taken away and consolidated into a single entity such as the EPA or undertaken by a CCO which would result in a loss of local control.

Regional spatial plans need to be completed and is a key priority prior to the local elections. The timing of reforms to run over the elections was noted.

BOPRC joined the integrated system for CME. Operational delivery of systems like BOPLASS.

It is worth considering what is done centrally versus what is done locally:

	Local Government	
Status	Area	Status
crisis	Water	Currently reasonable
crisis	Roads	Reasonable
crisis	Public amenities	Reasonable
crisis	Town planning	Compliant BAU
?		
crisis		
complicated		
complicated		
	crisis crisis crisis crisis ? crisis complicated	Status Area crisis Water crisis Roads crisis Public amenities crisis Town planning ? crisis complicated

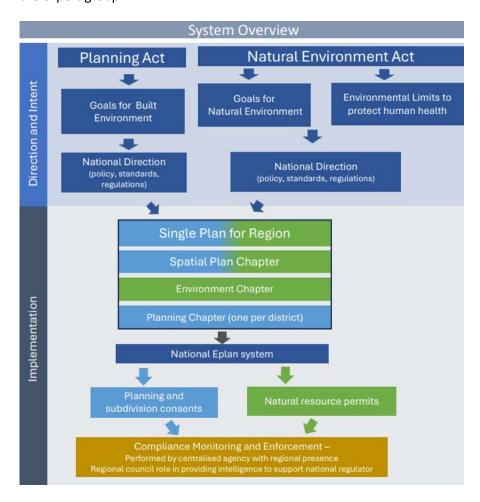
How do we prepare the material to consider the options? How do we have the conversations?

Regional councils are currently considering shared service models.

One Mayor highlighted the importance of housing to councils, and I had to agree. Making land available for housing and industry is a requirement of councils.

Again, the importance of localism and the local voice was emphasised repeatedly. Councils are where the rubber hits the road. There are many things that only councils can do for their communities and when things go awry communities come looking to councils.

The following graphic perhaps best summarises the thinking in the cabinet paper and the report from the expert group.



The executive summary of the Cabinet Paper states 'The RMA has delivered poor outcomes for housing, infrastructure, primary industries, energy and the environment'.

What a statement!

In each of the areas mentioned there are multiple factors that contribute to poor outcomes.

Since we have a housing crisis (or housing affordability crisis) it is worth considering the factors that determine the cost of housing in NZ which is among the highest in the world relative to incomes.

The factors might include interest rates, access to credit, taxation settings, net migration, the cost of building, the cost and availability of land, regulations and so on. I would argue that the RMA, which is mostly about regulation, is not the major factor. So, to blame a crisis on just one or two factors is quite nonsensical.

I agree with Patrick Condon in his article 'The gap between wages and housing prices is widening, fuelling the affordability crisis' in which he concludes 'The path forward is not mysterious. But it does require confronting the truth that the housing crisis is not the result of broken systems - but of a speculative financial system working exactly as designed.'

It is also worth observing that our housing crisis is not unique but is shared by Australia, Canada and many other countries.

In other words, tweaking the resource management policy and legislation is not going to solve this problem on its own. Removing the CME role out of the ambit of councils may have some beneficial impact but in isolation it is unlikely to fix a problem that is decades in the making and with many other contributing factors.

In energy it is widely acknowledged that the market has also failed.

- [1] Report from the Expert Advisory Group on Resource Management Reform. *Blueprint for resource management reform: A better planning and resource management system* 2025.

 Published March 2025 on behalf of the Expert Advisory Group on Resource Management Reform by the Ministry for the Environment. ISBN: 978-1-991140-71-5
- [2] Cabinet paper: Replacing the Resource Management Act 1991 . 22 October 2024.
- [3] <u>Assessment of the Housing System: with insights from the Hamilton-Waikato Area.</u> <u>Joint paper</u>. Thursday, 18 August 2022. Corporate author: <u>Housing Technical Working Group</u>, <u>Ministry of Housing and Urban Development</u>, <u>Reserve Bank of New Zealand</u>, <u>The Treasury</u>

4.7. West-End walkway

Recently I have fielded several enquiries regarding this subject that deserve some comment.

West-End Ohope section of Nga Tapuwae o Toi Walkway

A quantitative landslide risk assessment report is currently in development by engineering consultants Tonkin + Taylor. The report will inform WDC of the potential loss of life risk to users from landslide hazard on the existing track route and a proposed alternate route, to support decision making on the future of this section of walkway.

Funds of \$451K have been allocated through the Tourism Infrastructure Fund. Staff are seeking confirmation of the availability of those funds beyond August 2025 as originally committed to. Other sources of funding need to be explored noting that the coalition government has now closed the Tourism Infrastructure Fund and early cost estimates are likely to exceed the funding currently available.

Other sources of funding need to be explored, including crowd-funding.

4.8. Water fluoridation

I have received intense objections to water fluoridation recently from a local resident and a campaigner who lives outside the district. I have attempted to respond to the objectors in a comprehensive manner. My research suggests that Whakatāne introduced fluoridation voluntarily in 1969 a few years prior to the introduction of fluoride into most toothpastes.

A district-wide non-binding referendum was held in conjunction with the 2013 local body election in response to submissions during the Annual Plan process. About 60% of residents voted in favour of fluoridating. We have been voluntarily adding fluoride to Whakatāne's drinking water at a target level of 0.7-1.0 mg/L ever since.

There has been a significant amount of scientific research on the health effects of water fluoridation over the decades and some interesting very recent results. It is important to note that it is the Ministry of Health that determines what local authorities do in this space and how they do it. If we were to stop fluoride addition tomorrow, we would certainly be subjected to a directive to continue the practice as is happening around the motu.

5. Conclusion - Whakarāpopototanga

Good progress is being made on all fronts, and I thank our CE and staff for their diligence.

Subject	Start Date	Location
Child Cancer Appeal Collection	14/03/2025	Whakatāne
Hon Jo Luxton, Labour List MP / Eastern Bay of Plenty Mayors	19/03/2025	Whakatāne District Council
LGNZ Zone 2 meeting	21/03/2025	Te Aroha
Have a Heart Expo and Family Expo.	22/03/2025	Whakatāne
Meeting with EBOP Police Area Commander	25/03/2025	Whakatāne District Council
Meeting with Chamber of Commerce CE	25/03/2025	Whakatāne District Council
Bay of Plenty Civil Defence Emergency Management Group Joint Committee Meeting	28/03/2025	Rotorua Lakes Council, Rotorua
Youth Council Meeting	31/03/2025	Whakatāne District Council
Morning Tea to recognise the Boundary reorganisation from Whakatane to Kawerau	1/04/2025	Kawerau
Inaugural Meeting - Mayors Task Force for Water	1/04/2025	Whakatāne District Council
Bay of Plenty Councils: RM Phase 3 Announcements and Next Steps	2/04/2025	Te Puke
Nehu - burial service for Koro Koro Tutua	4/04/2025	Taiwhakaea (Te Paroa) Marae
Malcolm Mulholland - Health declaration road trip in Whakatane	10/04/2025	Liberty Centre, Whakatāne

Subject	Start Date	Location
Meeting with Leith Comer, Ngāti Rangitihi	14/04/2025	Whakatāne District Council
ONLINE - Meeting with Whakatane Council leadership / MP Rawiri Waititi	17/04/2025	Online via Teams
Whakatane Mayor and CE visit to Whakatane Menz Shed	17/04/2025	Whakatāne
Meeting with Rob Probst	22/04/2025	Whakatāne
Meeting with Jason Benton Jigsaw Architects	24/04/2025	Whakatāne District Council
ANZAC Ceremonies - Dawn & Civic services	25/04/2025	Whakatāne
SPEECH - EBOP Brass band Anzac Reflections concert	26/04/2025	Whakatāne
Whakatane Housing hui	28/04/2025	Whakatāne District Council
All of Government meeting & LGNZ Rural & Provincial	1 - 2/05/2025	Te Whanganui-a-Tara/Wellington

9.2 Whakatāne Health Advocacy Group - May 2025

9.2 Whakatāne Health Advocacy Group – May 2025

To: Whakatāne District Council

Meeting Date: Thursday, 8 May 2025

Author: Mayor Victor Luca

Reference: **A2878783**

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

At the 20 March 2025 Council meeting a resolution was passed to 'investigate the establishment of a Health Advisory Group modelled on that of Kapiti Coast District Council as a response to the current health crisis and to contribute to the ongoing advocacy for equitable and quality health care for all New Zealanders and more specifically service provision at Whakatāne Hospital.'

This report is to present the post meeting actions and investigation into establishing a Whakatāne Health Advocacy Group.

2. Recommendations - Tohutohu akiaki

- 1. THAT the Whakatāne Health Advocacy Group report be received; and
- 2. THAT the Council supports the **establishment** of a Whakatāne Health Advocacy Group, which will be provided initial administrative **support** via the Office of the Mayor; and
- 3. THAT Council will **provide**, gratis, a meeting space to the Whakatāne Health Advocacy Group, as required.

3. Executive Summary

In my first Council report as Mayor, I outlined a roadmap for my term, including a note that councils would likely need to play a greater role in community health, particularly primary health. Recent events at our local hospital and mounting professional and community concerns about hospital services in many other districts, have confirmed this prediction.

While I maintain the core function of local government remains the delivery of critical infrastructure, I believe councils also have a duty of care to ensure that sufficient health infrastructure and workforce capacity exist to meet the needs of their communities.

To balance these priorities, my 20 March 2025 report, WDC Response to Health System Crisis, recommended a passive, low-cost role for this Council in relation to health advocacy.

I believe that by bringing together passionate, community-minded individuals and by supporting them to advocate on behalf of our community, this Council can function as a catalyst for positive change.

I thank Councillors for passing the resolution to support an investigation. In the intervening weeks, I have spoken with many health-related organisations and interested individuals to gauge a level of support. Based on expressed support, this paper now seeks your support to establish a Health Advocacy Group, with Council taking on a facilitative role to enable community-led advocacy efforts.

4. Background - He tirohanga whakamuri

The discontinuation of secondary obstetrics and gynaecology services (OB/GYN) at Whakatāne hospital announced in late 2024 came as a shock to our Eastern Bay communities. It was the symptom of a very sick system, now recognised as a health crisis that has been on-going for some time. This, and similar health system failures around the country has finally galvanised people into action.

In our community the loss (albeit temporary) of OB/GYN services provoked the following recent community action:

- 1. **Thursday, 30 January 2025:** Community meeting called by Health New Zealand (HNZ) in Acacia House that filled the venue.
- 2. **Saturday, 15 February 2025:** A community protest march that attracted a significant number of participants and speakers.
- 3. **Wednesday, 26 February 2025:** Virtual conference and round table 'Spotlight on NZ Health System Crisis' organised by Victor Luca and Grey Power and hosted by WDC.
- 4. **Tuesday, 11 March 2025:** A second HNZ community meeting held at the Little Theatre that attracted about 50 attendees.

The national media attention drawn to health services in our regional saw Whakatāne added to the itinerary for two nation-wide health advocacy campaigns:

- 1. **Thursday, 10 April 2025:** Community visit at the Liberty Centre organised by Dr Malcolm Mulholland founder of *Patient Voice Aotearoa*.
- 2. **Wednesday, 30 April 2025:** Visit and community meeting organised by Dr Art Nahill and Dr Glenn Colquhoun. *Hīkoi for Health Reform in Aotearoa: A People's Inquiry*.

Health actions have also erupted in other parts of the country in recent weeks. For instance, on 23 March 2025, Napier Mayor Kirsten Wise publicly declared she wished to form a health advisory group in support of some 200 people who protested the decline in health services in the city (see here).

Shortly thereafter, in response to nursing and senior specialists raising safety concerns, HNZ flew in a team of senior clinicians to assess the situation at Nelson Hospital. One News continues to run ongoing coverage of staff concerns.

Information under the OIA showed that the number of clinical safety-first reports at the hospital increased 72% in the past five years, from 837 in 2020 to 1445 reports in 2024. That's almost four a day. Surgical reports increased 30% in the same period from 123 to 160, and clinical support reports 44% from 50 to 72. The Nelson and Tasman Councils received a joint briefing from Health NZ on its work to address long-standing deficiencies at the hospital. The key issues were the earthquake-prone tower blocks, an insufficient number of beds for our growing and ageing population and the need to upgrade the facilities for modern healthcare.

In our highly inequitable health systems, for the majority without private insurance already long waiting lists continue to get longer

5. Subjects – Kaupapa

5.1. Motivations for setting up a Health Advocacy Group

The motivations for establishing a Health Advocacy Group were outlined in the Council report of 20 March 2025 and discussed in detail at that meeting. That report also set out the relevant legislative framework and highlighted precedents from other councils across Aotearoa that are active in the health space.

Since that report, Waimakariri District Council has taken a significant step by approving a major loan to support the construction of an after-hours facility at Rangiora Hospital and Health Hub (see here).

Meanwhile, instability continues at the national level. HNZ remains in disarray: its board which was dismissed and replaced by Commissioner Lester Levy and three deputy commissioners, is now in the process of being reconstituted.

Regardless of how the national health system evolves, it is clear that the community voice must have a place. That voice—arguably lost with the dissolution of the DHBs—is increasingly sidelined in a system that is becoming ever more centralised.

The potential role of local government in health advocacy is being reinforced across the country. Most recently, Ruapehu Mayor Weston Kirton's calls appear to have influenced the Minister of Health, which has now instructed Health New Zealand to prioritise work on the Waimarino Wellness Centre in Raetihi (see here).

5.2. Privatisation

Meanwhile, the Government appears to be strongly advancing a health privatisation agenda.

Health Minister Brown has argued that partnering with the private sector is key to addressing the challenges facing the health system and achieving better value for money (see here).

While this may benefit the 35% of New Zealanders who can afford it, the majority of the population cannot bear the high costs of private health insurance (Early warning: The rise of private diagnostic health clinics in NZ, Nicky Pellegrino, Health Writer, New Zealand Listener, 13 Apr 2025). More information on privatisation is contained in the Appendix.

Privatisation strikes at the heart of equity in health care provision. A watching brief on the impacts of this trend and its impact on health services for our communities could be one focus of the Health Advocacy Group.

5.3. Health Advocacy Group structure

Draft Terms of Reference

The scope of activities of the Whakatāne Health Advocacy Group is modelled on those of the Kapiti Health Advisory Group, established by Kapiti Coast District Council.

They would include the following:

 Improve understanding of the workings of the health system and especially the state in our local area and how these services compare and fit into the national setting. More specifically:

- health requirements of the EBOP
- consider health trends and improvements in health service delivery in the medium- to long-term
- 2. Keep a watching brief on how health systems are functioning in our area
- 3. Gather and record intelligence to predict and sound alarm on health dysfunction in the community.
- 4. Advocate to HNZ and Government on health equity and ensure local needs are being met, especially those of our more marginalised communities.
- 5. Analyse the responses of health services to the needs of EBOP communities.
- 6. Provide advice on health-related matters to the appropriate council standing committee (EER).
- 7. Form connections with health leaders and administrators in our area.
- 8. Provide local (democratic) input into HNZ that was lost by the removal of District Health Boards

Criteria for Potential Candidates

Potential candidates for the advisory group should have a combination of one or more of the following basic competencies.

- Good understanding of the health sector and especially of the local scene
- Some work experience in the sector
- An understanding of people and systems
- Demonstrable contributions to the EBOP community
- Community leadership experience
- Enthusiasm and passion
- A demonstrated commitment to health equity

Membership

As part of the investigation into establishing a Whakatāne Health Advocacy Group I communicated with many health-related organisations to gauge their interest in the concept. I was also contacted by members of the community in response to publicity following the initial paper to Council. Thank you to Councillors who provided leads from within their networks.

I have received positive interest from a number of representatives, past and current of Māori and iwi-based health organisations; from a respected local retired medical specialist and a number of people who have existing roles in health advocacy who recognise the benefit of working collaboratively in the proposed Whakatāne Health Advocacy Group.

6. Conclusion - Whakarāpopototanga

The interest that has been expressed at this initial stage gives me confidence that there is adequate support to establish a Whakatāne Health Advocacy Group.

I am also confident that the initial support Council will provide to the establishment of the group is achievable in terms of administrative support and venue provision. Based on the Kapiti Coast experience, I believe that over time the group will be self-sustaining and will absorb the administration role.

I believe an organised health advocacy vehicle will contribute to the ongoing health and vitality of our communities by ensuring that local voice and issues can be shared with decision makers.

I recommend that the next steps in establishing a group is for the Office of the Mayor:

- to promote the concept of the group calling for expressions of interest from others in addition to those who have already expressed their interest
- convene a meeting of interested parties which will further determine the structure of the group

Attached to this report:

• Appendix A – Supporting material (Ian Powell on health care privatisation; the healthcare landscape in the Eastern Bay; short history of Whakatāne Hospital)

9.2.1 Appendix A – Supporting material

9.2.1 Appendix A – Supporting material

1. Privatisation of the NZ Health System

At the Virtual Health Conference held in Totara Room/Chambers Whakatāne on 26 February 2025, not a single health expert was touting privatisation as a solution to health equity which is a major problem in New Zealand. At the end of the day there is one major player in NZ health and that is our Government.

In a recent <u>blog post</u> (<u>It does matter to patients whether they are operated in a public or private hospital</u>), Ian Powell, a former President of the Association of Salaried Medical Specialists and speaker at the Virtual Health Conference made the following points regarding Minister Brown's plan to reduce queues in the public system by routing elective surgeries to the private sector:

- Increased reliance on outsourcing is a direct consequence of the conscious and avoidable rundown of public hospitals from the early to mid-2010s.
- Outsourcing is more expensive for the taxpayer. In contrast with public hospitals, private hospitals
 are businesses that are required to be profitable to survive. Public hospitals are funded at cost;
 private hospitals are funded at cost plus profit plus higher rates for private specialists engaged
 as independent contractors.
- Normalising outsourcing incentivises a move to a two-tier hospital system in which the harder
 and more stressful acute work is done publicly while the relatively easier, less complex (but
 attractively profitable) work is done privately.
- Generally, surgeons perform best if they have a balance of acute and non-acute work. Normalising outsourcing risks upsetting the balance of surgeons' work.
- The medical training of doctors is compromised by normalising outsourcing because it is best done in integrated public hospitals and is unprofitable in private hospitals.
- Extending outsourcing endangers, through its fragmentation, the highly integrated nature of public hospitals and the benefits for patients and cost-effectiveness that flow from it.
- The health minister's aspiration depends on a non-existent parallel surgical workforce in the private sector readily available to pick up this additional work.
- Increasing outsourcing will incentivise more surgeons to reduce their time in public and increase it in private, thereby further contributing to the rundown of public hospitals.

In summary, we are not proceeding on the path to an equitable universal public health system but rather we are heading in the opposite direction. This will disproportionately affect marginalized communities unless Government steps in and meets the duty of care it has to the citizens of New Zealand.

Brown's surgery puts health system at increased risk

Comment: Increasing the use of private hospitals for elective surgeries will normalise a two-tier system and enable the Government to perpetuate the continuing neglect of public health and further running down public hospitals. Ian Powell 12/03/2025

9.2.1 Appendix A – Supporting material(Cont.)

2. The Healthcare Landscape in EBOP

New Zealand's health system comprises governmental and NGO agencies as well as a large patchwork of volunteer and charity organisations (see Table in Appendix 1).

The main governmental agencies are the Ministry of Health (MoH) and Health New Zealand (HNZ, Te Whatu Ora). The MoH is responsible for policy, strategy and monitoring while HNZ is responsible for day-to-day running of the whole health system.

Regional Consumer Councils are relatively newly constituted bodies and function as advisors to HNZ. They are intended to strengthen consumer feedback and enable learnings to be applied consistently across healthcare networks.

Primary Health Organisations (PHO) provide services directly or through contracted providers, and their goal is to improve the health of their enrolled population. In our area the main PHO is the <u>Eastern Bay Primary Health Alliance</u>.

<u>Hospice Eastern Bay of Plenty</u> is an invaluable charitable trust that operates out of Whakatāne providing palliative care on a part-Government funded basis.

<u>Te Puna Ora o Mataatua</u> is a major non-profit charitable trust operating in the EBOP and delivering a whānau ora model of care that provides an all-inclusive delivery of services through multiple forms of engagement.

The Disabilities Resource Centre was founded in the late 1980s by a group of dedicated people who wanted to do something about the lack of information, advocacy and support for people with disabilities in their community. The centre has come a long way in 30 years, growing to become the Eastern Bay of Plenty's third largest employer with almost 200 staff. The Centre has expanded its reach and now offers a wide range of services across the entire Bay of Plenty.

3. Whakatāne Hospital – a brief history

Whakatāne hospital is the only hospital remaining in the Eastern Bay of Plenty and has had a long history that is worth summarising briefly.

In 1902 the Whakatāne County Council appointed Mr Frederick James Burt and Mr Joseph Astbury Warbrick of Matata to the BOP Hospital and Charitable Aid Board located in Tauranga. The board was dominated by the six members from Tauranga and there was constant agitation and wrangling.

Eventually in 1918 a BOP Charitable Aid Board was formed with responsibility for the EBOP. A Hospital Site Selection Committee was formed that year and the search for a hospital site started. Two sites were identified, one in Tāneatua (population 420) and one in Whakatāne (population of 650). Because the population of Whakatāne was larger and the town was growing faster a site was chosen off what is now Stewart Street.

The first completed Whakatāne District Hospital, costing £29,000 was eventually opened on Thursday 13 September 1923. Other buildings had been erected on the site to extend the number of beds to 28 and provide accommodation for Nursing and Medical Staff.

About the mid-fifties a staged development plan was initiated for the expansion of the hospital to a capacity of about 400 beds.

9.2.1 Appendix A – Supporting material(Cont.)

The site gradually grew with the addition of the Dawson Block in 1963 (2-storey, 60 beds) and then the 5-storey Godfrey Santon block in 1973 at a cost of \$2.6M. It was opened on 19 Jun 1974 by MP Hon. Bob Tizard, the then Minister of Health. As a result of the Edgecumbe Earthquake in 1987 major upgrades were made to the building 1989 totaling \$1.7M.

A new chapter for the hospital was opened with the redevelopment of the site in November to start in November of 2011. The Whakatāne hospital as we know it today was officially opened in June of 2014 and has 160 beds.

The pathology laboratory at Whakatāne Hospital has a history dating back to 1927, when it was established alongside facilities for ear, nose, and throat specialists. Pathlab, which was established in 1958 in Tauranga and later expanded into the Bay of Plenty region.

In terms of diagnostic imaging, the planar X-ray imaging that had been available for decades was upgraded in 2007 by an X-ray CT system. It was provided by the Eastern Bay Energy Trust through a combination of a lease and grant funding. The instrument cost \$835,000 and was housed in a new \$560,000 facility.

In July of 2014 The Eastern Bay Energy Trust donated a new CT scanner worth \$977,055 with cutting edge technology to Whakatāne Hospital (see here). The Toshiba Aquilion Prime scanner was the third scanner that the EBET had donated to the hospital over 17 years of supporting the hospital.

Whakatāne Hospital upgraded its CT scanner again in 2024 to a new dual energy CT machine.

A new Magnetic Resonance Imaging scanner was to have been installed at the hospital by November of 2024 but has not yet been eventuated. Apparently, this is due to the discovery of a seismic fault at the hospital and negotiations for an alternative site between Health NZ and Bay Radiology.

Another two major imaging modalities, SPECT and PET-CT are not available in Whakatāne but have recently been added in Tauranga.

10 Reports - Ngā Pūrongo

10 Reports - *Ngā Pūrongo*

District Council

10.1 Air Chathams Request for Financial Support

To: Whakatāne District Council

Date: Thursday, 8 May 2025

Author: M. Read / Manager Ports and Airport Chief Executive

Authoriser: **B. Gray / GM Finance and Commercial Services**

Reference: A2880122

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

This report is a follow up and formalisation of the financial support request made by Air Chathams at the Council Workshop held on 26 March 2025. This report looks to have these requests for support discussed by Council followed by decisions on these requests by Air Chathams.

2. Recommendations - Tohutohu akiaki

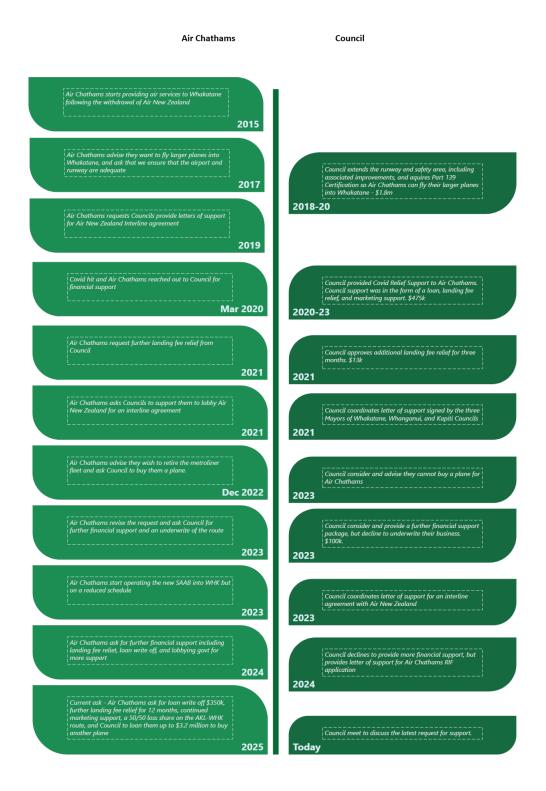
- 1. THAT the Whakatāne District Council **receive** the Air Chathams Request for Financial Support report; and,
- 2. THAT Whakatāne District Council **note** that Air Chathams has made the following requests on the basis that they are required for them to operate their previous successful flight schedule to Auckland:
- i. Write off the \$350,000.00 loan; and,
- ii. Provide 12 months relief from landing fees and charges with the option to extend if route viability is still poor after 12 months; and,
- iii. Enter into a 50/50 profit and loss share agreement after direct and apportioned costs on the Auckland to Whakatāne route; and,
- iv. Provide additional loan funding to secure a dedicated SAAB 340 aircraft with an estimated value of between \$2.6m NZD \$3.2m NZD; and,
- 3. THAT Whakatāne District Council **deliberate and decide** if it will accept or decline the proposal (4 requests in total) from Air Chathams; and
- 4. THAT Whakatāne District Council **note** that previous Council papers and workshop discussions have been in public excluded due to commercial sensitivity and the Chief Executive has approved that those papers and discussions now be moved into the public forum, excluding the financial information under non-disclosure agreements (NDAs) with Air Chathams. This is because Air Chathams proactive public release of information negates the need for Council to keep the previous discussions in a public excluded forum.

10.1 Air Chathams Request for Financial Support(Cont.)

3. Background - He tirohanga whakamuri

3.1. History of Air Chathams and Council

The image helps to outline the relationship and history of support and engagement between Air Chathams and Council.



10.1 Air Chathams Request for Financial Support(Cont.)

3.2. COVID-19 Financial Support

In response to the COVID-19 pandemic's impact on regional air services, Air Chathams received financial support in the form of loans from local government. Specifically, the three district Councils of Whakatāne, Whanganui, and Kāpiti Coast approved five-year, interest-free loans totalling \$1.35 million to Air Chathams in 2020. This support aimed to ensure the continued viability of the routes that Air Chathams provided between these communities and Auckland. On top of that each council also provided landing fee relief and forms of marketing support.

In addition to local government support, Air Chathams benefited from central government initiatives. As part of a NZ\$600 million aviation relief package announced in March 2020, the government allocated up to NZ\$1.7 million to maintain air links to remote communities, including services provided by Air Chathams. Furthermore, Air Chathams accessed general COVID-19 support measures such as wage subsidies through to November 2023, designed to assist businesses experiencing significant downturns due to the pandemic.

These combined efforts from local and central government were crucial in sustaining Air Chathams' operations during the challenging period of the COVID-19 pandemic.

3.2.1. COVID loans and financial support from the three Councils

Whakatāne District Council

Interest free loan	\$350,000	
Estimated interest forgone	\$50,000	
Landing fee relief for 9 months	\$40,000 approximately based on average	
Marketing support	\$35,000	
Total	\$475,000	

Landing fee relief for the period March 2020 to December 2020.

Whanganui District Council

Interest free loan	\$500,000
Estimated interest forgone	\$70,000
Landing fee relief for 6 months	\$37,500
Marketing support	\$30,000
Total	\$637,500

Landing fee relief for the period May 2020 to November 2020

Kapiti Coast District Council

Interest free loan	\$500,000
Estimated interest forgone	\$70,000
Landing fee relief for 6 months	Unknown
Marketing support	\$50,000
Total	\$620,000

10.1 Air Chathams Request for Financial Support(Cont.)

Landing fee relief for the period May 2020 to November 2020

Estimated total COVID support provided across the three Councils:

Whakatāne District Council	\$475,000
Whanganui District Council	\$637,500
Kapiti Coast District Council	\$620,000
Total	\$1,732,500

3.3. Recent support from Whakatāne Council for a new aircraft

In December 2022 Air Chathams advised Council that it was intending to retire their Metroliner fleet, and that it would like to purchase a new aircraft (preferably a SAAB 340B). Their initial ask was for Council to purchase this aircraft for them, or provide a loan for them to purchase it. Through further consideration and assessment of this ask it was determined that it would not be appropriate for Council to step into that space.

The request for financial support was then reframed during 2023 to be;

- A marketing budget for Air Chathams to spend of \$100,000.
- Landing fee relief for 6 months of approx. \$40,000. From 1 November 2023 to 30 April 2024.
- A revenue underwrite to establish the new service (\$unknown).

This request was investigated and discussed over several months, ultimately culminating in Council resolving to provide marketing support of \$70,000, and the provision of landing fee relief for 6 months. However, the request for a revenue underwrite was declined due to the following considerations;

- Uncertainty of quantum of the ask, an underwrite is like writing a blank cheque, and the financial
 information provided by Air Chathams to Council continually changed right up until the day
 before staff presented the request to Council.
- Consideration of the economic climate at the time of hearing the request. Including the 2024
 Annual Plan 9.5% rates increase levied on ratepayers, on top of \$14 million of operating deficit
 that needed to be funded by debt.

3.4. Change to flight schedule

Prior to introducing the SAAB aircraft, Air Chathams had been operating a financially successful flight schedule with its Metroliner that catered for the business traveller between Whakatāne and Auckland.

When Air Chathams launched its new SAAB aircraft on the Auckland to Whakatāne route they revised the flight schedule as the route was shared with the Auckland to Kapiti service.

Air Chathams made a business decision to service Auckland to Kapiti with the business flight schedule, and changed the Auckland to Whakatāne route to the current non-business or leisure flight schedule. The change in flight schedule was not discussed with staff or Council before it occurred.

The revised schedule has been met with concern from business commuters as the scheduled flight times don't work for travel up and back in one day. We are aware that concerns about the flight schedule change and requests to change it back to the old schedule have been raised with Air Chathams by individual businesses and business groups such as the Eastbay Chamber of Commerce.

For the initial six months after launching the new aircraft Air Chathams provided regular updates on how the service was performing.

The reports showed that the change in flight schedule resulted in substantially fewer passengers flying with Air Chathams than expected, leading to financial losses on the route. The Airline also made a business decision to sell seats at lower prices than budgeted which compounded their financial losses.

From a supply and demand perspective reducing seat prices may encourage an uplift in demand, however it was clear from the reports that the issue was the flight schedule, not the pricing. This is the advice staff have continued to offer Air Chathams since the launch of the SAAB aircraft.

4. Discussion – Kōrerorero

Based on the poor performance of the new SAAB aircraft on the Auckland to Whakatāne route, Air Chathams has come to Council for further support with a proposal to improve the financial performance of the route.

In essence the proposal is for Council to fund a new plane for Air Chathams so they can offer a dedicated business flight schedule for Auckland to Whakatāne.

Air Chathams has provided no formal business case with problem definition, financial information, forecasts, risks or options to Council staff. The ask to be presented to Council has been captured verbally and via email and the Air Chathams Chief Operating Officer attended the Council briefing on 2 March 2025 to pitch the ask and respond to questions. Appended is the presentation provided by Air Chathams Chief Operating Officer.

The ask of Council is discussed in the four sub-sections below:

4.1. Write-off the \$350,000 loan from Whakatāne District Council

In 2020 when COVID-19 hit the country, and prior to central government providing financial support to airlines, Air Chathams reached out to Councils for financial support to sustain their business. Whakatāne, Whanganui, and Kapiti Coast District Councils were all involved in a response. Initial discussions were framed around Councils providing funding in the form of a grant, but that was changed to a loan before being finalised, and cash handed over in December 2020.

It is Air Chathams position that these loans were always intended to be grants and they should be treated as such. They are in fact unsecured loans. These loans were for five (5) years and are due to be repaid in November 2025.

Air Chathams is asking Council to write off the \$350,000 debt, premised on the position that Air Chathams understanding and expectation was that the intent behind the loan was to be a grant from Council, and therefore not repayable.

Air Chathams advised Council at the briefing on 26 March 2025 that the loan sitting on its balance sheet does not impact the airlines' ability to raise new debt.

It is believed discussions are currently taking place with both Whanganui and Kapiti Coast Councils in relation to their loans as they also near maturity. It is our understanding that negotiations on what the airline might offer in return for writing these loans off appear to be something that those Councils are considering.

This request has already been made to this Council in July 2024 and again in November 2024. Both requests were declined by the Infrastructure and Planning Committee.

The loan that Council provided to Air Chathams during COVID has a term of 5 years, this matures in November 2025 and there are a number of options for Council to consider ahead of this maturity.

Within the terms of the loan agreement the options available to Council at maturity are;

- 1. Repayment of the loan by Air Chathams to Council,
- 2. Convert the loan to shares, (see below)
- 3. Write off the loan.

An important clause in the loan documentation is the "Mandatory Prepayment" clause, which states that if "the borrower ceases to provide the required services to the airport, following a three month notice period", the facility will be cancelled immediately and the borrower required to immediately repay the outstanding amount in full to the lender.

4.1.1. Conversion to shares clause

"The lender may (at its sole discretion) elect to convert the facility into non-voting redeemable preference shares in the borrower at \$1.00 per share in the event that the facility is not repaid when due. Redeemable preference shares will be redeemable at the option of either party at any time for \$1.00 per redeemable preference share. The borrower shall redeem these no later than six months from the date of the Lender's notice to the borrower to exercise the option."

What this clause means is;

If Air Chathams doesn't repay the loan when it is due (including at maturity or if a mandatory prepayment event happens), the Council can choose to (but does not have to) to convert the unpaid loan amount into redeemable preference shares in the borrower. The shares would be worth \$350,000 assuming the debt is unpaid. The shares are non-voting, so the lender wouldn't have control over company decisions like a regular shareholder would.

Either the borrower or the lender can later redeem (buy back) the shares at \$1.00 per share, meaning the borrower can eventually pay cash to get rid of the lender's shares.

If the lender chooses to redeem, the borrower must pay within six months of receiving notice. It protects the lender while giving the borrower some flexibility.

4.2. Provide 12 months relief from landing fees and charges

Air Chathams request Council provide a further 12 months of operating relief through removing landing fees and other charges associated with operating a commercial airline into Whakatāne.

Air Chathams has an average annual total passenger movement number of around 19,000. This means at \$4.20 per passenger Council will lose around \$80,000 in revenue over the first 12 months. If the service is still not viable (if the schedule remains unchanged) after 12 months, it is highly likely Council would be asked to agree to extend this support.

In total Council staff estimate the landing fee relief already provided to Air Chathams by Whakatāne District Council to be in the vicinity of \$100,000.

Requests for additional landing fee relief were made in July 2024 and again in November 2024. Both of these requests were declined by the IPC.

This request also suggests that if the route remains unviable after the first 12 months that Council will extend this relief on an ongoing basis.

4.3. 50/50 profit and loss share agreement

It is requested that profits and/or losses will be shared 50/50 after direct and apportioned costs are deducted on the Whakatāne to Auckland route.

This request is based on the assumption that Council will cover half of the losses (or profits) incurred by the airline after direct costs and apportioned costs (a share of the airlines general costs) have been deducted from the total revenue received from the WHK – AKL route. No timeframe has been mentioned with this request, but we assume it would be for 12 months initially, and then on an ongoing basis.

It should be assumed that unless the airline amends its schedule this request would effectively be an underwrite of half of the airline's losses on this route while subsiding part of its overall operating costs, which includes an 8.2% apportionment of the airline's overheads. Previous assessment of Air Chathams forecast financials and passenger numbers indicated that 80% of the seats of every flight would need to be filled to break even. Selling less than 80% would mean Council would need to pay 50% of the loss and conversely selling more than 80% of the seats would mean Council would collect 50% of the profit.

4.4. Council provide loan funding for a dedicated SAAB 340 aircraft

The loan request is to purchase a dedicated SAAB 340 aircraft to base an aircraft in Whakatāne overnight allowing an early morning departure. The cost of the new aircraft is thought to be between \$2.6m NZD and \$3.2m NZD.

This request was first made to Council in 2022 when Air Chathams wanted to transition from the Metroliner to the SAAB 340 aircraft. Council declined the request at the time but provided other financial and non-financial support.

Air Chathams replaced the 19-seater Metroliner with the larger 34 seat SAAB 340 in late 2023. Over this transition the airline changed the flight schedule from one that was well supported by the local business community, to one that suited leisure and casual customers. The schedule is currently mid-morning and afternoon return services out of Auckland during the week with no services on Saturdays and a late afternoon service on Sundays.

Since introducing the new SAAB it is widely accepted that the change to flight schedule Air Chathams made has had a detrimental effect on passenger use and route profitability. Air Chathams say that it cannot service the Whakatāne – Auckland early morning departures within its current fleet, noting the new SAAB is shared with Kapiti which has been allocated the business-friendly flight schedule.

The lower passenger numbers, the airlines business decision to sell seats at lower prices than budgeted and the higher overheads with the larger aircraft have compounded its financial losses. The current average Seating Load Factor (SLF), which is the proportion of the plane occupancy that is full, is around 55%, meaning approximately 19 of the 34 seats are full on each flight. Council calculations suggest that the SLF needs to be in the region of 80% for this route to be sustainable. For context both Air New Zealand and Jetstar New Zealand run SLF of around 85%.

Air Chathams confirm that it will not reintroduce a smaller aircraft or change the flight schedule to move the SLF back towards 80%.

Council calculations suggest an increase in prices by 20.25% on average is also required.

Air Chathams instead say tit needs another SAAB 340 added to the fleet to reintroduce the business-friendly service to Auckland. It has requested another loan to be able to purchase this additional aircraft. It is estimated that another aircraft would cost between \$2.6m NZD and \$3.2m NZD.

Council should note that the borrower has not repaid, and has no intention to repay, the existing loan that it has with Council.

Finally, Air Chathams has not fully complied with the terms and conditions of the existing loan agreement from a reporting perspective. The terms that have not been complied with;

8. FINANCIAL AND OTHER INFORMATION

- 8.1 **Financial Information**: The Borrower shall deliver to the Lender (in each case in form and substance satisfactory to the Lender):
- (a) **Quarterly**: as soon as they become available, and in any event within 20 Business Days after each quarter end, management accounts for the Group (on a consolidated basis, if applicable), including:
 - (i) quarterly and year to date statements of financial performance, statements of financial position and statements of cash flows, approved by the board of directors of the Borrower and signed by two directors of the Borrower or one director and one of the chief executive <u>officer</u> and the chief financial officer of the Borrower or the chief executive officer and the chief financial officer of the Borrower; and
 - (ii) statements comparing actual performance against budgeted performance, togethe with detailed management commentary in relation to any material variation from budget;
- (b) **Budget**: before the commencement of each Financial Year, a copy of the annual budget for that Financial Year for the Group, including profit and loss, balance sheet and cashflow forecast, approved by the board of directors of the Borrower and signed by two directors of

the Borrower or by one director and either the chief executive officer or the chief financial officer of the Borrower; and

- (c) **Service Reporting**: as soon as they become available, and in any event within ten (10) Business Days of each month end, service reporting of the Borrower, including:
 - (i) reporting against the Required Services (including explanation for variations);
 - (ii) the scheduled air passenger services between the Airport and Auckland International Airport;
 - (iii) the load factor achieved in a specified period on flown flights including aircraft type flown and available <u>seats</u>;
 - (iv) any inability to fly a scheduled flight and the reason for each such occasion; and
 - (v) the yield achieved from the sale of fares in the period for which the load factor data is supplied.

5. Options Analysis - Ngā Kōwhiringa

The ask of Council from Air Chathams is;

- Write off the \$350,000 loan;
- 12 months relief from landing fees and charges;
- 50/50 profit and/or loss share with Air Chathams, and;
- Provide loan funds to purchase a new SAAB 340 aircraft.

Air Chathams has not provided a formal business case or options so Council staff wish to highlight that the approach is to respond to the 'ask' as one package that cannot be varied. The perception/direction provided by Air Chathams is that it will likely withdraw its services from Whakatāne if the full package requested is not approved.

5.1. Option 1 – Approve the Air Chatham's ask

This option would require Council to write-off its \$350,000 loan, provide at a minimum 12 months landing fee relief, enter a 50/50 profit/loss share arrangement and loan Air Chathams the required funds to purchase an additional SAAB 340 aircraft.

Council needs to note it would be progressed with no financial assessment or forecast from Air Chathams of the costs of a 50/50 profit/loss share agreement. Also, there is a significant risk that the additional loan is not repaid.

The airport is operating an approximate \$700k per annum loss that is shared 50/50 with the Ministry of Transport.

Advantages	Disadvantages
Signals to Air Chathams that Council is committed to retaining them as a regional partner.	Lose the ability to collect the \$350,000 loan owed to Council by Air Chathams.
Enables Air Chathams to reinstate a business-friendly flight schedule providing a desired level of service for the business community.	Ratepayers are funding a private business via a loan write-off, a new and larger loan and further landing fees relief.
Air Chathams remain operating out of Whakatāne. If the venture is successful then it would eventually	It is more likely that the 50/50 profit or loss underwrite will require Council to subsidise losses.
make a positive financial contribution towards airport revenue.	Reduced airport income for 12 months of \$80,000.
	Inequity for other airport users and operators that pay on a user pays basis.
	There is no evidence to suggest this would make the route profitable as no financial information or forecasting has been provided in order to support decision making.
	Potential for negative feedback from business and ratepayers as it is not a core business for Councils to provide loans to commercial businesses.

5.2. Option 2 – Decline the Air Chathams ask

This option comes with a high likelihood that Air Chathams removes it service from Whakatāne.

However, Council can still pursue recovery of its outstanding loan.

A significant saving would be the ability for the airport to remove the Part 139 certification for enabling larger planes such as the SAAB to land at Whakatāne saving approx. \$300,000 per annum.

There is an opportunity for Council staff to work with other airlines on providing a Whakatāne-Auckland service (note, another commercial passenger airline is already using the airport).

If this option is selected, staff will bring a subsequent decision paper to Council to consider options for the outstanding loan to Air Chathams of \$350,000.

Advantages	Disadvantages
Council maintains the opportunity to have its loan repaid or chose a conversion to non-voting shares. Lower financial risk for Council. Fairer playing field for other airport users and operators that pay on a user pays basis.	Air Chathams is likely to withdraw services. Whakatāne loses an Auckland flight service (note that this could be replaced by another operator).
Air Chathams could redeploy its aircraft to service another Council route more effectively, e.g. Whanganui to Christchurch. (Noting Whanganui Council is also being asked to fund a plane.)	

6. Significance and Engagement Assessment - Aromatawai Pāhekoheko

6.1. Assessment of Significance

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

6.2. Engagement and Community Views

Given the high public interest in this topic further public engagement could be undertaken, in particular on the request from Air Chathams to provide a loan to fund a new plane. Should Council choose to run a consultation process before making a decision the scope and cost of this engagement will be determined by Council's Communications Team and similar to other consultation processes.

7. Considerations - Whai Whakaaro

7.1. Strategic Alignment

No inconsistencies with any of the Council's policies or plans have been identified in relation to this report. It does need to be acknowledged that there is a connection between the services provided by Air Chathams and the Airport Masterplan, and also the strategic relationship between Council and the Ministry of Transport as the other partner in the Joint Venture running of the airport.

7.2. Legal

No legal considerations have been identified in relation to the matters contained in this report at this time. Should Council decide to write off the loan and/or agree to provide a further loan to Air Chathams, some legal support would be required in loan documentation preparation.

7.3. Financial/Budget Considerations

The costs for the total of these requests for the first 12 months are;

Request	Cost
Loan for Saab 340 aircraft	\$3,200,000 NZD
Write off loan	\$350,000
12 months relief from landing fees	\$79,800
50/50 share of losses (\$348,225)	\$174,112
Total	\$3,803,912

Possible ongoing costs should the route not become profitable within 12 months;

Request	Cost
12 months relief from landing fees	\$79,800
50/50 share of losses (\$348,225)	\$174,112
Total annual costs	\$253,912

Additionally, the airport is making losses in the order of \$700,000 per annum, which includes the cost of Part 139 certification in order for Air Chathams to fly in its larger SAAB aircraft, and ratepayers are contributing towards this loss through the 50/50 joint venture with the Ministry of Transport. Council's Tourism and Events team have also been supporting Air Chathams with approximately \$35,000 of in-kind marketing support per annum. The financial impacts outlined above will be on top of these contributions, meaning that ratepayers will be required to contribute in excess of half a million dollars per year to enable and support Air Chathams to operate.

7.4. Climate Change Assessment

There are no significant or notable impacts associated with the matters of this report.

7.5. Risks

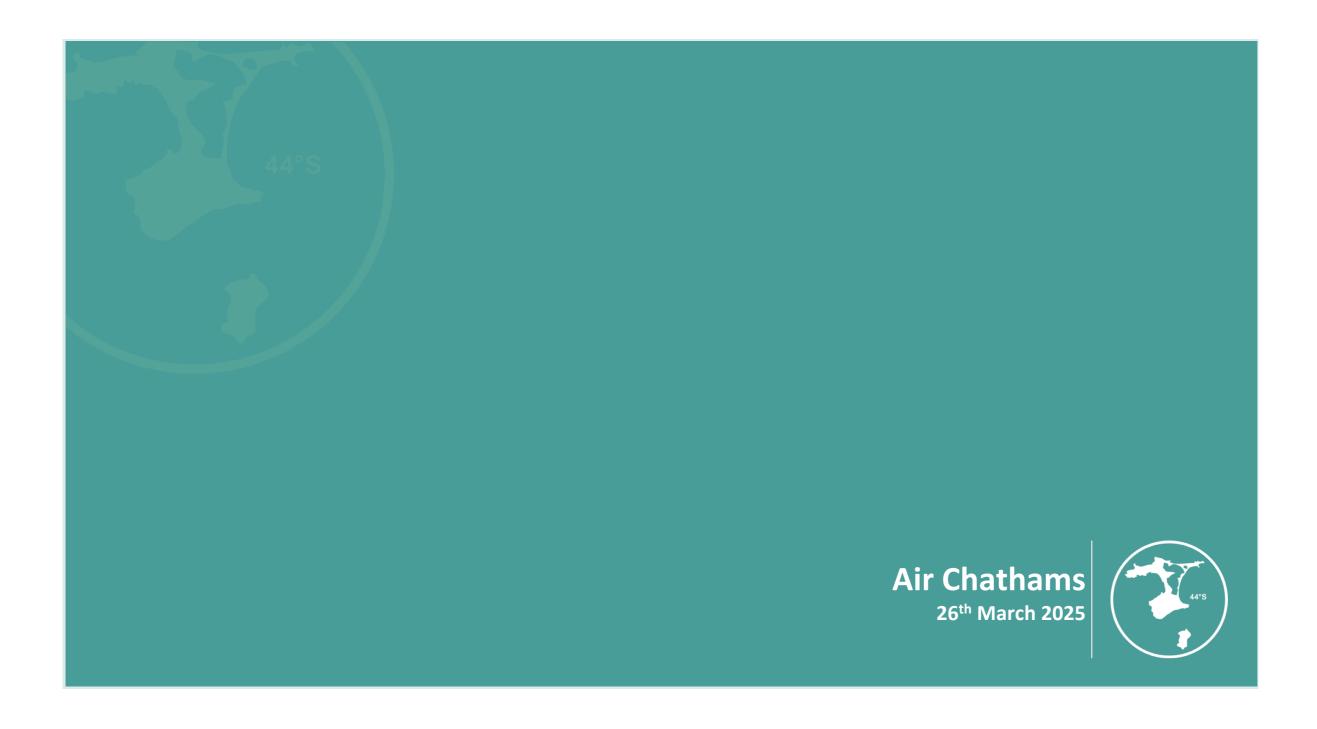
Significant risk(s) exist while considering the matters outlined in this report, they are;

Risk	Description and/or Mitigation
Financial risk	Air Chathams has not repaid its first loan of \$350,000 and is now asking for that loan to be written-off. Council should consider what would happen should a subsequent loan not be paid off.

Risk	Description and/or Mitigation
	There is no evidence to suggest that introducing the early morning departure will be successful financially, and there has been no financial or forecasting information provided by Air Chathams in order for Council to undertake appropriate due diligence in assessing the request. Supporting or declining any or all of these asks will be met with some public concern as mixed public views have been observed.
Reputational risk (high public interest)	Supporting any of these asks will carry reputational risk in relation to other airport users.
Inconsistency with other airport users and operators	Carries potential long-term risk by other users not paying to use the airport leading to continued financial strain on the airport.

Attached to this Report:

- Appendix 1 Presentation provided to Council by Air Chathams Chief Operating Officer Duane Emeny
- Appendix 2 Table of financial support by year provided by Kapiti Coast District Council



Route Performance- Whakatāne from March 2024



19,000 Carried passengers



35,000 seat capacity



More than 1000 Flights flown



\$145 average fare (GST Incl)

Aircraft operated in Whakatāne by Air Chathams

Metroliner (retired 2023)

Saab 340 (current)





No. of Pilots:2No. of Flight Attendants:0No. Of seats:18Pressurised Cabin:YesToilet:NoFuel Burn:350L/h

No. of Pilots:2No. of Flight Attendants:1No. Of seats:34Pressurised Cabin:YesToilet:YesFuel Burn:570L/h

Schedule – Whakatāne to Auckland

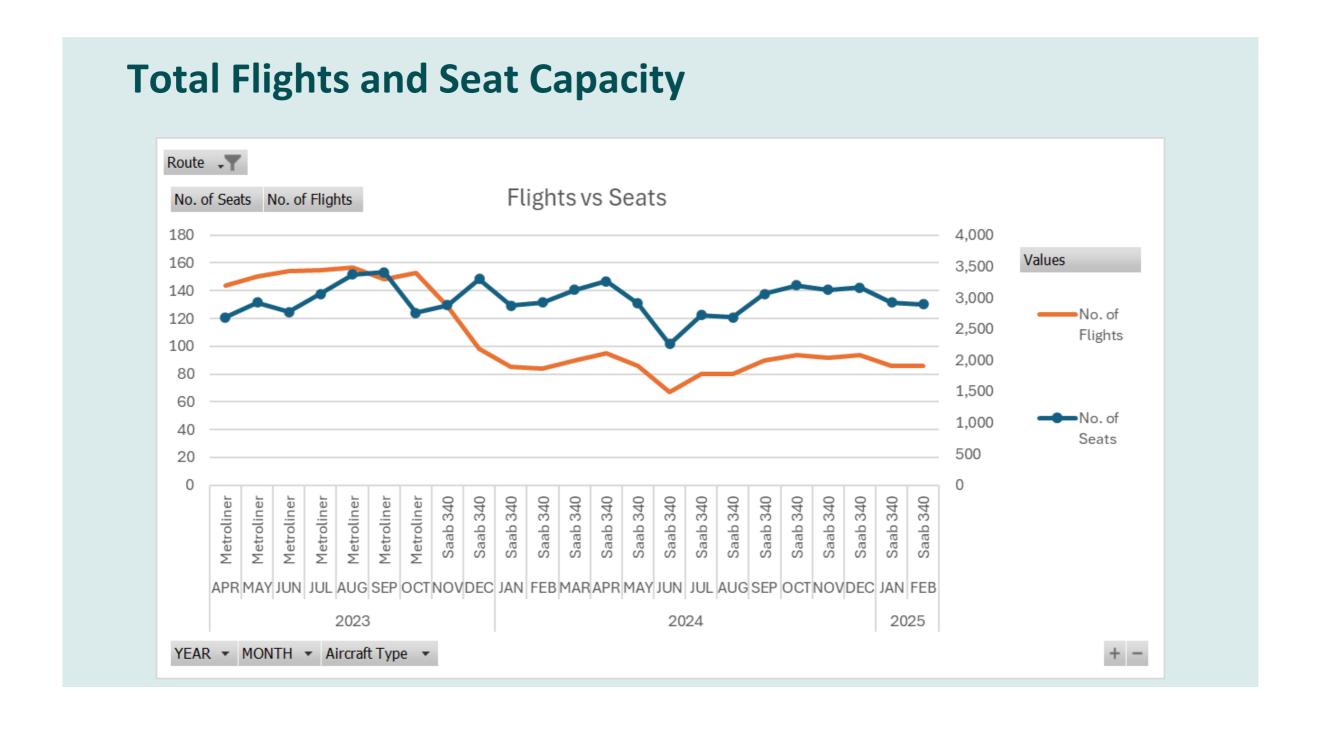
	Mon	Tue	Wed	Thu	Fri	Sat	Sun
09:10-09:55 3C823	+	+	+	+	+		
16:55-17:40 3C829	+	+	+	\	}		+

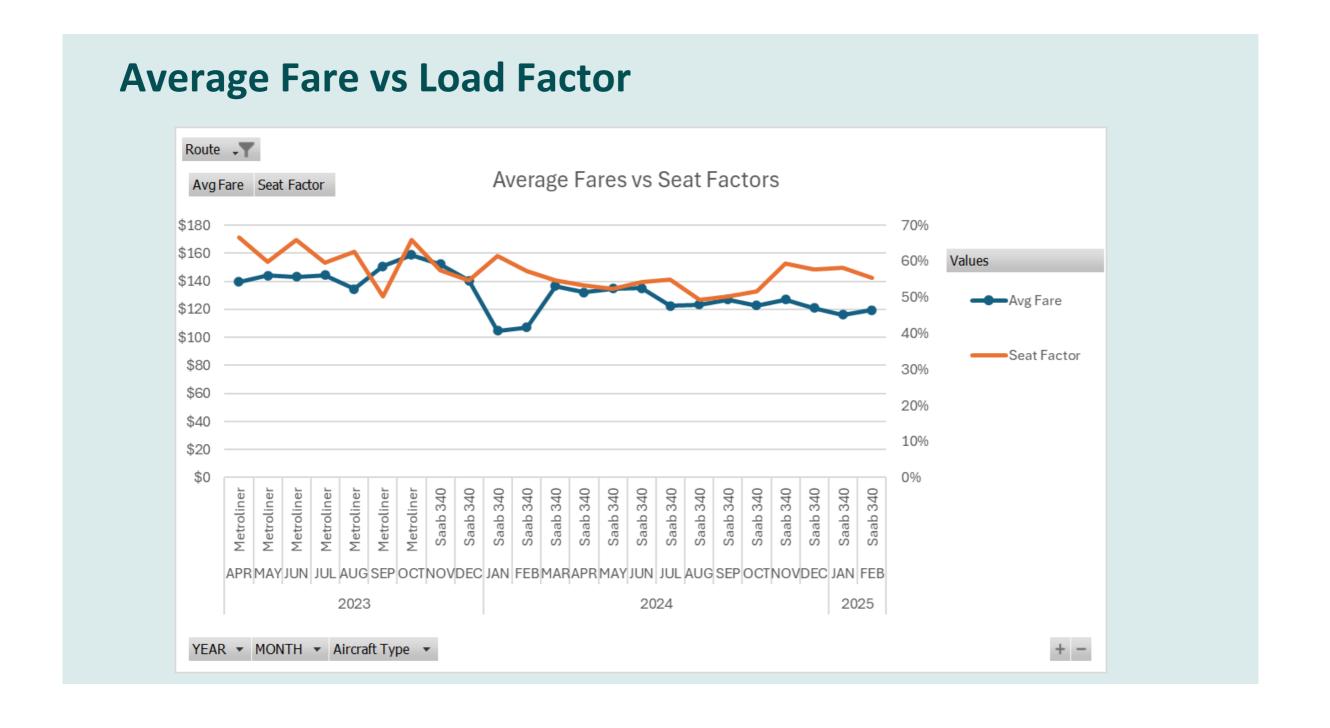
Variation to schedule on public holidays and/or long weekends

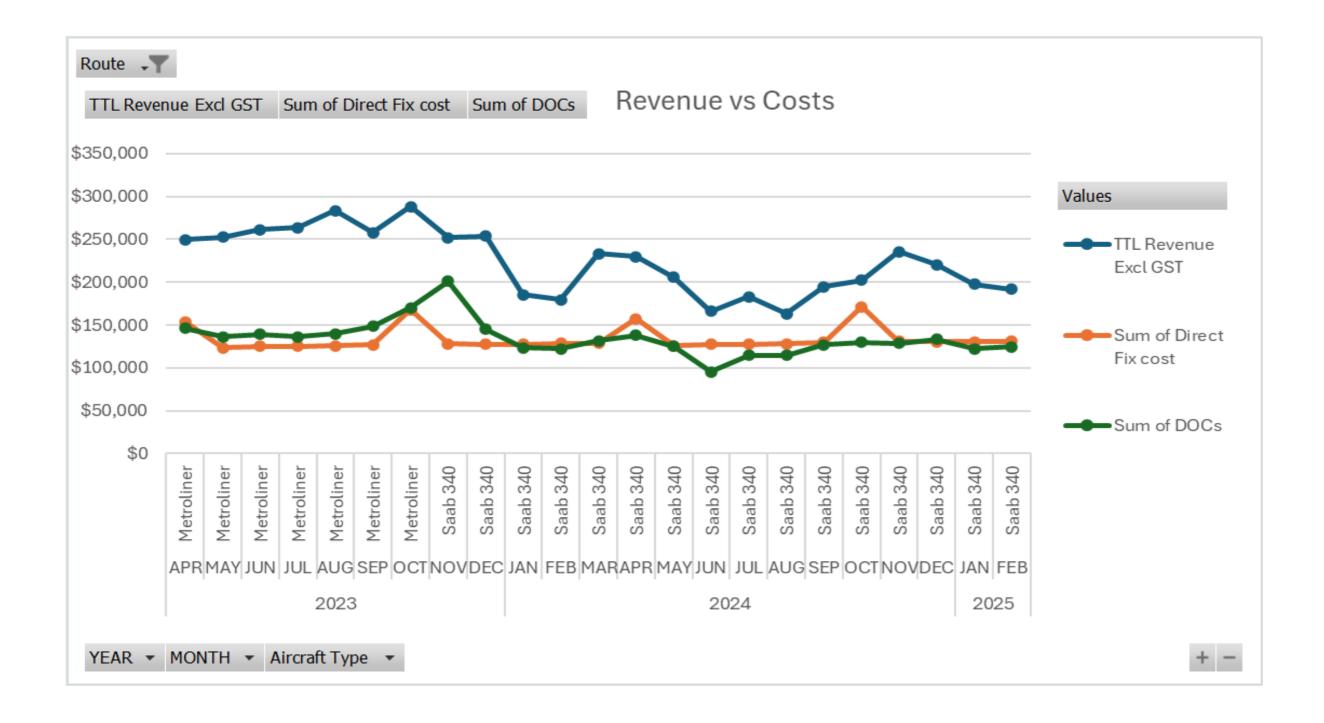
Schedule – Auckland to Whakatāne

	Mon	Tue	Wed	Thu	Fri	Sat	Sun
08:00-8:40 3C820	+	}	+	+	+		
15:45-16:25 3C824	}	+	\	\	}		-

Variation to schedule on public holidays and/or long weekends









WHAKATĀNE DISTRICT COUNCIL
Thursday, 8 May 2025



10.1.2 Appendix 2 – Table of financial support by year provided by Kapiti Coast Council

10.1.2 Appendix 2 – Table of financial support by year provided by Kapiti Coast Council

The Kapiti Coast District Council has provided a loan and grants to Air Chathams Limited in the last five years. The following table provides details of all Kapiti Coast District Council financial assistance, past, present, and future commitments related to ratepayers' money that has been committed:

Financial Year	Recipient	Туре	Purpose	Amount
2018/19	Air Chathams Ltd	Grant	Air service support	\$190,000
2018/19	Air Chathams Ltd	Grant	Air service support	\$200,000
2019/20	Air Chathams Ltd	Grant	Air service support	\$174,167
2019/20	Air Chathams Ltd	Grant	Marketing Support	\$24,390
2020/21	Air Chathams Ltd	Grant	Marketing support	\$50,000
2020/21	Air Chathams Ltd	Loan	Re-establish services - Covid 19	\$500,000
2021/22	Air Chathams Ltd	Grant	Marketing support	\$50,000
2021/22	Air Chathams Ltd	Grant	Covid 19 support	\$20,000
2022/23	Air Chathams Ltd	Grant	Marketing support	\$50,000

WHAKATĀNE District Council

10.2 Council Policies and Bylaws: Work Programme Update Report for 2025-26(Cont.)

10.2 Council Policies and Bylaws: Work Programme Update Report for 2025-26

To: Whakatāne District Council

Date: Thursday, 08 May 2025

Author: H Madden / Strategic Policy Analyst

Authoriser: L Woolsey / General Manager Strategy and Growth

Reference: **A2871567**

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

The purpose of this report is to provide Council with an update on our policy and bylaw work programme for the upcoming year.

2. Recommendations - Tohutohu akiaki

- 1. THAT the Council Policies and Bylaws: Work Programme Update Report be received; and
- 2. THAT the Council **notes** that a schedule of the policy and bylaw review timetable will be published on the Council website.

3. Background - He tirohanga whakamuri

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

The policy and bylaw work programme aligns with the Long-Term Plan timeframe.

Policies are reviewed as legislatively required or typically on a five-yearly basis.

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

4. Issue/subject – Kaupapa

Staff have started working on the review cycles. Overall, good progress on the policy work programme has been made. The Diversity, Equity and Inclusion policy was adopted in March 2025, and we continue working through the appeal process for the Eastern Bay of Plenty Local Alcohol Policy.

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

4.1. Policy Work Programme for the year 2025/26

The tables below set out the review schedule for policies and bylaws for 2025/26.

Table one: Policy review schedule

Name of Policy	Description	Policy last reviewed/ adopted	Date policy due for review	Consultation required (indicative indication)	Comments
Use of Funds from the Gordon Ellis Trust policy	To provide for the long-term care and preservation of The Gordon Ellis Collection.	22/09/12	02/10/16	Yes- Only with the Gordon Ellis Trust	Review is underway.
Dog Control Policy	Required under section 10(1) of the Dog Control Act 1996 - every territorial authority must adopt, in accordance with the special consultative procedure set out in section 83 of the Local Government Act 2002, a policy in respect of dogs in the district of the territorial authority.	25/08/22	25/08/27	Yes	This policy will be updated alongside the Dog Control bylaw. Mid 2025 prospective briefing.
Museum and Arts Collections Policy	Guide the responsible care, management and enhancement of, and access to, the collections held by the museum in its role as an arts, culture, and heritage kaitiaki (guardian).	05/04/18	04/05/23	Yes	Review is underway.
Gambling Policy (Class 4 Venues and Board Venues)	The Gambling Act 2003 requires the Council to adopt a Class 4 Venue Policy for the District.	19/05/22	05/23/25	Yes	Review is progressing well. Policy is scheduled to go to Council on 8 May 2025.
Electronic Surveillance (CCTV) Policy	Sets out the intended practice for the Council regarding Electronic Closed-Circuit Television (CCTV).	2017	01/06/22	Yes	Review is underway.

Name of Policy	Description	Policy last reviewed/ adopted	Date policy due for review	Consultation required (indicative indication)	Comments
Dangerous, Affected and Insanitary Buildings Policy	Statutory policy. Sets out the intended practice for the Council regarding dangerous, affected and insanitary buildings.	2019	29/08/24	Yes	Review is currently underway. WDC has reviewed its policy to align with best practice as recommended by MBIE. Any changes will require consultation, as per legislation. Completion mid-2025.
Procurement Policy	Covers activities associated with the purchasing of all goods and services by or on behalf of the Whakatāne District Council.	2013	26/10/21	Yes	Review is currently underway. Council adoption is planned for August 2025.
Eastern Bay of Plenty Joint Local Alcohol Policy	Applies to the sale, supply and consumption of alcohol in the Eastern Bay of Plenty region. It provides a policy framework for licensing decisions to meet the object of the Sale and Supply of Alcohol Act 2012.	Review process started November 2021	18/03/22	Yes - completed	Provisional policy has been adopted. The three councils are now working through the appeals process.
Asset Management Policy	Sets out policy objectives and principles to guide asset management, ensuring consistency with the Long-Term Plan. It provides for regular internal reviews.	12/02/21	12/02/21	No	Review beginning Mid-2025.
Rural Roads Fence Encroachment Policy	Sets out the Council's practice regarding the management and licensing of areas of Council-administered rural roads fenced for grazing of stock by the adjoining property owner/occupier.	2006		Yes	Review has started. Staff will explore a broader policy for Road Encroachment. Mid-2025.

Name of Policy	Description	Policy last reviewed/ adopted	Date policy due for review	Consultation required (indicative indication)	Comments
Property Policy	Sets out principles for the management of property and process for buying and selling. It includes a property stocktake of all Council owned or managed property and its categorisation.	22/06/23	22/12/24	Yes	Proposed deferral to end of 2026 due to other related projects and resourcing constraints.
Smoke and Vape Free Public Spaces Policy	This policy provides for smoke-free and vape-free public places by educating the public and promoting awareness through signage in Council.	2022	07/07/25	No	Review beginning Mid-2025.

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

Table two: Bylaw review schedule

Name of Bylaw	Summary	Bylaw last reviewed/adopted	Date Bylaw due for review	Consultation required (indicative indication)	Comments
Dog Control Bylaw	The purpose of this bylaw is to give effect to the Whakatāne District Council's Policy on Dogs which regulates the control of dogs, so they do not cause danger, distress or nuisance to the community.	2018	2028	Yes	A project plan for bylaw review will be developed to confirm milestones and adoption dates. Mid-2026. To be reviewed alongside Dog Policy. Mid-2025
Control of Animals (excluding dogs) Bees and Poultry Bylaw	To outline the requirements for the keeping of animals, poultry and	2018	2028	Yes	A project plan for bylaw review will be developed to confirm

Name of Bylaw	Summary	Bylaw last reviewed/adopted	Date Bylaw due for review	Consultation required (indicative indication)	Comments
	bees. These requirements are necessary to ensure the keeping of animals, poultry and bees does not become a nuisance to people in the community.				milestones and adoption dates. Mid-2026.
Ports and Wharves Bylaw 2018 and Ports and Wharves Maps	To regulate and control the use of all port structures owned by the Council, generally within the Whakātane Port Zone, Rangitaiki River mouth, and the Ōhiwa Harbour.	2018	2028	Yes	A project plan for bylaw review will be developed to confirm milestones and adoption dates. Mid-2026.
Beaches Bylaw 2018 and Beaches Bylaw Maps	To protect the beach environment and control activities that may impact adversely on public use and safety.	2018	2028	Yes	A project plan for bylaw review will be developed to confirm milestones and adoption dates. Mid-2026.
Alcohol Control Bylaw and Alcohol Control Maps	To promote a safe environment for the use and enjoyment of the public by reducing the incidence of alcohol related offences, particularly those of a violent and/or destructive nature, by	2018	2028	Yes	A project plan for bylaw review will be developed to confirm milestones and adoption dates. Mid-2026.

Name of Bylaw	Summary	Bylaw last reviewed/adopted	Date Bylaw due for review	Consultation required (indicative indication)	Comments
	providing for liquor control in specified public areas of the Whakatāne District.				

4.2. New policies or bylaws to be developed or considered

There is one new policy and one new bylaw being considered for development. These are in the exploration stages of development and therefore do not yet have indicative dates.

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

Name of Policy or Bylaw	
Mobile Traders Bylaw	This bylaw aims to regulate trading activities in public spaces to ensure safety, fairness, and order. The bylaw will help manage the use of public land, protect local businesses, maintain cleanliness, and provide clear licensing rules for mobile traders.
Public Arts Policy	This policy, part of the Arts Strategy 2023, aims to make sure that both residents and visitors can enjoy public spaces filled with creative, inspiring, and culturally rich art that feels unique and memorable.

4.3. Bylaw work programme for the year 2025/26

Bylaws in the work programme are not due for review but have been brought forward to ensure sufficient staff capacity.

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

Dog Control Bylaw

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

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

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

Policy	Policy	Policy	Policy	Policy
2024-2025	2025-2026	2026-2027	After this cycle	
Local Alcohol Policy (EBOP joint)	Community Hall Policy	Backflow Prevention Policy	Community Grants and Funding Po	licy
	Smoke and Vape Free Public Spaces Policy	Corporate Risk Management Policy	Easter Sunday Trading Policy	
	Rural Roads Fence Encroachment Policy	Development Contributions Policy		
	Property Policy	Revenue and Financing Policy		
	Dog Policy	Significance and Engagement Policy		
	Procurement Policy	Financial Contributions for Roads and	d Public Reserves	
	Electronic Survelliance Policy	Fraud Policy		
	Museum and Arts Collection Policy	Treasury Policy		
	Use of funds from the Gordon Ellis Trust Policy	Protected Disclosures Policy		
	Dangerous, Affected and Insanitary Buildings Policy	Rates Remission and Postponement R	Policies	
	Gambling Policy (class 4 venues and board venues)			
	Asset Management Policy			
	2007 2000	0000 0007	2000	0000
Bylaws	2025-2026	2026-2027	2028	2028 and beyond
	Beaches Bylaw and Beaches Bylaw Maps*	Combined Waters Bylaw	Cemeteries and Crematorium Bylav	
	Control of Animals (excl dogs), Bees and Poultry Byla	aw*	Traffic and Speed Limit Bylaw	Waste Minimisation and Management bylaw
	Ports and Wharves Bylaw*		Parks and Reserves Bylaw	
	Alcohol Control Bylaw and Alcohol Control maps*			
	Dog Control Bylaw			

5. Options analysis - *Ngā Kōwhiringa*

There are no options as this is an information report.

6. Significance and Engagement Assessment - Aromatawai Pāhekoheko

6.1. Assessment of Significance

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

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

6.2. Engagement and community views

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

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

Staff will also be looking at opportunities (where appropriate) to conduct group consultation on policies and bylaws with similar timing to minimise consultation fatigue for the community and to achieve savings.

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

7. Considerations - Whai Whakaaro

7.1. Financial/budget considerations

Financial considerations will be identified for each individual policy and bylaw review.

7.2. Strategic Alignment

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

7.3. Climate change assessment

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

7.4. Risks

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

Attached to this Report:

• There are no appendices attached to this report.

WHAKATĀNE District Council

10.3 Dog Control Fees and Charges Report

To: Whakatāne District Council

Date: Thursday, 8 May 2025

Author: N Elliott / Acting Manager Community Regulation

Authoriser: D Bewley / GM Planning, Regulatory and Infrastructure

Reference: A2877665

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

The Council is required to formally adopt its dog control fees for the next financial year by the end of May each year, as the Dog Control Act 1996 requires the Council to notify its proposed fees in June, prior to the start of the new dog registration year, commencing in July.

2. Recommendations - Tohutohu akiaki

1. THAT the Dog Control Fees and Charges (2025/2026) report be received; and

2. THAT the Whakatāne District Council **adopts** the following Dog Control and Registration Fees for the 2025/26 financial year:

Dog (per dog)	Fee if paid before or on Tuesday, 1 August 2025	Fee if paid after Tuesday, 1 August 2025
Neutered dog (de-sexed)	\$67	\$97
Entire dog	\$97	\$144
Working dog:	\$67	\$97
Purpose of herding or driving stock	Free	Free
Other as defined in Section 2 of the Dog Control Act, including disability assist dogs		
Dogs owned by an incorporated hunt club	\$67	\$97
Dangerous dog (de-sexed)	\$93	\$142
Dangerous dog (entire dog)	\$138	\$211
Dogs less than 12 months of age Note: Dogs less than three months of age do not need to be registered	Pro-rata the annual applica	ble rate (July to June)

Dog (per dog)	Fee if paid before or on Tuesday, 1 August 2025	Fee if paid after Tuesday, 1 August 2025
Replacement of registration tag	\$3	

Impounding Fees (per dog)

First impoundment	\$69
Second impoundment	\$103
Third and subsequent impoundment	\$138
Sustenance cost	\$9
Additional fees for dogs impounded between 5pm and 8am and on weekends and public holidays	Charged at cost
Re-homing fee	\$29

Other fees

Destruction of Dog	\$94
Microchip Transponder implant fee	\$18

3. Background - He tirohanga whakamuri

All dogs need to be registered annually in accordance with the Dog Control Act 1996. This ensures compliance with national regulations and helps maintain public safety and animal welfare.

With the rising costs associated with services maintenance of pound facilities, and other necessary resources it is crucial to adjust registration fees to reflect these increased expenses. This adjustment will ensure we can continue to provide high quality services and maintain our facilities effectively.

4. Discussion – Kōrerorero

4.1. Legislation

Section 37(6) of the Dog Control Act 1996 states that:

The territorial authority shall, at least once during the month preceding the start of every registration year, publicly notify in a newspaper circulating in its district the dog control fees fixed for the registration year.

The requirement to advertise in June means dog control fees need to be adopted by the Council separately from other fees and charges included in its Fees and Charges Schedule. The balance of the Councils Fees and Charges will be adopted in June as part of the Annual Plan process.

4.2. Structure of the Fees and Charges Schedule

In accordance with the Councils indication around Fees and Charges for next year, the Dog Control Fees and Charges have been amended to reflect a rate of inflation of 2.5%.

Otherwise, it is proposed to retain the following fee structure:

- A differential in fees for neutered and entire dogs, which has proven successful in encouraging owners to get their dogs neutered (about 60%).
- A reduced fee for a 'working dog', defined as a dog that is solely or principally for the purposes
 of herding or driving stock, or are kept as disability assist dogs or to assist a function of the
 government department, such as the Police, security, or for biosecurity reasons. We currently
 have 261 working dogs used for stock purposes for which a reduced fee applies, while a small
 number of other working dogs are registered, and their owners pay no fee. It is proposed to
 retain this structure.
- A reduced fee for dogs owned by incorporated hunt clubs, at the level charged for a working dog used for herding or driving stock. This was set by the Council following a submission to Council several years ago.
- No fee for a dog that is less than three months in age, with a proportional yearly fee payable if registered part way through a year.
- The impounding fees reflect a scale of charges based on how many times a dog is impounded.
- A separate fee for dogs classified as Dangerous under the Dog Control Act, to reflect additional administrative functions associated with classifying and monitoring behaviour of these dogs.

4.3. Context

There are currently 5360 owners of about 6840 registered dogs in the district, although the number of registered dogs varies as dogs either die or are moved from the district during the year. There are about 1480 dogs that were registered last financial year that were not registered this year.

For budgeting purposes, dog registrations represent the vast majority of the revenue for the dog control activity each year, with about 90% of registrations occurring during the month of July, before a penalty fee applies. In addition, fines, pound fees, sustenance, microchipping and the like provide about \$105k of income per year.

5. Options Analysis - Ngā Kōwhiringa

5.1. Option 1 (Recommended) – 2.5% increase applied to all fees and charges

This option is consistent with the Councils indication for all its Fees and Charges for the 2025/26 financial year. The proposed income from Fees and Charges for the 2025/26 year is \$500,585, which is 2.5% higher than last year's budgeted income.

This approach is consistent with the current Revenue and Financing Policy for this Activity, which seeks to fairly balance the cost of operating this activity between dog owners and the public generally. The Revenue and Financing Policy suggests this balance should be in the range of 30% to 70% for Fees and Charges, with the balance being a general rate.

Based on the draft Annual Plan for the new financial year (2025/26), income from dog registrations and fines was budgeted to be 43% of the total cost of this activity, with 57% being funded through rates.

However, it is noted that the actual income for the 2024/25 year is below budget (YTD) and is forecast to be only about 37% of total costs for the current year. It is noted that this is due to a reduction in anticipated fees and charges of \$65k and reduced income from fines of \$94k. The team will focus its attention on non-registration of dogs and that is anticipated to result in increased fines and dog registration numbers for next year.

In addition, operating costs are higher this year due to the Council investing in additional Animal Control Officers - a decision made through the LTP. Due to timing, these additional costs could not be incorporated into the Fees and Charges for 2024/25.

Advantages	Disadvantages	
It is consistent with the Council wide approach to Fees and Charges being taken to the development of the Annual Plan.	 The Council continues to operate at the lower end of the range for Fees and Charges (private benefit) as provided for in the Revenue and Financing Policy. This 	
 It remains consistent with the Revenue and Financing Policy. 	has occurred incrementally over time.	

5.2. Option 2- Increase Fees and Charges by a greater amount (at least 5%) to move maintain the current budgeted percentage split between Fees and Charges and General Rates

This option recognises that the budget set in the LTP for the current financial year anticipated 48% of income coming from fees and charges (and fines) with 52% from general rates.

Given that the percentage from Fees and Charges has reduced over time, the Council could seek to make a correction through the setting of its Fees and Charges for next year.

Advantages	Disadvantages	
This option could maintain the current percentage split (public/private benefit) for this activity	It would be inconsistent with the adjustment proposed to the remainder of the Fees and Charges.	
 It would be consistent with the Revenue and Financing Policy It could be seen to be correcting an incremental change in how this activity has been funded back to a more equitable and intended position. 	This change would be made without the benefit of a more detailed analysis of where Fees and Charges may be more appropriately charged to encourage responsible dog ownership and without the benefit of the outcome of the planned review of the Dog Control Policy.	

6. Significance and Engagement Assessment - Aromatawai Pāhekoheko

6.1. Assessment of Significance

While generally of interest to dog owners, a decision to increase the Fees and Charges by the amount suggested in Option 1 for the next financial year are assessed to be of low significance, in accordance with the Council's Significance and Engagement Policy. The level of community interest is likely to be limited to those who pay dog registration fees.

6.2. Engagement and community views

The changes to the proposed Fees and Charges Schedule reflect the approach taken to the Annual Plan process as a whole. The Council has decided that consultation was not required on the Annual Plan, including the Fees and Charges Schedule. On this basis, it is not considered necessary to require further engagement or seek community views if Option 1 is supported.

7. Considerations - Whai Whakaaro

7.1. Strategic Alignment

The setting of Fees and Charges is aligned with the legislative requirements of the Dog Control Act 1996 and the processes in the Local Government Act 2002. It is consistent with previous year's consideration of dog registration fees. No inconsistencies with any of the Council's policies or plans have been identified in relation to this report.

In saying that, the Dog Control Policy is due for review, and it may well consider further the Animal Control Activity and its focus. On that basis, a more detailed review of the Fees and Charges Schedule should follow the review of the activity itself. It would also provide an opportune time to review the current settings for the various categories of Fees and Charges. A review of the structure of the Fees and Charges could include encouragement for responsible dog ownership and greater penalties for repeat offending.

7.2. Financial/Budget Considerations

This aspect is discussed in setting the context for recommending the increase in fees and charges for the next financial year.

7.3. Climate Change Assessment

There is unlikely to be any notable climate change considerations or implications in relation to the setting of the annual dog control fees and charges. 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

The key risks are:

- Funding is inequitably split or perceived to be inequitably split between dog owners and the general public.
- Fees and charges are set at a level where the cost of registration discourages responsible dog ownership through not registering dogs.
- Staff spend more time than they should on issues associated with the non-registration of dogs, rather than dealing with complaints, re-homing dogs and education initiatives.

Attached to this Report:

There are no appendices attached to this report.

10.4 Proposed Plan Change 8 - Approval

WHAKATANE District Council

10.4 Proposed Plan Change 8 - Approval

To: Whakatāne District Council

Date: Thursday, 8 May 2025

Author: Z Eleftheriadis / Policy Planner

Authoriser: N Woodley / Manager Policy Planning and Consents Compliance

Reference: **A2864897**

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

The purpose of this report is to seek approval for Proposed Plan Change 8 (Huna Road) to the Whakatāne District Plan.

2. Recommendations - Tohutohu akiaki

- 1. THAT the Council receive the Proposed Plan Change 8 Approval report; and
- 2. THAT the Council **approve** Proposed Plan Change 8 to the Whakatāne District Plan pursuant to clause 17 of Schedule 1 of the Resource Management Act 1991 (RMA); and
- 3. THAT the Council **approves** an operative date of 26 May 2025 for Proposed Plan Change 8 pursuant to clause 20 of Schedule 1 of the RMA; and
- 4. THAT the Council **authorises** the General Manager Planning, Regulatory and Infrastructure to complete the remainder of the statutory process in Schedule 1 of the RMA required to make Proposed Plan Change 8 operative.

3. Background - He tirohanga whakamuri

Proposed Plan Change 8 (PC 8) involved rezoning around 15 ha of land at Huna Road to enable residential development. The land includes the well-known "Julians Berry Farm" at 12 Huna Road and nearby properties, including a papakāinga consented for 56 dwellings. PC 8 provides much needed housing supply and enables around 175 new housing sites, including medium-density housing and papakāinga.

Following public notification, 169 submissions and three further submissions were received.

Some matters raised in submissions were able to be resolved through the pre-hearing process, and these were reflected in the Planner's Recommendation Report to the Hearing Panel for PC 8.

The Hearing Panel comprised experienced independent commissioners, with particular expertise in planning, transport, and indigenous planning and cultural frameworks.

A Hearing was held on 11 December 2024 with eight submitters or groups of submitters represented and speaking on the matters raised in their submissions.

10.4 Proposed Plan Change 8 - Approval(Cont.)

The Decision Report of the Hearings Panel on the submissions and further submissions was publicly notified on 19 February 2025, with submitters able to lodge appeals to the Environment Court until 2 April 2025. There were no appeals.

4. Discussion – Körerorero

Since there were no appeals to the Decision Report, two final steps remain in order to make PC 8 operative in the District Plan. It is approval by Council of these two steps that is sought in this report.

The first step is for Council to approve PC 8 under clause 17 of Schedule 1 of the RMA. This means that PC 8, including the changes set out in the Decision Report, would be fully incorporated into the District Plan.

The second step involves public notification of the date at which PC 8 becomes operative under clause 20 of Schedule 1 of the RMA. This must be not less than five working days after notification, and it is recommended that the plan change is made operative on 26 May 2025.

5. Options Analysis - Ngā Kōwhiringa

5.1. Option 1 – Approve Proposed Plan Change 8 – Recommended option

Council approves PC 8, including any minor changes. The District Plan is then updated to make PC 8 operative.

Advantages	Disadvantages
 PC 8 has been through the extensive plan change process of schedule 1 of the RMA, submissions and further submissions have been heard and decided upon, with no appeals received. It is therefore ready for approval. 	• None
The District Plan will enable residential development in an area already planned for residential development, therefore following already established development plans/strategies.	
The district would meet its requirements under the National Policy Statement on Urban Development to provide enough short-term residential development capacity.	
 The neighbouring Papakāinga would be able to utilise the full benefits of residential zoning and integrated infrastructure planning. 	
• Expenditure on this plan change would yield beneficial, tangible outcomes.	

5.2. Option 2 – Do not approve Proposed Plan Change 8

Council does not approve PC 8, in which case it would need to be formally withdrawn through public notice.

10.4 Proposed Plan Change 8 - Approval(Cont.)

Advantages	Disadvantages			
• None.	 Council will not meet its requirements to provide sufficient development capacity under the National Policy Statement for Urban Development. 			
	 Development within the PC 8 area will not be able to proceed and therefore the district will not receive much needed housing. 			
	 Incurred expenditure would be lost and yield no tangible outcome. 			
	 There would be significant reputational damage and potentially a risk of litigation should Council not approve a plan change that has been through public notification, a hearing and a decision which received no appeals. 			

6. Significance and Engagement Assessment - Aromatawai Pāhekoheko

6.1. Assessment of Significance

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

6.2. Engagement and Community Views

Further engagement on this matter is not being undertaken, in accordance with Section 6.0 of the Council's Significance and Engagement Policy. The appropriate engagement has already been undertaken in accordance with the requirements of the Schedule 1 of the RMA. PC 8 was publicly notified, and all submissions and further submissions have been considered by the Hearing Panel. The Hearing Report was publicly notified and received no appeals.

7. Considerations - Whai Whakaaro

7.1. Strategic Alignment

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

7.2. Legal

The Resource Management Act governs District Plans and their changes, in particular Schedule 1. Of relevance for decision making and this stage in the process are:

- Clause 16: allows the Council to make minor alterations to and correct minor errors in a plan change.
- Clause 17: requires the Council to approve a plan change after all the submissions have been resolved.
- Clause 20: requires public notification of an operative date in order for a plan change to become operative / come into effect. It also requires that the public notice is published at least working 5 days prior to the operative date.

The Council Delegations Register sets out the discretionary decision-making delegations to the Council's committees, community boards and staff under the Local Government Act 2002. Of relevance for plan change decision making are:

- The Hearings Panel has delegated authority to make decisions on submissions and further submissions on a District Plan change under the Delegations Register, Section 3.1.2(d).
- Council as the Governing Body retains the authority to approve a change to a District Plan under the Delegations Register, Section 1.2.2(I).

7.3. Financial/Budget Considerations

There are no budget considerations associated with the recommendations of this report. The Plan Change was a combination of a Private Plan Change, with one landowner meeting initial costs, with the Council then taking over the Plan Change. This was budgeted as part of the development of the LTP.

7.4. Climate Change Assessment

There are no significant or notable impacts associated with the matters of this report. Climate change was considered in earlier reports and through the plan change process, insofar as it is able to be under the RMA.

7.5. Risks

There are no significant or notable risks associated with the matters of this report, in particular with the preferred option.

8. Next Steps – E whai ake nei

If this plan change is approved, the plan change will be completed by publicly notifying it and updating Whakatāne District Plan.

Attached to this Report:

• Appendix A – Hearings Panel Recommendations Report

10.4.1 Appendix A - Hearings Panel Recommendations Report

Plan Change 8 – Huna Road

Recommendation Report to Whakatāne District Council

Plan Change 8 - Huna Road

31 January 2025

Plan Change 8 – Huna Road

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Appendix 1: Appendix 2: Appendix 3: Recommended PC8 Provisions Recommendations on Submissions and Further Submissions

Hearing Attendances

Plan Change 8 - Huna Road

1 Introduction

[001] This Recommendation Report addresses Plan Change 8 – Huna Road (PC8) to the operative Whakatāne District Plan (District Plan).

It is recommended that the Whakatane District Council approves PC8.

2 Appointments

- [002] The Whakatāne District Council (Council), acting under section 34A(1) of the Resource Management Act 1991, appointed independent hearing commissioners Rob van Voorthuysen¹, Elva Conroy² and Judith Makinson³ to hear and make decisions on the submissions and further submissions received on PC8.
- [003] The Council will make the final decision on whether or not to approve PC8 under clause 17 of Schedule One of the RMA.

3 Description of the Proposal

- [004] PC8 was outlined in the Council's Section 32 Report and Mr Batchelar's Section 42A Report. We adopt those descriptions and note that the main effect of PC8 will be to amend the District Plan to:
 - rezone around 15 ha of land at Huna Road to support residential development. The land will be reclassified from Future Urban Zone and Rural Production Zone to General Residential Zone and Medium Density Residential Zone;
 - amend the Shaw Road / Huna Roan Structure Plan (DEV3) to include the additional 15ha and show indicative development outcomes that need to be achieved;
 - enable around 175 new housing sites, including medium-density housing (up to 25 units), papakāinga housing (up to 60 units) and other residential areas;
 - manage the effects of additional vehicles accessing SH30 and providing active transport routes (cycling and walking) to ensure safe and efficient movement;
 - insert new provisions promoting the integration of land use and stormwater management, including low-impact design measures across the Structure Plan area to address flood risks and climate change projections;
 - enable a small Mixed Use Centre with up to 100m² of retail business activity; and
 - protect the Paroa Rugby and Sports Club from reverse sensitivity effects of residential development.

4 Process Issues

4.1 Notification and submissions

[005] PC8 was publicly notified and 169 submissions and three further submissions were received. The submissions and further submissions were summarised in Appendix 2 of the Section 42A Report and we adopt those summaries.

4.2 Officer's recommendation

[006] Mr Batchelar recommended that pursuant to clause 10 of Schedule 1 to the RMA, PC8 be approved subject to amendments, and that the submissions and further submission be determined accordingly.

Ormmissioner van Voorthuysen is an experienced independent commissioner, having sat on over 430 hearings throughout New Zealand since 1998. He has qualifications in natural resources engineering and public policy. In 2020 he was appointed as a Freshwater Commissioner by the Minister for the Environment and has sat on several Covid-19 Fast Track Consenting Act expert panels.

² Commissioner Conroy (*Tapuika*, *Tuhourangi*, *Ngāti Whakaue*) has been an independent commissioner since 2015. She has over 20 years' experience in resource management; strategic, spatial and indigenous planning; cultural frameworks; and community engagement.

³ Commissioner Makinson has acted as an independent commissioner for major plan changes, notice of requirements and resource consent hearings since 2018. She is a specialist transportation engineer with over 25 years' experience in her field of expertise.

Plan Change 8 - Huna Road

4.3 Site visit

[007] We undertook a site visit prior to the Hearing accompanied by Council officials Nicholas Woodley and Zoe Eleftheriadis, viewing the Structure Plan area from within Julian's Berry Farm, the Paroa Rugy and Sports Club and from public roads, including the ends of Karearea Drive and Kotare Drive where they abut the Dawn Parade 2012 Limited (Dawn Parade) land.

4.5 Hearing

- [008] We held a Hearing at the Bay of Plenty Regional Council offices in Whakatāne on Wednesday 11 December 2024. Attendances are listed in Appendix 3. We received a verbal 'right of reply' (Reply) from Mr Batchelar at the Hearing and written Reply submissions from him on15 January 2025⁴.
- [009] As part of the Reply submissions Mr Batchelar attached a final recommended suite of PC8 provisions.

5 Overall Approach

[010] We have used Mr Batchelar's Section 42A Report and issues raised by submitters who appeared at the Hearing to distil a range of matters that need to be assessed as part of our decision-making process. We address these matters in sections 5.1 to 5.9 of this Recommendation Report.

5.1 Housing and Urban Growth

- [011] For the Council Mr Woodley helpfully summarised ⁵ Whakatāne District's housing needs and the background to the Structure Plan area. From his evidence and the Section 32 Report we note:
 - the growth in Whakatāne District's population over the last 10 years has resulted in much of the available residentially-zoned land in and around the Whakatāne and Ōhope urban areas being developed;
 - Councils' 2010 Integrated Urban Growth Strategy identified a number of development areas including DEV3 Shaw / Huna Road. Those development areas were included in the Proposed District Plan in 2013 and confirmed when the Plan became operative in 2017;
 - the eastern section of the Shaw / Huna Road development area was zoned residential while the
 western end (the main focus of PC8) was zoned Rural Plains (Rural Production under the National
 Planning Standards (NPS) and Deferred Residential (Future Urban under NPS);
 - recent work undertaken for the Eastern Bay of Plenty Spatial Plan estimated that around 3,500 additional dwellings were required in the Whakatāne District by 2053, with the current available development capacity being only 455, not including the assumed 175 dwellings within the PC8 area. That resulted in a long-term capacity deficit of around 3,000 dwellings. That same work estimated that in the short term (by 2026) there would be a shortage of 335 dwellings, growing by another 642 in the medium term (by 2033);
 - there has been limited uptake of large-scale intensification opportunities within the existing Whakatāne urban area, for a variety of reasons;
 - in 2021 the owners of 12 Huna Road⁶ approached Council regarding the development of 90-100 dwellings that was dependent on rezoning of the land;
 - the owner of 234 and 234A State Highway 30⁷ subsequently advised Council that they also wanted to have their property rezoned;
 - in 2023 the Kawerehe Trust who own 30A Huna Road requested to join PC8 and extend the Structure Plan across the part of their land that is already consented for papakāinga development. The reason

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⁴ Whakatāne District Plan, Plan Change 8 – Huna Road, Section 42A Report – Response to Matters Raised at Hearing. Date: 13 January 2025 [Council Reply]

⁵ Statement of Evidence of Nicholas Charles Woodley on behalf of Whakatāne District Council, undated.

⁶ Julians Berry Farm.

⁷ Dawn Parade

Plan Change 8 - Huna Road

being that land would benefit from the more enabling General Residential zoning (their land is currently zoned Rural Production);

- Council agreed to undertake PC8 as a public plan change due to the demonstrable need for additional
 housing in the Whakatāne District and to provide an integrated approach to the development of the
 Structure Plan area:
- PC8 is likely to be the last area that Council will seek to rezone for residential development under the current District Plan; and
- if residential development does not occur within the PC8 area, development capacity in the growth areas of the Whakatāne District will be significantly constrained, more so than is currently the case.
- [012] From Mr Woodley's evidence we observe that there is a demonstrable need for additional housing capacity in Whakatāne in the medium to long term and that the residential development of the Structure Plan area is an important part of delivering that capacity.
- [013] We find that weighs strongly in favour of approving PC8.

5.2 Appropriate Zoning

- [014] The proposal involves rezoning the land from Future Urban Zone and Rural Production Zone to General Residential Zone and Medium Density Residential Zone, with the aim of addressing housing demand and aligning with urban growth strategies.
- [015] Ngāi Taiwhakaea Hapū wish for the western part of the Structure Plan area to retain a zoning of Rural Production. Their reasons, as set out in their submission and evidence to the Hearing, relate to concerns about effects on or from:
 - change to the landscape and loss of rural character, amenity and productive soils;
 - loss of social cohesion and 'rural community feel';
 - inadequate consideration for local traffic and school buses in relation to the proposed no right-hand turn option onto SH30;
 - potential flow-on effects in terms of increased rates and financial burden for infrastructure services, disproportionately affecting hapū and whānau members;
 - stormwater and wastewater discharges on the Ōrini Canal water quality; and
 - deficient consultation.
- [016] We discuss traffic, stormwater and consultation matters in subsequent sections of this Recommendation Report, together with more general matters relating to Māori cultural values and interests.
- [017] We asked Caroline Takotohiwi (the Ngāi Taiwhakaea hapū Representative) to elaborate on the matters of concern. From her answers, and those of other hapū members who attended and spoke at the Hearing, we understand that Ngāi Taiwhakaea wishes to retain the existing rural amenity of the wider Paroa area and in particular are opposed to any further residential development of the Structure Plan area. A concern was also expressed that if the Structure Plan area was developed it might precipitate further residential expansion along Huna Road towards the Ōrini canal.
- [018] We acknowledge Ngāi Taiwhakaea's concerns, particularly the importance they place on preserving the rural amenity and cultural landscape of the area. However, the land in question is already zoned Future Urban. That zoning was proposed in 2010 and became operative in 201. The purpose of the Future Urban Zone is to indicate land for urban development. Consequently, we find that the only issue is when a rezoning to general residential should occur and not if that rezoning should occur.
- [019] We appreciate that rezoning the western portion of the Structure Plan area to General Residential will unavoidably alter the current rural amenity of the area which is something we understand Ngāi Taiwhakaea

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Plan Change 8 - Huna Road

considers to be an adverse effect, but note that the existing rural amenity comprises a productive berry farm and café and not open pasture land such as that which abuts Huna Road beyond the Rugby Club grounds.

- [020] More importantly, Policy 6 of the National Policy Statement in Urban Development May 2020 (NPS-UD) states8 that significant changes to an area may detract from amenity values appreciated by some people but that is not, of itself, considered an adverse effect. Policy 6 policy emphasises the need to prioritise wellfunctioning urban environments that provide for current and future housing needs.
- [021] Consequently, while we acknowledge the wish of Ngāi Taiwhakaea hapū for the western part of the Structure Plan area to retain a zoning of Rural Production, we must also consider the wider context which includes the adequacy of housing land supply and the social and economic consequences of land supply shortages on housing availability and affordability. We also note that the Structure Plan includes measures and design elements to mitigate the visual and environmental impact of residential development.
- [022] We find that General Residential and Medium Density Residential is appropriate zoning for the Structure Plan area

5.3 Traffic and Transport Effects

- [023] The Section 32 Report⁹ and Section 42A Report¹⁰ state that:
 - the traffic modelling shows a significant increase in delay for right turning movements at Huna Road of up to 662 seconds with 150 additional dwellings in place in the Shaw/Huna Road Structure Plan area, with the length of delay raising safety concerns;
 - the significant safety issues at the Shaw Road and Huna Road intersections need to be addressed before further development can occur within the Shaw/Huna Road Structure Plan area;
 - the stretch of SH30 between Awakeri and Whakatāne has been identified as a high-risk rural road and NZTA has identified a range of safety improvements to address this; and
 - consideration is being given to a possible long-term option which may include an extension of Shaw Road to the east, crossing the Kopeopeo Canal to join the planned Mill Road roundabout.
- [024] Our primary consideration was therefore whether the road network could safely and efficiently accommodate the traffic generated from the Shaw / Huna Road Structure Plan area and how to ensure that network operations are suitably protected from out of sequence development.
- For NZTA, Mr Tindall presented evidence in relation to the ability of intersections along SH30 to accommodate Shaw / Huna Road Structure Plan area traffic, the potential erosion of effectiveness of the planned Thornton Road / SH30 roundabout, and his concerns in relation to the general sensitivity of the overall network to change¹¹. Council's Reply proposed amending DEV3-R8 1(b) to reflect his advice¹² on the need for a left-turn slip lane at the Thornton Road / SH30 roundabout. We agree with the proposed change.
- Mr Tindall¹³ also presented evidence that funding for the planned safety works is no longer confirmed due to changes in the GPS priorities. Ms Peti¹⁴, for NZTA, expressed concern that PC8 relied upon unfunded SH30 upgrades and sought non-complying (NC) activity status for any development that sought to precede those safety works, or before a suitable alternative was in place, should PC8 be approved. Councils

⁸ In the context of an urban environment which is relevant here because the NPS-UD defines 'urban environment' as any area of land that is, or is intended to be, predominantly urban in character and is part of a housing market of at least 10,000 people. That is the case here because of the Future Urban zoning of the land and, as per the 2023 Census results, around 17,000 people live within or close to the Whakatane and Ohope urban areas in the northern, coastal part of the District.

⁹ Section 6.9 'Transport'

¹⁰ Section 6 'Traffic and Transport'

¹¹ Mr Tindall Evidence Section 8.

¹² Mr Tindall Evidence Section 8.3

¹³ Section 7 of his Evidence
¹⁴ NZTA Senior Planner

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Reply¹⁵ also provided a statement from NZTA confirming that the SH30 safety works, including those referenced in DEV3-R8, are no longer funded past any current design works. The Reply recommended amendments to DEV3-P9 to reflect this. At the Hearing, we heard from Council's Mr Metcalfe that there may be a local road solution to addressing the SH30 right turn traffic effects, but that these had not been considered in any detail as yet16.

[027] DEV3-O2 as currently drafted gives a clear direction that traffic arising from the Shaw / Huna Road Structure Plan area should be directed towards SH30. Policies DEV3-P7 to DEV3-P9 align with this Objective. Councils Reply recommends:

"continuing with the plan change largely as proposed, but with additional locally specific policies to provide greater certainty on the intended outcomes for long term and/or alternative transport solution"17

- [028] Our view is that Council's proposed change in wording to DEV3-P9 does not reflect these locally specific policies and does not provide sufficient support for a local road network-based solution. We recommend the following amendments:
 - DEV3-P7 to specifically mention a local road option;
 - DEV3-P8 to limit NZTA design standard interests to SH30 only; and
 - DEV3-P9 to refer to 'options' to align with DEV3-P7, to replace Council's Reply wording of 'alternative'.
- [029] We consider that this will meet Council's own recommendations in their Reply, will remove the reliance on currently unfunded SH30 and address NZTA's concerns in that regard.
- [030] In relation to activity status, DEV3-R8 refers to assessment criteria SD-AC1 to SD-AC5. Traffic effects are covered under SD-AC4 (j) which allows for consideration of amenity and character effects associated with traffic entering and leaving a site. SD-AC4 (j) makes specific reference to TRAN-AC6 which deals with railway level crossings only. DEV3-AC4 (p) and (q) allow for consideration of reverse sensitivity of traffic effects on the road network in relation to noise. Whilst the Council reserves the right to decide what matter it should consider for DIS activities 18, we consider that the assessment criteria under DEV3-R8 as drafted by Council do not provide sufficient clarity on the importance of traffic effects in relation to PC8. We recommend that TRAN-AC7 Traffic Effects and TRAN-AC8 Traffic Flow Generation, both of which specifically refer to the effects of traffic on the safe and efficient function of the road network¹⁹, be added to the assessment criteria under DEV3-R8 to ensure that network safety and capacity are appropriately considered. We consider that this provides suitable levels of Council consideration and control of traffic effects, and amending the discretionary activity (DIS) status is not required. We also consider that the amendments to DEV3-P7 to DEV3-P9 better support a DIS activity status through providing clearer policy alignment to DEV3-O3 and guidance to future decision-makers. Additional discussion in relation to our preferred activity status for DEV3-R8 is provided in Section 5.4 of this Recommendation Report.
- [031] During the Hearing, Ms Peti raised concerns that a DIS status would allow for piecemeal development within the Shaw/Huna Road Structure Plan area which might on its own have negligible effects, but when taken cumulatively, would have a potential effect on the SH30 network and key intersections. TRAN-R5 Traffic Flow Generation has a DIS activity status for General Residential and Medium Density Residential Zones for an activity that is likely to generate more than 25 car equivalent movements (cem) per day. We recommend an amendment to TRAN-R5 to exclude the Shaw / Huna Road Structure Plan area from the 25 cem minimum threshold for triggering a DIS status to address this.
- Katherine Stevens sought reassurance that the roading network from Thornton Road / SH30 to Whakatane will be safe. We also heard from representatives of Ngāi Taiwhakaea hapū in relation to their concerns

Section 42A Report – Response to Matters Raised at Hearing, Appendix 1.
 Mr Tindall also identified local road or alternative access options in Section 9 of his Evidence.

¹⁷ Council Reply, page 2.

 ^{18 &#}x27;Assessment Criteria' DEV3 – Shaw/Huna Road Structure Plan.
 19 TRAN-AC7 (m) and TRAN-AC8 (f).

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about traffic effects on the local road network, including for school buses. We consider that the additional assessment criteria recommended under DEV3-R8 provide sufficient levels of scrutiny of traffic effects arising from development within the Shaw / Huna Road Structure Plan area through the resource consent process. The same applies to other submissions where traffic safety and network efficiency were raised as concerns.

- [033] Other submission points relate to the Structure Plan layout, connectivity, and public transport provision and have been accepted or rejected as per Appendix 2.
- [034] We are satisfied that with these amendments in place, the revised PC8 provisions adequately address concerns raised by submitters.

5.4 DEV3-R8 Consent Categories

- [035] Rule DEV3-R8 'Shaw/Huna Road Transport Management' is a controlled activity (CON) rule for subdivision and development within the Structure Plan area provided listed safety improvements on SH30 are operational. We discussed those improvements in section 5.3 of this Recommendation Report. As notified, DEV3-R8 defaults to a DIS status if the listed safety improvements were not operational.
- [036] Dawn Parade wished the default consent category to be restricted discretionary (RDIS), Mr Batchelar favoured the DIS status-quo and NZTA wished the default consent category to be NC. It was common ground between NZTA and the Council that there should be no further development of the Structure Plan area until the SH30 safety improvements are operational because the existing situation and traffic volumes created unsafe conditions at the intersection of SH30 with Huna and Shaw Roads which would be exacerbated by the proposed development.
- [037] As part of Council's Reply submissions, we were provided with a copy of a recent Environment Court decision²⁰ that addressed the issue of DIS versus NC in the context of industrial zoning in Marton. The Court had initially imposed NC activity status on rules dealing with activities that breached the zone standards. That decision was quashed by the High Court and the matter referred back to the Environment Court who amended the subject rules to a DIS activity status. We find the principles of that case law to be relevant here.
- [038] Taking into account the principles enunciated by the Court we find:
 - the unambiguous intent of PC8 is to give effect to SD-P3 by enabling staged residential subdivision and development in DEV3 Shaw / Huna Road;
 - the PC8 provisions should therefore seek to enable that residential development while ensuring that
 potential adverse effects are suitably scrutinised by future decision-makers;
 - while in terms of perception a NC activity status may be generally regarded as being more restrictive than a DIS activity status, it would be wrong to infer that a DIS activity status implies a 'lesser' degree of scrutiny by decision-makers;
 - there is no limitation on the effects which can be considered by future decision makers should DEV3-R8 default to DIS if the CON standards relating to SH30 safety improvements are not met; and
 - a NC activity status would be incongruous with the objective of facilitating residential development in DEV3 at Shaw / Huna Road.
- [039] Having considered the consent activity options put to us in light of the above case law we find that DEV3-R8 should default from a CON consent activity status to a DIS consent activity status for subdivision and development proposed prior to the listed safety improvements on SH30 being operational.
- [040] We do not favour a RDIS activity status as that would unnecessarily fetter the range of matters able to be considered by future decision-makers.

²⁰ Rangitikei Fraser Auret Racing v District Council, [2024] NZEnvC 10.

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[041] We acknowledge that unless very carefully planned, any further subdivision or development of the Structure Plan area (including the land owned by Dawn Parade at 234A and 234 SH30) in advance of the SH30 safety improvements would in all likelihood be undesirable in terms of effects on road safety. Nevertheless, a DIS activity status enables decision-makers to ensure that any such development is consistent with the objectives and policies of the District Plan, particularly objectives TRAN-O1, TRAN-O2 and TRAN-O4 and policies TRAN-P2, TRAN-P3, TRAN-P5, TRAN-P8 and TRAN-P10, which in summary all require the safe, effective and efficient functioning of the transport network for all road users.

5.5 Stormwater Effects and Management

- [042] The Structure Plan area falls within the Rangit\(\text{aid}\) Drainage Scheme and Rating Area managed by the BOPRC. The Scheme's drains and canals (of relevance here Marshalls Drain and the \(\tilde{O}\)rini Canal) require regular maintenance to ensure their capacity continues to meet design drainage standards.
- [043] Accordingly, reflecting on submitter concerns, our primary consideration was whether the stormwater generated from the Structure Plan area could be managed such that there would be no adverse effects on flooding (both internal and external to the Structure Plan area); and whether the stormwater would be appropriately treated so as not to have an adverse effect on receiving water quality in Marshalls Drain, the Ōrini Canal and eventually the Whakatāne River.
- [044] BOPRC require on-site detention to be provided to prevent an increase in volume of runoff from the site in a 72-hour 100 year including climate change event. In accordance with the Stormwater Management Guidelines for the Bay of Plenty Region, the detention should ensure that stormwater runoff from the development does not exceed 80% of the pre-development peak discharge.

[045] The Section 32 Report²¹ stated that:

- for the Julian's land, the indicative inundation area shown on the Structure Plan will be used for stormwater attenuation and treatment, but be extended in width by approximately 14m giving an overall width of 94m:
- the inundation area is located adjacent to Marshalls Drain which takes water from SH30 and rural land to the Ōrini Canal and then to the Whakatāne River. The intention is to bund off the inundation area along the southern boundary fronting SH30 as well as the western and eastern boundary extents. That bund will separate the existing open drainage system of the Shaw Road subdivision and SH30, allowing those systems to operate separately with no connection or influence from the development of the Julian's land:
- for the Kawerehe Trust land, the recommended option involves onsite detention with a pond or swale
 providing capacity for the Q₁₀₀ and overdesign events, with the stormwater discharging to the Ōrini
 Canal catchment;
- the finished ground levels and minimum height for building platforms will take into consideration the required flood level of RL3.0m with and additional freeboard; and
- the gravity stormwater pipelines required to service individual lots within the Structure Plan area will be designed and constructed in conformance with the Council's Engineering Code of Practice.
- [046] The Section 32 Report noted a range of alternative stormwater solutions could be developed at the time of subdivision, including providing a single continuous wetland detention basin across all development land parcels to increase the storage capacity; piping Marshalls Drain in a similar fashion to the adjoining 'Shaw Road' development; incorporating Marshalls Drain into the inundation area to increase the storage capacity; and diverting some of the stormwater from the Julian's land through the Kawerehe Trust land to the Ōrini Canal catchment to reduce detention volume requirements.

7

²¹ Section 6.12 'Stormwater'.

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- [047] At the Hearing, Ngãi Taiwhakaea representatives and whānau highlighted the importance of Te Ōrini as a taonga for swimming, fishing and in some places, healing. Ms Takotohiwi stated that Ngāi Taiwhakaea had been living with the long-term consequences of stream modifications (diversion, straightening) and agricultural runoff. They worried that PC8 may exacerbate flooding risk to homes and worsen the health of their awa. She said Ngāi Taiwhakaea want to protect what they have left.
- [048] We acknowledge the concerns of hapū representatives, but note that detention basins and attenuation wetlands as are proposed for PC8 are routinely utilised and are known to effectively treat stormwater from greenfield urban development. We are satisfied that, provided the proposed basins or wetlands are designed to meet the BOPRC's Stormwater Management Guidelines for the Bay of Plenty Region, the receiving water standards in the Ōrini Canal22 will not be exceeded.
- [049] Relevantly in that regard, in response to the submission of BOPRC, additional provisions (in particular DEV3-P1) for integrated stormwater management within the Shaw / Huna Road Structure Plan area are now recommended that require low impact design principles and water sensitive design outcomes to be achieved across the development.
- [050] We also highlight that a further assessment of stormwater effects, including water quality effects, will be considered by BOPRC when the eventual subdivision developer(s) seek relevant consents for earthworks and stormwater discharges under the Regional Natural Resources Plan (RNRP) and (if applicable), the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.
- [051] For the BOPRC, Ms Deborah Ganley²³ advised that PC8's new objective DEV3-O1 and policies DEV3-P1 to P6 (inclusive of Mr Batchelar's recommended amendments to DEV3-P5 and DEV3-P6) addressed the water quality, water quantity and stormwater management facilities raised in BOPRC's submission. She consequently supported those provisions and considered they would result in best practice stormwater management. We agree.
- [052] Ms Ganley also recommended some further refinements for new Policy DEV3-P1, operative rule²⁴ DEV3-R4.f and the advice note below DEV3-R4.f. At the Hearing Mr Batchelar advised that he agreed with Ms Ganley's further refinements and that was confirmed in the Council's Reply²⁵. We similarly find those refinements to be appropriate²⁶. Overall, we are satisfied that, with these amendments in place, the revised PC8 provisions adequately address concerns raised by submitters.
- [053] We find that stormwater management effects do not weigh against approving PC8.

Water Supply and Wastewater Collection

- [054] It is important to consider whether or not the Structure Plan area can be adequately serviced with potable water and wastewater collection.
- [055] The Section 32 Report 27 stated that impact on WDC's water supply from the proposed residential development had been assessed by the Council using hydraulic modelling and was acceptable, subject to new watermains being installed. The internal reticulated potable water system will be designed in and constructed in conformance with Council's Engineering Code of Practice.

²² The canal is classified 'Drain Water Quality' and receiving water standards set in Schedule 9 of the RNRP relate only to temperature, undesirable biological growths and RMA s107 matters. 23 BOPRC Senior Planner

²⁴ In her Appendix 1 Ms Ganley incorrectly referred to Operative Policy DEV3-P4.f instead of DEV3-R4.f.

²⁵ Council Reply, page 3.

²⁶ In particular the amendment to the DEV-R4 advice note requiring a 6m accessway to enable ongoing maintenance of Marshall's Drain. ²⁷ Section 6.10 'Water Supply'.

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- [056] The Section 32 Report²⁸ also stated the land within the Structure Plan area that would be developed into residential lots could connect into the Council's existing gravity wastewater network²⁹, albeit that the development of the Julian's land will necessitate a new pump station and rising main to connect to the network at the western end of Kotare Drive. The gravity wastewater pipelines to service the individual lots would also be designed and constructed in conformance with Council's Engineering Code of Practice.
- [057] We find that the Site can be appropriately serviced for potable water and wastewater in a manner that will be confirmed at the time of subdivision and no additional provisions are required in the District Plan to achieve that outcome.

5.7 Paroa Rugby & Sports Club

- [058] At the Hearing we heard from Jimmy McLean, the Paroa Rugby & Sports Club's President. We understand the Club's primary concern was the issue of 'reverse sensitivity', whereby possible future complaints by residents within the Structure Plan area might lead to the curtailment of activities undertaken at the Club, particularly social activities in the evenings. Mr Mclean also referred to traffic matters (we discussed those matters in section 5.3 of this Recommendation Report) and contaminated sites³⁰.
- [059] This 'reverse sensitivity' noise issue was assessed for the Council by Matt Bronka from the consultancy firm Bladon Bronka Acoustics Ltd (BBA). The BBA assessment recommended the imposition of an 80m 'noise buffer' within the General Residential Zone in the Structure Plan area (measured from the clubhouse facade) whereby any dwellings located inside that buffer would need to be constructed to meet specified internal noise levels in bedrooms and other habitable rooms.
- [060] We find that to be an appropriate response to the Club's 'reverse sensitivity' concerns.
- [061] However, in Mr Batchelar's initial recommended amendments to DEV3-R10 he referred to the predicted noise contours in Figures 4, 5, and 6 of Appendix A of the BBA Acoustic Report. We observed that to be a complicated and difficult to interpret provision and invited Mr Batchelar and Mr Bronka to develop a simplified approach.
- [062] In response the Council's Reply recommended revisions to the PC8 provisions to:
 - omit reference to the BBA Acoustic Report such that DEV3-R10 stands alone;
 - specify an assumed external noise level for assessing internal noise levels in dwellings;
 - align ventilation systems requirements with a parallel provision for State Highway reverse sensitivity;
 - clarify that Council will be responsible for verifying compliance with DEV3-R10;
 - include reference to subdivision design addressing reverse sensitivity noise effects of dwellings on club
 activity in the assessment criteria in DEV3-AC1 (CON activities) and DEV3-AC4 (RDIS activities); and
 - show the 80m buffer on the Structure Plan (DEV3 Figure 178).
- [063] Council's Reply stated that the revised provisions would require noise (and other) reverse sensitivity effects be addressed as part of subdivision design. The setting of internal noise levels for dwellings in Rule DEV3-R10 would provide a means of managing any residual noise effects that could not be addressed through subdivision design. For example, Council could impose consent notices on affected titles referring to the requirements for internal noise levels in dwellings.
- [064] We are satisfied that the revised PC8 provisions adequately address the concerns raised by Mr McLean.

²⁸ Section 6.11 'Wastewater'.

²⁹ The connection for the Kawarehe Trust land will require an easement across 234 State Highway 30.

³⁰ We understand that the District Plan and the RNRP effectively deal with the issue of contaminated soils.

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5.8 Māori Cultural Values and Interests

[065] The Structure Plan area is located within three kms of numerous Ngāti Awa marae and associated hapū:

- Taiwhakaea/Te Pāroa (Ngāi Taiwhakaea)
- Pupuaruhe/Toroa (Te Patuwai, Ngāti Maumoana)
- Puawairua (Ngāti Hikakino)
- Te Rangihouhiri II (Te Rangihouhiri II)
- [066] The Section 42A Report³¹ stated that PC8 does not propose new provisions relating to Māori cultural values and interests, because those matters are already covered by existing provisions within the District Plan, including for the General Residential and Medium Density Residential Zones.
- [067] Numerous submitters, particularly from Ngāi Taiwhakaea raised concerns about the:
 - potential impact of PC8 on sites and areas of cultural significance including Ōrini Stream and archaeological sites of Māori origin (recorded and unrecorded);
 - potential impact of PC8 on the Paroa Rugby & Sports Club and social / community wellbeing; and
 - lack of consultation with Ngāi Taiwhakaea hapū, Huna Road residents and nearby Māori land block owners.
- [068] Similar concerns were previously identified by Te R\u00fcnanga o Ng\u00e4ti Awa (TRONA) 32 and reflected in the Section 32 Report33 and Section 42A Report.
- [069] Matters relating to social and community wellbeing, traffic safety, stormwater quality and management, and the Paroa Rugby & Sports Club were discussed earlier in this Recommendation Report. Consequently, we now discuss potential effects on cultural heritage and consultation concerns.
- [070] The Section 42A Report³⁴ noted that, while there are no recorded archaeological sites within the Structure Plan area, it is near the pre-1900 Māori settlement of Pupuaruhe³⁵. TRONA also referenced Site 52 Te Kawarehe as a Ngāti Awa wāhi tapu site³⁶, along with an example of a Ngāti Awa Discovery Protocol. At the Hearing, Ngāi Taiwhakaea representatives and whānau described the land as wāhi tapu and called for proactive measures to avoid harm to cultural heritage, particularly during earthworks and development.
- [071] Council's Reply³⁷ stated that protection of cultural values and heritage can be appropriately addressed through the resource consent process, specifically through the general assessment criteria for subdivisions (SUB-AC1).
- [072] In our view, that approach is a step in the right direction. While the District Plan provides mechanisms for addressing these issues through a resource consent process, continued engagement with TRONA and relevant hapū will facilitate proactive cultural heritage protection (rather than relying on accidental discovery protocols, which are reactive by nature) and integrating cultural values with planning and development in a meaningful way.

³¹ Section 10 'Māori Cultural Values and Consultation'

³² Supporting Document 5. Te Rūnanga o Ngāti Awa Consultation Feedback, Beverley Hughes, 23 October 2023

³³ Section 6.4 'Archaeology', Section 6.5 'Cultural Values', Section 7 'Consultation' and Section 9.5 'Te Mahere Whakarite Matatiki Taiao ō Ngāti Awa (Ngāti Awa Environmental Plan)'.

³⁴ Section 10 'Māori Cultural Values and Consultation'

³⁵ Ngăti Awa archives (https://ngatiawa-iwi.recollect.co.nz) indicate that this Pā was a large settlement of significance to Ngāti Awa, particularly Ngāti Pūkeko, Te Patuwai and Ngāti Maumoana, prior to land confiscation under the New Zealand Settlements Act 1863. Source: Wai 46_INQ_L006_Submissions in support of claim Wai 46 - 27 November 1995 and Wai 46_INQ_A021_Research Report N.2 - The Wanderings of the Carved House, Mataatua 1990.

³⁶ Supporting Document 5. Te Rūnanga o Ngāti Awa Consultation Feedback, Beverley Hughes, 23 October 2023.

³⁷ Council Reply, page 7.

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- [073] The Section 32 Report³⁸ and Section 42A Report³⁹ document the consultation undertaken for PC8, including involvement of TRONA during its pre-notification phase, in accordance with the requirements of Schedule 1 of the RMA. TRONA⁴⁰ did not submit on PC8.
- [074] At the Hearing, Ngãi Taiwhakaea hapū representatives and whānau were of the view that consultation with them had been insufficient. Ms Takotohiwi stated that TRONA had not involved Ngãi Taiwhakaea in the preparation of their input to PC8 in October 2023. However, Council's Reply⁴¹ highlighted that Mr Woodley had met with Ngãi Taiwhakaea representatives in November 2023 and prior to the Hearing, and that further consultation opportunities would arise during the resource consent and archaeological authority processes.
- [075] The alleged inadequacy of WDC's consultation is not determinative for our decision on whether or not to recommend that PC8 be approved by the Council. Nevertheless, we acknowledge submitter's concerns, particularly the point raised by Mr McLean at the Hearing about the importance of meaningful engagement with local hapū and whānau. It appears from the statements made by Ngāi Taiwhakaea at the Hearing that there is local knowledge that could usefully inform future planning within the Structure Plan area.
- [076] Importantly, further engagement opportunities will be available during the design and consenting stages of subdivision and development within the Structure Plan area. Those stages will allow parties to contribute to decisions such as place naming, wetland design, and planting species. At the Hearing, Ms Takotohiwi provided her view on improvements to future consultation processes, including the importance of engaging early, continuously (not a one off), and with the right people.
- [077] We find that the concerns raised by submitters regarding M\u00e4ori cultural values and interests can be addressed through existing District Plan provisions and the further engagement opportunities outlined above.

5.9 Protected Trees and Consent Notices

- [078] Two s221 consent notices currently protect indigenous vegetation within the Structure Plan area:
 - Lot 1 DPS 89311 (12 Huna Road Julian's Berry Farm): This consent notice protects a very small
 remnant grove of indigenous forest located on an alluvial plain adjacent to SH30. The grove includes
 tōtara, kahikatea, tī kōuka, and mānatu trees, some of which are estimated to be 100–200 years old;
 and
 - Lot 2 DPS 89311 (234A SH30 Dawn Parade Ltd): This consent notice protects several individual indigenous trees located on a low sand ridge.
- [079] Submitters Robyn Goile and Ross Gardiner were concerned about the potential removal of the protected trees should the stormwater attenuation pond be constructed in the indicative inundation area shown on the Structure Plan. At the Hearing, Ms Goile tabled expert evidence⁴² describing the ecological importance of the small grove of trees on Lot 1, which her parents protected through a consent notice in 2000. She also highlighted the significance of the single kanuka and totara trees protected by the consent notice on Lot 2, emphasizing her view of the previous landowners' intent to safeguard these trees "in perpetuity".
- [080] The Section 42A Report⁴³ acknowledged the ecological and historical value of the trees and the concerns raised by submitters. It noted that the s221 notices protecting the trees will remain in force until they are cancelled upon application by the owner of the land⁴⁴ to the Council (under RMA s221(3)(a)) or by the Council itself (under RMA s221(3)(b)). If the s221 consent notices are cancelled then the trees may be

39 Section 10 'Māori Cultural Values and Consultation'.

³⁸ Section 7 'Consultation'

⁴⁰ A submission was lodged by Ngāti Awa Social and Health Services Trust, but they did not attend the Hearing.

⁴¹ Council Reply, pages 7 and 8

⁴² From Professor Bruce Clarkson (Waikato University) and William Shaw (Wildland Consultants Ltd). Those experts did not attend the Hearing.

⁴³ Section 11.6 'Protected Trees

⁴⁴ Council's Reply (page 8) advised that the owners have advised they will apply to cancel the consent notices and are willing to offset the loss of trees with other planting within the development.

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removed or relocated. If they are not cancelled then the stormwater attenuation wetland will need to be designed around the small grove of trees on the Julian's land at the time of subdivision and as part of the application to the BOPRC for earthworks and stormwater diversion and discharge consents.

- [081] Those future processes (cancellation or not of the consent notices) and the final design and consenting of the stormwater management system at the time of subdivision are not matters that we can address here. Similarly, Ms Golle's request that the trees be placed on the Council's Schedule of Notable Trees (NT-SCHED of the ODP45) is not something that we have the jurisdiction to address.
- [082] Council's Reply recommended a new 'condition precedent' be added to DEV3-R3 to ensure planting in roads, stormwater management areas, reserves and other public spaces is actively addressed by requiring the assessment criteria for CON and RDIS subdivisions to provide more specific direction for the outcomes⁴⁶ for trees and other vegetation. We find that to be a suitable cautionary approach.

Statutory Instruments

[083] The WDC's Section 32 Report provided an assessment of the relevant higher-order statutory instruments in its section 9.0 titled "Appropriateness of Objectives". Mr Batchelar addressed some of those same matters in his Section 42A Report, as did Ms Ganley in her evidence for BOPRC. We understand that Ms Ganley considered that, subject to amendments to address stormwater matters (which we discussed in section 5.5 of this Recommendation Report), PC8 was consistent with the Regional Policy Statement. We heard no evidence to the contrary.

[084] The Section 32 report also addressed the:

- NPS-UD
- NPS for Freshwater Management 2020
- NPS for Highly Productive Land 2022
- [085] The Section 32 Report concluded that PC8 was consistent with those national policy statements. Having read the Report's assessment of those instruments, we agree with and adopt it.
- [086] We note that clause 1.5(1) of the NPS-UD strongly encourages Tier 3 local authorities (such as Whakatāne) to do the things that Tier 1 or 2 local authorities are obliged to do under Parts 2 and 3 of the NPS. We agree with the Council⁴⁷ that approving PC8 would be consistent with the NPS-UD. Zoning the land now will provide development capacity that is "plan enabled" in terms of subpart 3.4 (1) of the NPS-UD. That development capacity will be "infrastructure ready" in all respects other than for transport. Regarding subpart 3.5, additional transport infrastructure to service the development capacity will be available either through publicly funded improvements or through privately and/or mixed funding improvements via a resource consent application process.
- [087] We note that the NPS for Freshwater Management 2020 was amended in January 2024 but that does not alter our finding.
- [088] In summary we find that PC8 is consistent with the applicable statutory planning instruments and policy documents⁴⁸, in particular Objective 6 and Policies 2 and 8 the NPS-UD.
- [089] We find that that residential development in the Structure Plan area has been signalled and planned for since 2013 when the balance of the area that was not already zoned Residential was zoned Deferred Residential (Future Urban under NPS). In terms of the NPS-UD, PC8 will provide much needed residential

⁴⁵ There are currently 64 entries in the Schedule with some applying to groups of trees.

⁴⁶ Including at least 10% indigenous vegetation cover incorporating locally eco-sourced specimens of Totara, Kahikatea, Manatu and Tī kouka, Māpou, Houpara and Karo informed by iwi and hapu matauranga.

 ⁴⁷ Council Reply, page 2.
 48 Having regard to section 73(1) to 73(2A) of the RMA.

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development capacity which will contribute to a well-functioning urban environment that is well connected along transport corridors.

- [090] We find that this high-level policy support weighs strongly in favour of approving PC8.
- [091] We find that recourse to Part 2 of the RMA is not required in this case as the NPS-UD is a higher order document that gives effect to Part 2.

7 **PC8 Provisions**

- [092] In his Section 42A Report Mr Batchelar assessed the submissions and further submissions and recommended amendments to the notified PC8 provisions. The planning evidence from BOPRC and NZTA recommend additional amendments to those provisions. Mr Batchelar advised that he supported those additional amendments, other than NZTA's request to amend the default consent category for DEV3-R8 to non-complying. We discussed that matter in section 5.4 of this Recommendation Report.
- [093] At the Hearing we posed a number of questions of clarification to Mr Batchelar regarding the precise wording of some of the PC8 provisions and we invited him to produce a further suite of amendment provisions as part of the Council's Reply submissions.
- [094] We have considered the amended provisions that were contained in Appendix 3 of the Council Reply. We have adopted those amendments (including the amendments Mr Batchelar recommended to be made under Clause 16 of Schedule 1 of the RMA). We have made further minor amendments to:
 - the wording of SD-P1 to improve its grammar;
 - refer to DEV3-AC3 in what is now DEV-R3 Stormwater;
 - DEV3-R10(i)(b) to clarify that the 80m buffer commences from the façade of the clubroom building;
 - align the wording of existing District Plan provisions⁴⁹ that are recommended to be amended with the wording currently shown in the e-Plan.
- [095] The recommended PC8 provisions are contained in Appendix 1 of this Recommendation Report.

Section 32AA Assessments

- [096] A detailed Section 32 Report was produced by the Council.
- [097] Mr Batchelar considered section 32AA matters in his Section 42A Report . As part of the Council Reply⁵⁰ he provided a section 32AA assessment for the recommended changes to the provisions for the Paroa Rugby and Sports Club Noise and Reverse Sensitivity which we agree with and adopt.
- [098] Other than that, any further amendments that we have recommended are not of a nature or scale that warrant a further section 32AA assessment.

Recommendations

- [099] Pursuant to the powers delegated to us by the Whakatāne District Council under section 34A of the Resource Management Act 1991, we recommend that the Whakatāne District Council:
 - approves PC8 pursuant to clause 10 of Schedule 1 to the RMA;
 - inserts into the operative Whakatāne District Plan the PC8 provisions that are set out in Appendix 1 of this Recommendation Report;
 - accepts, accepts in part or rejects the submissions and further submissions in accordance with Appendix 2 of this Recommendation Report; and

50 Council Reply, Appendix 4.

⁴⁹ For example, DEV3-AC1.b

Plan Change 8 – Huna Road

adopts the Section 32AA assessments that were set out in Appendix 4 of Council's Reply.

Signed by the commissioners:

Elva Conroy

Judith Makinson

Rob van Voorthuysen Dated: 31 January 2025

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10.4.1 Appendix A - Hearings Panel Recommendations Report(Cont.)

Plan Change 8 - Huna Road: Recommendation Report

Appendix 1: Recommended Plan Change 8 Provisions

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Plan Change 8 - Huna Road: Recommendation Report Drafting instructions are shown in red font and italics.

Amendments to existing District Plan provisions are shown in strikeout and underlining.

Entirely new recommended provisions are not underlined for ease of reading.

Part 2 - District Wide Matters - Strategic Direction SD Strategic Direction

Delete reference to SD-P3 from the list of policies under SD-P1

Amend SD-P1 to read as follows:

Urban development shall be enabled by through the:

- a. rezoning from Future Urban Zone to General or Medium Density Residential Zones, for the following sites Maraetotara East (see DEV4-Figure 179) from Future Urban Zone to General or Medium Density Residential Zone;
 - i. Maraetōtara East (see DEV4-Figure 180); and
 - ii. Rezoning Shaw/Huna Road (approximately 10ha to Residential and 12ha to Deferred Residential) (see DEV3-Figure 178);
- b. facilitating more intensive ...

Delete SD P3

Amend SD-P26 as follows:

To require that development on Future Urban Zoned land at Port Ohope (DEV2) and Maraetotara East (Area 12) (DEV4) and Shaw/Huna Road-implement the following design principles:

Part 3 - Area Specific Matters - Development Areas - DEV3 - Shaw - Huna Road Structure Plan

Add the following new objectives and policies for DEV3 - Shaw / Huna Road:

DEV3-01

Shaw/Huna Road Structure Plan - Integration of Land Use and Stormwater Management: The environmental quality, character, amenity and cultural values of the Shaw/Huna Road Structure Plan area (DEV3 - Figure 178) are developed, and then maintained and enhanced through the integrated management of land use and stormwater.

see DEV3-P1, DEV3-P2, DEV3-P3, DEV3-P4, DEV3-P5 and DEV3-P6

DEV3-P1

All stormwater generated within the Shaw/Huna Road Structure Plan area (DEV3 - Figure 178) is managed through the application of low impact design principles with the development of a "treatment train", using measures that distribute stormwater management across the site, including:

a. source control - individual lot level stormwater management approaches such as soak holes for capturing roof runoff, rain gardens and water harvesting:

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10.4.1 Appendix A - Hearings Panel Recommendations Report (Cont.)

Plan Change 8 - Huna Road: Recommendation Report

Appendix 1: Recommended Plan Change 8 Provisions

- b. site control collecting and conveying runoff from a collection of lots through to smaller stormwater management facilities such as dry attenuation zones, swales, through to:
- c. larger dedicated catchment facilities, such as detention basins and treatment wetlands.

see DEV3-O1

DEV3-P2 The design of stormwater infiltration measures is based on a geotechnical assessment to achieve and maintain a low level of natural hazard risk within the Shaw/Huna Road Structure Plan area (DEV3 – Figure 178) without increasing risk elsewhere.

see DEV3-O1

DEV3-P3 The formed width of roads is minimised to reduce stormwater run-off while ensuring that road function and safety is maintained.

see DEV3-O1

DEV3-P4 Open space is used for stormwater management and recreation including the provision and protection of adequate space to safely accommodate detention ponds and overland flow paths.

see DEV3-O1

DEV3-P5 The treatment element that discharges to Marshall's Drain is designed as a single, continuous wetland and is planted and maintained with appropriate native species.

see DEV3-O1

DEV3-P6 All new buildings within the Shaw/Huna Road Structure Plan area (DEV3 - Figure 178) are designed and constructed from materials that do not result in contaminants entering the stormwater management system (for example no unpainted zinc or copper products are used that are exposed to rainfall).

see DEV3-O1

DEV3-02 Shaw/Huna Road Structure Plan - Traffic Safety: Safe vehicle access is provided to and from the Shaw/Huna Road Structure Plan area (DEV3 - Figure 178) from State Highway 30.

see DEV3-P7. DEV3-P8- and DEV3-P9.

DEV3-P7 Traffic safety improvements on State Highway 30, or alternative traffic safety options such as requiring for Structure Plan traffic to use local roads including Ferguson Road, Keepa Road or Kope Canal Road, are provided before any additional residential traffic is generated from the Shaw/Huna Road Structure Plan area. (DEV3 - Figure 178).

see DEV3-O2

DEV3-P8 Traffic safety improvements on State Highway 30 are undertaken in accordance with standards acceptable to the New Zealand Transport Agency.

see DEV3-O2

Plan Change 8 - Huna Road: Recommendation Report DEV3-P9

Appendix 1: Recommended Plan Change 8 Provisions

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- Where alternative traffic safety options are proposed to enable development to occur ahead of the identified safety improvements for State Highway 30 Awakeri to Whakatāne, consideration is given to the following matters:
- a. the scale and timing of the development;
- b. effects of the alternative traffic safety options on road safety
- c. the potential effects from redistribution of traffic within the local network serving the Shaw/Huna Road Structure Plan area (DEV3 Figure 178);
- d. compatibility of the alternative traffic safety options with any New Zealand Transport Agency plans for safety improvement on State Highway 30, Awakeri to Whakatāne;
- e. acceptability of the concept design for alternative traffic safety options and supporting traffic assessment report, to the New Zealand Transport Agency; and
- f. management of construction effects.

see DEV3-O2

Changes to Rules Ngā Ture

Delete **DEV-R3 Incompatible Activities**

Amend existing DEV3-R4 as follows:

DEV:	3-R4		Stormwater	
	1. Al	•	tatus: PER brighted by the control of the Residential Zone in the Shaw-/-Huna Road Structure Plan area	Activity status where compliance not achieved: RDIS
	a.	COI	mply with WUS-R9;	see assessment
	b.	sto	plement a partial attenuation stormwater management approach utilising the land area for primwater attenuation / inundation shown on the Shaw/Huna Road Structure Plan in DEV3 - Figure 9 178, together with a discharge to the Kōpeōpeō Canal;	criteria DEV3-AC2 and DEV3-AC3
	C.		tigate the effects of stormwater disposal on the Kōpeōpeō / Ōrini Canals Drainage System including e Kōpeōpeō / Ōrini Flood Pump;	
	d.	ob	tain a comprehensive stormwater discharge consent from the Bay of Plenty Regional Council;	
	e.		nstruct any required off-site mitigation and/or pump stations and ensure the ongoing operational sponsibilities, including maintenance by the relevant local authority, are provided for;	

Plan Change 8 - Huna Road: Recommendation Report

Appendix 1: Recommended Plan Change 8 Provisions

- obtain any necessary floodway and drainage bylaw authority from the Bay of Plenty Regional Council;
 - g. ensure that overland flow events up to and including a 1% annual exceedance probability 72-hour duration rainfall event does not cause inundation of any adjacent land;
 - h. mitigate for the loss of any existing flood storage area resulting from the development of the land;
 - ensure that prior to any subdivision or development, a Development Agreement in accordance with sections 207A-207F of the Local Government Act 2002 is entered into dealing with the mitigation of the effects of stormwater disposal on the Kōpeōpeō Ōrini Canal Drainage System, including the Kōpeōpeō-Flood Pump as required by DEV3-R4.c and e (above); and
 - ensure that all land to be vested in the Whakatāne District Council for stormwater management is vested free from all interests in that land, including any obligations recorded in consent notice conditions, restrictive covenants or any other encumbrances.

Advice Note 1: The Kōpeōpeō Canal is part of the Rangitāiki Plains Drainage Scheme, which is managed by the Bay of Plenty Regional Council. An additional connection to the drainage scheme requires a bylaw approval under the Bay of Plenty Regional Council Flood Protection and Drainage Bylaw 2020. For maintenance requirements of Marshall's Drain, a 6 metre (minimum) accessway berm starting from the lip of the Drain that runs parallel (6m) from the drain on the landward property side shall be provided in accordance with the Bay of Plenty Regional Council Flood and Drainage Bylaw 2020. The discharge of stormwater to the Kōpeōpeō Canal also requires a resource consent from the Bay of Plenty Regional Council under the Regional Natural Resources Plan.

Advice Note 2: A Development Agreement prepared under DEV3-R4.i (above) will need to have regard to the roles and responsibilities of the Bay of Plenty Regional Council in managing the Rangitāiki Plains Drainage Scheme.

Amend existing TRAN-R5 as follows:

TRAN-R5	TRAN-R5 Traffic Flow Generation		
General	Activity Status: DIS		
Residential	2. For any activity that is likely to generate more than 25 are acressed at movements per day, expert in the Chay/Llung.		
and Medium	2. For any activity that is likely to generate more than 25 car-equivalent movements per day, except in the Shaw/Huna		
Density	Road Structure Plan Area (DEV3 – Figure 178) where the threshold shall be 1 car-equivalent movement.		
Residential	see DIS assessment criteria TRAN-AC3 and TRAN-AC7		
Zones			

Add the following new rules:

Plan Change 8 - Huna Road: Recommendation Report

DEV3-R8 Shaw/Huna Road Transport Management

Activity Status: CON

Appendix 1: Recommended Plan Change 8 Provisions

- Any subdivision and development within the Shaw/Huna Road Structure Plan area (DEV3 Figure 178), other than any permitted activity, shall not commence until the following safety improvements on State Highway 30 are operational:
 - a. Huna Road and Shaw Road intersections with State Highway 30 are left in and left out only;
 - roundabout at Thornton Road/State Highway 30 intersection which shall include a left-hand slip lane;
 and
 - c. median barrier between Thornton Road and Shaw Road intersections with State Highway 30.

Advice Note: This rule does not preclude a resource consent application being granted and land development proceeding, provided additional residential traffic is not generated prior to the road safety improvements on State Highway 30 becoming operational.

see CON assessment criteria DEV3-AC1

Activity status where compliance not achieved: DIS

see DIS
assessment criteria
SD-AC1 to SDAC5, TRAN-AC7
and TRAN-AC8

DEV3-R9 Shaw/Huna Road Mixed Use Centre

Activity Status: PER

- A business retail activity may be established and operated within the Indicative Mixed Use Centre area shown on the Shaw/Huna Road Structure Plan (DEV3 - Figure 178), subject to the following:
 - a. the location is within the Indicative Mixed Use Centre area shown on the Shaw/Huna Road Structure Plan DEV3-Figure 178;
 - b. the gross floor area of the activity does not exceed 100m2;
 - the design, siting and height of buildings comply with the following rules of the General Residential Zone:
 - GRZ-R42 Height;
 - ii. GRZ-R43 Natural Light;
 - iii. GRZ-R44 Distance to Boundaries (Yards); and
 - iv. GRZ-R53 Glazing.
 - d. noise complies with NOISE-R2 to NOISE-R25;
 - e. lighting and glare comply with NOISE-R29;

Activity status where compliance not achieved: RDIS

see RDIS assessment criteria DEV3-AC5

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10.4.1 Appendix A - Hearings Panel Recommendations Report(Cont.)

Plan Change 8 - Huna Road: Recommendation Report			Road: Recommendation Report	Appendix 1: Recommended Plar	Change 8 Provisions
		f.	signage complies with SIGN-R1 to SIGN-R3;		
		g.	screening of outdoor storage areas complies with CZ-R53; and		
		h.	provision for loading in accordance with TRAN-R16 to TRAN-R19.		

DEV	DEV3-R10 Noise Sensitive Activities Near the Paroa Rugby and Sports Club Building				
DEV	Activity 1. With Gen Man 1. D	Noise Sensitive Activities Near the Paroa Rugby and Sports Club Building Status: PER in an 80m separation distance from the facade of the Paroa Rugby and Sports Club building in the eral Residential Zone at Shaw/Huna Road, shown as "Indicative Paroa Rugby and Sports Club Noise agement Buffer" on the Shaw /Huna Road Structure Plan (DEV3 – Figure 178): wellings must be designed to meet the following internal noise levels: i. bedrooms, between 10pm and 7am: aa. 35dB LAeq; ab. 45dB Leq at 63Hz; and ac. 40dB Leq at 125Hz; and ii. other habitable rooms between 7am and 10pm: 40dB LAeq the internal noise requirements of DEV3-R10.1a must be achieved whilst assuming the Paroa Rugby and Sports Club building generates the following noise rating levels at an 80m separation distance from the facade of the Paroa Rugby and Sports Club building when internal amplified music is playing: i. nighttime period between 10pm and 7am: 40dB LAeq; and iii. daytime period between 7am and 10pm: 50dB LAeq. the noise rating levels must be assessed in accordance with NZS 6802:2008, including a +5dBA	Activity status where compliance not achieved: DIS see DIS assessment criteria NOISE-AC4		
	4. V	orrection for Special Audible Characteristics; //here windows are required to be closed to achieve the requirements of DEV3-R10.1a, a ventilation ystem shall be installed that: i. consists of an air conditioning unit(s) provided that the sound level generated by the unit(s) must not exceed 40 dB LA _{eq} (30s) in habitable rooms (excluding bedrooms), and 35 dB LA _{eq} (30s) in bedrooms when measured 1 metre away from any grill or diffuser; or			

Plan Change 8 - Huna Road: R	Appendix 1: Recommended Pla	n Change 8 Provisions	
ii.	comprise a system capable of providing at least 6 air chang		
	The occupant must be able to control the ventilation rate in setting that provides at least 6 air changes per hour; and	increments up to a high airflow	
iii.	the internal air pressure must be no more than 10 Pa above ventilation systems; and	ambient air pressure due to the	
iv.	the system must provide cooling that is controllable by the temperature at no greater than 25 degrees Celsius; and $$	occupant and can maintain the	
	ion that the dwellings are designed to meet the internal noise r y qualified and experienced acoustic consultant.	nust be provided to Council from	

Changes to Assessment Criteria Ngā Paearu Arotake

Amend the assessment criteria for Controlled Activities in DEV3-AC1 as follows:

DEV3-AC1	Sul	odivision of General Residential and Medium Residential Zoned land at Shaw/Huna Road
Rule(s):		Activity Assessment Criteria: CON
DEV3-R2		Council shall restrict its control over:
		a. the criteria listed in SUB-AC1, and WUS-R2 to WUS-R14 (inclusive), with particular regard to DEV3-R4;
		b. the means by which vehicle, cycle, pedestrian and future infrastructure connectivity is provided within the Shaw/Huna Road Structure Plan area (DEV3 - Figure 178) to the Deferred Residential land to the west;
		 the means by which the interface with rural land is managed to minimise visual and noise impacts and other reverse sensitivity effects of rural activities on neighbours and integrate with the rural landscape;
		d. the means by which traffic impacts on Shaw Road and the Shaw Road / State Highway 30 intersection are mitigated;
		e. the means by which the stormwater ponding / attenuation area shown on the Structure Plan management is integrated into the design of the subdivision;
		f. the means by which the building platforms comply with NH-R33;
		g. the means by which direct access from the residential zone to State Highway 30 is avoided;
		 the means by which the subdivision design ensures that dwellings are not built within 40 metres of State Highway 30 (see NOISE-R20) and that dwellings within 80 metres of State Highway 30 address reverse sensitivity effects of traffic noise;

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10.4.1 Appendix A - Hearings Panel Recommendations Report(Cont.)

Plan Change 8 - Huna Road: Recommendation Report Appendix 1: Recommended Plan		mmendation Report Appendix 1: Recommended Plan Change 8 Provisions
	i.	the consistency of the development with the <u>Shaw/Huna Road</u> Structure Plan in (DEV3 - Figure 1789); and
	j.	the means by which planting in roads, stormwater management areas, reserves and other public spaces:
		a. provides at least 10% indigenous vegetation cover and incorporates locally ecosourced specimens of tōtara, kahikatea, mānatu, tī kōuka, mapou, houpara and karo;
		b. is informed by iwi and hapū mātauranga on wetland design and plant species selection; and
		c. is consistent with Council subdivision design guidance for planting and maintenance; and
	k.	the means by which:
		i. the interface with the Paroa Rugby and Sports Club is managed to address visual, light, noise, vibration, and reverse sensitivity effects of residential activities on club activities;
		ii. the subdivision design ensures that dwellings within 80m measured from the façade of the Paroa Rugby and Sports Club in the General Residential Zone as shown as "Indicative Paroa Rugby and Sports Club Noise Management Buffer" on the Shaw/Huna Road Structure Plan (DEV3 – Figure 178) address reverse sensitivity effects of club activity noise; and
		iii. fencing is provided to control security of club land and facilities.

Amend the Assessment Criteria for Restricted Discretionary activities in DEV3-AC3 as follows:

DEV3-AC3	Subdivision of General Rresidential <u>and Medium Residential</u> Zzoned at Shaw / Huna Road
Rule(s):	Activity Assessment Criteria: RDIS
DEV3-R3	Council shall restrict its discretion to:
	a. the criteria listed in SUB-AC1, and WUS-R2 to WUS-R14 (inclusive), with particular regard to DEV3-R4;
	b. the means by which vehicle, cycle, pedestrian and future infrastructure connectivity is provided within the Structure Plan area (DEV3 - Figure 178) to the Deferred Residential land to the west;
	c. the means by which the interface with rural land is managed to minimise visual and noise impacts and other reverse sensitivity effects of rural activities on neighbours and integrate with the rural landscape;
	d. the means by which traffic impacts on Shaw Road and the Shaw Road / State Highway 30 intersection are mitigated;
	e. the means by which the stormwater ponding / attenuation area shown on the Structure Plan management is integrated into the design of the subdivision;
	f. the means by which the building platforms comply with NH-R33;

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10.4.1 Appendix A - Hearings Panel Recommendations Report(Cont.)

Plan Change 8 - Huna Road: Recommendation Report Appendix 1: Recommended Plan Change 8 Provisions				
	g.	the means by which direct access from the residential zone to State Highway 30 is avoided;		
	h.	the means by which the subdivision design ensures that dwellings are not built within 40 metres of State Highway 30 (see NOISE-R20) and that dwellings within 80 metres of State Highway 30 address reverse sensitivity effects of traffic noise;		
	i.	the consistency of the development with the Shaw/Huna Road Structure Plan in (DEV3 - Figure 1789); and		
	j.	the means by which planting in roads, stormwater management areas, reserves and other public spaces:		
		 i. provides at least 10% indigenous vegetation cover and incorporates locally ecosourced specimens f tōtara, kahikatea, mānatu, tī kōuka, mapou, houpara and karo; 		
		ii. is informed by iwi and hapū mātauranga on wetland design and plant species selection; and		
		iii. is consistent with Council subdivision design guidance for planting and maintenance; and		
	k.	the means by which:		
		i. the interface with the Paroa Rugby and Sports Club building is managed to address visual, light, noise, vibration, and reverse sensitivity effects of residential activities on club activities;		
		ii. the subdivision design ensures that dwellings within 80m measured from the façade of the Paroa Rugby and Sports Club building in the General Residential Zone as shown as "Indicative Paroa Rugby and Sports Club Noise Management Buffer" on the Shaw/Huna Road Structure Plan (DEV3 – Figure 178) address reverse sensitivity effects of club activity noise; and		
		iii. fencing is provided to control security of club land and facilities.		

Add new assessment criteria for Restricted Discretionary activities

DEV3-AC5	s	Shaw/Huna Road Indicative Mixed Use Centre			
Rule(s): Activity Assessment Criteria: RDIS		Activity Assessment Criteria: RDIS			
DEV3-R9		Council shall restrict its discretion to:			
		a. traffic effects of a greater scale of operation on the adjacent streets and surrounding road network; and			
		b. amenity effects of any non-compliances on surrounding residential activities.			

10.4.1 Appendix A - Hearings Panel Recommendations Report (Cont.)

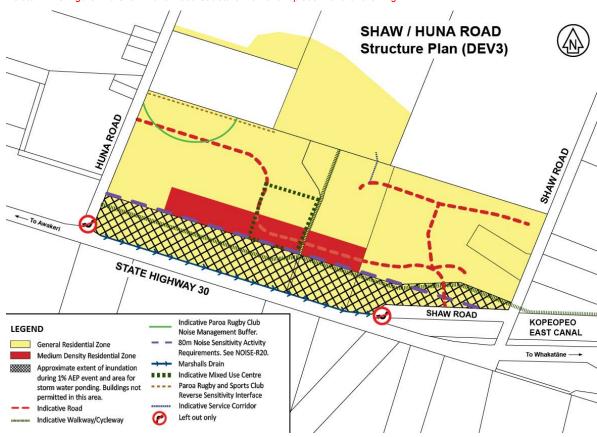
Plan Change 8 - Huna Road: Recommendation Report

Appendix 1: Recommended Plan Change 8 Provisions

Figures:

Delete DEV3-Figure 178: Shaw / Huna Road / State Highway 30

Delete DEV3-Figure 179 Shaw/Huna Road Structure Plan and replace with the following:



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Plan Change 8 - Huna Road: Recommendation Report

Appendix 1: Recommended Plan Change 8 Provisions

Part 3 - Area Specific Matters - Zones - Residential Zones - MDRZ - Medium Density Residential Zone

Amend the Overview as follows:

The Medium Density Residential Zone applies to the urban residential area in Kōpeōpeō and part of the Shaw/Huna Road Structure Plan (DEV3). It is similar to the General Residential Zone except that it provides for higher residential density rates and more on-site intensive design matters. Yards and height controls differ from the General Residential Zone.

Part 2 - District Wide Matters - General District Wide Matters - NOISE - Noise (including Vibration, Odour and Lighting

Amend Rule NOISE-R20 and DEV3-R5 Noise sensitive activities near State Highways 2, 30 and 34 as follows:

- 1. Within 80 metres in the Rural Production, General Rural, Rural Coastal and Rural Ōhiwa Zones and the General Residential Zone at in the Shaw Road/Huna Road Structure Plan area (DEV3 - Figure 178), or 40 metres in the General Residential and Medium Density Residential Zone from any of State Highway 2, 30 and 34 (measured from the nearest painted edge of the carriageway):
 - a. any new building housing a noise sensitive activity shall meet an internal road-traffic design sound level of 40 dB LA_{eq(24h)} inside all habitable rooms, teaching spaces or general office areas; and
 - b. any addition, extension or alteration to an existing building housing a noise sensitive activity which exceeds 25% of the existing GFA shall be designed and constructed to achieve a maximum internal road-traffic design sound level of 40 dB LA_{eq(24h)} inside all habitable rooms, teaching spaces or general office areas.

Plan Change 8 - Huna Road: Recommendation Report 1: Recommended Plan Change 8 Provisions

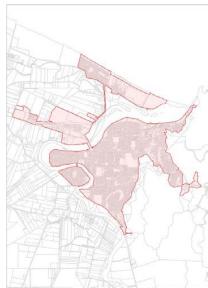
Appendix

Additional changes

These changes are undertaken using Clause 16 of Schedule 1 of the Resource Management Act 1991 which allows minor alterations and minor error corrections to proposed plan change.

- 1. Update to WUS Figure 18 Whakatāne Wastewater Scheme Boundary to include the proposed Shaw/Huna Road Structure Plan Area.
- 2. Update to WUS Figure 27 Whakatāne Stormwater Scheme Boundary to include the Shaw/Huna Road Structure Plan Area.





WUS - Figure 27

WUS - Figure 18

- 3. Consequential renumbering of figures due to removal of Figure 178. Consequentially update the references to these figures in other provisions.
 - DEV3 Figure 179 to DEV3 Figure 178
 - DEV4 Figure 180 to DEV4 Figure 179
- 4. Minor formatting and spelling.

Plan Change 8 - Huna Road: Recommendation Report

Appendix 2: Recommendation on Submission and Further Submissions

Guide to understanding Tables 1 and 2

Each submission has been allocated a number and each submission point has a unique number.

Example: Submission 2.1

- 2 is the submitter number
- 1 is the submission point number

Each Further Submission is listed below the primary submission point to which they relate and they are identified as a 'FS' with a reference number. The Further Submitters are listed in Table 2.

Table 1 has the Hearing Panel's recommendations to accept, accept in part or reject the primary submission points. Further Submissions are recommended to be either accepted, accepted in part or rejected in the same manner as the primary submission points to which they relate.

In many cases the recommendations and reasoning in the Section 42A Report and the Section 42A Addendum Report have been adopted. The 'reasons' for the recommendations are therefore contained either in the Section 42A Reports or the body of this Recommendation Report and are not repeated in the Table. However, cross-references are provided to the relevant parts of the Section 42A Report and the body of this Recommendation Report in the right-hand column of Table 1.

Occasionally a bespoke reason is provided in Table 1.

Table 1: Recommendations on Submissions

Name	No.	Position	Decision requested	Recommendation	Section 42A reference or Recommendation Report reference
Jill Needham	1.1	Support	The owners of 12 Huna Rd and 30 A Huna Rd must be allowed to develop. We need to get more Māori into papakāinga housing. Approve PC8.	Accept	Recommendation Report Section 5.1
Katherine Stevens	2.1 FS 2.1	Support in part / Oppose in part	Provide reassurance that the roading network from the Thornton Road/SH30 intersection to Whakatāne (including the Huna, Paroa, Shaw and Mill Road intersections) will be safe and retain smooth traffic flow. Revisit the concern this development will have on congestion at the Whakatāne bridge.	Accept	Recommendation Report Section 5.3
Nikki Harnett	3.1	Support in part	Add additional areas of control/assessment criteria to subdivisions within the proposed plan change area to ensure: • the housing provided meets the requirements of the NPS-UD and the needs of the community in relation to variety and types of prices. Ideally through the prohibition of certain restrictive covenants that restrict affordable housing options and the provision of a certain percentage of land for perpetually affordable housing (ie. sold to a Community Land Trust, Housing Co-operative or similar). • a level of food production is maintained in the area given the quality of soils and the	Reject	Section 42A Report section 9.4

Plan Change 8 - Huna Road: Recommendation Report

Appendix 2: Recommendation on Submission and Further Submissions

Name	No.	Position	Decision requested	Recommendation	Section 42A reference or Recommendation Report
			current/historic use of the site. A designated berry orchard within the reserve space or within a community garden in that space could be a great monument to the memory of the berry farm. Incorporation of edible landscaping into the overall landscaping plans would also be beneficial given the loss of productive land to allow for housing and the increasing issue of food insecurity.		reference
Ngāi Taiwhakaea Hapū	29.1	Oppose	Oppose PC8. Ensure proper consultation occurs with Ngãi Taiwhakaea Hapū, Huna Road Residents or Mãori Land Kaitiaki/beneficiaries.	Accept in part	Recommendation Report Section 5.11
Peter and Analisa Childe	141.1	Oppose	Oppose rezoning.	Reject	Section 42A Report section 11.3 Recommendation Report Sections 5.1 and 5.2
Ross Gardiner	159.1	Support in part	Provide an assessment of PC8 against Method 18 of the Bay of Plenty Regional Council Regional Policy Statement.	Accept	Section 42A Report section 9.3
Ross Gardiner	159.2	Support in part	Update the Section 32 report Section 8 assessment against all the Treaty of Waitangi principles determined in the court to be relevant to an RMA process.	Reject	The s32 Report cannot be updated but s32AA assessments are required for material changes to the notified provisions.
Ross Gardiner	159.3	Support in part	Amend the District Plan maps to reflect the zoning outcomes sought, using the RMA Schedule 1 process.	Accept	Section 42A Report section 11.4
Ross Gardiner	159.4	Support in part	Amend the water scheme boundaries applicable to PC8 using the RMA Schedule 1 process.	Accept	Section 42A Report section 11.5
Ross Gardiner	159.5	Support in part	Review the effects of PC8 with regard to consequential consent notice changes.	Accept in part	Recommendation Report Section 5.9
Ross Gardiner	159.6	Support in part	Provide an updated assessment of PC8 against all objectives, policies and subparts of the NPS-UD that are relevant to a Tier 3 authority, taking into account clause 1.5 of the NPS-UD.	Accept in part	Section 42A Report section 9.3
Ross Gardiner	159.7 FS 2.2	Support in part	Include an advice note to make it clear that consenting work can be undertaken but not enacted while NZTA undertakes road safety work.	Accept	Section 42A Report section 6.2
Ross Gardiner	159.8	Support in part	Amend wording of 2.2.5.1.b and c to be more specific.	Accept	Section 42A Report section 6.2
Ross Gardiner	159.9	Support	That the entirety of the "Shaw/Huna Road Mixed Use Centre" has the same underlying	Accept	Section 42A Report section

10.4.1 Appendix A - Hearings Panel Recommendations Report(Cont.)

Plan Change 8 - Huna Road: Recommendation Report

Appendix 2: Recommendation on Submission and Further Submissions

Name	No.	Position	Decision requested	Recommendation	Section 42A reference or
					Recommendation Report reference
		in part	zoning (Mixed Use or Urban Living) to remove the reliance of special overlay provisions.		9.5
Ross Gardiner	159.10	Support in part	Identify the relevant rule in the statement.	Accept	Section 42A Report section 8.3
Ross Gardiner	159.11	Support in part	Update the underlying cadastral mapping to show the residential subdivision that has occurred to date.	Accept	Section 42A Report section 6.4
Ross Gardiner	159.12	Support in part	Inclusion of a walkway on the Structure Plan towards Puāwairua Marae and Thornton Bar and Eatery to improve interconnectivity and alternative transport use.	Reject	Section 42A Report section 6.4
Ross Gardiner	159.13	Support in part	Refinement of the Structure Plan to increase interconnectivity.	Reject	Section 42A Report section 6.4
Ross Gardiner	159.14	Support in part	Revise relevant Objectives, Policies, and controlled activity assessment criteria to provide for a 4 star NZGBC development.	Reject	Section 42A Report section 9.4
Ross Gardiner	159.15	Support in part	Put the uploaded documents in a logical and helpful manner for submitters and further submitters.	Reject	That is an administrative matter
Dawn Parade 2012 Limited	160.1 FS 1.1	Support in part	Amend Strategic Objective 9 Policy 6 to: "Promote the use of inert building materials (for example no unpainted zinc or copper products used) in the construction of new buildings within the structure plan area."	Accept in part	Section 42A Report section 7.3
Dawn Parade	160.2 FS 1.1 FS 2.3 FS 3.1	Oppose	Delete Rule 2.2.5 Shaw/Huna Road Transport Management Retain clause (d) of 2.3.3.1: "d. the means by which traffic impacts on Shaw Road and the Shaw Road/State Highway 30 intersection are mitigated;"	Accept	Section 42A Report section 6.3
Dawn Parade	160.3 FS 3.2	Support in part	Amend Rule 2.2.6.1 as follows: (NB: addition removal) 2.2.6.1 A business retail activity may be established and operated as a permitted activity within the area mixed use centre area at shown on the Shaw/Huna Road shown Structure Plan in Figure 2.2 subject to the following: a. The location is within the mixed use centre area shown on the Structure Plan; b. The activity is a retail activity; c. The GFA of the activity does not exceed 100m²; d. The design and siting and height of buildings complyies with the following rules of the applicable zone: i. Rule 4.2.1 – Height	Accept	Section 42A Report section 9.5

10.4.1 Appendix A - Hearings Panel Recommendations Report(Cont.)

Plan Change 8 - Huna Road: Recommendation Report

Appendix 2: Recommendation on Submission and Further Submissions

Name	No.	Position	Decision requested	Recommendation	Section 42A reference <i>or</i> Recommendation Report reference
			ii. Rule 4.2.2 – Natural Light iii. Rule 4.2.4 – Distance to Boundaries (Yards) iv. Rule 4.2.14 - Glazing e. Noise complies with Rule 11.2.6; f. Lighting and glare comply with Rule 11.2.16; g. Signage complies with Rule 11.2.19. h. Screening of outdoor storage areas complies with Rule 5.2.13.1 i. Provision for loading in accordance with Rules 13.2.18 – 13.2.20.		
			2.2.6.2 Non-compliance with Rule 2.2.6.1 shall be a Restricted Discretionary Activity.		
Dawn Parade	160.4	Support in part	Amend the Structure Plan to extend the Urban Living Zone land east to include parts of Lot 2 DPS 89311 and Lot 1 DP 498768. As shown in the bottom blue box on the image below: REMOVAL OF CONNECTING ROAD URBAN LIVING ZONE REMOVAL OF CONNECTING ROAD	Accept	Section 42A Report section 9.5
Dawn Parade	160.5	Support in part	Amend Structure plan to remove road over Lot 1 DP 498768 connecting Karearea Drive and Kotare Drive. As shown in the image below:	Accept	Section 42A Report section 6.4 Recommendation Report section 5.7

Appendix 2: Recommendation on Submission and Further Submissions

Name	No.	Position	Decision requested	Recommendation	Section 42A reference <i>or</i> Recommendation Report reference
			- Remove road STATE HIGHWAY 30 998 ROAD		
Graham Barney Gray	161.1 FS 2.4	Support in part	Amend Rule 2.2.5 to clarify that the rule does not apply to development which is permitted by the current District Plan. Suggested wording: 2.2.5.3 Rule 2.2.5.1 does not apply to development which is listed as a permitted activity in the relevant zone and complies with all relevant standards	Accept	Section 42A Report section 6.3
H & R Goile	162.1 FS 3.3	Oppose	The covenant area and trees should be recognised, included in the plan, and continue to be protected.	Accept in part	Recommendation Report section 5.9
Ngāti Awa Social and Health Services Trust	163.1	Support	Retain as proposed.	Accept	Section 42A Report section 8.3
Bay of Plenty Regional Council (BOPRC)	164.1	Support	Retain proposed Objective 9 and proposed Policies 1-6 as notified.	Accept	Section 42A Report section 7.3
BOPRC	164.2	Support	Retain proposed Policy 1 as notified.	Accept	Section 42A Report section 8.3
BOPRC	164.3 FS 3.4	Support in part	Include a provision and information requirements to consider subdivision applications in parallel with discharge and earthworks consents as they relate to integrated stormwater management. OR Any alternative, similar or consequential amendments, including to other provisions,	Reject	Section 42A Report section 7.4

Plan Change 8 - Huna Road: Recommendation Report

Appendix 2: Recommendation on Submission and Further Submissions

Name	No.	Position	osition Decision requested	Recommendation	Section 42A reference or
					Recommendation Report reference
			that would give effect to the relief sought or address the matters raised.		
BOPRC	164.4	Support	Include new Objective:	Reject	Section 42A Report section
	FS 3.5	in part	"Cumulative stormwater effects are managed in an integrated manner, solely within the Huna Road Development Area without the need to rely on upstream or downstream detention options."		7.3
			Include new Policy:		
			"Stormwater attenuation for the structure plan area is designed to the following standards:		
			•To maintain 1% AEP post-development peak flows to less than 80% of pre- development flow rates:		
			• To mitigate 100% of effects on the Rangitāiki Drainage Scheme (72- hour volume)		
			• To mitigate 100% of flood displacement effects."		
			Include new Policy:		
			"Stormwater attenuation is designed to include up-to- date national guidance for climate change over the next 100 years for sea level rise and rainfall intensity."		
			OR		
			Any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matter raised.		
BOPRC	164.5 FS 3.6	Oppose in part	Include provisions within the PC8 area that ensure public transport infrastructure (such as bus stops, bus shelters and street design that will accommodate bus movements) will be provided.	Reject	Section 42A Report section 6.6
BOPRC	164.6	Support in part	Amend the proposed provisions to require walking and cycling connections within the proposed development area, which connect to adjacent infrastructure.	Accept	Section 42A Report section 6.5
BOPRC	164.7	Support	Retain the portion of the land parcel legally described as Allot 28B6B2 Rangitāiki PSH.	Accept	Section 42A Report section 9.3
BOPRC	164.8 FS 3.7	Support in part	Amend the stormwater design (particularly, the proposed bund and pond fronting SH 30) to include the 6m accessway berm requirement.	Accept in part	Recommendation Report section 5.5
BOPRC	164.9 FS 3.8	Support in part	Ensure that where possible and practicable, stormwater detention methods include wetlands, not ponds.	Accept in part	Recommendation Report section 5.5
BOPRC	164.10	Support in part	Provide the calculations which support the proposed pond volume capacity. Amend the proposed stormwater design if necessary to ensure the post-development	Reject	Section 42A Report section 8.3

Ordinary Council - AGENDA

Plan Change 8 - Huna Road: Recommendation Report

Appendix 2: Recommendation on Submission and Further Submissions

Guide to understanding Tables 1 and 2

Each submission has been allocated a number and each submission point has a unique number.

Example: Submission 2.1

- 2 is the submitter number
- 1 is the submission point number

Each Further Submission is listed below the primary submission point to which they relate and they are identified as a 'FS' with a reference number. The Further Submitters are listed in Table 2.

Table 1 has the Hearing Panel's recommendations to accept, accept in part or reject the primary submission points. Further Submissions are recommended to be either accepted, accepted in part or rejected in the same manner as the primary submission points to which they relate.

In many cases the recommendations and reasoning in the Section 42A Report and the Section 42A Addendum Report have been adopted. The 'reasons' for the recommendations are therefore contained either in the Section 42A Reports or the body of this Recommendation Report and are not repeated in the Table. However, cross-references are provided to the relevant parts of the Section 42A Report and the body of this Recommendation Report in the righthand column of Table 1.

Occasionally a bespoke reason is provided in Table 1.

Table 1: Recommendations on Submissions

Name	No.	Position	Decision requested	Recommendation	Section 42A reference or Recommendation Report reference
Jill Needham	1.1	Support	The owners of 12 Huna Rd and 30 A Huna Rd must be allowed to develop. We need to get more Māori into papakāinga housing. Approve PC8.	Accept	Recommendation Report Section 5.1
Katherine Stevens	2.1 FS 2.1	Support in part / Oppose in part	Provide reassurance that the roading network from the Thornton Road/SH30 intersection to Whakatāne (including the Huna, Paroa, Shaw and Mill Road intersections) will be safe and retain smooth traffic flow. Revisit the concern this development will have on congestion at the Whakatāne bridge.	Accept	Recommendation Report Section 5.3
Nikki Harnett	3.1	Support in part	Add additional areas of control/assessment criteria to subdivisions within the proposed plan change area to ensure: • the housing provided meets the requirements of the NPS-UD and the needs of the community in relation to variety and types of prices. Ideally through the prohibition of certain restrictive covenants that restrict affordable housing options and the provision of a certain percentage of land for perpetually affordable housing (ie. sold to a Community Land Trust, Housing Co-operative or similar). • a level of food production is maintained in the area given the quality of soils and the	Reject	Section 42A Report section 9.4

Plan Change 8 - Huna Road: Recommendation Report

Appendix 2: Recommendation on Submission and Further Submissions

Name	No.	Position	Decision requested	Recommendation	Section 42A reference <i>or</i> Recommendation Report reference
			current/historic use of the site. A designated berry orchard within the reserve space or within a community garden in that space could be a great monument to the memory of the berry farm. Incorporation of edible landscaping into the overall landscaping plans would also be beneficial given the loss of productive land to allow for housing and the increasing issue of food insecurity.		
Ngāi Taiwhakaea Hapū	29.1	Oppose	Oppose PC8. Ensure proper consultation occurs with Ngãi Taiwhakaea Hapū, Huna Road Residents or Mãori Land Kaitiaki/beneficiaries.	Accept in part	Recommendation Report Section 5.11
Peter and Analisa Childe	141.1	Oppose	Oppose rezoning.	Reject	Section 42A Report section 11.3 Recommendation Report Sections 5.1 and 5.2
Ross Gardiner	159.1	Support in part	Provide an assessment of PC8 against Method 18 of the Bay of Plenty Regional Council Regional Policy Statement.	Accept	Section 42A Report section 9.3
Ross Gardiner	159.2	Support in part	Update the Section 32 report Section 8 assessment against all the Treaty of Waitangi principles determined in the court to be relevant to an RMA process.	Reject	The s32 Report cannot be updated but s32AA assessments are required for material changes to the notified provisions.
Ross Gardiner	159.3	Support in part	Amend the District Plan maps to reflect the zoning outcomes sought, using the RMA Schedule 1 process.	Accept	Section 42A Report section 11.4
Ross Gardiner	159.4	Support in part	Amend the water scheme boundaries applicable to PC8 using the RMA Schedule 1 process.	Accept	Section 42A Report section 11.5
Ross Gardiner	159.5	Support in part	Review the effects of PC8 with regard to consequential consent notice changes.	Accept in part	Recommendation Report Section 5.9
Ross Gardiner	159.6	Support in part	Provide an updated assessment of PC8 against all objectives, policies and subparts of the NPS-UD that are relevant to a Tier 3 authority, taking into account clause 1.5 of the NPS-UD.	Accept in part	Section 42A Report section 9.3
Ross Gardiner	159.7 FS 2.2	Support in part	Include an advice note to make it clear that consenting work can be undertaken but not enacted while NZTA undertakes road safety work.	Accept	Section 42A Report section 6.2
Ross Gardiner	159.8	Support in part	Amend wording of 2.2.5.1.b and c to be more specific.	Accept	Section 42A Report section 6.2
Ross Gardiner	159.9	Support	That the entirety of the "Shaw/Huna Road Mixed Use Centre" has the same underlying	Accept	Section 42A Report section

Plan Change 8 - Huna Road: Recommendation Report

Appendix 2: Recommendation on Submission and Further Submissions

Name	No.	Position	Decision requested	Recommendation	Section 42A reference or
					Recommendation Report reference
		in part	zoning (Mixed Use or Urban Living) to remove the reliance of special overlay provisions.		9.5
Ross Gardiner	159.10	Support in part	Identify the relevant rule in the statement.	Accept	Section 42A Report section 8.3
Ross Gardiner	159.11	Support in part	Update the underlying cadastral mapping to show the residential subdivision that has occurred to date.	Accept	Section 42A Report section 6.4
Ross Gardiner	159.12	Support in part	Inclusion of a walkway on the Structure Plan towards Puāwairua Marae and Thornton Bar and Eatery to improve interconnectivity and alternative transport use.	Reject	Section 42A Report section 6.4
Ross Gardiner	159.13	Support in part	Refinement of the Structure Plan to increase interconnectivity.	Reject	Section 42A Report section 6.4
Ross Gardiner	159.14	Support in part	Revise relevant Objectives, Policies, and controlled activity assessment criteria to provide for a 4 star NZGBC development.	Reject	Section 42A Report section 9.4
Ross Gardiner	159.15	Support in part	Put the uploaded documents in a logical and helpful manner for submitters and further submitters.	Reject	That is an administrative matter
Dawn Parade 2012 Limited	160.1 FS 1.1	Support in part	Amend Strategic Objective 9 Policy 6 to: "Promote the use of inert building materials (for example no unpainted zinc or copper products used) in the construction of new buildings within the structure plan area."	Accept in part	Section 42A Report section 7.3
Dawn Parade	160.2 FS 1.1 FS 2.3 FS 3.1	Oppose	Delete Rule 2.2.5 Shaw/Huna Road Transport Management Retain clause (d) of 2.3.3.1: "d. the means by which traffic impacts on Shaw Road and the Shaw Road/State Highway 30 intersection are mitigated;"	Accept	Section 42A Report section 6.3
Dawn Parade	160.3 FS 3.2	Support in part	Amend Rule 2.2.6.1 as follows: (NB: addition removal) 2.2.6.1 A business retail activity may be established and operated as a permitted activity within the area mixed use centre area at shown on the Shaw/Huna Road shown Structure Plan in Figure 2.2 subject to the following: a. The location is within the mixed use centre area shown on the Structure Plan; b. The activity is a retail activity; c. The GFA of the activity does not exceed 100m²; d. The design and siting and height of buildings complyies with the following rules of the applicable zone: i. Rule 4.2.1 – Height	Accept	Section 42A Report section 9.5

10.4.1 Appendix A - Hearings Panel Recommendations Report(Cont.)

Plan Change 8 - Huna Road: Recommendation Report

Appendix 2: Recommendation on Submission and Further Submissions

Name	No.	Position	Decision requested	Recommendation	Section 42A reference <i>or</i> Recommendation Report reference
			ii. Rule 4.2.2 – Natural Light iii. Rule 4.2.4 – Distance to Boundaries (Yards) iv. Rule 4.2.14 - Glazing e. Noise complies with Rule 11.2.6; f. Lighting and glare comply with Rule 11.2.16; g. Signage complies with Rule 11.2.19. h. Screening of outdoor storage areas complies with Rule 5.2.13.1 i. Provision for loading in accordance with Rules 13.2.18 – 13.2.20. 2.2.6.2 Non-compliance with Rule 2.2.6.1 shall be a Restricted Discretionary		
Dawn Parade	160.4	Support in part	Activity. Amend the Structure Plan to extend the Urban Living Zone land east to include parts of Lot 2 DPS 89311 and Lot 1 DP 498768. As shown in the bottom blue box on the image below: REMOVAL OF CONNECTING ROAD URBAN LIVING ZONE REMOVAL OF CONNECTING ROAD	Accept	Section 42A Report section 9.5
Dawn Parade	160.5	Support in part	Amend Structure plan to remove road over Lot 1 DP 498768 connecting Karearea Drive and Kotare Drive. As shown in the image below:	Accept	Section 42A Report section 6.4 Recommendation Report section 5.7

Plan Change 8 - Huna Road: Recommendation Report

Appendix 2: Recommendation on Submission and Further Submissions

Name	No.	Position	Decision requested	Recommendation	Section 42A reference <i>or</i> Recommendation Report reference
			- Remove road STATE HIGHWAY 30 998 ROAD		
Graham Barney Gray	161.1 FS 2.4	Support in part	Amend Rule 2.2.5 to clarify that the rule does not apply to development which is permitted by the current District Plan. Suggested wording: 2.2.5.3 Rule 2.2.5.1 does not apply to development which is listed as a permitted activity in the relevant zone and complies with all relevant standards	Accept	Section 42A Report section 6.3
H & R Goile	162.1 FS 3.3	Oppose	The covenant area and trees should be recognised, included in the plan, and continue to be protected.	Accept in part	Recommendation Report section 5.9
Ngāti Awa Social and Health Services Trust	163.1	Support	Retain as proposed.	Accept	Section 42A Report section 8.3
Bay of Plenty Regional Council (BOPRC)	164.1	Support	Retain proposed Objective 9 and proposed Policies 1-6 as notified.	Accept	Section 42A Report section 7.3
BOPRC	164.2	Support	Retain proposed Policy 1 as notified.	Accept	Section 42A Report section 8.3
BOPRC	164.3 FS 3.4	Support in part	Include a provision and information requirements to consider subdivision applications in parallel with discharge and earthworks consents as they relate to integrated stormwater management. OR Any alternative, similar or consequential amendments, including to other provisions,	Reject	Section 42A Report section 7.4

Plan Change 8 - Huna Road: Recommendation Report

Appendix 2: Recommendation on Submission and Further Submissions

Name	No.	Position	osition Decision requested	Recommendation	Section 42A reference or
					Recommendation Report reference
			that would give effect to the relief sought or address the matters raised.		
BOPRC	164.4	Support	Include new Objective:	Reject	Section 42A Report section
	FS 3.5	in part	"Cumulative stormwater effects are managed in an integrated manner, solely within the Huna Road Development Area without the need to rely on upstream or downstream detention options."		7.3
			Include new Policy:		
			"Stormwater attenuation for the structure plan area is designed to the following standards:		
			•To maintain 1% AEP post-development peak flows to less than 80% of pre- development flow rates:		
			• To mitigate 100% of effects on the Rangitāiki Drainage Scheme (72- hour volume)		
			• To mitigate 100% of flood displacement effects."		
			Include new Policy:		
			"Stormwater attenuation is designed to include up-to- date national guidance for climate change over the next 100 years for sea level rise and rainfall intensity."		
			OR		
			Any alternative, similar or consequential amendments, including to other provisions, that would give effect to the relief sought or address the matter raised.		
BOPRC	164.5 FS 3.6	Oppose in part	Include provisions within the PC8 area that ensure public transport infrastructure (such as bus stops, bus shelters and street design that will accommodate bus movements) will be provided.	Reject	Section 42A Report section 6.6
BOPRC	164.6	Support in part	Amend the proposed provisions to require walking and cycling connections within the proposed development area, which connect to adjacent infrastructure.	Accept	Section 42A Report section 6.5
BOPRC	164.7	Support	Retain the portion of the land parcel legally described as Allot 28B6B2 Rangitāiki PSH.	Accept	Section 42A Report section 9.3
BOPRC	164.8 FS 3.7	Support in part	Amend the stormwater design (particularly, the proposed bund and pond fronting SH 30) to include the 6m accessway berm requirement.	Accept in part	Recommendation Report section 5.5
BOPRC	164.9 FS 3.8	Support in part	Ensure that where possible and practicable, stormwater detention methods include wetlands, not ponds.	Accept in part	Recommendation Report section 5.5
BOPRC	164.10	Support in part	Provide the calculations which support the proposed pond volume capacity. Amend the proposed stormwater design if necessary to ensure the post-development	Reject	Section 42A Report section 8.3

Plan Change 8 - Huna Road: Recommendation Report

Appendix 2: Recommendation on Submission and Further Submissions

Name	No.	Position	Decision requested	Recommendation	Section 42A reference or
					Recommendation Report reference
			less pre-development 72-hour 1% climate change volume is stored on site so the stormwater volume effects from the proposal are appropriately mitigated.		
BOPRC	164.11	Support in part	Amend the s32 report and Three Waters Assessment for 30A Huna Road to show the proposed location of the stormwater treatment wetland and rationale for the location	Reject	Section 42A Report section 8.3
BOPRC	164.12 FS 3.9	Support in part	Ensure that the best possible solution for proposed stormwater detention is achieved and not just the minimum standard of 80% of pre-development peak discharge	Reject	Section 42A Report section 8.3
BOPRC	164.13	Support in part	Amend the stormwater system design to include 2 and 10 year flowrates.	Reject	Section 42A Report section 8.3
BOPRC	164.14	Support	Retain the Natural Hazard Risk Assessment as a supporting document to PPC8.	Accept	Section 42A Report section 11.7
Kawarehe Trust	165.1	Support	Retain Strategic Objective 1 Policies 1 & 3 as notified.	Accept	Section 42A Report section 9.3
Kawarehe Trust	165.2	Support	Retain Strategic Objective 6 Policy 1 as notified.	Accept	Section 42A Report section 9.3
Kawarehe Trust	165.3	Support	Retain Strategic Objective 9 as notified.	Accept	Section 42A Report section 8.3
Kawarehe Trust	165.4	Support	Retain as notified. "3.4.1.1.5a Minor Additions / alterations to papakāinga Housing – Residential zone – Permitted Activity" Include a new standard in the Residential Zone "4.2.15 Additions or Alterations to consented papakāinga dwellings within the Shaw/Huna Road Residential zone shall meet the following standards: • The addition or alteration does not increase the floor area by more than 20%. • The addition or alteration does not increase the occupancy of the dwelling. • The addition or alteration meets all other relevant Plan Standards. Note: Where the activity does not meet the above standards a or b then either a variation to the existing papakāinga consent pursuant to s127 must be applied for or a resource consent pursuant to Rule 3.4.1.1.5 must be applied for."	Accept	Section 42A Report section 8.3
Kawarehe Trust	165.5	Support	Retain Strategic Objective 9 Policy 2as notified.	Accept	Section 42A Report section 8.3

Plan Change 8 - Huna Road: Recommendation Report

Appendix 2: Recommendation on Submission and Further Submissions

Name	No.	Position	Decision requested	Recommendation	Section 42A reference or
					Recommendation Report reference
			less pre-development 72-hour 1% climate change volume is stored on site so the stormwater volume effects from the proposal are appropriately mitigated.		
BOPRC	164.11	Support in part	Amend the s32 report and Three Waters Assessment for 30A Huna Road to show the proposed location of the stormwater treatment wetland and rationale for the location	Reject	Section 42A Report section 8.3
BOPRC	164.12 FS 3.9	Support in part	Ensure that the best possible solution for proposed stormwater detention is achieved and not just the minimum standard of 80% of pre-development peak discharge	Reject	Section 42A Report section 8.3
BOPRC	164.13	Support in part	Amend the stormwater system design to include 2 and 10 year flowrates.	Reject	Section 42A Report section 8.3
BOPRC	164.14	Support	Retain the Natural Hazard Risk Assessment as a supporting document to PPC8.	Accept	Section 42A Report section 11.7
Kawarehe Trust	165.1	Support	Retain Strategic Objective 1 Policies 1 & 3 as notified.	Accept	Section 42A Report section 9.3
Kawarehe Trust	165.2	Support	Retain Strategic Objective 6 Policy 1 as notified.	Accept	Section 42A Report section 9.3
Kawarehe Trust	165.3	Support	Retain Strategic Objective 9 as notified.	Accept	Section 42A Report section 8.3
Kawarehe Trust	165.4	Support	Retain as notified. "3.4.1.1.5a Minor Additions / alterations to papakāinga Housing – Residential zone – Permitted Activity" Include a new standard in the Residential Zone "4.2.15 Additions or Alterations to consented papakāinga dwellings within the Shaw/Huna Road Residential zone shall meet the following standards: • The addition or alteration does not increase the floor area by more than 20%. • The addition or alteration does not increase the occupancy of the dwelling. • The addition or alteration meets all other relevant Plan Standards. Note: Where the activity does not meet the above standards a or b then either a variation to the existing papakāinga consent pursuant to s127 must be applied for or a resource consent pursuant to Rule 3.4.1.1.5 must be applied for."	Accept	Section 42A Report section 8.3
Kawarehe Trust	165.5	Support	Retain Strategic Objective 9 Policy 2as notified.	Accept	Section 42A Report section 8.3

Plan Change 8 - Huna Road: Recommendation Report

Appendix 2: Recommendation on Submission and Further Submissions

Name	No.	Position	Decision requested	Recommendation	Section 42A reference or Recommendation Report reference
Kawarehe Trust	165.6	Support	Retain Strategic Objective 9 Policy 3 as notified.	Accept	Section 42A Report section 9.3
Kawarehe Trust	165.7	Support in part	Remove 'and' at the end of Strategic Objective 9 Policy 4.	Accept	Section 42A Report section 9.3
Kawarehe Trust	165.8	Support	Retain Strategic Objective 9 Policy 5 as notified.	Accept	Section 42A Report section 9.3
Kawarehe Trust	165.9	Support	Retain Strategic Objective 9 Policy 6 as notified.	Accept	Section 42A Report section 9.3
Kawarehe Trust	165.10	Support	Retain Rule 2.2.4 as notified.	Accept	Section 42A Report section 9.3
Kawarehe Trust	165.11	Support	Retain Rule 2.2.2.3 as notified.	Accept	Section 42A Report section 9.3
Kawarehe Trust FS 3.10	165.12	Support in part	Proposed wording change: "2.2.5.1 Except for the land at 30A Huna Road, Aany subdivision and development within the Shaw Road/Huna Road Structure Plan area shall not commence until the following safety improvements on State Highway 30 are operational:"	Reject	Section 42A Report section 6.3
Kawarehe Trust	165.13	Support in part	Minor changes to reflect the Section 32 Report if the intention is for the one retail activity. "2.2.6.1 One Retail Activity A business activity may be established and operated as a permitted activity within the area at Shaw/Huna Road shown in Figure 2.6.3 2.2 subject to the following: a. The location is within the mixed use centre area shown on the Structure Plan; b. The activity is a retail activity; b. The GFA of the activity does not exceed 100m2; c. Siting and height of buildings compliess with the rules of the Residential zone applicable zone; d. Noise complies with Rule 11.2.6; e. Lighting and glare comply with Rule 11.2.16; f. Signage complies with Rule 11.2.19. 2.2.6.2 Non-compliance with Rule 2.2.6.1 shall be a Restricted Discretionary Activity."	Accept	Section 42A Report section 9.5
Kawarehe	165.14	Support	Minor amendment to 2.3.3.1b:	Accept	Section 42A Report section

Plan Change 8 - Huna Road: Recommendation Report

Appendix 2: Recommendation on Submission and Further Submissions

Name	No.	Position	Decision requested	Recommendation	Section 42A reference or
					Recommendation Report reference
Trust		in part	"the means by which vehicle, cycle, pedestrian and future infrastructure connectivity is provided throughout the Structure Plan area identified in Appendix 2.6.3 to the Residential and Urban Living zoned land to the west and north;"		6.5
Kawarehe Trust	165.15	Support in part	Support subject to clarification around the requirements to achieve the minimisation of visual, light, noise and vibration reverse sensitivity effects. Further clarification as to the expected treatment along the Paroa Rugby and Sports Club Reserve Sensitivity Interface as identified on the Structure Plan and protection in perpetuity should be afforded to the club.	Accept	Section 42A Report section 8.3
Kawarehe Trust	165.16	Support	Support subject to clarification around the requirements to achieve the minimisation of visual, light, noise and vibration reverse sensitivity effects. Minor change: 2.4.4.1.(j) the consistency of the development with the Structure Plan in Appendix 2.6.43	Accept	Section 42A Report section 9.3
Kawarehe Trust	165.17	Support	Retain 2.4.5 Shaw / Huna Road Mixed Use Centre as notified.	Accept	Section 42A Report section 9.3
Kawarehe Trust	165.18	Support in part	Remove the Paroa Rugby and Sports Club Reserve Sensitivity Interface line from the common boundary between the Paroa Rugby and Sports Club and 30A Huna Road.	Accept	Section 42A Report section 8.3
Kawarehe Trust	165.19	Support in part	Identification / Confirmation of the location of the proposed cycleway / walkway on the Structure Plan.	Accept	Section 42A Report section 6.5
Kawarehe Trust	165.20	Support	Retain 3.1.7 Urban Living Zone as notified.	Accept	Section 42A Report section 9.3
Kawarehe Trust	165.21	Support	Retain Rule 11.2.8.1 as notified.	Accept	Section 42A Report section 9.3
Kawarehe Trust	165.22	Oppose	Amend this provision to enable an accessory building not for habitation where it is associated with an already consented papakāinga dwelling at 30A Huna Road.	Reject	Section 42A Report section 9.4
Kawarehe Trust	165.23	Oppose	Include a new Rule in Table 3.4.1.1 as follows: "3.4.1.1.5a Minor Additions / alterations to papakāinga Housing – Residential zone – Permitted Activity" Include a new standard in Chapter 4: Residential Zone. "4.2.15 Additions or Alterations to consented papakāinga dwellings within the Shaw/Huna Road Residential zone shall meet the following standards: a. The addition or alteration does not increase the floor area by more than 20%. b. The addition or alteration does not increase the occupancy of the dwelling.	Reject	Section 42A Report section 9.4

Plan Change 8 - Huna Road: Recommendation Report

Appendix 2: Recommendation on Submission and Further Submissions

Name	No.	Position	Decision requested	Recommendation	Section 42A reference <i>or</i> Recommendation Report reference
			c. The addition or alteration meets all other relevant Plan Standards. Note: Where the activity does not meet the above standards a or b then either a variation to the existing papakāinga consent pursuant to s127 must be applied for or a resource consent pursuant to Rule 3.4.1.1.5 must be applied for."		
Paroa Rugby & Sports Club	166.1 FS 3.11	Support in part	Acknowledge in the District Plan the potential for these effects to ensure that property developers and future residents are aware of the clubs' activities and take such matters into consideration when developing and purchasing properties within the new Residential zone. The current proposed plan change does not adequately take these matters into account.	Accept	Section 42A Report section 8.3 Recommendation Report Section 5.7
Paroa Rugby & Sports Club	166.2	Support in part	The Property Developers/planners fence off the property borders to ensure the property/s are secure at their expense.	Accept	Section 42A Report section 8.4
Paroa Rugby & Sports Club	166.3	Support in part	Solution is that the Property Developers/planners fence off the property borders to ensure the property/s are secure at their expense. Club is engaged for any design of proposed safety improvements.	Accept	Section 42A Report section 8.4
Paroa Rugby & Sports Club	166.4	Support in part	Whilst the proposed plan change provides for Property Developers and planners take into consideration the Clubs preexisting activities in their planning applications and assessment, it does not afford the club protection from reverse sensitivity effects in perpetuity. The District Plan need to ensure that there is a level of enduring protection afforded to the club and its associated activities to adequately mitigate against reverse sensitivity effects.	Accept	Section 42A Report section 8.3 Recommendation Report Section 5.7
Thornton Bar and Eatery	167.1	Support	Install a footpath towards Thornton Bay & Eatery and Puawairua marae next door. Proceed with PC8.	Accept in part	Section 42A Report section 6.4
NZ Transport Agency Waka Kotahi (NZTA)	169.1 FS 3.12	Support in part	That Council supplements the Traffic Impact Assessment with an analysis of: a. whether there is any spare capacity at the Huna Road intersection from both a level of service and safety perspective. This should identify the number of dwellings, if any, that can be accommodated with the current Huna Road/SH30 intersection layout, without exceeding "Level of Service E (LOS E)". If any number of additional units within the plan change area can be accommodated, this trigger point could be incorporated into proposed Rule 2.2.5; and b. whether any other improvement works would be sufficient to safely and efficiently accommodate the proposed PC8 growth, should NZTA's SIP project does not	Accept in part	Recommendation Report section 5.3
NZTA	169.2	Support	proceed. Undertake assessment on the wider effects on the surrounding SH30 environment,	Reject	Section 42A Report section

Plan Change 8 - Huna Road: Recommendation Report

Appendix 2: Recommendation on Submission and Further Submissions

Name	No.	Position	Decision requested	Recommendation	Section 42A reference <i>or</i> Recommendation Report reference
	FS 3.13	in part	particularly Shaw Road, Mill Road and Thornton Road.		6.3
NZTA	169.3 FS 3.14	Support in part	Further consideration to the flexibility and outcomes sought by Rule 2.2.5 in case SIP works do not proceed. If there is spare capacity at this intersection, this trigger point could be incorporated into proposed Rule 2.2.5 to enable some development prior to the SIP works being delivered.	Reject	Section 42A Report section 6.3 Recommendation Report section 5.3
NZTA	169.4 FS 3.15	Oppose	Change the activity status for non-compliance with Rule 2.2.5 from discretionary to non-complying.	Reject	Recommendation Report section 5.3
NZTA	169.5	Support in part	That Council consults with Bay of Plenty Regional Council BOPRC to ensure integration with relevant public transport facilities, include and integrate public transport infrastructure and provide rules to ensure the provision of public transport will be phased appropriately.	Reject	Section 42A Report section 6.6
NZTA	169.6	Support in part	The development and implementation of provisions which provide internal walking and cycling connections to the proposed Shaw Road shared use path.	Reject	Section 42A Report section 6.5
NZTA	169.7		Any other consequential relief that would provide for the adequate consideration of potential effects on the transport network and its users.	Accept in part	Recommendation Report section 5.3

Table 2: Further Submitters and identification of their support or opposition to primary Submissions

Name	FS Reference	Support or Opposition
Bay of Plenty Regional Council	FS#1.1	Oppose
	FS#1.2	Oppose
NZ Transport Agency Waka Kotahi	FS#2.1	Support
	FS#2.2	Support in Part
	FS#2.3	Oppose
	FS#2.4	Support in Part
Paul and Monica Julian	FS#3.1	Support
	FS#3.2	Support
	FS#3.3	Oppose
	FS#3.4	Oppose
	FS#3.5	Oppose
	FS#3.6	Oppose
	FS#3.7	Oppose
	FS#3.8	Oppose in Part

Ordinary Council - AGENDA

10.4.1 Appendix A - Hearings Panel Recommendations Report (Cont.)

Plan Change 8 - Huna Road: Recommendation Report

Appendix 2: Recommendation on Submission and Further Submissions

FS#3.9	Oppose	
FS#3.10	Oppose	
FS#3.11	Support in Part	
FS#3.12	Oppose in Part	
FS#3.13	Oppose in Part	
FS#3.14	Support in Part	
FS#3.15	Oppose	
FS#3.16	Oppose	

Table 3: List of 'form' submitters

154 'form' submissions on PC8 contained the same content, including 11 that removed or amended a single line relating to family origin/hapū (denoted with a *). The 'form' submitters are listed in Table 3. The 'form' submissions were opposed by Further Submitter 3.16.

The Decision Sought by the 'form' submitters was:

- Oppose Plan Change 8: Huna Road.
- Oppose the rezone of 12 Huna Road, from Rural to Residential/Business/Commercial, commonly known as Julian Berry Farm.
- Oppose the rezone of 234A SH30 from Rural to Residential Dawn Parade 2012 Ltd. Oppose the rezone of 30A Huna Road Rural to Residential a part of Kawerehe Trust land.

We recommend that the following 'form' submissions are rejected for the reasons outlined in sections 5.1 and 5.2 of the Recommendation Report.

Submitter Number	Submitter Name
4	Aniva Pritchard-Heem
5	Kihi Te Kawa
6	Mini Tipene
7	James Wana
8	Takotohiwi Te Hirata Whānau Lands Trust
9	Tina Faito Te Hirata Norman
10	Lupa Norman
11	Melany Ngahau
12	Audrey Mauriri
13	Glenys Wana
14	Tyler Perkinson
15	Ngaroma Wignall
16	Jacqueline Woods

Submitter Number	Submitter Name
17	Virgil Ranapia
18	Kraig Ruru
19*	Florence Elmiger
20*	David Masters
21*	Whitney Wahapango
22	Keelan Wetini
23	Zac Black
24*	Muhammad Dean
25*	Steve White
26*	Kaiti Devi
27*	Anne-Marie Edmonds
28*	Lynley Dawkins
30*	Shandena Hita

Plan Change 8 - Huna Road: Recommendation Report

Culous ithou Nivershou	Culturities Name
Submitter Number	Submitter Name
30	Capri Allson
32	Bob Pike
33	Frank Milosovic
34	Nelson Te Ohorere Milosovic
35	Louise Clarke
36	Paraihe Wana
37	Waimaria Wana-Unsworth
38	Ngaere Wana
39	Jacqueline Ngamanu
40	Dheane Allison
41	Mary-Jane Kora
42	Judea Wetini
43	Briar Wetini
44	Patrick Wetini
45	June Wetini
46	Wiremu Patrick
47	Christopher Te Kawa
48	Jordan Kanatao Te Anki Norman
49	Daphne Nepata
50	Calarna Ratahi
51	Suzanne Keepa
52	Wepiha Stewart
53	Paula Roberts
54	Liza Roberts
55	Pearly Sullivan
56	Maurice Nathan
57	Lynette Milosevic
58	Jordan Manson
59	Makere Milosevic
60	Zivana Matekohi Milosevic
61	Destini Te Waiti
62	Gina Milosevic
63	Kathleen Kingi
64	Jonelle Renati-Tahuri
65	Miriama Te Naiti
66	Manuao Keith Harawira
67	Akuhata Maunsell
·,	/ manata maangen

Appendix 2: Recommendation on Submission and Further Submissions

Submitter Number	Submitter Name
68	Karen Childs
69	Maura Childs
70	Chaye Childs
71	Genesis Kiliata
72	Marama Reneti
73	Michael Tihi
74	Te Ao Carre
75	Tony Nathan
76	Karen Nathan
77	Stacie Te Naiti
78	Desire Te Naiti
79	Malena Te Naiti
80	Jermaine Budden
81	Isobel Te Naiti
82	Kyle Maitai
83	Sue Nathan
84	Marion Nathan
85	Stacey Morgan
86	Thomas McGougan
87	Stephanie McGougan
88	Tayla Walker
89	Caitlin McGagan
90	Zavia Walker
91	Michael Te Kurapa
92	Gerard Hale
93	Terrence Wathan
94	Jada Wahapango
95	Annabelle Nathan
96	Meraina Ami-Perenara
97	Gerard Herewini-Perenara
98	Hennessy Biddle
99	Ngāi Taiwhakawa c/o Delsharn Kaiwhata
100	Mikey McGougan
101	Gaylene Kakavos
102	Jason Nathan
103	Bernard Nathan

10.4.1 Appendix A - Hearings Panel Recommendations Report(Cont.)

Plan Change 8 - Huna Road: Recommendation Report

Submitter Number	Submitter Name
104	Derek Te Aotonga
105	Glenna Te Aotonga
106	Brett Hone Moeke
107	Charlie Lynskey-Huta
108	Georgina Whittle
109	Joe Kingi
110	Evelyn Whittle
111	Rihi Vercoe
112	Ngāi Taiwhakawa c/o Teina Kaiwhata
113	Ngarangikahiwa Wynyard
115	Nyviah Roberts
116	Alex Roberts
117	Peter Webb
118	Wynter Webb
119	Jhai Tumaingaroa Webb
120	Jade Webb
121	Peter Joseph Webb
122	Rangi Webb
123	Creedence Webb
124	Stacey Webb
125	Marianne W. Devos
126	Tiaki Sullivan
127	Tyreece Tai
128	Isaac Tai
129	Jacqueline Woods
130	William Reneti
131	Nadine Tai
132	Kataraina Tarau

Appendix 2: Recommendation on Submission and Further Submissions

Submitter Number	Submitter Name
133	Rob Wana
134	Rahera Ratana
135	Ranginui Wana
136	Tame Tarau
137	Tam Tarau
138	Clark Takao
139	Tiffany Tarau
140	Morehu Tarau
141	Pene Moeke
142	Johnny Nepata
143	Shirley Anne Ratahi
144	Leandra Ratahi
145	Akitai Williams
146	Watarawi Temoana
147	AJ Wana
148	Maraenui Wana
149	Patrick Wana
150	Orini Lee Webb
151	Ranui Webb
152	Shawnlee Hakopa
153	Rangiria Kakopa
154	Te Ua Morehu Hakopa
155	Lisa Rose Webb
156	Miria Tarau
157	Orini Tarau
158	Hamiora Ulufonua
168	Lynette Hinemareikura Ngatai

Plan Change 8 – Huna Road

Appendix 3: Hearing Attendances

Party	Name	Role
	Nicholas Woodley	Planning
	Craig Batchelar	Planning
Council	Matt Bronka	Acoustics
	Howard Severinsen	Stormwater
	Joe Metcalfe	Transport
BOPRC	Deborah Ganley	Planning
BOFIC	Sue Southerwood	Stormwater
NIZTA	Duncan Tindall	Traffic
NZTA	Ashleigh Peti	Planning
Iulian's Barry Form	Monica Julian	Self
Julian's Berry Farm	Paul Howard	Development advisor
Dawn Parade 2012 Limited	Tim Fergusson	Planning
Paroa Rugby & Sports Club	Jimmy McLean	Club President
Helen Goile	-	Self
	Caroline Takotohiwi	Hapu representative
	Glenna Te Aotonga	Self
	Derek Te Aotonga	Self
	Georgina Whittle	Self
Ngāi Taiwhakaea Hapū	Akuhata Maunsell	Self
	Paki Nepata	Self
	Dominick Kaiwhata	Self
	Patricia Reriti	Self
	Leandra Ratahi	Self

Submitter Ross Gardiner tabled a written document as he could not attend the Hearing.

10.5 Proposed Plan Change 5 - Approval

District Council

10.5 Proposed Plan Change 5 - Approval

To: Whakatāne District Council

Date: Thursday, 8 May 2025

Author: Z Eleftheriadis / Policy Planner

Authoriser: N Woodley / Manager Policy, Planning and Consents Compliance

Reference: A2861374

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

The purpose of this report is to seek approval for Proposed Plan Change 5 (Accessible Parking) to the Whakatāne District Plan.

2. Recommendations - Tohutohu akiaki

- 1. THAT the Council **receive** the Proposed Plan Change 5 Approval report; and
- 2. THAT the Council **approve** Proposed Plan Change 5 to the Whakatāne District Plan pursuant to clause 17 of Schedule 1 of the Resource Management Act 1991 (RMA); and
- 3. THAT the Council **approves** an operative date of 26 May 2025 for Proposed Plan Change 5 pursuant to clause 20 of Schedule 1 of the RMA; and
- 4. THAT the Council **authorises** the General Manager Planning, Regulatory and Infrastructure to complete the remainder of the statutory process in Schedule 1 of the RMA required to make Proposed Plan Change 5 operative.

3. Background - He tirohanga whakamuri

The purpose of Proposed Plan Change 5 (PC5) was to include requirements for the provision of accessible parking in the Whakatāne District Plan (the District Plan). A side effect of removing the minimum car parking rates under the (mandatory) National Policy Statement on Urban Development 2020 (NPS-UD) was that any ability to require the provision of accessible parking in new development was also removed. PC5 was notified in 2022 and renotified in 2023 to address this matter.

Following public notification, five submissions were received. Four of these were in support and one was in conditional support, subject to a number of proposed amendments. Through the pre-hearing process, Council planners were able to identify changes that were acceptable to the latter submitter and that improved the coherence and practicability of PC5. The changes more directly aligned PC5 with the Building Act requirements and clarified when parking rates and accessible parking would be considered. These changes were included in the Planner's Recommendation Report to the Hearing Panel for PC5.

10.5 Proposed Plan Change 5 - Approval(Cont.)

As all submitters decided they did not need to be heard, a hearing was not held. Instead the Hearings Panel of accredited commissioners Councillor Nándor Tánczos and Carolyn Hamill met to review PC5 and hear from, and make inquiries of, Council planners. The Hearings Panel generally agreed with the changes proposed in the Planner's Recommendation Report, with several additional changes that both improved the quality of the rules and corrected errors.

The Decision Report of the Hearings Panel on the submissions (the Decision Report) was notified in late January 2025, with submitters able to lodge appeals to the Environment Court until mid-March. No appeals were made.

4. Discussion – Kōrerorero

Since there were no appeals to the Decision Report, two final steps remain in order to make PC5 operative in the District Plan. It is the approval by Council of these two steps that is sought in this report.

- 1. The first step is for Council to approve PC5 under clause 17 of Schedule 1 of the RMA. This means that PC5, including the changes set out in the Decision Report, would be fully incorporated into the District Plan.
- 2. The second step involves public notification of the date at which PC5 becomes operative under clause 20 of Schedule 1 of the RMA. This must occur not less than five-working days after notification, and is proposed to be 26 May 2025.

5. Options Analysis - Ngā Kōwhiringa

5.1. Option 1 – Approve Proposed Plan Change 5 – Recommended option

Council approves PC5, including any minor changes. The District Plan is then updated to make PC5 operative.

Advantages	Disadvantages
The District Plan will have provision for accessible parking and be able to require it in resource consents for appropriate activities.	• None.
 Resource consent requirements for accessible parking will align directly with building consent requirements for accessible parking, preventing confusion and impacts on developers. 	
All submitter's concerns have been successfully resolved through the changes made to PC5 by the Decision Report. The Decision Report received no appeals to the Environment Court.	
The improvements made to PC5 through the notification process and the Hearings Panel's decision provide better policy outcomes. The alignment with national accessibility and building consent requirements (through section 118 of the Building Act) reduces potentially costly surprises for developers and makes it easier to understand development requirements.	
Expenditure on this plan change would yield beneficial, tangible outcomes.	

10.5 Proposed Plan Change 5 - Approval(Cont.)

5.2. Option 2 – Do not approve Proposed Plan Change 5

Council does not approve PC5, in which case it would need to be formally withdrawn through public notice.

Disadvantages
• The District Plan is without provision for accessible parking and therefore accessible parking cannot be required for any development (including event centres, retirement homes) as part of a resource consent.
 Resource consents and building consents are misaligned in their accessible parking requirements, continuing confusion and impacts on development projects. Incurred expenditure would be lost and yield no tangible outcome.

6. Significance and Engagement Assessment - Aromatawai Pāhekoheko

6.1. Assessment of Significance

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

6.2. Engagement and Community Views

Further engagement on this matter is not being undertaken, in accordance with Section 6.0 of the Council's Significance and Engagement Policy. The appropriate engagement has already been undertaken in accordance with the requirements of the Schedule 1 of the RMA. All submissions were resolved and with no appeals received.

7. Considerations - Whai Whakaaro

7.1. Strategic Alignment

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

7.2. Legal

The Resource Management Act governs District Plans and their changes, in particular through Schedule 1. Of relevance for decision making and this stage in the process are:

• Clause 16: allows the Council to make minor alterations to and correct minor errors in a plan change.

- Clause 17: requires the Council to approve a plan change after all the submissions have been resolved.
- Clause 20: requires public notification of an operative date in order for a plan change to become
 operative / come into effect. It also requires that the public notice is published at least working
 5 days prior to the operative date.

The Councils Delegations Register sets out the discretionary decision-making delegations to the Council's committees, community boards and staff under the Local Government Act 2002. Of relevance for plan change decision making are:

- The Hearings Panel has delegated authority to make decisions on submissions and further submissions on a District Plan change under the Delegations Register, Section 3.1.2(d).
- Council as the Governing Body retains the authority to approve a change to a District Plan under the Delegations Register, Section 1.2.2(I).

7.3. Financial/Budget Considerations

There are no budget considerations associated with the recommendations of this report. The Plan Change process itself was budgeted through the LTP. Further costs associated with defending a decision through the appeal process have been avoided in this case.

7.4. Climate Change Assessment

There are no significant or notable impacts associated with the matters of this report.

7.5. Risks

There are no significant or notable risks associated with the matters of this report.

8. Next Steps – E whai ake nei

If this plan change is approved, the plan change will be completed by publicly notifying it and updating the Whakatāne District Plan.

Attached to this Report:

- Appendix A Decision Report of Hearings Panel
- Appendix B Tracked changes post-Hearing

10.5.1 Appendix A – Decision Report of Hearings Panel

Appendix A

Decision Report of Hearings Panel

WHAKATĀNE
District Council
Klo Whokatāne au i ahau

Subject: Proposed Plan Change 5 (Accessible Parking) to the

Whakatāne District Plan

Date: 10 December 2024

Hearings Panel: Cr Nándor Tánczos (Chair), Carolyn Hamill

Reference: A2821798

1 Reason for the report - Te Take mō tēnei rīpoata

Changes to the District Plan are managed by Schedule 1 of the Resource Management Act 1991, which requires public consultation and hearings.

The Hearings Panel has delegated authority to hear, consider and make decisions on submissions and further submissions on a change that is proposed to the District Plan.

3.1.2 of the Delegations Register - Governance 2022-2025

- To conduct hearings of submissions and further submissions to the Whakatāne District Plan under Clause 8B of Schedule 1 to the RMA.
- b) To consider submissions where no person indicates they wish to be heard, under Clause 8C of Schedule 1 to the RMA.
- c) To deliberate and make decisions on submissions and further submissions as provided for in Clauses 9 and 10 of Schedule 1 to the RMA.

The Hearings Panel met to consider submissions and review Proposed Plan Change 5 (Accessible Parking) on 27 November 2024.

This report sets out the decisions of the Hearings Panel on the submissions to PPC5 (Accessible Parking) and the recommendations of the Council planners.

This report aims to reduce duplication.

Please refer to the Appendices for:

- Appendix 1: Tracked Changes from Decisions of Hearings Panel
- Appendix 2: Section 32AA Report Further evaluation of changes
- Appendix 3: Section 42A Report planners recommendations 22 November 2024
- Appendix 4: Section 42A Report Tracked changes

2 Proposed Plan Change 5 - Accessible Parking

The purpose of Proposed Plan Change 5 (PC5) is to include accessible parking provisions in the District Plan to enable accessible parking to be required for new developments and activities, when appropriate, during the resource consent process.

In total, PPC5 proposed 19 sets of changes to the District Plan. The key changes it seeks are to:

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- Insert rules to ensure accessible parking can be required in appropriate circumstances, including minimum car park rates for accessible parking and a standard for construction.
- Reinstate (with amendment) assessment criteria for non-compliance with the accessible parking rules.
- To amend 12 assessment criteria where the provision of accessible parking is appropriate:
 - o Traffic
 - o Parking
 - Service lanes/roads
 - A range of activities across the business and industrial zones including but not limited to urupā and cemeteries, places of assembly and educational facilities.

3 Background

PPC5 is seeking to reinclude accessible parking provision in the District Plan, after these were removed during the implementation of the National Policy Statement on Urban Development 2020 (NPS-UD).

The NPS-UD requires the removal of minimum carparking rates from District Plans. This was implemented in 2021 but an undesired consequence was the removal of provisions for accessible parking. These were expressed as a ratio of the minimum parking provisions and relied on Section 118 of the Building Act 2004 and NZS 4121:2001. Without a car park being built, an accessible car park cannot be required in a resource consent, even in circumstances where accessible car parking may be very appropriate, eg a medical centre or event centre.

The District Plan needs to be changed to ensure that accessible parking can be required, when it is appropriate, for new development. This includes the activities and buildings required to provide accessible parking under Section 118 of the Building Act.

3.1 Renotification

After notifying and receiving one submission in 2022, PPC5 was renotified mid-2023 to ensure that the notification requirements of the District Plan were fully met, in response to concerns raised by the submitter. In addition a number of minor errors (eg numbering and spelling) were identified and corrected.

See s42A Report section 3.3.3 for further information.

3.2 National Planning Standards

In early 2024, the District Plan was reformatted to comply with the National Planning Standards (NPS). As part of this, the structure of the District Plan changed and zones, objectives, policies, rules and assessment criteria were relocated and renamed. In addition a number of minor errors were identified and corrected and some standardised wording applied, including for assessment criteria introductions. This affects PPC5 and meant PPC5 needed to be converted into the new format, including renaming and relocating.

See s42A Report section 3.2 for further information.

3.3 Submissions

One submission was received during the original submission period. During the renotification period four submissions were received.

Five submissions were received in total:

- Submitter 1 Ross Gardiner (carried forward from the initial PPC5 notification)
- Submitter 2 Caroline van Leeuwen
- Submitter 3 Disabilities Resource Centre
- Submitter 4 Gina Seay
- Submitter 5 Whakatāne Accessibility and Inclusion

No further submissions were received.

Four submissions were in support requested no changes and did not wish to be heard at hearing:

- Submitter 2 Caroline van Leeuwen
- Submitter 3 Disabilities Resource Centre
- Submitter 4 Gina Seay
- Submitter 5 Whakatāne Accessibility and Inclusion

Submission 1 requested changes to most provisions proposed by PPC5. In total there were 41 submission points. 23 were withdrawn over the course of the plan change, as:

- resolved by renotification;
- resolved by National Planning Standards implementation to the District Plan;
- · resolved by minor error corrections during renotification or NPS implementation;
- out of scope; or
- the item requested no change to PPC5.

Council planners engaged with Submitter 1 at length to understand the requests and identify solutions acceptable to the submitter and Council planners. With Council planners putting forth those recommended solutions, Submitter 1 agreed they did not need to be heard at hearing.

4 Hearings Panel

The Hearings Panel met in the Whakatāne Council offices. Two WDC policy planning staff and one Governance support staff were in attendance. The meeting was digitally recorded for record keeping.

The panel was informed that there were no submitters to be heard. The request from Submitter 1 had been withdrawn with staff indicating that their matters to be heard had been addressed in the s42A Report.

Staff spoke to the s42A and s32 Reports and tracked changes. They confirmed that the ability to require accessible parking through resource consents is desirable, as it helps meet the communities varying needs when developing, and it reflects requirements of the Building Act for accessibility for people with disabilities. Staff also spoke to the solutions identified by Submitter 1 and Council planners and answered a number of questions from the Panel.

The Panel identified several minor items for correction, see section 6. These can be made under Schedule 1, Clause 16 of the RMA which allows for minor alterations and corrections that have minor effect (do not change the content and intent of the provision).

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4.1 Documents provided

Hearing panel members were provided with the relevant PC5 documentation prior the hearing, this included:

- Section 32 (s32) Report Examines the appropriateness of PC5 in achieving the purpose of the Resource Management Act 1991 (RMA).
- Section 32 Report Appendix 1 Original Tracked Changes Accompanied the s32 Report as an appendix and included the changes that PPC5 sought to include in the District Plan.
- Section 32 Report Appendix 2 Renotification Tracked Changes Provided to accompany the s32 Report as an appendix and included the changes PPC5 sought to include in the District Plan when renotified in 2023. This includes minor error corrections and alterations.
- Submissions Public notification of the s32 report made PPC5 available for public submission.
 Five submissions were received.
- Summary of Submissions This document was publicly notified and contained a summary of the four submissions and also then made the request for further submissions.
- Section 42A Planner's Report This report provides an analysis and recommendations on the submissions and further submission on PPC5.
- Section 42A Planner's Report Appendix 1 Tracked changes NPS conversion Accompanied
 the s42A Report as an appendix and is the tracked changes of PPC5 converted to the new NPS
 format of the District Plan.
- Section 42A Planner's Report Appendix 2 Tracked changes with recommendations— Accompanied the s42A Report as an appendix and is the tracked changes of PPC5 with tracked changes showing the recommendations of the s42A report.

5 Decisions on Submissions

The changes recommended by Council planners are detailed in the s42A Report (Appendix 3) and in the tracked changes of Appendix 4. These documents include the proposed PPC5 provisions and changes arising from submissions. This content is not replicated in this decision report, it is summarized here for ease of reading.

In addition to the decisions on submissions below, the panel adopts the s32AA report as its own and, for the avoidance of doubt, includes minor amendments made under Schedule 1, Clause 16 of the

Provisions of PPC5 not submitted on or having the submission point withdrawn are not discussed in this report as no changes are requested via submission. Due to this, it is only parts of Submission 1 that will be assessed.

5.1 Tracked Change Item 1: Assessment criteria for urupā and cemeteries

Tracked Change Item 1 provides assessment criteria for urupā and cemeteries in a variety of zones.

Submissions Received on Tracked Change Item 1:

Submission	S42A Report	S42A Summary Comments
Point	Recommendation	
1.1	Accept with amendments.	Agreed by Submitter 1. Amendments would clarify that parking rates cannot be considered for general parking but can be for accessible parking.

Page 4 of 10

Discussion:

Agreed.

Decision:

Accept with amendments recommended by the s42A Report.

5.2 Tracked Change Item 2: Assessment criteria for traffic effects

Tracked Change Item 2 provides assessment criteria for traffic effects in the Transport chapter.

Submissions Received on Tracked Change Item 2:

Submission	S42A Report	S42A Summary Comments
Point	Recommendation	
1.2	Accept with amendments.	Agreed by Submitter 1. Amendments would clarify that parking rates cannot be considered for general parking but can be for accessible parking

Discussion:

Agreed.

Decision:

Accept with amendments recommended by the s42A Report.

5.3 Tracked Change Item 8: Assessment criteria for two or more dwellings per lot

Tracked Change Item 8 provides assessment criteria for two or more dwellings per lot in the Mixed Use Zone.

Submissions Received on Tracked Change Item 8:

Submission	S42A Report	S42A Summary Comments
Point	Recommendation	
1.11	Retain as notified	Agreed by Submitter 1.
1.12	with amendments to resolve.	Amendments would limit consideration of the number of accessible car parks to the parking rates and make clear the other requirements of the rule apply to all types of parking, which includes accessible parking.

Discussion:

Agreed.

Decision:

Retain with amendments recommended by the s42A Report.

5.4 Tracked Change Item 11: Assessment criteria for traffic flow generation

 $\label{thm:continuous} {\it Tracked Change Item 11 provides assessment criteria for traffic flow generation in the Transport chapter.}$

Submissions Received on Tracked Change Item 11:

Submission	S42A Report	S42A Summary Comments
Point	Recommendation	
1.15	Accept and amend.	Agreed by Submitter 1.
		Avoids internal conflict with the parking rates.

Discussion:

Agreed.

Decision:

Accept with amendments recommended by the s42A Report.

5.5 Tracked Change Item 12: Accessible parking rules – rate and activities

Tracked Change Item 12 provides rules on which activities are required to provide accessible parking and at what rate.

Submissions Received on Tracked Change Item 12:

Submission	S42A Report	S42A Summary Comments
Point	Recommendation	
1.16	Reject.	Agreed by Submitter 1.
		After NPS implementation, the rule is now co-located with the location and design rules and covers more than just parking rates.
1.17	Accept in part,	Agreed by Submitter 1.
1.18	reword Tracked	Rewording would clarify the intention of when accessible parking should be required and ensures it aligns with the
1.20	Change Item 12.	
1.21		Building Act requirements. More appropriately meets the intention of PPC5.
1.22	Accept.	Agreed by Submitter 1.
		PPC5 intended non-compliance to be restricted discretionary, evidenced by the assessment criteria title in the original proposed provisions referencing the rule number.

Discussion:

Agreed.

Decision:

Accept the recommendations of the s42A Report.

5.6 Tracked Change Item 13: Accessible parking rules – location and design

Tracked Change Item 13 provides rules on how accessible car parks are to be located and designed.

Submissions Received on Tracked Change Item 13:

Submission	S42A Report	S42A Summary Comments
Point	Recommendation	

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1.24	Reject, with amendments to resolve.	Agreed by Submitter 1. A standalone rule separates it from the context of what is to be assessed and applies its scope beyond parking. Grammatical amendments would allow for the rule to read more easily. Related to Submission Point 1.26 (below).	
1.26	Accept.	Agreed by Submitter 1. Compliance should be limited to the accessible parking section of NZS 4121, not the entire standard. Related to Submission Point 1.24 (above).	
1.28	Reject.	Considered resolved by Submitter 1. The rules of Section 5 of NZS 4121:2001 do not lend themselves to being adequately described by a diagram.	
1.29	Reject	Considered resolved by Submitter 1. NZS 4121:2001 was available along with the proposed plan change at Council offices and on request. Online was not possible due to copyright.	

Discussion:

Agreed.

Decision:

Accept the recommendations of the s42A Report.

5.7 Tracked Change Item 16: Assessment criteria for various transport items including parking

 $\label{thm:continuous} \textbf{Tracked Change Item 16 provides assessment criteria for various transport items:}$

- Roads and property access excluding State Highway;
- Sight lines;
- Provision of loading spaces;
- Restricted vehicle access parking;
- Design construction, private ways, access legs, access lots or common areas utilised for vehicle access on a cross or company lease or unit title;
- Design construction of vehicle crossing excluding State Highway; and
- Restricted vehicle access to loading spaces

Submissions Received on Tracked Change 16:

Submission	S42A Report	S42A Summary Comments
Point	Recommendation	
1.32	Reject, with	Agreed by Submitter 1.
	amendments to resolve.	Assessment of wider considerations of parking is a relevant matter of consideration. Amendments would clarify when parking rates can be considered.

Discussion:

Agreed.

Decision:

Accept the recommendations of the s42A Report.

5.8 General matter: diagrams

Submitter 1 included some requests on general matters, including the creation of diagrams to express the requirements of NZS 4121:2001.

Submission Point 1.28 on Tracked Change 13 is of a similar nature.

Submissions Received:

Submission Point	S42A Report Recommendation	Comments
1.37	Reject.	Considered resolved by Submitter 1.
		The rules of Section 5 of NZS 4121:2001 do not lend themselves to being adequately described by a diagram.

Discussion:

Agreed.

Decision:

Reject submission point.

5.9 General matter: definition

 $\label{thm:continuity} Submitter 1 included some requests on more general matters, including a definition for accessible parking.$

Submissions Received:

Submission	S42A Report	Comments
Point	Recommendation	
1.38	Accept.	Considered resolved by Submitter 1.
		The inclusion of the NPS-UD definition of accessible car park aligns with higher order legislation.

Discussion:

Agreed.

Decision:

Accept submission point.

6 Schedule 1, Clause 16 of the Resource Management Act 1991

Schedule 1, Clause 16(2) of the Resource Management Act 1991 allows for Council to correct any minor errors or make alterations of minor effect.

"A local authority may make an amendment, without using the process in this schedule, to its proposed policy statement or plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors."

Several have been identified by Council planners and several were identified by the Commissioners. These are identified in the below table, with * indicating those identified by the Commissioners.

Red is for original proposed changes. Green is for s42A recommended changes. Purple is for the minor corrections.

Item	District Plan Section	Change		
1, 2, 8	Multi	Amend the tracked changes to reflect the changes recommended by the s42A to specify the rates rule when referring to parking rates in assessment criteria.		•
		Item 1 and 2 "acc	essible car parks (including parking r	rates in TRAN-R8.5)"
		Item 8 "number o	f accessible car parks as in TRAN-R8	.5"
5	LIZ-AC8a GIZ-AC9a		e assessment criteria generic wordinuide to the matters"	g
12	TRAN-R8.3	Shift TRAN-R8.3 into its own rule line as it relates to only two zones, not all zones. Under the NPS format of the District Plan, rules for zones are grouped together. Rule for some zones and not others should be identified separately.		es are grouped together. Rules
		•	e District Plan has been used to disp e multiple iterations of tracked chan	
			eport the change incorrectly identifinot in the original sentence.	ed "not" to be removed (not)
		zones 1. Th 2. Pa su' 3. In Ma	e layout of any parking area rking spaces are to have fficient the General Residential and edium Density Residential Zones, car park space shall be located in e front yard.	Activity status where compliance: DIS see DIS assessment criteria TRAN-AC7 and TRAN-AC8
		General Residential and Medium Density Residential Zones	4. In the General Residential and Medium Density Residential Zones, Nno car park space shall not be located in the front yard.	Activity status where compliance: DIS see DIS assessment criteria TRAN-AC7 and TRAN-AC8

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Item	District Plan Section	Change
17	TRAN- AC11a(i)	*Correct to "no less", as the intention is to require at least the minimum total number required. This is a drafting error. It is not desirable to discourage providing more than the minimum number of accessible car parks and it should not be prevented, particularly as some activities may have a greater need.
		From: "so long as the total provision is no less more than the sum of the requirements for each individual activity"
		To: "so long as the total provision is no less more than the sum of the requirements for each individual activity"
18	TRAN- AC2a(ii)ae	Correct reference to parking to refer to accessible car parking*, and apply NPS-UD defined term "accessible car parks"
		ae. any physical characteristics of the site that may affect its ability to accommodate off-street accessible car parks parking; and
19	TRAN- AC11a.3	Remove reference to loading as this assessment criteria now only applies to accessible parking and not wider considerations of parking and loading.
		iii. modification of parking and loading standards: the number of accessible car parks parking spaces proposed and whether the demand for accessible car parks parking likely to be generated by the proposed activity can be accommodated on the site.

10.5.2 Appendix B – Tracked changes post-Hearing

10.5.2 Appendix B – Tracked changes post-Hearing

10.5.2 Appendix B - Tracked changes post-Hearing(Cont.)



Appendix 1: Proposed Plan Change 5 Accessible Parking (PPC5) Tracked Changes – Hearings Panel decisions

The **Original District Plan Format column** show the notified proposed changes (including error corrections) red for amended text and red and struck through for deletions. Sections of the District Plan that were previously removed to meet the NPS-UD requirements and are being reinstates are in red italic with a note.

Where they were reinstated with amendments, the amendments are red underlined for additions and strikethrough for deletion.

The **Proposed Changes column** shows PPC5 in the new, NPS format (the Section column shows where the provision is now located). National Planning Standards formatting changes are in blue and include standardised wording and numbering. PPC5 proposed changes are in red with strikethrough for deletion. Planner's recommendations (Section 42A Report) are shown in green, strikethrough for deletion. Purple is for minor error corrections (RMA schedule 1 clause 16).

For clarity, Zone names before National Planning Standards implementation and after			
Was	Now	Was	Now
Residential Zone	GRZ - General Residential Zone	Active Reserve Zone	OSZ - Open Space Zone
Urban Living Zone	MDRZ - Medium Density Residential Zone	Community and Cultural Zone	CCZ - Community and Cultural Zone
Deferred Residential	FUZ – Future Urban Zone	Commercial Zone	CZ - Commercial Zone
Rural Foothills Zone	GRUZ - General Rural Zone	Large Format Retail Zone	LFRZ - Large Format Retail Zone
Rural Plains Zone	RPROZ - Rural Production Zone	Mixed Use Zone	MUZ - Mixed Use Zone
Rural Ōhiwa Zone	ROZ - Rural Ōhiwa Zone	Business Centre Zone	TCZ - Town Centre Zone
Rural Coastal Zone	RCZ - Rural Coastal Zone	Light Industrial Zone	LIZ – Light Industrial Zone
Coastal Protection Zone	CPZ - Coastal Protection Zone	Industrial Zone	GIZ – General Industrial Zone

PROPOSED PLAN CHANGE 5 - TRACKED CHANGES		NPS format	
Item	Original District Plan format	Section	Proposed Changes & Planners Recommendations
1	Amend to read:	GRZ-AC6.d	Urupā and cemeteries
	 3.6.1 Urupā and cemeteries Council shall restrict its discretion to: 4. Transportation – including provision of adequate car parking that includes accessible parking, and traffic 	MDRZ-AC6.d GRUZ-AC7.d RPROZ-AC7.d CZ-AC4.d LFRZ-AC5.d MUZ-AC9.d	Activity assessment criteria: RDIS Council shall restrict its discretion to: d. transportation – including provision of adequate car parking (excluding parking rates) that includes accessible car parks (including parking rates in TRAN-R8.5) parking, and traffic

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10.5.2 Appendix B – Tracked changes post-Hearing(Cont.)



Appendix 1: Proposed Plan Change 5 Accessible Parking (PPC5) Tracked Changes – Hearings Panel decisions

PROPOSED PLAN CHANGE 5 - TRACKED CHANGES		NPS format	
Item	Original District Plan format	Section	Proposed Changes & Planners Recommendations
	management measures to ensure the safe and efficient operation of the surrounding road network.	TCZ-AC3.d LIZ-AC5.d GIZ-AC4.d OSZ-AC1.d FUZ-AC5.d RCZ-AC6.d ROZ-AC13.d	management measures to ensure the safe and efficient operation of the surrounding road network. '
2	Amend to read: 3.7.17 Traffic Effects 3.7.17.1 Council shall have regard to;; a. traffic volumes and traffic mix relative to existing and future traffic patterns, access, parking, accessible parking, and loading on-site;	TRAN-AC7.a TRAN-AC9.a	Traffic effects TRAN-AC7.a: Activity assessment criteria: DIS TRAN-AC9.a: Activity assessment criteria: NC Without limiting Council's discretion, the following criteria are a guide to the matters Council shall have regard to: a. traffic volumes and traffic mix relative to existing and future traffic patterns, access, parking (excluding parking rates), accessible car parks parking (including parking rates in TRAN-R8.5), and loading on-site;
3	NB: 3.7.30.1(a-d) were deleted in the NPS-UD 2021 changes. Reinstate 3.7.30.1(c) and amend c. and e. to read: 3.7.30 On-site car parking 3.7.30.1 Council shall have regard to: a. purchase of land for car-parking: i. whether an applicant has purchased land adjoining or in close proximity to the activity to provide the required accessible car-parking spaces; and ii. whether a legally binding agreement shall be entered into to ensure the relevant Certificates Records of Title are amalgamated or otherwise held together. e-b. modification of parking and loading standards;	GRZ-AC19 MDRZ-AC19 MUZ-AC16 OSZ-AC7 CCZ-AC5 CPZ-AC5 FUZ-AC11 RCZ-AC17 ROZ-AC24	On-site car Parking Activity assessment criteria: DIS Without limiting Council's discretion, the following criteria are a guide to the matters Council shall have regard to: a. modification of parking and loading standards: i. the degree of variance from the number of accessible car parks parking spaces proposed and whether the parking demand likely to be generated by the proposed activity can be accommodated on the site; c. purchase of land for car-parking:

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10.5.2 Appendix B – Tracked changes post-Hearing(Cont.)



Appendix 1: Proposed Plan Change 5 Accessible Parking (PPC5) Tracked Changes – Hearings Panel decisions

PROP	OSED PLAN CHANGE 5 - TRACKED CHANGES		NPS format
Item	Original District Plan format	Section	Proposed Changes & Planners Recommendations
	i. the degree of variance from the number of accessible parking spaces proposed and whether the parking demand likely to be generated by the proposed activity can be accommodated on the site;		 i. whether an applicant has purchased land adjoining or in close proximity to the activity to provide the required accessible car parks parking car-parking spaces; and ii. whether a legally binding agreement shall be entered into to ensure the relevant Records of Title are amalgamated or otherwise held together.
4	NB: part of 3.7.32.1f was deleted in the NPS-UD 2021 changes	TEMP-AC1	Temporary places of assembly (See Activity Table 3.4 Item 42) Activity assessment criteria: CON
	Amend to read: 3.7.32 Temporary Places of Assembly (See Activity Table 3.4 Item 42) 3.7.32.1 Council shall have regard to; f. traffic movement on and off of the site including access, accessible parking, and loading of vehicles for attendees and for emergency and security vehicles;		Council shall exercise its control over: f. traffic movement on and off of the site including access, accessible car parks parking, and loading of vehicles for attendees and for emergency and security vehicles;
5	NB: part of 3.7.32.1f was deleted in the NPS-UD 2021 changes	LIZ-AC8	Community activities
	 Amend to read: 3.7.36 Community Activities in the Light Industrial and Industrial Zones 3.7.36.1 Council shall have regard to; a. whether the use of the community activity will be in conflict with the business activities on neighbouring sites and elsewhere in the Light Industrial or Industrial Zone. Particular regard will be given to the numbers of people to be accommodated, the intended hours of use, and the level of accessible parking provided; 		Activity assessment criteria: DIS Without limiting Council's discretion, the following criteria area a guide to the matters Council shall have regard to: a. whether the use of the community activity will be in conflict with the business activities on neighbouring sites and elsewhere in the Light Industrial Zone. Particular regard will be given to the numbers of people to be accommodated, the intended hours of use, and the level of accessible parking provided;
		GIZ-AC9	Community activities Activity assessment criteria: DIS Without limiting Council's discretion, the following criteria area a guide to the matters Council shall have regard to:

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10.5.2 Appendix B – Tracked changes post-Hearing(Cont.)



Appendix 1: Proposed Plan Change 5 Accessible Parking (PPC5) Tracked Changes – Hearings Panel decisions

PROPOSED PLAN CHANGE 5 - TRACKED CHANGES		NPS format	
Item	Original District Plan format	Section	Proposed Changes & Planners Recommendations
			a. whether the use of the community activity will be in conflict with the business acti vities on neighbouring sites and elsewhere in the General Industrial Zone. Particular regard will be given to the numbers of people to be accommodated, the intended hours of use, and the level of accessible parking provided;
6	NB: part of 3.7.44.1d was deleted in the NPS-UD 2021 changes	LFRZ-AC10	Community activities
	Amend to read:		Activity assessment criteria: DIS
	3.7.44 Community Activities in the Large Format Retail Zone.		Without limiting Council's discretion, the following criteria are a
	3.7.44.1 Council shall have regard to;		guide to the matters Council shall have regard to: e. the maximum level of parking proposed, including the
	d. the maximum level of parking proposed, including the		number of accessible car parks.
	number of accessible carparks.		•
7	Amend to read: 5.3.3 New buildings and additions over 400m2 in the Business Centre, Commercial and Mixed Use Zones (see	CZ-AC1 MUZ-AC4 TCZ-AC1	New buildings and additions over 400m ² Activity assessment criteria: CON Council shall exercise its control over:
	Rules in 5.2.9)		c. traffic matters – whether the:
	 5.3.3.1 Council shall exercise its control over: c. traffic matters – whether the: ii. development of a site includes the creation of additional car parking, accessible car parking, loading and unloading bays; and 		ii. development of a site includes the creation of additional car parking, accessible car parks parking, loading and unloading bays; and
8	NB: part of 5.3.5.1a was deleted in the NPS-UD 2021 changes	MUZ-AC1	Two or three dwellings per lot
	Amend to read:		Activity assessment criteria: CON
	5.3.5 Two or more dwellings per Lot (see Activity Status Table 3.4 Item 2)		Council shall exercise its control over: a. the number of accessible car parks as in TRAN-R8.5, location and design of access and parking space, and any provided
	5.3.5.1 Council exercise its control over;		on-site vehicle manoeuvring to ensure the safe and efficient operation of the transport network;

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PROP	OSED PLAN CHANGE 5 - TRACKED CHANGES	NPS format	
Item	Original District Plan format	Section	Proposed Changes & Planners Recommendations
	a. the number of accessible car parks, location and design of access and parking space, and on-site vehicle manoeuvring to ensure the safe and efficient operation of the transport network;		
9	Amend to read: 5.3.6 Places of Assembly of 10-50 people (see Activity Status Table 3.4 Item 11b) 5.3.6.1 Council shall exercise its control over; b. traffic effects (including but not limited to access, on-site vehicle manoeuvring areas, the provision of accessible parking, bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and vehicles, traffic volumes and traffic mix, parking and loading, pedestrian and cyclist safety, construction traffic, and the practicability of combining access ways serving more than one site or lot);	MUZ-AC2	Places of assembly of 10 to 50 people Activity assessment criteria: CON Council shall exercise its control over: j. traffic effects (including but not limited to access, on-site vehicle manoeuvring areas, the provision of accessible car parks parking, bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and vehicles, traffic volumes and traffic mix, parking and loading, pedestrian and cyclist safety, construction traffic, and the practicability of combining accessways serving more than one site or lot);
10	Amend to read: 5.3.7 Educational Facilities of 10-50 people (see Activity Status Table 3.4 Item 12b) 5.3.7.1 Council shall exercise its control over; b. traffic effects (including but not limited to access, on-site vehicle manoeuvring areas, the provision of accessible parking, bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and vehicles, traffic volumes and traffic mix, parking and loading, pedestrian and cyclist safety, construction traffic, and the practicability of combining access ways serving more than one site or lot);	MUZ-AC3	Educational facilities of 10 to 50 people Activity assessment criteria: CON Council shall exercise its control over: b. traffic effects (including but not limited to access, on-site vehicle manoeuvring areas, the provision of accessible car parks parking, bus bays, drop off zones, measures to separate pedestrians, buses, cyclists and vehicles, traffic volumes and traffic mix, parking and loading, pedestrian and cyclist safety, construction traffic, and the practicability of combining accessways serving more than one site or lot);
11	NB: part of 13.2.7.2 was deleted in the NPS-UD 2021 changes	TRAN-R5.3	Traffic flow generation

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PROP	PROPOSED PLAN CHANGE 5 - TRACKED CHANGES		NPS format	
Item	Original District Plan format		Section	Proposed Changes & Planners Recommendations
	Amend to read:			Activity status: DIS
	13.2.7 Traffic Flow Generation 13.2.7.2 Any activity in the Business Commercial Zone which provides of more than 25 on-site parking spaces parking spaces shall be a discretion	r is required to provide es and 2 or more accessible		 Any activity which provides or is required to provide more than 25 on-site parking spaces including any and 2 or more accessible car parks parking spaces. see DIS assessment criteria TRAN-AC8
12	Add new section: 13.2.9 Accessible parking provision 13.2.9.1 Accessible parking is not rewhere there are less than four carpost business activities with frontage on the Whakatāne or Kōpeōpeō Busine 13.2.9.2 Accessible parking required Permitted activities in the Rural Zon Rule 3.4.1.1 (Items 31-37c) and inclural processing activities and quant 13.2.9.3 Where car parking is provind wellings where there are less than activities with frontage to a pedest Centre Zone, accessible car park shaccordance with the following table Table 13.7 – Number of car parks: Total number of car parks	equired for dwellings parks per lot, or for anto pedestrian streets in less Centre Zones. Imments do not apply to mes. These are identified in lude farming, forestry, rrying. Ided, and excluding a four per lot and business rian street in the Business all be provided in	TRAN-R8	Location and design of parking, accessible parking provision, and alternatives to on-site parking Activity status: PER 5. Accessible parking is not required for dwellings where there are less than four car parks per lot, or for business activities with frontage onto pedestrian streets in the Whakatāne or Kōpeōpeō Business Centre Zones. 6. Accessible parking requirements do not apply to permitted activities in the Rural Zones. These are identified in the General Rural, Rural Production, Rural Ōhiwa and Rural Coastal Zone chapters and include farming, forestry, rural processing activities and quarrying. 7. Where car parking is provided, and excluding dwellings where there are less than four per lot and business activities with frontage to a pedestrian street in the Town Centre Zone, accessible car park shall be provided in accordance with the following table TRAN-R8.5 – Table 21 Number of Car Parks:
	Total number of car parks	car park spaces		 Activities and buildings required to provided accessible car parking under Section 118 of the Building Act 2004 are

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PROPOSED PLAN CHANGE 5 - TRACKED CHANGES			NPS format		
Item	Original District Plan format		Section	Proposed Changes & Planners Recommendations	
	0 – 20 21 – 50 For every additional 50 car parks	Not less than 1 Not less than 2 Not less than 1		required to provide accessible car parks in accordant the car park rates in TRAN-R8.5 – Table 21. Activity Status where compliance not achieved for TRANDIS see RDIS assessment criteria TRAN-AC11 TRAN-R8.5 - Table 21 Number of Car Parks Total number of car parks Number of access car park spaces 0 – 20 Not less than 1 21 – 50 Not less than 2	
13	Amend to read: 13.2.10. Location and Design of Pa 13.2.10.2 Parking spaces are to have depth to enable the parking of a vertending into a manoeuvring area boundary of the lot or into a common way, service lane, and common are manoeuvring area shall include any used by vehicles to move from the or loading space and includes all drawy be part of an accessway. Com 2890:1:2004 shall satisfy this rule (Saccessible parking spaces must common properties).	re sufficient width and hicle without any part, accessway, over a non vehicle area (right-of-rea for a cross-lease). A repart of the site that is access point to any parking riveways and aisles, and apliance with AS/NZS See Appendix 13.7.2).	TRAN-R8.2	For every additional 50 car parks Not less than 1 Location and design of parking, accessible parking provision, and alternatives to on-site parking Activity status: PER 2. Parking spaces are to have sufficient width and depth to enable the parking of a vehicle without any part extending into a manoeuvring area, accessway, over a boundary of the lot or into a common vehicle area (right-of-way, service lar and common area for a cross-lease). A manoeuvring area shall include any part of the site that is used by vehicles to move from the access point to any parking or loading space and includes all driveways and aisles, and may be part of an accessway. Compliance with AS/NZS 2890:1:2004 shall satist this rule. (see TRAN-APP2) and Accessible parking spaces must comply with NZS 4121:2001 Section 5 (for accessible parking) shall satisfy this rule.	



PROPOSED PLAN CHANGE 5 - TRACKED CHANGES		NPS format	
Item	Original District Plan format	Section	Proposed Changes & Planners Recommendations
14	Amend to read: 13.2.13 Service Lane or Roads 13.2.13.1 All parking spaces, including for accessible parking, and manoeuvring areas shall be provided on-site, exclusive of land shown to be acquired for a service lane or road.	TRAN-R7	Service lanes or roads Activity status: PER 1. All parking spaces, including for accessible car parks parking, and manoeuvring areas shall be provided on-site, exclusive of land shown to be acquired for a service lane or road.
15	Amend to read: 13.3.1 Alternatives to On-Site Vehicle Parking (see Rules in 13.2.17). 13.3.1.1 Council shall exercise its control over: b. whether it will provide convenient parking, including accessible parking, for the permitted activity and whether there is appropriate access between the permitted activity and the associated vehicle parking area; and	TRAN-AC1	Alternatives to on-site vehicle parking Activity assessment criteria: CON Council shall exercise its control over: a. whether it will provide convenient parking, including accessible car parks parking, for the permitted activity and whether there is appropriate access between the permitted activity and the associated vehicle parking area; and
16	Amend to read: 13.4.7 Roads and Property Access excluding State Highway (see Rules in 13.2.2), Sight Lines (see Rule 13.2.2.2 (i), Provision of Loading spaces (see Rules in 13.2.18), Restricted vehicle access Parking (see Rules in 13.2.15), Design Construction Private ways, Access Legs, Access Lots or Common Areas Utilised for Vehicle Access on a Cross or Company Lease or Unit Title (see Rules in 13.2.4), Design Construction of Vehicle Crossing Excluding State Highway (see Rules in 13.2.5) and Restricted Vehicle access to Loading spaces (13.2.21) 13.4.7.1 Council shall restrict its discretion to;	TRAN-AC2	 Roads and property access excluding State Highway; Sight lines; Provision of loading spaces; Restricted vehicle access parking; Design construction, private ways, access legs, access lots or common areas utilised for vehicle access on a cross or company lease or unit title; Design construction of vehicle crossing excluding State Highway; and Restricted vehicle access to loading spaces. Activity assessment criteria: RDIS Council shall restrict its discretion to: a. traffic volumes and traffic mix relative to existing and future patterns, access, parking (excluding parking rates), including

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Appendix 1: Proposed Plan Change 5 Accessible Parking (PPC5) Tracked Changes – Hearings Panel decisions

PROP	PROPOSED PLAN CHANGE 5 - TRACKED CHANGES		NPS format	
Item	Original District Plan format	Section	Proposed Changes & Planners Recommendations	
	a. traffic volumes and traffic mix relative to existing and future patterns, access, parking, including accessible parking, and loading on-site;		accessible parking (including parking rates in TRAN-R8.5), and loading on-site;	
17	NB: 13.4.8 was deleted in the NPS-UD 2021 changes. Reinstate and amend to read: 13.4.8 On-site Accessible Parking (see Rules in 13.2.9) 13.4.8.1 Council shall have regard to: a. the extent to which the following circumstances may apply, as the basis for being able to provide alternative parking provisions: i. multiple provision on one site – two or more owners may make joint provision for off-street accessible car parking so long as the total provision is no less more than the sum of the requirements for each individual activity 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 Records of Title are amalgamated or otherwise held together;	TRAN-AC11	On-site accessible parking Rules(s): TRAN-R8.5 Activity assessment criteria: RDIS Council shall restrict its discretion to: a. the extent to which the following circumstances may apply, as the basis for being able to provide alternative parking provisions: i. multiple provision on one site – two or more owners may make joint provision for accessible car parks parking so long as the total provision is no less more than the sum of the requirements for each individual activity 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 Records of Title are amalgamated or otherwise held together;	
18	NB: 13.4.8 was deleted in the NPS-UD 2021 changes. Reinstate and amend section to read: 13.4.8.1.a ii. Reduction in accessible car-parking requirements – where it is adequately shown that the full accessible parking requirement need not be met because of such factors as; • the small number of persons likely to be attending the site;		 ii. reduction in accessible car parks car-parking requirements – where it is adequately shown that the accessible car parks parking requirement need not be met because of such factors as; aa. the small number of persons likely to be attending the site; ab. the low volume of service delivery and visitor traffic likely to be generated by the site; ac. the ability of an adjoining site to provide additional accessible car parks parking; 	

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PROP	PROPOSED PLAN CHANGE 5 - TRACKED CHANGES		NPS format	
Item	Original District Plan format	Section	Proposed Changes & Planners Recommendations	
	 the low volume of service delivery and visitor traffic likely to be generated by the site; the ability of an adjoining site to provide additional accessible parking; the amount, if any, of off-street accessible parking that is provided or is planned to be provided in the vicinity of the site; any physical characteristics of the site that may affect its ability to accommodate off-street parking; and 		ad. the amount, if any, of off-street accessible car parks parking that is provided or is planned to be provided in the vicinity of the site, ae. any physical characteristics of the site that may affect its ability to accommodate off-street accessible cark parks parking; and iii. modification of parking and loading standards: the number of accessible car parks parking spaces proposed and whether the demand for accessible car parks parking	
19	NB: 13.4.8 was deleted in the NPS-UD 2021 changes.		likely to be generated by the proposed activity can be accommodated on the site .	
	Reinstate and amend section to read:			
	 13.4.8.1.a \$\frac{1}{2}\$ iii. Modification of parking and loading standards: —The Council shall have regard to: the degree of variance from the number of accessible parking spaces proposed and whether the parking demand for accessible parking likely to be generated by the proposed activity can be accommodated on the site;. 			
		Definitions	Insert definition:	
			ACCESSIBLE CAR PARK	
			has the same meaning as NPS-UD 2020 (as below)	
			accessible car park means a car park designed and marked (for instance, in accordance with the mobility car parking scheme) for use by persons with a disability or with limited mobility.	
		TRAN-R8	Minor error correction using RMA Schedule 1 Clause 16. Shift TRAN-R8.3 into its own rule line as it relates to only two zones,	

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PROP	OSED PLAN CHANGE 5 - TRACKED CHANGES	NPS format		
Item	Original District Plan format	Section	Proposed Changes & Planners Recommendations	
			not all zones. Note: the Operative District Plan has been used to display the change below to avoid confusions with the multiple iterations of tracked changes for this plan change. All zones Activity status: PER 1. The layout of any parking area 2. Parking spaces are to have sufficient 3. In the General Residential and Medium Density Residential Zones, no car park space shall be located in the front yard. Residential Zones, no car TRAN-AC8	
			General Residential and Density Residential Zones Activity status: PER Activity status where compliance: DIS Medium Medium Density Residential Zones Activity status where compliance: DIS see DIS assessment criteria TRAN- AC7 and TRAN- AC8	

10.6 Procurement Policy review report

WHAKATĀNE District Council To: Whakatāne District Council

Date: Thursday, 8 May 2025

Author: I McNiven / Procurement and Risk Manager

H Keravel / Senior Strategic Policy Analyst

Authoriser: B Gray / GM Finance & Commercial Services

Reference: **A2875895**

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

The purpose of this report is for Council to adopt the revised procurement policy.

2. Recommendations - Tohutohu akiaki

- 1. THAT the Council receive the Procurement Policy review report; and
- 2. THAT, subject to any changes identified at the meeting, the Council **adopt** the revised procurement Policy to replace the current procurement policy.

3. Background - He tirohanga whakamuri

The procurement policy has been identified for review as a part of the review of the policy work programme. The existing policy was last updated in 2012 and is now out of date.

The review of the policy offers many benefits including

- To align with new regulations and best practices
- To enhance transparency, accountability, and efficiency
- To support local businesses and sustainability
- To strengthens risk management and financial controls

The procurement policy review approach was discussed in Council's briefings in March 2025 and in April 2025 to provide guidance to staff to develop the revised procurement policy.

Discussion – K\u00f6rerorero

4.1. Policy objectives

The objective of the revised Procurement Policy is to ensure that all procurement activities within the Whakatāne District Council are conducted in a manner that achieves:

- Value for money for Council.
- Efficiency, transparency, and accountability.
- Outcomes for the local economy.
- Outcomes for ecological environmental practices.
- This policy aims to provide clear decision-making and accountability in the procurement process.

4.2. Policy principle

The revised policy aligns with the New Zealand Government Procurement's five principles. These principles are the overarching values and provide the foundations of good procurement practice. The principles are:

- 1. Plan and manage for great results.
- 2. Be fair to all suppliers.
- 3. Get the right supplier.
- 4. Get the best deal for everyone.
- 5. Play by the rules.

4.3. Proposed key changes to the policy

The revised policy is introducing 4 key changes to the existing policy.

4.3.1. Integrating Broader outcomes to the policy

The policy introduces broader outcomes.

Broader outcomes are the secondary benefits generated by the procurement activity: these outcomes when incorporated in Council's procurement decision generate greater public value.



We encourage initiatives that embrace cultural diversity, inclusivity of all people and revitalisation of our indigenous heritage through Matauranga Māori (knowledge).

BROADER OUTCOMES



Social wellbeing Oranga Hapori

We promote and facilitate opportunities that lead to a healthy, safe and connected community.



Economic wellbeing Oranga Ōhanga

We support ethical economic prosperity through employment, upskilling and innovative supply-chain initiatives that encourage a resilient workforce and reduced inequalities.



Environmental wellbeing Oranga Taiao

We support initiatives and innovations that protect and enhance our community's natural environment, and enable the reduction of carbon emissions and waste.

In March 2025, Council gave guidance to integrate broader outcomes in competitive tender.

4.3.2. Reestablishing the role of the Procurement assessment panel

The policy now re-establishes the Procurement Assessment Panel.

The Procurement Assessment Panel serves as the review body for all significant (over \$200k) and high-risk procurement activities undertaken by the Council, ensuring the adequacy of the Procurement Policy and overseeing its implementation.

4.3.3. Reviewing of the Financial Thresholds

Adjustments have been made to the financial thresholds and categories in the attached revised policy.

The primary objectives of reviewing the financial thresholds are:

- To ensure that procurement thresholds are appropriate and reflective of current economic conditions.
- To streamline the procurement process and reduce administrative burdens.
- To maintain robust procurement controls and ensure compliance with regulatory requirements.

Procurement Value	Method Selection	<u>Approver</u>	Purchasing Means
Less than \$50k	Direct Purchase	❖ DFA	Authorised Purchase Order OR Contract/Agreement for any goods or services over \$10k
\$50k - \$200k	 Direct procurement when there is only one qualified supplier or when the time and cost of a competitive process exceed the benefits of competition. Obtain 3 quotes Competitive Tender Process Complete and document your decision within Short form Procurement Plan 	❖ DFA	Contract/ Agreement

Procurement Value	Method Selection	<u>Approver</u>	Purchasing Means			
Over \$200k	 Competitive Tender Process unless a valid exemption from open competition is approved Complete and document your decision within <u>Full</u> Procurement Plan 	Procurement Assessment Panel	Contract/ Agreement			
	An Exemption process will be required if a Procurement deviates from the Standard Procurement process.					
	For NZ Transport Agency Waka Kotahi Funded Procurement – please refer to limits set out within the WDC Transport Procurement Strategy Document.					
	All Procurements for consultants valued at over \$10k require a contract number and a Consultancy agreement.					

The proposed changes:

- Lift the value at which procurements must have a documented procurement plan authorised by the procurement team and the person with delegated financial authority from \$25,000 to \$50,000.
- Lift the value at which you can direct appoint procurements (but must be accompanied by a procurement plan with justification): \$50,000 -200,000
- Creates a new category of approval all procurements >\$200,000 to be directed through the Procurement Assessment Panel.

4.3.4. Emergency Procurement

Clear guidance on Emergency Procurement is now included within the revised procurement policy. It helps maintain compliance, transparency, and accountability while managing risks and ensuring the continuity of operations.

5. Options Analysis - Ngā Kōwhiringa

5.1. Option 1 – Adopt the revised policy - Staff Recommended option

Adv	Advantages		Disadvantages	
•	Align with guidance received in Council's briefings	•	No disadvantage has been identified.	
•	Meet new regulations and best practices			
•	Enhances transparency, accountability, and efficiency			
•	Supports local businesses and sustainability			
•	Strengthens risk management and financial controls			

5.2. Option 2 - Do not adopt the revised policy

Advantages	Disadvantages	
No advantage has been identified	 Would require further direction from council to progress draft of the policy. Longer review process means that the existing outdated policy will remain in place for a longer period of time. 	

6. Significance and Engagement Assessment - Aromatawai Pāhekoheko

6.1. Assessment of Significance

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

Significance Criteria	Comments	Impact Assessment
Level of community interest: Expected level of community interest, opposition or controversy involved.	Procurement can impact our suppliers, support local business and sustainability	Low to moderate
Level of impact on current and future wellbeing: Expected level of adverse impact on the current and future wellbeing of our communities or District.	Broader outcomes have positive impact on cultural, social, economic, environmental wellbeing	Low to Moderate
Rating impact: Expected costs to the community, or sectors of the community, in terms of rates.	No rating impact	Low

Significance Criteria	Comments	Impact Assessment
Financial impact: Expected financial impact on the Council, including on budgets, reserves, debt levels, overall rates, and limits in the Financial Strategy.	Good procurement policy provides value for money for council	Low to moderate
Consistency: Extent to which a proposal or decision is consistent with the Council's strategic direction, policies and significant decisions already made.	Align with Facilitating economic regeneration and responding to development pressures LTP priorities. Procurement tools help achieve gains for local economy, workforce and environment.	Low
Reversibility: Expected level of difficulty to reverse the proposal or decision, once committed to.	Council can review the policy without formal consultation process	Low
Impact on Māori: Expected level of impact on Māori, considering the relationship of Māori and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga.	The introduction of Broader outcome has a positive impact for Māori. Broader outcomes include cultural wellbeing which encourages initiatives that embrace cultural diversity and revitalisation of our indigenous heritage through Matauranga Māori.	Low
Impact on levels of service: Expected degree to which the Council's levels of service will be impacted.	No impact	Low
Impact on strategic assets: Expected impact on the performance or intended performance of the Council's Strategic Assets, for the purpose for which they are held.	No impact	Low

6.2. Engagement and Community Views

Engagement on this matter is not being undertaken in accordance with Section 6.0 of the Council's Significance and Engagement Policy. This states that the Council will not consult when the matter the matter is not of a nature or significance that requires public engagement (low significance).

Following the adoption of the procurement policy, staff will implement an education campaign to inform registered suppliers and other stakeholders about the key changes to the Policy.

To ensure transparency, we will use a mix of direct communications, digital updates, and wider promotional channels throughout the process.

Ordinary Council - AGENDA

10.6.1 Appendix 1 - Whakatāne District Council Draft Procurement Policy

7. Considerations - Whai Whakaaro

7.1. Strategic Alignment

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

7.2. Legal

Strengthening our policy will ensure we are meeting our legislative requirements.

7.3. Financial/Budget Considerations

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

7.4. Climate Change Assessment

The revised procurement policy now includes broader outcomes and integrates environmental considerations into procurement processes. This means effectively embedding sustainability into the procurement decision-making process by making it as a requirement when engaging in competitive processes with suppliers.

The revised policy enables Greenhouse gas emissions to be considered as part of the procurement of products and services.

This revised policy is aligning with Whakatāne district Council goals:

Goal 1: We all understand and can act on climate change and its impacts.

Goal 2: We have prioritised a just transition to low emissions.

Goal 3: We will continue to adapt, to reduce the effects of climate change.

7.5. Risks

There are no significant or notable risks associated with the matters of this report.

8. Next Steps – E whai ake nei

Once adopted the policy will be uploaded on Council's website and staff will conduct an education plan as highlighted in section 6.2 of this report.

Attached to this Report:

Appendix 1 - Whakatāne District Council Draft Procurement Policy

10.6.1 Appendix 1 - Whakatāne District Council Draft Procurement Policy





Procurement Policy Kaupapa Here Whiwhinga

1.0 Contents Rārangi upoko

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Procurement Policy Kaupapa Here Whiwhinga

1.0 Introduction – Kupu Arataki

This policy outlines the principles and processes that guide how Council procures goods, services, and works, ensuring alignment with both legal requirements and best practices in public sector procurement.

Council aims for effective and efficient procurement processes to encourage competition and foster strong relationships with suppliers and contractors. It also recognises the need for flexibility in certain circumstances, such as emergencies, while maintaining accountability and integrity throughout the procurement process.

As a local authority, the Council balances fiscal responsibility with the need to deliver quality services and opportunities that support the wider economy and community. This policy serves as a key tool in achieving those outcomes, ensuring that procurement decisions are not only cost-effective but also support broader outcomes such as environment and socially responsibility.

2.0 Background – He tirohanga whakamuri

All procurement activities must comply with relevant legislation, including the Public Finance Act, the Local Government Act, and applicable New Zealand Standards. Compliance with these legal requirements ensures accountability and integrity of the procurement processes.

Council procurement not only has a budgetary impact, but also can have a significant impact on our local economy and communities. While there is a need to ensure that procurement delivers value for money for residents the Council is also ensuring procurement is a force for good to advance the long-term wellbeing of our community.

3.0 Objectives – Ngā whāinga

The objective of this Procurement Policy is to ensure that all procurement activities within the Whakatāne District Council are conducted in a manner that achieves:

- 1. Value for money for Council.
- 2. Efficiency, transparency, and accountability.
- 3. Outcomes for the local economy.
- 4. Outcomes for Ecological Environmental Practices

This policy aims to provide clear decision-making and accountability in the procurement process.

4.0 Definitions – Ngā tikanga o ngā kupu

All-of-Government Contracts (AoG) – A type of collaborative contract that has been approved by the Procurement Functional Leader (the Chief Executive of MBIE). AoGs are usually panel contracts





Procurement Policy Kaupapa Here Whiwhinga

established by MBIE or other agencies that are approved centres of expertise for common goods or services (e.g. vehicles, laptops and recruitment services).

Approach to market – The formal process of giving notice of a contract opportunity to potential suppliers and inviting them to respond. An example of an approach to market is a Request for Tender published on GETS.

Broader Outcomes – Broader outcomes are the secondary benefits which are generated due to the way goods, services or works are produced or delivered. They include economic, environmental, social and cultural outcomes.

Conflict of interest – A conflict of interest is where someone's personal or financial interests, friendships or obligations could affect their judgement or decision making. It means that their independence, objectivity or impartiality can be called into question.

Council - Whakatāne District Council.

Government Electronic Tender Service (GETs) – GETs is a website managed by New Zealand Government Procurement. It is a free service that advertises New Zealand government contract opportunities and is open to both domestic and international suppliers.

Probity - Probity is defined as complete and confirmed integrity, uprightness and honesty. It contributes to sound procurement processes that accord equal opportunities for all participants. The procurement process rules must be clear, open, well understood and applied equally to all parties to the process.

Procurement – The planning, decision-making, and implementation process used to obtain goods and services. It covers the whole cycle from identification of needs, through to the end of a services contract or the end of the useful life of an asset.

Procurement Plan – A plan to analyse the need for specific goods, services or works and the outcome the Council wants to achieve. It identifies an appropriate strategy to approach the market and summarises the proposed procurement process.

Value for money – The best combination of whole-of-life cost and quality of outcome that meets the objectives.

Whole-of-life – All costs associated with the life of a service or goods from conception, its usage and disposal/termination.

5.0 Policy – Te kaupapa here

This policy applies to all of Council's procurement activities excluding activities funded by external agencies that may require specific procurement processes e.g. NZ Transport Agency Waka Kotahi funded work which is procured in accordance with the endorsed Whakatāne District Council Transport Procurement Strategy and NZ Transport Agency Waka Kotahi Procurement Manual.





Procurement Policy Kaupapa Here Whiwhinga

This policy does not apply to non-procurement related activities such as:

- Employing staff (excluding contractors and consultants).
- The acquisition, disposal or lease of land or building (except the design, construction or refurbishment of buildings)
- The acquisition of art or similar unique items of interest
- Financial Services governed by the Councils Treasury Management Policy
- Loans and guarantees gifts
- Donations and grants

On occasions, exemptions may be required to this policy and guide, such as in an emergency or to comply with regulatory obligations. Exemptions are to be approved by the Chief Executive (with reference to the Delegations Register).

5.1 Procurement Principles:

This policy aligns with the New Zealand Government Procurement's five principles. These principles are the overarching values and provide the foundations of good procurement practice. The principles are:

- 1. Plan and manage for great results.
- 2. Be fair to all suppliers.
- 3. Get the right supplier.
- 4. Get the best deal for everyone.
- 5. Play by the rules.

5.2 Broader outcomes

As far as reasonably practicable, the Council aims to achieve the following broader outcomes through its procurement activities:

BROADER OUTCOMES



Oranga Ahurea

We encourage initiatives that embrace cultural diversity, inclusivity of all people and revitalisation of our indigenous heritage through Matauranga Māori (knowledge).



Social wellbeing Oranga Hapori

We promote and facilitate opportunities that lead to a healthy, safe and connected community.



Economic wellbeing Oranga Ōhanga

We support ethical economic prosperity through employment, upskilling and innovative supply-chain initiatives that encourage a resilient workforce and reduced inequalities.



Environmental wellbeing Oranga Taiao

We support initiatives and innovations that protect and enhance our community's natural environment, and enable the reduction of carbon emissions and waste.





Procurement Policy Kaupapa Here Whiwhinga

Within procurement processes Council will look to achieve Broader Outcomes in these areas by allowing for criteria with weightings in the bid assessment process. The Broader Outcomes criteria and weightings will be determined alongside the financial and non-financial criteria in accordance with internal operating processes and approval delegations.

The Broader Outcomes criteria and weightings will vary between procurement plans. Most commonly this will be where it is in conjunction with a partner agency such as the New Zealand Transport Agency or where the nature of the procurement determines that an outcome cannot be achieved, for example local employment may not be a criteria when no local service providers exist.

5.3 Emergency Procurement:

In an emergency, Whakatāne District Council must act quickly and effectively, which may result in being unable to fully comply with all the requirements of this policy when conducting emergency procurement. An emergency is defined as an event that:

- a. is unforeseen and causes significant damage to Council or other property;
- b. requires immediate remedial action to restore Levels of Service that are critical; and
- is impractical to convene a Council meeting to approve the necessary expenditure, but is not declared a local or national state of emergency under the Civil Defence Emergency Management Act 2002.

Council may depart from this policy to undertake urgent procurement required to provide emergency assistance and welfare relief. Any departure from this policy due to an emergency must be fully justified and documented during or after the event.

A lack of planning does not constitute an emergency for the purpose of this policy.

5.4 Roles and Responsibilities:

The following roles and responsibilities are assigned within the procurement process:

- Executive Leadership Team: Responsible for approving the policy and providing strategic direction.
- Procurement & Risk Manager: Oversees the overall procurement function, ensures
 compliance with this policy, and provides guidance to staff.
- General Managers: Responsible for approvals and ensuring that procurement activities within their departments comply with this policy.
- Procurement & Contracts Business Partner: Execute procurement activities, maintain documentation, and ensure transparency in the procurement process.
- Procurement Assessment Panel: The review channel for all large (over \$200k) and high-risk procurement activities.





Procurement Policy Kaupapa Here Whiwhinga

5.6 Procurement Process and Approval Authorities

<u>Procurement</u> <u>Value</u>	Method Selection	Approver	Purchasing Means
Less than \$50k	Direct Purchase	❖ DFA	Authorised Purchase Order OR Contract/Agreemen t for any goods or sevices over \$10k
\$50k- \$200k	Direct procurement when there is only one qualified supplier or when the time and cost of a competitive process exceed the benefits of competition; Obtain 3 quotes Competitive Tender Process Complete and document your decision within Short form Procurement Plan	❖ DFA	Contract/ Agreement
Over \$200k	Competitive Tender Process unless a valid exemption from open competition is approved Complete and document your decision within Full Procurement Plan	 Procurement Assessment Panel 	

An Exemption process will be required if a Procurement deviates from the Standard Procurement process.

For NZ Transport Agency Waka Kotahi Funded Procurement – please refer to limits set out within the WDC Transport Procurement Strategy Document.

All Procurements for consultants valued over \$10k require a contract number and a Consultancy agreement.

All procurement plans must have a completed Conflict of Interest form.

Procurement activities must not be structured, planned, or split into smaller contracts or purchases to bypass this policy, financial delegations, or the approval of the Procurement Assessment Panel. However, you may specify in your RFx that the procurement could be divided into separate portions.

When a contract with a supplier is changed to include more work or additional projects, all the contracts with that supplier are combined to determine the total value. This total value is then used to identify the appropriate financial category or "band" for the procurement. If the combined value exceeds \$200,000, it must be reported to the Procurement Assessment Panel, which has the authority to approve such expenditures.





Procurement Policy Kaupapa Here Whiwhinga

5.7 Health and Safety

WDC requires all contractors including their sub-contractors and employees, carrying out any work on behalf of Council, to comply with all legislative health and safety requirements under the Health and Safety at Work Act 2015 (HSWA), regulations and industry best practices.

WDC will accept contractors that hold a health and safety pre-qualification with an accredited provider which ensures that the contractors are operating with effective health and safety management systems.

Our preferred pre-qualification scheme is SHE pre-qual, although we may accept pre-qualification from alternate accredited pre-qualification providers.

6.0 Accountability – Ngā haepapa

The Council is responsible for the application of this policy.

7.0 Review – Te arotake

This procurement policy will be reviewed every five years to ensure it remains relevant and effective. The review process will involve the Procurement Assessment Panel and current practices.

The Council is committed to continuous improvement in procurement practices. Feedback from stakeholders, performance evaluations, and industry developments should be used to refine and enhance procurement processes.

Amendments to this policy may be made as needed to address changing circumstances, legislative requirements, or improvements in best practices. All amendments must be approved by The Council Committee and communicated to relevant staff.

References and Relevant Legislation

- Local Government Act 2002
- Land Transport Management Act 2003
- Health and Safety at Work Act 2015
- Civil Defence and Emergency Management Act 2002
- Government Policy Statement on Transport
- The Ministry of Business, Innovation and Employment's (MBIE) Government Procurement Rules: rules for sustainable and inclusive procurement and the Principles of Government Procurement
- The Office of the Auditor-General's (OAG) Procurement Guidance for Public Entities 2008





- The NZTA Procurement Manual for activities funded through the National Land Transport Programme
- NZS 3910:2013 Conditions of contract for building and civil engineering construction.
- Construction Sector Accord.

Associated Polices/Procedures

- WDC Procurement Manual
- WDC Transport Procurement Strategy



District Council

10.7 Adoption of the Eastern Bay of Plenty Economic Development Strategy Refresh

10.7 Adoption of the Eastern Bay of Plenty Economic Development Strategy Refresh

To: Whakatāne District Council

Date: Thursday, 8 May 2025

Author: N Burgess / Manager Tourism and Economic Development

Authoriser: L Woolsey / General Manager Strategy and Growth

Reference: A2866960

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

The report seeks a resolution from Council to adopt the attached Economic Development Strategy Refresh for the Eastern Bay of Plenty, known as the Regional Economic Development Strategy (REDS), prepared as a collaboration between Whakatāne District Council, Kawerau District Council, Ōpotiki District Council and Bay of Plenty Regional Council, coordinated initially by ToiEDA.

2. Recommendations - Tohutohu akiaki

- 1. THAT the Council **receive** the Adoption of the Eastern Bay of Plenty Economic Development Strategy Refresh report; and
- 2. THAT the Council **adopts** the Eastern Bay of Plenty Economic Development Strategy Refresh, as appended to this report; and
- 3. THAT the Council **notes** the Eastern Bay of Plenty Economic Development Strategy Refresh will be loaded on the council's website and used to form the basis for the development of future local economic development plans and strategies as appropriate.

3. Background - He tirohanga whakamuri

In 2018, partners across the sub-region developed an Economic Development strategy and associated bids that attracted \$250 million of direct investment via the Provincial Growth Fund and over \$400 million of total investment. The 2018 strategy focused on development in four key areas: aquaculture, high-value horticulture, manufacturing and tourism.

In 2023, it was recognised that the context had shifted significantly, and the strategy was due for a refresh. In particular, the Eastern Bay has a number of specific constraints and opportunities that require deeper investigation and strategic, collective action. It was also recognised that this strategy would support and complement spatial planning work taking place alongside its development.

The approach to the refresh began with a framework designed to coordinate economic activity and foster greater prosperity and well-being across the sub- region. The drafted purpose was to 'unlock resilient economic development for the Eastern Bay of Plenty' and the vision for 2055 was that 'the region will be an attractive place to visit, work and live, with flourishing communities and thriving

10.7 Adoption of the Eastern Bay of Plenty Economic Development Strategy Refresh(Cont.)

natural and built environments'. Initially the project was coordinated by ToiEDA but since mid-2024, the three district councils have been leading this work and have shared the cost proportionally according to population.

4. Discussion – Körerorero

Adoption of the Eastern Bay of Plenty Economic Development Strategy Refresh marks a significant milestone within a work programme that includes a number of connected collaborative projects, such as 'Our Places: Eastern Bay Spatial Plan'. It provides the backbone of evidence that will help individual districts and sub-regional partners leverage opportunities for investment and has already supported the recently submitted light-touch Expression of Interest for an Eastern BoP Regional Deal.

The strategy refresh involved significant stakeholder engagement and identified focus areas for each part of the sub-region and four key constraints, from which district-level economic development strategies may be built in collaboration with local iwi and industry.

5. Options Analysis - Ngā Kōwhiringa

5.1. Option 1 Adopt the Eastern Bay of Plenty Economic Development Strategy Refresh – Recommended option

Advantages	Disadvantages
 Enables each district to move forward with local economic development initiatives Supports future efforts for collaborative investment campaigns 	No disadvantages have been identified

5.2. Option 2 DO NOT adopt the Eastern Bay of Plenty Economic Development Strategy Refresh

Advantages	Disadvantages
No advantages have been identified	 Prevents the development of local economic development initiatives May prevent future efforts for collaborative investment campaigns

6. Significance and Engagement Assessment - Aromatawai Pāhekoheko

6.1. Assessment of Significance

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

10.7 Adoption of the Eastern Bay of Plenty Economic Development Strategy Refresh(Cont.)

Significance Criteria	Comments	Impact Assessment
Level of community interest: Expected level of community interest, opposition or controversy involved.	The strategy is expected to generate moderate interest as economic wellbeing is important to the community	Moderate
Level of impact on current and future wellbeing: Expected level of adverse impact on the current and future wellbeing of our communities or District.	The strategy is expected deliver positive impacts on future wellbeing	Moderate
Rating impact: Expected costs to the community, or sectors of the community, in terms of rates.	Implementation of the plan may generate new projects in the future but will be covered in covered in detailed proposals	Low
Financial impact: Expected financial impact on the Council, including on budgets, reserves, debt levels, overall rates, and limits in the Financial Strategy.	No immediate financial impact	Low
Consistency: Extent to which a proposal or decision is consistent with the Council's strategic direction, policies and significant decisions already made.	Consistent with Council's strategic direction	Low
Reversibility: Expected level of difficulty to reverse the proposal or decision, once committed to.	The strategy is able to be modified to suit new proposals or decisions	Low
Impact on Māori: Expected level of impact on Māori, considering the relationship of Māori and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga.	The strategy is expected to deliver positive outcomes for Māori with improved economic opportunities	Moderate
Impact on levels of service: Expected degree to which the Council's levels of service will be impacted.	No impact on levels of service	Low
Impact on strategic assets: Expected impact on the performance or intended performance of the Council's Strategic Assets, for the purpose for which they are held.	Low impact on strategic assets	Low

6.2. Engagement and Community Views

Significant stakeholder engagement has been undertaken in the preparation of the strategy refresh, including with iwi and hap $\bar{\rm u}$. No future engagement is anticipated until such time as the strategy is reviewed.

Ordinary Council - AGENDA

10.7.1 Appendix 1 - Eastern Bay of Plenty Economic Development Strategy Refresh

7. Considerations - Whai Whakaaro

7.1. Strategic Alignment

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

7.2. Legal

There are no legal implications.

7.3. Financial/Budget Considerations

There are no budget considerations associated with the recommendations of this report. Costs for development of the strategy have been incurred and settled.

7.4. Climate Change Assessment

While there may be climate change considerations in the activities that may be undertaken in the implementation of the strategy, there are no notable impacts associated with the matters of this report.

7.5. Risks

There are no significant or notable risks associated with the matters of this report.

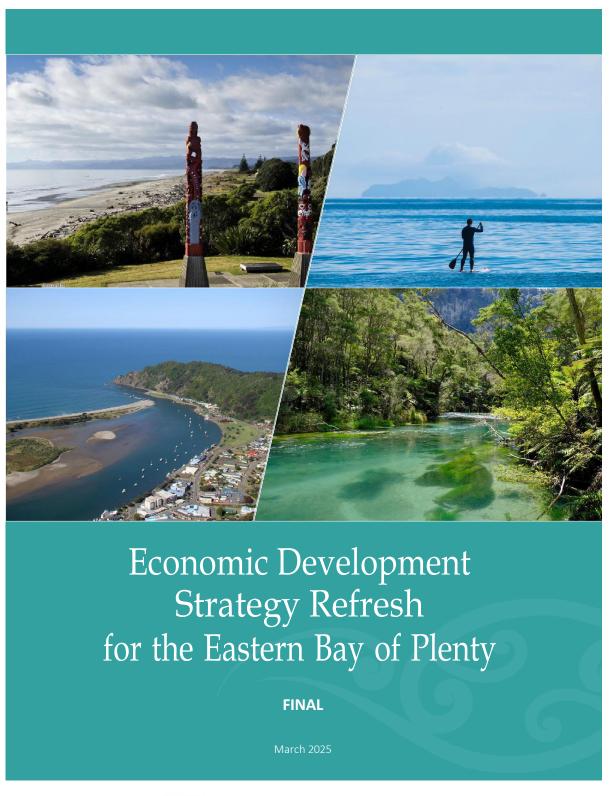
8. Next Steps – E whai ake nei

If the recommendation is followed and the strategy refresh is adopted, each partner to the strategy will use the contents to develop their own implementation plans and/or associated activities.

Attached to this Report:

Appendix 1 - Eastern Bay of Plenty Economic Development Strategy Refresh

10.7.1 Appendix 1 - Eastern Bay of Plenty Economic Development Strategy Refresh

















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Executive Summary

Context

The Eastern Bay of Plenty is blessed with rich natural resources and a long, proud history, but it also faces industrial and socio-economic challenges.

In 2018-19, the sub-region successfully attracted substantial investment from the Provincial Growth Fund (PGF), to foster development in aquaculture, high-value horticulture, manufacturing and tourism, which in turn would lift community wellbeing. The potential for catalysing these sectors led to the Eastern Bay attracting the most PGF investment of any region on a per capita basis.

Much has been achieved since then- including the redevelopment of the Õpõtiki harbour which will foster growth in the aquaculture sector; the launch of New Zealand's largest 'by Māori for Māori' blueberry farm in Te Teko; the creation of roading links and serviced sites at the Kawerau Putauaki Industrial Development; and the restoration of Whakatāne's 100-year-old wharf. Kiwifruit production has expanded. The Whakatāne board mills have reinvested.

While the Eastern Bay has seen significant economic progress, some initiatives have faced setbacks. The 2019 Whakaari / White Island eruption deeply affected families and disrupted parts of the tourism sector. Norske Skog closed the paper manufacturing plant at Kawerau. The Putauaki Industrial Development continues to build momentum, but further investment in containerisation facilities and rail links are required to attract tenants. In Whakatāne, revitalisation efforts are ongoing, with a focus on strengthening the CBD as a vibrant commercial centre.

Across the sub-region, housing, transport, workforce availability, and access to capital remain important enablers for sustained development. It is challenging to attract suitably skilled staff; to house them in quality, affordable homes near their place of work; to efficiently connect businesses across the supply chain; and to attract private capital that could fund transformation. Collectively addressing these constraints will unlock greater opportunities for investment, and for business and community prosperity.

The wider landscape has also changed. A National-led Coalition Government came to power late in 2023, with new priorities and new programmes. Extreme weather events are becoming more frequent and challenging. Major iwi settlements are complete, meaning iwi are well-positioned to lead or support major economic initiatives.

It's now time for a refreshed strategy for the Eastern Bay. This strategy has the same DNA as it did in 2018. It's evidence-based, it has been collaboratively developed, and there is a focus on shared success across the sub-region (the districts of Ōpōtiki, Kawerau and Whakatāne). What differs is the long-term view—looking to the horizon of 2055.

The strategy is based on an Economic Development Framework that aligns and coordinates economic activity across the sub-region. The framework sets out why economic development matters, what to focus on, and how to unlock growth.

The purpose of this strategy is to unlock resilient economic development for the Eastern Bay of Plenty. Economic growth for its own sake means little—but economic development can be a powerful lever for delivering social, cultural and environmental outcomes for local communities. This document is to be used as a shared blueprint to unlock resilient economic development in the medium- and long

Economic development will succeed if it fosters prosperity, resilience, regional competitiveness, strategic alignment between the three districts, and mahi tahi – or a collective response to shared constraints and opportunities.

Economic development will centre on three Development Focus Areas across the three districts. The intent is to accelerate economic development across the Eastern Bay by leveraging local advantages and existing specialisations, while taking a collective approach to common regional opportunities and challenges where appropriate and efficient to do so.

² Economic Development Strategy Refresh for the Eastern Bay of Plenty

Eastern Bay of Plenty: Economic Development Strategy Summary

2055 Vision:

The Eastern Bay of Plenty will be a prosperous, highproductivity sub-region with flourishing communities and robust infrastructure. The Eastern Bay's diversified economy, underpinned by a strong bi-cultural foundation, supports nationally and internationally competitive industries, ensuring a vibrant and inclusive future that fosters social, environmental, and cultural wellbeing.

Ōpōtiki will become an aquaculture centre of national and international significance. The district has an opportunity to develop a multi-billion-dollar aquaculture industry, leveraging the \$200m+ of investments that have been made to date, including the recently launched Ōpōtiki harbour entrance and onshore processing facilities. The region could become a major player in the end-to-end supply chain, covering the growth, processing and export of aquaculture products to both domestic and international markets.

Kawerau will be a green industrial and energy hub,

harnessing sustainable energy for use in innovative, tech-led manufacturing. The district has an established geothermal plant, strengths in forestry, and a modern industrial park that could all be leveraged to foster innovative, sustainable and high-value industries

Whakatāne will amplify their role as the commercial and residential heart of the Eastern Bay- attracting people to live, work and play in the district. The centre will combine core social services, professional services, education and training providers, along with hospitality and placemaking ventures that enhance liveability. Manufacturing will continue to grow. Whakatāne will create cross-regional value, accelerating growth and development across the whole Eastern Bay.

In order to achieve these ambitions, and lift the wellbeing of locals, four cross-cutting constraints must be addressed – housing, transport and connectivity, workforce and capital.

- Housing. There is a lack of affordable, quality housing in places where locals and newcomers wish to settle. This makes it harder to attract and retain new talent from outside the region, and it limits local relocation, meaning talent becomes less mobile and businesses find it harder to recruit the personnel they need.
- Transport and connectivity. There are connectivity constraints within and around the Eastern Bay. Poorquality roads, capacity limitations, and over-reliance on road networks for freight, all contribute to congestion, lower productivity and higher business costs.
- Workforce. There is misalignment between the local labour force and the roles available, meaning businesses have trouble sourcing the talent they need, and locals are hampered in their employment and career development. A strategic approach to workforce development, support and incentives is required.
- Capital. The sub-region has struggled to attract private capital which could accelerate industrial growth and economic development. Additional public funding would also help to address the cross-cutting constraints related to housing, transport and the workforce.

The sub-regional constraints are interrelated and interdependent, which means sequenced and coordinated action will be required to address them. The recommended pathway is to enable housing, then transport connectivity, which will support workforce capacity and skills development in turn – setting off a positive feedback loop. Capital serves as a central enabler.

Success in these areas looks like – the right number and mix of housing, in the right locations; a comprehensive and resilient transport network that improves connectivity within the sub-region and between regions; an engaged and skilled local workforce that can meet industry needs now and in future; and private industry successfully elevating to the next level of size and scale, supported by enabling public initiatives.

This strategy represents six months of input and effort from councils, iwi, business leaders, advisers and more.

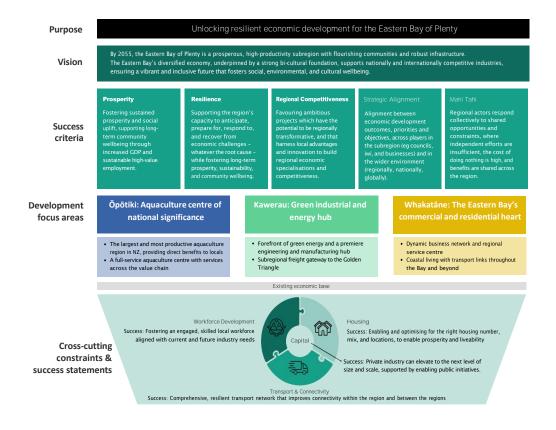
But in many ways, it's only a starting point, and it is now time to convert strategic intentions into reality.

Once this strategy is formally adopted:

- Cross-cutting constraints should be addressed at the subregional level, including through implementation of the Spatial Plan.
- Districts can prepare localised plans for the three focus areas of aquaculture in Ōpōtiki, green industry in Kawerau, and the Eastern Bay's commercial and residential heart in Whakatāne, working in collaboration with local iwi and industry.
- The partner councils have submitted a proposal to the City and Regional Deals programme and are supportive of private sector and iwi applications to the Regional Infrastructure Fund where these align with the vision and strategic objectives of the Regional Deal proposal, the Eastern Bay Spatial Plan, and this Economic Development Strategy.

This strategy is about getting 'new bang for old buck' and maximising the value of the investments that have already been made in the Eastern Bay. It's about finishing what was started and generating shared prosperity for generations to come.

Eastern Bay of Plenty Economic Development Strategy Summary



4 Economic Development Strategy Refresh for the Eastern Bay of Plenty

Introduction

Looking back: A brief history of Economic Development in the Eastern Bay

The Eastern Bay of Plenty is blessed with rich natural resources and a long, proud history, but it also faces industrial and socio-economic challenges. In 2018, the sub-region successfully attracted the country's highest per-capita injection of Provincial Growth Fund investments, to foster development in aquaculture, high-value horticulture, manufacturing and tourism. Much has been achieved since 2018, but some initiatives have been hard-hit by natural disasters and roadblocks, and business growth remains constrained by workforce challenges, housing, logistics and access to capital.

The Power of Economic Development

The Eastern Bay of Plenty is blessed in many ways.

The sub-region enjoys a favourable climate, fertile soils and rich natural resources including fishery and forestry stocks.

Its people have a long, proud history, dating back to the first settlement by Tiwakawaka in modern-day Whakatāne, over 1,000 years ago.³

There is a diverse and robust industrial base – including nationally and internationally competitive players in horticulture, manufacturing, forestry and wood processing, tourism, energy, aquaculture, and many others.

The three districts in the sub-region- Ōpōtiki, Kawerau and Whakatāne – are all strongly connected, creating economic resilience and a strong foundation for further development.

However, the Eastern Bay faces a range of interconnected challenges – like industrial decline, ageing or absent infrastructure, and socio-economic deprivation. For instance:

- The Eastern Bay remains one of the nation's most deprived areas, with an average deprivation score of 8.5/10 versus a national average of 5.6, when considering education and healthcare, employment and income, housing, crime, and access to services.^{4,5}
- In 2023, unemployment rates were more than twice the national average (7.4% versus 3.3%), and close to onequarter (23.1%) of working-age people were receiving a benefit.⁶

The upshot is - economic development can be more impactful in the Eastern Bay than in comparatively better-off areas. As the shared constraints on economic development are lifted, benefits will accrue to regionally significant players, both big and small. As a cluster approach is adopted connecting businesses, innovators and skills providers — we'll see the Eastern Bay maximising its locational and competitive advantages. In short, economic development will help to meaningfully improve people's lives.

³ Whakatāne District (Nd). History of the Eastern Bay of Plenty. Retrieved from https://www.Whakatāne.com/live-and-work/about-Whakatāne-and-eastern-bay-plenty/history-eastern-bay-plenty

⁴ University of Auckland School of Population Health (circa 2018). Deprivation and Health Geography within NZ: 2018 New Zealand Index of Multiple Deprivation (IMD18). Retrieved from https://imdmap.auckland.ac.nz/download/

MBIE (2024). Deprivation index in New Zealand. Retrieved from https://webrear.mbie.govt.nz/theme/deprivation-index/map/timeseries/2018/new-zealand?right-transform=absolute

 $^{^{6}\ \} MBIE\ (2024).\ Regional\ Economic\ Activity\ Web\ Tool.\ Retrieved\ from\ \underline{https://webrear.mbie.govt.nz/summary/new-zealand}$

2018: Our successful strategy

In 2018, the sub-region put together an Economic Development strategy that was evidence-based, collaboratively built, and highly compelling. The strategy attracted \$250 million of direct investment via the Provincial Growth Fund and over \$400 million of total investment — the highest per-capita injection of economic development investment in the country.

The 2018 strategy focused on development in four key areas: aquaculture, high-value horticulture, manufacturing and tourism.

Since 2018: Project wins and headwinds

Much has been achieved since 2018, and these successes should be celebrated. However, other initiatives have been hard-hit by natural disasters and roadblocks.

Aquaculture

Development of the aquaculture sector primarily centred on developing the Õpōtiki harbour entrance. This \$100 million initiative was one of the country's largest non-roading infrastructure projects, and it was delivered on time and on budget, a feat typically achieved by less than 10% of major works.⁷

The new harbour features two retaining walls that redirect the mouth of the Waioeka River through a canal dredged to 4 metres. The harbour can now be accessed in all-tides and all-weather conditions by large commercial mussel and fishing boats, and by recreational boaties. Vessels can readily service the 4,000ha offshore mussel farm, along with 10,000+ ha of planned development, and access the onshore processing facilities at the Whakatōhea mussel factory – which previously required a 40km journey from the Whakatāne wharf.

High-value horticulture

High-value horticulture focused on improving irrigation on Māori-owned land, and scaling up developments of kiwifruit, blueberries and manuka, particularly in deprived communities. Since 2018, the country's largest blueberry orchard has opened at Te Teko, with a 'by Māori for Māori' business model.⁸ Kiwifruit acreage has increased, and the Minginui nursery is playing its part in regenerating native forests.⁹

There is further development potential in both kiwifruit and other horticulture subsectors. Ōpōtiki has highly fertile land and potential for expansion, particularly on Māori land, with potential for synchronised seasonal employment between horticulture and aquaculture. Going forward, care should be taken to align development with the needs of local communities- providing sustainable employment to the local labour force and ensuring a reasonable share of the value created flows on to those communities.

Manufacturing

Manufacturing themes centred on improving the Eastern Bay's manufacturing capability and supply chain links, particularly via the Kawerau Putauaki Industrial Development which would offer warehousing, container packing, and improved roading and rail links; and opportunities to expand Whakatāne boatbuilding and other manufacturing.

The second stage of the Kawerau industrial zone is now complete, with all industrial sites connected to roading and utility services. ¹⁰ Key connecting roads have been built, including a 1.6km stretch off State Highway 34 that connects private forestry sites to the industrial zone, and a rail link is planned. Kawerau has also unique resources in shallow and deep geothermal energy, that could become key drivers of the industrial hub.

However, to date, the industrial zone has struggled to attract a full suite of tenants. The container hub and rail links are not yet established, which has made it harder to attract industry; several early prospects did not proceed; and competition is set to increase as business parks are fully established in Rangiuru and Rotorua. The next key target will be to optimise utilisation, to drive return on investment in line with Kawerau's Green Business strategy.

Manufacturing remains a cornerstone of Whakatāne's economy, with local businesses scaling up and shifting toward high-value, advanced manufacturing. Whakatāne Mill is reinvesting in substantial new plant, while Surtees and Extreme continue to strengthen their position as leading small boat builders. Several other firms are seeking to expand. Continued investment in workforce development (countering an ageing workforce), transport infrastructure, and access to capital will help unlock the

⁷ Lipford (2023). Book review: How Big Things Get Done-The Surprising Factors That Determine the Fate of Every Project, from Home Renovations to Space Exploration and Everything in Between. The Independent Review: A Journal of Political Economy, 28(2) Retrieved from https://www.independent.org/publications/tir/article.asp?id=1900

Waatea News. (2020, July 7). Te Teko blueberry farm largest in Aotearoa – owned by Māori for Māori. Retrieved from https://waateanews.com/2020/07/07/te-teko-blueberry-farm-largest-in-aotearoa-owned-by-maori-for-maori/

⁹ Minginui Nursery (2024). Retrieved from https://minginuinursery.co.nz/

 $^{^{10}\,}Putauaki\,Trust.\,(2020).\,Industrial\,zone.\,Retrieved\,from\,\underline{https://www.putauakitrust.com/industrial-zone/no.}$

⁶ Economic Development Strategy Refresh for the Eastern Bay of Plenty

manufacturing sector's full potential, and drive further economic growth across the sub-region.

Tourism

Tourism centred on the redevelopment of Whakatāne, including wharf and waterfront improvements to support tourism services and marine-based industries. The key success has been the remediation of the 100-year-old wharf, which re-opened in 2022.

The 2019 eruption of Whakaari / White Island proved devastating for the families of those killed or injured, and for the livelihoods of those in the local tourism sector.

Plans to develop the river promenade and the CBD paused after public consultation in 2020, due to uncertainty about the Regional Council's plans to raise the town's stop banks to minimise the impact of flooding and other extreme weather events.¹¹

Development of the boat harbour has also paused, while careful consideration is given to managing any historical contaminants from wood waste. 12

Since 2018: Strategic constraints and opportunities

Alongside the project-specific wins and challenges, the Eastern Bay faces a dynamic landscape of constraints, threats and opportunities.

Constraints and threats

There are cross-cutting constraints related to the workforce, housing, logistics and access to capital, all of which have slowed business growth. It is challenging to attract suitably skilled staff; to house them in high-quality, affordable homes near their place of work; to efficiently connect businesses across the supply chain; and to attract private capital that could fund transformation in these areas. As a result, business growth and economic development have been constrained.

These constraints are described in more detail in section 4.

More generally, the Eastern Bay is vulnerable to sealevel rise, flooding, cyclones and other extreme weather events driven by climate change.

Opportunities

The political context has changed, with a National-led coalition Government coming to power late in 2023. The coalition brings a focus on regional development, along with new funds and rules for investment. This creates an opportunity to align the Eastern Bay's economic development plans with broader national economic goals and attract additional funding and support.

Major iwi settlements are also complete, with Te Tāwharau o te Whakatōhea signing in 2023. The \$100 million package is one of the largest and most comprehensive of any iwi in the motu, including access to 5000 ha of marine space. As iwi leaders explain, "The real value of our Settlement lies in the 5000ha of marine space which will create numerous opportunities for our whānau now that the Ōpōtiki harbour development project is underway."¹³

Looking forward: A refreshed Economic Development strategy

It's now time for a refreshed Economic Development Strategy for the Eastern Bay. A strategy with the same DNA as 2018 – based on evidence, collaboration and shared success.

This is a refresh- because the strategy extends the good work that began in 2018. It's a refresh because the focus is on getting new bang for old buck. Maximising the investments that have already been made in the region and finishing what was started.

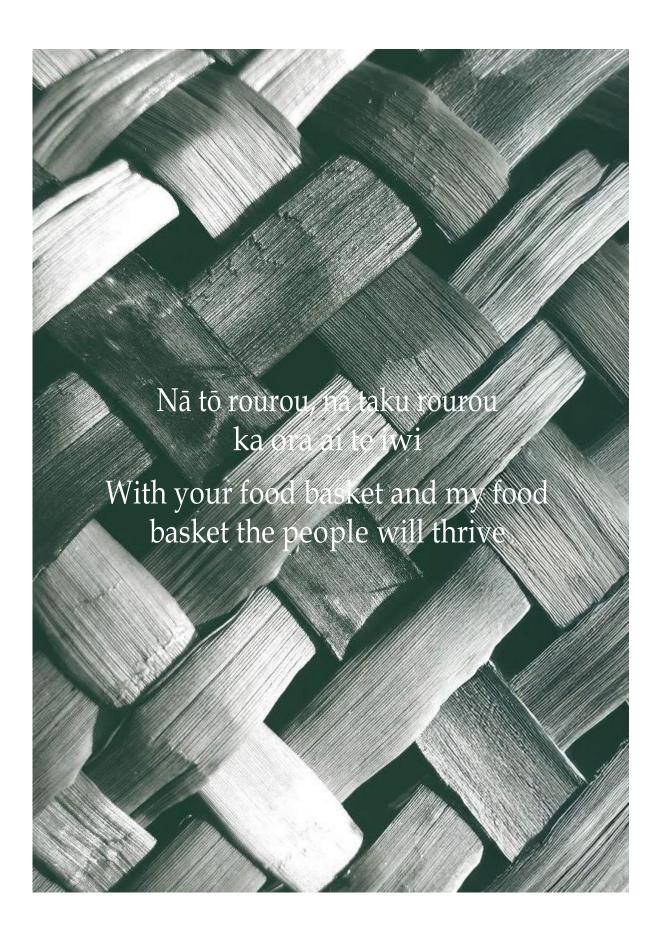
This strategy contains the same DNA as 2018. It's based on evidence and a deep understanding of the local context. It was developed collaboratively, and it focuses on shared challenges and opportunities across the Eastern Bay of Plenty. Success won't happen in siloes. The people, businesses and districts of the Eastern Bay will succeed through strategic, collective action.

7

¹¹ McCarthy, E. (2023, August 25). Whakatāne boat harbour: Potential for contamination causing hold-up. *Rotorua Daily Post*. Retrieved from https://www.nzherald.co.nz/rotorua-daily-post/news/Whakatāne-boat-harbour-potential-for-contamination-causing-holdup/2GC XZQAYN5BZXJWGDFTW5LUM4A/

¹² ibio

¹³ Te Tāwharau o te Whakatōhea. (2023). First Reading of the Whakatōhea Settlement Claims Bill. Retrieved from https://tewhakatohea.co.nz/our-settlement/



The Economic Development Framework: Overview

The purpose of the Eastern Bay of Plenty Economic Development Framework is to coordinate economic activity across the sub-region, and address key constraints in order to foster greater prosperity and wellbeing. The framework clarifies what success looks like, key focus areas for development, and the crosscutting constraints that will be addressed.

Purpose of the framework

This framework will help to align activity across the three Districts of Ōpōtiki, Kawerau and Whakatāne. It will:

- 1. Align the focus of economic development.
- 2. Serve as an input into the Eastern Bay Spatial Plan.
- 3. Preface future applications to the government's Regional Infrastructure Fund

Key components in the framework

There are three components in the Economic Development Framework- why, what, and how.

Why: Economic Development Success Criteria

Stakeholders have agreed on a set of Economic Development Success Criteria. These explain, in plain language, why economic development matters to individuals, businesses and communities in the Eastern Bay of Plenty.

What: Development Focus Areas

Three focus areas have been identified – one per district. The intent is to accelerate regional economic development by leveraging the unique strengths of each district.

How: Cross-cutting constraints to growth

Four cross-cutting constraints are currently acting as a 'handbrake' on economic growth in the Eastern Bay. The intent is to address these constraints via coordinated, collective action.

The resulting Sub-regional Economic Development Strategy is the result of six months of economic analysis and extensive engagement with industry, iwi and other key stakeholders.

Deciding what matters

 $Stake holders\ decided\ on\ the\ Development\ Focus\ Areas\ and\ the\ cross-cutting\ constraints\ to\ growth,\ by\ considering:$

- Economic impact: Current and projected contribution to regional GDP, employment, and economic resilience.
- Alignment: Level of strategic alignment with the national economic direction, regional priorities, and the region's competitive positioning for future.
- Impact: Potential for public or private interventions to make a positive impact on the region.

1) Purpose & Vision

Purpose

The purpose of this strategy is to unlock resilient economic development for the Eastern Bay of Plenty.

The Eastern Bay is striving for economic, social, environmental, and cultural wellbeing.

Economic growth for its own sake means little—but economic development can be a powerful lever for delivering social, cultural and environmental wellbeing. For instance:

- As household incomes rise, families can enjoy increased access to high-quality housing, healthcare and education. People's horizons expand.
- As communities enjoy economic stability, there's a rise in social trust and cohesion.
- When there is more money to go around, there's more capacity and willingness to invest in cultural initiatives – such as preserving heritage sites or promoting cultural activities
- When the local economy is robust, businesses and communities can make more choices that foster longterm sustainability, generating returns beyond just the financial.

In short, economic growth unlocks other forms of wellbeing. It's a logical starting point.

Vision for 2055

By 2055, the Eastern Bay of Plenty is a highly productive and prosperous sub-region, and recognised as one of New Zealand's centres of green energy. The region is an attractive place to visit, work and live, with flourishing communities and thriving natural and built environments.

Robust housing, transport infrastructure, and a talented workforce maximises the region's potential, creating a vibrant and inclusive economy. The sub-region is home to nationally and internationally competitive industries, underpinned by a strong bi-cultural foundation and partnership with mana whenua, honouring the area's cultural heritage.

Resilient roading infrastructure ensures seamless connectivity, enabling residents to live and work throughout the sub-region. Strategic land developments and energy resilience help to mitigate the impact of extreme weather events and rising sea levels, safeguarding the region's future. The diversified economy thrives with surge sectors such as aquaculture, green industry, and primary industries, all contributing to a circular economy and reinvesting in the sub-region.

Sustainable development is at the heart of the Eastern Bay's growth, with proportional expansion of housing and supporting infrastructure, ensuring readiness for current and future needs. The Eastern Bay's purpose for enabling economic prosperity was to empower social, environmental, and cultural wellbeing for all communities, creating a prosperous and sustainable future for generations to come. Resilient economic development has been unlocked for the Eastern Bay of Plenty.

Note: 2055 was selected as the target time horizon to embed a long-term strategic economic direction for the Eastern Bay, in line with the Spatial Plan's time frame. Aligning with the Spatial Plan ensures that economic and community development are aligned, factoring in population growth and infrastructure needs for the next generation. The constraints to economic growth—housing, transport and connectivity, workforce development, and capital—are long-term challenges that require sustained effort to alleviate. A longer timeframe means we can implement change while allowing economic benefits to emerge progressively across the sub-region in both the medium and long term. This approach balances urgency with the persistence needed to create a resilient, thriving economy for the Eastern Bay.

2) Economic Development Success Criteria

Successful economic development in the Eastern Bay should deliver the following results:

- Prosperity: Fostering sustained prosperity and social uplift, supporting long-term community wellbeing through increased GDP and sustainable high-value employment. In other words, people are in valuable and well-paid jobs, for the longer term, and this contributes to a lift in GDP and in living standards.
- Resilience: Supporting the region's capacity to anticipate, prepare for, respond to, and recover from economic challenges – whatever the root cause – while fostering long-term prosperity, sustainability, and community wellbeing.
- Regional competitiveness: Favouring ambitious projects
 which have the potential to be regionally transformative,
 and that harness local advantages and innovation to build
 regional economic specialisations and competitiveness.
- Strategic alignment: Alignment between economic development objectives, priorities and outcomes across players in the sub-region (e.g. councils, iwi, and businesses) and in the wider environment (regionally, nationally, globally).
- Mahi Tahi: Regional actors respond collectively to shared opportunities and constraints, where independent efforts are insufficient, the cost of doing nothing is high, and benefits are shared across the sub-region.

3) Development Focus Areas

The Economic Development strategy identifies three Development Focus Areas, which align with the three district councils of Ōpōtiki, Kawerau and Whakatāne making up the Eastern Bay of Plenty.

Focus areas were selected by considering geographic advantages and existing industry specialisations. This is a strengths-based approach of building on and extending what is already working, to generate more high-quality jobs and boost economic performance. While specific types of growth have naturally concentrated in particular districts, their economic benefits extend across the entire Eastern Bay of Plenty. Strengthening key industries in Õpõtiki and Kawerau, for example, reinforces Whakatāne's role as the sub-region's commercial and residential hub, creating a more interconnected and resilient economy. The subregion may also enjoy common advantages (location, brand) and constraints (for example, housing or workforce issues) that merit sub-regional coordination.

Focus areas typically have the following characteristics:

- High-value, high-employment, high-growth sectors
- With competitive and/or locational advantages
- Considered both nationally and internationally competitive
- Aligned with the development aspirations of iwi
- Strategically significant for the local, regional and national economic landscape
- Operating in a genuinely sustainable way i.e. walking the 'clean green' talk

The three key Development Focus Areas are described on the following pages.



Ōpōtiki: Aquaculture centre of national significance

Vision

By 2055, Ōpōtiki will become New Zealand's leading aquaculture centre, and a key player in international markets. The district boasts extensive, fully operational sea farms for green-lipped mussels and other species. The aquaculture industry is well serviced across the value chain, with an extensive shipping fleet, harbour infrastructure, onshore processing facilities, research facilities, and an efficient, well-integrated transport network that allows businesses to rapidly access regional, national and international markets.

Satellite industries have developed around aquaculture, including education and training services that build workforce capability.

Sustainability has been a key consideration in development — meaning primary industries, including horticulture and agriculture, are now more climate resilient, and new housing developments are further inland and uphill to achieve managed retreat whilst attracting and housing a skilled workforce.

Local communities are enjoying economic growth, environmental sustainability, and more holistic wellbeing.

Opportunity

 $\tilde{O}p\tilde{o}tiki$ could develop a multi-billion-dollar aquaculture industry, starting with the existing extensive offshore farming of green-lipped mussels and diversifying into other fish and shellfish species. The industry can leverage the \$200m+ of investments that have been made to date, including the recently launched $\tilde{O}p\tilde{o}tiki$ harbour entrance and onshore processing facilities. The region has an opportunity to dominate the end-to-end supply chain, covering the growth, processing and export of aquaculture products to both domestic and international markets.

Reasoning

- Ōpōtiki has existing aquaculture assets that can be leveraged – offshore marine farms, hatchery facilities, the new harbour access, and onshore processing.
- Land is available for associated facilities e.g. a marina and a wharf.
- Aquaculture is a growth industry, with an expected compound average growth rate in the international mussel market of 5% from 2024 to 2034 and a distinct market for mussel oil and powder as dietary supplements. ^{14,15}

¹⁴ Future Market Insights. (2024). Mussel Market Outlook from 2024 to 2034. Retrieved from https://www.futuremarketinsights.com/reports/mussels-market

¹⁵ Future Market Insights. (circa 2022). Mussel Oils Market Snapshot (2022 to 2032). Retrieved from https://www.futuremarketinsights.com/reports/mussel-oils-market

¹² Economic Development Strategy Refresh for the Eastern Bay of Plenty

- Aquaculture is highly sustainable as green lipped mussels do not require additives or fertilisers; improve water quality;¹⁶ boost biodiversity;¹⁷ and generate a smaller carbon footprint than other forms of farmed protein.¹⁸
- Recent Te Tiriti settlements enable large-scale farming in the open ocean. Iwi are ready to lead, bringing ambitious plans and strong strategic and commercial leadership.
- Aquaculture has had strong support from previous governments and is a stated focus area for the current government.
- There is proximity between the existing workforce, marine farms and processing facilities, with additional land available and zoned for residential housing.

Potential benefits

\$2-3 billion revenue

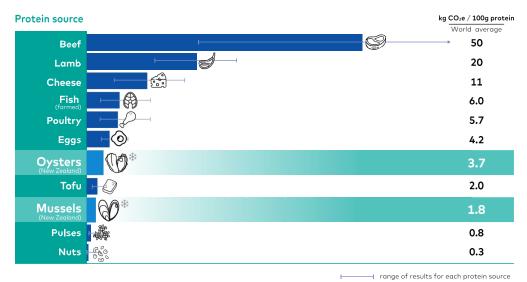
potential, from proposed 28k hectares of planned seawater space

2,000 - 3,000 jobs

in industry and supporting local services

Reference: PWC Aquaculture report for Te Whānau-ā-Apanui, Te Ara Moana a Toi | a path to the sea, Te Ara Moana a Toi | Initial Benefits Assessment

Mussel farming has the smallest carbon footprint of all animal proteins



, Tange of resolution country and country

Figure 1: Carbon footprints of different dietary proteins on the global market - farming to retail only ‡

MacLab (nd). Sustainability. Retrieved from https://www.maclab.co.nz/sustainability/#:~:text=Mussels%20are%20highly%20self%2Dsufficient,health%20of%20the%20marine%20ecosystem.

¹⁷ University of Auckland (2024, May 28). Seaweed and mussel farming can boost wild fish populations. Retrieved from https://www.auckland.ac.nz/en/news/2024/05/28/seaweed-and-mussel-farming-increases-wild-fish-populations-.html

¹⁸ ThinkStep (2021). Life Cycle Assessment of New Zealand Mussels and Oysters: Prepared for Aquaculture New Zealand & Ministry for Primary Industries. Retrieved from <a href="https://www.mpi.govt.nz/dmsdocument/48526-Life-Cycle-Assessment-of-NZ-Mussels-and-Oysters#:":text=The%20carbon%20footprint%20of%20New%20Zealand%20mussels%20and%20oysters&text=For%20a%20kilogram%20of%20shellfish,CO2e%20per%20kg%20shellfish%20meat.</p>



Kawerau: Green industrial and energy hub

Vision

By 2055, Kawerau has transformed into a thriving hub of green technology and industrial innovation. Industrial sites have expanded and are fully utilised, attracting a diverse ecosystem of businesses that foster each other's success.

Industrial growth is powered by sustainable and renewable resources, including forestry, geothermal power and hydrogen. Abundant energy resources are symbiotic to a thriving forestry and wood processing sector. Local manufacturers are leading the way in green industrial technology- developing products, services and processes that have a high financial value and a low environmental impact. The district enjoys state-of-the-art logistics infrastructure, with robust warehousing, distribution, road/rail/shipping links, and supporting information systems, all of which reinforce Kawerau's status as a premier hub for engineering and manufacturing.

Safe, climate-resilient residential and commercial developments have flourished, attracting skilled workers and fostering a vibrant community. Kawerau stands as a model of sustainable development and industrial prosperity, contributing significantly to the environmental, economic and social wellbeing of the Eastern Bay of Plenty.

Opportunity

Kawerau has an opportunity to become a premier green industrial hub, harnessing sustainable energy for use in innovative, tech-led manufacturing. The district has an established geothermal plant, deep strengths in forestry, and a new industrial park that could all be leveraged to foster innovative, sustainable and high-value industry.

Reasoning

- Kawerau specialises in forestry and wood processing and would anchor the hub, with proximity to the largest forestry plantation in New Zealand and deep local expertise. There is scope for high-value innovation in the forestry sector, with Kawerau being a natural testbed for industry-led innovation.
- The district has extensive energy resources and infrastructure, including the 100 mega-watt Kawerau Power Station which is New Zealand's largest generator of geothermal power.¹⁹
- Geothermal energy generation is a symbiotic sector that supports the wood sector's expansion and transition toward value-added, greener lumber products. Potential exists for expansion into bioenergy and biogas, and the use of geothermal process heat to support other sectors – such as horticulture.
- The focus on green energy aligns with national sustainability commitments and Māori aspirations for sustainable industry.
- The Kawerau Putauaki Industrial Development is operational, and ROI will be generated by attracting more tenants and complementary industrial players.
- Land is available and already zoned for various industries.

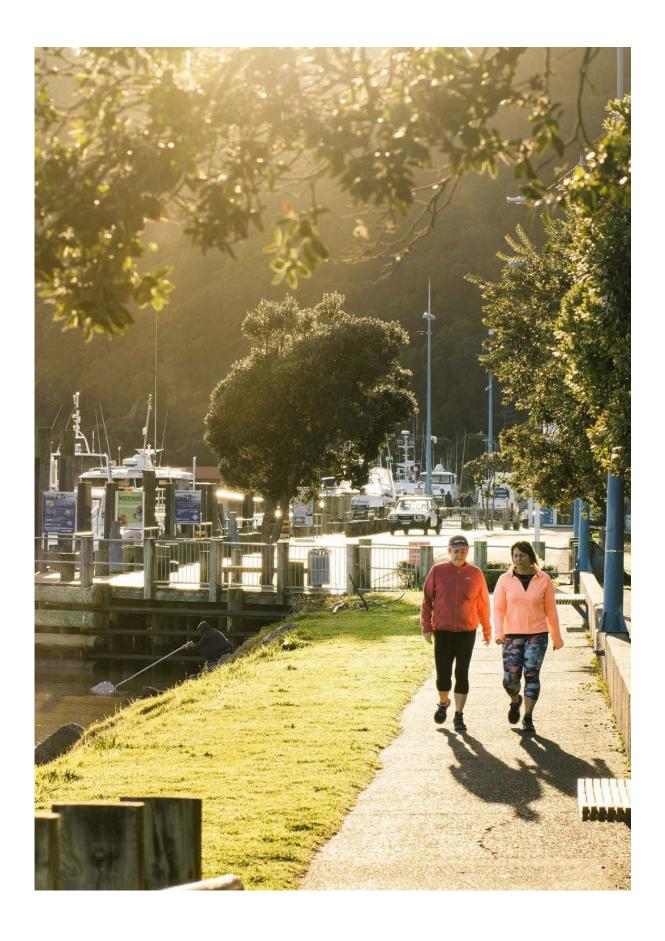
More detailed modelling is required

Detailed modelling is required to understand the pathway to full industrial capacity and infrastructure utilisation.

his includes:

- Modelling the infrastructure needed to service the Kawerau Putauaki Industrial Development, including transportation requirements and three water services (drinking, storm and wastewater).
- Modelling green energy generation, and distribution capacity.
- Once complete, the planned rail network and container terminal will serve as the Eastern Bay's gateway for freight to the Golden Triangle (of Auckland, Hamilton and Tauranga).
- Industrial Symbiosis Kawerau already brings together local businesses committed to collaboration and sustainable growth; this network will continue to enhance local advantages and maximise development opportunities.

¹⁹ LFF Group (2018). Kawerau Powerstation Geothermal Pipeline. Retrieved from https://www.lffgroup.com/projects/geothermal/kawerau-power-station-geothermal-pipeline



Whakatāne: The Eastern Bay's commercial and residential heart

Vision

By 2055, Whakatāne district has strengthened its established position as the commercial, retail and residential heart of the Eastern Bay of Plenty. Whakatāne's service sector supports local and regional industrial pillars, including agriculture, aquaculture, manufacturing, construction, boat building and green energy. Tertiary education and training providers underpin a skilled and capable workforce which meets the labour needs of the Eastern Bay's diversified economy. Whakatāne also serves as the tourism hotspot of the Eastern Bay, drawing in visitors and facilitating connections to the growth and trade of the 'Golden Triangle' – Auckland, Hamilton and Tauranga.

The town centre is vibrant- with hospitality, retail, and amenities that draw in locals, tourists and new talent, all via efficient transport links that enhance connectivity throughout the Bay of Plenty and beyond. Sustainable housing construction is fuelled by population growth within the district. Whakatāne's strong partnership with mana whenua also fosters a culturally rich and inclusive community.

Whakatāne District will have prioritised strategic and sustainable development that has reduced exposure to climate change and promoted growth in the district's network of townships. The district capitalises on its natural advantages to generate surplus green energy, reinforcing the Eastern Bay's position as one of New Zealand's leading green energy hubs.

Whakatāne is also a manufacturing centre in its own right, with two leading boatbuilders, the large Whakatāne Mills, and a range of up and downstream manufacturing and service businesses.

Whakatāne creates cross-regional value, accelerating growth and development across the whole Eastern Bay, and reaping the rewards.

Opportunity

Whakatāne can strengthen its position as the commercial and residential heart of the Eastern Bay - attracting people to live, work and play in the district. The centre would combine core services, like medical facilities and social support to foster health and wellbeing; professional services like legal, accounting and IT, to support business success; workforce development via education and training providers; and hospitality, placemaking and tourism ventures, to enhance liveability. As the EBOP's most diversified local economy, Whakatāne is positioned to advance and benefit from industrial development across the Eastern Bay.

Reasoning

- This strategic pivot aligns with the strengths of Whakatāne district, as the largest, most diversified and advanced economy in the sub-region.
- There is alignment with the needs of local businesses and those across the Eastern Bay – who seek a skilled workforce and a robust network of service providers and associated industry players.
- This focus converts regional constraints around housing, workforce and transport into a strategic vision for the district – as a well-connected and growing commercial and residential centre for the sub-region.
- Being the Eastern Bay's centre for workforce development capitalises on existing strengths in tertiary education.
- The pivot is necessary, as a tourism-only strategy cannot be relied upon to drive development following the Whakaari eruption and the consequent decline in visitor numbers.
- There is alignment with the Spatial Plan and potential development options, and alignment with adaptation activities (e.g. boosting flood resilience in the CBD and supporting managed retreat).
- There is alignment with the development priorities of local iwi, who are focused on economic, educational, and cultural revitalisation across Whakatāne.

4) Cross-cutting constraints to address

The Eastern Bay needs to address four cross-cutting constraints to achieve economic development in the medium- and long-term: housing, workforce, transport and connectivity, and access to capital.

The three districts of the Eastern Bay share productive resources – like labour and energy, business and industry, roading and communication infrastructure.

The districts also share the same constraints, which act as a handbrake on economic development.

To unlock economic development in the medium- and longterm, the Eastern Bay of Plenty will need to address four cross-cutting constraints: housing, workforce, transport and connectivity, and capital.

Focussed and coordinated action will be required.

Housing

There is a lack of affordable, adequate housing in places where locals and newcomers wish to settle. This makes it harder to attract and retain new talent from outside the region, and it limits local relocation, meaning talent becomes less mobile and businesses find it harder to recruit the personnel they need.

The situation

The Eastern Bay has a lack of affordable, adequate housing in places where locals and newcomers wish to settle.

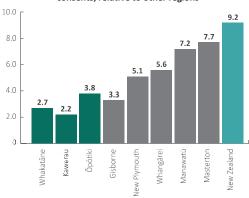
There are two key driving forces.

First, there's an acute housing shortage in the Eastern Bay. Building consents are lower than in any other region of New Zealand, with an average of 2.9 dwellings consented per 1000 residents, versus a national average of 9.2 / 1000. ²⁰ By one estimate, the Eastern Bay will need 4,430 more homes built across 316ha of land, by 2053. ²¹

Second, houses in the Eastern Bay are relatively unaffordable, when compared to local incomes. The Eastern Bay has the highest housing cost-to-income ratio in the country, with the average household allocating 18.8% of their income towards housing versus a national average of 16.9%. ²² The primary issue is low household income, rather than excessive housing costs.

Per MR Cagney's research for the Spatial Plan, the Eastern Bay's population will continue growing beyond 2055. In order to house existing, returning, and new residents, the current housing shortage will need to be addressed, and new developments will need to keep pace with population growth. Coordinated and concerted efforts will be required from councils, businesses, iwi and central agencies.

The Eastern Bay of Plenty has a low rate of housing consents, relative to other regions



(Source: Statistics NZ, 2023)

Interlinked impacts

The lack of affordable, adequate housing makes it harder to attract and retain new talent in the sub-region, and it limits the movement of people *within* the region. For instance, locals may spot a job opportunity in a neighbouring district but be unable to find decent housing near the new place of work. They may be reluctant to commute due to connectivity challenges across the sub-region (described below), meaning they stay in their current role and home.

²⁰ Statistics NZ (2023). Infoshare. Retrieved from https://infoshare.stats.govt.nz/default.aspx

²¹ MRCagney NZ Ltd (2023) Eastern Bay of Plenty Housing and Business Needs Research: Prepared for Whakatāne District Council.

 $^{^{22}\ \} Statistics\ NZ\ (2023).\ Infoshare.\ Retrieved\ from\ \underline{https://infoshare.stats.govt.nz/default.aspx}$

The risk of not addressing these constraints is that talent becomes less mobile, and businesses find it harder to recruit the personnel they need to foster economic growth. Growing the local construction workforce will be key to meeting current and future housing demand.

What good looks like

- Success statement: (Enabling and optimising for) The right housing number, mix, and locations to enable prosperity and liveability.
- Indicative objectives:
 - > Housing numbers, mix, and locations matched to current and future population needs
 - > Community liveability.

Transport and connectivity

There are connectivity constraints within and around the Eastern Bay. Poor-quality roads, capacity limitations, and over-reliance on road networks for freight all contribute to congestion, lower productivity and higher business costs.

The situation

A flourishing economy relies on good transport networks and connectivity, to allow for the free movement of workers and goods.

At present there is inadequate connectivity within the Eastern Bay of Plenty. Poor-quality roads lead to increased travel times, along with higher vehicle maintenance costs, and decreased safety for travellers. Road reliance for freight is creating demand for alternative modes, such as rail from Kawerau and coastal shipping from Ōpōtiki.

There is also inadequate connectivity *between* the Eastern Bay and other regions:

- The roading network has limited capacity, creating congestion at key pressure points on State Highway 35, State Highway 2, and on certain bridges. Resilience is also limited, with frequent slips and flooding.
- Speed limit reductions have been introduced on some highways, such as SH30 from Rotorua to Whakatāne, increasing commute times for workers into the Eastern Bay, and making it less likely that people will seek or continue employment in the sub-region.
- Key parts of the roading network carry most imports to and exports from the region, which adds to congestion and accelerates the degradation of local roads.

The Eastern Bay is a key transport link between Gisborne (Ōpōtiki), Tauranga (Whakatāne/Kawerau), and the Waikato. Improving connectivity within the sub-region and to surrounding regions would improve the flow of goods, services, and people to and from the Eastern Bay.

Interlinked impacts

As a result of the factors above, individual workers face more congestion, longer commutes, and lower productivity. They are also discouraged from working and living in separate places.

Businesses face more congestion, higher freight costs, and a diminished ability to attract talent from across the sub-region. Businesses are also over-reliant on the roading network due to lack of sea-freight capacity, and the local economy lacks resilience if roads are closed for standard repair or damaged following an extreme weather event.

More generally, reliance on key roads compromises the emergency response during extreme weather events – especially for isolated communities that lack alternative transport routes.

What good looks like

- Success statement: Comprehensive, resilient transport network that improves connectivity within the region and between the regions.
- Indicative objectives:
 - > Intra-regional connectivity (one region)
 - > Inter-regional connectivity (plugged in)
 - > Resilient networks (sustainable).



Workforce

The labour shortages faced across many sectors in the EBOP, coupled with an ageing population, makes workforce a key constraint. There is misalignment between the local labour force and the roles available, meaning businesses have trouble sourcing the talent they need, and locals are hampered in their employment and career development. More attention is needed to both early-stage work readiness and the development of long-term, sustainable local career paths. Current workforce interventions are sporadic and disjointed across the Eastern Bay.

The situation

There is currently a mismatch between the jobs available in the Eastern Bay and the local labour force. Employers have high-quality roles on offer, for instance, Factory Engineer or IT lead roles in aquaculture, but they cannot attract the talent they need. Similarly, locals cannot find suitable roles or appealing career pathways. As a result, labour force participation rates are relatively low and unemployment rates are high, along with social service costs.

The risk of brain drain is ongoing as young people seek opportunities in larger centres. From a capital investment perspective, retaining and attracting businesses is an important part of delivering better employment outcomes.

Interlinked impacts

Businesses struggle to import talent and fill key roles, and this is exacerbated by the lack of quality housing on offer, and by connectivity issues which deter commuting. The cost of doing business goes up, and without essential staff, productivity drops.

Locals who cannot find a suitable role, career, or training pathway do not fulfil their full potential, and at scale, this hinders economic growth and collective wellbeing.

What good looks like

- Success statement: (Fostering an) engaged, skilled local workforce aligned with current and future industry needs.
- Indicative objectives:
 - > Workforce engagement
 - > Skills development and matching
 - > Career pathways, attraction and retention.



Capital

It has been persistently challenging for the Eastern Bay of Plenty to attract private capital to support industrial growth and broader economic development. While public funding would help to address the cross-cutting constraints related to housing, transport and the workforce, unlocking private capital sources is essential. New mechanisms for attracting investment are required, to help mobilise businesses both large and small, accelerate business development and achieve shared regional goals.

The situation

Despite securing significant investment through the Provincial Growth Fund, the region has struggled to attract sustained private capital for large-scale, high-impact projects. As a result, key initiatives are often delayed, scaled down, or remain unrealised — limiting their potential economic returns. Small- and medium-sized businesses can also struggle to attract capital, due to their size and distance from large markets.

Given the size of the domestic investment pool, foreign investment will likely be a necessary complement to local initiatives. Economic development agencies, industry collectives, and business networks should work together to facilitate investment, taking advantage of more proinvestment policy settings.

Interlinked impacts

Access to public co-funding will help to address the other cross-cutting constraints, by supporting major housing developments, improving transport connectivity, and contributing to education and skills training in the sub-region.

Access to private capital will accelerate industrial and economic growth, in the three development focus areas of aquaculture in Õpōtiki, green industry in Kawerau, and the commercial and residential heart in Whakatāne, as well as other key and emerging sectors. Investment, both domestically and abroad, would provide the growth capital to develop key sectors across the Eastern Bay and strengthen the region's economic resilience.

What good looks like

 Success statement: Private industry can elevate to the next level of size and scale, supported by enabling public initiatives.



Addressing the cross-cutting constraints

A phased, regional approach is required

It's clear that the sub-regional constraints are interrelated and interdependent, which means sequenced and coordinated action will be required to alleviate the issues. The recommended pathway is to enable housing and transport connectivity, which will support workforce capacity and skills development in turn - setting off a positive feedback loop. Capital serves as a central enabler.

- Housing. Developing the housing stock will be key to resolving the other constraints and unlocking regional economic development.
 - > When there are suitable houses available, talent can more readily move into and around the sub-region, relieving the workforce development challenges.
 - > When houses are built where people want to live and work, pressure on the transport networks is eased.
 - > Given the lead times for consent and construction, housing must be the first cab off the rank.
- Transport and connectivity. The next logical focus is improving connectivity across the sub-region, to enable a freer flow of people and goods.
 - > With more housing in the right place, pressure on transport networks should ease. Equally, improved transport links can enable new housing developments to be built.
 - > Better transport networks will support the free movement of workers, so the sub-regional labour market becomes more flexible, businesses find the talent they need, operating costs go down, and productivity goes up.



- > Better connectivity will allow a freer flow of goods, again lowering business costs.
- > A more resilient, multi-modal transport network can better withstand external shocks, such as road closures for maintenance or repair following extreme weather events.
- Workforce Development. Growth in the three focus areas – of aquaculture in Ōpōtiki, green industry in Kawerau, and commercial services in Whakatāne – will hinge on the capability and capacity of the workforce.
 - > Much of the necessary talent already resides in the Eastern Bay. The key is to train and retain locals through fit-for-purpose education and training programmes, supplemented by high-quality housing and community liveability.
 - > Attracting outside talent will be easier after improvements to housing and transport links.
 - > Additionally, it will be important to develop the local trades, to support housing developments and construction of roading and rail links, and to maintain other key regional infrastructure.

- Capital. Access to capital will help to accelerate progress in the three development focus areas and address the cross-cutting constraints that have hindered economic development.
 - > Private capital is critical for the next level of industry development in Ōpōtiki, Kawerau and Whakatāne. Attracting private capital is not just a means to an end — it is a strategic capability, requiring targeted expertise, strong networks, and a proactive approach to positioning the region as an attractive investment destination.
 - > Potential avenues for attracting private capital include:
 - Targeted investor outreach via the Eastern Bay Chamber of Commerce and regional business networks.
 - Leveraging international partnerships, including sister-city relationships and trade missions.
 - Facilitating business-to-business investment, particularly in sectors with strong export potential.
 - > Public co-funding is critical for initiatives that address housing, transport and connectivity, and workforce development constraints.

Implementing this strategy

Once this strategy is formally adopted, cross-cutting constraints should be addressed at the sub-regional level, including through implementation of the Spatial Plan. Districts can prepare localised plans around aquaculture in Ōpōtiki, green industry in Kawerau, and Whakatāne as the Eastern Bay's commercial and residential heart, working in collaboration with local iwi and industry. The partner councils are supporting private sector and iwi applications to the Regional Infrastructure Fund that align to the vision and strategic objectives of the EBOP Regional Deal Proposal, EBOP Spatial Plan and this Economic Development Strategy.

Guiding principles

This strategy represents six months of input and effort from councils, iwi, business leaders, consultants and more. But in many ways, it is only a starting point, and it is now time to convert strategic intentions into reality.

The following principles should be kept top-of-mind during implementation:

- Coordinate and collaborate. Action should be aligned and coordinated- with existing streams of activity, and across the three districts. The constraints are cross-regional, and cross-regional effort will be critical to the success of this strategy. Aligning relevant council regulations between districts could be valuable to attract and retain businesses that operate across districts.
- Give sufficient focus to each development area and constraint. The strategy sets out three development focus areas and four cross-cutting constraints. Each will need sufficient attention, because there are already multiple moving parts and many actors, and complexity will increase during implementation.
- Ensure business and iwi leaders are heard. Business and iwi leaders know their own businesses best, understand how the current constraints are holding them back, generally welcome systemic engagement from local government, and are well-placed to access capital and drive development. It makes sense to leverage the expertise and capital that these players can bring.
- Foster transparency and accountability. Best-practice
 project management principles should be followed. This
 includes establishing clear structures and processes to
 track and report on projects; communicating frequently
 and proactively with key stakeholders; and remaining
 accountable for results.

Key next steps

The recommended steps are:

1) Formally adopt this sub-regional economic development strategy, at the district and sub-regional levels.

2) Create district-level Economic Development strategies that build on this document, working in collaboration with local iwi and industry. The district-level strategies should seek to strengthen place-based advantages, and progress local objectives. Working groups could be responsible for strategy development and accountable for implementation.

3) Address cross-cutting constraints at the sub-regional level.

The Eastern Bay Spatial Plan project already includes a focus on Housing, and Transport and Connectivity, which are two of the cross-cutting constraints. It makes sense to integrate follow-up in these areas with the existing governance and project management processes of the Eastern Bay Spatial Plan.

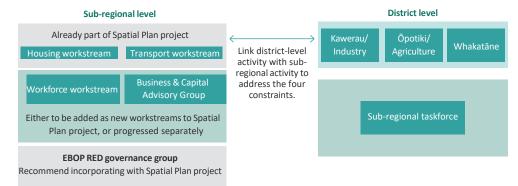
However, the Spatial Plan has little focus on Business / Capital, and it is silent on Workforce Development. Therefore:

- For the Capital constraint: Establish a Business and Capital Advisory Group within the spatial planning 'Friends of Our Places' Framework.
- For the Workforce Development constraint: Create a separate workforce development workstream within spatial planning, possibly led by an economic development entity which can coordinate between public and private organisations in the Eastern Bay.
- Governance: Incorporate governance group from the Economic Development Strategy refresh into the Spatial Plan project.
- 4) Support private sector and iwi applications to the Regional Infrastructure Fund. This may include formal support from partner councils where the applications align to the vision and strategic objectives of the EBOP Regional Deal Proposal, Eastern Bay Spatial Plan and this Economic Development Strategy.

²⁴ Economic Development Strategy Refresh for the Eastern Bay of Plenty

The Eastern Bay councils have elected to lead the implementation of this strategy in-house, including through implementation of the Eastern Bay Spatial Plan. As a result, detailed target outputs and success measures will be developed as part of their ongoing implementation planning. The project team has provided a full document handover to support this process, with regular report-backs expected from working groups across the three councils.

Proposed structure to support implementation



(Note - all dark green boxes are potential working groups)

Conclusion

The Eastern Bay of Plenty is a unique and dynamic region—rich in natural resources, cultural vibrancy, and historical significance.

While it faces social and economic challenges, it also holds immense potential for growth. Targeted economic development can drive significant benefits for local communities, a reality recognised by the three district councils, Toi Economic Development Agency, Bay of Plenty Regional Council, iwi, businesses, and community leaders.

Recent Treaty settlements have strengthened the strategic role of iwi in economic development, creating new opportunities for collaboration and investment.

Substantial investments were made in infrastructure through the Provincial Growth Fund in 2019-24: Ōpōtiki Harbour, Kawerau Putauaki industrial development (KPID), Whakatāne wharf redevelopment and other projects.

Throughout the strategy's development, community feedback has been clear: addressing constraints in workforce, housing, infrastructure, and capital access is essential to maximising the value of these investments and unlocking long-term prosperity for the Eastern Bay.

To do so, three core focus areas are proposed:

 Further supporting Öpötiki and the Eastern seaboard as New Zealand's premier aquaculture centre, through commercial and iwi-led development of more sea farms and associated manufacturing and marine research facilities.

- A green business hub around Kawerau, leveraging plentiful geothermal and natural resources, and helping to take forestry production and value creation to the next level.
- Turbo-charging Whakatāne as the commercial, services and residential heart of the sub-region, and continuing its development as a manufacturing centre.

This strategy represents a key step – but it is by no means the final step.

Following consideration and adoption by Councils, it is proposed this strategy will be implemented through four working groups – two hosted within the Eastern Bay Spatial Plan Project, and two coordinated separately through economic development entities or added to Spatial Plan project. Funding will be sought via various channels, including the Government's Regional Infrastructure Fund. Engagement will continue – particularly engagement with iwi and businesses, as a critical success factor.

The Eastern Bay of Plenty is a jewel – of sparking seas, green hills, and a warm glowing heart. Its best days are ahead, and implementing this strategy can help it take the next steps to its bright, sustainable future.

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Appendix 1: How this strategy was developed

Polis Consulting Group were tasked with refreshing the Eastern Bay of Plenty's Economic Development Strategy, to align the Eastern Bay's priorities with the changing national context.

There were three goals for the refresh.

First, to put the best foot forward with the National-led coalition government, to maximise the Eastern Bay's chances of securing central funding and support. This included seeking a slice of the new \$1.2 billion Regional Infrastructure Fund, or securing a longer-term Regional Deal.

Second, to establish an evidence-based, collectively agreed upon framework for economic development. A framework that could be used to enhance collaboration across the region, and to attract both public- and private-sector funding.

Third, to support the longer-term implementation of the strategy, by embedding the necessary skills, tools and knowledge in the region.

The project spanned six months and proceeded in three phases: baselining, developing an Economic Development framework, and implementation planning.



Phase 1: Baselining and Framing

This phase involved:

- Data gathering and analysis, to understand how the Eastern Bay's economy, labour market and population demographics were likely to change over time.
- Clarifying key priorities at the sub-regional level, now and in future

- Agreeing on success criteria for economic development in the Eastern Bay.
- Developing a long-list of potential projects that require funding and support – to be prioritised in phase two.

Phase 2: Framework Development

This phase involved:

- Creating a consolidated economic development framework – aligning the focus across the Whakatāne, Kawerau and Ōpōtiki districts, and specifying what needs to change and why.
- Refining the draft framework with industry.
- Prioritising key projects, using the dual lenses of

 (i) ability to deliver on the success criteria and (ii)
 likelihood of receiving funding, including via the Regional Infrastructure Fund.

Phase 3: Implementation Planning

This phase involved:

- Providing district councils and other local partners with a high-level approach to strategy implementation, and clear post steps.
- After the criteria for the Regional Infrastructure Fund were announced: (i) planning for Regional Deals and (ii) developing a narrative to accompany this sub-regional Economic Development strategy.
- Determining the immediate next steps for this subregional Economic Development strategy and for City & Regional Deals. Committing to coordinated processes and concrete actions.

Appendix 2: Stakeholder roles in implementation

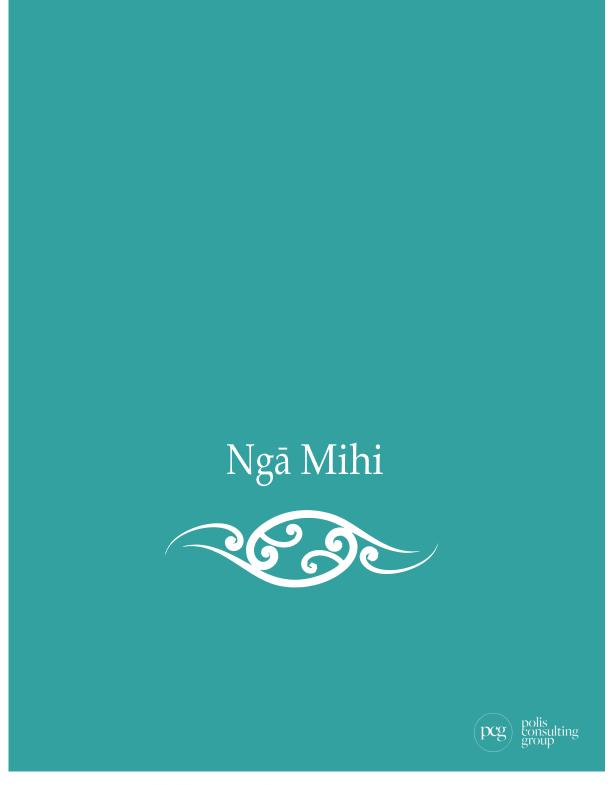
Regional stakeholders have different levers to pull, and different roles to play in the proposed implementation of this strategy. The following table outlines the key stakeholder groups and their core roles.

Stakeholder roles in implementation: A guide

Regional stakeholders have different levers to pull and roles to play in the implementation of the economic development framework

Role	Economic development entities	Councils	lwi	Business	Central government
Advocacy	Promotional activities Coordination between Councils on relevant activities	Lobbying government Promotional activities Bringing urgency	Lobbying government including where it makes sense to do in tandem with councils and/or industry	Lobbying government including where it makes sense to do so	N/A
Facilitation & Coordination	Contributing and leading in some cross-org groups Alignment across groups and workstreams	Leading cross org groups Long term planning for clarity and certainty Alignment across groups	Key contributors to cross- organisational groups and long-term planning	Key contributors to cross- organisational groups and long-term planning	Brokering international trade arrangements for EBOP exports
Enabling	Public/private interface: influencing and connecting	Funding and building infrastructure Zoning laws Regulatory support Consents	Potential for support through consenting processes	Driving demand and supply related to workforce, housing, and transport	Laws and regulatory changes to resolve constraints at pace and scale
Driving Development	N/A	Potential for limited 'driving' activities, but development is primarily driven by business (including iwi businesses)	Funding and building houses Progressing individual workforce, social and commercial initiatives	Funding and building houses Growing businesses Employing people	• Funding
	Key facilitator, ensuring alignment	Coordinate, facilitate and enable others' ambitions	Key driver of development	Key driver of development	Provide enabling regulatory and funding settings

- Councils play a critical enabling role that comprises planning, regulation, consents and zoning. They also have a coordination role to facilitate engagement between themselves, businesses, and Māori partners. This is key to strategic alignment between stakeholders.
- Businesses, as employers and industry participants, play a critical role in both developing economic development
 strategies, and implementing those strategies in the Eastern Bay. This includes small, medium, and large businesses.
 Organised advocacy and engagement on an organisational and/or industry level is valuable to coordinate initiatives that
 further the Eastern Bay's development.
- Iwi, hapū, businesses, trusts, and Māori landowners are all key players in the development of the Eastern Bay's economy. Mana whenua partners embed knowledge, identity, capital, and innovation in the sub-region, and are critical to achieving a shared vision.
- Economic Development entities play a vital coordinating role in advocating for focus target groups within regional economies. They are a valuable proxy-stakeholder between businesses, iwi, and councils.













10.8 Gambling Policy Review 2025

10.8 Gambling Policy Review 2025

District Council

To: Whakatāne District Council

Date: Thursday, 8 May 2025

Author: H Keravel / Senior Strategic Policy Analyst

Authoriser: L Woolsey / General Manager Strategy & Growth

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

The purpose of this report is to seek approval from Council to retain the Gambling Venues policy in its current form following its 2025 review.

2. Recommendations - Tohutohu akiaki

- 1. THAT the Council receive the Gambling Policy review report; and
- 2. THAT the Council receive the 2025 Social Impact Assessment (appendix 1); and
- 3. THAT the Council **agree** to retain the policy in its current form (staff recommended option)

3. Background - He tirohanga whakamuri

3.1. Legislative requirements

The Gambling Act 2003 (the Act) and the Racing Industry Act 2020 require all territorial authorities to have a Class 4 Venue and TAB Venue policy. Gaming machines in pubs and clubs (i.e. outside a casino) represents "Class 4" Venue. Both Acts specify that the policy must be reviewed every three years. The legislation requires councils to consider the social impacts of gambling when reviewing the policy.

The current Whakatāne District Gambling Venues Policy was adopted in May 2022.

The purpose of the Act is eight-fold, including:

- control the growth of gambling; and
- prevent and minimise harm from gambling, including problem gambling; and
- facilitate community involvement in decisions about the provision of gambling.

Under the Act, applicants for Class 4 gaming ('pokies') venue licences must have the consent of the territorial authority in which the venue is, or will be, situated.

Territorial authorities are required by the Act to have a policy specifying whether or not Class 4 venues may be established in their district, where they can be located, and may specify any restrictions on the maximum number of gaming machines that may be operated at a Class 4 venue.

The Racing Industry Act 2020 requires territorial authorities to adopt a policy on TAB venues. The policy must specify whether or not TAB venues may be established in the district and, if so, where they may be located. A "TAB venue" is premises that are owned or leased by TAB New Zealand and where the main business conducted on the premises is providing racing betting or sports betting services.

3.2. Existing Class 4 gambling in Whakatane

There are currently:

- 11 Class 4 venues in the Whakatāne district.
- 177 consented gaming machines of which 170 machines are in operation**
- No TAB venues in the Whakatāne district.

**In November 2024, Council granted consents to Whakatāne RSA for 16 machines as the RSA had inadvertently let its venue license expire. DIA approved a license for 9 machines. They are seeking ministerial approval for another 7.

More comprehensive information on venues and gaming machines are available in the Social Impact Assessment (Appendix 1).

3.3. Community grants from Class 4 Gambling

In 2023, Whakatāne-based community organisations received \$2,169,025 in grants from gaming trusts.

The Act requires that a minimum of 40 percent of gaming machine profit (GMP) generated by authorised gambling societies must be reinvested into the New Zealand community.

However, there is no legislative requirement that grants must be returned to the communities that generated the gaming proceeds in the first place. Only an average of 23 percent of the total GMP generated in the Whakatāne district has been returned to Whakatāne communities over the last five years.

The table below shows the proportion of funds (as grants) allocated from gaming machine proceeds collected in Whakatāne.

Year	Whakatāne Nominal GMP (DEC)	Total grants given (year accepted)	% given to Whakatāne community
2020	\$9,784,968.55	\$1,708,765.00	16%
2021	\$11,672,329.00	\$2,361,196.00	24%
2022	\$12,251,050.30	\$2,430,098.00	21%
2023	\$13,223,460.81	\$2,169,025.00	18%

Year	Whakatāne Nominal GMP (DEC)	Total grants given (year accepted)	% given to Whakatāne community
2024	\$12,122,715.58	N/A	N/A

While these grants are used to positively to benefit the community, the 2025 New Zealand Gambling survey results shows public attitude towards gambling and in particular that "raising money through gambling does more harm than good". Whakatāne district is also likely to be more affected by social harms given its high Māori population and Ministry of Health research shows that Māori and Pacific peoples, and young people / rangatahi disproportionately experience gambling harm.

3.4. Council's role

Council has limited levers available to effectively change the number and location of Class 4 machines and venues. While councils can issue consents for these applications, it is the Department of Internal Affairs (DIA) which is responsible for issuing venue and operator licences and the monitoring and enforcement of those licences.

Council cannot close venues or remove machines. Thus, Council's main lever to control the number of machines in the district is to adjust the limited settings available within the parameters of a gambling policy.

Council has no control over online gambling.

3.5. Existing policy direction – Sinking lid policy

In line with national and regional trends, the overall direction and intent of the district's policy, for some time, has been to reduce the number of machines and venues.

This intent has been implemented through a sinking lid policy which was further strengthened in the last review in 2022. The Council's direction was then to have a more restrictive policy that would reduce over time the number of machines and venues and that would align us with other councils nationally. Feedback received during consultation in 2022 was that people were concerned about the harm and negative impacts of gambling, particularly in vulnerable communities and wanted less venues and machines.

A sinking lid means that no new machines or venues will be allowed, in order to sink or reduce the number of gaming machines. It relies on venues closing to have any effect on the number of machines operating. Overtime, this reduces the number of machines and venues as they close.

A 2001 study funded by the Ministry of Health compared different local government policy approaches and found that sinking lid policies reduce expenditure by 13 percent compared to regions with no restrictions beyond those in the Gambling Act 2003. It has also been found that sinking lid policies also help in reducing the number of people seeking gambling intervention services.

A sinking lid policy, by its nature, is a long-term policy where changes may not be visible for a number of years, and a number of policy review cycles. Overtime, the number of machines and venues will reduce as they close.

Council's existing policy is restrictive. The tables below summarise council's existing policy settings and enable regional comparison of policies.

Table 1 Whakatāne District Council's existing policy settings

Gambling activity	Existing policy
Establishment of new class 4 venues	No consent will be granted.
Establishment of new TAB venues	No TAB venues are allowed.
Number of new gaming machines	No consent to new gaming machines.
Venue relocation	Restricted under exceptional circumstances.
Merging venues	Limited with specific conditions. (Sum of the number of gaming machine in venues or 18 machines whichever is the lesser).

Table 2 – Regional comparison of policies

	Number of EGMs / Venues	Relocations / Mergers
Ōpōtiki (2021)	No new venues or machines allowed	Relocation in exceptional circumstances (e.g. fire, flood), gaming machines may be allowed to relocate at discretion of Council. Mergers are not allowed.
Kawerau (2017)	No new venues or machines allowed	No relocations allowed. Mergers are not mentioned in the policy.
Rotorua (2020)	Allowed only within CBD and subject to conditions	Relocation allowed only within CBD, and subject to location restrictions (proximity to other Class 4 venues and sensitive sites). Mergers allowed if within overall district cap.
Thames Coromandel	No new venues or machines allowed	Relocation allowed, subject to location restrictions (proximity to other Class 4 venues and sensitive sites, lower deprivation area). Mergers allowed within limits (same or less gaming machines).

4. Discussion – Kōrerorero

4.1. Social Impact Assessment (SIA)

As legislatively required, a Social Impact Assessment (SIA) has been undertaken to inform the review of this policy. (Appendix 1).

Overall, the level of risk of harm from gambling activities has not decreased and tends to be concentrated in more deprived areas which justify the rationale to maintain a sinking lid policy.

Some of the key points from the SIA are:

- From September 2020 to September 2024 the annual nominal Gaming Machine Profit (GMP) from EGMs (Electronic Gaming Machines) in the Whakatāne District significantly increased by 27% to over \$12 million. The increase for the Whakatāne District was comparable to the national increase of 28.3%.
- Within the Whakatāne District, 10 of 11 venues are in high deprivation areas 8 and above. Only 1 venue is within a low to medium area.
- The data continues to highlight the inequities of harmful gambling between ethnicities. Māori
 and Pacific Peoples consistently experience the highest prevalence of harmful gambling behaviour
 compared to other ethnic groups.
- Within the Whakatāne district there is no dedicated face to face service that provides problem gambling services.
- New Zealand citizens are aware of the harms versus good, raising funds through gambling presents to the community (46.2% feel it does more harm than good).

4.2. Available options for Council to consider

Council's existing policy is restrictive to prevent and minimise gambling harm in the community. There are only very limited policy options available to Council to further control the growth of gambling and minimise gambling harm, which would be to review the merger and relocation approaches which are already restricted.

Minor potential improvements have been identified by staff to improve the policy, which are included in section 4.3 of this report.

4.3. Minor potential amendments to the policy

Staff have identified two areas of the policy where minor improvements could be made.

4.3.1. Exceptional situation where the license from existing venue has expired due to an administrative error

Within the Gambling Act 2003, if a venue does not operate with a license for more than 6 months, it will need to reapply for consent with the Council. A new license is required before Council can consider any consents.

The current policy does not specifically mention if Council would grant a consent to an existing venue who has not renewed its license for more than 6 months. This situation has only occurred once in the past with the RSA and was resolved by Council through a delegation to the Hearings Panel. Council

in this exceptional situation decided to grant a consent with conditions after taking into consideration various elements including that the revenue from the machines were a major source of income for the RSA.

The policy could be amended to clarify Council's position. Staff have reviewed other Council's policies, and it was found that very few consider this specific situation. Marlborough District Council is one example of a council that will not grant consent if the license from an existing venue has expired.

As per section 102 of Gambling Act 2003, the gambling policy may only be amended or replaced using the special consultative procedure. This amendment would therefore require formal consultation with our communities.

4.3.2. Monitoring of venues

The existing policy mentions "that Council will undertake monitoring of venues at least annually". This section could be amended and removed as the enforcement is the responsibility of DIA and not the council's responsibility. This amendment would require formal consultation.

4.3.3. Option to prohibit relocation of venue or to further restrict mergers

A review of the policy could enable Council to prohibit the relocation of venues and machines. Council currently may use its discretion to allow the relocation of existing Class 4 gambling venues and machines under exceptional circumstances. Another option could be to decrease the total amount of machines consented if clubs are merging. The current policy mentions that "the maximum number of machines allowed to operate will be the sum of the number of gaming machines specified in all the corporate societies' Class 4 Venue licences at the time of application, or 18 machines, whichever is the lesser".

Prohibition of relocation of venue and or further restriction on mergers would require formal consultation with our communities.

4.4. Special Consultative Procedure to amend the policy

As per section 102 of Gambling Act 2003, the gambling policy may only be amended or replaced using the special consultative procedure. Any minor amendment would therefore require formal public consultation.

However, the Gambling Act does not require Council to consult if it decides that no amendments to the policy are needed after reviewing the policy.

The cost of consultation, can at times, outweigh the benefit. Formal consultation can incur significant costs when taking into consideration design and print, digital engagement, face to face events, and resourcing costs. Hearings and deliberations would be required as part of this process.

5. Options Analysis - Ngā Kōwhiringa

5.1. Option 1 – Status Quo – Retain the current policy – Staff Recommended option

Advantages	Disadvantages
 Existing policy and policy review meet legislative requirements. Expected long term positive effects of the sinking lid policy. Existing policy settings remain fit for purpose to prevent and minimise harm in our community. Streamlined review process with no costs associated with consultation. Alignment with neighbouring council's policies. Ability for staff to focus on other work priorities. 	 Inability to make minor adjustments to the policy until the next review in 2028. Inability to prohibit relocation of venues and/or alter gaming machine numbers on the mergers of venues until the next review in 2028.

5.2. Option 2 – Make minor amendments to the Gambling Policy

Advantages	Disadvantages
 Ability to make minor improvements. Ability to completely prohibit relocation of venues and/or alter gaming machine numbers on the mergers of venues. 	Any amendments would likely have limited impact in further minimising harm in our community as the current policy is already restrictive.
	 Minor improvements are very specific and are unlikely to be of significant interest for our community.
	 Special Consultation Procedure is costly and time consuming.

5.3. Option 3 – Relax restrictions on Class 4 gambling in the district.

No consideration has been given to any option that would relax restrictions on Class 4 gambling in the district as this is contrary to the purpose of the Act.

6. Significance and Engagement Assessment - Aromatawai Pāhekoheko

6.1. Assessment of Significance

The decisions and matters of this report are assessed to be of low significance, in accordance with the Council's Significance and Engagement Policy as no significant proposed changes are made in this report.

Significance Criteria	Comments	Impact Assessment
Level of community interest: Expected level of community interest, opposition or controversy involved.	No significant changes as status quo option is proposing to maintain a restrictive policy which align with previous feedback received from our communities.	Low
Level of impact on current and future wellbeing: Expected level of adverse impact on the current and future wellbeing of our communities or District.	Positive impact. Status quo option is not proposing to relax restrictions on Class 4 gambling to minimise harm in our communities	Low
Rating impact: Expected costs to the community, or sectors of the community, in terms of rates.	No rating impact	Low
Financial impact: Expected financial impact on the Council, including on budgets, reserves, debt levels, overall rates, and limits in the Financial Strategy.	There would be a cost for Council to consult if option to amend the policy was chosen.	Low
Consistency: Extent to which a proposal or decision is consistent with the Council's strategic direction, policies and significant decisions already made.	Align with LTP priority to enhance the safety, wellbeing and vibrancy of our community.	Low
Reversibility: Expected level of difficulty to reverse the proposal or decision, once committed to.	Review is legislatively required every three years and changes require Special Consultative Procedure.	Low
Impact on Māori: Expected level of impact on Māori, considering the relationship of Māori and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga.	Status Quo option to maintain a restrictive policy is aiming at minimising harm for Māori, as the data continues to highlight the inequities of harmful gambling between ethnicities	Low
Impact on levels of service: Expected degree to which the Council's levels of service will be impacted.	No impact if no changes are made to the policy. Special consultative procedure may delay other work programmes	Low

Significance Criteria	Comments	Impact Assessment
Impact on strategic assets: Expected impact on the performance or intended performance of the Council's Strategic Assets, for the purpose for which they are held.	No impact	Low

6.2. Engagement and Community Views

Any change (even small amendments) to the policy would require a special consultative procedure as required by the Gambling Act 2003. The value of any public consultation is expected to be negligible as the possible minor alterations would have very little impact on the application of the policy.

Alternatively, if the recommended option to retain the status quo is chosen, engagement on this matter would not be undertaken in accordance with the Council's Significance and Engagement Policy. This states that the Council will not consult when the matter is not of a nature or significance that requires public engagement (low significance) and that the costs of public engagement outweigh the benefits of it.

7. Considerations - Whai Whakaaro

7.1. Strategic Alignment

No inconsistencies with any of the Council's policies or plans have been identified in relation to this report. This report aligns with the LTP priority to enhance the safety, wellbeing and vibrancy of our community.

7.2. Legal

The legal requirement of the review of the Gambling policy every 3 years with consideration of the social impacts of gambling when reviewing the policy is met with this report.

7.3. Financial/Budget Considerations

There is no budget considerations associated with the recommendations of this report except that a special consultative procedure would be a cost for Council.

7.4. Climate Change Assessment

There are no significant or notable impacts associated with the matters of this report.

7.5. Risks

There are no significant or notable risks associated with the matters of this report.

10.8.1 Appendix 1 - Whakatane District Council Social Impact Assessment

8. Next Steps – E whai ake nei

The next steps will depend on Council's chosen option.

Option 1 – Status quo - Retain the current policy:

The Policy review is now completed, and the existing policy will continue to apply. The next review will be completed within 3 years. The Social Impact Assessment will be loaded onto the Council website to replace the previous one.

Option 2 – Make minor amendments to the policy:

Based on Council's feedback, a draft of the proposed policy and a statement of proposal with other supporting information will be prepared by staff and reported to this Committee for approval to consult (indicative date 19 June 2025).

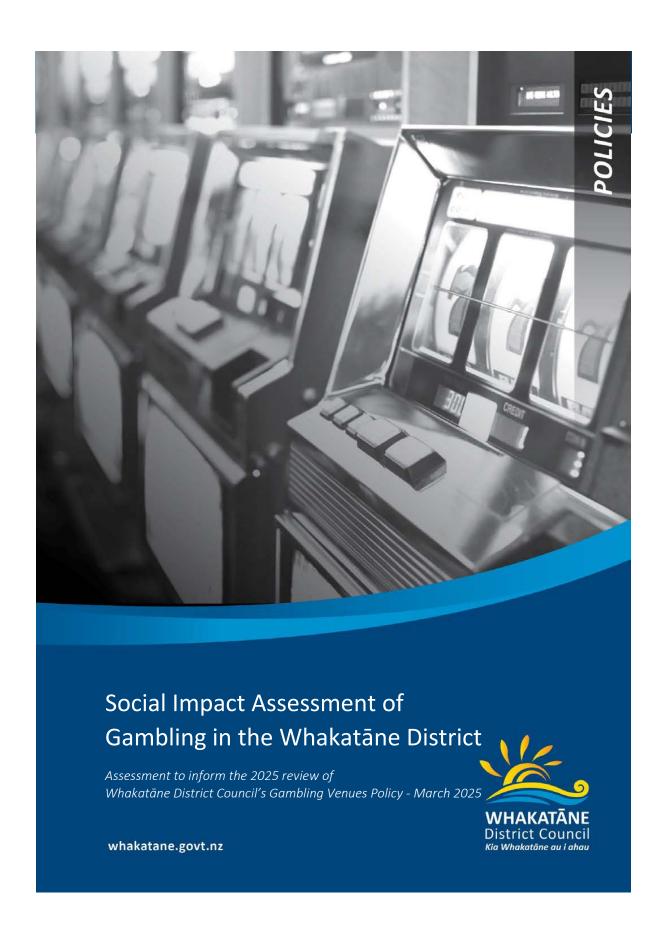
A letter would be sent to all stakeholders and Iwi engagement would occur on the proposed changes. Consultation would last a month. Following Hearings and Deliberations, amendments would be made and this Committee would then adopt the new policy (earliest indicative date is 21 August 2025).

Attached to this Report:

- Appendix 1 Whakatāne District Council Social Impact Assessment
- Appendix 2- Gambling Venues Policy

10.8.1 Appendix 1 - Whakatane District Council Social Impact Assessment

10.8.1 Appendix 1 - Whakatane District Council Social Impact Assessment(Cont.)



10.8.1 Appendix 1 - Whakatane District Council Social Impact Assessment(Cont.)



Social Impact Assessment of Gambling in the Whakatāne District

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12.2 Appendix 2 – Grants received by the Whakatāne District Council from Class 4 Gambling societies in 2019 - 202325



Social Impact Assessment of Gambling in the Whakatāne District

Executive Summary

The Gambling Act 2003 requires councils to develop a policy that is tailored to the specific needs of their community to minimise gambling related harm (especially that of Class 4 venues with Electronic Gaming Machines (EGMs) and TAB Venues under the Racing Industry Act 2020). The Gambling Venues Policy aims to limit gambling opportunities within the community to prevent and minimise harm caused by gambling. Councils are legislatively responsible to review their Gambling Venues Policy every three years.

Alongside reviewing the current policy, the council need to complete a social impact assessment of gambling within the community using the most up to date data available to inform the review of the policy.

This should consider factors such as the amount of money spent, the harm experienced or perceived relating to the deprivation of the community, the return to the community in the form of grants, and the positive and negative social impacts arising from gambling.

It has been identified that the current policy (updated by the Council in 2022) utilises key legislative tools to restrict the growth and prevalence of gambling within the Whakatāne District through a 'sinking lid' approach. Although the current policy maintains a restrictive approach toward reducing gambling harm, it has reached its legislative boundary under the Gambling Act 2003. It is therefore difficult for Council to proactively reduce gambling related harm without any further mandate or new legislative tools to do so.

Some of the main findings from the Social Impact Assessment was that the annual nominal Gaming Machine Profit (GMP) from EGMs in the Whakatāne District significantly increased by 27% to over \$12 million (from September 2020 to September 2024). The peak GMP observed over this period was \$13.2 million in 2023. This increase was comparable to the national increase of 28.3%. Over this period, an average of 23% of total GMP was returned to specific organisations in the Whakatāne District in the form of grants, including the Whakatāne District Council.

The overview of gambling within the Whakatāne District found that 10 of 11 venues are in high deprivation areas 8 and above. Only 1 venue is within a low to medium area (deprivation level 6). Nationally there remains a significant amount of Class4 venues in High deprivation areas. This is an issue as areas of high deprivation are associated with the most vulnerable populations within our communities. It means that Class 4 venues and EGMS are more accessible leading to associated issues of addiction, financial insecurity, and health issues to name a few. In addition, though there is an associated grant system, it diverts that associated income away from the most deprived communities.

Data highlighted the inequities of harmful gambling between ethnicities. Māori and Pacific Peoples consistently experience the highest prevalence of harmful gambling behaviour compared to other ethnic groups in New Zealand. This is an important focus for the Whakatāne District with 48.6% of the population identifying as Māori, more than double the national average.

Moreover, there is significant limitation for problem gamblers to access services within the Whakatāne district. Although the Problem Gambling services are funded through the Problem Gambling levy and have online and phone services available, there is no dedicated face to face service within the Whakatāne District.



Social Impact Assessment of Gambling in the Whakatāne District

1.0 Introduction

Under the Gambling Act 2003 and the Racing Industry Act 2020 (supersedes the Racing Act 2003) Whakatāne District Council (the Council) must have a Class 4 Venue and TAB Venue policy (previously referred to as Board Venue policy). This specifically includes Class 4 gaming machines, and stand-alone TAB's. These two policies are contained within the Councils Gambling Venues Policy.

The purpose of the Gambling Venues Policy is to specify whether gaming machine venues may be established in the district and, if so, where they may be located. It also specifies any restrictions on the maximum number of gaming machines and whether new TAB's may be established in the district, including where they can be located.²

This report provides key information on the social impact of gambling within the Whakatāne District to inform the policy review and guide any change required to the current approach to reducing gambling harm. The Council must review their policy every three years, taking into consideration the current available information on the impacts of gambling within the district. The purpose of the policy is to limit the opportunities for gambling and manage the impacts of gambling in communities. This social impact assessment primarily focuses on Class 4 Venues and electronic gaming machines (EGMs) as the district currently does not have any TAB venues.

This social impact assessment provides an overview of:

- The policy context
- Gambling harm prevention and minimisation
- Impact of gambling in Whakatāne
- Social impacts of gambling
- Online gambling
- Accessibility to problem gambling services
- Social provisions
- Community views

1.1 Gambling Legislation

Gambling is prohibited and illegal unless authorised under the Gambling Act 2003, the Racing Industry Act 2020, or private gambling. Class 4 gambling refers to EGMs in pubs and clubs (i.e., outside a casino) provided by a corporate society. Class 4 venues utilise EGMS only to raise money for an authorised purpose including charitable purposes, for community benefit and for non-commercial business such as community sports teams and community organisations. Local government can regulate the number of EGMs and the location of these in the district.

The Gambling Act 2003 also sets statutory limits on the number of gaming machines a venue is authorised to have. Venues licensed after 17 October 2001 can have a maximum of nine machines, unless provided Ministerial consent. Venues licensed prior to this date can have a maximum of 18 machines.²

1.2 Class 4 venues

The authorised purpose within The Gambling Act 2003 is that Class 4 gambling operations are for a charitable purpose or a non-commercial purpose which benefits the whole or a section of the



Social Impact Assessment of Gambling in the Whakatāne District

community. The meaning of a Class 4 venue must follow criteria in which net proceeds from gambling are applied to, and distributed for, authorised purposes.

Class 4 EGMs can be operated by clubs such as Returned Service Associations (RSA's), sports clubs and cosmopolitan clubs. Clubs own and host their gaming machines in which money raised from their gaming machines is mainly applied to the club which is usually owned by members.³

In addition, non-club societies (under The Incorporated Societies Act 1908) such as Grassroots, One Foundation, and The Lions Club 2008 own gaming machines and reimburse pubs and bars for hosting the machines. Non-club societies distribute money through grants within the constraints of The Gambling Act 2003.³

1.3 TAB Venues

Within the Racing Industry Act 2020, a TAB venue is defined as any premise owned or leased by the New Zealand Racing Board with the main business of providing racing and sports betting. TAB venues apply 80 percent of its net proceeds to Racing Authorised Purposes which supports the New Zealand Racing Industry to promote, control and conduct race meetings. The further 20 percent is applied to Sports Authorised Purposes such as community sports teams.⁴

Under Section 96 of the Racing Industry Act 2020, councils can specify whether or not a new TAB venue may be established and, if so, where. At present, there are no TAB venues in the Whakatāne District. The policy update in 2022 restricted the establishment of a TAB venue in Whakatāne. This will provide continued benefit for the community by reducing the venues available in which forms of gambling can take place. Equally it is important to recognise that local government has limited governance over forms of online gambling that TAB utilise.

2.0 Policy Context

The Council adopted the current Gambling Venues Policy on the 19th of May 2022. The current Gambling Venues Policy objectives are to:

- a) To control the growth of gambling; and
- b) To prevent and minimise the harm caused by gambling, including problem gambling; and
- c) To reduce the exposure of under 18's to gambling; and
- d) To reduce the total number of licenced gaming machines in the district; and
- e) To facilitate community involvement in decisions about the provision of gambling.

2.1 Sinking lid policy

The Council adopted a sinking lid approach to the Gambling Venues Policy in 2019 to manage the number of gaming machines in its district.

The intention of a sinking lid policy is to reduce the number of machines and venues in the governing district over time. This is achieved when venues close or machines are no longer in operation, or through not providing further consent for machines or venues in the district.⁵



Social Impact Assessment of Gambling in the Whakatāne District

A recent study funded by the Ministry of Health (MOH) compared different local government policy approaches. The study found that sinking lid policies reduce expenditure by 13 percent compared to regions with no restrictions beyond those in the Gambling Act 2003. It has also been found that sinking lid policies also help in reducing the number of people seeking gambling intervention services.⁶

2.2 Relocation Policy

A Class 4 venues policy may include a relocation policy to facilitate the movement of Class 4 venues around the district or choose to prohibit Class 4 venues from relocating.

Relocation policies have been discussed as a beneficial option to move Class 4 venues from high deprivation areas to the central business district (CBD) or into a lower deprivation area. Though it is important to recognise that in the assessment of Whakatāne CBD, it has a deprivation measure of 8 (measured at Statistical Area 2 ((SA2) statistical areas are defined by Stats NZ built from smaller units called meshblocks). Within the Whakatāne District, 4 out of the 17 areas sit at a deprivation level at 6 or lower (measured at SA2). Therefore, considering the close geographical area of Whakatane, and given that 6 of 11 Class 4 venues sit within Whakatane CBD, relocation may not be effective policy option to reduce associated gambling harm.

Currently within the Council Gambling Venues Policy, relocation of Class 4 venues can only occur under exceptional circumstances (such as but not limited to natural hazards, climate change, and fire) and at Council's discretion. In making any relocation decisions, the Council would need to consider the following factors:

- a) The underlying zoning of the proposed location;
- b) Proximity to land with a sensitive use (education facilities, medical centres, community facilities, places of worship, WINZ offices and marae);
- c) Proximity to ATMs and existing Class 4 venues; and
- d) The Deprivation Index of the proposed location.

2.2 Merger Policy

The Council Gambling Venues Policy allows two or more clubs to merge with the conditions that "the maximum number of machines allowed to operate will be the sum of the number of gaming machines specified in all the corporate societies' Class 4 venue licences at the time of application, or 18 machines, whichever is the lesser".

An Alteration that could be made to Gambling Venues Policy could seek to decrease the total amount of machines consented as a part of a merger. Mergers are seen as another tool, in conjunction with a sinking lid policy, that can work toward decreasing the overall number of venues and machines.

3.0 Gambling Harm Prevention and Minimisation

One of the key purposes of the Gambling Act 2003 is to prevent and minimise the harm caused by gambling. In the Gambling Act 2003, 'Harm' is defined as destress of any kind arising from, or caused



Social Impact Assessment of Gambling in the Whakatāne District

or exacerbated by, a person's gambling and includes personal, social, or economic harm suffered by the person, family, wider community, workplace, or society at large.² The Gambling Act 2003 includes a statutory age limit of 18 for playing gaming machines outside of casinos.

In addition, there are significant differences between the role of the operator and territorial authorities in the pursuit to prevent and minimise gambling related harm within The Gambling Act 2003.

The role of Operators

The role of the operators of gaming machines must provide information and assistance to any person who they believe may have a problem with gambling and may prohibit them from entering the gambling area.

There are also regulations under the Gambling (Harm Prevention and Minimisation) Regulations 2004 that Class 4 EGMs stake limit for a single play must not exceed \$2.50, and that no advertising related to a gaming machine jackpot is published in a Class 4 venue. The Gambling Act 2003 also states that Class 4 venues must not have availability of EFTPOS devices in close proximity to gambling equipment.

In addition, to the regulations above, gaming machine and TAB venue operators must provide training to employees that provides problem gambling awareness. This training must enable staff to approach any player that may be experiencing problem gambling, to provide information to players about the characteristics of problem gambling, how to access problem gambling services, to remind players that they can be banned from the gambling area for up to two years and to remind players that they can identify themselves as problem gamblers and that they can request to be excluded from the gambling area of the venue for up to two years. ^{9,10}

The role of Territorial Authorities

The role that local government has in minimising gambling related harm is by reviewing their Class 4 Gambling Venue Policy every three years. A Class 4 gambling venue is the one tools that can be utilised by councils to minimise gambling. The purpose of the policy is to limit the opportunities for gambling and manage the impacts of gambling within the community. However, the Gambling Act 2003 also has limitations on the actions a local council can take towards Class 4 venues and EGMs, if there is the desire to actively reduce accessibility and the impact of gambling harm.

4.0 Whakatāne Profile

At the time of the 2023 Census, the Whakatāne District population was 37,149 people with a Māori population of 18,054 ((48.6%), significantly higher than the average Māori population of the country at 17.8%)). The Council Long-Term Plan indicates that the population will continue to grow, with population estimated at 42,400 by 2033. ¹¹

Te Whatu Ora Health and Lifestyle survey conducted in 2018 found that Māori had slightly higher participation rates in electronic gaming machines and TAB venues than other ethnic groups, but lower participation at lotteries. Māori and Pacific Peoples exhibit the highest prevalence of harmful gambling behaviour compared with other ethnicities such as European/other and Asian peoples, who were more likely to be non-gamblers.¹²



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4.1 Deprivation

Nationally there has been a decrease in venues and EGMs in high deprivation areas, however, there are findings to show that the distribution and availability of Class 4 venues and machines remains disproportionately high in high deprivation areas of New Zealand.¹³

Within Whakatāne 10 of 11 Class 4 venues are in high deprivation areas SA2 8 or above) with 7 of them being within Whakatāne Central (Shown in Appendix 1).

The NZ Deprivation Index (NZDep2023) is published by Environmental Health Intelligence New Zealand. ¹⁴ It combines nine variables from the 2023 census data which reflect different aspects of deprivation, relating to communication, income and employment, education, home ownership, living space and conditions. NZDep2023 provides a deprivation score for each meshblock and statistical area in the country.

Figure 1 below shows deprivation by Statistical Area 2 (SA2) in the Whakatāne District as developed from the nine 2023 census variables. These variables include no access to internet at home, people receiving a means tested benefit, people living in households with an income below the threshold, unemployed, no qualifications, not living in their own home, in a single parent family, living in damp dwellings and/or have mould and people living in households below a bedroom occupancy threshold.¹¹ The scale of deprivation from 1 to 10 divides New Zealand into tenths of the distribution, so Decile 1 represents an area with least deprived area/score(Yellow), and Decile 10 represents a most deprived area/score (red). As indicated by figure 1., the majority of the Whakatāne district sits within higher deciles and therefore among the most deprived areas in New Zealand.¹⁴

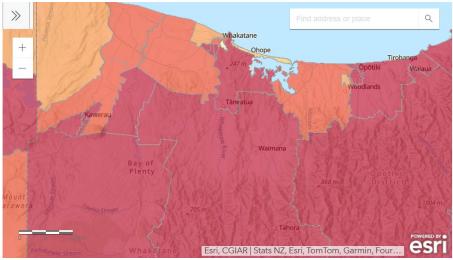


Figure 1: Whakatāne District deprivation SA2 14

4.2 Class 4 Gambling in Whakatāne

The total number of machines have decreased since March 2015 with the introduction of a sinking lid policy in 2019. ¹⁵ From March 2015 to December 2024 the number of venues has decreased 28.6% from



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14 to 10 and EGMs have decreased 18.3% from 197 to 161 (This data does not include the recent consent given to the Whakatane RSA in 2024).

As of February 2025, the Whakatāne district has an estimated 170 operating EGMs. However, there are a total of 177 gaming machines permitted under existing consents and licenses (with the inclusion of the machines granted with consent for the Whakatāne Returned Service Association (16 total)). Appendix 1 lists all the current venues, the number of operating and licensed machines at each venue within the Whakatāne District, and the SA2 deprivation level.

Number of electronic gaming machines in the Whakatāne District

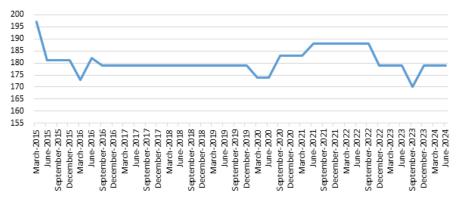


Figure 2: Number of EGMs in the Whakatāne District since March 2015 to June 2024.

Despite the decrease of venues and EGMs the DIA Game Machine Profit (GMP) dashboard data from March 2015 to September 2024 quarters increased in the Whakatāne District by 55.8% compared to New Zealand which increased by about 36%.

There was a significant nationally observed trend during COVID-19 which saw GMP per quarter drop to a low of \$1.3 million in June 2020 (decrease of 55.8% from \$2.9 million per quarter in December 2019) and increased 237% to \$3.05 million per quarter in December 2024.

Table 1 shows the nominal GMP difference from September 2020 across other regions. The annual nominal GMP in September 2020/21 was \$9.68 million within the Whakatane District increasing to a total nominal annual GMP of \$12.37 million by September 2023/24 (increase of 27.8%). The nominal GMP value was utilised because that is the total monetary value taken directly from the consumer rather than the monetary value adjusted for inflation.

	Yearly nominal GMP difference				
Time Period	Whakatane	Bay of Plenty	Gisborne	Rotorua	National
Sep 2020/21	21.7%	17%	20.2%	13.9%	16.1%
Sep 2021/22	-0.5%	0.9%	4.4%	-0.7%	-0.7%
Sep 2022/23	14%	10.1%	8.6%	11.8%	15.5%
Sep 2023/24	-7.5%	-6.4%	-0.6%	-6.5%	-3.6%

Table 1: Shows the yearly nominal GMP difference from EGMs.



4.3 National Gambling Expenditure

The Department of Internal Affairs (DIA) reported the total nominal value of gambling expenditure has continued to increase over the last five years (Figure 3). In the year 2019/20 the total nominal expenditure was \$2,252 million increasing to \$2,792 million in 2023/24.



Figure 3: Shows the amount of annual expenditure by consumers on different gambling activities.

The national GMP per EGMs has trended up, with continued growth since 2020 after the impacts of COVID-19. However, this increase has come with a continued decrease in the number of total Class 4 venues and subsequently EGMs nationally. In December 2015 there was 1,238 venues decreasing 13.7% to 1,068 venues with a further decrease by 8.5% by December 2024 to a total of 977 machine nationally. The total EGM's decrease by 9.8% from 16,393 in December 2020 to 14,781 and a further 5.4% to a total of 13,985 nationally. Department of Internal Affairs (DIA) cannot determine or definitively say what has led to the increase of GMP despite decreases in venues and machines. Theories have included more players playing EGMs, similar number of players betting more per game, or similar number of players, spending similar amounts, playing for longer hours. 15

5.0 Social Impacts of Gambling

5.1 Problem gambling financial and health impacts

Problem gambling refers to gambling that has negative consequences and loss of control causing not only harm to an individual, but to their whānau and the wider community. Most people will not experience problems resulting from their gambling and it can be a harmless activity.

Problem gambling can cause financial difficulties, problems at work including fraud and performance, issues within family and friend relationships, family violence, alcohol abuse, and mental health issues.¹⁷



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Compared to people with no gambling problems, moderate risk/problem gamblers have found to have 4.7 times the odds of being hazardous drinkers, 6.3 times the odds of having alcohol dependence, and 3.7 times the odds of using drugs. 18

There has been an observed trend of declining participation in pokies at pubs, clubs, and casinos. However, GMP is increasing suggesting that less people could be betting more frequently leading to increased harm within a smaller number of people. ¹³ Problem gambling is most common with electronic gaming machines with approximately two in five regular gamblers classified as moderate or problem gamblers. ¹⁹ People affected by problem gambling typically struggle to afford healthy food, heating, accommodation, and health care.

Māori, Pacific peoples, and people on lower incomes continue to disproportionately experience gambling harm. This is particularly true of Māori & Pacific peoples who are three times and two and a half times (respectively) more likely to be moderate-risk and problem gamblers than non-Māori and non-Pacific people. Māori and Pacific people are also more often affected by the financial impacts of gambling compared to European/other and Asian people. 18

5.2 Financial costs

Problem gamblers can experience debt, consistently paying bills late, believe that gambling will solve financial difficulties and bring material wealth, borrow money to gamble, cannot explain loss of money or hide loss of money from others, and over time increase the amount of money spent on gambling.²⁰ It has been found that problem gamblers contribute between 30-60% of the amount paid out in community grants and 50% of all electronic gaming machines in New Zealand are located in the most deprived communities.²¹ 91% of venues in Whakatāne are in medium high and very high deprivation areas. This shows that access to gambling has the potential to affect the people in our most vulnerable areas, causing additional strain to be able to afford adequate housing, healthy food, and health care.

5.3 Impacts on Health

Low quality of life was statistically associated with problem gambling and had higher likelihood of transitioning into risky gambling. ^{14,22}. New Zealand research analysing the full extent of gambling harm such as legacy, life course, and intergenerational gambling found that these were associated to a significant overall burden on the total impact of their health and wellbeing. ²³ It is also important to recognise that gambling is not only associated to negative individual health outcomes but can also impact the health and wellbeing of whānau and family through physical harm and family violence, acute financial harm, and neglect.

6.0 Online Gambling

Under New Zealand law, Lotto New Zealand and the New Zealand Racing board (TAB) are the only ways to gamble online with control and protection. TAB has a monopoly over New Zealand sports and racing betting, with approval to outsource operations to Entain (a British gambling entity) establishing the second betting platform 'Betcha' targeting those aged under-35 who would not usually bet with the TAB. 14,24

Online gambling has increased overall with an estimated \$332.6 million being spent online in 2022 (an increase from \$139.3 million in 2014). The Health and Lifestyle Survey in 2020 reported that 27 percent



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of people participated in some form of online gambling. This has increased from 2018 which reported 13 percent of New Zealand adults took part in online gambling. The latest data reported in the 2025 Gambling Survey has shown that 31% of people in the last 12 months took part in an online gambling activity (NZ and overseas), an increase of four percent from 2020. Specifically in the overseas market, the 2018 Health and Lifestyle Survey reported two percent of New Zealanders reported gambling on an overseas website in the last 12 months increasing to three percent in the 2020 HLS and staying above three percent in the 2025 Gambling Survey at 3.6%. TAB estimates around \$150 million was lost to offshore-based operators (which is excluded from the reinvestment into communities, the government, and the problem gambling levy).13

Individuals can use forms of overseas online gambling such as lotteries, pokies, casinos, sports betting, and racing websites and apps. The current Gambling Act 2003 allows for loopholes that enable unregulated online gambling. There is growing concern of the lack of regulation around online gambling and the need to protect and reduce gambling harm to those that access offshore online providers. However, New Zealand law does not protect or cover consumers' rights with offshore gambling sites. In addition, the interaction with offshore gambling sites does not contribute to the Problem Gambling Levy which funds problem gambling services. New Zealand businesses such as SkyCity in 2019 and Christchurch Casino in 2023 have utilised legislative loopholes to establish online gambling platforms based in Malta which New Zealanders can access. Work is currently being completed by central government to have the Act updated to incorporate online gambling. The role of local government is extremely limited in minimising harm from online gambling due to the Gambling Act 2003.

Moreover, the use of online gambling in New Zealand is increasing. Lotto NZ has shown a 4.3% increase in 2022/23 compared to 2021/22 despite a 21% decrease of outlet stores since 2020. The increase in Lotto NZ profits shows the shift towards accessing modes of gambling through online, seeing an increase from 31% overall in 2019/20 to 44% in 2022/23. 13

7.0 Problem gambling services

Between 2012 and 2018 those that indicated as being low-risk of gambling harm, and moderate risk and problem gamblers trended up from 2.7% - 3.6% and 1.3% - 1.9% respectively. 25 Although data in 2020 showed a reduction, this subsequently increased in 2025 to see 5.9% of people being low risk gamblers and 2.4% being moderate-risk and problem gamblers. 25 However, the full identification of the prevalence of harmful gambling may not be captured in its full entirety of the issue. 13

Data continues to highlight the inequities of harmful gambling between ethnicities. Māori and Pacific Peoples consistently experience the highest prevalence of harmful gambling behaviour compared to other ethnic groups. The New Zealand Gambling Survey reported that of respondents, 4.9% of Māori were moderate to high-risk harmful gambler and 9.5% low risk. In comparison 5.7% of Pacific Peoples were observed to have a moderate to high-risk gambler and 10.4% low-risk. This is significantly higher to the likes of NZ European which were observed to have 1.9% of population moderate to high-risk gambler and 4.7% as low risk gambler). 25

Within the Whakatāne district there is no physical premises which can provide problem gambling services. The closest in person physical service to Whakatāne, Bay of Plenty is based in Ōpōtiki at Ko Kollective Trust, Manaaki Ora Problem gambling (Rotorua), and Poutiri trust in Te Puke.

With a limited availability of gambling harm services in person, this may create barriers of accessibility for members of the Whakatāne community that are not available in person, or do not have the means



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to access services through the appropriate technology. Gambling harm intervention services data within Whakatāne district shows that on average 21 new clients received gambling harm treatment each year (from 2017/18 to 2022/23). The average of all people within the Whakatāne district that received gambling harm treatment per year in the time frame was $32.^{29}$

Gambling harm services are funded through The New Zealand Gambling levy which deducts from the money made by gambling machines fund the problem gambling services for the community through Te Whatu Ora. The Ministry of Health estimates that only about 16% of people experiencing harm seek help from these services. It is likely therefore that the intervention data for problem gamblers in the Whakatāne district significantly underestimates the actual problem.³⁰

Every three years the Ministry of Health must develop and refresh the 'Strategy to Prevent and Minimise Gambling Harm'. Ministry of Health works alongside Health New Zealand who holds the responsibility to deliver Public Health interventions and treatment services. Health New Zealand contracts providers throughout New Zealand and within territorial authorities for people to seek help with harmful gambling. These services can be offered both in person, over the phone, and through video link such as Gambling Healthline, Problem Gambling Services, Mapua Maia, and Asian Family Services.

8.0 Social Provisions of Gambling

Class 4 gambling in New Zealand is a not-for-profit activity and is only permitted where it is used to raise funds within the community. Under the Gambling Act 2003, Class 4 venues must redistribute 40% of GMP to the community , up to 19.5% of the GMP is allocated toward Pokie Trusts administration fees, 23% goes to the Government as gambling duty, venues are paid up to 16% of GMP at a weekly turnover rate dependent on the amount of how often EGM's are used, and 1.5% goes to funding the Problem Gambling Levy which is distributed by the Ministry of Health (represented in figure 4). 32

Within the 40% of funding that goes to communities, there is no requirement that these funds must be returned to the community in which it was derived from. In the year of 2023 (GMP generated from 2022) around \$345.46m went back into the New Zealand community, with 9,783 organisations receiving funding through 23,982 total accepted grants (at the time of developing the SIA, 2024 data was not available through Granted.govt.nz).³³



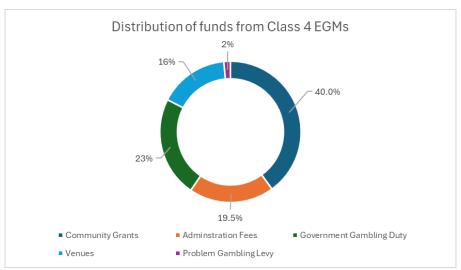


Figure 4: The distribution of funds acquired by Class 4 EGMS.

In conjunction with the redistribution of money throughout New Zealand communities, gambling provides a source of entertainment and employment, in both Class 4 venues, TAB venues and in corporate societies.

8.1 Community grants returned to the Whakatāne District

Between 2019 and 2023 grants accepted within the Whakatāne District averaged around \$2.28 million which equated to an average of 23% of total annual nominal GMP generated by the Whakatane community (an average of \$11.49 million annually during that time period (deference between nominal amount spent within the community vs accepted as grants is shown in figure 5)). 15,33 The recorded grants accepted by organisations specifically within the Whakatane community are not representative of any work undertaken by national organisations (i.e., Hato Hone, Life Education Trust NZ) within the Whakatane District and any associated grants received through Class 4 trusts. The distribution of grants accepted by different categories (i.e., sport, art and culture, community) is shown in figure 6.



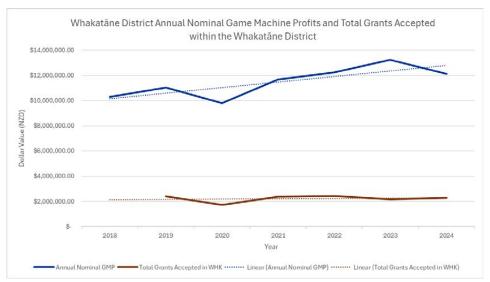


Figure 5: Total annual nominal GMP from 2018-2024 generated by Whakatāne and the corresponding grant distribution in the Whakatane District (funding generated in 2018 is distributed the following year). 15,33

The table below outlines the amount of annual nominal GMP produced through EGMs in the Whakatane District between 2018 and 2024 and the respective grants accepted.

Year	WHK Nominal GMP	Total Grants accepted in WHK	Percentage given to WHK
	(DEC)	(year accepted)	community
2018	\$10,284,034.98	N/A	N/A
2019	\$11,021,228.75	\$2,385,313.00	23%
2020	\$9,784,968.55	\$1,708,765.00	16%
2021	\$11,672,329.00	\$2,361,196.00	24%
2022	\$12,251,050.30	\$2,430,098.00	21%
2023	\$13,223,460.81	\$2,169,025.00	18%
2024	\$12,122,715.58	N/A	N/A
Average	\$11,479,969.71	\$2,277,169.00	23%

Table 2: Nominal GMP values generated by the Whakatane district through EGMs and the associated grants in the year they were accepted and the percentage received by the community.



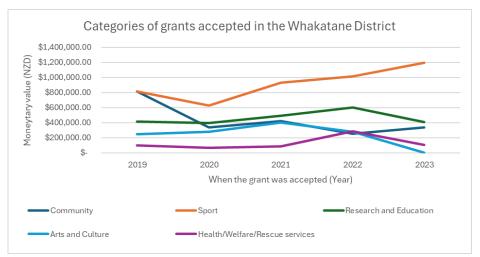


Figure 6: Breakdown of grants provided to community organisations27

8.2 Community grants accepted by Whakatane District Council

It must be acknowledged that the Council has been a recipient of grants from gambling societies. Granted.govt.nz shows Council accepted \$1,048,442 in funding through the financial years of 2019 - 2022. Through 2019 - 2023, this made up 9.5% of all grant funds that were returned to the entire Whakatāne District (Appendix 2 includes a list of all grants received by the Council since 2019).

These grants have supported a range of Council projects such as the skate park extension, outdoor pool roof and safety pool hoist at the Aquatic Centre, playground upgrades, resurfacing the basketball court, and public toilet accessibility.

9.0 Community views

9.1 Whakatāne Community views

During consultation on the draft Gambling Venues Policy 2022, 58 submissions were received. Many submitters' concerns focussed on the harm and negative impacts that gambling can have on individuals, whānau and communities, particularly in vulnerable communities in high deprivation areas. Submitters felt that community organisations should not be financially supported from the proceeds of gambling.

A smaller number of submitters considered that the Council should retain the status quo or introduce an absolute cap on the number of machines. Reasons given for this related to the perceived impact on funding for community organisations; potential economic impact on venues; potential increase in more people accessing online gambling; and that the proposals would not enable venues to relocate to modern premises, or out of more vulnerable areas.



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9.2 National Health and Lifestyle Survey

The 2018 Health and Lifestyles Survey showed that 55% of the respondents believed that some forms of gambling were socially undesirable. ²³ Of the respondents that believed that some forms of gambling were socially undesirable, 59% considered gaming machines at pubs and clubs were the most socially undesirable, 50% gaming machines at a casino, and 31% at mobile phone games for money.

The report also focused on second-hand gambling harm, finding that 1 in 10 (11%) of respondents reported experiencing second-hand gambling harm during their lifetime. In addition, 4 in 10 respondents (43%) expressed some level of concerns adults were concerned about the level of gambling within their community. Of respondents, those with university degrees, Māori, Pacific Peoples and those that live in higher deprivation were more likely to be concerned about gambling in their community.²⁶

9.3 National perception of gambling harm and community benefit

It is important to recognise that funding grants through trusts that utilise EGMs profit present a flawed model of funding. Research has shown that those in more deprived areas are more likely to experience gambling related harm, and that the majority of Class 4 venues and EGMs within New Zealand remain concentrated and accessible in high deprivation areas despite an overall decrease in venues and EGMs.¹³

Concerns toward the funding from EGM are represented in the 2023/24 New Zealand Gambling Survey (figure 8) in which 46.2% of people believed that raising money through gambling did more harm than good, 28.9% thought that gambling in the community did equal amounts of good and harm, and 8.3% thought it did more good than harm. In addition, 55.4% of respondents were concerned about the level of gambling in the community. 25



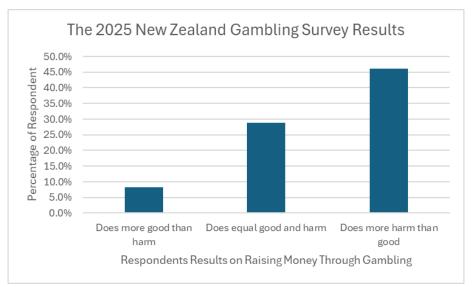


Figure 8: Views about the effects on a community from raising funds through gambling from the 2025 Gambling Survey.²⁵

10.0 Conclusion

Since the last review in 2022 there has been no significant change in the number of gaming machines despite the adopted sinking lid policy. The renewal of Whakatāne Return Services Association consent to operate EGMs has increased the total consented EGMs (total that could become operational) to 177 EGMs. The annual nominal GMP from Whakatāne EGMs significantly increased by 27% to over \$12 million from September 2020 to September 2024, which was similar to the national GMP increase of 28.3%. ¹⁵ Other regions over the same period, saw increases of 35.4% in Gisborne, 18.28% in Rotorua, and 21% across the Bay of Plenty.

Despite the Whakatāne District GMP trends being similar to that nationally, a key difference is that national EGMs and venues have steadily decreased since the introduction of the Gambling Act 2003, the Racing Industry Act 2020, and councils implementing restrictive policies such as sinking lids.

A key concern is the high number of venues and EGMs in high deprivation communities. Within the Whakatāne District, 10 of 11 venues are located in high deprivation areas (deprivation index of 8 and above). This is particularly concerning when problem gambling is shown to effect those in higher deprivation areas, and that money lost to gambling activities is coming from those in our most vulnerable communities. This is important to take into consideration when reviewing the Gambling Venues Policy and providing policy options that benefit the health and wellbeing of the Whakatāne community. Moreover, analysing the population within the Whakatāne District, 48.6% of residents identify as Māori compared to 17.8% nationally. This is important to highlight as the costs and harm of problem gambling are likely to be under-estimated and Māori are at a higher risk of experiencing gambling related harm and have slightly higher participation rates with EGMs and TAB venues.



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A small benefit of class 4 venues and EGMS is that 1.5% of gross profit funds the problem gambling levy which enables problem gambling services in New Zealand. The issue for the Whakatāne District is that there are no dedicated gambling services that are available face to face for people to access (online and over the phone services are available, though this may cause a barrier to uptake in service access.

Other benefits associated with Class 4 venues and EGMs, are that it does provide a form of entertainment for people and a positive contribution through 40% of GMP returned to New Zealand communities in the form of grants. In the context of Whakatāne, on average only 23% of funds have been returned to the community between 2019 and 2023.

This assessment has shown that the current Council policy has maintained the status quo in which there has been no exponential change in Class 4 venues or EGMs since the introduction of the sinking lid policy. Though, it is important to recognise that the increase in total amount of GMP generated within the Whakatāne District has increased by 17.8% since 2018 (before the introduction of the sinking lid policy).

The maintained status quo of venues and EGMs and increased GMP shows that the Council Gambling Venues Policy has reached its legislative limitations under The Gambling Act 2003. A sinking lid policy is a long-term action towards reducing gambling related harm within a community. Outside the restrictions of a sinking lid, there are very little tools and methods that Council has available to proactively further reduce gambling related harm within the Whakatāne District.

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Social Impact Assessment of Gambling in the Whakatāne District

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12.0 Appendices

12.1 Appendix 1 – Current venues, associated society name, operating and consented EGMs, and associated SA2 Dep. Index (Update March 2025)

Whakatāne areas wit	Whakatāne areas with Class 4 venues				
SA2 Area Venue Name Physical addi		Society name	Operating EGM's	Consented EGM's	SA2 Deprivation index.
 Edgecumbe Plains Hotel 11-19 Colle Edgecumbe, 	,	The Lion Foundation 2008	18	18	8
 Matatā – Ota Matatā Hote 47 Arawa Matatā, \ 3194 	I	Pub Charity Limited	14	14	9
Murupara Murupara Ho	otel	The Lion Foundation	18	18	10

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Social Impact Assessment of Gambling in the Whakatāne District

• 18 Pine Drive, MURUPARA 3025				
 Ōhope Ōhope Chartered Club 7 Bluett Road, Ōhope 3121 	Ōhope Chartered Club Incorporated	16	16	3
 Trident Kope Turf Bar 7-9 James Street, Whakatāne 3120 	Aotearoa Gaming Trust	18	18	10
 Whakatāne Central Airbar 80 The Strand, WHAKATANE 3120 	The Lion Foundation 2008	9	9	8
 Whakatāne Central Cobb & Co 79-81 The Strand, Whakatāne, 3120 	New Zealand Community Trust	18	18	8
 Whakatāne Central The Quart House Bar 115 The Strand, Whakatāne 3120 	The Lion Foundation 2008	18	18	8
 Whakatāne Central Whakatāne Hotel 79 The Strand, Whakatāne 3120 	Grassroots Trust Limited	18	18	8
 Whakatāne Central Whakatāne Sports Fishing Club, Whakatāne 3080 	Whakatāne Sports Fishing Club Incorporated	14	14	8
 Whakatāne Central The Whakatāne Returned Service Association (RSA) Club 	Whakatāne Returned Services Association Incorporated	9	16	8
Total venues in operation: 11 Average Deprivation of Class 4 ve		nes operating: nes consented:		



Social Impact Assessment of Gambling in the Whakatāne District

12.2 Appendix 2 – Grants received by the Whakatāne District Council from Class 4 Gambling societies in 2019 - 2023

Grants received in 2019 (Funding from 2018)

Year	Amount	Society	Purpose
2019	\$150,000	NZ Community Trust	Community
2019	\$112,050	Lions Foundation	Research and Education
2019	\$50,000	Pub Charity	Community
Total amount	\$312,050		

Grants received in 2020

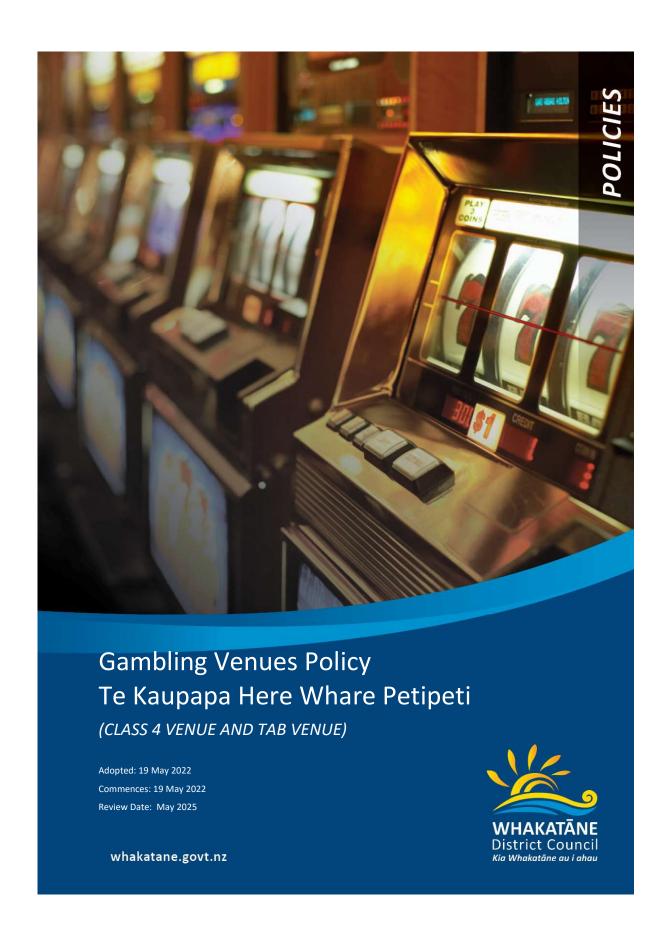
Year	Amount	Society	Purpose
2020	\$136,392	Grass Roots Trust	Community
2020	\$100,000	Lions Foundation	Arts and Culture
Total amount	\$236,392		

Date	Amount	Society	Purpose
2021	\$300,000	The Lion Foundation 2008	Arts and Culture
Total amount	\$300,000		



Date	Amount	Society	Purpose
2022	\$200,000	The Lion Foundation 2008	Arts and Culture
Total amount	\$200,000		

10.8.2 Appendix 2 - Gambling Venues Policy





Gambling Venues Policy

(CLASS 4 VENUE AND TAB VENUE)

1.0 Introduction – Kupu arataki

The Gambling Act 2003 requires the Whakatāne District Council (the Council) to have in place a policy that:

- Specifies whether or not Class 4 venues¹ may be established in the territorial authority district and, if so, where they may be located;
- May specify any restrictions on the maximum number of gaming machines² that may be operated at a Class 4 venue; and
- May include a relocation policy.

The Racing Industry Act 2020 requires territorial authorities to adopt a policy on TAB venues³. The TAB venues policy must:

 Specify whether or not TAB venues may be established in the district and, if so, where they may be located.

Both policies must be reviewed every three years in accordance with the special consultative procedure prescribed in the Local Government Act 2002. In adopting both a Class 4 venues policy and a TAB venues policy, the Council must have regard to the social impact of gambling within the Whakatāne District (the District). A social impact assessment was undertaken in 2021, and informed the development of this policy.

This Whakatāne District Council Policy covers both Class 4 venues and TAB venues and can be referred to as the Gambling Venues Policy.

Role of Council – Te mahi a te Kaunihera

One of Council's key roles is to ensure community input into decisions about the provision of gambling in their area. This is done through developing this policy, and then applying the policy when assessing applications for consent for new licences, new machines, and the merger of clubs. While Councils can issue consents for these applications, it is the Department of Internal Affairs (DIA) which is responsible for issuing venue and operator licences, and the monitoring and enforcement of those licences.

³ The Racing Industry At 2020 specifies that a "TAB venue" means the premises that are owned or leased by TAB NZ and where the main business carried on at the premises is providing racing betting or sports betting services.



¹ A venue that is licensed to operate Class 4 gaming machines. The Act categorises gambling activities according to their intensity and potential for harm. Class 4 gambling (gambling using non-casino gaming machines) is the highest-risk form of gambling outside of a casino. Racing and sports betting, which are covered by the Racing Act 2003, do not fall within this classification system.

² Refers to a Class 4 non-casino gaming machine in pubs and clubs, also referred to as "pokie machines"



Gambling Venues Policy

(CLASS 4 VENUE AND TAB VENUE)

2.0 Policy objectives - Ngā whāinga

The objectives of this policy are to:

- a) To control the growth of gambling; and
- b) To prevent and minimise the harm caused by gambling, including problem gambling; and
- c) To reduce the exposure of under 18's to gambling; and
- d) To reduce the total number of licenced gaming machines in the district; and
- e) To facilitate community involvement in decisions about the provision of gambling.

3.0 Establishment of Class 4 venues – Te whakatūnga o ngā Whare Rōpū 4

Council will not grant consent for any new Class 4 venues to be established in Whakatāne District.

To meet the policy objectives in Section 2.0, this means that when an existing venue closes the Council will not give consent for another to be established.

4.0 Establishment of TAB venues – Te whakatūnga o ngā Whare TAB

Council will not grant consent for any new TAB venues to be established in Whakatāne District.

5.0 Number of gaming machines – Te nama o ngā pūrere petipeti

Council will not grant consent to any new gaming machines in any Class 4 venue in Whakatāne District





Gambling Venues Policy

(CLASS 4 VENUE AND TAB VENUE)

6.0 Relocation of existing Class 4 gambling venues and machines – Te whakanekenga o ngā whare petipeti me ngā pūrere petipeti Rōpū 4 e tū nei

Under exceptional circumstances, such as but not limited to natural hazards, climate change, and fire, Council may use its discretion to allow Class 4 gaming machines to be relocated.

In making this decision, Council will weigh the following factors:

- a) The underlying zoning of the proposed location;
- Proximity to land with a sensitive use (education facilities, medical centres, community facilities, places of worship, WINZ offices and marae);
- c) Proximity to ATMs and existing Class 4 venues; and
- d) The Deprivation Index of the proposed location.

7.0 Clubs intending to merge – Ngā karapu e takune ana ki te hono

The Council will issue a consent for two or more clubs holding existing Class 4 venue licences to merge physically and legally into a single club, provided:

- the place where the two venues that are being merged to holds a current Class 4 venue licence: and
- the maximum number of machines allowed to operate will be the sum of the number of gaming machines specified in all the corporate societies' Class 4 Venue licences at the time of application, or 18 machines, whichever is the lesser.

An applicant for the Council's consent under this policy must provide information as detailed in section 8 of this policy, and in addition must:

- a) Meet any requirements specified in this policy; and
- a) Meet the fee requirements specified in the Council's fees and charges schedule; and
- b) Comply with regulations set out in the Gambling Act 2003.





Gambling Venues Policy

(CLASS 4 VENUE AND TAB VENUE)

8.0 Applications for consents – Ngā pukatono mō ngā whakaaetanga

Any application for consent under section 6.0 of this policy must be made on the approved form and must provide:

- a) Name and contact details of the applicant; and
- b) Street address and legal description of the current and proposed venue location; and
- c) Copy of the existing Class 4 venue licence, confirming the current number of machines licensed to be operated; and
- Details about the venue operator, including evidence of a police clearance for owners and managers of the club/venue, ownership of the premises, nature of the businesses operated from the premises; and
- e) Evidence of proximity to land with a sensitive use (education facilities, medical centres, community facilities, places of worship, WINZ offices and marae); and
- f) Evidence of proximity to the nearest ATMs and existing Class 4 venues; and
- g) Evidence of the Deprivation Index of the proposed location; and
- h) Details of Host Responsibility policies and procedures, including a copy of the Gambling Harm Minimisation Policy and staff training programme for the venue; and
- i) An audited 12-month business plan or budget for the establishment, covering both gambling and other activities proposed for the venue, clearly distinguishing the percentage of revenue to be derived from both gambling and other activities proposed for the venue, showing that the venue is clearly not to be used primarily for operating gaming machines; and
- A site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue, and location and number of gaming machines; and
- k) Details of alcohol licence(s) applying to the premises; and
- I) Details of any police attendance for public order issues at the existing venue; and
- m) Evidence of compliance with the Whakatāne District Plan, or a copy of the necessary Resource Consent.

All applications for consent under section 7.0 of this policy must be made on the approved form and must provide:

- a) Name and contact details of the applicant clubs; and
- b) Street address and legal description of the venue the clubs plan to merge to; and
- c) Copies of the existing Class 4 venue licences held by all the merging clubs, confirming the current number of machines licensed to be operated in the merging club's venue; and
- d) Details about the venue operator, including evidence of a police clearance for owners and managers of the club/venue, ownership of the premises, nature of the businesses operated from the premises; and
- e) Details of Host Responsibility policies and procedures, including a copy of the Gambling





Gambling Venues Policy

(CLASS 4 VENUE AND TAB VENUE)

Harm Minimisation Policy and staff training programme for the venue; and

- f) An audited 12-month business plan or budget for the establishment, covering both gambling and other activities proposed for the venue, clearly distinguishing the percentage of revenue to be derived from both gambling and other activities proposed for the venue, showing that the venue is clearly not to be used primarily for operating gaming machines; and
- g) A site plan covering both gambling and other activities proposed for the venue, including details of each floor of the venue, and location and number of gaming machines; and
- h) Details of alcohol licence(s) applying to the premises; and
- i) For either premises, details of any police attendance for public order issues; and
- j) Evidence of compliance with the Whakatāne District Plan, or a copy of the necessary Resource Consent.

All applications will incur a fee, to be known as the Venue Consent Fee, which will be prescribed by the Council pursuant to Section 150 of the Local Government Act 2002. This fee will cover:

- a) The cost of processing the application; and
- b) The cost of inspecting Class 4 gambling venues on a regular basis to ensure compliance with consent or licence conditions; and
- c) A proportion of the cost of monitoring and reviewing the policy.

The fee will be reviewed annually in accordance with the Council's Revenue and Financing Policy and the Council's adopted Fees and Charges Schedule.

9.0 Decision making – Ngā whakataunga

The Council has 30 working days in which to determine a consent application.

Decisions on applications which meet the policy criteria will be made at officer level pursuant to delegated authority.

10.0 Monitoring and review – Te aroturukitanga me te arotakenga

Council will undertake monitoring of the existing Class 4 venues listed in Appendix A at least annually.

The Council will complete a review of the policy every three years, as required by the Gambling Act 2002 and Racing Industry Act 2020.

If the Council amends or replaces this policy, it shall do so in accordance with the special consultative procedure outlined in the Local Government Act 2002.





Gambling Venues Policy

(CLASS 4 VENUE AND TAB VENUE)

APPENDIX A – List of existing Class 4 venues in Whakatāne District

Society Name	Venue Name	Venue Physical Address	Gaming Machines	Maximum Licensed Gaming Machines
Aotearoa Gaming Trust	Kope Turf Bar	7-9 James Street, Whakatāne Central, Whakatāne 3080	18	18
Grassroots Trust Limited	Whakatāne Hotel	79 The Strand, Whakatāne Central, Whakatāne 3080	18	18
Milestone Foundation Limited	Office Bar & Grill	80 The Strand, Whakatāne 3120	9	9
New Zealand Community Trust	Cobb & Co	79-81 The Strand, Whakatāne Central, Whakatāne 3080	18	18
Ōhope Chartered Club (Inc)	Ōhope Chartered Club	7 Bluett Road, Ōhope, Whakatāne 3121	16	16
Pub Charity Limited	Matatā Hotel	47 Arawa Street, Matatā, Whakatāne 3084	14	14
Rangitāiki Cosmopolitan Club Incorporated	Rangitāiki Cosmopolitan Club	11 Bridge Street, Edgecumbe, Whakatāne 3120	9	14
The Lion Foundation 2008	Murupara Hotel	Pine Drive, Murupara, Rotorua 3025	18	18
The Lion Foundation 2008	Plains Hotel	11-19 College Road, Edgecumbe, Whakatāne 3082	18	18
The Lion Foundation 2008	The Quart House Bar	115 The Strand, Whakatāne Central, Whakatāne 3080	18	18
Whakatāne Returned Services Association Incorporated	Whakatāne RSA Club	13/23 Richardson Street, Whakatāne Central, Whakatāne 3158	18	18
Whakatāne Sportfishing Club Incorporated	Whakatāne Sportfishing Club	Muriwai Drive, Whakatāne Central, Whakatāne 3080	14	14
Total	12		188	193

<u>Source</u>: Dept. of Internal Affair Section 103 Class 4 Venues in Territorial Authority, Whakatāne District. Report generated: 7 October 2021.



10.9 Order of Candidates Names Report 2025

District Council

10.9 Order of Candidates Names Report 2025

To: Whakatāne District Council

Date: Thursday, 8 May 2025

Author: C Viljoen / Manager Governance Services

Authoriser: E Hatch / GM People and Partnerships

Reference: A2869109

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

The 2025-2028 triennial local government elections will occur on Saturday 11 October 2025. A binding poll in relation to Māori Wards will also be held alongside the election. An update on preliminary matters relating to the election is provided to Council. This report provides Council with an opportunity to resolve the order of candidate names to appear on the voting documents. If no decision is made, the order of names defaults to alphabetical.

2. Recommendations - Tohutohu akiaki

- 1. THAT the Whakatāne District Council receive the Order of Candidate Names Report 2025; and
- 2. THAT, as permitted under regulation 31 of the Local Electoral Regulations 2001, the Whakatāne District Council adopts the **order** of candidate names for the 2025 triennial election as either:
- a. the alphabetical order of candidate names; or
- b. the pseudo-random order of candidate names; or
- c. the random order of candidate names (recommended option)

3. Background - He tirohanga whakamuri

The 2025-2028 triennial elections for all local authorities are due to occur on Saturday 11 October 2025 and are required to be undertaken according to the Local Electoral Act 2001, the Local Electoral Regulations 2001, the New Zealand Public Health & Disability Act 2000 and, to a limited extent, the Local Government Act 2002.

Certain pre-election information and tasks are outlined in this report for Council's information and attention.

The Local Electoral Regulations 2001 provide for Council to resolve the order of candidate names to appear on the voting documents (alphabetical, pseudo-random or random order). If no decision is made, the order of names defaults to alphabetical.

4. Discussion – Kōrerorero

4.1. Positions

Mayor		Elected at large			
Councillors		Total of 10			
	Rangitāiki Ward Whakatāne-Ōhope Ward Te Urewera General Ward Rangitāiki Māori Ward Kapu-te-rangi Māori Ward Toi ki Uta Māori Ward	2 4 1 1 1 1			
Community Board Members		Total of 24			
	Murupara Community Galatea-Waiohau Subdivision Murupara Subdivision Te Urewera Subdivision	Total of 6 2 3 1			
	Rangitāiki Community	Total of 6			
	Tāneatua Communities	Total of 6			
	Whakatāne- Ōhope Community	Total of 6			
Bay of Plenty R	Bay of Plenty Regional Council Members				
Either: Or:	2 members from the Eastern Bay of Plenty General Constituency 1 member from the Kohi Māori Constituency				

4.2. Māori Wards Poll

A binding poll in relation to Māori Wards will also be held alongside the election.

While the existing Māori wards will remain in place for the 2025 election, the outcome of the poll is binding and will determine Māori ward arrangements for the 2028 and 2031 local elections.

4.3. 2025 Election Timetable

With an election date of Saturday 11 October 2025, the following key functions and dates will apply:

Nominations open/roll opens	Friday, 4 July 2025
Pre-election period starts	Friday, 11 July 2025

Nominations close/roll closes	Midday Monday, 4 August 2025
Public notice of Candidate names	6 August 2025
Delivery of voting mailers	From Tuesday 9 September to 11 September 2025
Close of voting	Midday Saturday 11 October 2025

The Elections 2025 Timetable has been placed on the Council website and includes further details.

4.4. Electoral System

At the 31 August 2023 Council meeting, Elected Members resolved to use the FPP (First Past the Post) electoral system for the 2025 triennial election.

THAT pursuant to section 27 of the Local Electoral Act 2001 Council resolves for the 2025 Whakatāne District Council triennial elections to retain the First Past the Post electoral system, and that public notice be given by 19 September 2023 of the decision and of the right of electors to demand a poll on the electoral system to be used.

4.5. Number of Electors

An estimated number of electors for the 2025 triennial elections is expected to be approximately 27,500. This compares to 25,887 actual electors for the 2022 triennial election; hence a 6.2% growth.

Please note, the above estimated number of electors will change following the Electoral Commission's current roll update campaign.

5. Options Analysis - Ngā Kōwhiringa

5.1. Order of Candidate Names

Regulation 31 of the Local Electoral Regulations 2001 provides the opportunity for Council to choose the order that candidate names will appear on the voting documents from three options — alphabetical, pseudo-random (names drawn out of a hat in random, with all voting documents printed in this order), or random order (names randomly drawn by computer, with a different order on each voting document).

Council may determine which system will apply to the order of candidate names on the voting documents, but if no decision is made, the order of names defaults to alphabetical order.

For the 2022 local government elections, the following applied for the 67 territorial authorities:

Alphabetical: 16 (24%)Pseudo-random: 3 (4%)

• Random: 48 (72%)

Please note, Council resolved to adopt the random order of candidate names for the 2022 triennial elections, and this is the recommended option for the 2025 triennial election.

5.1.1. Option 1 - Alphabetical Order

Alphabetical order is simply listing candidate surnames alphabetically.

Advantages		Disadvantages
•	Alphabetical list enables voters to easily find the names of candidates they wish to vote for	May tend to favour those candidates with names in the first part of the alphabet (in practice, most voters tend to look for name recognition, regardless of alphabetical order)
•	The order of candidates on the voting document matches the order of candidates listed in the candidate directory (candidate profile statements)	

5.1.2. Option 2 - Pseudo-Random Order

Pseudo-random order is where candidate surnames are randomly selected, and the order selected is the order appearing on all voting documents relevant to that issue. The names are randomly selected by a method such as drawing names out of a hat.

Advantages		Disadvantages
•	Candidate names appear in mixed order.	Possible voter criticism/confusion as specific candidate names are not easily found, particularly where there are many candidates
•	No perceived bias for name order	Order of candidates on the voting document does not match the order of candidates listed in the candidate directory (candidate profile statements).

5.1.3. Random Order - Recommended Option

Random order is where all candidate surnames are randomly selected by computer and the order of surnames is different on every voting document. The random order enables names to be placed on each issue in a completely unique order on each voting document.

Advantages		Disadvantages
•	Candidate names appear in mixed order	Possible voter criticism/confusion as specific candidate names are not easily found, particularly where there are many candidates
•	No perceived bias for name order	Order of candidates on the voting document does not match the order of candidates listed

	in the candidate directory (candidate profile statements)
Avoid confusion when similar surnames are not adjacent in the list	

6. Significance and Engagement Assessment - Aromatawai Pāhekoheko

6.1. Assessment of Significance

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

6.2. Engagement and Community Views

Engagement on this matter is not being undertaken in accordance with Section 6.0 of the Council's Significance and Engagement Policy. This states that the Council will not consult when the matter is not of a nature or significance that requires public engagement (low significance).

7. Considerations - Whai Whakaaro

7.1. Strategic Alignment

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

7.2. Legal

- Local Electoral Act 2001
- Local Electoral Regulations 2001
- New Zealand Public Health & Disability Act 2000
- Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024

7.3. Financial/Budget Considerations

There is no price differential in printing costs between the three order of candidate name options.

The budget for the election spans over two financial years, with some of the costs being incorporated in the current financial year and the majority in 2025/26.

The budget includes the cost of the Electoral Contractor to run the elections, and for staff costs for Electoral Officials within the Council, publicity and graphics to encourage candidates to stand and electors to vote.

A portion of shared costs associated with running the election will be recovered from the BOPRC via a Memorandum of Understanding.

7.4. Climate Change Assessment

There are no significant or notable Climate Change impacts associated with the matters of this report.

7.5. Risks

There are no significant or notable risks associated with the matters of this report.

8. Next Steps – E whai ake nei

Election Services will be advised of the decision made by Council to enable planning and scheduling of voting papers.

The Local Body Election Project Team will be advised of the decision made.

Attached to this Report:

Appendix 1 – Electoral Officer 2025 Triennial Election Report

10.9.1 Appendix 1 - Electoral Officer 2025 Triennial Election Report

Election Services

Level 2, 198 Federal Street, Auckland PO Box 5135, Victoria Street West Auckland 1142 Phone: 64 9 973 5212

Email: info@electionservices.co.nz

Report to the Whakatāne District Council regarding the

2025 Triennial Election

From the Electoral Officer

14 February 2025





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Outline

The 2025 triennial local government elections will occur on Saturday 11 October 2025. An update on preliminary matters relating to the election is provided to Council, including consideration of the order of candidate names to appear on the voting documents.

Background

The 2025 triennial elections for local authorities are due to occur on Saturday 11 October 2025 and are required to be undertaken according to the Local Electoral Act 2001, the Local Electoral Regulations 2001 and, to a limited extent, the Local Government Act 2002.

Certain pre-election information and tasks are outlined in this report for Council's information and attention.

The Local Electoral Regulations 2001 provides for Council to resolve the order of candidate names to appear on the voting documents (alphabetical, pseudo-random or random order). If no decision is made, the order of names defaults to alphabetical.

Narrative

Māori Wards and Māori Constituencies Polls Where a local authority has established Māori wards or Māori constituencies since 2020 without undertaking a poll, legislation now requires a poll to be undertaken in conjunction with the 2025 local elections (Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024).

A separate poll will therefore be required for Council.

The outcome of the poll will be binding for two triennial elections (2028 and 2031).

The question will be simple and easy to understand:

'I vote to keep the Māori wards' or

'I vote to remove the Māori wards'.

The Bay of Plenty Regional Council is exempt from holding a Māori constituencies poll in 2025 due to the Bay of Plenty Regional Council (Māori Constituency Empowering) Act 2001.

2025 Elections

Elections will be required for the following positions:

- the mayor elected 'at large'
- 10 councillors elected from six wards
 - Rangitāiki General Ward (2)
 - Whakatāne-Ōhope General Ward (4)
 - Te Urewera General Ward (1)
 - Rangitāiki Māori Ward (1)

Page 2

- Kāpū-te-rangi Māori Ward (1)
- Toi ki Uta Māori Ward (1)
- 24 community board members elected from four community boards, one with three subdivisions.
 - Rangitāiki Community Board (6)
 - Whakatāne-Ōhope Community Board (6)
 - Tāneatua Community Board (6)
 - Murupara Community Board (6), made up of:
 - o Galatea-Waiōhau Subdivision (2)
 - o Murupara Subdivision (3)
 - o Te Urewera Subdivision (1)
- Māori wards poll
- Bay of Plenty Regional Council members (either 2 members from the Eastern Bay of Plenty General Constituency, or 1 member from the Kōhi Māori Constituency).

Electoral System

Council confirmed the FPP (First Past the Post) electoral system in September 2023 for the 2025 local elections.

The Bay of Plenty Regional Council have also confirmed the FPP (First Past the Post) electoral system for their 2025 local elections.

Legislative Changes

The Local Electoral Regulations 2001 were amended on 30 July 2024 to allow a greater period for the delivery of voting mailers (from six days to 14 days) and a longer voting period (from 22.5 days to 32.5 days).

Although election day remains the second Saturday in October every three years (11 October 2025), the commencement of the electoral process now starts earlier with nominations opening on Friday 4 July 2025.

2025 Election Timetable

With an election date of **Saturday 11 October 2025**, the following key functions and dates will apply:

Nominations open/roll open

Friday 4 July 2025

Nominations close/roll closes Noon, Friday 1 August 2025 Delivery of voting mailers

Tuesday 9 to Monday 22 September 2025

Close of voting

Noon, Saturday 11 October 2025

Page 3

A more detailed timetable is attached (Appendix 1).

2025 Election Fact Sheet

A 2025 Election Fact Sheet summarising the key functions of the election $(\underline{Appendix\ 2})$ is also attached.

Compilation of nonresident Ratepayer Roll The compilation of the 2025 non-resident Ratepayer Roll is required to commence in early-mid 2025. This will include:

- an insert detailing the qualifications and procedures for enrolment as a non-resident ratepayer elector to be included with a 2025 rates instalment notice by the end of August 2025 (<u>Appendix 3</u>);
- a confirmation letter issued to all current non-resident ratepayer electors in March/April 2025;
- a national advertising campaign on the qualifications and procedures for enrolment as a non-resident ratepayer elector during May 2025.

Council can undertake additional promotion of the ratepayer roll if it wishes - such as contacting (letter/email etc) all current or potential non-resident ratepayer electors encouraging their enrolment and participation in the electoral process.

Order of Candidate Names Regulation 31 of the Local Electoral Regulations 2001 provides the opportunity for Council to choose the order of candidate names appearing on the voting documents from three options—alphabetical, pseudo-random (names drawn randomly with all voting documents printed in this order) or random order (names randomly drawn by computer with each voting document different).

Council may determine which order the names of candidates are to appear on the voting documents, but if no decision is made, the order of names defaults to alphabetical.

For the 2022 triennial elections, Council adopted the random order of names and the Bay of Plenty Regional Council adopted the alphabetical order of candidate names.

For Council's information, Auckland Council has undertaken analysis on the effect on the order of candidate names, and research showed no observable effect of candidate order on actual election outcomes.

Alphabetical Order

Alphabetical order is simply listing candidate surnames alphabetically and is the order traditionally used in local and Parliamentary elections.

Comments regarding alphabetical order are:

voters are easily able to find names of candidates for whom they wish to vote. Some candidates and voters over the

years have argued that alphabetical order may tend to favour candidates with names in the first part of the alphabet, but in practice this is generally not the case — most voters tend to look for name recognition, regardless of where in the alphabet the surname lies;

the order of candidate names on the voting document matches the order listed in the candidate directory (candidate profile statements).

Pseudo-Random Order

Pseudo-random order is where candidate surnames are randomly selected, and the same order is used on all voting documents for that position. The names are randomly selected by a method such as drawing names out of a container.

Comments regarding pseudo-random order are:

- the candidate names appear in mixed order (not alphabetical) on the voting document;
- possible voter criticism/confusion as specific candidate names are not easily found, particularly where there may be many candidates;
- the order of candidate names on the voting document does not match the order listed in the candidate directory (candidate profile statements).

Random Order

Random order is where all candidate surnames are randomly selected and are listed in a different order on every voting document. The names are randomly selected by computer so that the order is different.

Random order enables names to be listed in a completely unique order on each voting document.

Comments regarding random order are:

- the candidate names appear in mixed order (not alphabetical) on the voting document;
- possible voter criticism/confusion as specific candidate names are not easily found, particularly where there are many candidates;
- the order of candidate names on the voting document does not match the order listed in the candidate directory (candidate profile statements).

There is no price differential in printing costs between the three orders of candidate names.

Number of Electors

The number of electors for the 2025 triennial elections is expected to be 27,500 (as at 31 January 2025 this was 26,679). This compares to 25,887 electors for the 2022 triennial election or +6.2% growth.

Pre-Election Report

Section 99A of the Local Government Act 2002 requires each local authority to prepare a pre-election report, whose purpose is to provide information to promote public discussion about the issues facing the local authority. The pre-election report is prepared by the Chief Executive, must contain financial and major project information, and should be completed by the end of June 2025.

Promotion of Election

Section 42(2) (da) of the Local Government Act 2002 requires the chief executive of a local authority to promote their elections to help increase voter participation.

As a chief executive legislative requirement (not a governance matter), such promotion should focus on an effective communications/education strategy about the council - what it does, its services and relevance to the community and the importance to stand for office and to vote/have your say to help determine the future of the district.

Pre-Election Period

The period three-months before election day, known as the pre-election period, is a time where Council must be mindful not to make any significant decisions.

Business as usual must be able to continue, but best practise is that any decisions of significance should not be made in this period (11 July 2025 to 11 October 2025).

In addition, local authorities cannot promote, or be perceived to promote, the prospects of any candidate, especially a current member. This includes restrictions on elected member official communications by Council.

Any use of Council resources (websites, social media, vehicles, phones, staff etc) by elected members during the pre-election period for re-election purposes is unacceptable and possibly unlawful. This prevents a perception of an "unfair advantage" to current elected members over other candidates.

Recommendation

It is recommended that:

Council resolves for the 2025 triennial election, to adopt either:

- (i) the alphabetical order of candidate names; or
- (ii) the pseudo-random order of candidate names; or
- (iii) the random order of candidate names

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as permitted under regulation 31 of the Local Electoral Regulations 2001.

Author:

Dala Ofaaska

Electoral Officer // Whakatāne District Council

Election Services

APPENDIX 1





TIMETABLE | WĀTAKA

2025 LOCAL GOVERNMENT ELECTIONS 11 OCTOBER 2025



	LEA - Local Electoral Act 2001 LER - Local Electoral Regulations 2001 (incorporating 30 July 2024 chan
mid/late December 2025	Return of electoral donations & expenses form [Sec 112A, LEA]
Friday 17 October – Saturday 18 October 2025	Declaration of result/public notice of declaration [Sec 86, LEA]
Monday 14 October – Friday 17 October 2025	Official count [Sec 84, LEA]
Saturday 11 October 2025	Election day [Sec 10, LEA] Close of voting [12 noon] [Sec 84, LEA] Progress and preliminary results available as soon as practicabl after close of voting [Sec 85, LEA]
by Friday 10 October 2025	Appointment of scrutineers [12 noon] [Sec 68, LEA]
Tuesday 9 September – Saturday 11 October 2025	Progressive roll scrutiny [Sec 83, LEA] Special voting period [12 noon] [Sec 5 LEA, Reg 35, LER] Early processing period [12 noon] [Sec 80, LEA]
Tuesday 9 September – Monday 22 September 2025	Delivery of voting documents [Reg 51, LER]
Friday 5 September 2025	Electoral officer certifies final electoral roll [Sec 51, LEA. Reg 22, LER]
Wednesday 6 August 2025	Public notice of day of election, candidates' names [Sec 65, LEA]
Friday 1 August 2025	Nominations close [12 noon] / roll closes [Sec 5, 42, 55 LEA, Reg 21, LER]
Friday 4 July 2025	Nominations open / roll open for inspection
Wednesday 2 July 2025	Public notice of election, calling for nominations, roll open for inspection [Sec 42, 52, 53, LEA]
Monday 9 June 2025	Electoral Commission's enrolment update campaign commence
May 2025	National ratepayer roll qualifications and procedures campaign [Sec 39, LEA]

Dale Ofsoske | Electoral Officer | Election Services | January 2025

// bringing change

APPENDIX 2



WHAKATĀNE DISTRICT COUNCIL



FACT SHEET | WHARANGI MEKA

2025 LOCAL GOVERNMENT ELECTIONS 11 OCTOBER 2025



WHAT DOES COUNCIL DO?

The Whakatane District Council meets regularly to make me whakatane District Council meets regularly to make many decisions that impact the day-to-day lives of people in the district. The Council governs a wide range of local services including roads, water systems, rubbish collection, libraries, parks, community centres, dog registration, community and economic development and district planning.

BACKGROUND

Local government triennial elections are being held by postal vote on Saturday 11 October 2025 and will be undertaken by Election Services, under contract to Whakatāne District

The first past the post voting [FPP] electoral system will be used for both the Whakatāne District Council and the Bay of Plenty Regional Council elections.

2025 KEY DATES

Nominations open	Friday 4 July
Nominations close	noon, Friday 1 August
Delivery of voting packs	from Tuesday 9 September
Close of voting	noon, Saturday 11 October
Official results announced	Friday 17 October

WHO IS BEING ELECTED?

Elections will be required for the following positions:

- → Mayor (elected 'at large')
- → Councillors [10]

 - Rangitāiķi General Ward (2) Whakatāne-Ōhope General Ward (4)
 - Te Urewera General Ward (1)
 Rangitāiki Māori Ward (1)
 Kāpū-te-rangi Māori Ward (1)

 - Toi ki Uta Māori Ward [1]

- Community Board Members [24]
 Rangitāiki Community Board [6]
 Whakatāne-Öhope Community Board [6]
 Tāneatua Community Board [6]
 Murupara Community Board [6], made up of:
 Galatea-Waiōhau Suddivision [2]
 Murupara Subdivision [3]
 Te Urewera Subdivision [1]

 - Bay of Plenty Regional Council Members
 —Eastern Bay of Plenty General Constituency (2); or

 - -Köhi Mäori Constituency [1].

In addition electors will be able to vote on a poll — whether to retain or disestablish Māori wards for the Whakatāne District Council. The outcome of this binding poll will apply to the 2028 and 2031 triennial elections.

HOW CAN I BE NOMINATED?

Nominations for these positions open on Friday 4 July 2025 and close at noon on Friday 1 August 2025.

For online nominations go to: www.esp.electio

Printed nomination papers and a candidate handbook will also be available during this period from:

→ Whakatāne District Council Civic Centre,

- 14 Commerce Street, Whakatáne; Murupara Library & Service Centre, Civic Square, 48 Pine Drive, Murupara;
- → Edgecumbe Library, 38 College Road, Edgecumbe;
 → Õhope Library, 4 Harbour Road, Õhope;
- Whakatāne Library and Exhibition Centre, 49 Kākahoroa Drive, Whakatāne
- or download and print at: www.whakatane.govt.nz.

To be eligible to stand for election, a candidate must be:

- a New Zealand citizen (by birth or naturalisation ceremony); and > enrolled as a Parliamentary elector (anywhere in New
- Zealand]; and

 → nominated by two electors whose names appear on the
- electoral roll within the respective area that a candidate is standing for

A candidate information handbook will be available in May 2025

FACT SHEET | WHAKATANE DISTRICT COUNCIL ELECTIONS | 11 OCTOBER 2025

// bringing change



WHO CAN VOTE?

Those eligible to vote are all resident electors and nonresident ratepayer electors whose names appear on the electoral roll when it closes on Friday 1 August 2025. The Preliminary Electoral Roll will be available for public inspection from Friday 4 July 2025 to Friday 1 August 2025 at the locations overpage.

Resident Roll: All parliamentary electors, including those on the Māori Electoral Roll, are automatically enrolled on the Resident Roll, at the address where they live.

Any alterations to the Resident Roll (e.g. change of address details, including new postal addresses) should be made by:

- > completing the appropriate form (available from the Electoral Commission or Council offices and libraries);
- → phoning 0800 36 76 56;
- -> accessing the Electoral Commission website:

Ratepayer Roll: If a person is on the parliamentary roll in one area and pays rates on a property in another area, this person may be eligible to be enrolled on the non-resident Ratepayer Roll. A firm, company, corporation or society paying rates on a property may nominate one of its members or officers as a ratepayer elector (provided the nominated person resides outside the area).

To check if you may be eligible, or to obtain an enrolment form, go to www.ratepayer.co.nz or www.whakatane.govt.

All electors will be able to vote for the mayor and respective community board members. Those electors on the general electoral roll will be able to vote for respective general ward councillors and those electors on the Māori electoral roll will be able to vote for the respective Māori

HOW TO VOTE?

Voting packs will be posted to all those who have enrolled from Tuesday 9 September 2025.

The voting period is just over four weeks [Tuesday 9 September 2025 to noon Saturday 11 October 2025].

Electors may post their completed voting documents back to the electoral officer using the orange prepaid envelope sent with their voting document.

Polling places for the issuing of special voting documents and for the receiving of completed voting documents will be available from Tuesday 9 September 2025 until noon Saturday 11 October 2025 at the following locations:

- → Whakatāne District Council Civic Centre, 14 Commerce Street, Whakatāne;
- → Murupara Library and Service Centre, Civic Square, 48 Pine Drive, Murupara, until 5pm, Friday 10 October 2025.

In addition, votes can be hand delivered to a vote box at specific locations found on www.whakatane.govt.nz

To be counted, all completed voting documents must be in the hands of the electoral officer or an electoral official by noon Saturday 11 October 2025.

RESULTS

Progress results will be known early afternoon on election day, and preliminary results will be announced on Sunday, 12 October 2025. Final results will be announced by Friday 17 October 2025 and all results will be accessible on Council's website: www.whakatane.govt.nz.

WHAKATĀNE DISTRICT WARDS AND COMMUNITY BOARDS









Dale Ofsoske | Electoral Officer Independent Election Services Ltd Level 2, 198 Federal Street, auckland PO Box 5135 Victoria Street West, Auckland 1142 Email: info@electionservices.co.nz

Chirese Viljoen | Deputy Electoral Officer Whakatāne District Council Civic Centre, 14 Commerce Street, Whakatāne Email: chirese.viljoen@whakatane.govt.nz Phone: [07] 306 0500

APPENDIX 3



WHEREVER YOU PAY

YOU CAN VOTE.

Do you live in one area and pay rates on a property in another area?

You may qualify to vote in both areas at the local authority elections in October 2025

You may like to vote in this election. Voting is a way to have your say on what happens in your local community. This information is designed to help you. It notes who you can contact to enrol, and ways you might qualify to vote.

There are two types of electors...

Residential Electors – If you are registered to vote on the electoral roll, you are automatically enrolled to vote in local authority elections. You will receive a voting document so that you can vote by post.

Ratepayer Electors – You may also be eligible to enrol as a non-resident ratepayer elector in a council district if both of these apply:

you are on the district valuation roll and pay rates in the council district

the address where you are registered as a Parliamentary elector is outside that council district.

Your eligibility to enrol or be nominated as a ratepayer elector may also depend on your individual circumstances as determined by criteria in the Local Electoral Act 2001 and its regulations.

Enrol now - the Ratepayer Electoral Roll closes on 1 August 2025

An organisation can nominate one of its members or officers to vote on its behalf

If a firm, company, trust, corporation, society partners, joint tenants and tenants in common collectively pay rates on a property in a council district, one of the group may be nominated to be the ratepayer elector. The person nominating and the nominated person must be registered as Parliamentary electors at addresses outside the council district where the property is located.

You can only enrol once

You can only enrol, or be nominated to enrol, once in a council district, no matter how many properties you own in that council district. Council district includes: a city, district and regional council area; a community board area if established; the area of Auckland Council and the local boards.

New Ratepayer Electors

If you think you may be eligible to enrol or to nominate someone as a ratepayer elector, get an Enrolment Form for Ratepayer Electors from the local council where you pay your rates. The Electoral Officer will be able to help you with your application.

If you want further information, please scan the QR code below.







Enrol now – the Ratepayer Electoral Roll closes on 1 August 2025

District Council

10.10 Solar Panel Project Recommendation Change – May 2025

10.10 Solar Panel Project Recommendation Change – May 2025

To: Whakatāne District Council

Meeting Date: Thursday, 8 May 2025

Author: G Mischefski-Gray / Strategic Policy Analyst

Authoriser: L Woolsey / GM Strategy and Growth

Reference: A2861374

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

This report is to revoke 'the loan resolution' made by Council at the 20 March 2025 meeting, in relation to the Solar Panel Project, and to propose a new recommendation to accurately reflect the loan terms.

2. Recommendations - Tohutohu akiaki

- THAT the Whakatāne District Council receive the Solar Panel Project Recommendation Change

 May 2025; and
- 2. THAT the Whakatāne District Council **revoke** the second (2) resolution made at the 20 March 2025 Council meeting; and
- 3. THAT the Whakatāne District Council **approve** the replacement resolution for an in-principle request to Trust Horizon for a loan of up to three hundred thousand dollars (\$300,000) on a 10-year repayment period at a fixed 3.5% interest rate for the first 5 years, when it shall be re-negotiated.

3. Background - He tirohanga whakamuri

The solar panel project was approved on the 20 March 2025. Staff have been working through the next steps of the project which include finalising the loan. Details of the proposed loan fall outside the initial resolution made.

4. Subjects – Kaupapa

At the Council meeting on 20 March 2025 the following resolutions were passed:

Moved Mayor Luca / Seconded Councillor Tánczos

RESOLVED:

1.

THAT the Whakatāne District Council receive the Solar Panel Business Case report; and

10.10 Solar Panel Project Recommendation Change – May 2025(Cont.)

2.

THAT the Whakatāne District Council approve in principle a request to Trust Horizon for a loan of up to three hundred thousand dollars (\$300,000) on a 10-year repayment period at a 3.5% interest rate; and

3.

THAT the Whakatāne District Council delegate authority to the Chief Executive for final loan approval.

CARRIED

4.1. Reasoning for new resolution

Upon working through the loan documents, staff have been made aware that the maximum fixed lending term the market in New Zealand is 5 years. Therefore, the interest rate cannot be set for 10 years and must be re-negotiated in 5 years' time (2030).

If the re-negotiated interest rate is increased in 2030, there are two mitigating points:

- the conservative estimates for the electricity cost savings in the financial projections in the 20
 March 2025 report means it is likely more savings are realised than required to cover loan
 repayments,
- ii. the Trust Horizon loan has a zero dollar-break fee, so could be moved to another funder such as LGFA in five years, who also have favourable terms for projects such as these.

5. Conclusion – *Whakarāpopototanga*

As the resolution passed at the Whakatāne District Council meeting on the 20 March 2025 does not reflect the five-year maximum fixed rate, we are requesting it be revoked and propose a renewed recommendation.

11 Resolution to Exclude the Public - Whakataunga kia awere te marea

11 Resolution to Exclude the Public - Whakataunga kia awere te marea

11.1 Resolution to Exclude the Public

RECOMMENDATION

THAT the Whakatāne District Council agree to **exclude** the public from the following part(s) of the proceedings of this meeting, namely:

- 1. Public Excluded Minutes of the Council meeting held on 20 March 2025
- 2. Public Excluded Minutes of Risk and Assurance Committee meeting held on 27 March 2025
- 3. Property Update May 2025 Report

Item No.	General subject of the matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for excluding the public
1.	Public Excluded Minutes of the Council meeting held on 20 March 2025	s7(2)(a) To protect the privacy of natural persons, including that of deceased natural persons s7(2)(b)(ii) Protect information made available that would likely be unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information s7(2)(g) To maintain legal professional privilege s7(2)(h) To enable the council to carry out, without prejudice or disadvantage, commercial activities s7(2)(i) To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a) The public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

11.1 Resolution to Exclude the Public(Cont.)

2.	Public Excluded Minutes of Risk and Assurance Committee meeting held on 27 March 2025	S7(2)(a) To protect the privacy of natural persons, including that of deceased natural persons s7(2)(i) To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) s7(2)(g) To maintain legal professional privilege	s48(1)(a) The public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
3.	Property Update May 2025 Report	s7(2)(i) To carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations) s7(2)(j) Prevent disclosure or use of official information for improper gain or improper advantage	s48(1)(a) The public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

This resolution is made in accordance with section 48(1) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act (or sections 6, 7 or 9 of the Official Information Act 1982, as the case may be).

11.1 Resolution to Exclude the Public(Cont.)

1 Confirmation of Minutes - Te whakaaetanga o ngā meneti o te hui

3.1.5 Appendix 5 - Disposals Consultation Document

1	Confirmation of Minutes - Te whakaaetanga o ngā meneti o te hui	
1.1	Public Excluded Minutes Ordinary Council Meeting 20 March 2025	
2	Standing and Joint Committee Recommendations and Minutes - tuhinga hui a te Komiti Ngātahi	Ngā
2.1	PX Minutes of the Risk and Assurance Committee Meeting 27 March 2025	I
3	Reports - Ngā Pūrongo	
3.1	Property Update	
3.1.1	Appendix 1 - Investigation Report 1	
3.1.2	Appendix 2 - Investigation Report 2	
3.1.3	Appendix 3 - Ownership status check	
3.1.4	Appendix 4 - Schedule of Tranche 1 Properties	