



Council Briefing

Hui Whakamōhio

Wednesday, 27 August 2025
Wenerei, 27 Hereturikōkā 2025

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



Chief Executive: Steven Perdia | Publication Date: 21 August 2025

Recording the Briefing - *Ka hopuhia te hui**Recording the Briefing - Ka hopuhia te hui***PLEASE NOTE**

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A *Membership - Mematanga*

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Councillor Ngapera Rangiaho

Councillor Nándor Tánczos

B Briefing Purpose - *Te Take o te hui***B** *Briefing Purpose - Te Take o te hui*

Councillors have many complex issues about which to make decisions and rely on the advice they receive from the administration. Complex issues often require more extensive advice processes which culminate in the council report. Briefings are a key feature to help prepare Councillors with the appropriate background and knowledge for robust decision making during future meetings. They are sessions during which Councillors are provided with detailed oral and written material, and which provide Councillors with the opportunity to discuss the issues between themselves and with senior council staff.

Briefings are scheduled monthly; however due to the nature of Council business, additional Briefings may be held.

Briefings cannot be used to make final decisions, as final decisions and resolutions cannot lawfully be made outside the context of a properly constituted meeting.

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1 Karakia

[1 Karakia](#)

[2 Briefing Notices - Ngā Pānui o te hui](#)

1. Recording

Welcome to members of the public who have joined us today.

Council Briefings are recorded. Public gallery attendees' presence implies your consent to being broadcast.

Recordings are available upon request.

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.

[3 Apologies - Te hunga kāore i tae](#)

Acknowledgements

4 Presentations - *Whakaaturanga*

[4](#) [Presentations - *Whakaaturanga*](#)

[4.1](#) [Bylaw Review and Enforcement](#)

Leny Woolsey and Harvey Keravel will speak to the attached presentation.

4.1 Bylaw Review and Enforcement(Cont.)

Bylaw Review & Enforcement

Council Briefing – 27 August 2025

Leny Woolsey & Harvey Keravel



whakatane.govt.nz

Better Together Toitū te Kotahitanga



4.1 Bylaw Review and Enforcement(Cont.)

Purpose of Today : Review of 5 Bylaws



Bylaw and enforcement work

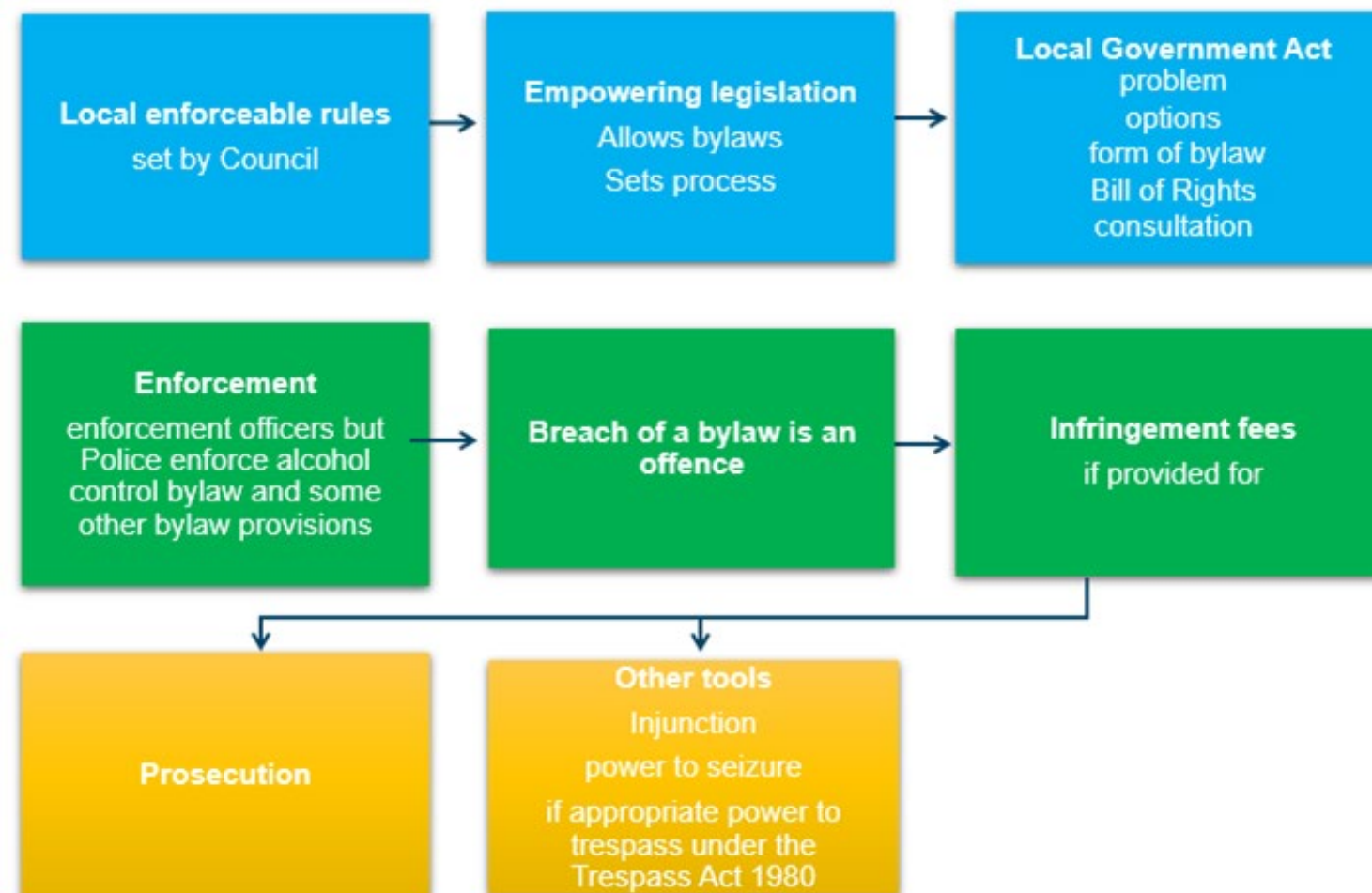
1. Provide information regarding 5 bylaws under review:
 - Beaches Bylaw and Beaches Bylaw Maps.
 - Dog Control Bylaw (review alongside dog policy) .
 - Control of Animals (excluding dogs), Bees, Poultry Bylaw.
 - Ports and Wharves Bylaw.
 - Alcohol Control Bylaw and Alcohol Control Maps.
2. Discuss progress to date and next steps.



4.1 Bylaw Review and Enforcement(Cont.)



How does Bylaw/Enforcement work?



A limited enabling legislation for some of our bylaws.

Often our bylaw have been used to achieve compliance mostly from an educational perspective.

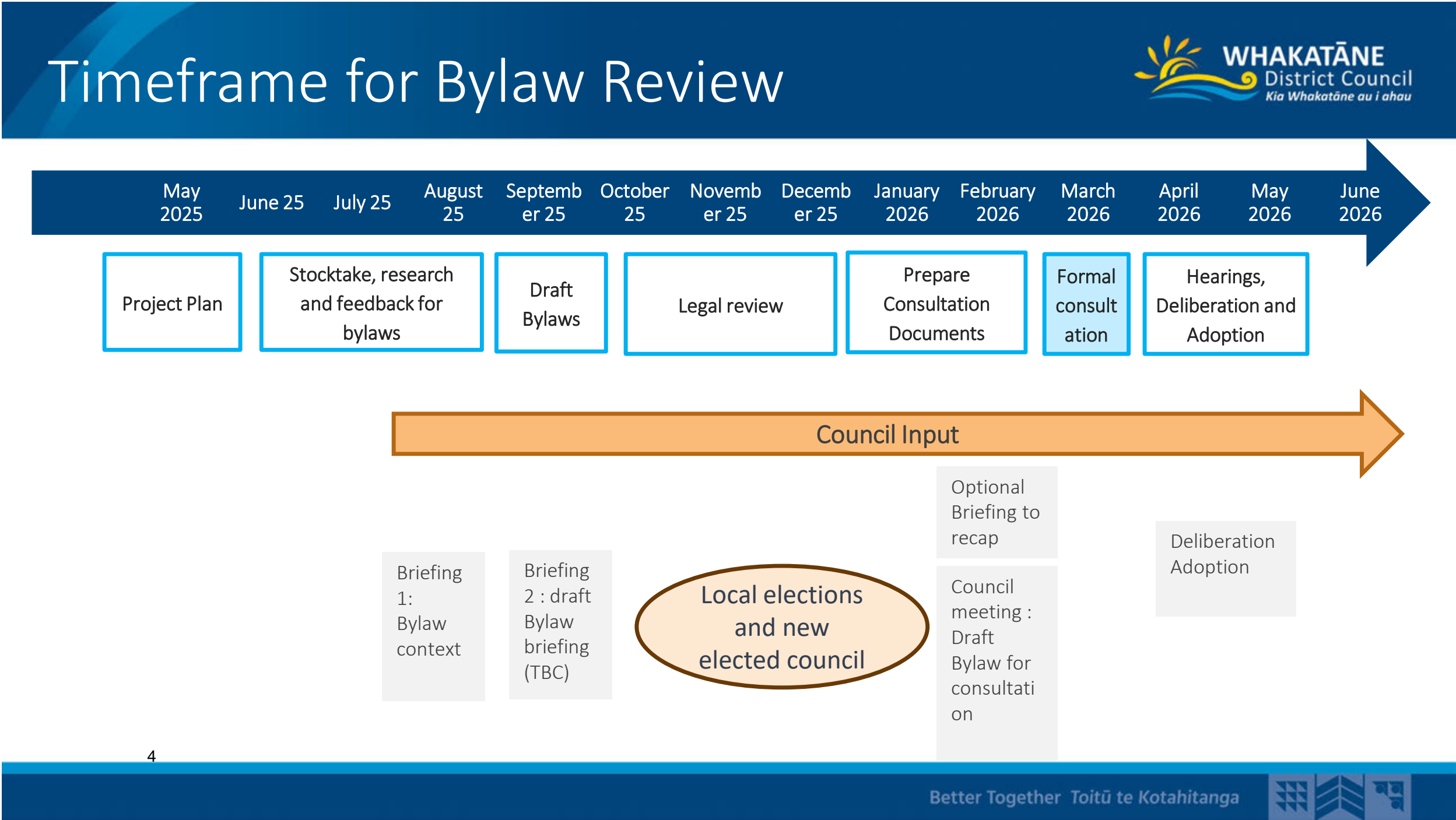
Prosecutions are often a disproportionate response to the level of offending envisaged by the bylaws.

Infringement fees are only available if they are provided in the enabling legislation. For example, The LGA does not provide for infringement fees.

Limited tools for enforcement as other options are usually to injunction, seize, trespass.



4.1 Bylaw Review and Enforcement(Cont.)



4.1 Bylaw Review and Enforcement(Cont.)

Background



Power to make bylaws :

Most of Councils bylaws are created under the Local Government Act 2002 (LGA), specifically sections 145 & 146 & 147 of LGA.

- protecting the public from nuisance
- protecting, promoting, and maintaining public health and safety
- minimising the potential for offensive behaviour in public places.

Timeframes:

Bylaws must be reviewed five years after the date they were first made, and every ten years thereafter. Under section 160A of the LGA, a bylaw not reviewed according to the required timeframes is revoked two years after the review due date.



4.1 Bylaw Review and Enforcement(Cont.)

Legislative Requirements



Process : Consultation is required

Council must also consult the community in accordance with **section 156 of the LGA**. Essentially, the Special Consultative Procedure (SCP) must be used when reviewing, making, or amending a bylaw under the Local Government Act 2002 (LGA).

Council must :

- Ensure that a bylaw is the most appropriate way of addressing the perceived problem;
- Ensure the bylaw is consistent with the New Zealand Bill of Rights Act 1990.

No bylaw may be made which is inconsistent with the [New Zealand Bill of Rights Act 1990](#).



4.1 Bylaw Review and Enforcement(Cont.)

General Bylaw Provisions Considerations



- All bylaws have the power of statutory regulation - they are not guidance or aspirational documents.
- In the absence of a dedicated enforcement Bylaw / General Bylaw, every bylaw need to have self-contained enforcement provisions.
- Bylaws must be clear and enforceable - every word is significant.
- Bylaws should be worded such that any requirement within is complete and not requiring further assessment by Council staff.



4.1 Bylaw Review and Enforcement(Cont.)



4.1 Bylaw Review and Enforcement(Cont.)

Beaches Bylaw Overview



[Beaches Bylaw link](#)

The **purpose** of the current Bylaw is to protect the beach environment from damage and to control activities that may impact adversely on public use and safety.

- **What does it cover:**

- Waste
- Aircraft
- Vehicles
- Quad bikes
- Horses
- Fires
- Organised events
- Camping (and structures)
- Lifesaving Hiring of craft

- **Current enforcement provision:**

Any person who commits an offence under this Bylaw shall be liable to be prosecuted and liable to a fine not exceeding \$20,000.



Beaches Bylaw – assessing the problems

➤ 70 Customer Service Requests since 2019. Top issues are :

- Vehicles on the beach.
- Dune protection, wildlife protection.
- Access issues.
- Illegal dumping of waste.
- Camping concerns.
- Signage.
- Structures.

Enforcement Challenges - Beaches



1. **Bylaw has been only used as a deterrent** through educating offenders to stop their activities. For example, since 2022, Council's staff have issued 5 warning letters relating to parking issues on the beach.
2. **Enforcement limitations:**
 - Vehicles driving on beaches - a beach is classified as a road and as such the police are the enforcer, with limited resources.
 - Quad bikes and motorcycles are often not registered which make enforcement impossible.
 - Vehicles parking on beaches - appropriate signage is required to make the bylaw more effective. Parking can only be enforced by Council Officers if "No Parking" signage is erected at specified intervals along the entire beach which is not practical.



Proposal from Staff



There is evidence to suggest that this bylaw is required and it mostly fit for purpose.

- **Staff are proposing to make small changes** to this bylaw to address most recent issues (e.g amphibious vehicles, removal of work/structure on the beach, update of maps).
- While public education and partnership approach with other agencies (BOPRC) are important, **other alternatives would not sufficiently address the perceived problems on the beach.** Issue with structure built by homeless man few years ago reminded us that bylaw can remain useful for enforcement.
- **Enforcement remains a challenge** Limited enabling legislation, can not do infringement fines.



4.1 Bylaw Review and Enforcement(Cont.)



4.1 Bylaw Review and Enforcement(Cont.)

Ports & Wharves Bylaw Overview



[Ports and wharves bylaw 2018.pdf](#)

[Ports and wharves bylaw 2018 maps.pdf](#)

- **What does it cover:**

- Use of Port Structures and Surrounds –
- Residing on a Vessel, Safety Equipment,
- Navigation Aids and Equipment,
- Obstruction of Port Structures,
- Swimming,
- Lighting Fires,
- Dangerous Goods on Ports Structures,

- Vehicles on Wharves,
- Vessels coming alongside Wharves in Boat Trailer Parks,
- Directions as to Berthing,
- Berthage License,
- Exclusive/Private use of Port Structure
- Goods landed on Wharves,

- **Current enforcement provision:**

Pursuant to section 242(4) of the Act, any person convicted of breaching this Bylaw is liable to a fine not exceeding \$20,000



Ports & Wharves Bylaw Related Issues



33 Customer Service Requests since 2018 in relation to:

- Safety when jumping off from platforms (slipping mats),
- Safety when swimming near vessels,
- Waste (fish),
- Vehicles around ports and wharves,
- People living/residing on wharves.

Top issues are:

- Health & safety issues with users not being compliant (vessels in dangerous positions and not secure) endangering to public,
- Public using operational areas (loading and refuelling zones) causing safety concerns,
- Non berth users using berths that berth holders pay for,
- WDC need to control the use of assets to ensure longevity and low maintenance for the ratepayer (vessel length, wharf and loading zone weight restrictions).



4.1 Bylaw Review and Enforcement(Cont.)

Enforcement Challenges



1. Bylaw has been only used as a tool through educating offenders to stop their activities.
2. Enforcement limitations:
 - People staying on Wharves- appropriate signage and enforcement is required to make the bylaw more effective.
 - Issues relating to the police may include where for example, people parking on berthages without paying.
 - A fine of up to \$20,000 applies. However this requires Council to go to court. The cost, time and uncertainty associated with this option is a major disincentive for councils to take this action.



4.1 Bylaw Review and Enforcement(Cont.)

Proposal from Staff




There is evidence to suggest that this bylaw is required and is mostly fit for purpose.

- **Staff are proposing to make changes** to this bylaw to align with the Bay of Plenty Regional Council Memorandum of Understanding regarding matters relating to water safety.
- While public education and partnership approach with other agencies (BOPRC) are important, **other alternatives would not sufficiently address the perceived problems on the beach.**



4.1 Bylaw Review and Enforcement(Cont.)



Control of Animals excl. Dogs (Bees, Poultry) Bylaw

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4.1 Bylaw Review and Enforcement(Cont.)

Control of Animals Bylaw Overview



[Control of animals excluding dogs bees and poultry 2018.pdf](#)

The **purpose** of the current Bylaw is to regulate how animals are controlled and kept to ensure the keeping of animals does not become a nuisance to people in the community and for the protection and maintenance of public health and safety.

What does it cover:

- Stock control,
- Pigs,
- Bee Keeping,
- Poultry Keeping,
- Nuisance caused by any animal or bird,
- Stock processing, stock crossing/droving; Clean and Sanitary conditions,
- Noise and Odour Contained,
- Prevent Roaming and Wandering and
- Ensuring the safety and protection of the roads and infrastructure within the road corridor.

Current enforcement provision:

Whilst the LGA grants powers to enforce this bylaw via the means of prosecution through the District Court – which is a laborious and costly process, there are no specific enforcement provisions in this Bylaw.



Control of Animals Bylaw Issues



➤ 262 Customer Service Requests since 2018 relating to:

- Keeping of Animals - Cleanliness and Welfare (49/262)
- Noise of Animals, (41/262)
- Animals being kept as pets in residential/urban areas, 36/262
- Wandering/Roaming Animals (32/262)
- Odour of where animals are kept, (13/262)

Top issues are:

- 91 out of the 262 RFS were residents seeking clarity on rules, bylaws, or animal control procedures, including call backs and follow ups
- Of the 91 above RFS, 68 related to issues around stock crossing/movements (include damage to the road and the safety of other road users and the public also arose)



4.1 Bylaw Review and Enforcement(Cont.)

Enforcement Challenges



1. Bylaw has been only used as part of an education approach through educating offenders to stop their activities

2. Enforcement limitations

- The arduous Court process through the LGA is costly and requires trained staff.
- Existing legislation does not enable to issue infringement fines which would be a more effective way of addressing issues.
- There are no enforcement provisions in the bylaw which means Council can not take specific action to ensure compliance or recover cost.
- One of the issues relating to police matters may present as when there are call-outs and bad situations which may be where the police intervene e.g. how the animals are kept and interactions with owners.
- No power of entry and warrants to search may also be another matter to consider.
- If animals would need to be impounded there is nowhere to impound them.
- With a stock crossing permit in place there would be some control and oversight as to what stock crossing were occurring and Council can claim damage to the road if required.

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Proposal from Staff



There is evidence to suggest this Bylaw is required and is mostly fit for purpose

- Staff are proposing to make changes to this Bylaw by including an enforcement provision.
- Following pre-consultation with farmers to canvas feedback on stock crossings, staff are proposing to **extend the scope to Stock Crossing including** putting a stock crossing permit in place with clear and specific guidance around appropriate stock movements in response to safety issues for road users and stock when utilising the road corridor.
- While public education and partnership approach with other agencies (SCPA) are important, **other alternatives would not sufficiently address the perceived problems for the control and keeping of animals.**



4.1 Bylaw Review and Enforcement(Cont.)



Alcohol Control Bylaw and Alcohol Control Maps

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4.1 Bylaw Review and Enforcement(Cont.)

Alcohol Control Areas



The Alcohol Control Bylaw aims to promote a safe and enjoyable environment by reducing alcohol-related offences, especially those involving violence or damage, through regulating alcohol use in public areas of the Whakatāne District.

Alcohol Control areas:

- All beaches, reserves, parks, boat ramps, jetties within the Whakatane District.
- Urban areas including roads specifically identified in the Whakatane CBD, Hillcrest Road, the Heads and River Edge Park, the Kopeopeo Central, Business District, Otawairere, Kohi Point Scenic Reserve, Taneatua, Murupara, Te Teko and Edgecumbe as shown in the maps).

Prohibited on a permanent basis from 12:00 noon Thursday to 3:00am Monday, Christmas/New year's period prohibited between midday on 24 December to midday on 26 December and midday on 31 December to 3:00am on 1 January.



4.1 Bylaw Review and Enforcement(Cont.)

Alcohol Control Bylaw Issues



Limited information:

- 5 customer service requests received between 2018 -2025.
- 13 NIA interactions recorded by Police from 2022 – 2025 in the Whakatāne urban area.

Feedback from Police includes:

- Frequent use of verbal warnings.
- New recruits may lack training on how to log incidents.
- Response is reactive.

Regulation team and Police are advocating for a shift to a 24/7 alcohol ban to simplify current time-based restrictions. The proposed shift could be seen as being too restrictive. They also support improvements to the visibility and accessibility of alcohol ban areas through clearer signage and interactive digital maps.



4.1 Bylaw Review and Enforcement(Cont.)

Legislative Requirements



Legislation

Section 147 and 147A of the LGA set a high threshold for introducing or continuing alcohol control ban areas. Council will have to satisfy itself that:

- The bylaw can be justified as a reasonable limitation on people's rights and freedoms.
- There is evidence that any new alcohol free areas have experienced a high level of crime and disorder that can be shown to have been caused or made worse by alcohol consumption in that area.
- For expiring bylaws, that a high level of crime or disorder made worse by alcohol consumption is likely to arise in the area to which the bylaw is intended to apply if the bylaw was not made.
- The alcohol ban is appropriate and proportionate in the light of that crime and disorder.

Evidence constraints and legal risk

We currently have insufficient data to make the bylaw more restrictive and believe it will be legally challenging to retain the current restrictions. Strategy team will seek legal advice on the current bylaw and proposed changes. We appreciate Councillor's views on the best way forward.

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4.1 Bylaw Review and Enforcement(Cont.)

Enforcement Challenges



Bylaw has been only used as a deterrent through educating offenders to stop their activities

- Police primarily use the bylaw to educate rather than penalise, encouraging voluntary compliance.
- This approach supports community engagement but limits immediate intervention when harmful behaviour occurs.
- Relies on public understanding of alcohol ban areas and times, which are currently unclear.

Enforcement limitations

- The current bylaw includes complex time-based restrictions (e.g. 12:00 noon Thursday to 3:00 AM Monday), can be confusing for the public, not practical for signage and challenging to enforce consistently.
- Insufficient data to justify a 24/7 ban limits stronger enforcement options.
- Map-only area definitions make it difficult for some people to understand where bans apply.
- Signage associated with alcohol control areas is currently limited and may not provide sufficient clarity for the community.



4.1 Bylaw Review and Enforcement(Cont.)

Alcohol Control Bylaw Options



Options	Pros	Cons
1. Retain the current bylaw - Keep existing time-based restrictions (e.g Thursday noon to Monday 3:00am).	Familiar no change.	Complexity remains, enforcement challenges continue and public confusion likely to continue.
2. Replace complex restrictions with a consistent nightly ban - simplify to a nightly ban (9:00pm – 7:00am daily).	Easier to understand and enforce, aligns with regulation team preferred option and Police support and avoids need for 24/7 justification.	May not fully address daytime alcohol related issues, still requires some evidence of crime or disorder.
3. Introduce a 24/7 ban – apply alcohol restrictions at all times daily.	Simplifies enforcement.	Legally difficult to justify without strong evidence of persistent alcohol-related harm. Community may view the bylaw as being too restrictive.
4. Reduce or remove alcohol ban restrictions in areas where evidence thresholds cannot be met. Could be done alongside a nightly ban or not.	Aligns with LGA requirements for proportionality and evidence.	May lead to increased alcohol-related issues and may not be supported by the community.



Proposal from Staff



- Staff are continuing to gather evidence to support potential bylaw changes.
- Staff consider Options 2 and 4 to be the most likely and will seek legal advice if needed.
- Alongside those changes, we will look into improving accessibility of alcohol ban areas and enhancing signage.
- While public education and partnership approach with other agencies (NZ Police) are important, **other alternatives would not sufficiently address the perceived problems.**



4.1 Bylaw Review and Enforcement(Cont.)



Dog Control Bylaw Overview



Framework:

- Dog Control Act 1996: Establishes legal framework for dog ownership, safety, and enforcement.
- Dog Control Policy: Outlines Council's strategic approach to managing dogs in its district.
- Dog Control Bylaws: Provides enforceable local rules that give legal effect to the Dog Control Policy and regulate dog behaviour and owner responsibilities.

Purpose of Bylaw:

- To regulate the control of dogs so they do not cause danger, distress or nuisance to the community.

Effectiveness:

- The bylaw is an effective tool used by Animal Control Officers (ACO's) to clarify expectations and promote safety through the rules outlined.



Dog Control Bylaw Issues 1/2



Between 2018 – 2025 there have been over **13,000 Customer Service requests** received regarding dogs. This includes issues such as roaming, lost, barking, collection, aggressive etc.

The key issues were:

- **Aggressive Dogs:**

Aggressive dogs are reported under “attack” (2019- 2025 on average 135 reports per year)and “rushed” (2019-2025 on average 98 reports per year) and are linked to either birds, domestic animals, person, stock, and other.

- **Roaming Dogs:**

No significant change has been made in total numbers of dogs roaming, though there is a continued downward trend over the last 7 years (reduced from 724 in 2018 to 579 in 2025). Roaming dogs remain a risk to community safety due to the increased risk of aggression and breeding.



Dog Control Bylaw Issues 2/2



- **Non-registered dogs:**

There are currently 5360 owners of about 6840 registered dogs in the district, with about 480 dogs that were registered last financial year that were not registered this year (registered dogs can vary as dogs either die or are moved from the district).

Income from dog registrations are a significant contribution to total activity costs, and to achieve the associated budget the team focus its attention on non-registration of dogs. A total of 1523 \$300 infringements were given for non-registered dogs between 2019-2025 (~\$456,900).

- **Infringements:**

Between 2019 and 2021 the average number of infringements per year was 530 decreasing 74% to an average of 139 between 2022-2025. Average number of infringements between 2019-2025 was 347 per year with about 71% of those taken to court to be recuperated.



4.1 Bylaw Review and Enforcement(Cont.)

Enforcement Challenges



- There is no current specific enforcement challenges identified by Animal Control for this bylaw however improvement around communication will be required to ensure the community understand the rules (e.g., maps, signage).
- Over the 2019 – 2025 period 71% of the fines given were lodged with the courts to be recuperated (~\$500,000).



4.1 Bylaw Review and Enforcement(Cont.)

Proposal from Staff

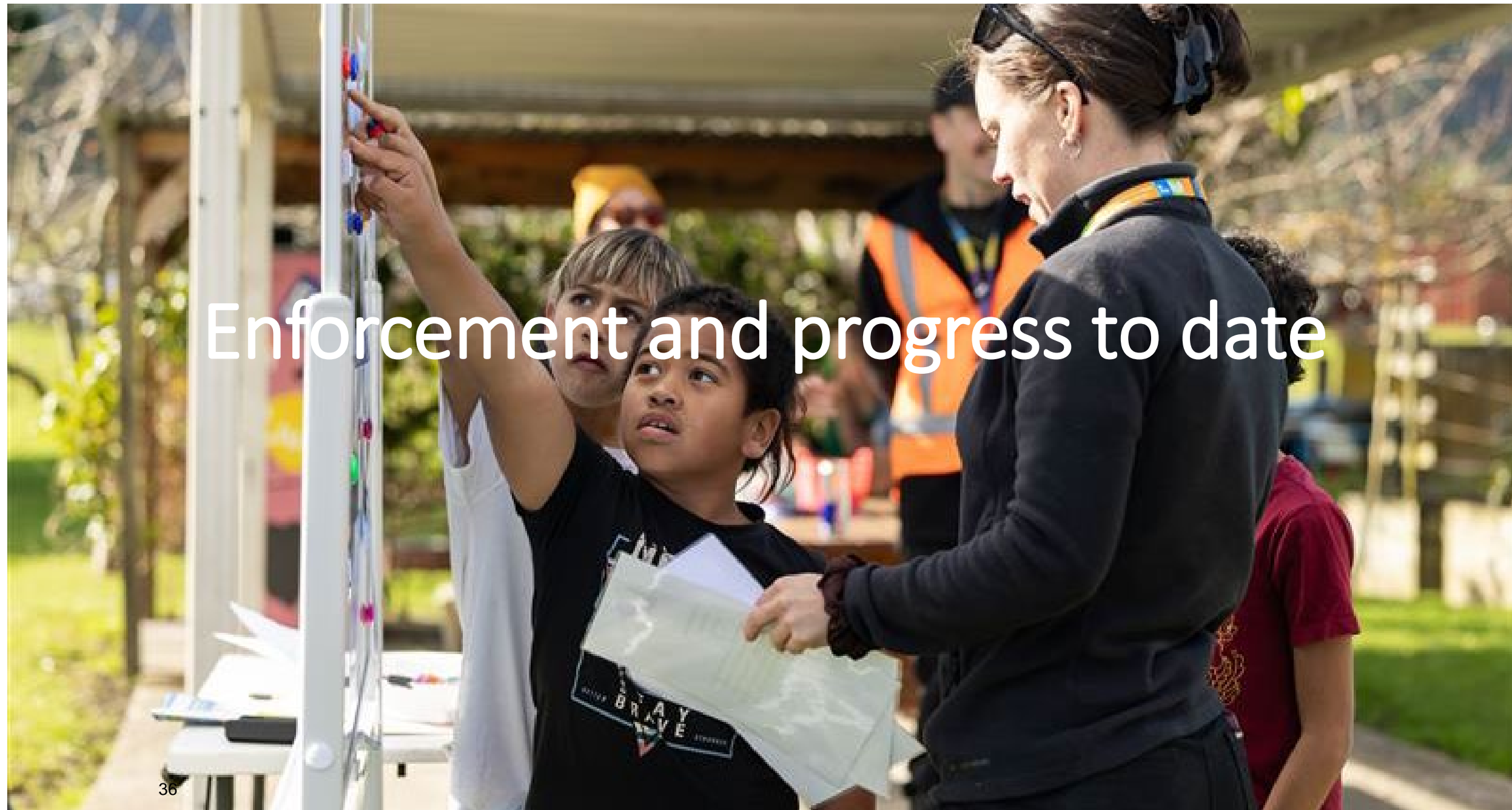


Evidence suggests that this bylaw is required and that it is fit for purpose.

- Staff are proposing to make small changes to this bylaw including:
 - Changes to on-leash areas (e.g., CBD, beaches during peak periods),
 - Investigate development of interactive maps via website,
 - Clear and prominent signage where appropriate,
 - Urban limit on total dogs on property.
- Roaming dogs remains a challenge within the community, with forced neutering an option after multiple roaming occurrences. Under The Dog Control Bylaw 1996 section 20(1)(k), *“requiring the owner of any dog (being a dog that, on a number of occasions, has not been kept under control) to cause that dog to be neutered (whether or not the owner of the dog has been convicted of an offence against [section 53](#))”*
- Public consultation will be important to consider the views of the community on this issue.



4.1 Bylaw Review and Enforcement(Cont.)



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4.1 Bylaw Review and Enforcement(Cont.)

What is the Plan / Next Steps?



What we are doing / have done so far:

- **Adopt the enforcement policy** – Provide guidance on enforcement tools and their appropriateness for enforcement.
- Review delegations to positions.
- **Review warrants** of appointment as Enforcement Officers.
- Start the review of 5 bylaws.

What else needs to be done:

- Staff to investigate potential options regarding enforcement responsibility model.
- Capability and training of enforcement Officers.
- Develop infringement notices templates and permit templates.



4.1 Bylaw Review and Enforcement(Cont.)

