

STATEMENT OF PROPOSAL



Shaping our shared spaces

Whakaahuatia ngā wāhi hāpori

Proposed Alcohol Control Bylaw

Proposed Port and Wharves Bylaw

Proposed Beaches Bylaw

Proposed Dog Control Policy and Dog Control Bylaw


Proposed Keeping of Animals (excluding Dogs), Bees and Poultry Bylaw

Proposed Stock Movement Bylaw (new)

CONSULTATION

Wednesday, 1 April to 5pm Thursday, 30 April 2026





This Statement of Proposal is made for the purposes of Sections 83, 86 and 156 of the Local Government Act 2002.

The statement of proposal includes:

1. Proposed Alcohol Control Bylaw
2. Proposed Port and Wharves Bylaw
3. Proposed Beaches Bylaw
4. Proposed Dog Control Policy and Proposed Dog Control Bylaw
5. Proposed Keeping of Animals (excluding Dogs), Bees and Poultry Bylaw
6. Proposed Stock Movement Bylaw
7. The reasons for the proposal for each of the above
8. Councils' determinations under section 155 of the Local Government Act 2002.

Summary of information

He whakarāpopototanga o ngā kaupapa

The Whakatāne District Council (the Council) is reviewing five Council Bylaws and proposing to create a new Stock Movement Bylaw and wants to hear your feedback.

Overall, Council considers that the existing bylaws are working well. We acknowledge, however, that there are always improvements that can be made.

Key proposed changes include:

- **Alcohol Control Bylaw** - Moving to a more consistent nightly alcohol ban for specified public places and including Waimana within the Alcohol Control Areas.
- **Port and Wharves Bylaw** - Updating rules on refuelling restrictions, fishing behaviour and waste disposal, exclusive event use, dangerous goods handling, berthage license and license revocation.
- **Beaches Bylaw** - Adding the ability to remove any work or thing that is constructed on a beach in breach of the bylaw.

- **Dog Control Policy and Dog Control Bylaw**

Updating the offences and fees sections to align with the Dog Control Act 1996 and improving maps for dog exercise, restricted, prohibited areas. Four identified streams that are bird nesting areas are proposed to be restricted.

- **Keeping of Animals (excluding Dogs), Bees and Poultry Bylaw** - Removing stock movement from this bylaw
- Creating a separate **Stock Movement Bylaw** to better respond to community needs
- Improving the readability and consistency for all Council bylaws

The Council invites your input on these proposed amendments. The consultation period will be open from **Wednesday 1 April 2026 to Thursday 30 April 2026**.



Alcohol Control Bylaw

Ture ā-rohe Whakahaere Waipiro



Key changes we're proposing *Ngā panonitanga matua e tūtohu ana*

1. Changing the timing of alcohol bans
Currently, bans apply from 12:00noon on Thursday to 3:00am on Monday in specified public places identified in the bylaw.

We are proposing to simplify this with a consistent nightly ban from 9:00pm to 7:00am for those specified public places (such as town centres, beaches and reserves). We are also proposing to remove seasonal alcohol bans to improve clarity for the public.
2. Including Waimana within the Alcohol Control Areas to meet community expectation and ensure consistency across the district.
3. Adding provisions for temporary alcohol bans.
We are proposing the addition of provisions which allow the Council to introduce temporary alcohol-free zones for specific events or high-risk periods when needed.
4. Updating enforcement provisions including clearer search related powers for Police (as permitted under the Local Government Act 2002).
5. Extending the Ōhope 2 Alcohol Control Map to include the Ōhope Beach Tavern carpark.

Other changes being consulted on:

6. Should Council introduce a 24/7 alcohol ban to the Whakatāne Central Business District (CBD) to help NZ Police address offensive behavior.

Background

Horopaki

The existing Alcohol Control Bylaw is currently being reviewed as required by the Local Government Act 2002.

The bylaw aims to keep our communities safe, reduce alcohol-related crime and disorder and enhance community wellbeing. It also provides a preventative tool for NZ Police to manage alcohol related incidents from escalating to more serious issues across the Whakatāne District.

Alcohol control bylaws enable the Council to establish alcohol-free zones, also known as alcohol bans, in specific public places. A "public place" means any area that the public can access whether freely or by paying a fee but does not include licensed premises like bars or restaurants. The bylaw does not apply to the lawful transportation of alcohol in an unopened container.



Port and Wharves Bylaw

*Ture ā-rohe Tumū Herenga Waka
me ngā Wahapū*



Background *Horopaki*

The Ports and Wharves Bylaw 2018 is currently being reviewed as required by the Local Government Act 2002.

The Ports and Wharves Bylaw aims to regulate and control the use of all port structures owned by the Council, generally within the Whakatāne Port Zone, Rangitāiki River Mouth, and the Ōhiwa Harbour.

Key changes we're proposing *Ngā panonitanga matua e tūtohu ana*

1. Removing reference to water activity including swimming provisions from the bylaw to align with the Memorandum of Understanding between Whakatāne District Council and Toi Moana Bay of Plenty Regional Council (BOPRC). BOPRC is responsible for matters related to where there are conflicts with vessels. Jumping is undertaken at the individual's own risk.
2. Allowing the Council to seize/impound vessels breaching the bylaw by including a reference to s164 of the Local Government Act 2002.
3. Introducing a process to obtain written permission for certain activities that relate to use of a port or wharf structure, with a clear framework for application, assessment and objection processes.
4. Updating rules on refuelling restrictions, fishing behaviour and waste disposal, exclusive event use, dangerous goods handling, berthage license and license revocation.
5. Referencing to fees for parking, casual berthing and overstaying on port structures.
6. Inclusion to enable Council to issue notices that clearly specify what the notice must include, such as the nature of the breach and the timeframe to remedy the breach.



Beaches Bylaw

Ture ā-rohe Tātahi



Background *Horopaki*

The Beaches Bylaw is currently being reviewed as required by the Local Government Act 2002.

The purpose of this bylaw is to manage human activities on the beach to maintain public health and safety and to protect the beach environment.

The Beaches Bylaw covers issues and activities that occur on Whakatāne District beaches, including:

- Protection of the beach environment
- Waste
- Vehicles and vessels
- Quad bikes
- Animals/Horses
- Fires
- Organised events

Key changes we're proposing *Ngā panonitanga matua e tūtohu ana*

1. Introducing new rules for amphibious vessels (those that operate on both land and water) so they follow the same requirements as landbased vehicles, helping to reduce environmental impacts on our beaches.
2. Rewording the fire provisions to clarify requirements and to reference other applicable fire control legislation.
3. Adding the power for Council to remove any work or thing that is constructed on the beach that is in breach of the bylaw (as permitted under section 163 of the Local Government Act 2002).
4. Adding a section on licences that sets out application requirements for any permissions required from the Council under the bylaw (for example, applications for organised events).
5. Updating the Beaches Bylaw maps.



Dog Control Policy and the Dog Control Bylaw

Te Kaupapa Here Whakahaere Kurī me te Ture ā-rohe Whakahaere Kurī



Background

Horopaki

The existing Dog Control Policy and Dog Control Bylaw are currently being reviewed as required by the Local Government Act 2002.

The Dog Control Bylaw works in conjunction with the Dog Control Act (1996) and implements the Whakatāne Dog Control Policy. The purpose of both the policy and the bylaw is to regulate the control of dogs so they do not cause danger, distress or nuisance to the community. This bylaw covers matters such as restrictions on dogs in public places, standard of accommodation for dogs and nuisances caused by dogs.

Key changes we're proposing *Ngā panonitanga matua e tūtohu ana*

Key changes we're proposing on the dog control policy

1. Restricting dogs to be on lead at four new sites for the protection of nesting birds.

Key changes we're proposing on the dog control bylaw

1. Updating the offences and fees sections for better transparency and to align with the Dog Control Act 1996.

The infringement offences and fees are set in accordance with Schedule 1 of the Dog Control Act 1996 and the Council has no discretion to change these.

2. Improving dog control maps to inform dog owners where they can take their dogs and under what restrictions.

Community feedback suggested that maps were hard to understand and have been reviewed to be more user friendly.

Other changes being consulted on:

In addition to the two proposed changes outlined above, the Council would like feedback on the following:

3. Dogs within Whakatāne Central Business District (CBD) Currently dogs are prohibited from Whakatāne Central Business District (CBD) during 9am–5pm. Outside of these hours, dogs may enter the CBD on a lead/leash.

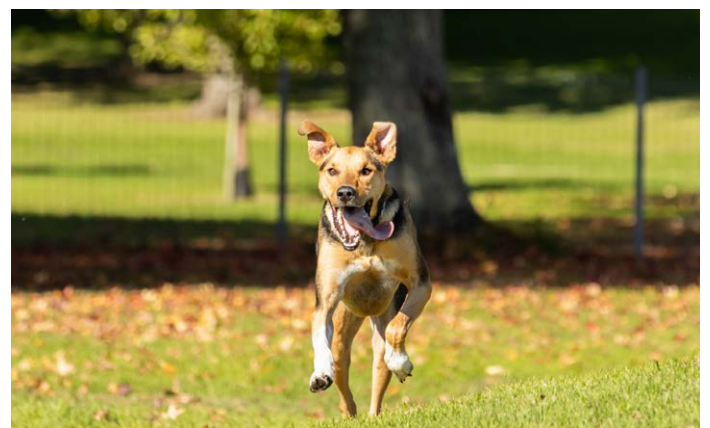
We would like to hear community views on the following:

- Should dogs be allowed in the CBD on a leash outside the hours of 9am–5pm?
- Should dogs be allowed in the CBD on a leash at all times?
- Should dogs be prohibited from the CBD at all times?

4. Dogs on Ōhope beach during peak seasonal periods Currently dogs are allowed anywhere on Ōhope Beach during peak seasonal periods. To reduce the risk of danger, distress or nuisance to the community.

We would like to hear community views on the following:

- Should dogs continue to be allowed anywhere on Ōhope Beach at all times?
- During peak seasonal periods (20 December–28 February) should dogs be restricted (on lead/leash) in these areas of Ōhope Beach:
 - » from West End, Ōhope to the Whakatāne Surf Club
 - » the stretch of beach adjacent to Ōhope Beach Top 10 Holiday Park.





Keeping of Animals (excluding Dogs), Stock, Flock & Bees Bylaw

*Te Whakahaere o ngā Kararehe:
Tōki, Rāngai me ngā Pī (Hāunga ngā kuri)*



Background

Horopaki

The existing Control of Animals (excluding Dogs), Bees and Poultry Bylaw 2018 is currently being reviewed as required by the Local Government Act 2002.

The Control of Animals Bylaw outlines the requirements for the keeping of animals, poultry and bees. These requirements are necessary to ensure the keeping of animals do not become a nuisance to people in the community and for the protection and maintenance of public health and safety.

Key changes we're proposing *Ngā panonitanga matua e tūtohu ana*

1. Removing provisions for stock movement in the Control of Animals Bylaw and creating a standalone Stock Movement Bylaw. This will provide clarity for the public and separates the stock movement provisions that are made under the Land Transport Act 1998, which has different enforcement powers.
2. Adding a 'General Requirements' section that outlines common conditions for keeping animals, poultry, and bees – including ensuring they do not cause a nuisance, do not roam or obstruct accessways, are kept in safe and healthy conditions, and do not damage other people's property.
3. Clarifying the requirements for keeping bees to prevent nuisance and updating the rules for keeping stock in urban areas.
4. Clarifying the permit process for the keeping of animals, including the process for revoking or suspending permits.
5. Enabling the Council to seize wandering/trespassing stock under the Impounding Act 1955, or under the Local Government Act 2002 if animals are involved in a bylaw breach.
6. Clarifying the rule about issuing notices to specify what the notice must include, such as the nature of the breach and the timeframe to remedy the breach.



Stock Movement Bylaw

Ture ā-rohe Whakaneke Tōki



Background *Horopaki*

A Stock Movement Bylaw is currently being proposed under the Local Government Act 2002 and the Land Transport Act 1998.

The purpose of the Draft Stock Movement Bylaw is to control the movement of livestock on Council-controlled roads within the district to protect the safety of all road users, including those moving stock. It also aims to protect the road surface and structure, as well as public and private structures and utilities situated within the road corridor. Additionally, the bylaw seeks to reduce inconvenience, potential hazards for all users, and to minimise any loss of social or environmental values resulting from stock use on the road.

Key changes we're proposing *Ngā panonitanga matua e tūtohu ana*

1. Creating a standalone Stock Movement Bylaw to make it easier for the public to find rules related to stock movement, and to reflect that these provisions are made under the Land Transport Act, which has different enforcement powers from the Local Government Act.
2. Introducing a '3-tiered' regulatory approach to stock movements where:
 - permitted movements are low-risk and require no permit
 - controlled movements require a permit and must meet conditions
 - prohibited movements apply in urban areas and during hours of darkness, unless otherwise provided for in a permit
3. Clearly outlining the process if permits need to be revoked or suspended.
4. Introducing clear safety requirements for signage, visibility (including the use of hi-vis gear), and other safety provisions, such as Traffic Management Plans and the use of pilot vehicles.
5. Clarifying road cleaning requirements for excessive mud or excrement left after stock movements, with the ability for Council to recover costs for damage to the road as set out in the Land Transport Act 1998.
6. Clarifying the requirements for stock underpasses in some high-frequency locations.
7. Clarifying the rule about issuing notices to clearly specify what the notice must include, such as the nature of the breach and the timeframe to remedy the breach.

Legislation | *Te Ture*

These bylaws are being reviewed using the Special Consultative Procedure set out in section 83 of the Local Government Act 2002. This Statement of Proposal has been prepared to fulfil the purposes of sections 83(1)(a) and 87(2)(a) of the Local Government Act 2002.

Determination | *Whakataunga*

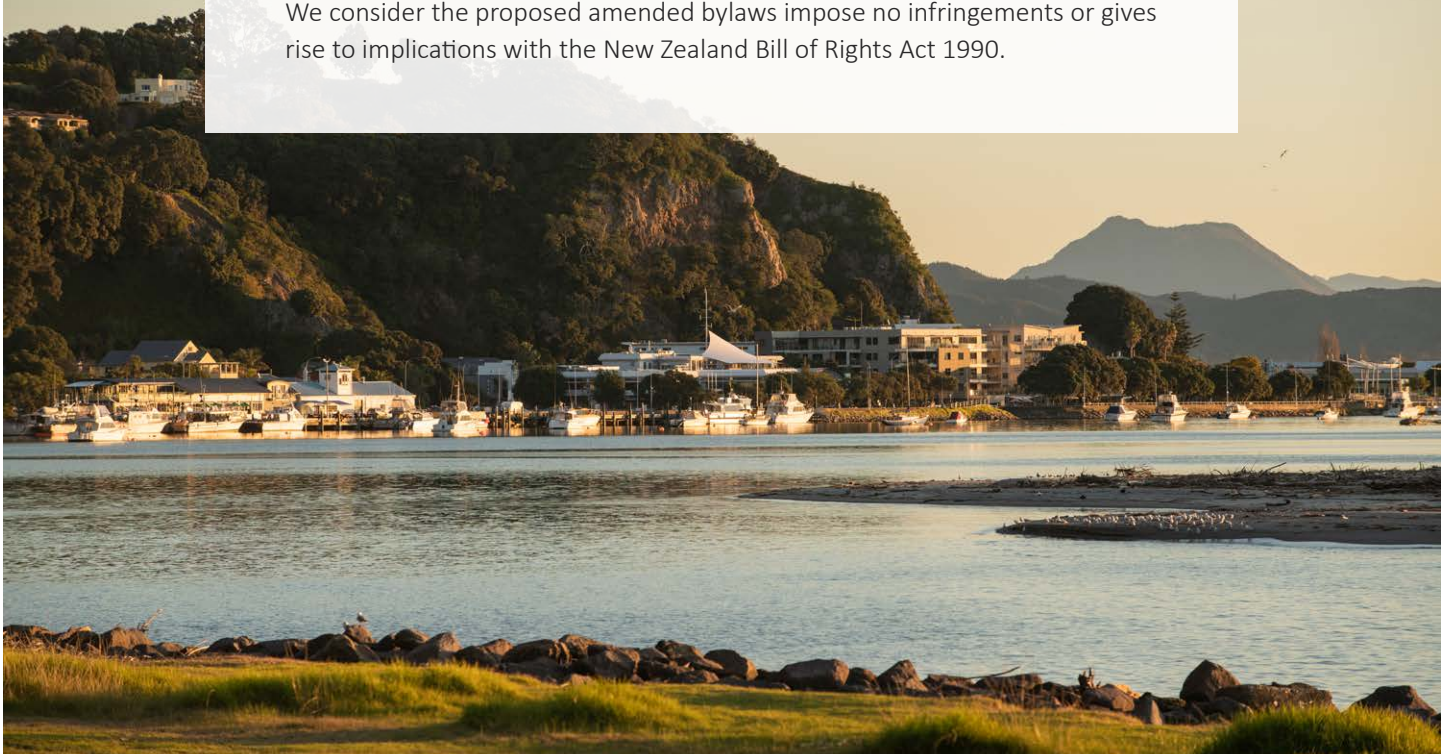
Section 155A(2) of the Local Government Act 2002 compels the Council to consider whether a proposed bylaw is the most appropriate form of addressing the issue. The proposed bylaws have been shaped to focus on readily identifiable problems and customised to suit the circumstances of the Whakatāne District.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

Implications under the New Zealand Bill of Rights Act 1990

Ngā panga o Te Ture Pire o ngā Tika o Aotearoa 1990

Section 155(2) of the Local Government Act 2002 also requires the Council to determine whether the proposed bylaw “gives rise to any implications under the New Zealand Bill of Rights Act 1990”. No bylaw may be inconsistent with this legislation. The Bill of Rights Act 1990 details several rights and freedoms in relation to life and security of people.

We consider the proposed amended bylaws impose no infringements or gives rise to implications with the New Zealand Bill of Rights Act 1990.





Have your say Kōrero Mai

Online:

koreromai.whakatane.govt.nz/shaping-our-shared-spaces

Email submissions: submissions@whakatane.govt.nz

Email inquiries: info@whakatane.govt.nz

By picking up a hard copy from either:

- Whakatāne District Council, 4 Commerce Street, Whakatāne
- Whakatāne Library, 49 Kakahoroa Drive, Whakatāne
- Edgecumbe Library, 38 College Road, Edgecumbe
- Ōhope Library, 4 Harbour Road, Ōhope
- Murupara Library / Service Centre Civic Square, 48 Pine Drive, Murupara.

HARDCOPY SUBMISSIONS:


Post: Whakatāne District Council, Private Bag 1002, Whakatāne 3158

Deliver: To our Council offices in Whakatāne and Murupara.

If you would like to speak to your submission, please indicate this and provide your contact details. We will be in touch to let you know the date and time for verbal submissions.

Through any of our social media channels *Mā runga i o mātou pae pāpāho pāpori*

Comments on the draft 'Shaping our shared spaces' post on any of our social media pages (Facebook, Instagram or LinkedIn) will also be considered by Council as informal feedback.

 [whakatanedistrictcouncil](https://www.facebook.com/whakatanedistrictcouncil)
 [whakatane-district-council](https://www.linkedin.com/company/whakatane-district-council)

What happens next *E whai ake nei*

Following the closing of submissions on Thursday, 30 April 2026, all submissions will be reviewed by Elected Members. Verbal submissions will be heard, and all submissions formally considered at a Council meeting on Thursday, 28 May 2026. This meeting is open to both submitters and the public to attend.

CONSULTATION TIMELINE



CONSULTATION DOCUMENTS

View the following documents at koreromai.whakatane.govt.nz/shaping-our-shared-spaces

- Proposed Alcohol Control Bylaw
- Proposed Port and Wharves Bylaw
- Proposed Beaches Bylaw
- Proposed Dog Control Policy and Dog Control Bylaw
- Proposed Keeping of Animals (excluding Dogs), Flock, Stock & Bees Bylaw
- Proposed Stock Movement Bylaw