



Strategy and Policy Committee

Te Komiti Rautaki me ngā Kaupapa Here

Thursday, 26 March 2026

Tāite, 26 Poutūterangi 2026

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

Chief Executive: Steven Perdia | Publication Date: 20 March 2026

whakatane.govt.nz



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

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

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A Membership - *Mematanga*

A Membership - *Mematanga*

Mayor Nándor Tánczos

Deputy Mayor Julie Jukes

Councillor Toni Boynton - Chairperson

Councillor Lesley Immink - Deputy Chairperson

Councillor Gavin Dennis

Councillor Carolyn Hamill

Councillor Andrew Iles

Councillor Wilson James

Councillor Jesse Morgan-Ranui

Councillor Tu O'Brien

Councillor Malcolm Whitaker

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

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1. Purpose

To oversee development of strategies and plans that reflect and implement the Council's vision.

To monitor and advise on the strategy, policies, bylaws and direction of the District.

2. General Delegations

1. Approve the transfer of expenditure to other estimates within the same activity;
2. Receive correspondence and reports;
3. Make decisions that have the effect of furthering investigations or obtaining information that will assist or enable the Committee to decide on a substantive course of action at a later date;
4. Appoint a sub-committee.

3. Specific functions and delegations

- a. Monitor the development of associated Central Government Reform programmes including the transition programme for Three Waters reform.
- b. Develop and review associated policies and bylaws (only Council has the power to make a bylaw).
- c. To develop and recommend to the Council the adoption of the Annual Plan.
- d. Develop, review and approve Council strategies, policies and plans (noting only Council has the power to adopt policies associated with the LTP).
- e. Approve Council submissions to Central Government, Councils and other organisations including submissions to any plan changes or policy statements.
- f. Consider and approve changes to service delivery arrangements arising from the service delivery reviews required under section 17A LGA 2002 that are referred to the Committee by the Chief Executive.
- g. Progress the sale of properties as approved in the Long-term Plan and Annual Plan.
- h. Approve all new road names in accordance with the Road Naming and Property Addressing Policy.
- i. Develop a proposed plan or a change to a district plan under the Resource Management Act 1991.
- j. Receive minutes of the Whakatāne District Youth Council and, Community Boards.
- k. Monitor the implementation of Te Toi Waka Whakareī – Council's Māori Relationship Strategy.
- l. To foster and promote strengthening civic engagement.
- m. The authority to provide instructions on appeals lodged to the Environment Court or a Judicial Review relating to a decision made under the RMA to the High Court or any other Court.
- n. The authority to settle an appeal or part of an appeal to any Plan Change to the Whakatāne District Plan, but not to approve the Proposed Plan under Clause 17 of Schedule 1 to the RMA.

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

- o. The authority to delegate, pursuant to Section 32 of Schedule 7 of the Local Government Act 2002, to the Chairperson of the Hearings Panel, the General Manager Infrastructure, or the Manager Resource Consents to enable these tasks to be completed expeditiously and within statutory timeframes, the following:
 - the power to provide instructions on appeals lodged to the Environment Court,
 - the power to lodge submissions on applications made under the RMA, including to other planning documents (such as Regional Plans) or to relevant legislative changes due to time constraints.

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1 Prayer - *Karakia*

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2 Meeting Notices - *Ngā Pānui o te hui*

1. Live Streaming

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

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

By remaining in the public gallery, it is understood your consent has been given if your presence is inadvertently broadcast. Please be aware the microphones in Tōtara Room are sensitive to noise, and we ask that you set your mobile devices to silent mode.

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*

At the time of compiling the agenda, an apology was received from Councillor T O'Brien.

4 Acknowledgements / Tributes - *Ngā mihi mihi*

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

5 Conflicts of Interest - *Ngākau kōnatunatu*

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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](#) is available 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*

6 Public Participation - *Wānanga Tūmatanui*

6.1 Public Forum - *Wānanga Tūmatanui*

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

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

6.2 Deputations - *Ngā Whakapuaki Whaitake*

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

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

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

The minutes from the Strategy and Policy Committee meeting held Thursday, 5 February 2026 can be viewed via the Council website.

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

- [Unconfirmed Strategy and Policy Committee Minutes](#) - 5 February 2026

8 Community Board Recommendations and Minutes -*Ngā Tohutohu me ngā Meneti hui o te Poari Hapori*

8 Community Board Recommendations and Minutes -*Ngā Tohutohu me ngā Meneti hui o te Poari Hapori*

The minutes from the Whakatāne District Council Community Board 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 Community Board Meetings be received:

- [Murupara Community Board meeting](#) - 27 January 2026
- [Whakatane-Ōhope Community Board meeting](#) - 2 February 2026
- [Rangitāiki Community Board meeting](#) - 4 February 2026

9 Reports - *Ngā Pūrongo*

9 Reports - *Ngā Pūrongo*

9.1 Murupara Masterplan



To: **Strategy and Policy Committee**

Date: **Thursday, 26 March 2026**

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

Authoriser: **D Bewley / GM Planning, Regulation and Transportation**

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

The purpose of this report is to seek endorsement of the Murupara Masterplan from the Strategy and Policy Committee.

2. Recommendations - *Tohutohu akiaki*

1. THAT the Murupara Masterplan report be **received**; and
2. THAT the Strategy and Policy Committee **endorse** the Murupara Masterplan.

3. Background - *He tirohanga whakamuri*

The Southern District Towns Regeneration Project (the Southern Towns Project) involves the development of masterplans and activation projects for Murupara and Minginui. It was one of seven projects funded by the Government as part of the Better Off Funding package of works. This was a financial support programme set up in 2022 by the then Government under the Three Waters Infrastructure Programme to enable councils to invest in their local communities.

The purpose of the Southern Towns Project, as described in the Better Off Funding business case, is to support the strategic visions of Ngāti Manawa and Ngāti Whare for, respectively, Murupara and Minginui.

This project comprises two stages. The first stage involves coordinating those strategic visions through the development of masterplans with concurrent infrastructure planning to underpin them. The second stage involves activation funding to unlock early project development and support the implementation of the masterplans.

The Southern Towns Project benefits included the potential to build on existing post settlement Iwi and Crown investments in communities that are in need of this co-investment to support development, employment and housing. The master planning and infrastructure planning support this funding to enhance the wellbeing of these communities and will help ensure these benefits are maximised through the priority implementation activities. Funding included:

- Master planning and infrastructure planning for Murupara township in partnership with Ngāti Manawa on Manawa Oho (\$150,000).

9.1 Murupara Masterplan(Cont.)

- Master planning and infrastructure planning for Minginui village in partnership with Ngāti Whare (\$150,000).
- Activation funding to stimulate and attract co-investment and unlock early project development in Murupara (\$250,000).
- Activation funding to stimulate and attract co-investment and unlock early project development in Minginui (\$150,000).

Ngāti Manawa developed the Manawa Oho project to revitalise opportunities for their iwi members around Murupara as part of their wider tribal vision. This does however include multiple benefits for the wider community as well. The strategic vision includes reorientating the central business district of Murupara towards State Highway 38, including the potential relocation of several cornerstone facilities. Master planning and infrastructure planning were required to support Manawa Oho. Activation funding includes early implementation of recreation and amenity opportunities along the Rangitāiki River.

The two communities were included together in the Southern Towns Project because by combining the master planning and infrastructure planning for Murupara and Minginui, the potential for consistency and synergies were identified. This occurred through engaging one team of consultants, Iarau and Ōrua, to undertake the engagement and master planning concurrently but separately for both communities.

The Southern Towns Project was also recognised and reflected in the Eastern Bay of Plenty Spatial Plan and is being included in the Local Growth Strategy.

The Minginui Masterplan will be the subject of a future report to the Strategy and Policy Committee as it is still being finalised.

4. Issue/subject - *Kaupapa*

4.1. Masterplan development

The Murupara Masterplan (the masterplan) was developed as a collaborative project with Ngāti Manawa, through the mandated iwi authority, Te Rūnanga o Ngāti Manawa (TRoNM).

It is purposefully not a traditional Council plan. It was deliberately established as a project to reflect the strategic vision of Ngāti Manawa. Engagement with whānau, hapū, iwi and the wider community was undertaken in late 2024 through a series of hui and wānanga. The masterplan was then developed by Iarau and Ōrua with input from TRoNM and Whakatāne District Council staff.

The masterplan captures the aspirations of Ngāti Manawa and the community of Murupara but is non-statutory in nature and does not impose requirements or obligations on Council. Instead, it provides a basis for ongoing planning between Council, TRoNM and the community. It recognises that it is not the responsibility of Council to implement everything in the plan, but instead it serves as a blueprint for Council and TRoNM to work together in the future and partner as external funding become available in the future. It has now been approved by TRoNM and is included as Appendix A to this report and is briefly summarised in the following section of this report.

9.1 Murupara Masterplan(Cont.)

4.2. Masterplan summary

A key feature of the masterplan is that includes the reorientation of commercial parts of the Murupara Town Centre to State Highway 38. This is consistent with the Manawa Oho project, providing a strategic vision of Murupara as a thriving service hub for the wider area. The existing commercial zone would be replaced with a MixedUse Zone to encourage the residential development and other accommodation options over time. This would bring more residents into the existing town centre, including provision for kaumatua Kāinga/retirement housing within walking distance of health and social services.

The masterplan identifies potential upgrades to recreational facilities including an upgraded Murupara Aquatic Centre, developing a Community Centre, playground and skatepark, as well as upgrading Taniwa Park. While these upgrades generally involve Council facilities, the masterplan recognises that in most cases partnerships and external funding sources will be required for implementation. So, while it does not commit Council to funding the upgrade of these assets, it is a basis for us to continue to work with Ngāti Manawa and the community to work towards these aspirations.

Other features include sites for housing developments, including the papakāinga underway on Miro Drive and potentially another TRoNM-led development at Evans Park.

Existing Council projects including the new water treatment plant and the replacement of the wastewater treatment consents and associated upgrades are also reflected in the masterplan, with recognition of the progress we are making in partnership with Ngāti Manawa.

The masterplan recognises that changes take time, with developments occurring in various steps, typically over a 20–40-year timeframe in total. The timeframes realistically reflect the timeframes

4.3. Role of the masterplan

The masterplan has now been successfully delivered in accordance with the project purpose. This has been a great success and TRoNM have now approved the masterplan.

In combination with the recently signed Mana Whakahono o Rohe signed with between TRoNM and Council, the masterplan provides a framework to support an ongoing partnership with Ngāti Manawa and guide future discussions, planning and investigations concerning future development in Murupara.

A masterplan is not the same as a structure plan, although there are similarities. For example, the masterplan does not contain the same level of detail regarding site assessments or infrastructure planning, instead these are identified as matters to be addressed over the next five to 10 years. The masterplan is instead a guiding framework, identifying aspirations while not limiting future changes. As stated in the masterplan itself, it is a live roadmap that can evolve over time and respond to new opportunities.

Importantly, the implementation of future changes identified in the masterplan remain subject to future statutory and consultative processes. Accordingly, endorsement of the masterplan by Council does not predetermine future outcomes. While the EBOP Spatial Plan identifies that this masterplan is being developed, it does not replace the Whakatāne District Plan, nor alter existing resource consent requirements for development in Murupara.

Instead, it will provide a basis for further engagement and can be used to inform the development of future land use planning documents such as the Regional Spatial Plan and Land Use Plan required under the (forthcoming) Planning Act.

9.1 Murupara Masterplan(Cont.)

4.4. Activation project

The activation funding component of the Southern District Towns Regeneration project in Murupara is being used for recreational improvements at Taniwha Park, in conjunction with the Murupara Water Treatment Plant upgrade project which is located in the same area. The funding will support improved access to the Rangitāiki River swimming area and is expected to be implemented in the latter half of the year. Future updates on this will be provided through reporting on the Water Treatment Plant project.

5. Options analysis - *Ngā Kōwhiringa*

5.1. Option 1 Council endorses Murupara Masterplan – preferred option

Under this option Council would endorse the Murupara Masterplan. While Council has not led the development of the masterplan, it has been developed in accordance with the project scope under the Better Off Funding business case. The next step therefore in accordance with that process is for Council to endorse it as a basis for aspirations identified through engagement with Ngāti Manawa and the community. Under this option Council would continue to work collaboratively with TRoNM on planning and projects in Murupara, informed by the masterplan. It will also provide a starting point for the development of future planning documents including the replacement of the Whakatāne District Plan and the Local Growth Strategy.

5.1.1. Advantages

- Consistent with previously agreed approach as set out in project scope.
- Supports aspirations of Ngāti Manawa and community.
- Provides a foundation for future planning and project investigation.
- Ensures a strong position should external funding opportunities become available.

5.1.2. Disadvantages

- Potential for unmet community expectations should no implementation take place over the long term.
- May place future demands on Council staff resources and planning capacity, particularly as opportunities for external funding or subsequent planning processes arise.

5.2. Option 2 Do not endorse Murupara Masterplan

The Strategy and Policy Committee could choose not to endorse the masterplan. Not endorsing the masterplan may be perceived as a lack of support for the strategic vision of Ngāti Manawa and the outcomes of the collaborative engagement process, potentially impacting the strength of the ongoing partnership.

5.2.1. Advantages

- Potentially limits future resourcing commitments.
- Maintains flexibility in future planning processes.

5.2.2. Disadvantages

- Uncertain support for Ngāti Manawa aspirations and relational risks.

9.1 Murupara Masterplan(Cont.)

- No remaining funds allocated for the development of the Murupara masterplan.
- Missed opportunity to guide future development and investment.
- No basis for future planning processes so likely to take longer to undertake in the future with less community buy-in.

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 future, assessed to be of high significance.

6.2. Engagement and community views

The masterplan was developed through engagement with whānau, hapū, iwi and the wider Murupara community, albeit not engagement led by Council staff through a process under the Resource Management Act or Local Government Act. However, there is no immediate effect on the Murupara community from endorsing the masterplan and instead any implementation actions would themselves be subject to future engagement or consultation in accordance with the respective legislation. Therefore, additional engagement on this matter is not being undertaken in accordance with Section 4.2 of the Council's Significance and Engagement Policy. This states that the Council will not consult when there is already a sound understanding of the views and preferences of the persons likely to be affected or interested in the matter."

7. Considerations - *Whai Whakaaro*

7.1. Financial / budget considerations

The Southern Towns Project is part of the Better Off Funding programme of works. \$700,000 was granted for the project, with \$150,000 allocated for the development of Murupara masterplan. The masterplan has been delivered within budget.

7.2. Strategic alignment

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

7.3. Climate change assessment

The masterplan does not in and of itself of a climate change impact. Any future projects implemented will be subject to their own climate change assessments, but it is noted that the masterplan generally promotes more compact, walkable urban forms and the development of Murupara as a commercial service hub for the wider area. This would, respectively, promote active forms of transport within Murupara itself and reduce travel to existing commercial service hubs that are further afield. In both cases this would have beneficial climate effects.

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.

9.1.1 Appendix A - Murupara Masterplan**7.4. Risks**

The process of developing the masterplan was different from other Council plans, but this was deliberately so given the opportunity provided by the Better Off Funding programme. While engagement was undertaken, it was not led by Council staff in accordance with consultative requirements under any particular legislative framework. The intention behind this was that it could bring forward perspectives and views of people that do not normally participate in Council planning processes, as well as enabling iwi strategic visions to be recognised and recorded. The masterplan is a non-regulatory document, and any inclusion of actions identified in it in regulatory plans would be subject to formal, legislative consultative processes. So, there may be risks of the community not fully comprehending the statutory limitations of the masterplan, however these are low and can be mitigated through appropriate communication of the nature of the document.

Should the masterplan not be endorsed, there could be adverse public and cultural perception resulting from Council not supporting the strategic vision of Ngāti Manawa, having set out to do just that at the commencement of the project.

8. Next steps - *Ahu whakamua*

Should the masterplan be endorsed it will be made publicly available with explanations of its development and purpose. It will inform ongoing discussions with TRoNM about future planning for Murupara as part of Council's legislative requirements and the existing Mana Whakahono o Rohe.

Attached to this report:

- Appendix A - Murupara Masterplan

9.1.1 Appendix A - Murupara Masterplan

9.1.1 Appendix A - Murupara Masterplan(Cont.)



MURUPARA MASTERPLAN

Tātai Matawhānui
Masterplan - Design Development



9.1.1 Appendix A - Murupara Masterplan(Cont.)

Te Rūnanga o Ngāti Manawa

OPENING REMARKS

“As Chair of Te Rūnanga o Ngāti Manawa Trust, it gives me great pleasure firstly to acknowledge the iwi of Ngāti Manawa, our Murupara community and our partners we have been working tirelessly with to complete the Murupara Masterplan.”

Nā Kani Edwards
Chairman,
Te Rūnanga o Ngāti Manawa.

9.1.1 Appendix A - Murupara Masterplan(Cont.)

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5 Our Mission & Our Vision

7 Horopaki - Context

Whakatakinga | Introduction
Murupara at a Glance – 2023 Census Snapshot
Horopaki | Context
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Engagement Outcomes & Community Aspirations
Murupara Tutakitaki Survey Insights
Ngā Marae o Ngāti Manawa

19 Whakaauau - Design Development

22 Murupara Town Centre

The Mixed Use Zone
Central Recreational Zone
Existing Murupara Aquatic Centre
Community Centre
Murupara Playground & Skatepark
Commercial Zone

40 Wider Murupara Recreation Areas

Murupara Motorcross Park
Taniwha Park

48 Housing Development

Miro Drive
Evans Park

53 Drinking Water Upgrades

Planned Drinking Water Upgrades

55 Wastewater Upgrades

Planned Wastewater Renewals

9.1.1 Appendix A - Murupara Masterplan(Cont.)



9.1.1 Appendix A - Murupara Masterplan(Cont.)

OUR VISION

*Tawhiuau
Te Maunga Whakahi
Tu Mai Ra.*

“As I stand on my maunga Tawhiuau, I look down and across our whenua revelling in the prosperity and development of our iwi that has been accomplished through our mana motuhaketanga of Ngāti Manawa.”


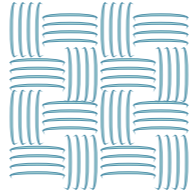

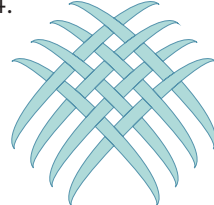
This whakatauaki has been left to us by our Tipuna to build upon and it steadfastly grounds us to ensure that what has been passed down to us will continue to grow and thrive for our Uri.

OUR MISSION

*Mā Ngāti Manawa e kōkiri tona
Mana Motuhaketanga*

“To grow, maximise and protect Ngāti Manawa potential”

Under the umbrella of Te Anga Whakamua our Ngāti Manawa Strategic Plan we have identified **4 Pou** which will allow us to achieve these goals they are.

1. 
Ngāti Manawatanga
2. 
Pou Tahua
(Economic Development)
3. 
Pou Taiao
(Environmental)
4. 
Pou Tangata
(Iwi Development)

5

Ngāti Manawa Aspirations and collaboration with Council.

Our moemoeā is to have Ngāti Manawa whānau and our Murupara community flourish culturally, socially and economically. We believe this moemoeā is what the Whakatane District Council is striving for as well and by continuing to work collaboratively and in partnership this will become reality for all those within the rohe of Ngāti Manawa.



Nā Kani Edwards

Chairman,
Te Rūnanga o Ngāti Manawa.

9.1.1 Appendix A - Murupara Masterplan(Cont.)



E nga mana, e nga rangatira, e nga tangata o te rohe a Ngāti Manawa, tihei mauri ora.

I tautoko the acknowledgement by our Chair Kani Edwards of all the mahi done by our community and partners to generate the Murupara Masterplan, our vision for the future of our community.

As outlined in the chairs foreword, our vision speaks to the prosperity and development of our iwi. The Murupara Masterplan speaks to that by capturing and encompassing the aspirations from our community, as to how they want Murupara to develop and look, for the future.

Our mission to grow, maximise and protect Ngāti Manawa potential has lead Te Runanga o Ngāti Manawa to work alongside Whakatāne District Council and Iarau Ltd on the generation of this significant document, the Murupara Masterplan.

Te Anga Whakamua, the Rūnanga strategic plan, updated in 2025 provides the strategic direction and intent for Te Rūnanga o Ngāti Manawa and all 4 pou are impacted by, and contribute to, the Murupara Masterplan. Murupara is the centre of Ngāti Manawa and our community, ensuring an informed and well conceived Masterplan is in place to guide future development is critical to the future of Murupara and Ngāti Manawa.

Ngāti Manawa has hosted and contributed to a number of hui-a-iwi

and community hui to inform at a flax roots level the aspirations by our community, for our community. We have shared our housing and commercial aspirations to inform the plan and expect the plan, alongside other planning instruments such as the local growth strategy, spatial plan and long term plans, to enable investment into Murupara guided by iwi and community input.

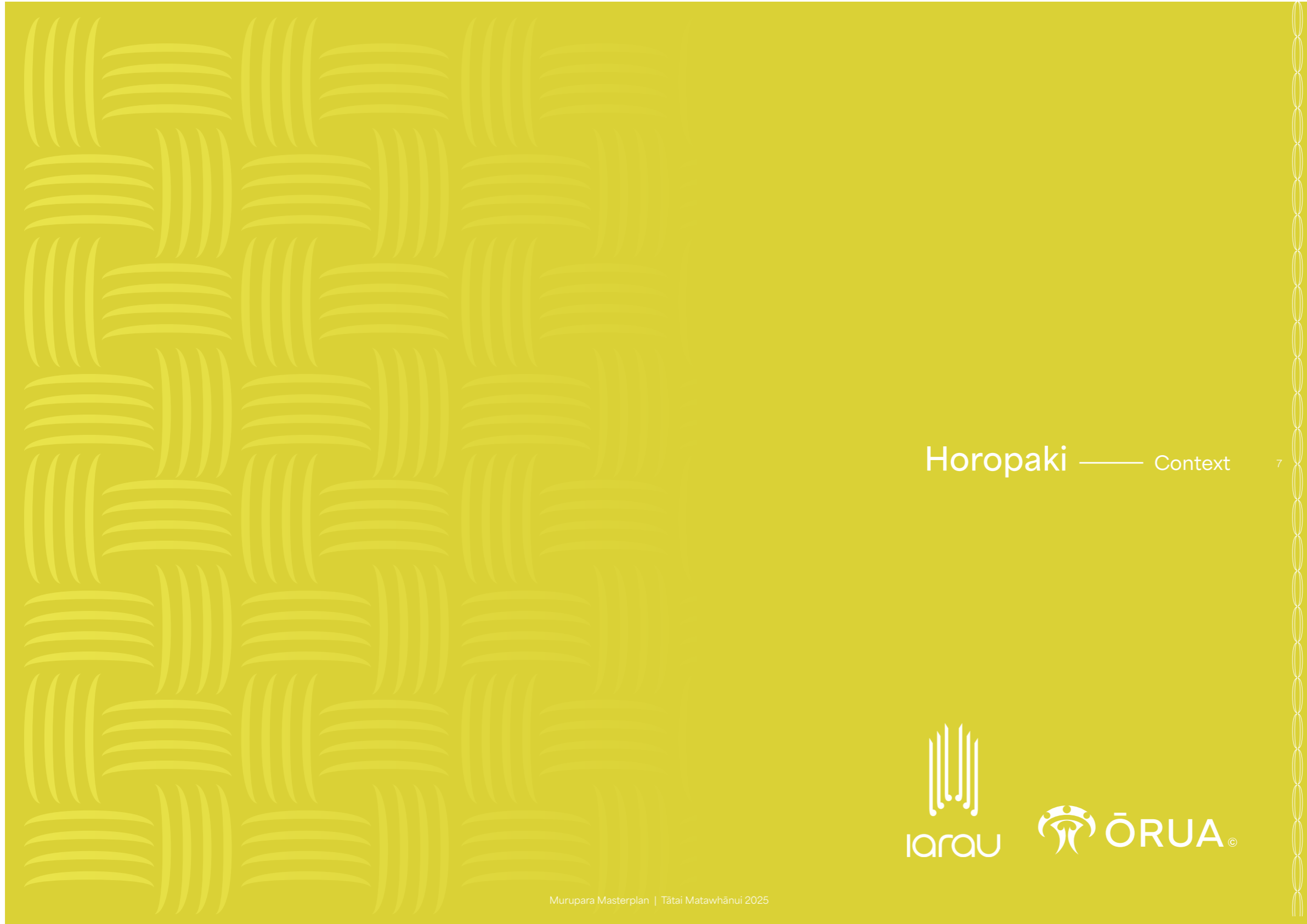
Ngāti Manawa through Tangiharuru and his descendants settled in the area around Murupara towards the end of the 16th century and we look forward to working with council and other partners on the next 500 years of our community's development, utilising planning tools such as this plan.



—
Nā Eugene Berryman-Kamp

Tumu Whakarae/CEO,
Te Runanga o Ngāti Manawa.

9.1.1 Appendix A - Murupara Masterplan(Cont.)



Horopaki — Context 7



9.1.1 Appendix A - Murupara Masterplan(Cont.)



Whakatakinga | Introduction

The Murupara Masterplan (this Plan) has been prepared to guide the future development of Murupara. It represents the voices and aspirations of mana whenua, whānau, iwi, and the wider community who continue to sustain and shape this place.

At its heart, Murupara is a town defined not only by its physical landscape but by its people. According to the 2023 Census, Murupara is home to around 1,884 residents, of whom approximately 89.8% identify as Māori. The community is youthful, with a median age of 32.8 years, and maintains a strong cultural foundation. Nearly one in three residents (31.7%) can speak te reo Māori. These characteristics reflect a community grounded in its identity.

This Plan recognises the enduring role of Ngāti Manawa as mana whenua and seeks to balance iwi-led aspirations with the needs of the wider community, including smaller rural settlements such as Minginui and Ruatāhuna, which rely on Murupara as their day to day service centre.

This Plan is both a visionary document and a practical tool. It sets out pathways for the revitalisation of the town centre, new housing and papakāinga, improved community services and facilities, and the development of economic opportunities that align with local values. It also addresses environmental, cultural, and social wellbeing, recognising that true prosperity for Murupara is holistic, grounded in whenua, awa, and whakapapa.

The process of developing this Plan has drawn on kōrero tuku iho (historical knowledge), iwi aspirations, Council planning processes, and community engagement. Engagement confirmed a strong local commitment to the town's future, with residents expressing clear priorities for safer streets, better youth facilities, a revitalised CBD, improved housing, and sustainable economic development.

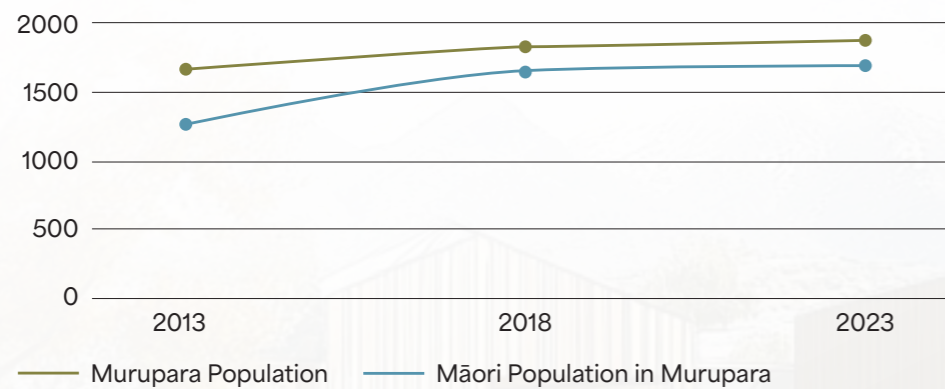
This Plan is therefore a shared commitment to build a vibrant, connected, and resilient Murupara where rangatahi can see a future for themselves, where kaumātua are supported, and where whānau and visitors can thrive. It will guide investment, decision-making and collective action over the years ahead, ensuring that Murupara continues to be a place of belonging, pride, and opportunity.

9.1.1 Appendix A - Murupara Masterplan(Cont.)

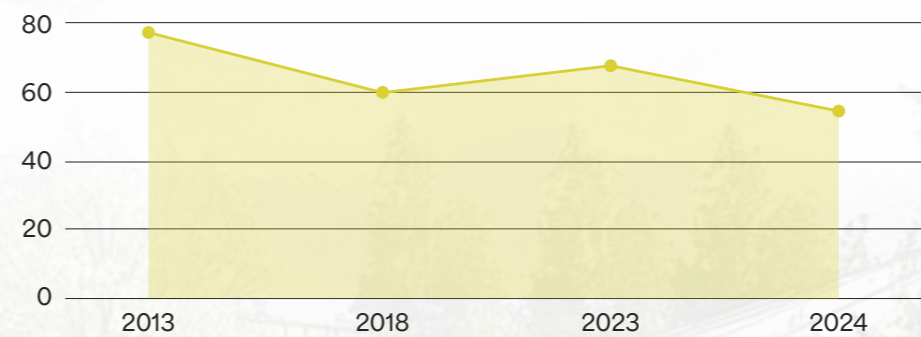
Murupara at a Glance – 2023 Census Snapshot

To better understand the community this Plan serves, it is important to look at who Murupara is today. The 2023 Census provides a snapshot of the town’s people, homes, and local economy. These insights ground this Plan in the realities of everyday life, ensuring that future planning decisions reflect the community’s strengths, needs, and aspirations.

MURUPARA POPULATION



BUSINESS IN MURUPARA



31.7%

The percentage of people who can speak te reo Māori in Murupara

32.8

The median age in Murupara

627

The number of private dwellings

58.6%

The percentage of households who own their home or hold it in a family trust

Summary

These indicators show a strong Māori identity, deep community roots and opportunities for local economic renewal.

9.1.1 Appendix A - Murupara Masterplan(Cont.)

Horopaki | Context

WHAT IS A MASTERPLAN?

A Masterplan is a guiding framework that sets out a shared vision for a place's future. It is a tool for weaving together the aspirations of whānau, hapū, iwi, and community with the practical steps needed to strengthen housing, infrastructure, services, and opportunities. A Masterplan is about direction and coordination, ensuring that future change is deliberate, sustainable, and grounded in identity and values.

Importantly, a Masterplan is not a rulebook. It does not lock the community into a single pathway, prescribe exactly how development must occur, or replace other statutory planning documents. It does not prevent change or innovation, nor does it override the ability of whānau and mana whenua to shape their own future as circumstances evolve.

This Plan is about creating a living roadmap. It will adapt over time, respond to new opportunities, and evolve alongside the community. Its strength lies not in prescribing every detail, but in giving shape and momentum to whānau aspirations, ensuring that the village grows in a way that is distinctly aligned to its people and sustainable for the long term.

WHY A MASTERPLAN FOR MURUPARA

Murupara lies at the heart of the Ngāti Manawa rohe, positioned along State Highway 38 between the Kaingaroa Forest and Te Urewera. It is surrounded by landscapes of immense cultural, ecological, and spiritual significance, such as the Rangitāiki and Whirinaki Rivers, the Ikawhenua Ranges, and the Whirinaki Rainforest.

Murupara is also the hub and provider for neighbouring small communities including Kaingaroa, Galatea, Minginui, and Ruatāhuna. The town functions as a local centre for education, health, retail, and services, connecting these rural communities to the wider Bay of Plenty.

Historically, Murupara has been a centre for surrounding rural industries, with strong ties to forestry, farming, and more recently eco-tourism and outdoor recreation.

According to the 2023 Census, Murupara's usual resident population is 1,884, an increase of 3.8% since 2018. There are approximately 579 private dwellings and around 57 local businesses, underscoring the town's small but vital economic base. This scale highlights both the opportunities and constraints for future.

Recent engagement, including the Murupara Community Board Survey (2024), that received 148 participants, reinforces the town's strong Māori identity and deep intergenerational ties.

- **83.6%** of participants identified as Māori, primarily affiliated to Ngāti Manawa and neighbouring iwi.
- **25%** identified as New Zealand European/Pākehā, with smaller groups identifying as Pasifika and other ethnicities.
- **80%** live in Murupara, with 25% working in the area and 7% living in surrounding settlements.

9.1.1 Appendix A - Murupara Masterplan(Cont.)

Nearly 80% of respondents live in Murupara, and more than 30% have resided here for over 40 years, reflecting a deep, enduring commitment to place. Survey responses identified several key housing priorities for whānau, including:

1. Retirement village options to enable kaumātua to remain in their community.
2. Opportunities for whānau to purchase and develop the empty sections.
3. More housing workshops and pathways to home ownership.
4. Increased access to Habitat for Humanity-style homes.

At the same time, challenges such as limited housing supply, underutilised town centre spaces, and a lack of opportunities for rangatahi highlight the need for a shared vision and coordinated investment.

This Plan responds to this by setting out pathways for renewal that are grounded in iwi aspirations, community priorities, and the unique cultural and environmental context of Murupara by:

- Transforming the CBD into a vibrant hub and shifting businesses to the main rd.
- Prioritising safe, accessible spaces for tamariki and rangatahi, improved recreation facilities, and a staged development of a new community centre and aquatic facilities.
- Increasing employment opportunities through supporting the growth of locally owned businesses, eco-tourism ventures, and training pathways.

- Providing clear direction for papakāinga development, kaumātua housing, and new residential areas, ensuring growth is culturally aligned and sustainable.
- Ensuring essential infrastructure such as water, stormwater, and wastewater is future-proofed and climate resilient.
- Embedding Ngāti Manawa stories, mātauranga, and taonga into the design of the town, reflecting mana whenua leadership and strengthening identity.
- Giving clarity to iwi, Council, government, and private partners so they can invest in Murupara with confidence, ensuring coordinated and efficient delivery.

A Masterplan is not just about physical projects, it is about setting a shared vision and collective priorities. For Murupara, it represents an opportunity to reclaim pride in the town and to plan deliberately for a thriving future.

This Plan is therefore a call to action to align aspirations, resources, and partnerships in order to create a Murupara that is vibrant, resilient, and distinctly Ngāti Manawa.

Reference: Murupara Community Board. 2024. "Report for Murupara Action Plan Survey". March 2024.

9.1.1 Appendix A - Murupara Masterplan(Cont.)

Horopaki | Engagement

ENGAGEMENT PROCESS

Engagement with whānau, hapū, iwi, and the wider Murupara community was central to the development of this Plan. A structured series of hui and wānanga were held between September and December 2024, each designed to draw out whakaaro and aspirations across a wide range of themes. Care was taken to avoid overburdening the community by combining discussions on multiple topics, ensuring efficient and meaningful engagement.

To provide structure, the wānanga were guided by a set of themes that align with both iwi aspirations and planning requirements:

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Freshwater and Water Management

Connectivity and Access to Services

Education and Learning Facilities

Rangatahi Futures






Housing and Papakāinga Development

Arts, Culture, and Heritage

Economic Development and Tourism

Waste and Energy Management

The engagement schedule was as follows:

<p>30 SEPTEMBER 2024</p> <p>Staff & Kaumātua hui</p> 	<p>30 OCTOBER 2024</p> <p>Hui Takoto - Information Meeting</p> 	<p>6 - 7 NOVEMBER 2024</p> <p>Murupara Community Evening</p> 
<p>25 NOVEMBER 2024</p> <p>Tūtakitaki</p> 	<p>17 SEPTEMBER 2025</p> <p>Final Community Engagement</p> 	

Each hui brought together whānau of different ages and backgrounds, with particular attention to ensuring kaumātua and rangatahi voices were heard. A key outcome of the process was raising community awareness about the purpose of a Masterplan and its relevance for the future of Murupara.

9.1.1 Appendix A - Murupara Masterplan(Cont.)

Engagement Outcomes & Community Aspirations

Whānau expressed a strong, united vision for a Murupara that uplifts health, wellbeing, education, and community connection. Key aspirations included:

1. Community and Rangatahi Spaces

- Establishment of a dedicated youth hub to support rangatahi.
- Development of multi-purpose community spaces with a focus on recreation, entertainment, and whānau connection.
- Creation of safe, engaging facilities such as a motorbike track, upgraded skateparks, playgrounds, swimming pools, and sports fields.

2. Improved Infrastructure and Services

- Better access to healthcare, safer roading, and reliable local services.
- Investment in recreational infrastructure to provide year round opportunities for tamariki, rangatahi, and whānau.

3. Housing and Skills Development

- Affordable and accessible housing, including papakāinga developments, to allow Ngāti Manawa descendants to remain connected to their whenua.
- Upgrade of kaumātua flats.
- Establishment of trade training centres, māra kai, and programmes to support locally owned businesses and whānau led enterprise.

4. Economic Opportunity

- Revitalisation of the Murupara CBD as a hub of shops, services, and employment.
- Shifting businesses to the main rd.
- Te Rūnanga o Ngāti Manawa ownership of the Murupara Resource Recovery Centre.
- Discontinuing Crown Forestry Lease on CNI lands and returning to iwi for economic development.



9.1.1 Appendix A - Murupara Masterplan(Cont.)

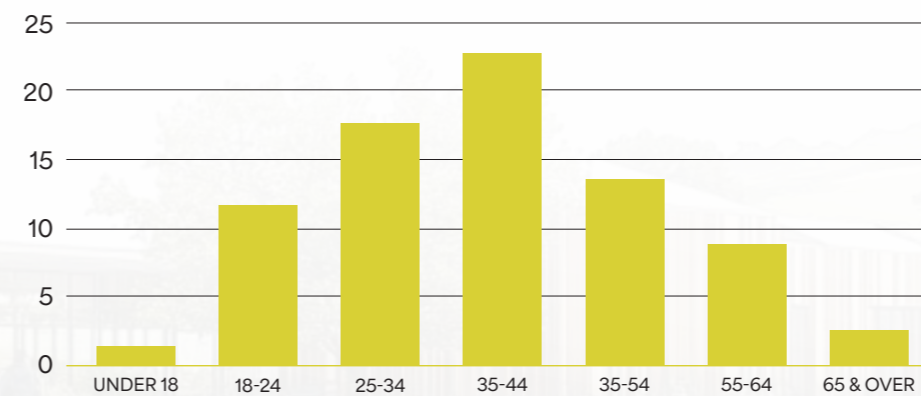
Murupara Tūtakitaki Survey Insights

To complement the wider demographic picture provided by the Census, the Tūtakitaki survey offers a direct, community-led snapshot of the voices shaping Murupara today. This engagement captures the lived experiences, values, and priorities of whānau who call Murupara home, grounding the Masterplan in real-time insights shared by mana whenua, rangatahi, and long-standing residents. By understanding who participated and the perspectives they bring, the Masterplan remains firmly aligned with community aspirations and the realities of everyday life.



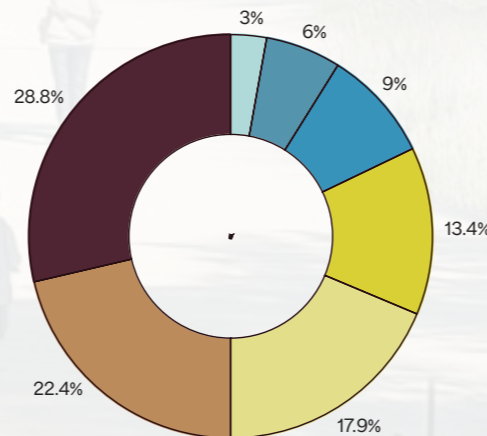
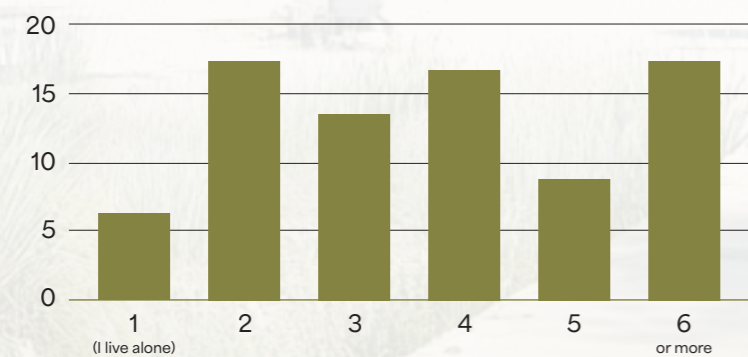
Form submissions by gender

Form submissions by age:



TE REO MĀORI PROFICIENCY

Number of people living in one household:



- ELEMENTARY**
I can understand and use simple sentences in Te Reo Māori
- BEGINNER**
I know a few words or basic sentences in Te Reo Māori
- INTERMEDIATE**
I can hold a basic conversation in Te Reo Māori
- FLUENT / PROFICIENT**
I am fluent or proficient in Te Reo Māori
- ADVANCED**
I can speak Te Reo Māori confidently in most situations
- NATIVE SPEAKER**
Te Reo Māori is my first language
- NO KNOWLEDGE**
I have no knowledge of Te Reo Māori

9.1.1 Appendix A - Murupara Masterplan(Cont.)



9.1.1 Appendix A - Murupara Masterplan(Cont.)



9.1.1 Appendix A - Murupara Masterplan(Cont.)



9.1.1 Appendix A - Murupara Masterplan(Cont.)



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Ngā Marae o Ngāti Manawa

Ngāti Manawa is comprised of three principal hapū, Ngāi Tokowaru, Ngāti Hui, and Ngāti Koro, whose whakapapa binds them to the lands and waterways of the upper Rangitāiki Valley. Through their marae, these hapū uphold the histories, cultural identity, and kaitiakitanga responsibilities of the iwi across the rohe.

Ngāi Tokowaru are associated with Tipapa and Painoaiho Marae along the Rangitāiki River corridor; Ngāti Hui are based at Rangitahi Marae in Murupara; and Ngāti Koro are centred at Moewhare Marae, with enduring connections to the surrounding forests and waterways toward Kaingaroa.

Tangiharuru holds a significant place in the history of Ngāti Manawa leading the reclamation of iwi lands from the 16th to early 17th centuries. His journey, stretching from Wharepūhanga in Waikato to Hauraki, Tauranga, and Matatā among Ngāti Awa, solidified Ngāti Manawa's mana whenua. This period of resistance and strategic movement laid the foundation for the iwi's enduring legacy.

Whakapau Kōrero marks a pivotal moment in this history, as it was here that Tangiharuru inspired his people to rise against Te Mārangaranga. His leadership and vision galvanised Ngāti Manawa, ensuring their place in the landscape and reinforcing their authority over their ancestral lands.

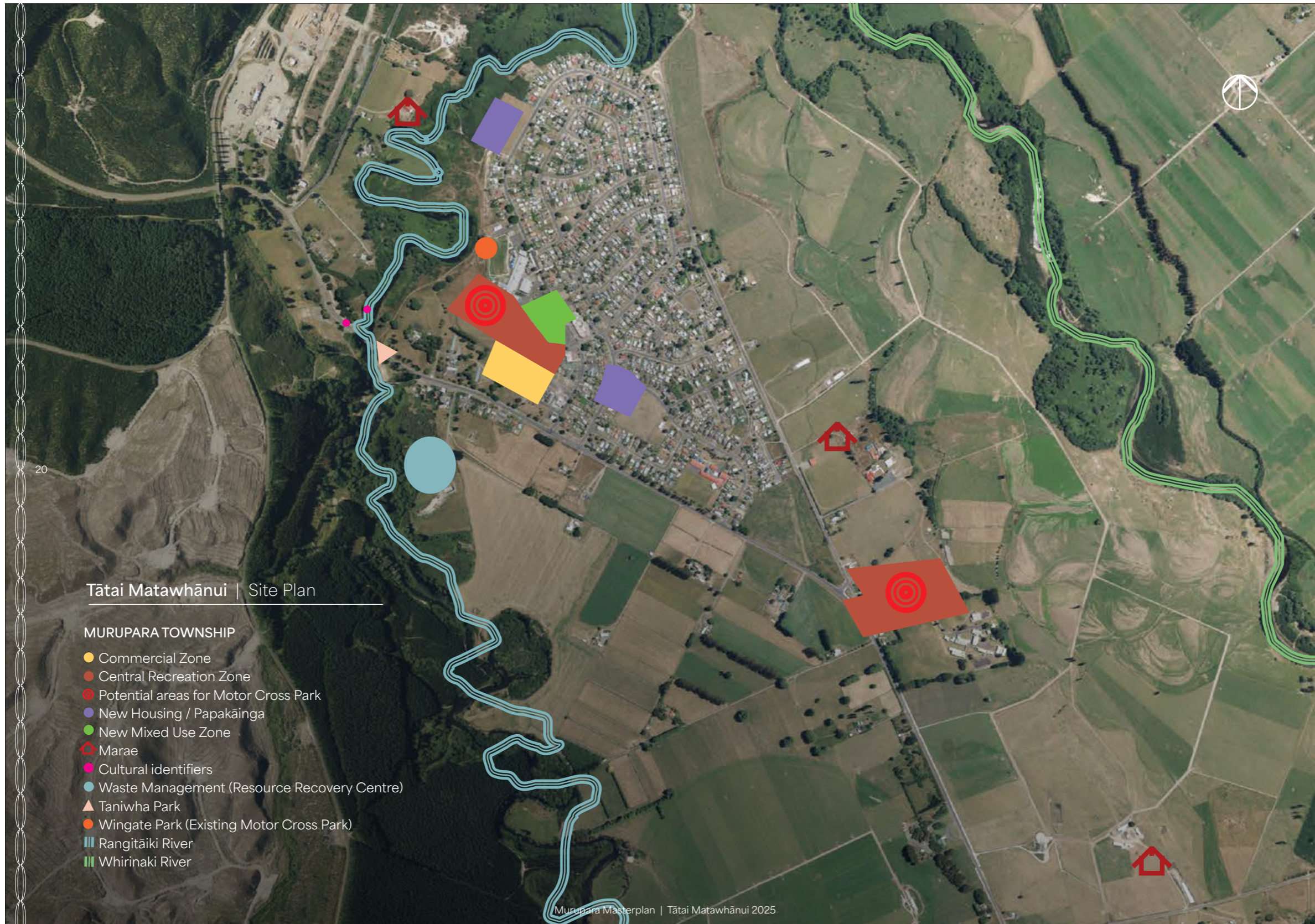
9.1.1 Appendix A - Murupara Masterplan(Cont.)

Whakaauau — Design Development

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9.1.1 Appendix A - Murupara Masterplan(Cont.)

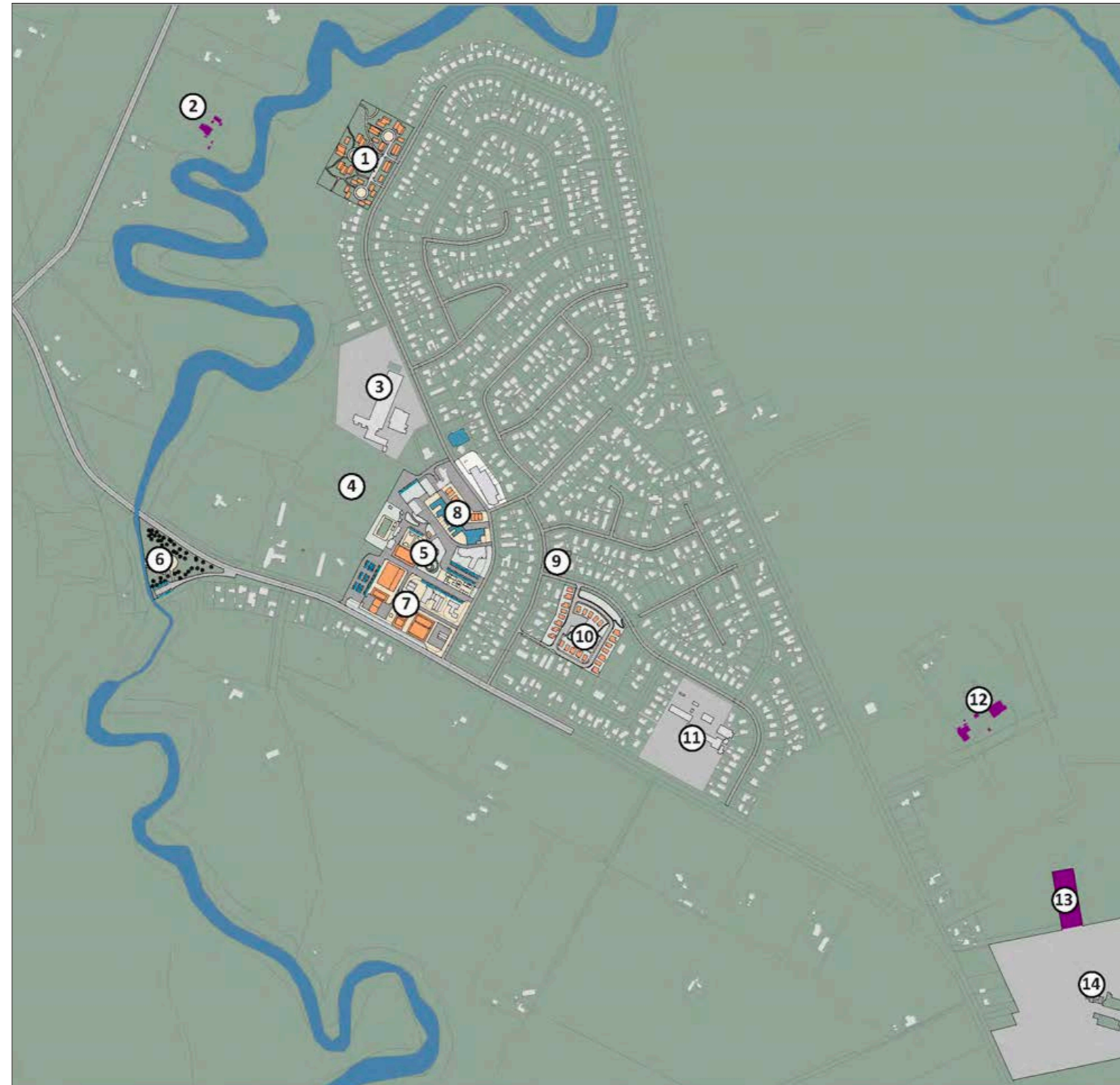


9.1.1 Appendix A - Murupara Masterplan(Cont.)

MURUPARA TOWNSHIP

-  Existing
-  Sites of Cultural Significance
-  Proposed New Build
-  Proposed Upgrade
-  Miro Drive

1. Proposed Papakāinga
2. Tipapa Marae
3. Murupara Area School
4. Potential MX at Murupara Domain
5. Central Recreation Zone
6. Taniwha Park Upgrade
7. New Commercial Zone
8. New Mixed use Zone
9. Kaumātua Flat
10. Miro Drive Papakāinga
11. Te Kura Kaupapa Māori o Tāwhiuau
12. Rangitahi Marae
13. Urupa
14. Potential Motor Cross Park at Te Urumatua Rangitahi College



Murupara Masterplan | Tātai Matawhānui 2025

9.1.1 Appendix A - Murupara Masterplan(Cont.)

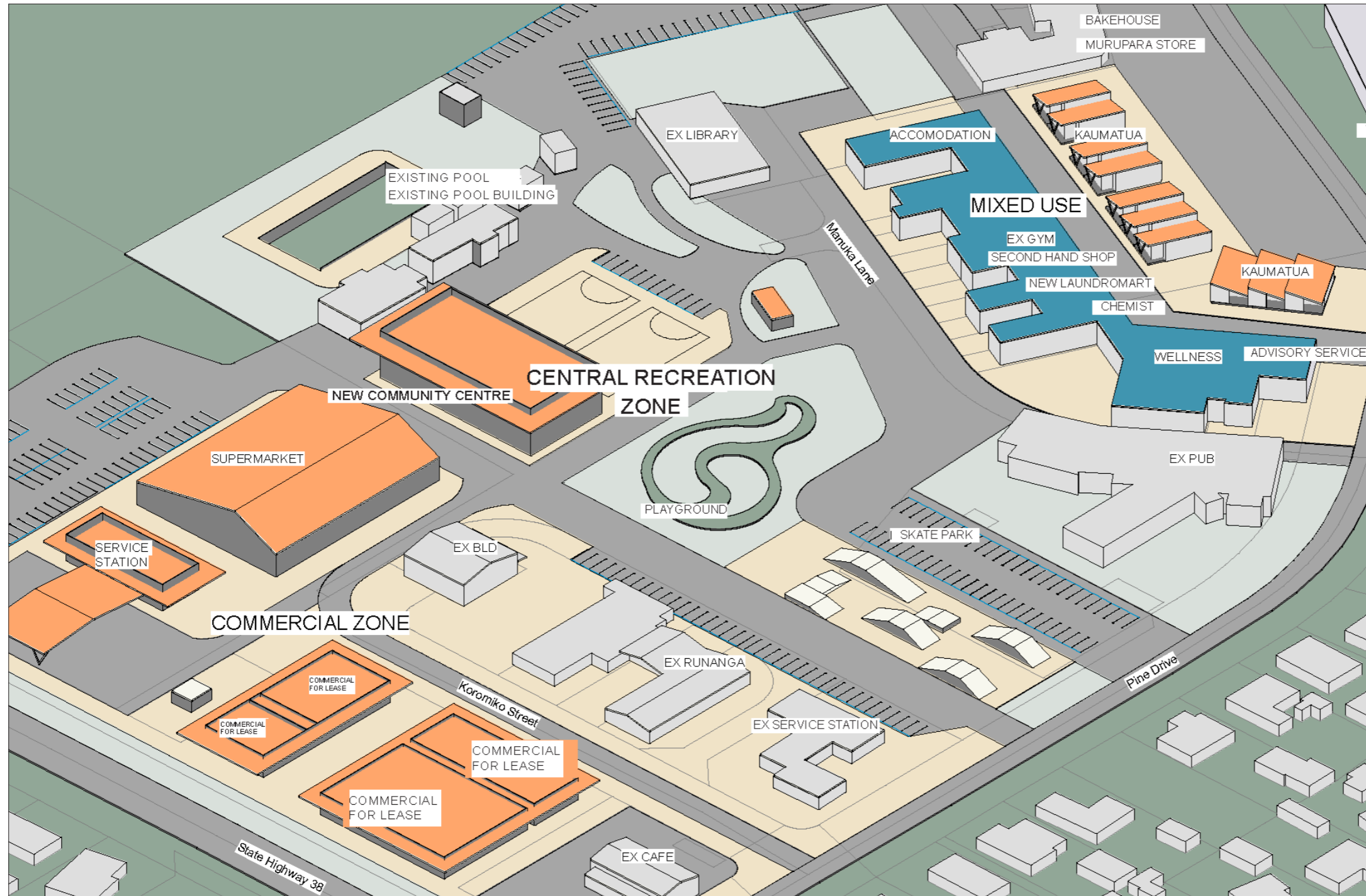
22

Murupara Town Centre



9.1.1 Appendix A - Murupara Masterplan(Cont.)

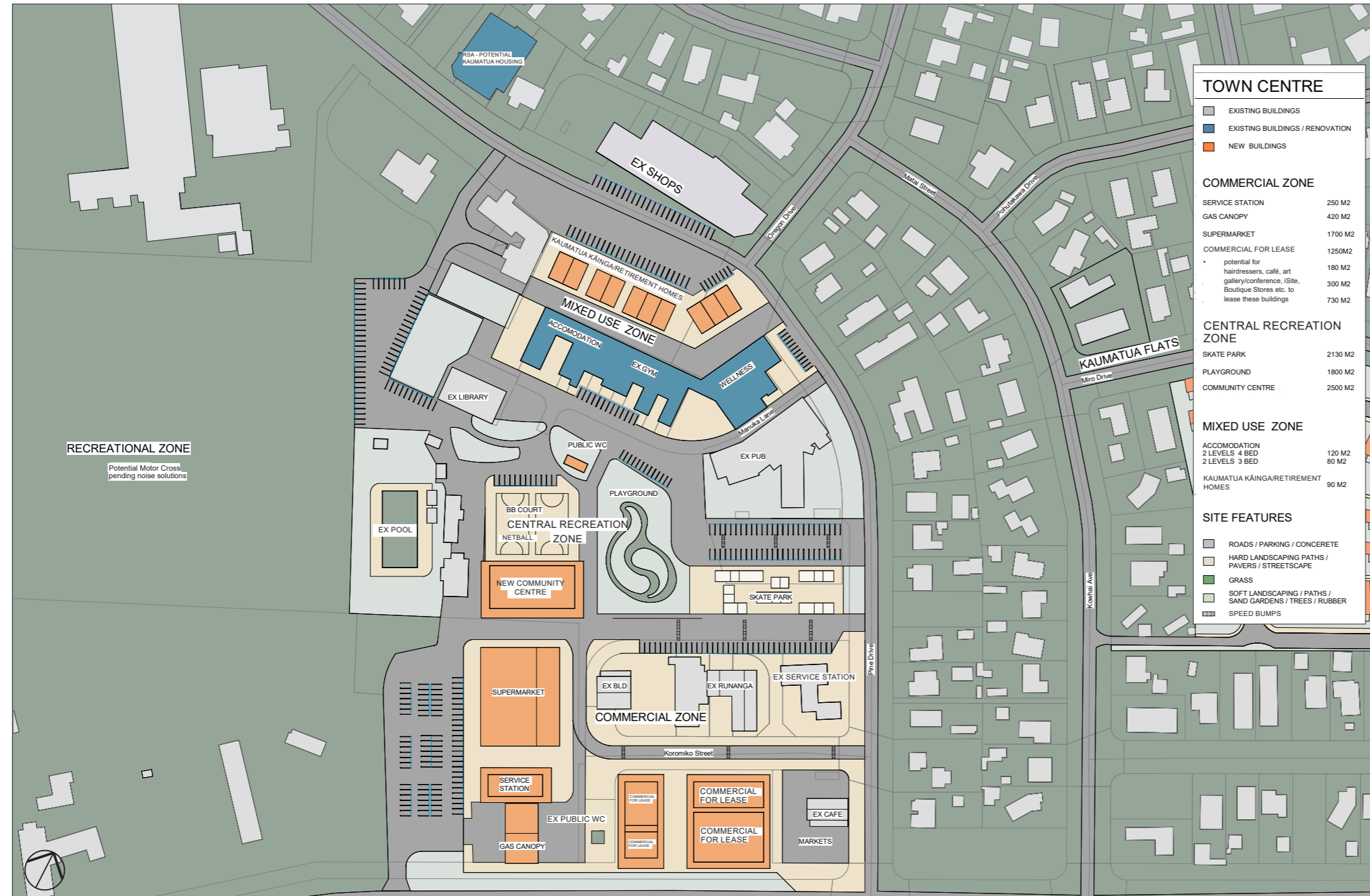
Tātai Matawhānui | Site Plan



23

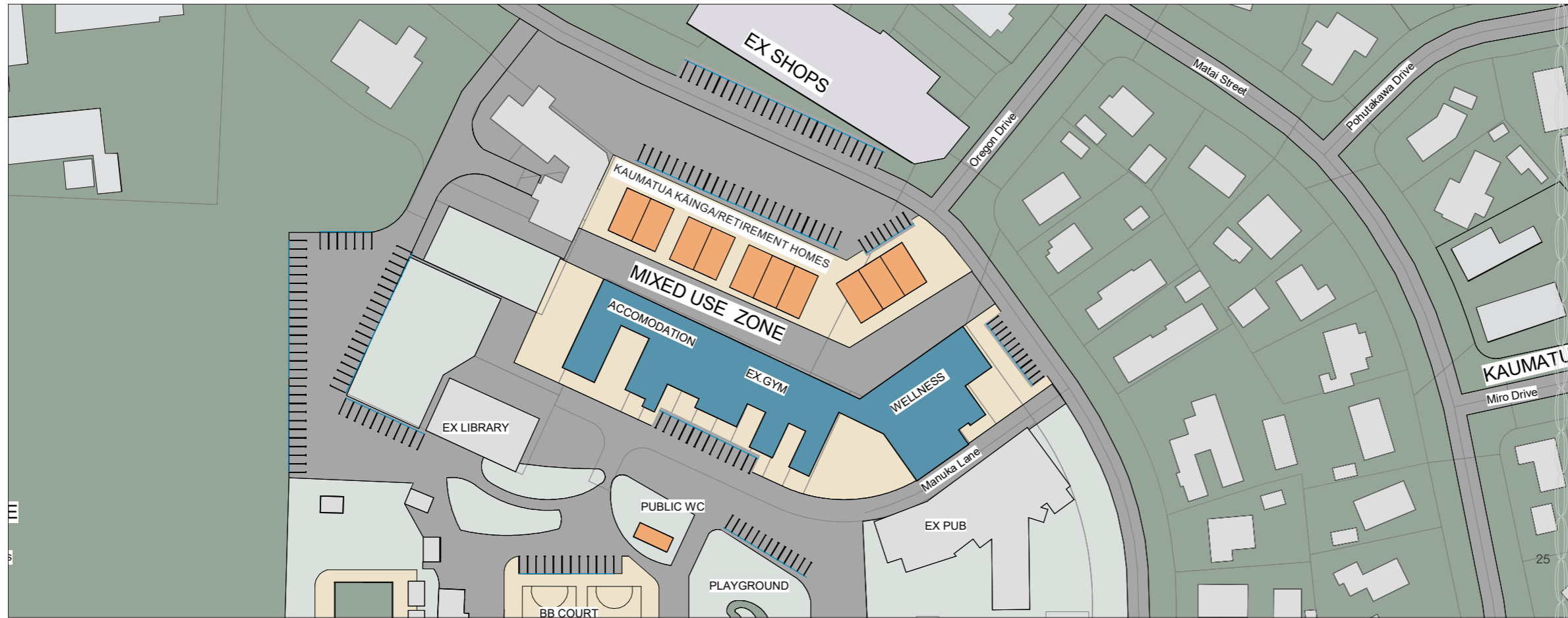
9.1.1 Appendix A - Murupara Masterplan(Cont.)

Tātai Matawhānui | Site Plan



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9.1.1 Appendix A - Murupara Masterplan(Cont.)









MURUPARA The Mixed Use Zone:

The Murupara Mixed Use Zone has been envisaged as a way to bring new vibrancy and more effective use to an existing central area that already benefits from strong infrastructure. At its heart, the zone seeks to revitalise the town centre by retaining important local services while reimagining underutilised spaces into developments that place the aspirations and wellbeing of the community at the centre.

9.1.1 Appendix A - Murupara Masterplan(Cont.)

The Mixed Use Zone:

-  This zone retains existing shops, ensuring local people continue to have access to essential goods while maintaining long-standing relationships between suppliers and customers.
-  It reimagines the underutilised central car park and vacant retail spaces as opportunities for new family-friendly townhouses, introducing more residents into the town centre.
-  By locating housing alongside recreation and commercial areas, the neighbourhood design supports greater activity and community presence throughout the day.
-  The zone sets aside space for a wellbeing hub or Hauora, complementing the existing gym and creating opportunities for better access to health and social services.
-  It includes provision for kaumātua kāinga or retirement housing, placing quality homes for elders within walking distance of shops, healthcare, recreation, and daily needs, keeping kaumātua connected to community life.
-  The zone also recommends strengthening safety measures through improved street lighting, security cameras, speed bumps and other urban design features that support a safe and welcoming town centre environment.

COMMUNITY BENEFITS

Through this mix of housing, services, and recreation, the Mixed Use Zone is intended to create a more vibrant, people-focused town centre. It supports local business connections by keeping shops active in daily life, while enabling new housing that reflects the needs of both families and kaumātua. By situating homes close to health and recreation spaces, residents benefit from improved access to services, greater personal safety, and a stronger sense of belonging.

In this way, the Mixed Use Zone provides a clear roadmap for revitalisation, showing how Murupara can transform vacant and underutilised land into a connected, inclusive town centre that reflects the community's aspirations for a thriving future.

9.1.1 Appendix A - Murupara Masterplan(Cont.)

STEPS TO DEVELOPING THE
The Mixed Use Zone:

STAGE ONE

5 YEARS

Site Assessment & Feasibility

Assess site conditions, infrastructure capacity, and ownership. Identify priority sites such as the carpark area, vacant retail units, and potential locations for kaumātua kāinga and wellness facilities.

STAGE TWO

5 YEARS

Design & Development Planning

Prepare a detailed design plan that coordinates housing, shops, and wellbeing spaces with safe pedestrian links and shared areas. Integrate landscaping, lighting, and cultural design elements that reflect Ngāti Manawa identity.

STAGE THREE

5 YEARS

Funding, Consenting & Partnerships

Secure funding and partnerships with Council, Te Rūnanga o Ngāti Manawa, and government agencies. This includes the Ministry for Housing and Development (HUD) and the Regional Economic Development & Investment Unit (Kānoa). Simultaneously secure required consents and coordinate delivery with landowners, businesses, and iwi developers.

STAGE FOUR

10 YEARS

Construction & Activation

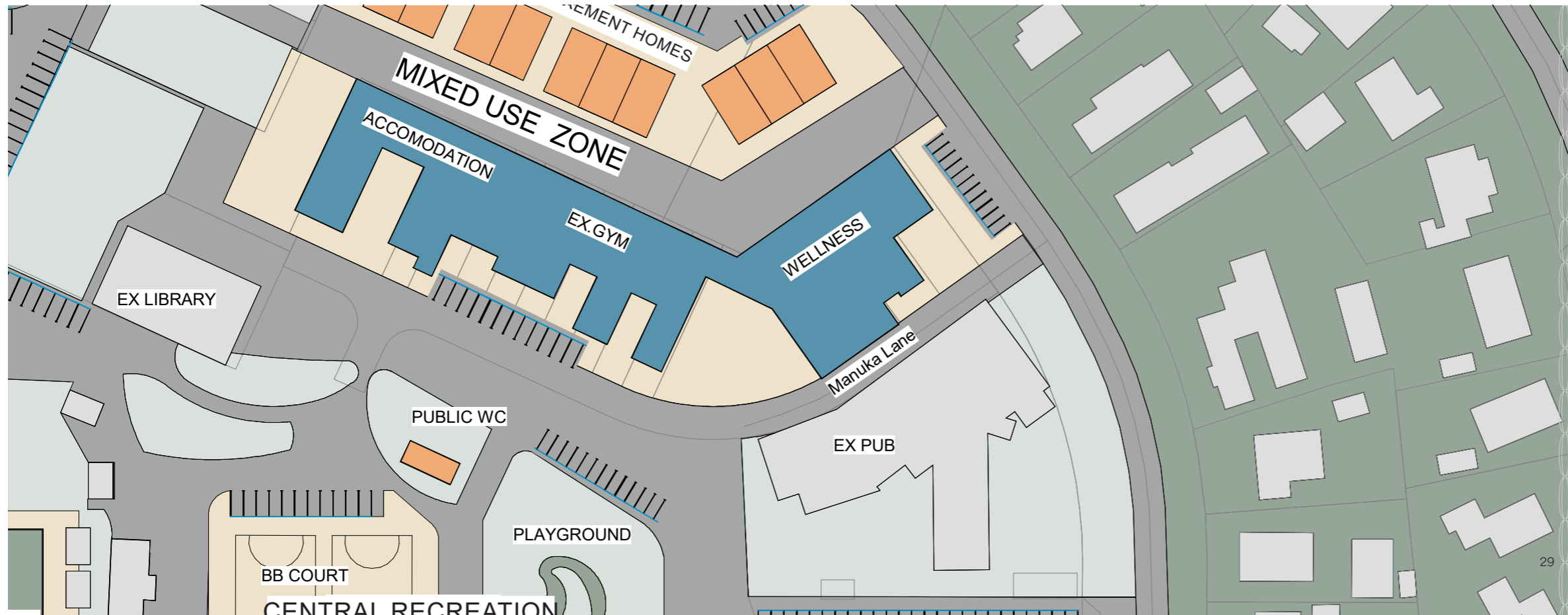
Begin staged redevelopment of key sites, the gym, wellness hub, and residential units alongside streetscape and public space upgrades. Activate the area through local events and community programming.

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9.1.1 Appendix A - Murupara Masterplan(Cont.)



9.1.1 Appendix A - Murupara Masterplan(Cont.)



MURUPARA *Central Recreational Zone*

The Murupara Central Recreation Zone has been envisioned as a way to draw the community back into the town centre by creating a vibrant, whānau-friendly environment that caters for all ages. It seeks to provide spaces that encourage health, recreation, and social connection while strengthening the role of the town centre as a hub of activity alongside the future mixed use and commercial zones.

9.1.1 Appendix A - Murupara Masterplan(Cont.)

Central Recreational Zone



This zone begins with the upgrade of the existing swimming pool to allow year-round use, supported by modern, accessible changing facilities. Long-term enhancements, such as heating, would ensure a comfortable community facility usable in all seasons.



A staged development of a community centre is proposed, starting with a sheltered gathering space beside the upgraded basketball courts, including barbecue facilities for whānau and friends. Over time, this could expand into a flexible meeting room and larger hall suitable for events, programmes, and wider community activities.



A new playground featuring water play and agility-based equipment will provide spaces for tamariki and rangatahi to engage and stay active, supporting intergenerational recreation.



The zone includes a pump track and running track, strengthening physical connections with the town gym and the adjacent Mixed Use Zone.



A skate park, new pathways, and improved landscaping will enhance accessibility and connectivity across the recreation area. Together, these features will create an inviting network of open spaces that encourage movement and community use.

COMMUNITY BENEFITS

By delivering a diverse range of recreational and social opportunities, the Murupara Central Recreation Zone will establish a lively and welcoming environment at the heart of the town. It provides inclusive spaces for all ages to gather, play, and stay active, reinforcing Murupara identity as a community that values hauora, whanaungatanga, and participation.

The zone strengthens the link between recreation, commerce, and daily life, supporting local vibrancy and creating a central hub that enhances both quality of life and the sense of belonging for residents.

9.1.1 Appendix A - Murupara Masterplan(Cont.)

Steps to Developing the
Central Recreational Zone

STAGE ONE

5 YEARS

Develop Costed Designs & Staging Plan

Produce detailed designs and cost estimates for each component (aquatic centre upgrade, community centre, park, skate park), with precise staging.

STAGE TWO

5 YEARS

Secure Necessary Consents & Approvals

Obtain building and resource consents, especially for structural elements and upgrades near water infrastructure.

STAGE THREE

5 YEARS

Secure Funding & Partnerships

Confirm funding across public, iwi, private, philanthropic, and government sources. Formalise delivery partnerships.

STAGE FOUR

10 YEARS

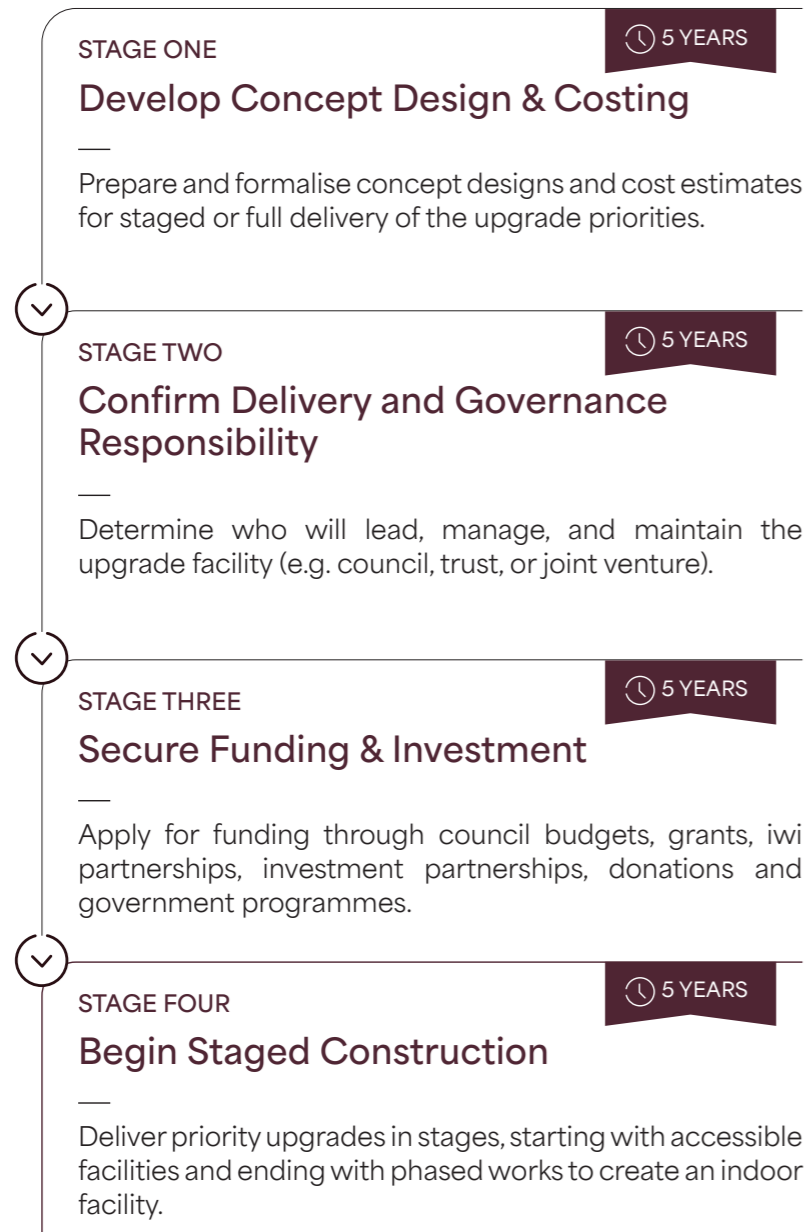
Commence Staged Delivery

Implementation should begin according to the staging plan, e.g., the aquatic centre upgrade should be the first step, followed by the community centre and then the park and skatepark development.



9.1.1 Appendix A - Murupara Masterplan(Cont.)

Steps to Developing the
Existing Murupara Aquatic Centre



Murupara Masterplan | Tāwhiri Matawhānui 2025

9.1.1 Appendix A - Murupara Masterplan(Cont.)

Steps to Developing the
Community Centre

STAGE ONE

5 YEARS

Establish Core Structure

Construct a covered outdoor pavilion with picnic tables and built-in BBQ facilities, creating a flexible, whānau-friendly gathering space with open airflow and shelter from rain and sun. Locate adjacent to the existing basketball court behind the pools to encourage connected community use.

STAGE TWO

10 YEARS

Add Enclosed Meeting Facility

Build two enclosed meeting rooms, a smaller space for hui, workshops, and rangatahi programmes, and a larger multi-purpose room for community events, whānau celebrations, and service delivery. Include accessible toilets and a basic kitchenette to support daily use and wider community programming.

STAGE THREE

20 YEARS

Extend Shelter & Lighting

Install shelter and lighting over the existing basketball court to enable safe, all-weather use. Add seating and informal viewing areas to support spectators and create a connected, inclusive recreation space for all ages.



9.1.1 Appendix A - Murupara Masterplan(Cont.)



Murupara Masterplan | Tātai Mata-whānui 2025

Steps to Developing the Murupara Playground & Skatepark

STAGE ONE

5 YEARS

Site Preparation & Planning

Construct toddler-friendly water play features, like those at Hamilton Lake, with shade sails, safe surfacing, and seating. New pathways, lighting, and landscaping will connect the park to nearby community spaces including the library, pools, and community centre, while bins, fountains, signage, and accessible seating will ensure a functional and inclusive environment from the outset.

STAGE TWO

10 YEARS

Park Activity Zones & Skate Park Stage One

Introduce a range of play and recreation elements for different age groups. Climbing frames, rope towers, swings, balance and agility zones. Begin Skate Park Stage One, focusing on beginner/intermediate elements with open viewing space for whānau. Surround Playground with Pump and Running Track.

STAGE THREE

10 YEARS

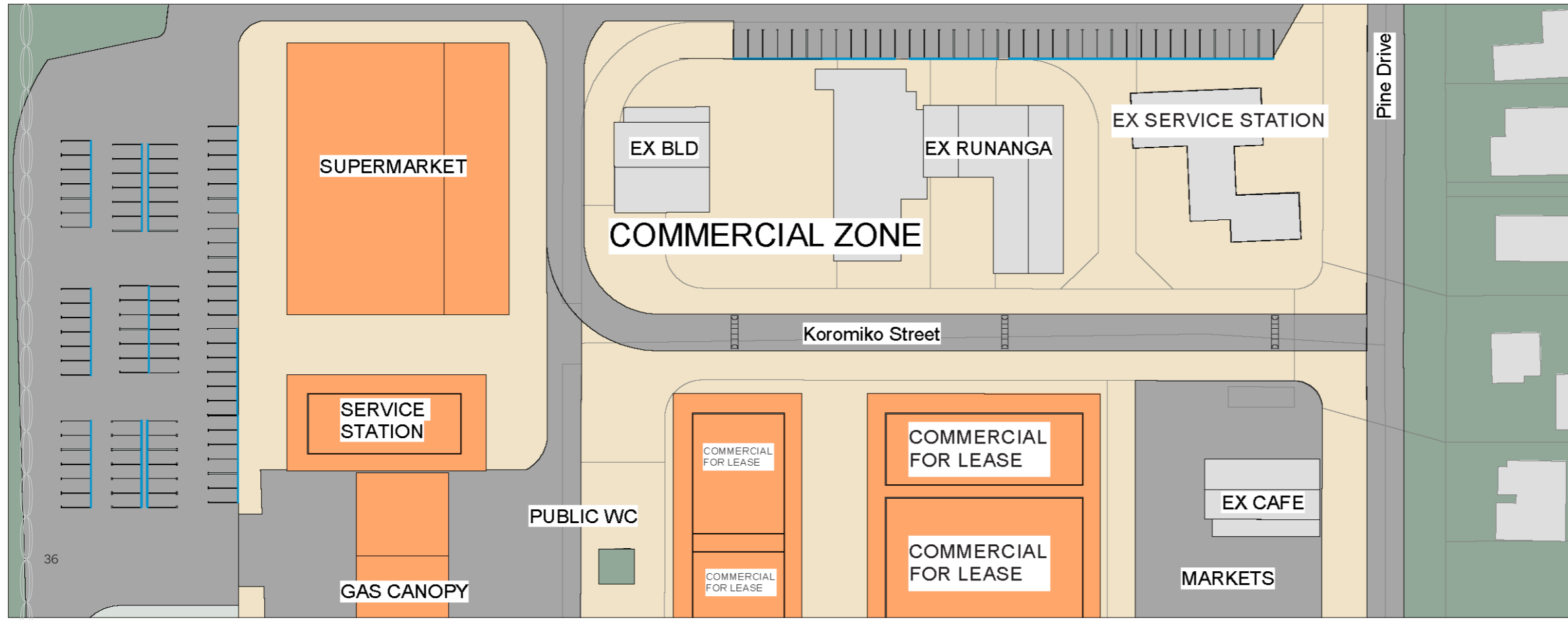
Skate Park Stage Two & Cultural Elements

Complete advanced skate park features, designed in consultation with rangatahi and skaters. Integrate cultural design elements, carvings, pou, murals, and storytelling panels, to reflect Ngāti Manawa identity. Finalise planting and ensure all spaces are connected to adjacent zones (CBD, pool, library) with coherent pathways and signage. Add covered areas and picnic zones to support day-long use.

9.1.1 Appendix A - Murupara Masterplan(Cont.)



9.1.1 Appendix A - Murupara Masterplan(Cont.)








MURUPARA *Commercial Zone*

The Murupara Commercial Zone has been envisioned to build on the town's role as a central service hub, not only for the people of Murupara but also for the surrounding communities of Galatea, Kaingaroa, Minginui, Te Whāiti, Ruatāhuna, and the wider rohe of Te Urewera. Designed with accessibility and viability in mind, the zone seeks to create a roadside "service centre" that responds to daily traffic flows while strengthening the commercial heart of the town.

9.1.1 Appendix A - Murupara Masterplan(Cont.)

Commercial Zone

-  The zone proposes relocating the existing service station to a more prominent and accessible site, increasing visibility for passers-by and improving convenience for both residents and visitors. This move reinforces Murupara's position as a natural stopping point for travellers.
-  The introduction of a supermarket is a central feature of the plan, addressing a longstanding community need by reducing the need for residents to travel to Whakatāne or Rotorua for groceries and daily essentials.
-  The supermarket's presence would also attract shoppers from surrounding districts, supporting local economic activity and keeping spending within the community.
-  The zone includes new retail opportunities through the development of leasable spaces adjacent to the mixed use and recreation zones, encouraging a seamless flow between daily living, leisure, and commerce.
-  These additions are intended to complement rather than compete with existing local businesses such as the four square, fish and chip shops and dairy's, town café and pub, strengthening the diversity of Murupara's commercial offerings.

COMMUNITY BENEFITS

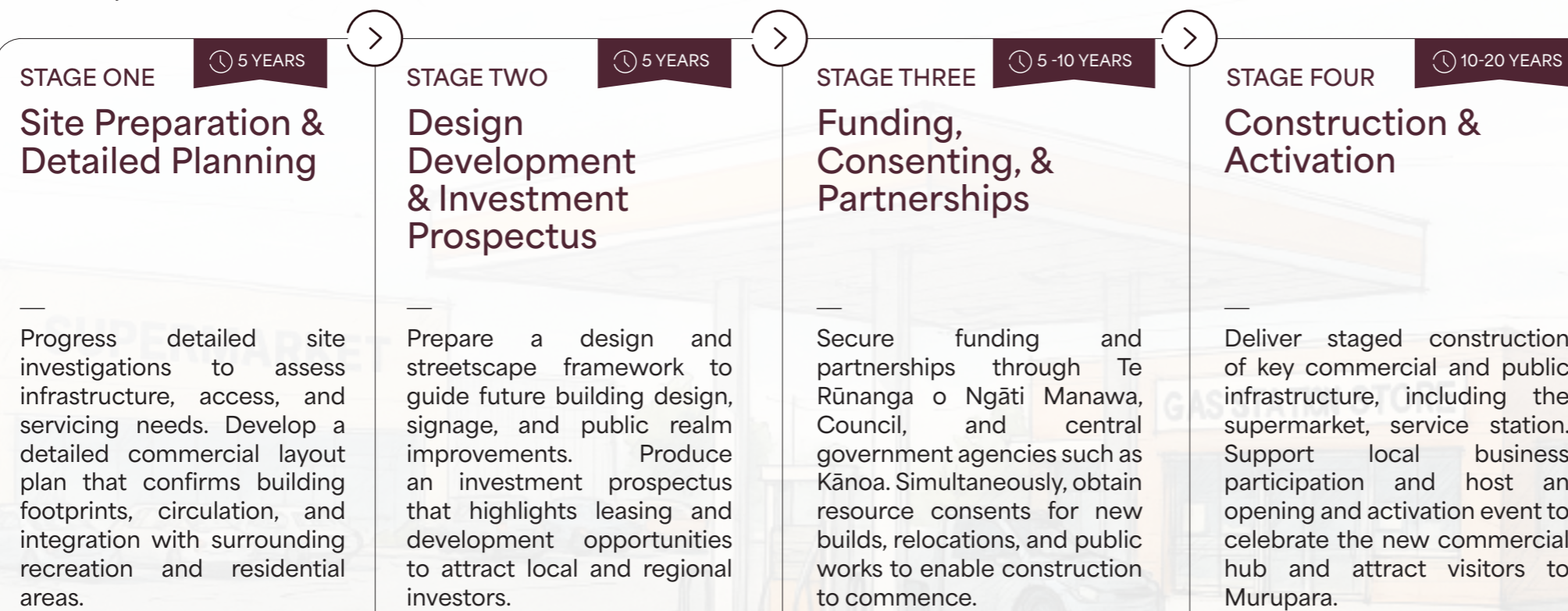
The Murupara Commercial Zone has the potential to significantly improve quality of life for residents by providing essential services locally and reducing the need to travel for everyday needs. It would also strengthen the town's economic base by creating new business opportunities and attracting spending from both locals and the wider region.

By positioning commercial activity alongside the mixed use and recreation zones, the plan promotes a cohesive and accessible town centre where housing, health, recreation, and commerce work together to create vibrancy. For both residents and visitors, the Commercial Zone represents a vision of Murupara as a thriving service hub that supports the wider Te Urewera communities while building resilience and opportunity for the future.

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9.1.1 Appendix A - Murupara Masterplan(Cont.)

STEPS TO DEVELOPING THE
Murupara Commercial Zone:



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9.1.1 Appendix A - Murupara Masterplan(Cont.)

What is your view of the current Murupara?
*“It needs more opportunities to bring
customers into Murupara”*



9.1.1 Appendix A - Murupara Masterplan(Cont.)

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Wider Murupara Recreation Areas



9.1.1 Appendix A - Murupara Masterplan(Cont.)

Delivering a

Murupara Motorcross Park

WHY A MOTORCROSS PARK IN MURUPARA

In Murupara, rangatahi have expressed that riding dirt bikes is more than a past time, it is a way to be visible, to demonstrate skill, and to connect with their peers. Safety concerns arise when bikes are used in areas not designed for them. A dedicated Motorcross Park would provide a safe and purpose-built environment where young people can ride while still being recognised and celebrated for their energy and passion, transforming a potential risk into a positive outlet. More than just a track, such a facility would show that the community has listened to its rangatahi. By responding to both safety and youth aspirations, a Motorcross Park has the potential to strengthen community pride, enhance opportunities for rangatahi, and contribute to a vibrant and future-focused Murupara.

1. Create an alternative to road use for tamariki who currently ride unsafely.
2. Develop a safe recreational space with clear boundaries, protective barriers, and designated riding areas.
3. There must be restrictions around use so that noise can be managed within certain hours.
4. The area should have a seated area for people to watch.
5. The location should allow for visibility and whānau support.
6. Encourage community use and support through accessible, inclusive design.

PROPOSED SITE ONE

The proposed site is currently subject to an agreement between the Department of Conservation (DOC) and Murupara High School, allowing the school to use the land for sports and recreational activities. Despite this, the site presents an optimal location for the proposed motocross park, as it enables delivery of all six identified priorities. Notably, it would support the establishment of a security unit to monitor the mixed-use zone, recreational zone, and new CBD zone, ensuring compliance with use restrictions between 6pm and 8am. Incorporating the motocross park into the recreational zone and including it within the proposed Murupara Town Centre Plan Change would provide an efficient planning pathway. However, due to the existing DOC-High School agreement, the availability of this site remains uncertain.



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9.1.1 Appendix A - Murupara Masterplan(Cont.)

PROPOSED SITE TWO

Rangitahi College (currently not operating), is currently Crown owned for education purposes, though the school it served is no longer active. It was originally intended for return to Te Runanga o Ngati Manawa through their deed of settlement, but this process did not proceed as local whānau have sought the land to be returned directly to them. Negotiations between the Crown and whanau regarding its return are ongoing. While the site may support the creation of an alternative to road use for tamariki who currently ride unsafely and provide a safe recreational space with clear boundaries and designated riding areas, its remote location on the outskirts of town limits its ability to deliver on other key priorities.

Noise impacts could be more easily managed through restricted use hours, but the site is less suitable for providing visibility, whānau support, and community engagement through accessible, inclusive design and public viewing areas. Given its location and unresolved ownership status, the site is unlikely to be suitable for development at this stage.

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PROPOSED SITE THREE

Wingate Park site is currently designated as a district sport and recreation reserve used primarily for rugby and athletics. Following community engagement, it was also identified as an area currently being used informally for motocross activities. The reserve is located directly behind Murupara Area School and within close proximity to residential properties.

While its central location makes the site highly accessible and visible, qualities that could encourage whānau participation, community oversight, and safer recreational use. It also raises potential noise and safety concerns. The proximity to the school and nearby homes would require careful management of operating hours, noise mitigation measures, and separation between school and recreational users to ensure compatibility with surrounding land uses.



9.1.1 Appendix A - Murupara Masterplan(Cont.)

Steps to Developing the Murupara Motorcross Park



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9.1.1 Appendix A - Murupara Masterplan(Cont.)



Delivering a fit for Purpose
Taniwha Park

Taniwha Park is being revitalised as a designated swimming area that reconnects the uri of Ngāti Manawa with their tūpuna awa, Te Rangitāiki. The project aims to create a space that celebrates cultural identity, safety, and community pride. A safe, welcoming environment for whānau of all ages.

The upgrade forms part of the wider Murupara Drinking Water Scheme, focusing on safe, accessible facilities that support healthy, water-based recreation.

A key feature is the new bridge, designed to carry essential water infrastructure while also serving as a visual and functional landmark.

The bridge will provide:

- A safe pedestrian crossing point.
- A place for people to pause and connect with the awa.
- A purpose-built jumping platform, replacing the informal use of the existing water pipe.

Additional improvements include new public toilets and a barbecue area, enabling whānau to gather, cook, and spend more time together by the river. To enhance safety, the park design also includes a lockable gate that can be secured at night, helping to protect both users and the surrounding environment after hours.

By transforming Taniwha Park into a safer, better-equipped swimming destination, the project enhances how the community already uses the awa strengthening those traditions with purpose-built infrastructure. As the Murupara Drinking Water Scheme progresses, the design and features may continue to evolve to reflect both community aspirations and the needs of the wider project.

PROJECT FEATURES

1. A safe and engaging play area for tamariki, including a bridge and jumping platform.
2. Shaded seating and gathering spaces for whānau and community use.
3. Outdoor cooking and whānau-friendly recreation facilities.
4. A designated cultural or community fire area with appropriate safety measures.
5. A lockable gate for controlled night time access and improved public safety.

9.1.1 Appendix A - Murupara Masterplan(Cont.)

Steps to Developing the
Taniwha Park

STAGE ONE

5 YEARS

Integration with Drinking Water Project

Ensure the park upgrade is formally integrated with the Murupara Water Treatment Plant project so that timelines, consents, and infrastructure works (such as pipe installation) are coordinated. This alignment minimises disruption and supports cohesive delivery of both projects.

STAGE TWO

5 YEARS

Secure Necessary Consents & Approvals

Refine the concept design to reflect feedback gathered through the Murupara Masterplan engagement. This step ensures that cultural, safety, and functional elements remain aligned with community aspirations and practical delivery requirements.

STAGE THREE

5 YEARS

Secure Consents & Approvals

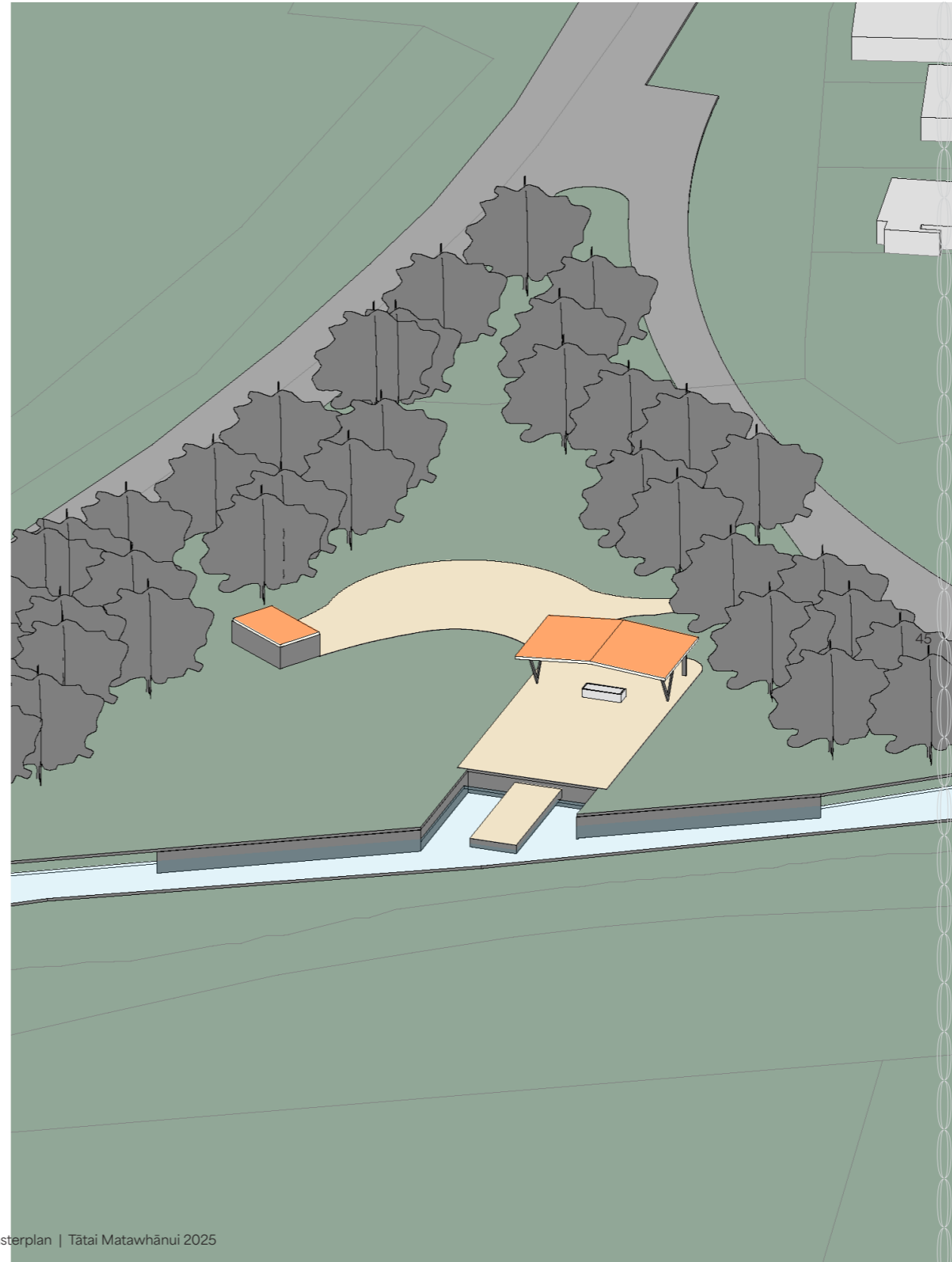
Apply for and obtain all necessary planning, environmental, and river-use consents, including cultural and ecological assessments. Approvals should confirm the suitability of structures (like the feature bridge) and fire use for barbecues.

STAGE FOUR

5-10 YEARS

Confirm Funding & Stage Construction

Secure funding through Council budgets, and potential external grants. Implement the project in stages, prioritising safety improvements and community access. Construction should be sequenced to allow partial park use during works.



9.1.1 Appendix A - Murupara Masterplan(Cont.)



9.1.1 Appendix A - Murupara Masterplan(Cont.)



Housing Development 47



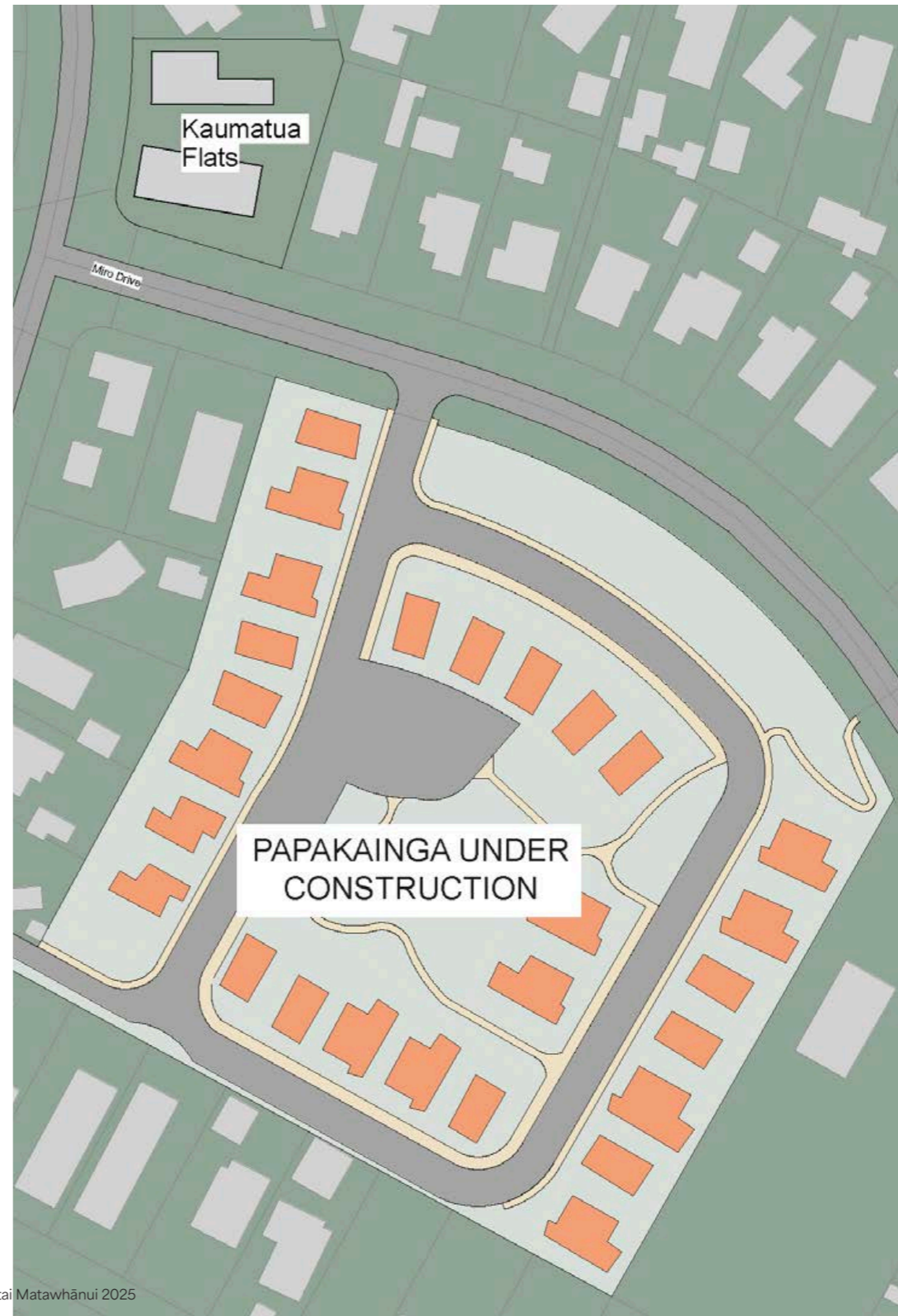
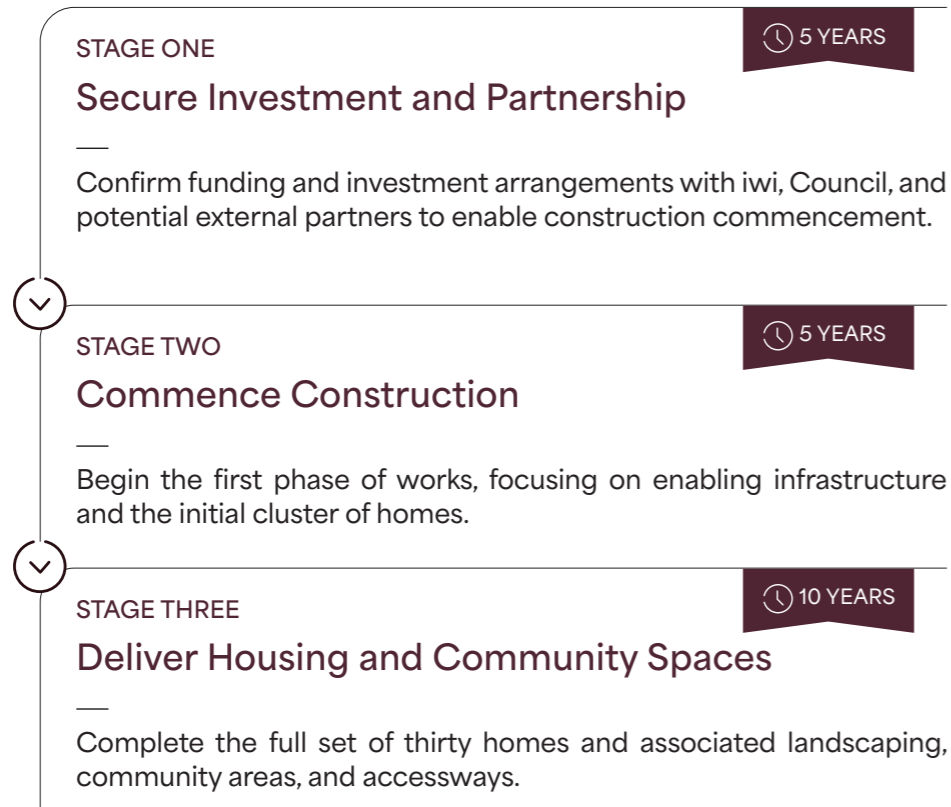
9.1.1 Appendix A - Murupara Masterplan(Cont.)

Miro Drive

The Miro Drive Housing Development represents a significant step forward for Ngāti Manawa and the wider Murupara community, addressing the pressing need for quality, affordable housing within the rohe. Consents have been completed, and the project is now shovel ready.

The development provides a mix of two, three, and four bedroom homes designed to meet the needs of whānau at different life stages. Options will include both purchasable homes and affordable rental options, with rents set at 80% of market rates. This approach keeps housing within reach for local families, creates pathways to home ownership, and ensures benefits remain rooted in the rohe.

STEPS TO DEVELOPING MIRO PARK:



9.1.1 Appendix A - Murupara Masterplan(Cont.)

Evans Park

EXPLORING THE FUTURE OF PAPA KĀINGA

Evans Park in Murupara has been identified as a priority site for new housing development, with Wingate Park and the proposed recreational zone also highlighted through community engagement as a potential location for future housing initiatives

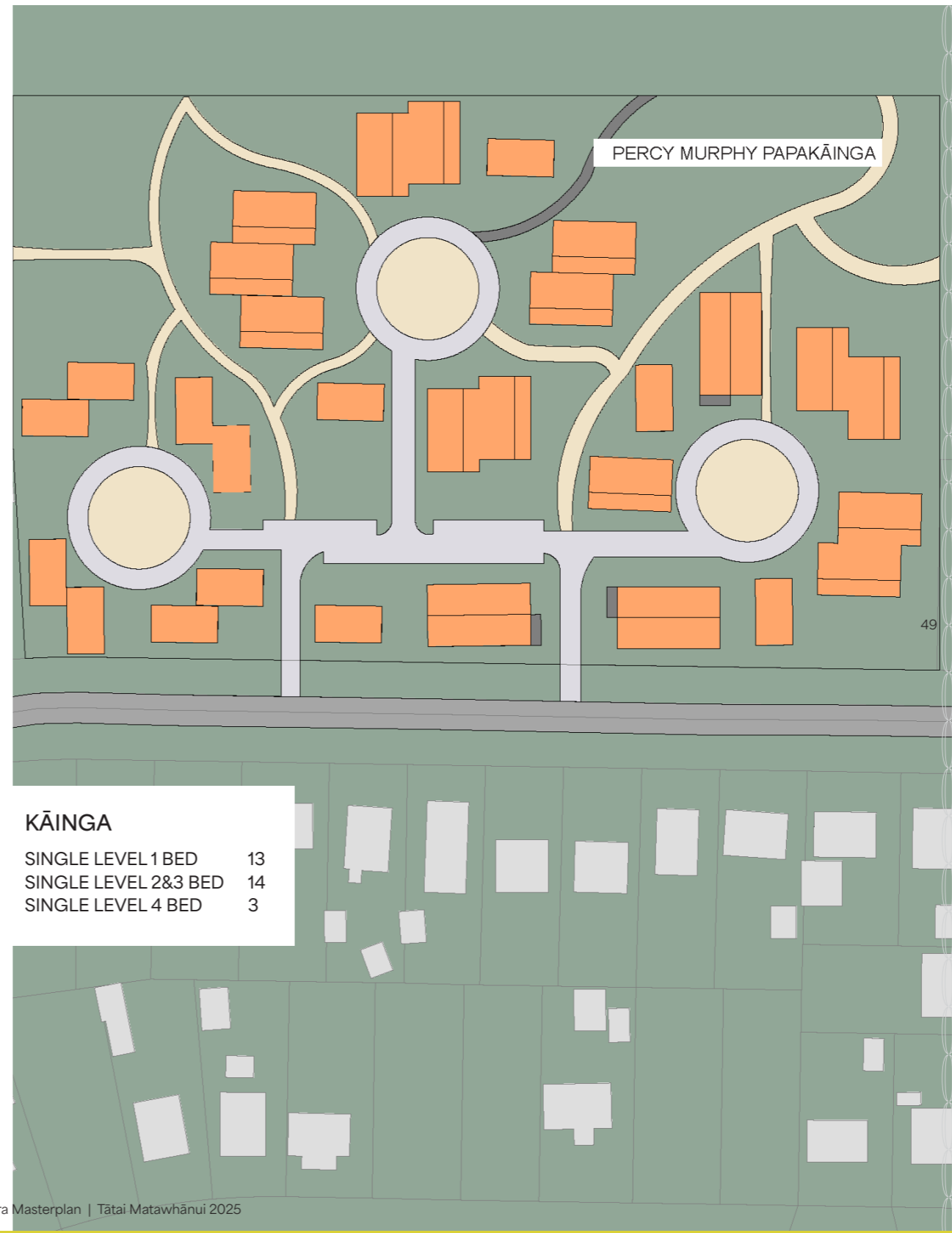
Rethinking traditional lot-based housing by focusing on shared, interconnected living spaces. This approach aims to build resilient communities by prioritising communal areas and flexible housing arrangements, balancing collective ownership with individual needs.

By grouping homes into clusters with a variety of housing types, the layout supports diverse whānau arrangements while encouraging social connection. Shared central spaces act as gathering points, and sheltered parking with connecting walkways creates a more open, walkable environment, including a residential care centre.

The community identified that helicopters currently use this site for landings. Any future development must consider relocating or safely accommodating this activity to ensure emergency and community access needs continue to be met.

KEY CONSIDERATIONS

- Include communal planted areas for gatherings and social interaction.
- Provide shared, covered parking to maintain openness and community focus.
- Link clusters with pathways to encourage walking and connect to future developments and the awa.
- The community identified that helicopters currently use this site for landings. Any future development must consider relocating or safely accommodating this activity to ensure emergency and community access needs continue to be met.



9.1.1 Appendix A - Murupara Masterplan(Cont.)



9.1.1 Appendix A - Murupara Masterplan(Cont.)



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9.1.1 Appendix A - Murupara Masterplan(Cont.)

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Drinking Water Upgrades



9.1.1 Appendix A - Murupara Masterplan(Cont.)

Planned Drinking Water Upgrades

Access to safe and reliable drinking water is a fundamental priority for Murupara. Over recent years, Whakatāne District Council (WDC), Taumata Arowai, Ngāti Manawa and the community have been working together to address long standing concerns and create a long term solution.

KEY PROGRESS TO DATE

In December 2023, an automated chlorine dosing system was installed to replace the manual twice-daily treatment. This has improved safety and consistency without attracting significant community concern.

WDC has committed funding in its Long Term Plan 2024-34, allocating resources within the first two years to design and build a new Water Treatment Plant (WTP) in Murupara. This sits within a wider \$170m investment in three waters infrastructure across the district.

A community steering group is being established to guide the project, following positive learnings from a joint iwi-council trip to Hastings in May 2024. This partnership model, demonstrated at the Waiaroha Water Discovery Centre, is informing how the project will be designed and delivered with Ngāti Manawa at the centre.

- The new Murupara Water Treatment Plant will provide a protozoa barrier (UV disinfection) to ensure compliance with the Drinking Water Quality Assurance Rules (DWQAR) and significantly reduce risk from waterborne pathogens.
- Upgrades will also address chemical risk management, modernise operations, and strengthen monitoring and compliance processes.
- Engagement with the Murupara community will continue through hui and stakeholder planning sessions to ensure

1. While Taniwha Park has been confirmed as the site for the new Water Treatment Plant, the detailed design is still under development. A project plan is being prepared to set out the design options, site considerations, and delivery approach.
2. Once the project plan is in place, a full community engagement process will follow, ensuring that decisions are made transparently and with input from whānau, hapū, iwi, and residents.
3. The Drinking Water Safety Plan will be updated alongside the project to reflect the new infrastructure, risk management, and monitoring requirements.
4. Following completion of the project plan, WDC will progress to consenting, funding confirmation, and staged construction in line with the Long Term Plan timeline.

INDICATIVE TIMEFRAME ————— 5-10 YEARS

The upgrades represent a once in a generation investment in Murupara's essential infrastructure. By working in partnership with Ngāti Manawa and the community, the project aims to deliver a safe, modern, and resilient drinking water supply that will protect public health, meet national standards, and support the town's future growth.

9.1.1 Appendix A - Murupara Masterplan(Cont.)

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Wastewater Upgrades



9.1.1 Appendix A - Murupara Masterplan(Cont.)

Planned Wastewater Renewals

A resilient and reliable wastewater network is critical to protecting community health and the environment in Murupara. Over the past two years, Whakatāne District Council (WDC) and Ngāti Manawa have been working together to identify renewal priorities, improve system performance, and address issues within the township's ageing network.

KEY PROGRESS TO DATE

Since 2023, WDC has undertaken significant upgrades to the Murupara wastewater system using a trenchless rehabilitation method known as UV Cured-in-Place Pipe (CIPP) lining. This technology renews existing underground pipes without excavation, restoring full structural integrity and extending the asset life by more than 50 years.

To date, more than 3 kilometres of pipeline have been renewed across Murupara, primarily in residential areas along Pine Drive, Oregon Drive, and Miro Drive. Each completed section is inspected by CCTV and independently verified, with results recorded in Council's asset management system (Retic Manager) to guide future renewals.

Council has also mapped the condition of the remaining network. These assessments identify areas where further renewal or inspection is required, and this information will inform future investment under the Long Term Plan (LTP) 2024-34.

PLANNED UPGRADES

The next stage of works focuses on completing the remaining condition assessments and delivering targeted renewals in areas of highest risk or service failure. Particular attention will be given to:

- Pine Drive and adjoining reserves, where a 600 mm stormwater pipeline blowout occurred in May 2025. This incident highlighted the need for coordinated planning between the stormwater and wastewater networks to reduce erosion and infiltration risks.
- Older network sections where inflow and infiltration (i&i) remain high, contributing to wet-weather overflows and pressure on treatment facilities.
- Wastewater treatment plant (WWTP) upgrades, with funding allocated in 2027-28 to maintain consent compliance and improve operational performance.

Funding for these renewals is included in WDC's Long Term Plan, with budgets programmed from 2024 through 2034 for pipe, manhole, and connection replacements alongside WWTP improvement works.

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9.1.1 Appendix A - Murupara Masterplan(Cont.)



1. Finalise asset condition assessments to confirm priorities and sequencing across the network.
2. Continue coordination with stormwater and water projects to ensure integrated delivery and minimise community disruption.
3. Engage with Ngāti Manawa and the community on renewal planning, particularly where works occur near sensitive environments or waterways.
4. Progress design and consenting for the WWTP upgrades, ensuring alignment with environmental standards and iwi values.
5. Implement staged renewals in line with the Long Term Plan funding schedule, with progress upgrades shared regularly through community hui.

5 YEARS

The wastewater renewal programme represents a major long-term investment in Murupara's infrastructure resilience. Through partnership with Ngāti Manawa and proactive asset management, these upgrades aim to safeguard public health, protect the Rangitaiki River from contamination, and provide a modern, sustainable network that supports the town's growth and environmental wellbeing.

9.1.1 Appendix A - Murupara Masterplan(Cont.)

FUNDED BY:



WRITTEN BY:



MAPS BY:



9.1.1 Appendix A - Murupara Masterplan(Cont.)



9.2 Approval of Draft Bylaws for public consultation

9.2 Approval of Draft Bylaws for public consultation



To: **Strategy and Policy Committee**

Date: **Thursday, 26 March 2026**

Authors: **H Keravel / Senior Strategic Policy Analyst
N Elliott / Manager Community Regulation**

Authoriser: **L Woolsey / General Manager Strategy & Growth**

Reference: **A3085274**

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

The purpose of this report is for the Strategy and Policy Committee to approve the following draft bylaws, policy and statement of proposal for public consultation:

- Alcohol Control Bylaw (Appendix 1)
- Ports and Wharves (Appendix 2)
- Beaches Bylaw (Appendix 3)
- Dog Control Policy and Dog Control Bylaw (Appendix 4 and 5)
- Keeping of Animals, Stock, Flock and Bees (excluding dogs) (Appendix 6)
- Stock Movement Bylaw (Appendix 7)

Public consultation is planned for 1 - 30 April 2026.

2. Recommendations - *Tohutohu akiaki*

1. THAT the Approval of Bylaws for Public Consultation report be **received**; and
 2. THAT the Strategy Policy Committee **approve for public consultation** the Draft Alcohol Control Bylaw; and
 3. THAT the Strategy Policy Committee **approve for public consultation** the Draft Ports and Wharves Bylaw; and
 4. THAT the Strategy Policy Committee **approve for public consultation** the Draft Beaches Bylaw; and
 5. THAT the Strategy Policy Committee **approve for public consultation** the Draft Dog Control Bylaw and Dog Control Policy; and
 6. THAT the Strategy Policy Committee **either**:
 - **approve for public consultation** the Draft Keeping of Animals, Stock, Flock and Bees (excluding dogs) bylaw
- or**
- **approve for public consultation** the Draft Keeping of Animals, Stock, Flock and Bees (excluding dogs) bylaw with an amendment to the 'poultry keeping' section of the bylaw that increases

9.2 Approval of Draft Bylaws for public consultation(Cont.)

the distance of a poultry house or poultry run from 2 meters to 5 meters from any dwelling or any other building (- refer to section 5.4 for option analysis);

7. THAT the Strategy Policy Committee **approve for public consultation** the Draft Stock Movement Bylaw; and
8. THAT the Strategy Policy Committee **either:**

- **Approve for public consultation** the statement of proposal for the six bylaws (noting it will be updated to reflect Council's decisions for recommendations 5)

or

- **Approve for public consultation** the statement of proposal for the six bylaws subject to an amendment that removes the consultation question relating to if dogs should be restricted on leash only at Ōhope Beach from Westend to the Whakatane Surf Club and outside the Ōhope Beach Holiday Park during peak seasonal periods (20th December – 28th February).

3. Background - *He tirohanga whakamuri*

3.1. Legislation

Council bylaws are created under the Local Government Act 2002 (LGA), specifically sections 145 & 146 & 147. Bylaws can also be made under other more specific legislation including the Dog Control Act 1996 and the Land Transport Act 1998.

Territorial authorities may make bylaws for one or more of the following purposes:

- a. protecting the public from nuisance;
- b. protecting, promoting, and maintaining public health and safety; or
- c. minimizing the potential for offensive behaviour in public places.

The LGA also lists additional specified purposes that territorial authorities can make bylaws for:

- Section 146 - keeping animals, bees, poultry and other areas.
- Section 147 - Power to make bylaws for alcohol control purposes.

Bylaws must be reviewed five years after the date they were first made, and every ten years hereafter.

3.2. Statement of proposal (SOP)

Council must consult the community and use the special consultative procedure in accordance with section 156 of the LGA.

According to section 86 of the LGA, the statement of proposal must include:

- a draft of the bylaw as proposed to be made or amended; or
- the reasons for the proposal
- a report on any relevant determinations by the local authority under [section 155](#) .

The draft statement of proposal is attached (Appendix 8) and will be updated to reflect any Council decisions regarding the approval of the draft bylaws for consultation.

9.2 Approval of Draft Bylaws for public consultation(Cont.)

3.3. Determinations

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

3.4. Bill of Rights Act

Section 155(2) of the LGA 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.

3.5. Process to date

Council received a policy and bylaw update report on 8 May 2025. This report outlined that although all bylaws are not yet due for review, some would be brought forward to ensure sufficient capacity while the Long Term Plan 27/37 is being developed.

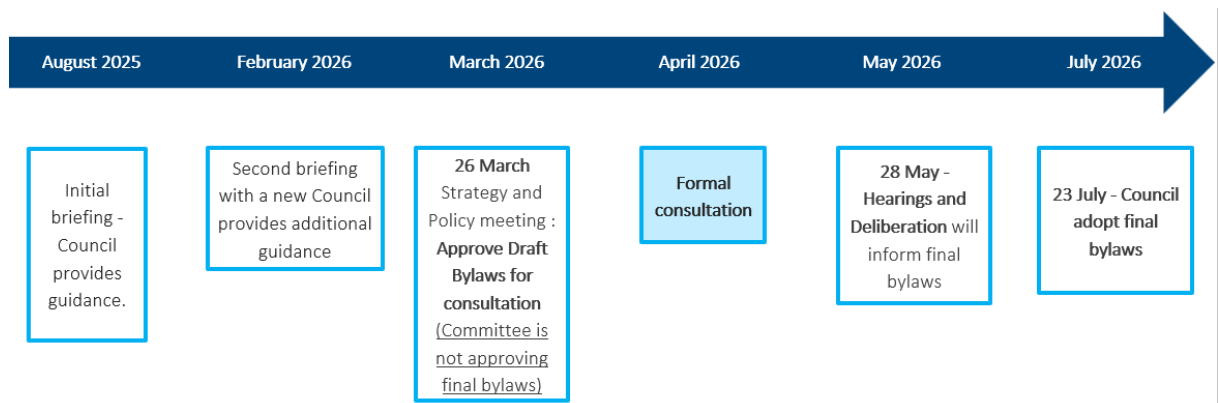
The bylaws being reviewed commenced on 1 July 2018 and are therefore due for review by 30 June 2028. The review of bylaws is a process that usually take around 12 months.

Two Council briefings were held in August 2025 and in February 2026 to update the Council on the work undertaken and to gather insights on key issues from both the Council and the community.

Council’s feedback and legal review have been used to inform the draft bylaws that are presented to this Committee to approve for consultation.

3.6. Council’s involvement in bylaw decision making process

The following diagram provides a timeline for Council’s involvement in the bylaw decision making process.



9.2 Approval of Draft Bylaws for public consultation(Cont.)

4. Discussion (Kōrerorero) and Options Analysis (Ngā Kōwhiringa)

To date, staff have analysed customer service requests and worked across various departments, (including regulatory, open spaces, ports and harbours, and transport) to identify issues with the current bylaws and to assess community concerns.

The revised bylaws have also been examined by legal experts to ensure compliance with the Bill of Rights Act 1990 and that each bylaw does not exceed its legal authority (*ultra vires*).

Overall, our existing bylaws are working well. We acknowledge that some improvements can be made and these, along with options, are outlined in the following sections.

4.1. Alcohol Control Bylaw

The purpose of the bylaw is to keep public places safe by reducing alcohol related- crime, disorder, and antisocial behaviour through the regulation of alcohol use in public areas.

4.1.1. *Proposed changes to the Alcohol Control Bylaw*

Key changes that are proposed include:

- 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 daily for those specified public places. We are also proposing to remove seasonal alcohol bans to improve clarity for the public.
- Including Waimana within the Alcohol Control Areas to meet community expectation and ensure consistency across the district.
- 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.
- Updating enforcement provisions including clearer search related powers for Police (as permitted under the Local Government Act).
- Extending the Ōhope 2 Alcohol Control Map to include the Ōhope Beach Tavern carpark.

4.1.2. *Requesting additional community feedback on whether a 24/7 Alcohol Ban should be introduced for the Whakatāne CBD*

While not currently included in the draft bylaw, Council would like to receive feedback from the community on whether a permanent 24/7 Alcohol Ban should be introduced for the Whakatāne CBD.

This is suggested by the New Zealand Police to help address offensive behavior in the CBD.

Feedback received on this topic will help shape the final bylaw.

9.2 Approval of Draft Bylaws for public consultation(Cont.)

4.1.3. Options Analysis

4.2. Option 1- Approve the Draft Alcohol Control Bylaw for consultation and request additional community feedback on a 24/7 ban in the Whakatāne CBD (recommended option)

Advantages	Disadvantages
<ul style="list-style-type: none"> • Meet legislative timeframes • Improves clarity and consistency of alcohol bans • Community feedback on a 24/7 Whakatāne CBD ban will provide insight into community views • Responds to community expectations • Improves Council’s ability to manage emerging risks by enabling temporary alcohol bans for specific events • Supports effective enforcement by NZ Police 	<ul style="list-style-type: none"> • Simplifying the timing of alcohol bans may be viewed as being more restrictive by members of our community.

4.3. Option 2 – Approve the Draft Alcohol Control Bylaw for consultation with no additional community feedback on a 24/7 ban in the Whakatāne CBD

Advantages	Disadvantages
<ul style="list-style-type: none"> • As above (without bullet point 3) 	<ul style="list-style-type: none"> • As above • Missed opportunity to gather community feedback on a 24/7 Whakatāne CBD ban.

4.4. Option 3 – Do not approve the Draft Alcohol Control Bylaw for consultation

Advantages	Disadvantages
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Unable to meet statutory timeframes for bylaw review. • May result in enforcement issues for Police • Loss of efficiency – time and resource • Missed opportunity to consult with community on alcohol related issues

4.5. Ports and Wharves Bylaw

The purpose of the Ports and Wharves Bylaw is to regulate the use of ports structures owned by the Council relating to matters such as berthages, parking, vessels and the maintenance of the structures themselves.

9.2 Approval of Draft Bylaws for public consultation(Cont.)

4.5.1. Proposed changes to Ports and Wharves Bylaw

Key changes that are proposed include:

- Removing 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 water safety. Jumping is undertaken at the individual’s own risk.
- Including a reference to s164 of the Local Government Act which allows the Council to seize/impound vessels breaching the bylaw.
- 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.
- Updating rules on refuelling restrictions, fishing behaviour and waste disposal, exclusive event use, dangerous goods handling, berthage license and license revocation.
- Introducing fees for parking, casual berthing and overstaying on port structures, to be listed in the Fees and Charges Schedule.
- Including rules 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.

4.5.2. Options Analysis

4.6. Option 1 - Approve the Draft Ports and Wharves Bylaw for consultation (recommended option)

Advantages	Disadvantages
<ul style="list-style-type: none"> • Meet legislative timeframes • Feedback from the community will help shape the final bylaw • Clarification for the public around water safety – jumping is at individual’s own risk • Is in alignment with Memorandum of Understanding signed with Bay of Plenty Regional Council • Will run alongside pre-engagement for the Ports Operational Plan • Increased fairness for all users waiting for berthage licenses • Improved enforcement with powers to remove and impound vessels • Clarified expectation and rules for port and wharf activities such as fishing and events etc. • Clarification of process to apply for permission/approval for certain activities. 	<ul style="list-style-type: none"> • No disadvantages identified

9.2 Approval of Draft Bylaws for public consultation(Cont.)

4.7. Option 2 – Do not approve the Draft Ports and Wharves Bylaw for consultation

Advantages	Disadvantages
<ul style="list-style-type: none"> • No advantages identified 	<ul style="list-style-type: none"> • Unable to meet statutory timeframes for bylaw review. • Potential misalignment with both the Memorandum of Understanding with Bay of Plenty Regional Council and with Council’s Ports Operational Plan • Loss of efficiency – time and resource • Missed opportunity to consult with community on issues relating to ports and wharves

4.8. Beaches Bylaw

The purpose of the Beach Bylaw is to protect the beach environment and to control activities that occur on the beaches that can negatively impact public use and safety.

4.8.1. Proposed changes to Beaches Bylaw

Key changes that are proposed include:

- Including amphibious vessels in the bylaw and applying the same rules as vehicles to reduce environmental damage on our beaches.
- Fire provisions were ambiguous and are reworded to clarify requirements and to reference other applicable fire control legislation.
- A new license section is proposed in the bylaw to set out the application requirements for any permissions required from the Council under the bylaw (for example, applications for organised events).

4.8.2. Options Analysis

4.9. Option 1 - Approve the Draft Beaches Bylaw for consultation (recommended option)

Advantages	Disadvantages
<ul style="list-style-type: none"> • Meet legislative timeframes • Feedback from the community will help shape the final bylaw • Further protection to beach environment by • Including Amphibious vessels in the bylaw • Improved enforcement with powers to remove structure of on the beach • Clarified expectation and rules for fire • Clarification of process to apply for permission/approval for certain activities. 	<ul style="list-style-type: none"> • No disadvantages identified

9.2 Approval of Draft Bylaws for public consultation(Cont.)

Option 2 – Do not approve the Draft Beaches Bylaw for consultation

Advantages	Disadvantages
<ul style="list-style-type: none"> No advantages identified 	<ul style="list-style-type: none"> Unable to meet statutory timeframes for bylaw review. Loss of efficiency – time and resource Missed opportunity to consult with community on issues relating to our beaches

4.10. Dog Control Policy and Dog Control Bylaw

The Dog Control Policy and Dog Control Bylaw are complimentary. The Dog control Policy sets out the Council’s overall approach to managing dogs, including where dogs should be allowed, the goals for public safety, and how the council expects owners to behave. It is a guiding document required under the Dog Control Act 1996 and explains what the council wants to achieve.

The Dog Control Bylaw contains the legal rules that people must follow. The purpose of the bylaw is to regulate the control of dogs so they do not cause danger, distress or nuisance to the community. It provides enforceable local rules that give legal effect to the Dog Control Policy and regulate dog behaviour and owner responsibilities.

4.10.1. Proposed changes to the Dog Control Policy and Dog Control Bylaw

Key changes that are proposed include:

- Restricting dogs to be on lead at four new sites for the protection of nesting birds. (Hauone Stream, Pikowai Stream, Hereperu Stream, Mimiha Stream).
- Updating the “offences” and “fees” sections of the bylaw for better transparency and to align with the Dog Control Act. 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.
- 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 they have been reviewed to be more user friendly.

4.10.2. Consideration of introducing an urban limit of two dogs on an urban residential property

As part of the development of the bylaw, staff considered introducing an urban limit of two dogs on an urban residential property in both the policy and bylaw. This was shared at the Council’s briefing on 25 February 2026 and received mixed views.

Further research and analysis have been undertaken by staff. It is staff’s view that section 8.2.2 of the bylaw can achieve a similar outcome by preventing nuisance or potential risk to health as it enables a Dog Control Officer to require the owner or occupier to reduce the number of dogs kept on the premises. The implementation of such a provision may be administratively challenging and potentially burdensome.

For these reasons, the draft bylaw proposed for consultation does not introduce an urban limit of two dogs on an urban residential property.

9.2 Approval of Draft Bylaws for public consultation(Cont.)

4.10.3. Requesting additional community feedback on if dogs should be allowed on leash in the Whakatāne CBD

Currently dogs are prohibited from the Whakatāne CBD during 9am – 5pm. Outside of these hours, dogs may enter the CBD on a lead/leash.

- We are asking for community views on:
- Should dogs be allowed in the CBD on a leash outside hours of 9am – 5pm?
- Should dogs be always allowed in the CBD on a leash?
- Should dogs be always prohibited from the CBD?

Feedback received on this topic will help shape the final bylaw.

4.10.4. Requesting additional community feedback on if dogs should be allowed, on leash only, on specific areas of Ōhope Beach during the summer season.

Currently dogs are always allowed on Ōhope Beach. To reduce the risk of danger, distress or nuisance to the community, staff would like to hear community views on the following:

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

Feedback received on this topic will help shape the final bylaw.

4.10.5. Options Analysis

4.11. Option 1 - Approve the Draft Dog Control Policy and Dog Control Bylaw for consultation and request additional community feedback on dog restrictions in Whakatāne CBD and on Ōhope Beach (recommended option)

Advantages	Disadvantages
<ul style="list-style-type: none"> • Meets legislative timeframes • Maintain alignment between policy and bylaws. • Responds to community needs by improving maps so they are more user friendly • Feedback on restricting dogs in the Whakatāne CBD will provide insight into community views • Feedback on restricting dogs on Ōhope Beach during the summer months will provide insight into community views. • Engaging with the community around dog control at this time of heightened national awareness may encourage more community participation. 	<ul style="list-style-type: none"> • Engaging with the community on dog control at this time of heightened national awareness may be challenging for some in the community. • Further amendments may be required as the Local Government Minister has confirmed he is seeking advice on all available options to strengthen dog control.

9.2 Approval of Draft Bylaws for public consultation(Cont.)

4.12. Option 2 - Approve the Draft Dog Control Policy and Dog Control Bylaw for consultation and do not request additional community feedback on dog restrictions in Whakatāne CBD and on Ōhohe Beach

Advantages	Disadvantages
<ul style="list-style-type: none"> As above (first 3 bullet points) 	<ul style="list-style-type: none"> As above Missed opportunity to consult with community on issues relating to dog control, especially at this time of heightened national awareness

Option 3 - Do not approve the Draft Dog Control Policy and Dog Control Bylaw for consultation.

Advantages	Disadvantages
<ul style="list-style-type: none"> Further amendments may be required as the Local Government Minister has confirmed he is seeking advice on all available options to strengthen dog control. 	<ul style="list-style-type: none"> Unable to meet statutory timeframes for bylaw review. Loss of efficiency – time and resource Missed opportunity to consult with community on issues relating to dog control.

4.13. Keeping of Animals, Stock, Flock and Bees (excluding dogs) Bylaw

The purpose of the current Bylaw is to regulate how animals are controlled and kept ensuring 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.

4.14. Proposed changes to the Keeping of Animals, Stock, Flock and Bees (excluding dogs) Bylaw

Key changes that are proposed include:

- Removing provisions for stock movement from 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, which has different enforcement powers.
- Adding a ‘General Requirements’ section that sets out common conditions for the keeping of animals, poultry, and bees, including requirements that they do not cause a nuisance, do not roam or obstruct accessways, are kept in safe and healthy conditions, and do not damage property belonging to others.
- Improving clarity for keeping bees without creating nuisance and updated rules for stock in urban areas.
- Introducing a permit process for parameters relating to the keeping of animals such as the number of animals and where they are kept, setting out what will occur if permits need to be revoked or suspended such as providing an opportunity to be heard.

9.2 Approval of Draft Bylaws for public consultation(Cont.)

- Enabling the Council to seize wandering/trespassing stock under the Impounding Act 1955, or under the Local Government Act if animals are involved in a bylaw breach.
- Clarifying 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.

4.14.1. The keeping of poultry - distance of poultry houses from buildings

The current bylaw restricts poultry houses and runs to be at least two meters from any dwelling or building:

“No poultry house or poultry run shall be erected or maintained so that any part of it is within **2 metres** of any dwelling, factory, or any other building”

At the February Council briefing, discussion occurred on if the distance should remain at two meters or be increased to five meters. Staff request a decision from the Strategy and Policy Committee on if the bylaw and statement of proposal should be kept at two meters or amended to increase the distance to 5 meters.

There is no national rule relating to this issue and different councils set different distances (refer to table below for examples from other councils). Advantages and disadvantages are listed in the option section of this report.

District	Rules relating to distance of poultry houses and poultry runs
Rotorua and Ōpōtiki District Councils	The house and run must be located more than 2 metres from any boundary and 10 metres from any dwelling, factory, or other occupied building.
Tauranga City Council	The coop or run can be constructed along the boundary line but must not be within five metres from any neighbouring dwelling (introduced in 2018)
Hastings	The house or run must be located more than two metres from any boundary of the premises.

4.14.2. Options Analysis

4.15. Option 1 - Approve the Draft Keeping of Animals Bylaw for consultation (recommended option)

Advantages	Disadvantages
<ul style="list-style-type: none"> • Meets legislative timeframes • Supports small-scale backyard poultry • Feedback from the community will help shape the final bylaw • Introduction of clearer ‘general requirements’ for the public to following 	<ul style="list-style-type: none"> • Higher potential for neighbour nuisance with Poultry than option 2

9.2 Approval of Draft Bylaws for public consultation(Cont.)

Advantages	Disadvantages
<ul style="list-style-type: none"> • Improved enforcement with powers to impound wandering, trespassing or animals breaching the bylaw • Clearer permit processes outlined 	

Option 2 – Approve the Draft Keeping of Animals Bylaw with a change to the poultry provision (changing the 2 meters to the 5 meters rule for distance of a poultry house from another building)

Advantages	Disadvantages
<ul style="list-style-type: none"> • As above • Better protection for neighbouring homes with a 5m distancing rule for poultry • Less potential nuisance for neighbouring properties with 5m distancing rule for poultry 	<ul style="list-style-type: none"> • Could rely on general requirement section 4.2 (a) to manage potential issues rather than increase distance controls for poultry. • More restrictive for smaller properties • Potential discouragement of backyard poultry • Could unintentionally create conflict if a coop sits right against the fenceline but still meets the 5m rule. • Potential enforcement issue for non-complying poultry houses/runs that complied with the 2m rule but not a 5m rule

4.16. Option 3 – Do not approve the Draft Keeping of Animals Bylaw for consultation

Advantages	Disadvantages
<ul style="list-style-type: none"> • No advantages identified 	<ul style="list-style-type: none"> • Unable to meet statutory timeframes for bylaw review. • Loss of efficiency – time and resource • Missed opportunity to consult with community on issues relating to the keeping of animals.

4.17. Stock Movement Bylaw

Staff is proposing to introduce this bylaw to address customer service requests relating to requests for a stock crossing permit system, complaints relating to damage to the road, and concerns for public safety.

The purpose of the proposed new Stock Movement Bylaw is to regulate the movement of stock on, across, or along public roads under the control of Council pursuant to the Land Transport Act 1998.

9.2 Approval of Draft Bylaws for public consultation(Cont.)

4.17.1. Key provisions being introduced

This new bylaw introduces the following key provisions:

- Introducing a ‘3-tiered’ regulatory approach to stock movements where permitted movements are low-risk and require no permit, controlled movements have conditions that require a permit, and prohibited movements relate to urban areas and hours of darkness.
- Introducing rule requirements for signage, visibility, hi-vis gear, and other safety provisions, such as Traffic Management Plans and the use of pilot vehicles
- Introducing road cleaning requirements after stock movements, with the ability for Council to recover costs for damage to the road under the Land Transport Act.
- Introducing potential stock Underpasses in some high-frequency locations
- Introducing a permit process for moving stock and setting out what will occur if permits need to be revoked or suspended such as providing an opportunity to be heard.
- Clarifying 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.

4.18. Option 1 - Approve the Draft Stock Movement Bylaw for consultation

Advantages	Disadvantages
<ul style="list-style-type: none"> • Meet legislative timeframes • Feedback from the community will help shaping final bylaw • Introduction of 3-tiered regulatory system which clarifies when stock movement is controlled, prohibited, or permitted • Sets out recovery costs • Clearer permit processes outlined • Response to community request for a permit process for stock movement • Following legal advice to create a separate dedicated Stock Movement Bylaw under the Land Transport Act 	<ul style="list-style-type: none"> • No disadvantages identified

4.19. Option 2 - Do not approve the Draft Stock Movement Bylaw for consultation

Advantages	Disadvantages
<ul style="list-style-type: none"> • No advantages identified 	<ul style="list-style-type: none"> • Unable to meet statutory timeframes for bylaw review. • Loss of staff efficiency – time and resource • Missed opportunity to consult with community on issues relating to the movement of stock.

9.2 Approval of Draft Bylaws for public consultation(Cont.)

5. Significance and Engagement Assessment - *Aromatawai Pāhekoheko*

5.1. Assessment of Significance

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

Significance Criteria	Comments	Impact Assessment
Level of community interest: Expected level of community interest, opposition or controversy involved.	Expected Interest in specific topics (dogs, alcohol control, beach, animals, wildlife)	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.	Moderate impact to maintain public health and safety and protect public from nuisance	Moderate
Rating impact: Expected costs to the community, or sectors of the community, in terms of rates.		Low
Financial impact: Expected financial impact on the Council, including on budgets, reserves, debt levels, overall rates, and limits in the Financial Strategy.		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 other documents	Low
Reversibility: Expected level of difficulty to reverse the proposal or decision, once committed to.	Opportunity to amend bylaw following consultation.	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.	Expected Interest in specific topics (dogs, alcohol control, beach, animals, wildlife)	Moderate
Impact on levels of service: Expected degree to which the Council’s levels of service will be impacted.		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.	Port and Wharves bylaw and Stock movement bylaw prevent damage to Council’s assets	Low

9.2 Approval of Draft Bylaws for public consultation(Cont.)

5.2. Engagement and community views

Pre-engagement with key stakeholders, such as New Zealand Police and affected Iwi groups, has been undertaken. Additionally, community concerns have been identified and analysed through a review of complaints received relating to various bylaws.

Staff will use the special consultative procedure to gather community feedback. A hearings meeting will also be scheduled to allow people to verbally speak to their submission to Council.

A Communication and Engagement plan has been developed to ensure that all relevant stakeholders are informed of the review and consultation process. The engagement plan outlines strategies to effectively communicate with the public, provide clear information about the proposed changes, and offer various channels for submitting feedback on the draft bylaw consultation.

6. Considerations - *Whai Whakaaro*

6.1. Strategic alignment

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

6.2. Legal

Review of bylaws must meet legislative requirements. Staff received legal advice on the draft bylaws to ensure that the bylaws are within the scope of the empowering provisions and conform with the New Zealand Bill of Rights Act 1990.

6.3. Financial/Budget Considerations

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

6.4. Climate Change Assessment

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

The Draft Beaches Bylaw can have a positive impact by protecting the beach environment and ecosystem and therefore contributing to mitigating the impact of climate change.

6.5. Risks

There are no associated risks with this report.

7. Next steps - *Ahu whakamua*

Consultation on the Bylaws is scheduled to occur from Wednesday, 1 April 2026 to Thursday, 30 April 2026.

After the consultation period closes, hearings and deliberations will be conducted on 28 May 2026.

Following Council deliberations, staff will prepare final amendments to the Bylaws based on feedback from the Council and from that received from the community. Final Bylaws are planned for adoption on July 2026.

9.2.1 Appendix 1 - Draft Alcohol Control Bylaw for consultation

Attached to this report:

- Appendix 1: Draft Alcohol Control Bylaw for consultation
- Appendix 2: Alcohol Control Bylaw maps
- Appendix 3: Draft Ports and Wharves Bylaw for consultation
- Appendix 4a: Schedule 1 – Maps showing locations of Ports and Wharves Facilities
- Appendix 4b: Schedule 2 – Harbour Development Zone
- Appendix 5: Draft Beaches Bylaw for consultation
- Appendix 6: Beaches Bylaw maps
- Appendix 7: Draft Dog Control Bylaw for consultation
- Appendix 8: Draft Dog Control Policy for consultation
- Appendix 9: Dog Control Maps
- Appendix 10: Draft Keeping of Animals, Stock, Flock and Bees (excluding dogs) for consultation
- Appendix 11: Draft Stock Movement Bylaw for consultation
- Appendix 12: Draft Statement of Proposal for consultation

9.2.1 Appendix 1 - Draft Alcohol Control Bylaw for consultation

9.2.1 Appendix 1 - Draft Alcohol Control Bylaw for consultation(Cont.)

Alcohol Control Bylaw 2026

Ture ā-rohe Whakahaere Kararehe

Date made:	Date adopted by Council
Commencement:	Date bylaw came into force
Amendments:	
Next review date:	2036
Review frequency:	Every 10 years

9.2.1 Appendix 1 - Draft Alcohol Control Bylaw for consultation(Cont.)

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9.2.1 Appendix 1 - Draft Alcohol Control Bylaw for consultation(Cont.)

Part 1: Introduction - *Kupu Arataki*

The Whakatane District Council makes this bylaw pursuant to section 147 of the Local Government Act 2002.

1.0 Short title, commencement and application - *Taitara, tīmatanga me te takiwā*

This Bylaw shall be known as the Whakatāne District Council Alcohol Control Bylaw 2026.

The Bylaw came into force on 1 July 2018 and was reviewed as per Local Government Act 2002 requirements.

This Bylaw shall apply to the Whakatāne District.

2.0 Purpose – *Take*

- 2.1 The purpose of this Bylaw is to support a safe and welcoming environment across the Whakatāne District by reducing alcohol-related harm in public places, including crime and disorder caused or made worse by alcohol consumption.

3.0 Interpretation - *Whakamāramatanga*

In this Bylaw, unless the context requires or otherwise expressly provided:

Alcohol has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.

The Act means the Local Government Act 2002.

Beach means any land in the Council's district adjacent to any sea, coast or lakeside which is part of the foreshore or is land contiguous to and used in connection with the foreshore, and to which the public has a right of access. For the purposes of this bylaw,

9.2.1 Appendix 1 - Draft Alcohol Control Bylaw for consultation(Cont.)

the beach includes the foreshore which is the parts of the bed, shore or banks of tidal water between mean high water springs and mean low water springs, and dune.

Chief Executive means the chief executive of the Council and any person delegated to perform any duties of the chief executive.

Council means the Whakatāne District Council.

District means the area within the territorial boundary of the Whakatāne District Council.

Licensed premises has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012 and can include a footpath and or public place as described in the liquor licence.

Offence means an offence under section 239A of the Local Government Act 2002 that is a breach of this bylaw.

Public place has the meaning given by section 147 of the Local Government Act 2002.

Permanent alcohol ban area an area described in Schedule 1 in which alcohol restrictions are permanently in place within a specified area, during the times, days or dates specified in the Schedule.

Reserve or Park means:

(a) Any land which is vested in or administered by the Council under the provisions of the Reserves Act 1977; or

(b) Any open space, plantation, garden park, domain, foreshore or greenspace area set aside for public recreation or enjoyment which is under the control or ownership of the Council; but

(c) Does not include any land, park domain or greenspace area which is subject to a lease that has been granted by the Council under the Local Government Act 2002 or the Reserves Act 1977; and

9.2.1 Appendix 1 - Draft Alcohol Control Bylaw for consultation(Cont.)

(d) Does not include any land that has been leased unless the Bylaw has been specifically excluded in the lease.

Temporary alcohol ban area an area described in a resolution made under this Bylaw in which alcohol restrictions are temporarily in place within the area during the times, days or dates specified in the resolution.

Vehicle has the same meaning as contained in section 2(1) of the Land Transport Act 1998.

Part 2: Alcohol Control - *Whakahaere Waipiro*

4.0 Alcohol Control

The following acts are prohibited in the public places listed in Schedule 1 of this bylaw, within the Whakatane District:

- (a) the consumption of alcohol;
- (b) the bringing of alcohol into that place;
- (c) the possession of alcohol;
- (d) the presence or use of a vehicle in conjunction with any prohibition relating to alcohol in (a) to (c).

5.0 Specifying Public Places - *Te tautuhinga o ngā takiwā tūmatanui*

- 5.1 The Council may from time to time by publicly notified resolution specify public places and periods to which this alcohol control bylaw shall apply.
- 5.2 A resolution made under clause 5.1 may specify that the prohibitions and controls will apply to the specified public place either generally or only in relation to specified periods or public events.

9.2.1 Appendix 1 - Draft Alcohol Control Bylaw for consultation(Cont.)

5.3 A resolution made under clause 5.1 may be amended or revoked at any time.

6.0 Temporary Alcohol Bans - *Whakakatinga Taupua Waipiro*

6.1 Council may under clause 5.1 declare an area to be a temporary alcohol ban area for a specified period not exceeding 7 consecutive days.

6.2 Council will give public notice of a temporary alcohol ban at least 14 days before the temporary alcohol ban comes into force.

7.0 Exceptions to bylaw - *Ngā tāhapa ki ngā ture*

7.1 The exceptions to this Bylaw are set out in section 147(4) of the Local Government Act 2002. Section 147(4) is reproduced below:

Section 147(4) states:

A bylaw under this section does not prohibit, regulate, or control, in the case of alcohol in an unopened container, —

- (a) the transport of the alcohol from licensed premises next to a public place, if—
 - (i) it was lawfully bought on those premises for consumption off those premises; and
 - (ii) it is promptly removed from the public place; or
- (b) the transport of the alcohol from outside a public place for delivery to licensed premises next to the public place; or
- (c) the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors; or
- (d) the transport of alcohol from premises next to a public place to a place outside the public place if—
 - (i) the transport is undertaken by a resident of those premises; and

9.2.1 Appendix 1 - Draft Alcohol Control Bylaw for consultation(Cont.)

(ii) the alcohol is promptly removed from the public place.

7.2 Licensed Premises

Any land where the sale of alcohol is authorised by any licence granted under the Sale and Supply of Alcohol Act 2012 is excluded from the definition of a public place for the purposes of this bylaw. This includes footpath areas that are licensed as part of those premises and are clearly defined by the placement of tables and chairs outside those premises, and other areas, clearly defined, and identified under an appropriate alcohol licence for an event or function.

8.0 Enforcement powers of New Zealand Police – *Te Mana Whakauruhi o ngā Pirihimana o Aotearoa*

8.1 The Police may, in any prohibited or restricted alcohol area, without warrant enforce this bylaw using the power of search, seizure and arrest as set out in s169(2) and (3) of the Local Government Act 2002. Police actions must be completed in accordance with s170 of the Local Government Act.

Section 169(2) and (3) of the Local Government Act 2002 states:

(2) A constable may, without warrant,—

(a) for the purpose of ascertaining whether alcohol is present, search—

(i) a container (for example, a bag, case, package, or parcel) in the possession of a person who is in, or entering, a restricted place; or

(ii) a vehicle that is in, or is entering, a restricted place.

(b) seize and remove any alcohol (and its container) that is in a restricted place in breach of an alcohol ban:

(c) arrest any person whom the constable finds committing an offence:

(d) arrest any person who has refused to comply with a request by a constable—

9.2.1 Appendix 1 - Draft Alcohol Control Bylaw for consultation(Cont.)

(i) to leave a restricted place; or

(ii) to surrender to a constable any alcohol that, in breach of an alcohol ban, is in the person's possession.

(3) Alcohol or a container seized under subsection (2)(b) is forfeited to the Crown if the person from whom the alcohol or container is seized pays the infringement fee.

8.2 In the case of a temporary alcohol ban declared under clauses 6 of this Bylaw, a constable may exercise the power of immediate search under section 170(2) of the Act.

9.0 Offences and Penalties- *Ngā Takahanga*

9.1 A person who breaches this bylaw commits an infringement offence under section 239A of the Local Government Act 2002 and may be liable for an infringement fee.

9.2 Under the Local Government (Alcohol Ban Breaches) Regulations 2013, Police can issue an infringement fine of \$250 to anyone who breaches the bylaw.

10.0 Exemption for special events - *Ngā awerenga ki ngā takunetanga motuhake*

10.1 The Chief Executive Officer of the Council may, on written application by any person including a Council officer, grant an exemption from compliance with any provision in this bylaw, where in the opinion of the Chief Executive, the granting of the exemption would not be contrary to the purpose of the bylaw.

10.2 In considering an application for exemption under clause 10.1, the Chief Executive will consider the following matters:

- a) The purpose of the exemption.
- b) The proposed duration of the exemption.
- c) The area of the proposed exemption.
- d) The number of persons that may attend the event while the exemption applies.
- e) Whether the area is under the control of, or managed by Council.

9.2.1 Appendix 1 - Draft Alcohol Control Bylaw for consultation(Cont.)

- f) Whether any other permits are required from Council for the event.
 - g) Any other matter Council considers relevant.
- 10.3 Such exemption of any part of this Bylaw or licence shall be granted only in respect of specific time periods and specific locations associated with the special event and may be subject to conditions or requirements as the Chief Executive determines necessary to ensure consistency with the purpose of this bylaw as stated in clause 2.
- 10.4 When considering an application under this bylaw, the decision-maker may seek advice from the New Zealand Police and, if advice is provided, must have due regard to the advice when making a decision on the application .
- 10.5 When the Chief executive or Council grants an exemption under this bylaw, public notice must be given on the council's website and in a newspaper circulating in the Whakatane District no less than 10 working days before the event is to take place.
- 10.6 A fee or charge may be payable by the applicant to cover any direct costs or outgoings associated with the public notice and/or obtaining a police response to the application under this clause. This fee or charge may be refunded, remitted or waived at the discretion of the Chief Executive Officer.

9.2.1 Appendix 1 - Draft Alcohol Control Bylaw for consultation(Cont.)

Schedule 1 – Specified Public Places - *Kupu Āpiti –
Ngā takiwā tūmatanui kua tautuhia*

1 Permanent Alcohol Control Areas

The acts referred to in clause 4 of the Whakatane District Council Alcohol Control Bylaw 2026 are prohibited in the specified public places set out in schedule 1 and 2 on a permanent basis from 9:00pm to 7:00am daily.

The following areas are permanent alcohol control areas:

- (1) All beaches, reserves, parks, boat ramps and jetties within the District; and
- (2) The roads specifically identified in the Whakatāne Central Business District, Hillcrest Road (including the Seaview Road Carpark), the Heads and River Edge Park, the Kopeopeo Central Business District, Otawairere, Ōhope, Kohi Point Scenic Reserve, Taneatua, Murupara, Te Teko and Edgecumbe as shown in the maps in Schedule 2.

2 Temporary Alcohol Control Areas

In addition to the permanent alcohol control areas, Council may, by resolution under clause 6.1 impose a temporary alcohol control ban for specified public places.

9.2.1 Appendix 1 - Draft Alcohol Control Bylaw for consultation(Cont.)

Schedule 2 – Maps showing alcohol control areas -
*Kupu Āpiti - Ngā Mahere o ngā takiwā whakahaere
waipiro*

Map 1: Matata

Map 2: Thornton

Map 3: Thornton to Coastlands Beach

Map 4: Coastlands

Map 5: Piripai

Map 6: CBD

Map 7: Warren Cole Walkway

Map 8: Kopeopeo

Map 9: Whakatāne – Ōhope

Map 10: Ōhope 01

Map 11: Ōhope 02

Map 12: Ōhope 03

Map 13: Ōhope 04

Map 14: Edgecumbe

Map 15: Tāneatua

Map 16: TeTeko

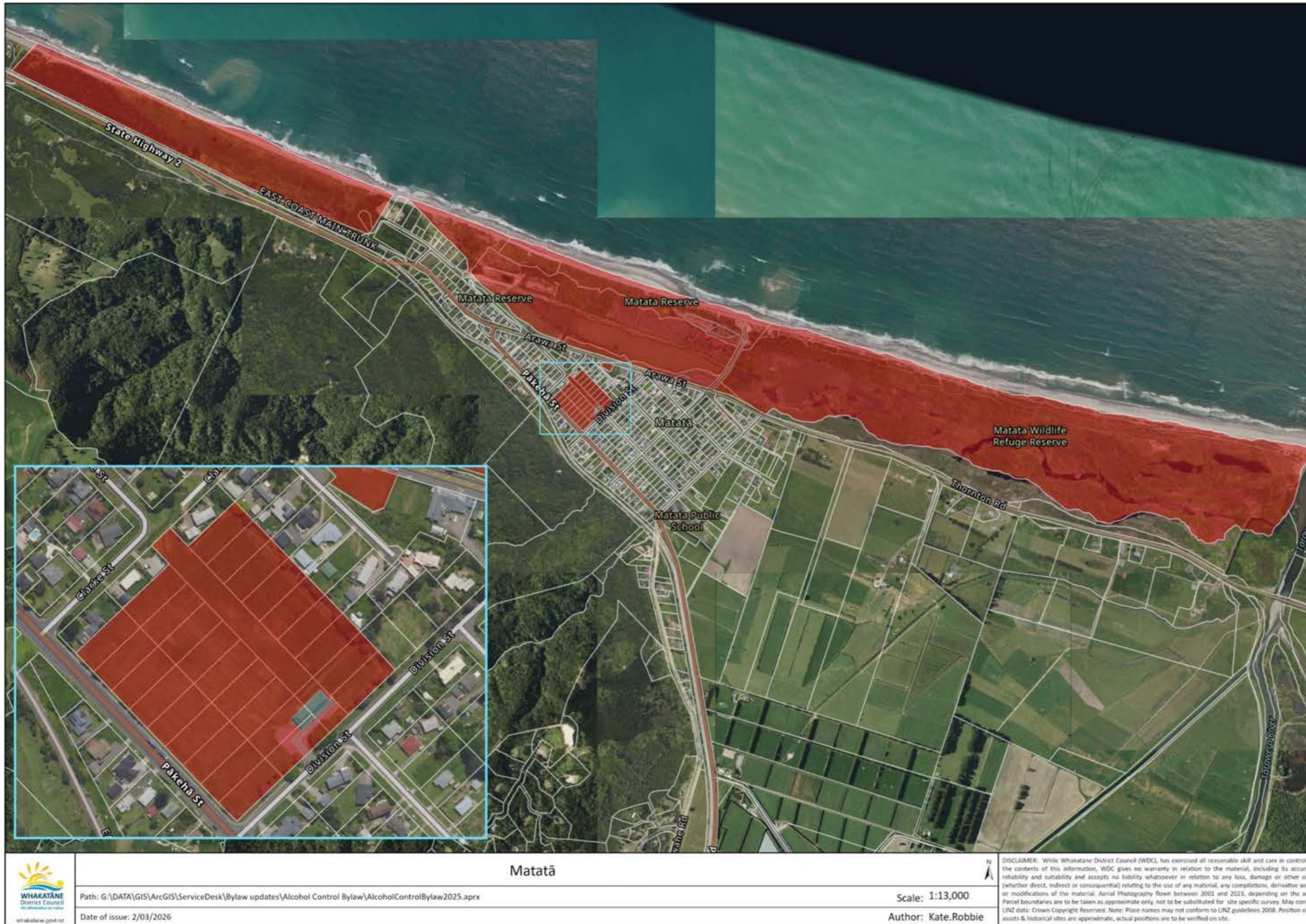
Map 17: Murupara

Map 18: Waimana

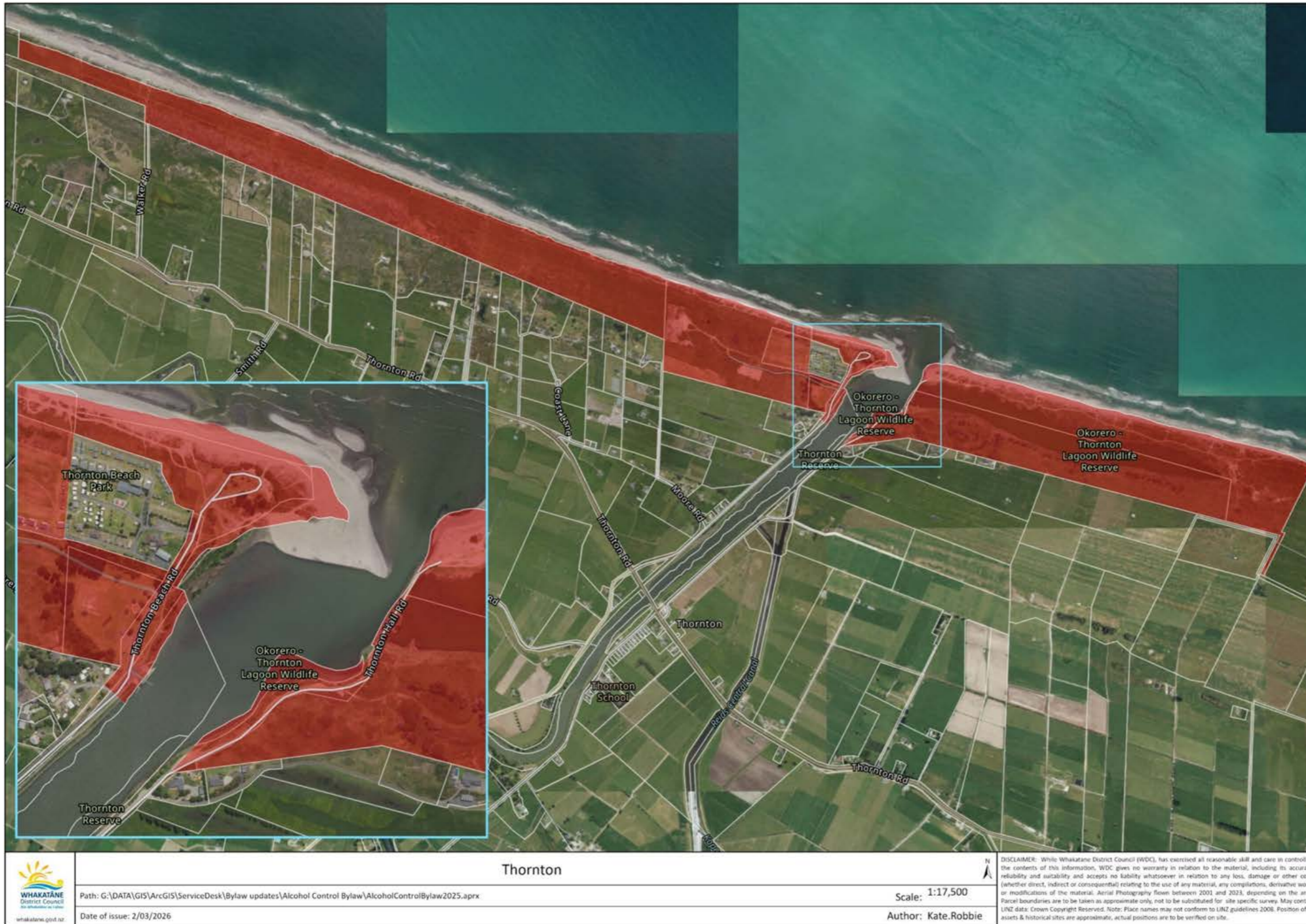
9.2.2 Appendix 2 - Alcohol Control Bylaw maps

9.2.2 Appendix 2 - Alcohol Control Bylaw maps

9.2.2 Appendix 2 - Alcohol Control Bylaw maps(Cont.)



9.2.2 Appendix 2 - Alcohol Control Bylaw maps(Cont.)



9.2.2 Appendix 2 - Alcohol Control Bylaw maps(Cont.)



9.2.2 Appendix 2 - Alcohol Control Bylaw maps(Cont.)



9.2.2 Appendix 2 - Alcohol Control Bylaw maps(Cont.)



9.2.2 Appendix 2 - Alcohol Control Bylaw maps(Cont.)



9.2.2 Appendix 2 - Alcohol Control Bylaw maps(Cont.)



 <p>www.whakatane.govt.nz</p>	<p style="text-align: center;">Warren Cole Walkway</p> <p>Path: G:\DATA\GIS\ArcGIS\ServiceDesk\Bylaw updates\Alcohol Control Bylaw\AlcoholControlBylaw2025.aprx</p> <p>Date of issue: 2/03/2026</p>	<p style="text-align: center;">Scale: 1:5,000</p> <p style="text-align: center;">Author: Kate.Robbie</p>	<p><small>DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography flown between 2001 and 2016, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data. Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</small></p>
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9.2.2 Appendix 2 - Alcohol Control Bylaw maps(Cont.)



 <p>www.whakatane.govt.nz</p>	<p style="text-align: center;">Kopeopeo</p> <p>Path: G:\DATA\GIS\ArcGIS\ServiceDesk\Bylaw updates\Alcohol Control Bylaw\AlcoholControlBylaw2025.aprx</p> <p>Date of issue: 25/02/2026</p>	<p style="text-align: center;">Scale: 1:2,500</p> <p style="text-align: center;">Author: Kate.Robbie</p>	<p><small>DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography flown between 2001 and 2015, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</small></p>
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9.2.2 Appendix 2 - Alcohol Control Bylaw maps(Cont.)



Whakatāne - Ōhope

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 Date of Issue: 25/02/2026

Scale: 1:10,000
 Author: Kate Robble

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9.2.2 Appendix 2 - Alcohol Control Bylaw maps(Cont.)



9.2.2 Appendix 2 - Alcohol Control Bylaw maps(Cont.)



9.2.2 Appendix 2 - Alcohol Control Bylaw maps(Cont.)



 <p>www.whakatane.govt.nz</p>	<p style="text-align: center;">Ōhope 3</p> <p>Path: G:\DATA\GIS\ArcGIS\ServiceDesk\Bylaw updates\Alcohol Control Bylaw\AlcoholControlBylaw2025.aprx</p> <p>Date of issue: 25/02/2026</p>	<p style="text-align: center;">Scale: 1:7,000</p> <p style="text-align: center;">Author: Kate.Robbie</p>	<p><small>DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography flown between 2001 and 2015, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</small></p>
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9.2.2 Appendix 2 - Alcohol Control Bylaw maps(Cont.)



	<p style="text-align: center;">Ōhope 4</p> <p>Path: G:\DATA\GIS\ServiceDesk\Bylaw updates\Alcohol Control Bylaw\AlcoholControlBylaw2025.aprx</p> <p>Date of issue: 25/02/2026</p>	<p style="text-align: center;">Scale: 1:8,000</p> <p style="text-align: center;">Author: Kate.Robbie</p> <p><small>DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography flown between 2001 and 2015, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</small></p>
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9.2.2 Appendix 2 - Alcohol Control Bylaw maps(Cont.)



9.2.2 Appendix 2 - Alcohol Control Bylaw maps(Cont.)



 <p>www.whakatane.govt.nz</p>	<p style="text-align: center;">Taneatua</p> <p>Path: G:\DATA\GIS\ServiceDesk\Bylaw updates\Alcohol Control Bylaw\AlcoholControlBylaw2025.aprx</p> <p>Date of issue: 2/03/2026</p> <p style="text-align: right;">Scale: 1:3,750 Author: Kate.Robbie</p>	<p>DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography flown between 2001 and 2016, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data. Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</p>
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9.2.2 Appendix 2 - Alcohol Control Bylaw maps(Cont.)



 www.whakatane.govt.nz	<p style="text-align: center;">Waimana</p> <p>Path: G:\DATA\GIS\ArcGIS\ServiceDesk\Bylaw updates\Alcohol Control Bylaw\AlcoholControlBylaw2025.aprx</p> <p>Date of issue: 2/03/2026</p>	N	<p>DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography flown between 2001 and 2015, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</p> <p>Scale: 1:2,200</p> <p>Author: Kate.Robbie</p>
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9.2.2 Appendix 2 - Alcohol Control Bylaw maps(Cont.)



 <p>www.whakatane.govt.nz</p>	<p style="text-align: center;">Te Teko</p> <p>Path: G:\DATA\GIS\ServiceDesk\Bylaw updates\Alcohol Control Bylaw\AlcoholControlBylaw2025.aprx</p> <p>Date of issue: 25/02/2026</p> <p style="text-align: right;">Scale: 1:3,500 Author: Kate.Robbie</p>	<p>DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography flown between 2001 and 2015, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</p>
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9.2.2 Appendix 2 - Alcohol Control Bylaw maps(Cont.)



Murupara

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 Date of Issue: 25/02/2026

Scale: 1:3,500
 Author: Kate Robble

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9.2.3 Appendix 3 - Draft Ports and Wharves Bylaw for consultation

9.2.3 Appendix 3 - Draft Ports and Wharves Bylaw for consultation

9.2.3 Appendix 3 - Draft Ports and Wharves Bylaw for consultation(Cont.)

Ports and Wharves Bylaw 2018

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

Date made:	7 June 2018
Commencement:	01 July 2018
Amendments:	JUNE XX <i>When reviews are completed and amendments have been made, you can include here the date of the approved amendment and a short explanation of what the amendment was</i>
Next review date:	<i>This is the date the next review needs to be completed by before the bylaw is automatically revoked</i>
Review frequency:	<i>Five years for a new bylaw or 10 years for a bylaw that has already been reviewed before as per sections 158 & 159 of the Local Government Act 2002</i>

9.2.3 Appendix 3 - Draft Ports and Wharves Bylaw for consultation(Cont.)

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9.2.3 Appendix 3 - Draft Ports and Wharves Bylaw for consultation(Cont.)

PART 1: INTRODUCTION - *Kupu Arataki*

The Whakatāne District Council makes this bylaw pursuant to Sections 145 and 146 of the Local Government Act 2002. This bylaw must be reviewed on or before 1st July 2035.

1.0 Short title, commencement and application - *Taitara, tīmatanga me te takiwā*

This Bylaw shall be known as the Whakatāne District Council Ports and Wharves Bylaw (2018).

This Bylaw commenced on [date] 2018 and was amended on [date] 2026.

This Bylaw applies to the Whakatāne District.

2.0 Purpose – *Take*

1. The purpose of this bylaw is 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. This bylaw applies to every Council owned asset contained within the Bay of Plenty Regional Council: Harbour Development Zone. Refer to Schedule 2.
2. To avoid doubt, compliance with this bylaw does not remove the need to comply with all other applicable Acts, regulations, bylaws, and rules of law.
3. Unless the context requires another meaning, a term or expression that is defined in the Maritime Transport Act 1994 or maritime rule and used in this Bylaw, but not defined, has the meaning given by the Maritime Transport Act or maritime rule.
4. Any explanatory notes and maps are for information purposes, do not form part of this bylaw, and may be made, amended and revoked without formality. Refer to Schedule 1 and 2 for static maps, and the Whakatāne District Council website for any interactive maps.
5. The Legislation Act 2019 applies to this bylaw.

3.0 Scope - *Hōkaitanga*

1. This bylaw does not apply to Water Safety, including the regulation of swimming, jumping or diving from structures that may be in conflict with any vessels, as these

9.2.3 Appendix 3 - Draft Ports and Wharves Bylaw for consultation(Cont.)

matters are regulated by the Bay of Plenty Regional Council under its Maritime Safety Bylaw.

Explanatory Note:

Jumping is at the users own risk. All swimming or water activity in the Harbour Development Zone is a water safety issue and as such is monitored and regulated by the Local Maritime Officer and/or the BOP Harbour Master.

4.0 Interpretation – *Whakamāramatanga*

In this bylaw, unless the context otherwise requires:

Act means the Local Government Act 2002.

Agent means a person or business authorised to act on another's behalf.

Approval or **Approved** means approved in writing by the Council, either by resolution of the Council or by an Authorised Officer of the Council.

Authorised officer means an employee, or a contractor of the Whakatāne District Council appointed or authorised to carry out general or specific duties arising from any of the provisions of this Bylaw and includes an Enforcement Officer.

Berth means the act of tethering, anchoring or mooring a vessel at a wharf / port.

Berthage means any site designated by the Authorised Officer for use by a berthage license holder.

Boat Master means the captain or chief commanding officer of a vessel or the person in control of the vessel.

Chief Executive means the chief executive of the Council and any person delegated to perform any duties of the chief executive.

Consignor means the person or firm (usually the seller) who delivers a consignment to a carrier for transporting it to a consignee (usually the buyer) named in the transportation documents. Ownership (title) of the goods remains with the consignor until the consignee pays for them in full.

Council means the Whakatāne District Council, or any person delegated to act on its behalf.

Dangerous or hazardous goods mean any solids, liquids or gases that can harm

9.2.3 Appendix 3 - Draft Ports and Wharves Bylaw for consultation(Cont.)

people, other living organisms, property or the environment.

Enforcement officer means any person appointed by Council under section 177 of the Act for the purpose of enforcing provisions of the Bylaw and the Act.

Mooring means any weight or article placed in or on the foreshore or the bed of a waterway for the purpose of securing a vessel, raft, aircraft or floating structure; and includes any wire, chain, rope, buoy or other device attached or connected to the weight, but does not include an anchor that is normally removed with the vessel, raft, aircraft or floating structure when it leaves the site or anchorage

Mooring site means the area designated by the Authorised Officer within a mooring zone for use by a mooring licence holder and includes the swing area around the mooring.

Navigation aid includes:

- (a) any lightship and any floating or other light exhibited for the guidance of ships;
- (b) any fog signal not carried on a vessel;
- (c) all marks and signs in aid of marine navigation;
- (d) any electronic, radio or other aid to marine navigation not carried on board

Navigation channel is the area of the river that the Regional Council has granted a resource consent (65217) to the Council to maintain a channel for the passage of vessels. It extends from abeam Opihi Spit upriver to the Whakatane Yacht Club.

Port structure means all port and wharf facilities provided for the use of, or commonly used by commercial vessels or recreational vessels and includes any platform, wharf, jetty, landing place, boat ramp, groyne or training wall.

Port zones mean the areas as defined in the maps attached as Schedule 1.

Spill kit includes the necessary items to counteract and stop the spilled oil from creating a larger undesirable effect on land or structures or in the case of waters, spreading to a wider range.

Vehicle means any form of transport which is equipped with wheels or revolving runners or tracks regardless of its means of motive power, and is not limited to cars, trucks, motorbikes, bicycles, segways and skateboards. Vehicle does not include prams or wheelchairs (or other mobility scooters used by persons with a physical or neurological condition).

Vessel means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes: (a) a barge, lighter, or other like vessel; (b) a hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates; (c) a submarine

9.2.3 Appendix 3 - Draft Ports and Wharves Bylaw for consultation(Cont.)

or other submersible; (d) a Personal Water Craft; (e) a seaplane when operating on the water (f) a sailboard, kiteboard, or paddleboard

Wharf / port includes all wharves, quays, jetties, piers, boat ramps, land and premises owned by or under the control of the Council in, on, or from which passengers or goods may be taken on board or, loaded from vessels. For clarity, these are generally located within the Whakatāne Port Zone, Rangitāiki River mouth, and the Ōhiwa Harbour.

Written permission means a written approval or licence to occupy, provided by Council or Authorised Officer.

PART 2: Use of Port Structures and Surrounds - *Wāhanga 2: Te whakamahinga o ngā hangatanga tumu herenga waka me ngā wāhi karapoti*

5.0 Residing on a vessel

- (1) No person shall dwell, inhabit or reside on any vessel berthed within the Harbour Development Zone except:
 - (a) when the vessel has adequate effluent and black water containment facilities; and
 - (b) the period is for no longer than seven (7) consecutive days or for no more than fourteen (14) days within any three (3) month period, unless the person has obtained prior written permission of the Council to dwell, inhabit or reside on any vessel for a longer time period.

6.0 Safety equipment

No person shall interfere with, remove, destroy or damage any spill kit or any other safety feature or equipment erected, maintained, or otherwise authorised by the Council on any port structure or riverbank to which this Bylaw applies.

9.2.3 Appendix 3 - Draft Ports and Wharves Bylaw for consultation(Cont.)

7.0 Navigation aids and equipment

No person shall damage, remove, deface or otherwise interfere with any navigation mark, light or beacon, buoy, fences, wharf or other device or structure erected by the Council as a navigation aid or warning.

8.0 Obstruction of Port Structures

- (1) All port structures are provided primarily for the use of commercial vessels and to enable commercial operations. This means that in the normal course of operations, commercial vessels have priority for berthage, although there may be times when recreational vessels will be permitted to berth, provided they have a licence to do so.
- (2) No person without a licence or written permission provided by the Council shall:
 - (a) allow any vessel to obstruct the approach of other vessels; or
 - (b) allow any vessel to lie alongside any port structure required for landing or embarking passengers; or
 - (c) block or impede a commercial activity; or
 - (d) block or impede an event, work or activity that has an approval granted by the Council.
- (3) No person shall:
 - (a) Obstruct any port structure while passengers are embarking or landing, or while any vessel for hire is approaching or departing from the port structure.
 - (b) Block or hinder access to fuel bays and pumps, or loading areas.
 - (c) Cause a hazard to vessels or persons on, under or about any port structure.
 - (d) Commit a nuisance, on, under or about any port structure.
 - (e) In any way obstruct or impede traffic on any port structure.
 - (f) Arrange or hold any organised recreational activity in or within ten metres of any navigation channel without the prior written permission of the Council. At least 30 days' notice is required when seeking written permission for such an activity.
 - (g) Fish with any means from any wharf, landing place, groyne, training wall, jetty or port structure under the control of the Council, within 50 metres of any vessel approaching, departing or passing. When a vessel in the navigation channel approaches the place where fishing is taking place, all fishing lines must be pulled in so as not to obstruct the vessel within the navigation channel.
 - (h) Leave any vessel, trailer or motor vehicle unattended on or near any boat ramp, wharf or jetty in a way that obstructs the reasonable use of these facilities.
 - (i) Leave any vehicle/trailer combination unattended or parked anywhere except in an area designated by Council for the parking of vehicle/trailer combinations.
 - (j) Leave any vehicle without a trailer unattended or parked in an area designated for vehicle/trailer combinations.

9.2.3 Appendix 3 - Draft Ports and Wharves Bylaw for consultation(Cont.)

- (k) Leave any vehicle, trailer or vessel parked on a continual basis (3-5 days) in any area designated by the Council for the parking of vehicles, trailers or vessels

10.0 Lighting fires

No person shall light any fires on any part of the port structure or on any land associated with the port or wharf.

11.0 Dangerous Goods on Ports Structures

- (1) Any person landing any chemical hazards, explosives, kerosene, motor spirits, fuel oil, or goods of a dangerous or flammable character from any vessel onto any port structure shall remove these goods immediately on being landed.
- (2) No person shall load any chemical hazards, explosives, kerosene, motor spirits, fuel oil, or goods of a dangerous or flammable character on to any vessel from any port structure other than in sealed containers or at the designated refuelling berth at the Whakatāne Game Wharf.

Explanatory Note

Loading and unloading of dangerous goods should comply with BOPRC bylaw requirements in relation to vessels carrying explosives under clause 4.1 of the BOPRC bylaw and provisions relating to oil tankers in clauses 4.3 and 4.4 of that bylaw.

- (3) All users refuelling vessels on or adjacent to the refuelling berth must adhere to safety requirements.
- (4) Refuelling at Otuawhaki Wharf is prohibited – Refer to Schedule 1 Map Showing Locations of Port and Wharf Facilities.

12.0 Goods landed on wharves

- (1) All goods landed at any wharf are landed at the boat master's own risk. The Council has no responsibility to deliver any goods landed on any wharf to the consignee.
- (2) Any goods placed on any wharf for shipment are placed there at the consignor's own risk. The consignor is solely responsible for the safety of the goods until they are accepted by the boat master, owner, or agent of the vessel by which they are to be shipped.

13.0 Vehicles on wharves

- (1) No person shall drive or cause to be driven, any vehicle on any wharf at a speed exceeding 5 km per hour.

9.2.3 Appendix 3 - Draft Ports and Wharves Bylaw for consultation(Cont.)

- (2) A person must not bring onto a port structure a vehicle, where the single or combined weight of the vehicle(s) exceeds the maximum weight posted on the port structure.

15.0 Directions as to berthing

- (1) No vessel shall be berthed at any wharf unless the Council has given its prior written permission .
- (2) The boat master of any vessel berthed or waiting to berth must comply with the directions of an Authorised officer, including directions as to:
 - (a) The location where the vessel is to be berthed; or
 - (b) The removal or relocation of the vessel from any berth, either permanently or temporarily.
- (3) Any person who, without reasonable excuse, fails to comply with the directions of an Authorised Officer commits an offence under this Bylaw”
- (4) When two vessels are expecting to berth at any wharf at the same time, an Authorised Officer can direct the boat master of each vessel regarding where their vessel is to be berthed.
- (5) The Authorised Officer may order any vessel to be removed from any berth alongside any wharf or to be relocated in another berth either permanently or temporarily, whenever the Authorised Officer considers that this removal or relocation is needed for the general accommodation of vessels.

16.0 Berthage licences

- (1) Any person may apply in writing to the Council for a berthage licence authorising the berthage of any vessel subject to clause 3.
- (2) Where there are no available berthages, an application for a berthage licence will be placed on the berthage waiting list held by Council.
- (3) The Council cannot guarantee that a berthage licence will be authorised when an application is made, particularly at times when demand exceeds supply.
- (4) Every berthage licence issued by the Council shall be:
 - (a) in a form and on the terms prescribed by Council;
 - (b) subject to clause 16 (2); and
 - (c) for a term not exceeding 24 months from the date of the licence.
- (5) The Council may revoke any berthage licence without liability for compensation by giving seven (7) days notice in writing of the revocation and the reasons for it.
- (6) Without limiting the power conferred by clause 16 (5), the Council may immediately revoke or suspend any berthage licence if:

9.2.3 Appendix 3 - Draft Ports and Wharves Bylaw for consultation(Cont.)

- (a) Any conditions of the licence are not complied with; or
 - (b) the licensee ceases to occupy his or her berth for a period of 30 consecutive days without the written permission of the Authorised Officer first having been obtained in writing; or
 - (c) the licensee defaults for a period of 30 days after the due date for payment of berthage fees as invoiced; or
 - (d) the licensee or one of the licensees (if more than one person holds the licence), becomes bankrupt or makes a compromise with his creditors or is in any manner brought under the operation of any Act for the time being in force relating to bankruptcy; or
 - (e) the licensee or any one of the licensees (if more than one person holds the licence), being a corporate body, is the subject of an effective winding up resolution or order for liquidation or is in any manner wound up or dissolved;
- (7) A person holding a berthage licence cannot sublet their berthage to another vessel.

17.0 Exclusive use of a port structure for private use

- (1) A person must not use a port structure or any part of a port structure for organized events except with the prior written permission of the Council. An application for written permission must be made at least 30 days' before the date of the proposed activity.
- (2) The Council may exercise its discretion to grant or decline an application for approval, having regard to any matter it considers relevant and reasonably necessary to determine the application in relation to the purpose of this bylaw, including, but not limited to, where the Council reasonably believes that the activity will or is likely to:
 - (a) Cause a public nuisance; or
 - (b) Compromise the commercial operation of the port structure; or
 - (c) Create a hazard or endanger public health and safety; or
 - (d) Cause damage to the port structure.
- (3) In the case where permission for use of a port structure is granted, reasonable public use of that structure shall still be allowed.
- (4) The requirement for thirty days' notice of an activity as stated in Clause 17(1) does not apply to funeral processions crossing the Whakatane River. However, organisers of the funeral event must advise the Council at the earliest possible instance that they are planning a funeral procession so that arrangements can be made for temporarily sectioning off the area of the affected port structure from general public use.

9.2.3 Appendix 3 - Draft Ports and Wharves Bylaw for consultation(Cont.)

PART 3: OTHER MATTERS – *Wāhanga 3:*

Take kē

18.0 Claims against the Council - *Ngā kerēme ki te Kaunihera*

- (1) No person is entitled to claim against the Council for the loss of any goods landed or placed on any port structure.
- (2) The Council is not liable to any person for the loss or damage of any goods, object or thing that the person has placed on, or left at, any port structure

19.0 Vessels coming alongside wharves and in Boat Trailer Parks

- (1) A person using a port structure is liable for any damage caused to the port structure by the person or any agent or employee of the person, including any damage caused by the person's use of any vessel or vehicle.
- (2) The Council may repair any damage to port structure and charge and recover the cost of such repairs from any person liable for that damage under sections 175 or 176 of the Act".

20.0 Notices– *Ngā pānui*

- (1) The Council may give notice to any person, acting in breach of this Bylaw, to carry out any remedial action in order to comply with the Bylaw and every such notice shall state the time within which the remedial action is to be carried out. The Council may vary a notice or extend the time limit for compliance at its discretion.
- (2) Any person who fails to comply with a notice issued under clause 19(1) commits an offence under this Bylaw.

9.2.3 Appendix 3 - Draft Ports and Wharves Bylaw for consultation(Cont.)

21.0 Offences – *Ngā Takahanga*

20.1 Every person who fails, refuses, or neglects to do anything required to be done, or does anything prohibited by this Bylaw commits a breach of this Bylaw and is liable to a penalty under section 242 of the Local Government Act 2002.

Every person commits an offence against this Bylaw who:

- (a) refuses to carry out the lawful instructions of the Council or Authorised Officer; or
- (b) permits the remains of fish offal or other offensive matter to be placed in or about any of the port structures; or
- (c) as per clause 8(3)(g), any person who fishes on a port structure must:
 - a. Remove all rubbish or fishing-related by-products, including fish guts, bait, fishing line, hooks or other sharp objects;
 - b. Rinse down the area with water and make all reasonable efforts to remove blood, scales, fish guts or other fishing waste;
 - c. Not unreasonably obstruct or prevent access to commercial activities or other people;
 - d. Not endanger commercial activities or other people, for example, by casting without warning or casting when a structure is busy.”
- (d) uses any port structure or associated land for any purpose other than embarking or disembarking passengers or loading or unloading goods without the prior written permission of the Council or Authorised Officer; or
- (e) in any way contravenes or fails to comply with this Bylaw.

20.2 Council may, pursuant to section 163 of the Local Government Act 2002:

- a) remove or alter any work or thing that is, or has been constructed in breach of this bylaw; and
- b) recover the costs of removal, repair or alteration from the person who committed the breach.

20.3 Council or an Enforcement Officer may, pursuant to s164 of the Local Government Act 2002:

- a) direct that any vehicle or vessel obstructing a boat ramp, wharf jetty or port structure be towed away.

9.2.3 Appendix 3 - Draft Ports and Wharves Bylaw for consultation(Cont.)

Pursuant to s167 of the Local Government Act 2022:

- b) Direct that all reasonable costs associated with recovery shall be met by the owner and/or operator of the obstructing vehicle and/or trailer.

22.0 Fees and charges – *Ngā utu*

(1) Council may in accordance with section 150 of the Local Government Act 2002 prescribe fees or charges for any certificate, licence, approval, permit, consent form, or inspection made by Council under this Bylaw as set out in Council's Fees and Charges Schedule.

1. Where any licence or written permission from Council is required by this Bylaw, a person who seeks that licence or written permission must pay the fee for that approval or permission as set out in Council's Fees and Charges Schedule;
2. Where an application for an approval or written permission is withdrawn, any fee paid with the application will not be refunded, unless the Council decides a refund in full or in part is reasonable in the circumstances;
 - a. Any person carrying out an activity or using a port structure must pay any applicable fees for the use of the port structure as set out in Council's Fees and Charges Schedule, including, but not limited to:

Berthage Fees

- (1) The boat master, owner or their agent of every vessel berthing at any port structure shall pay to the Council berthage fees as may be set by the Council. Berthage licence holders shall pay berthage fees during the currency of the licence irrespective of whether or not the berth is occupied. If a berthage fee is not paid within 30 days, the Council reserves the right to move the vessel to a mooring.
- (2) Any person who berths a vessel without authorisation is liable to pay any applicable fees as stipulated in Council's Fees and Charges Schedule. If the person fails to pay those charges as required, they will be liable to pay any additional costs incurred by Council to recover these charges.

Wharfage/Freight Fees

- (1) Every person who uses any port structure for landing or shipping any goods may pay to the Council wharfage/freight fees as may be set by the Council on an individual basis.

Boat Ramp Fees

- (2) If annual fees and charges are approved, including Boat Ramp Fees, these must be paid to the Council. Failure to do so will incur a penalty fee as prescribed in Council's

9.2.3 Appendix 3 - Draft Ports and Wharves Bylaw for consultation(Cont.)

Fees and Charges schedule.

Storage Fees

- (3) Every person who uses any port structure for storing any goods shall pay to the Council storage fees as outlined in written permission to store goods from the Council or Authorised Officer.

Removal of Goods

- (4) Where any goods and/or cargo remains on any port structure for a longer period than 48 hours, or where any such goods and/or cargo hinders the loading or unloading of any vessel, or is an impediment to the approaches, the Council, through the Authorised Officer, may have the goods and/or cargo removed at the expense of the owner. The cost of such a removal and storage shall be payable by the owner to the Council before taking receipt of the goods.
- (5) If the fees are not paid to Council within 30 days, the Council reserves the right to move the goods and/cargo as necessary and can charge costs including recovery costs.

23.0 Penalties for breach of bylaw – *Ngā utu ki ngā takahanga ture ā-rohe*

Subject to any provision to the contrary, any person convicted of an offence against this Bylaw shall be subject to the penalties set out in section 242(4) of the Local Government Act 2002 and is liable on summary conviction to a fine not exceeding \$20,000.

24.0 Exemptions - *Awerenga*

- 23.1 Written permission can be sought from the Council to waive or modify restrictions imposed on in Part 4 in a local authority area which may be granted with or without conditions. Permission must be applied for in writing to the Chief Executive of the Council at least 20 days in advance of the date planned for below in Part 4.

9.2.3 Appendix 3 - Draft Ports and Wharves Bylaw for consultation(Cont.)

PART 4: PROCESS FOR OBTAINING WRITTEN PERMISSION – *Wāhanga 4: Te tukanga ki te whai whakaaetanga ā-tuhi*

25.0 Applications for Written Permission

- a) 1) A person who requires a written permission under this Bylaw (“the applicant”) must apply to the Council for permission, and the application must be: in the form prescribed by the Council; and
- b) accompanied by the applicable fee set out in the Council’s Schedule of Fees and Charges
- 2) An application is not treated as having been made until all the provisions in this clause have been complied with.
- 3) The Council may exercise its discretion to grant or decline an application for an approval, having regard to any matter it considers relevant and reasonably necessary to determine the application in relation to the purpose of this bylaw.
- 4) An applicant may withdraw their application at any time before a decision is made, but any fee paid with the application will not be refundable unless the council, in its absolute discretion, decides a refund, or partial refund, is reasonable in the circumstances.
- 5) Approvals are not transferable to another person
- 6) An approval does not affect or limit the obligations of any person to comply with any legislation or regulatory requirements that apply to the matters covered by the approval.

26.0 Conditions on approval

- (1) All written permissions granted under clause [x] include a condition that enables the council to carry out inspections to ensure the approval, its conditions and the provisions of the bylaw are being complied with.
- (2) The Council may include other conditions on any written permission for the following matters
 - (a) requiring a label, in the form specified by the council, to be displayed in a vessel showing the permission:
 - (b) the duration of the written permission and how it may be renewed, if at all:
 - (c) any other matter the council considers necessary to enhance or promote safety or provide reasonable public use of the port structure:
 - (d) pay any fees specified in the council’s Schedule of Fees and Charges

9.2.3 Appendix 3 - Draft Ports and Wharves Bylaw for consultation(Cont.)

27.0 Amendment of written permission

A person granted written permission may, at any time within the duration of the approval, apply to the council to amend the approval or its conditions. An application for amendment must be made in the same manner as an application for a written permission, with any necessary modifications.

28.0 Suspending or cancelling written permission

- (1) The Council may suspend or cancel any written permission if-
 - (a) Any conditions are not complied with; or
 - (b) The licensee ceases to occupy their berth for a period of 30 consecutive days, without the prior written condition of an Authorised Officer; or
 - (c) The limits or restrictions on the use of the port structure, or part of the port structure, the written permission applies to are changed; or
 - (d) The licensee is in default for a period of 30 days after the due date for payment of any fees and charges related to the written permission or;
 - (e) The licensee or one of the licensees (if more than one person holds the licence), becomes bankrupt or makes a compromise with his creditors or is in any manner brought under the operation of any Act for the time being in force relating to bankruptcy; or
 - (f) The licensee or any one of the licensees (if more than one person holds the license), being a corporate body, is the subject of an effective winding up resolution or order for the liquidation or is in any manner wound up or dissolved; or
 - (g) The council considers the suspension or cancellation is necessary to enhance or promote safety or provide reasonable public use of the port structure
- (2) The suspension or cancellation takes effect from the date the person who was granted the written permission receives written notice of the council's decision to suspend or cancel the permission. The notice must include the reasons for the council's decision.
- (3) Suspending or cancelling a written permission does not affect the council's powers to take other enforcement action under this bylaw or any legislation for the acts or omissions that were the reasons for the suspensions or cancellation
- (4) Except where the written permission is cancelled under subclause (1)(b), the person who was granted the permission that is suspended or cancelled under this clause may object to the council about the suspension or cancellation by lodging an objection in writing within 20 working days after the date of the suspension or cancellation
- (5) The council will make a decision on an objection within 20 working days of the date the objection is received and will provide the decision, in writing, to the applicant. The decision must include the reasons for the decision.

9.2.3 Appendix 3 - Draft Ports and Wharves Bylaw for consultation(Cont.)

- (6) Any fees paid for the written permission are not refundable if the council suspends or cancels the approval unless the council, in its absolute discretion, decides a refund, or partial refund, is reasonable in the circumstances.

9.2.4 Appendix 4a - Schedule 1 - Map Showing Locations of Port and Wharf Facilities

9.2.4 Appendix 4a - Schedule 1 - Map Showing Locations of Port and Wharf Facilities

9.2.4 Appendix 4a - Schedule 1 - Map Showing Locations of Port and Wharf Facilities(Cont.)



Port and wharf assets
 1 - Rangitāiki Waka Ramp

College Rd

Rangitāiki River



Rangitāiki Waka Ramp
 Date of issue: 26/02/2026
 Scale: 1:606
 Author: Kate.Robbie

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9.2.4 Appendix 4a - Schedule 1 - Map Showing Locations of Port and Wharf Facilities(Cont.)



9.2.4 Appendix 4a - Schedule 1 - Map Showing Locations of Port and Wharf Facilities(Cont.)



9.2.4 Appendix 4a - Schedule 1 - Map Showing Locations of Port and Wharf Facilities(Cont.)



Eivers Road Waka Ramp

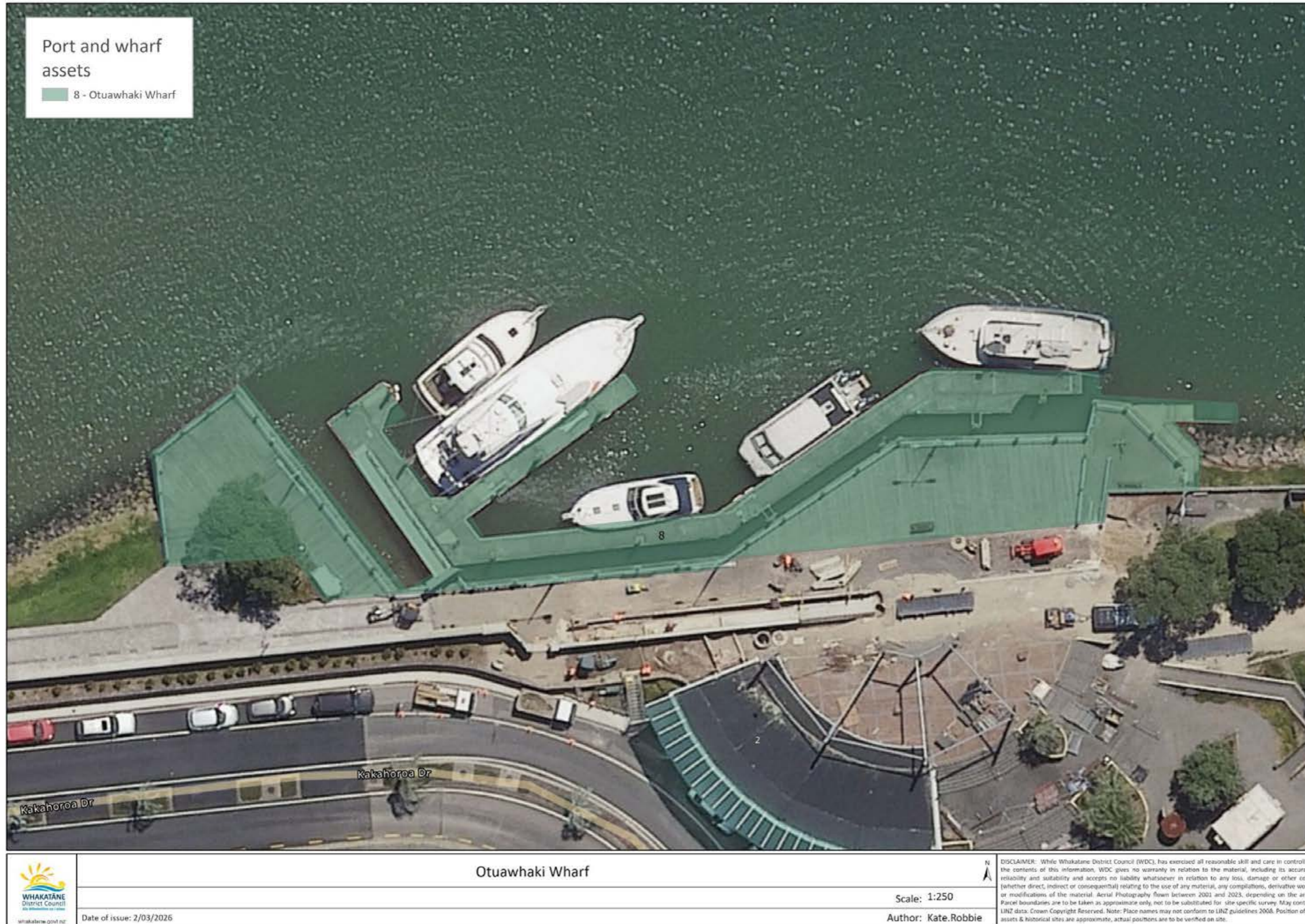
Date of issue: 26/02/2026

Scale: 1:657

Author: Kate.Robbie

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9.2.4 Appendix 4a - Schedule 1 - Map Showing Locations of Port and Wharf Facilities(Cont.)



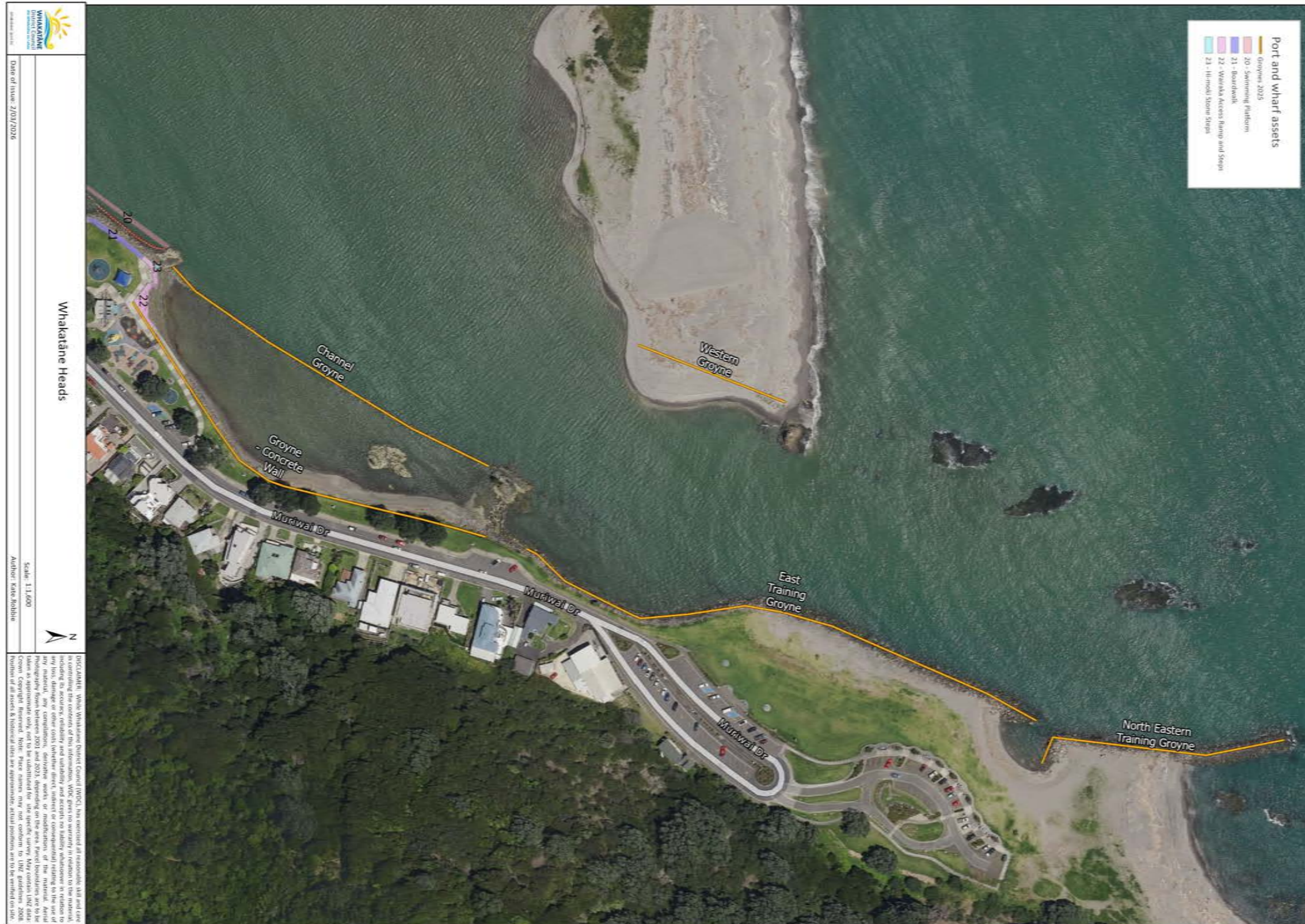
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9.2.4 Appendix 4a - Schedule 1 - Map Showing Locations of Port and Wharf Facilities(Cont.)



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9.2.4 Appendix 4a - Schedule 1 - Map Showing Locations of Port and Wharf Facilities(Cont.)



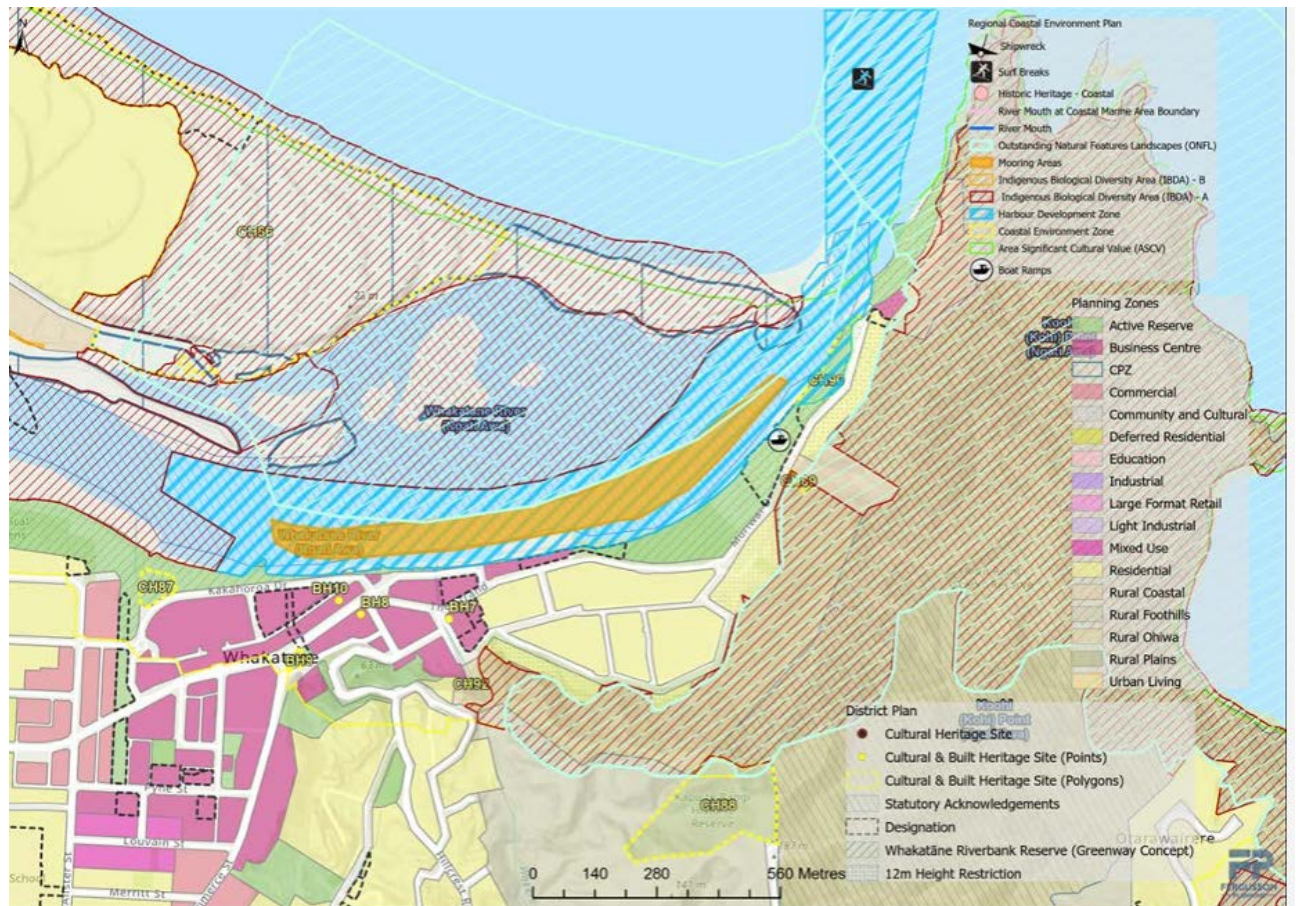
9.2.4 Appendix 4a - Schedule 1 - Map Showing Locations of Port and Wharf Facilities(Cont.)



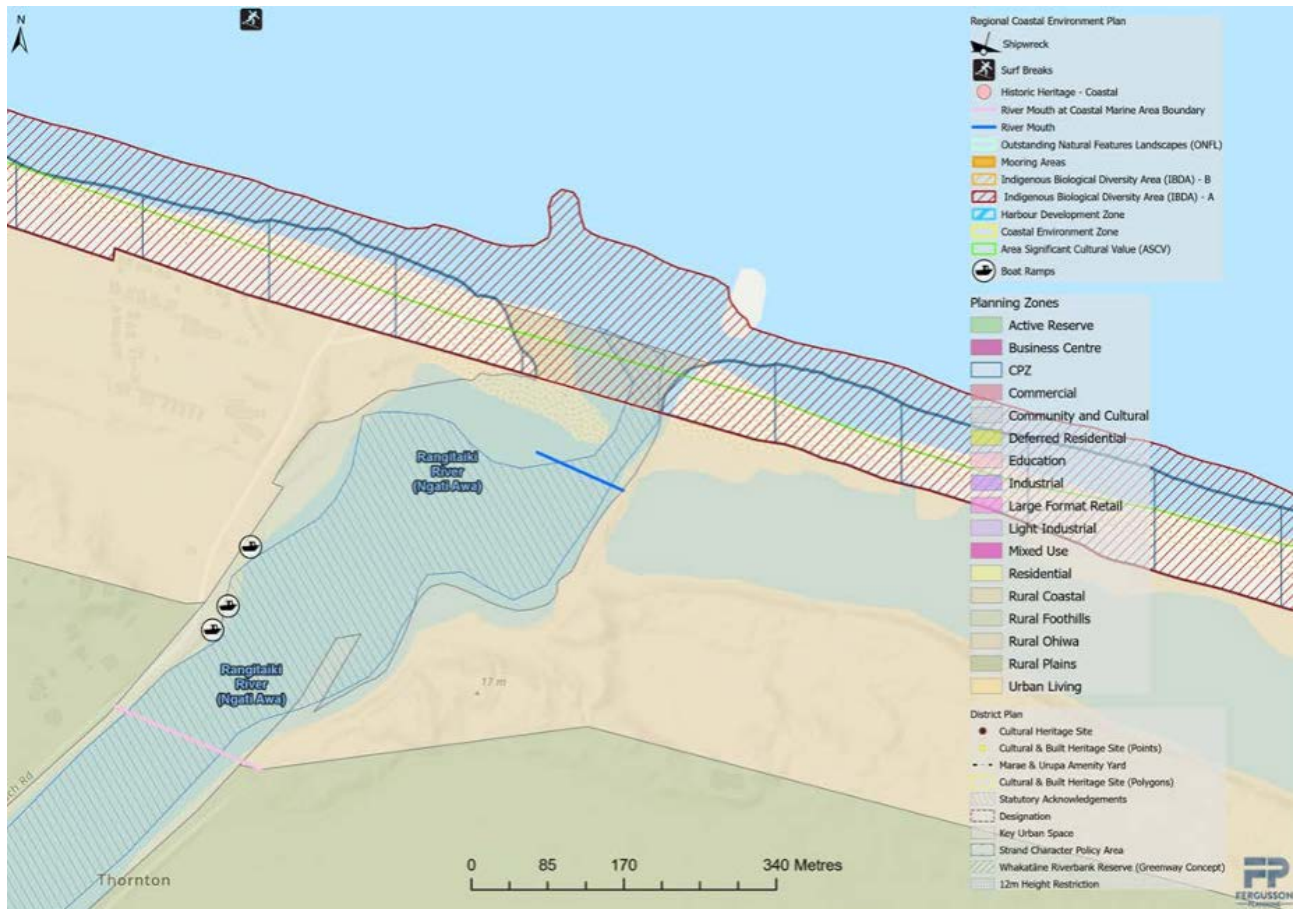
9.2.5 Appendix 4b - Schedule 2 - Harbour Development Zone

9.2.5 Appendix 4b - Schedule 2 - Harbour Development Zone

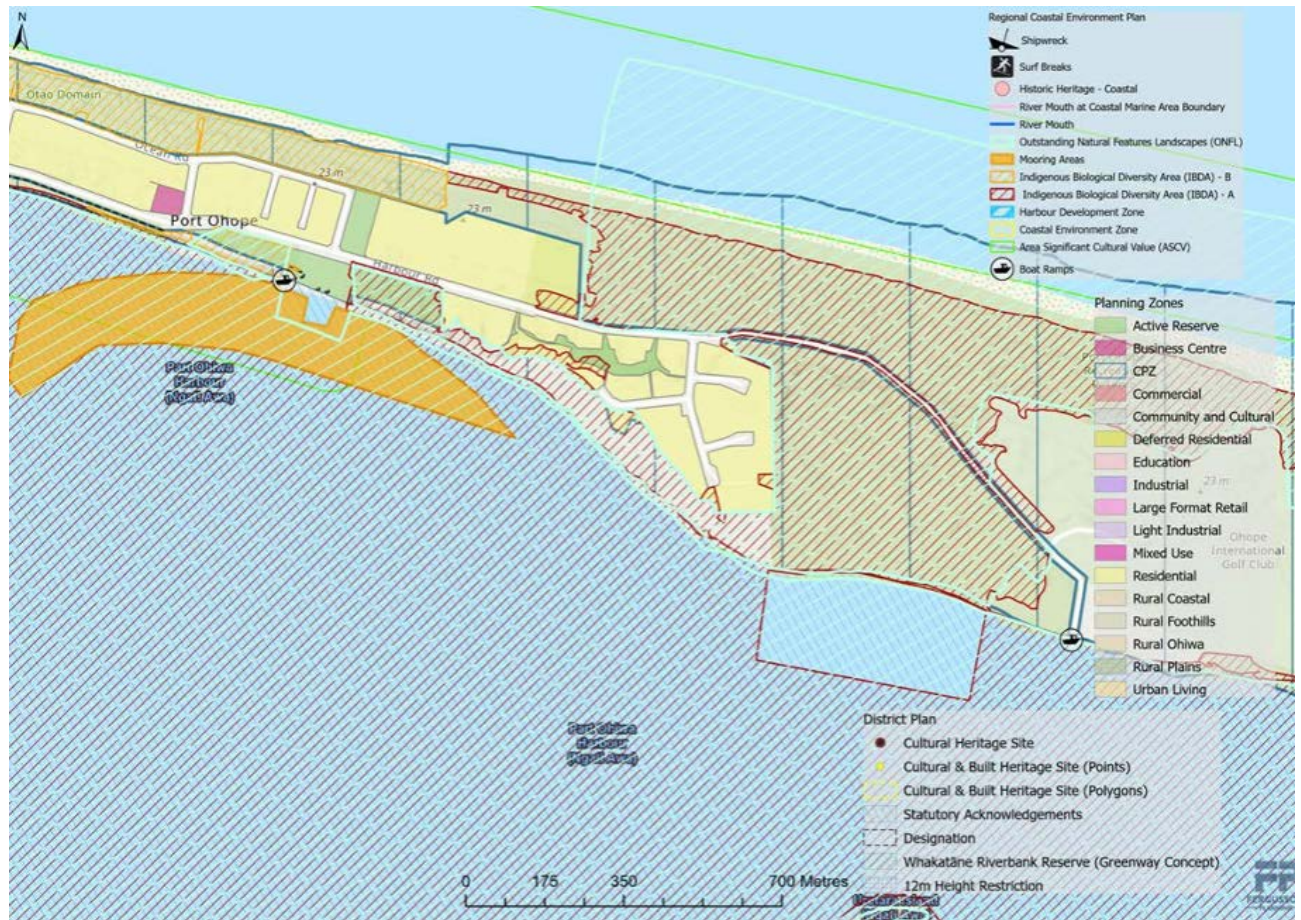
Kupu Āpiti 2



9.2.5 Appendix 4b - Schedule 2 - Harbour Development Zone(Cont.)



9.2.6 Appendix 5 - Draft Beach Bylaw for consultation



9.2.6 Appendix 5 - Draft Beach Bylaw for consultation

9.2.6 Appendix 5 - Draft Beach Bylaw for consultation(Cont.)

Beaches Bylaw

Ture ā-rohe Tātahi

Date made:	7 June 2018
Commencement:	1 July 2028
Amendments:	2026
Next review date:	2036
Review frequency:	10 years

9.2.6 Appendix 5 - Draft Beach Bylaw for consultation(Cont.)

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9.2.6 Appendix 5 - Draft Beach Bylaw for consultation(Cont.)

PART 1: INTRODUCTION - *Kupu Arataki*

1.0 Short title, commencement and application – *Taitara, tīmatanga me te takiwā*

This Bylaw shall be known as the Whakatāne District Council Beaches Bylaw.

This Bylaw comes into force on 1 July 2018 and was amended on [date] 2026.

This Bylaw applies to the beaches in the Whakatāne District.

2.0 Purpose - *Take*

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.

3.0 Interpretation - *Whakamāramatanga*

Act means the Local Government Act 2002.

Aircraft means any human-made device capable of flight, including but not limited to aeroplanes, helicopters, gliders, hang-gliders, parachutes, seaplanes or hovercraft, unmanned aerial vehicles, (including model aircraft, and drones), and radio controlled aircraft.

Approved means approved by the Council or by any Authorised Officer.

Authorised officer means an employee, or a contractor of the Whakatāne District Council appointed or authorised to carry out general or specific duties arising from any of the provisions of this Bylaw and includes an Enforcement Officer.

Bathing includes swimming and sunbathing.

Beach means any land in the Council's district adjacent to any sea, coast or lakeside which is part of the foreshore or is land contiguous to and used in connection with the foreshore, and to which the public has a right of access. For the purposes of this bylaw, the beach includes the foreshore which is the parts of the bed, shore or banks of tidal water between mean high water springs and mean low water springs, and dune.

Camp means to reside in or sleep in a structure, tent or vehicle.

9.2.6 Appendix 5 - Draft Beach Bylaw for consultation(Cont.)

Council means the Whakatāne District Council and any person with delegated authority to act on its behalf.

Craft includes any ship, boat or other machine or vessel, including a kontiki device, used or able to be used by any person on, or in, the sea.

Dune means the section of the beach lying generally above the high water springs where mounds of sand formed by wind or water action exist. These dune areas may be covered or uncovered by vegetation.

Enforcement officer means any person appointed by Council under section 177 of the Act for the purpose of enforcing provisions of the Bylaw and the Act.

Licence includes a permit or other authority from the Council.

Mean high water springs means the line on the shore representing the average height of high tides occurring during spring tide conditions. Spring tides occur approximately twice each lunar month to produce the highest tidal ranges.

Mean low water springs means the line on the shore representing the average height of low tides occurring during spring tide conditions. Spring tides occur approximately twice each lunar month to produce the highest tidal ranges.

Motorcycle shall have the same meaning as defined in the Land Transport Act 1998 but shall include those vehicles commonly referred to as “quadbikes” for the purposes of this bylaw.

Owner of any property, or as applied to any land, building, or premises, means any person for the time being entitled to receive the rent of such property, land, building, or premises, and where any such person is absent from New Zealand, shall include his attorney or agent, or any other person acting for him or on his behalf.

Sign means a visual message or notice conveyed to the public and visible from a public place displayed to advertise, identify a product, business, or service, or to inform the public, together with any frame, supporting device and any associated ancillary equipment. It includes but is not limited to a banner, flag, poster, billboard, free standing sign, windsock and blimp. A bunting that has symbols or messages on it shall also be considered to be a sign.

Structure is any permanent or temporary works which are not part of the natural beach environment.

Vehicle has the same meaning as defined in the Land Transport Act 1998 and is defined as any means of transport whatsoever which is equipped with wheels or revolving runners or tracks regardless of its means of motive power, and is not limited to cars, trucks, motorbikes, bicycles, segways, skateboards and land yachts. Vehicle does not include prams or wheelchairs (or other mobility scooters used by persons with a physical or neurological condition).

9.2.6 Appendix 5 - Draft Beach Bylaw for consultation(Cont.)

Vessel is defined as any ship or boat and includes any motorised or amphibious vessel, yacht, inflatable rubber boat, kayak, jet ski, and any fishing boats designed to be used in the sea or river, but does not include wakeboards, kitesurfing-boards, surfboards, or stand-up paddle boards.

Wharf is a permanent or floating waterfront structure which is purpose designed for the berthing of marine vessels and includes every wharf, quay, jetty, pier, pontoon or other structure under the control of the Council from which passengers or goods may be taken on board or landed from any vessel or boat.

Work is anything that is, or has been, constructed, deposited, stored, or accumulated and not part of the natural beach environment. **Written permission** means a written approval, permit, licence, or consent provided by Council or an authorised officer.

PART 2: BEACHES - *Tātahi*

4.0 Waste

4.1 No person shall, on any part of the beach:

- a) Leave waste matter of any form;
- b) Break any bottle or deposit any matter likely to cause any nuisance, injury or danger to public health or safety;
- c) Scale, clean or gut any fish or deposit any fish, or any portion of a fish or a carcass of any dead animal, or bird or any vegetable matter likely to cause a nuisance, injury or danger to public health or safety; and
- d) Leave any offensive matter in the area of any beach (including in or on any vessel) exposed or stored so as to cause a nuisance, injury or danger to public health or safety.

5.0 Aircraft

5.1 Except with the written permission of the Council or an Authorised Officer and in accordance with any required conditions, and provided all other applicable statutory requirements are complied with, no person shall land or attempt to land on the beach or take off or attempt to take off from the beach any aircraft (excluding drones following Civil Aviation rules for the purposes of fishing only), except in the case of an emergency.

6.0 Vehicles

Strategy and Policy Committee - AGENDA

9.2.6 Appendix 5 - Draft Beach Bylaw for consultation(Cont.)

- 6.1 Except with the prior written permission of the Council or an Authorised Officer, and in accordance with any conditions that may be required, no person shall park or drive any vehicle (excluding bicycles), vessel, motorcycle, or land yacht on any part of the beach.
- 6.2 Clause (6).1 shall not apply to quadbikes provided they:
- use designated / formed access ways to access the beach and are ridden only between the mean high water springs and the mean low water springs;
 - are not ridden on any part of the beach at a speed in excess of 20km/hr and do not endanger public safety;
 - are registered and warranted, and the driver holds an appropriate licence, all in accordance with the New Zealand Transport Agency's requirements; and
 - are not ridden on any areas of the beach where endangered birds are nesting as shown in the District Plan's Vehicle Restriction Areas for Bird Nesting Areas.
 - are being used for the purposes of recreational fishing only;
 - stay off the dunes that form part of Council's administered public land at all times; and
 - are not ridden on Ōhope Beach between Maraetōtara Road and West End or on the Ōhope or Opihi Spits, as shown in **Schedule 1**.
- 6.3 Clause (6).1 shall not apply to:
- a) Any vehicle or vessel driven along an authorised access way or parked in any authorised parking area; or
 - b) Any vehicle used solely for the purpose of launching or retrieving any vessel provided that the vehicle:
 - i. uses an authorised access way to go onto and leave the beach; and
 - ii. Moves across the beach to and from the water using the shortest practicable route; and
 - iii. Leaves the beach immediately once the vehicle has finished launching or retrieving a vessel; or
 - c) Any land yacht being driven on the beach in areas which the Council may from time to time by publicly notified resolution designate for driving land yachts and which are identified by official Council signage.
- 6.4 Those vehicles referred to in clause (6).2 and (6).3 shall not be driven on any part of the beach at a speed in excess of 20 km/hr and must not endanger public safety.
- 6.5 Except with the prior permission of the Council or an Authorised Officer, and in accordance with any conditions **that may be required, a person shall not on any part of the beach:**
- a) Leave a trailer other than in a portion of the beach designated by Council for the parking of vehicles or trailers;

Strategy and Policy Committee - AGENDA

9.2.6 Appendix 5 - Draft Beach Bylaw for consultation(Cont.)

- b) Navigate any vessel in water over the beach in a manner which is, or might be dangerous to the public, or which causes or is likely to cause a nuisance to any person using the beach;
- c) Except in an emergency leave or cause to be left for more than 24 hours any vessel of any description;
- d) Use any authorised vehicle on the beach where in the opinion of the Council or an Authorised Officer a nuisance or danger is or may be created for other users of the beach.

6.6 Any restrictions contained in the preceding clauses shall not apply to:

- a) Law Enforcement Officers;
- b) Surf Patrol, Fire Rescue or Emergency Services Personnel;
- c) Council Officers (including Bay of Plenty Regional Council Officers);
- d) Honorary Rangers (appointed by Council)
- e) Department of Conservation Officers.

Provided they are in the course of carrying out their official duties.

7.0 Animals

7.1 The Council may prohibit horses on areas of the beach for public health or safety reasons;

7.2 No person shall, on any part of the beach:

- a) Ride, drive or lead a horse or any other animal in an area where horses are prohibited or in a way that endangers public health or safety; or
- b) Allow any animal to defecate unless the person in control of the animal removes the faeces immediately from that place and disposes of it in a sanitary manner.

7.3 Any person riding or leading a horse must:

- use designated / formed access ways and keep on the beach between the mean high water springs and the mean low water springs;
- stay off the dunes that form part of Council's administered public land at all times;
- not enter any areas of the beach where endangered birds are nesting as shown in the District Plan's Vehicle Restriction Areas for Bird Nesting Areas.
- not enter the areas on Ōhope Beach between Maraetōtara Road and West Endor on Otarawairere Beach or the Ōhope or Opihi Spits, as shown in **Schedule 1**.

7.4 Where any animal is found on any beach in contravention of Clauses 7 (1) and 7(2) and 7(3), it may be seized and impounded by any Authorised Officer person duly authorised by the Council.

9.2.6 Appendix 5 - Draft Beach Bylaw for consultation(Cont.)

8.0 Conduct

8.1 No person shall, on any part of the beach:

- a) Take part in any activity likely to cause injury to any person or likely to damage any property;
- b) Intentionally obstruct, disturb or interfere with any other person in the enjoyment of the beach;
- c) With intent to offend, use any indecent or offensive language or behave in any indecent, offensive, improper, disorderly or noisy manner.

9.0 Fire

Subject to any applicable Fire Control legislation or any Part of the Bylaw, Fires may be lit below the high water springs and must always be under supervision. The person lighting the fire must ensure that the materials being burnt are wholly combustible and the fire is fully extinguished with water before leaving the beach. All litter and debris must be removed.

Explanatory Note

Fire and Emergency New Zealand have legislative authority to prohibit fires in open air and prohibit or restrict other activities if fire conditions exist or is necessary for fire control regardless of provisions in this bylaw.

10.0 Organised Events

10.1 Without the prior written permission of the Council or an Authorised Officer, no person shall on any beach:

- a) Hold, conduct or take part in any public meeting, or assembly of any kind that unduly restricts other people's use of the beach; or
- b) Hold, conduct or take part in any organised sporting event or games, or other organised event.

11.0 Protection of beach environment

11.1 No person shall interfere or remove any portion of any protective works or other structures erected on the foreshore for the control of sand or shingle or for the prevention of erosion.

11.2 No person shall enter areas that have been closed off for dune protection or for the protection of breeding birds.

9.2.6 Appendix 5 - Draft Beach Bylaw for consultation(Cont.)

- 11.3 No person shall interfere with birds, nests or eggs on a beach.
- 11.4 No person shall set fire to any vegetation on a beach or dune, or allow any untended fire to remain alight on a beach.
- 11.5 No person shall remove any vegetation from the beach or dunes without written permission from the Council or an Authorised Officer.
- 11.6 No person shall cause damage to any part of the beach.

12.0 Camping and structures

- 12.1 No person shall build or place any structure or undertake work of any kind, including but not limited to erecting tents, stalls or amusement devices on any beach and allow those structures to remain overnight except with prior written permission of the Council or an Authorised Officer.
- 12.2 No person shall camp overnight on any part of any beach unless that person has obtained the prior written approval of the Council or an Authorised Officer.

13.0 Lifesaving

- 13.1 The Council may authorise any Lifesaving Club:
 - a) To provide and use on any beach, life-saving equipment to the approved standards of Surf Lifesaving New Zealand; and
 - b) To erect, place or remove on any beach any danger notices, or signs requiring or prohibiting swimming within specified areas of the beach as is necessary.
- 13.2 No person shall interfere with, remove, destroy or damage any lifesaving apparatus erected, maintained, or otherwise authorised by the Council on any part of the beach to which this Bylaw applies.
- 13.3 No person shall obstruct or hinder or interfere with the carrying out of any lifesaving operation or drill or with any persons engaged therein.

14.0 Hiring of craft

- 14.1 The Council may authorise, subject to any required conditions and fees, the use of any defined part of the beach for the hiring, storing, launching and recovery of particular types of waterborne vessel made available for public hire, and may issue a licence to any person for the carrying out of one or more of those activities.

9.2.6 Appendix 5 - Draft Beach Bylaw for consultation(Cont.)

- 14.2 Any person commits an offence against this Bylaw who undertakes any of the activities referred to in clause 14 (1):
- a) outside of the area set apart from those purposes; or
 - b) in any part of the area set apart for those purposes when he or she is not licensed to do so.

PART 3: OTHER MATTERS – *He Take anō*

15.0 Offences - *Ngā Takahanga*

- 15.1 Every person who fails, refuses, or neglects to do anything required to be done, or does anything prohibited by this Bylaw commits a breach of this Bylaw and is liable to a penalty under section 242 of the Local Government Act 2002 (including a fine not exceeding \$ 20,000).
- 15.2 Council or an Authorised Officer may, pursuant to section 163 of the Local Government Act 2002:
- a) remove or alter any work or thing that is, or has been constructed in breach of this bylaw; and
 - b) recover the costs of removal, repair or alteration from the person who committed the breach or was responsible for the activity creating the breach.
- 15.3 If in the opinion of an Authorised Officer, the behaviour and actions of any person on a beach may endanger the public, animals or birds, or may cause damage to the beach, the Authorised Officer may request that the person desists from such behaviour. Any refusal to comply with the request is an offence against this Bylaw, and the Authorised Officer may require the person to leave the beach immediately.
- 15.4 Any vehicles, vessels or articles which are on a beach in breach of this Bylaw may be removed by any Authorised Officer or Police Officer and impounded at the expense of the driver or owner.
- 15.5 This Bylaw authorises any member of the New Zealand Police to assist an Authorised Officer in the performance of the enforcement measures provided for in this part of the Bylaw.

16.0 Licenses - *Ngā Raihana*

- 16.1 The form of any application for and grant of any permission, licence or approval required under this Bylaw will be determined by the Council.
- 16.2 The Council may attach to any permission, approval or licence any terms or conditions as it thinks fit.

Strategy and Policy Committee - AGENDA

9.2.6 Appendix 5 - Draft Beach Bylaw for consultation(Cont.)

16.3 No application for a licence from the Council, and no payment of or receipt for any fee paid in connection with such application or licence, shall confer any right, authority or immunity on the person making such application or payment.

16.4 Suspending or Revoking Licences

(a) The Council may revoke or suspend a licence granted under this bylaw if it reasonably believes the licence holder:

i. has acted or is acting in breach of the licence; or

ii. is unfit in any way to hold such a licence.

(b) The Council may require the licence holder to attend to appear before the Council or its nominated decision-making body or person to explain why the licence should not be revoked or suspended. The Council may revoke or suspend the licence at its discretion. If either;

i. the licence holder does not appear before the Council or its nominated decision-making body or person; or

ii. if after the appearance by the person, the Council or its nominated decision-making body or person is satisfied the licence holder has been in breach of the licence or is unfit to hold the licence.

(c) The Council may suspend any licence granted under this bylaw for a period not exceeding 72 hours during the staging of any special event, by giving the licence holder 10 days' notice in writing. The Council may suspend any such licence for the purposes of protecting the public from nuisance or for protecting, promoting or maintaining public health and safety.

17.0 Exclusions - *Ngā Whakakorenga*

16.1 This Bylaw does not apply to any person who carries out an act that is done by a member of the emergency services in the course of carrying out their duties.

18.0 Fees - *Ngā Utu*

17.1 Council may in accordance with section 150 of the Local Government Act 2002 prescribe fees or charges for any certificate, licence, approval, permit, consent form, or inspection made by Council under this Bylaw as set out in Council Fees and Charges Schedule.

17.2 Where a fee has been paid under clause 17.1 for a service which has not been given, the Council may provide a refund, a remission, or waiver of such fee, or portion of it as the Council may determine.

9.2.6 Appendix 5 - Draft Beach Bylaw for consultation(Cont.)

Schedule 1: Maps Showing Locations of Quad Bike and Horse Prohibited Areas

Map 1: Beach Bylaw - Quad Bike and Horse Access Prohibited Area- Opihi Spit

Map 2: Beach Bylaw - Quad Bike and Horse Access Prohibited Area - Maraetotara Road to West End

Map 3: : Beaches Bylaw - Quad Bike and Horse Access Prohibited Area - Ohope Spit


Map 4: Beaches Bylaw - Horse Access Prohibited Area - Otarawairere Bay

9.2.7 Appendix 6 - Beaches Bylaw maps

9.2.7 Appendix 6 - Beaches Bylaw maps


9.2.7 Appendix 6 - Beaches Bylaw maps(Cont.)



 www.whakatane.govt.nz	Beaches Bylaw 2018 - Quad Bike and Horse Access Prohibited Area - Maraetotara Road to West End		N <small>DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography flown between 2001 and 2016, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</small>
	Path: Date of issue: 18/02/2026	Scale: 1:8,500 Author: AP	


9.2.7 Appendix 6 - Beaches Bylaw maps(Cont.)



 <p>www.whakatane.govt.nz</p>	<p>Beaches Bylaw 2018 - Quad Bike and Horse Access Prohibited Area - Opihi Spit</p> <p>Path: _____</p> <p>Date of issue: 18/02/2026</p> <p>Scale: 1:2,500</p> <p>Author: AP</p>	<p>DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography flown between 2001 and 2016, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</p>
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9.2.7 Appendix 6 - Beaches Bylaw maps(Cont.)





 <p>www.whakatane.govt.nz</p>	<p align="center">Beaches Bylaw 2018 - Horse Access Prohibited Area - Ōtarawairere Bay</p> <p>Path: _____</p> <p>Date of issue: 18/02/2026</p> <p align="right">Scale: 1:3,500 Author: AP</p>	<p><small>DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography flown between 2001 and 2016, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</small></p>
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9.2.7 Appendix 6 - Beaches Bylaw maps(Cont.)



Legend

- ▲ Trailer Boat Access
- Access Prohibited At All Times

 WHAKATĀNE District Council www.whakatane.govt.nz	Beaches Bylaw 2018 - Quad Bike and Horse Access Prohibited Area - Ōhope Spit	N 	DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography flown between 2001 and 2016, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.
	Path:	Scale: 1:5,000	
Date of issue: 18/02/2026			

9.2.8 Appendix 7 - Draft Dog Control Bylaw for consultation

9.2.8 Appendix 7 - Draft Dog Control Bylaw for consultation

9.2.8 Appendix 7 - Draft Dog Control Bylaw for consultation(Cont.)

Dog Control Bylaw

Ture ā-rohe Whakahaere Kuri

Date made:	7 June 2018
Commencement:	1 July 2028
Amendments:	2026 TBC
Next review date:	2036 TBC
Review frequency:	10 years

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9.2.8 Appendix 7 - Draft Dog Control Bylaw for consultation(Cont.)

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9.2.8 Appendix 7 - Draft Dog Control Bylaw for consultation(Cont.)

PART 1: INTRODUCTION - *Kupu Arataki*

The Whakatane District Council makes this bylaw in accordance with the Local Government Act 2002 and section 20 of the Dog Control Act 1996.

1.0 Short title, commencement and application - *Translation*

This Bylaw shall be known as the Whakatāne District Council Dog Control Bylaw (2018).

The bylaw comes into force on 1 July 2018 and was amended on [date] 2026.

This Bylaw shall apply to Dogs and their owners within the Whakatāne District.

2.0 Purpose - *Take*

- 2.1 The purpose of this bylaw is to give effect to the Whakatane District Council's Policy on Dogs (2004), which regulates 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.
- 2.2 The Dog Control Bylaw 2018 is not the only major control document for dog owners. The Dog Control Act 1996 also addresses various issues such as registration, barking dogs, dogs attacking people or stock, and other related matters.
- 2.3 This bylaw should be read in conjunction with the Dog Control Act 1996 and its subsequent amendments.
- 2.4 This bylaw should be read in conjunction with the Dog Control Policy including Schedule 2 and 3 of the policy which detail the restrictions of dogs in public places and include a series of District maps,. Schedule 3 of the Dog Control Policy may be amended from time to time by resolution in accordance with section 151(2) of the Local Government Act 2002.

3.0 Interpretation - *Whakamāramatanga*

9.2.8 Appendix 7 - Draft Dog Control Bylaw for consultation(Cont.)

In this Bylaw, unless the context requires otherwise:

ACT means the Dog Control Act 1996 and amendments.

ANIMAL CONTROL OFFICER has the same meaning as 'Dog Control Officer' as appointed under section 11 of the Act.

AT LARGE means a dog is free or at liberty in a public place without any physical restraint by the owner, or when on private property, a dog is not under the direct control of the owner and is not confined within the property so that it cannot freely leave of its own free will.

BEACH means the foreshore and any adjacent area that can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation.

BYLAW means the Whakatane District Council Dog Control Bylaw 2018.

CONTROL in relation to or having responsibility for any dog, means that the owner, shall have it on a leash or confined within a vehicle or other container while in a public place. That person must also be capable of controlling the dog whilst it is on the leash, and have the power of directing or commanding the dog whilst it is off the leash in private and dog exercise areas. Without limiting the generality of the foregoing, a dog shall be deemed to be not under control:

- a) if its actions cause annoyance or distress to any person or animal or damage to property;
- b) if it is found at large in any public place, but shall not include a dog under visual or oral command whilst in a designated dog exercise area;
- c) if it becomes a nuisance or injurious to health;
- d) if it becomes a nuisance to residents in the neighbourhood by barking or howling or by obstructing the lawful passage of persons in public places, or by rushing at or frightening such persons.

COUNCIL means the Whakatane District Council and any person with delegated authority to act on its behalf.

DANGEROUS DOG means a dog classified in accordance with section 31 of the Act

DISABILITY ASSIST DOG has the same meaning given to it in section 2 of the Act.

DISEASED DOG means a dog which is suffering from mange or any other transmittable or contagious condition.

DISTRICT means the area within the Whakatane District Council territorial authority boundaries.

DISTRICT PLAN means the operative Whakatane District Plan.

DOG CONTROL FEE means any fee prescribed under section 37 of the Act.

9.2.8 Appendix 7 - Draft Dog Control Bylaw for consultation(Cont.)

DOG CONTROL OFFICER means a dog control officer appointed under section 11 of the Act and includes a warranted officer exercising powers under section 17 of the Act.

DOG EXERCISE AREA means an area that is designated by Whakatane District Council for use as a place for exercising dogs.

INFRINGEMENT NOTICE has the meaning given to it in section 65(1) of the Act.

LEASH means an adequate flexible restraint, not exceeding two metres in length.

MENACING DOG means a dog classified in accordance with section 33A or 33C of the Act.

NEUTERED DOG means a dog that has been spayed or castrated and does not include a dog that has been vasectomised.

NUISANCE has the same meaning as section 29 of the Health Act 1956, and in relation to a dog's actions, includes but is not limited to:

- a) Obstructing the lawful passage of any person in a public place or on private property.
- b) Rushing at, chasing, frightening, intimidating or causing any person in a public place or lawfully on private property to suffer injury or significant distress.
- c) Destroying, tearing or otherwise interfering with any refuse container, whether the container is on private property or in a public place.
- d) Interfering with any person's property, whether on private property (other than the owners) or in a public place.
- e) Rushing at, chasing, frightening, obstructing or causing injury or distress to any stock, poultry, domestic animal or protected wildlife, whether on private property (other than the owners) or in a public place.
- f) Barking, howling and/or whining in a persistent and loud manner.
- g) Rushing at any vehicle

OWNER in relation to any dog, has the same meaning as in section 2 of the Act and means every person who:

- a) owns the dog; or
- b) has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours, for the purpose of preventing the dog causing injury, damage or distress, or for the sole purpose of restoring a lost dog to its owner; or
- c) the parent or guardian of a person under the age of 16 years who:
 - i. is the owner of the dog pursuant to paragraph (a) or (b) of this definition; and
 - ii. is a member of the parent or guardian's household living with, and dependent on the parent or guardian; -
but does not include any person who has seized or taken custody of the dog under the Dog Control Act 1996, Animal Welfare Act 1999, National Parks Act 1980, or the Conservation Act 1987, or any other order made under this Bylaw or the Animal Welfare Act 1999.

Strategy and Policy Committee - AGENDA

9.2.8 Appendix 7 - Draft Dog Control Bylaw for consultation(Cont.)

PREMISES means all land and buildings within a single rating unit.

PUBLIC PLACE means a place that at any material moment, is under the control of Council and is open to or is being used by the public, whether free or on payment of a charge, and includes any Road whether or not it is under the control of Council.

STOCK means:

- (a) any live horse, cattle, sheep, swine, deer, alpaca, llama, bison, donkey, mule, ostrich, emu or any other animal which is herded, mustered or handled in the manner of farm animals or are kept within an effective fence or enclosure for farming purposes; and
- (b) any other animal that Council by resolution from time to time determines to be Stock for the purposes of this Bylaw.

WORKING DOG has the same meaning as in section 2 of the Act and means:

- a) any disability assist dog; and
- b) any dog:
 - i. kept by the Police or any constable, the Customs Department, the Ministry of Agriculture, the Ministry of Fisheries or the Ministry of Defence, or any other officer or employee of any such Department of State solely or principally for the purposes of carrying out the functions, powers and duties of the Police or the Department of State or that constable, officer, or employee; or
 - ii. kept solely or principally for the purposes of herding or driving stock; or
 - iii. kept by the Department of Conservation or any other officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or
 - iv. kept solely or principally for the purposes of destroying pests or pest agents under any pest management strategy under the Biosecurity Act 1993; or
 - v. kept by the Department of Corrections or any other officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department, or
 - vi. kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any other officer or employee of that Service solely or principally for the purposes of carrying out the functions, duties and powers of that Service; or
 - vii. certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers of that Service; or
 - viii. owned by a security guard as defined in section 4 of the Private Investigators and Security Guards Act 1974 and kept solely or principally for the purposes of carrying on the business of a security guard; or
 - ix. declared by resolution of the territorial authority to be a working dog for the purposes of [the Dog Control] Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.

9.2.8 Appendix 7 - Draft Dog Control Bylaw for consultation(Cont.)

PART 2: BYLAW CLAUSES - *Translation*

Schedule 2 and 3 of the Dog Control Policy include areas and maps of the district describing where dogs are prohibited, restricted and where they can be exercised.

4.0 Dog exercise areas

4.1 The owner of any dog (including a dangerous dog that is muzzled) may take that dog to a designated dog exercise area as specified as such in Schedule 2.1 and Schedule 3 of the Dog Control Policy.

4.2 The Council may by publicly notified resolution declare any place to be a Dog Exercise Area. For clarity, all beaches are considered to be Dog Exercise Areas with the exception of those areas specifically designated as Dog Prohibited Areas.

4.3 Within Dog Exercise Areas, the dog's owner shall ensure that the dog is under continuous and effective control, but shall not be required to keep the dog on a leash.

5.0 Dogs in restricted areas

5.1 The owner of any dog must ensure that the dog is under control on a leash in any public place as specified in Schedule 2.2 and schedule 3 of the Dog Control Policy.

5.2 The owner of any dog not under control, is deemed to have breached this part of the bylaw.

6.0 Dogs in prohibited areas

6.1 The owner of any dog must ensure that their dog does not enter or remain in any public place specified as prohibited in Schedules 2.3 and Schedule 3 of the Dog Control Policy 7.2 The Council may by publicly notified resolution declare any place to be a Dog Prohibited Area. These are areas where dogs are prohibited at all times and must not be taken into, under any circumstances.

6.2 The Council may by publicly notified resolution declare any place to be prohibited to dogs at specified times.

6.3 The owner of any dog that enters or remains in a Dog Prohibited Area is deemed to have breached this part of the bylaw.

9.2.8 Appendix 7 - Draft Dog Control Bylaw for consultation(Cont.)

7.0 Dog control on private property

7.1 Accommodation & shelter

7.1.1 As a minimum standard, the owner of any dog shall provide for it a weather-proof shelter, kennel or similar accommodation with sufficient space to allow the dog reasonable movement and of sufficient height so that it can stand freely. The floor of the shelter shall be elevated to ensure a dry surface. The shelter shall be kept in a clean and sanitary condition and incorporate access to clean water at all times.

7.1.2. Where any dog accommodation is closer than 3 metres to an adjoining property boundary and is causing or is likely to cause a nuisance, the Council or an authorised officer may require a relocation of the dog accommodation.

7.2 Dogs becoming nuisance or injurious to health

7.2.1 The owner of any dog and the owner of any premises on which any dog is kept shall take adequate precautions to prevent the dog from becoming a nuisance or injurious to health.

7.2.2 If in the opinion of the Council or an Animal Control Officer, any dog or the premises in which it is kept has become or is likely to become a nuisance or injurious to health, the Council or an Dog Control Officer may by notice in writing, require the owner or occupier of the premises within a time specified in such notice to do all or any of the following:

- a. Reduce the number of dogs kept on the premises;
- b. Construct, alter, reconstruct or otherwise improve the kennels or other buildings used to house or contain the dog or dogs;
- c. Require the dog or dogs to be tied up or otherwise confined during specified periods;
- d. Take such other action as the Council deems necessary to minimise or remove the likelihood of nuisance or injury to health;
- e. Require a dog to be neutered, that has on a number of occasions not been kept under control (whether or not the owner of the dog has been convicted of an offence against Section 53 of the Dog Control Act 1996); or
- f. Require the owner of a dog to attend an approved dog obedience course.

7.2.3 Any person to whom notice is given under the preceding provisions of this clause who fails to comply with such notice within the specified time shall be in breach of this Bylaw.

8.0 Impounding dogs

A Dog Control Officer may impound a dog that is found at large or in breach of any bylaw made by the Council, whether or not the dog is wearing a collar or has a registration label

9.2.8 Appendix 7 - Draft Dog Control Bylaw for consultation(Cont.)

9.0 Diseased dogs and bitches in season

9.1 The owner of any diseased dog shall not take, permit or suffer the dog to enter or remain in any public place, except when being taken to or from a veterinary clinic.

9.2 The owner of any bitch in season shall not take, permit or suffer the dog to enter or remain in any public place, except when being taken to or from a veterinary clinic. Bitches in season shall be kept confined but adequately exercised.

10.0 Dogs in or on vehicles

10.1 No person shall take a dog on to any public place in a motor vehicle or leave a dog in an unattended vehicle unless it impossible for the dog to get out of the vehicle.

10.2 Any person allowing a dog to ride on the open tray of a vehicle shall ensure that it is at all times kept restrained by a chain or rope that is sufficiently short in length as to prevent the dog from leaving the tray or endangering passers-by.

11.0 Responsibility to remove faeces

11.1 Where any dog defecates in any public place or private-way or land or premises other than that occupied by the owner of the dog, that owner must remove the faeces immediately and dispose of them in a hygienic manner.

11.2 Owners may not deposit animal faeces in any public place except in a recognised waste or rubbish bin

12.0 Aggravated dogs

No person shall behave in a manner which causes a dog to become restive or aggravated, whether or not that person is the owner of the dog.

13.0 Dogs to be neutered

The owner of a dog which has been classified as "Menacing" under Section 33A (1)(b)(ii) of the Act must have that dog neutered within one month of notification of the classification, subject to any right of appeal.

9.2.8 Appendix 7 - Draft Dog Control Bylaw for consultation(Cont.)

PART 3: OTHER MATTERS – *Translation*

14.0 Offences - *Translation*

14.1 A person who breaches this bylaw commits an offence under section 20(5) of the Dog Control Act 1996 and is liable on conviction to a fine not exceeding \$20,000 as set out by section 242(4) of the Local Government Act 2002.

14.2 Enforcement action may be taken under sections 65–66 of the Dog Control Act, including the issue of an infringement notice for the relevant offence in Schedule 1.

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

14.4 Council may, pursuant to section 163 of the Local Government Act 2002:

- a) remove or alter any work or thing that is, or has been, constructed, deposited, stored, or accumulated in breach of this bylaw; and
- b) recover the costs of removal, repair or alternation from the person who committed the breach or was responsible for the activity creating the breach.

15.0 Exemptions - *Translation*

15.1 Written permission can be sought from the Council to waive or modify restrictions imposed on (bylaw reason) in a local authority area which may be granted with or without conditions. Permission must be applied for in writing to the Chief Executive of the Council at least 20 days in advance of the date planned for (reason).

16.0 Fees - *Translation*

16.1 All fees payable under this bylaw, including dog registration fees, shall be those set annually by the Council in accordance with sections 36–38 of the Dog Control Act 1996, and may be amended from time to time by Council resolution.

9.2.9 Appendix 8 - Draft Dog Control Policy for consultation

9.2.9 Appendix 8 - Draft Dog Control Policy for consultation

9.2.9 Appendix 8 - Draft Dog Control Policy for consultation(Cont.)

Whakatāne District Council Dog Control Policy

Te Kaupapa Here Whakahaere Kurī

Date adopted :	<i>25 August 2022</i>
Next review date:	<i>2026</i>
Review frequency:	<i>Policy must be reviewed if the Bylaw is reviewed</i>

9.2.9 Appendix 8 - Draft Dog Control Policy for consultation(Cont.)

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9.2.9 Appendix 8 - Draft Dog Control Policy for consultation(Cont.)

1.0 Introduction - *Kupu Arataki*

The Whakatāne District Council recognises the positive role dogs play in society for individuals and families. Council recognises that most dog owners in the Whakatāne District are responsible, and that most interactions between dogs and the public is positive.

The purpose of this policy is to outline how the Council will address the requirements outlined in the Dog Control Act 1996 (the Act), and this policy should be read in conjunction with the Whakatāne District Council's Dog Control Bylaw 2026.

The policy includes regulatory controls to allow for the exercise and recreational needs of dogs and their owners, and appropriate controls to minimise the potential for any danger, distress or nuisance that may be caused by dogs. It is also intended to be an education tool to help encourage and facilitate good dog behaviour and good dog ownership.

2.0 Background - He tirohanga whakamuri

The Whakatāne District Council has an obligation under the Dog Control Act (1998) to develop a dog policy on dog control practices in our district. The Council also has a dog control bylaw which gives Council the legal power to implement the dog policy and determine how dogs should be best managed in our district.

The relationships between the Act, the Dog Control Policy and the Dog Control Bylaw are described in Schedule 1.

3.0 Objective - *Ngā whāinga*

Objectives of the Dog Control Policy are:

1. To minimise danger, distress, and nuisance to the community.
2. To avoid danger by controlling dogs' access to public places that are frequented by children, whether or not the children are accompanied by adults.
3. To enable, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs.
4. To ensure that dogs do not injure, endanger, or cause distress to any protected wildlife.
5. To provide for the exercise and recreational needs of dogs and their owners.

9.2.9 Appendix 8 - Draft Dog Control Policy for consultation(Cont.)

6. To acknowledge our strong rural economy that relies on working dogs to manage livestock, but roaming dogs can also target stock and cause death or stress to these animals.

7. To actively promote responsible dog ownership, education, and compliance with the Bylaw and Act.

These objectives are consistent with the Dog Control Act; however, there are specific objectives applicable to our district that should be reflected in the Policy. They include:

- recognising that nationally significant protected wildlife, such as kiwi and dotterel populations, live or nest close to urban areas, and are under the threat of roaming dogs.
- reducing the incidence of roaming dogs in the district through effective education, enforcement, and responsible dog ownership
- recognising the need for community-based solutions to dog control in locations where historically this service has not been welcomed. This includes working collaboratively with local communities including iwi, conservation, and animal welfare organisations to identify innovative solutions that improve responsible dog ownership, educate owners and increase compliance.

4.0 Definitions – Ngā tikanga o ngā kupu

Act means the Dog Control Act 1996 and any amendments.

At large means free or at liberty in a public place without any physical restraint by the owner, or when on private property, not under direct control of the owner and is not confined within the property.

Bird nesting areas means an identified area where native or protected bird species routinely nest, breed, incubate eggs, or rear chicks, and where disturbance—especially from dogs—may cause harm, abandonment of nests, or predation. These areas may be seasonal or permanent and typically include:

- Coastal habitats, such as dunes, beaches, estuaries, and sandspits, used by ground-nesting shorebirds.
- Wetlands, river margins, and lake edges where birds nest on the ground or in low vegetation.
- Bush edges and open scrub habitats that support vulnerable ground-based native species.

Bird Nesting Areas often host species that evolved without mammalian predators, making them highly susceptible to disturbance, as noted in national conservation guidance.

Control of or controlled dog means that the owner, or person in charge of the dog, can obtain an immediate and desired response from the dog (including when the dog is off leash). If in a public place, the owner, or person in charge of the dog, must have it on a leash or confined within a vehicle (excluding when in a dog exercise area and the owner has control of the dog).

Council refers to the Whakatāne District Council or any Committee of the Council or Officer authorised to exercise the authority of the Council.

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9.2.9 Appendix 8 - Draft Dog Control Policy for consultation(Cont.)

Dangerous dog means any dog classified as dangerous by the Council under section 31 or 33ED of the Act.

Dog Exercise Area means an area that is designated by Whakatāne District Council for use as a place for exercising dogs.

Disability assist dog means a dog trained (or in training) to assist a person with a disability as defined under the Act, including any guide dog, hearing ear dog, or companion dog.

Diseased dog means a dog which is suffering from mange or any other transmittable or contagious condition.

District means the area within the Whakatāne District Council territorial authority boundaries.

Hunting dog means for the purpose of this bylaw a dog that is registered and kept solely or principally for the purposes of hunting game by undertaking **legal** hunting activities and has a current avian awareness and aversion certificate. Hunting dog is classified as a working dog as defined in section 2 (b) (vi) of the Act.

Kiwi Zones means a designated geographic area in New Zealand, often in areas under controlled land where active efforts are made to protect native kiwi populations.

Leash/lead means an adequate flexible restraint, not exceeding two meters in length (for the purpose of this policy leash and lead refer to the same definition through this document)

Menacing dog means any dog classified as menacing under section 33A or 33C or 33ED of the Act.

Muzzled means in relation to a dog, means the dog is wearing a basket type or similar muzzle (that allows panting and drinking).

Neuter means to spay or castrate a dog but does not include a dog that has been vasectomised.

Nuisance refers to the dictionary definition (a person, thing, or circumstance causing trouble or annoyance; anything harmful or offensive to the community or a member of it and for which a legal remedy exists) or to a statutory nuisance as defined in section 29 of the Health Act 1956.

Owner has the meaning as defined under the Act, including every person who owns a dog, or has a dog in his or her possession, or the parent or guardian of a person under the age of 16 years who owns a dog.

Park means:

- any land vested in or administered by the Council or the Department of Conservation, under the provisions of the Reserves Act 1977; or
- any park, domain or recreational area under the control or ownership of the Council.

9.2.9 Appendix 8 - Draft Dog Control Policy for consultation(Cont.)

Prohibited area is an area where dogs are always prohibited (except for certified working dogs fulfilling their working duties).

Protected wildlife has the same meaning as defined in section 2 of the Act.

Public place has the meaning as defined in section 2 of the Act

Restricted area is an area where any of the following can apply to dogs:

- being prohibited from an area for a particular timeframe; or
- being required to be on a leash (either permanently or for a specified period).

Road means the land between property boundaries, including footpaths, roadways, and grass verges, and as defined under s315 Local Government 1974.

Roaming dog means any dog that is found in any public place or on any land or premises other than that occupied by the owner and is unaccompanied by their owner.

Working dog has the same meaning as defined in section 2 of the Act, with the addition of dogs kept solely or principally for conservation purposes by local organisations within the district.

5.0 Policy - Te kaupapa Here

5.1 Access to public places

Under the Act, councils can designate public places where dogs are prohibited, have restricted access or allowed off-leash to ensure public safety and minimise dog-related incidents. These areas are enforced using the Dog Control Bylaw.

Areas where dogs are prohibited, restricted or allowed are outlined in Schedule 2 and are mapped in Schedule 3. Maps can also be accessed through Whakatāne District Council's website.

5.2 Dog Exercise Areas

Dog exercise areas are designated areas where dogs are able to exercise off-leash, although must remain under control by their owner or the person responsible for them.

The Council has identified and designated appropriate exercise areas to manage any potential conflict between dogs and people. Provision has been made for areas where dogs can be exercised on a leash, or at large, off the leash. When an owner or the person is exercising their dog(s) within any public space it is their responsibility to keep the dog under continued control and must carry a leash at all times unless it is in a dog exercise area.

5.3 Dog Restricted Areas

Strategy and Policy Committee - AGENDA

9.2.9 Appendix 8 - Draft Dog Control Policy for consultation(Cont.)

Restricted areas are where dogs are either prohibited from an area for a particular timeframe or are required to be on a leash/lead (either permanently or for a specified period).

Areas where dogs are restricted (except when confined within a vehicle) are:

- a) In or any part of any street or public place unless the dog is kept under control by lead/leash.
- b) In any part of any street or public place within the Business Centre or Commercial zoned land (shopping centres) between 9am-to-5pm every day.
- c) All sports fields when formalised sporting fixtures are taking place or when the described areas are being leased for any approved activity.

Restriction for diseased dogs and bitches in heat

The owner of any diseased dog or a bitch in season should not take or allow the dog to enter or remain in any public place, except when being taken to or from a veterinary clinic. Bitches in season should all be kept confined but adequately exercised.

5.3 Dog Prohibited Areas

Prohibited areas are set where dogs are not allowed at all times. These include all public playgrounds, specified reserves, cemeteries, tennis courts and other designated areas. Prohibited areas are outlined in Schedule 2.

If an area is designated as prohibited or a dog exercise area is disestablished, the Council will consider the impact on the dog owners' ability to walk their dogs and the availability of alternative areas for dog exercise.

5.4 Protecting our wildlife from dogs

Whakatāne District Council is committed to preserving our native biodiversity and recognises the special relationship Māori have with New Zealand's natural taonga. Dogs are therefore prohibited in areas where significant wildlife and/or wildlife habitats are present, for example, the presence of native bird species such as kiwi and dotterel. We acknowledge that dogs are not the only species that pose a threat to native wildlife. However, off-leash dogs can pose a threat by disturbing nesting sites, breeding patterns, and predation. The Council will utilise information from environmental groups to assess the level of risk associated with allowing dogs on or off-leash in a particular site.

Prohibited Kiwi Zones

Kiwi live near residential areas, and dogs therefore pose a serious threat to all kiwi and especially areas identified as Kiwi Zones. Therefore, kiwi zones are strictly dog prohibited areas and not allowed **at all times**. The main identified kiwi zones are identified within Schedule 3 and include:

- Ohope Scenic Reserve - Kiwi Zone
- Kohi Point Scenic Reserve - Kiwi Zone
- Mokorua Bush Scenic Reserve - Kiwi Zone

9.2.9 Appendix 8 - Draft Dog Control Policy for consultation(Cont.)

Kiwi are not restricted to these areas and owners must be responsible for keeping their dog under control if encountering wildlife in non- prohibited and restricted areas.

Restricted Bird Nesting Areas

The Whakatāne District is fortunate to have a shoreline and streams optimal for nesting birds, such as the Northern New Zealand Dotterel. The dotterel breeding season is critical through August – February with increased flocking during the winter periods. Because shorebird nesting is variable each season, Council will work with external agencies who identify nesting areas along the coastlines, to establish prohibited/restricted areas and monitor and protect shorebirds within the district.

There are identified streams that are consistent nesting spots for endangered species and will require dogs to be on a lead and under control, all year round in or on either side of the following streams (refer to Schedule 2 and Schedule 3 Maps):

- Hauone Stream
- Pikowai Stream
- Hereperu Stream
- Mimiha Stream

In addition, sand dunes are an important part of the beach ecosystem and provide a habitat for nesting birds such as the endangered dotterel. All sand dunes are labelled as restricted areas and must require dogs to be on lead and to utilise designated pathways to access the beach.

Further dog restrictions in conservation land and Te Urewera

The policy applies to dogs and their owners within the Whakatāne District. However, other legislation also applies for certain areas within the district, and these are listed in Schedule 3.

Dog access on conservation land is governed by the Department of Conservation under the Conservation Act 1987. Specific dog restrictions also apply under the Te Urewera Act 2014.

These restrictions are summarised below:

- Dogs are prohibited in areas under the Department of Conservation's control which are classified as national, scenic, nature or scientific reserves or wilderness areas.
- Dogs are prohibited except certified disability assist dogs or by permit of specific exemptions.

6.0 Registration and Fees – Ngā rēhitanga me ngā utu

6.1 Maintenance of dog registration

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9.2.9 Appendix 8 - Draft Dog Control Policy for consultation(Cont.)

The maintenance of a dog registration system is both a statutory requirement and an essential component of the efficient running of the Council's dog control service.

All dogs:

- a) Must be registered by the age of three months
- b) That are newly purchased or acquired must be registered immediately
- c) Are required to have their registration renewed by 1 July every year
- d) Must wear a registration label or disc at all times
- e) That are registered for the first time (except working dogs) must be implanted with a functioning micro-chip transponder.

Dog registration fees are set by the Council prior to June each year. The fees cover a proportion of the costs for the management and enforcement of the Dog Control Act 1996 and Bylaw, and covers issues reported to the Council, such as welfare, dog control, education and ensuring dogs do not cause a nuisance in the community.

The degree to which the Council dog control fees and charges are set will be defined in the Revenue and Financing Policy that is set by the Council every three years alongside the development of the Long-term Plan. This determines the balance of costs recovered from dog registration fees, infringement revenue, and general rates to reflect the public and private benefits of dog control.

Discounted registration fees are applicable for:

- a) early registration, prior to a nominated day in August each year.
- b) working dogs including hunting dogs (on application)
- c) service dog (no registration fee)
- d) disability assist dogs (no registration fee)
- e) desexed dogs

6.3 Change of dog ownership

Where the ownership of any dog is changed, the registration of the dog shall continue, but the previous owner and the new owner must give written notice of the change of ownership to the Council within 14 days. The Council will record the changes in the register and issue a new label or disc for the dog, without fee.

6.4 Refund of registration in the event of the death of dog

If a registered dog dies, the owner should notify the Council. The Council will send out a refund form for the owner to complete, sign and return to be processed. It is important that this is done as soon as possible, as refunds are calculated on the number of full months left in the registration, from the date the Council receives the refund form.

9.2.9 Appendix 8 - Draft Dog Control Policy for consultation(Cont.)

7.0 Dog Registration Classification – Te Kōmakatanga rēhita kuri

7.1 Classification of owners

7.1.1 Probationary owner classification

This classification may be imposed on dog owners if they have been:

- a) convicted of an offence under the Dog Control Act 1996; or
- b) convicted of an offence against Part 1 or Part 2 of the Animal Welfare Act 1999; or
- c) convicted of an offence against section 26ZZP of the Conservation Act 1987 or section 56(1) of the National Parks Act 1980; or
- d) convicted of three or more infringement offences within a 24-month period.

This classification of Probationary Owner will continue for a period of 24 months unless there were extenuating circumstances involved in any particular case. A probationary owner is subject to the following restrictions:

- a) shall not be capable of registering any dog except for the dog/s for which he/she was the registered owner at the time of the classification.
- b) shall, within 14 days, dispose of every unregistered dog in his/her care, in a manner which does not constitute an offence against any Act.
- c) will be required to pay a surcharge of 50 percent on all dog control fees payable during the period of classification.
- d) where the classification occurs after the dog control fee for any year has been paid, a pro-rata fee of the remaining registration months shall be payable within four weeks. If the surcharge is not paid within four weeks, the dog shall cease to be registered.
- e) the Council may require a probationary owner to undertake a dog owner education programme, or a dog obedience course approved by the Council.

7.1.2 Disqualification classification

The Council may enforce Section 25 of the Dog Control Act 1996, relating to the disqualification of owners for a period of up to five years, where:

- a) the person commits 3 or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months; or
- (b) the person is convicted of an offence (not being an infringement offence) against this Act; or
- (c) the person is convicted of an offence against [Part 1](#) or [Part 2](#) of the Animal Welfare Act 1999, [section 26ZZP](#) of the Conservation Act 1987, or [section 56I](#) of the National Parks Act 1980.

9.2.9 Appendix 8 - Draft Dog Control Policy for consultation(Cont.)

7.1.3 Disqualified owners

A person disqualified from owning a dog:

- a) shall, within 14 days, dispose of every dog owned by that person in a manner that does not constitute an offence
- b) shall not be in possession of a dog for the period of the classification
- c) shall not dispose of the dog to any person who resides at the same address.

7.2 Classification of dogs

7.2.1 Dogs attacking and subsequent classification as dangerous dog

The Council may seek a court order for the destruction of a dog which has attacked a person in an unprovoked situation. However, if the court finds exceptional circumstances as to why a dog should not be destroyed, the dog may be classified as dangerous.

In any case, the Council has the authority to classify dogs as dangerous in respect of aggressive behaviour. The criteria for classifying a dog as dangerous includes:

- a) An attack on a person
- b) An attack on stock, poultry, domestic animals or protected wildlife
- c) Rushing or startling a person in a manner that causes:
 - (i) any person to be killed, injured or endangered; or
 - (ii) any property to be damaged or endangered
- d) Rushing at any vehicle in a manner that causes or is likely to cause an accident.

And further:

- a) on the basis of the sworn evidence attesting to aggressive behaviour by a dog on one or more occasions, there are reasonable grounds to believe a dog constitutes a threat to the safety of a person, stock, poultry, domestic animal or protected wildlife; or
- b) the owner admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal or protected wildlife

If the dog is classified as dangerous, the owner must:

- a) ensure the dog has been neutered within one month
- b) ensure the dog is fenced within the owner's section securely so that anyone entering the property does not have to go through the enclosure where the dog is, to get to the front or back door of the building
- c) not allow the dog to be at large in any public place unless muzzled, except when in a vehicle or cage. It must also be controlled on a leash.
- d) advise any other person in possession of the dog of the leash and muzzle requirements
- e) pay a higher registration fee
- f) not dispose of the dog to any other person, unless consent is given by the Council

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9.2.9 Appendix 8 - Draft Dog Control Policy for consultation(Cont.)

- g) have the dog micro-chipped.

If an owner fails to comply with any of the above, the Council may seek a destruction order from the court with the owner also facing an infringement fine.

If an owner fails to comply with the court order to have the dog destroyed and does not produce a veterinarian's certificate stating that the dog has been destroyed, the owner will face a further fine.

These ownership responsibilities transfer to any subsequent owner of the classified dog. The Council's written permission to change the ownership of the dog must be obtained and such approval will depend on the capacity of a new owner to assume the classification responsibilities.

Complaints of dog attacks causing serious injury will be referred to the Police as a criminal matter.

7.2.3 Dogs classified as menacing

If the Council considers that a dog may pose a threat or has displayed aggressive and threatening actions towards any person, stock, poultry, domestic animal, or protected wildlife that dog may then be classified as menacing. Local authorities are required to classify all dogs that are considered predominantly of American Pit Bull Terrier type, or Brazilian Fila, Dogo Argentino, Japanese Tosa or Perro de Presa Canario breeds as menacing.

If the dog is classified as menacing, the owner:

- a) may be required to neuter the dog, although neutering may not be required if a dog is classified as menacing on the grounds of the breed alone
- b) must ensure that the dog is always muzzled when in a public place
- c) advise any other person in possession of the dog of the muzzle requirements
- d) must have the dog micro-chipped.

Note that more information on the effects of a dog being classified as 'menacing' can be read under section 33E of the Dog Control Act.

7.2.4 Working and service dog registration

The definition for working dog is set out in the definitions section of this policy and refers to any dog carrying out functions and duties:

- a) relating to farming, such as the herding of stock;
- b) under the direction of a government department or state employee undertaking responsibilities such as those relating to policing, defence, corrections, customs, security, biosecurity, pest management, emergency management;
- c) under direction of local organisations for conservation purposes; or
- d) under the direction of a private security guard in the execution of their duties.

9.2.9 Appendix 8 - Draft Dog Control Policy for consultation(Cont.)

To qualify for working dog status, the owner must apply to the Council by completing an Application for Working Dog status form. If successful, the status will be changed and will apply for the next financial year.

7.0 Service Delivery - Whakahaere ratonga

The Council delivers dog control services through a combination of Whakatāne District Council Animal Control Officers and contracted service providers, ensuring 24/7 response capability and effective enforcement of this Policy

8.0 Partnership – Mahi tahi

The Council has been in partnership with Ngāti Manawa since 2017 to better manage animal control in Murupara. It has been very successful in reducing roaming dogs, creating a safer township and raising compliance levels. The Council is keen to explore other initiatives in other parts of the districts, particularly with iwi or hapū, that could provide similar benefits and increase safety for residents.

9.0 Education – Mātauranga

8.1 Advertising and promotions

The Council promotes responsible dog ownership through education in these ways:

- a) Advertising.
- b) School programmes.
- c) Bite Prevention Seminars. These seminars are available free of charge to organisations whose staff enter properties regularly and may encounter a challenging dog.
- d) One to One Programmes, Council staff work with owners individually where problems or complaints have been received regarding their dog/s. The aim of the programme is to achieve compliance and to provide education on owners' responsibilities.
- e) Educational pamphlets.
- f) Community engagement with external organisations to promote registration, micro-chipping, and avian awareness and avoidance training.

8.2 Dog obedience courses

Dog obedience training is a very positive way of owners spending time with their dogs, which is of benefit to them and the community. There are a number of clubs and dog behaviourists in the district that can help owners with dog obedience classes or individual attention for dogs with behaviour issues.

8.3 Avian awareness and avoidance training

9.2.9 Appendix 8 - Draft Dog Control Policy for consultation(Cont.)

Avian awareness and avoidance training helps to avoid birds being killed and disturbed. The Whakatāne District Council encourages owners who use or live near kiwi zones or near dotterel nesting areas to use this service.

8.34 Property visits

Properties in the Whakatāne District are checked for unregistered dogs. Property visits are an important way of providing contact between the Council and the community relating to educating dog owners and over specific dog control issues. It provides an opportunity to discuss relevant educational issues and for the Council to check on the dog's welfare, kennelling and registration status.

8.5 Infringement notices and fines

The Council aims to encourage people to comply with regulatory requirements through education and working with people. However, the Dog Control Act allows local authorities to issue infringement notices for infringement offences as set out in Schedule 1 of the Dog Control Act.

10.0 Enforcement – Whakauruhitanga

The Council will issue infringement notices as per the Dog Control Act. Examples include :

- a) wilful obstruction of a dog control officer or dog ranger
- b) failure to supply information or wilfully providing false particulars about a dog
- c) failure or refusal to supply information or wilfully stating false particulars
- d) failure to comply with any bylaw authorised by section 20 of the Act
- e) unregistered dogs
- f) dogs rushing at or biting people and pets, and damaging property.

All written explanations regarding infringement notices can be referred to the Dog Control Review Panel. The Review Panel is an internal review panel of senior staff from different areas of the business. The Panels Terms of Reference is to ensure the policy and Bylaw have been enforced fairly and that any mitigating circumstances have been considered.

11.0 Accountability - Ngā Haepapa

Manager Community Regulation

General Manager Planning, Regulatory and Transportation

Section 10A of the Dog Control Act 1996 specifies Councils obligations to report.

9.2.9 Appendix 8 - Draft Dog Control Policy for consultation(Cont.)

12.0 Review – Te Arotake

This policy will be reviewed every five years or to coincide with any review of the Dog Control Bylaw to ensure consistency.

9.2.9 Appendix 8 - Draft Dog Control Policy for consultation(Cont.)

Schedule 1: Dog Control Framework

Document	Purpose	What the document covers
Dog Control Act 1996	<p>Objects of the Act:</p> <ul style="list-style-type: none"> • Better provision for the care and Control of dogs • To make provision in relation to damage caused by dogs. 	<ul style="list-style-type: none"> • Requires the registration of dogs • Makes provisions in regard to dangerous and Menacing Dogs • Obligations of dog Owners including: <ul style="list-style-type: none"> - Control of dogs on Owner's property - Barking dogs - Dogs causing serious injury, distress or endangerment to people, stock, domestic animals or protected wildlife - Seizure or destruction of dogs - Infringement offences - Custody of dogs - Prohibiting the importation of certain dogs - Micro-chipping - Enforcement
Dog Control Policy	<p>Required to have regard to;</p> <ul style="list-style-type: none"> - minimise danger, distress, and nuisance - restrict uncontrolled access to Public Places that are frequented by children - the use of streets and public amenities without fear of attack or intimidation by dogs; and - the exercise and recreational needs of dogs and their Owners 	<ul style="list-style-type: none"> • Nature and application of the Bylaw • Types of dog restrictions and locations/Public Places where restrictions apply • Locations where dogs may be exercised • Requirements for Menacing Dogs • Owner education programmes • Council's and dog Owners' obligations

9.2.9 Appendix 8 - Draft Dog Control Policy for consultation(Cont.)

<p>Dog Control Bylaw</p>	<p>Purpose:</p> <p>The Dog Control Bylaw sets local rules to promote responsible dog ownership, protect public safety, and ensure dogs do not create a nuisance in the community.</p>	<ul style="list-style-type: none"> • Specific conditions on when a dog may be prohibited from a public space • Specific areas where dogs are prohibited, including any date or time restrictions • Specific areas where leashes are required, including any date or time restrictions • Specific dog exercise areas, including any date or time restrictions • Temporary area restrictions • Dog fouling • Impounding of dogs • Enforcement, offences and penalties
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9.2.9 Appendix 8 - Draft Dog Control Policy for consultation(Cont.)

Schedule 2: Dog prohibited, restricted and exercise area register

2.1- Dog Exercise Areas

a) Parks and reserves:

Whakatāne : Rugby Park, Warren Park, Rex Morpeth Park, Awatapu Park, Red Conway Park, Mataatua Reserve, Athletic Domain, Awatapu lagoon, River Edge Park, Eleanor Place Reserve, Hinemoa Glade, King Street Reserve, Valley Road Plantation, Valley Road Escarpment, Waiewe Drainage Reserve, Mitchell Park, Strand Canal, Peace Street Drainage Reserve, Eivers Road Reserve, Pohutu Reserve, Whakatāne Heads, Warren Cole Walkway, Warren Park, Eve Rimmer Park,

Ōhope : Wharekura Reserve, Maraetotara Reserve, Waiotahi/Waimana Reserve, Esplanade reserve, Otao South Reserve, Bob Byrne Park, Ōtarawairere Tennis Court Reserve, Bluett Park

Matatā : Thornton Domain reserve (Thornton) Richmond Park

Edgecumbe : Kanuka Park, Konini Place Reserve, Puriri Crescent Reserve, College Road Reserve, Edgecumbe Domain, Bill Orr Park, Riverslea Reserve

Tāneatua : Amokura Road reserve, Howell Road Reserve, McKenzie Street Reserve, Rob Shaw Park.

Te Teko : Eivers Park (Te teko), Dunderdale Park (Te teko),

Waimana : Waimana Domain

Murupara: Taniwha Park/Roy Hardy Reserve, River edge, Fire Station Reserve, Wingate Park, Evans Park

b) Beaches: Piripai, Coastland's Beach Front, Matatā Beach front, Ocean Road Beach front, Pohutukawa Avenue Beach Front, Westend beach Front

c) Sport fields: Eve Rimmer Sports field, Te Mahoe Tennis Court.

2.2 – Dog restricted areas (Dogs must be on leash/lead at all times)

In or any part of any street or public place unless the dog is kept under control by lead or leash.

In or any part of any street or public place within the Business Centre or Commercial zoned land (shopping centers) between 9am-to-5pm every day.

9.2.9 Appendix 8 - Draft Dog Control Policy for consultation(Cont.)

All sports fields when formalised sporting fixtures are taking place or when the described areas are being leased for any approved activity.

Bird nesting areas as identified in Schedule 3 Maps:

- Hauone Stream
- Pikowai Stream
- Hereperu Stream
- Mimiha Stream

2.3 – Dog prohibited areas: Areas where dogs are prohibited (except when in a vehicle)

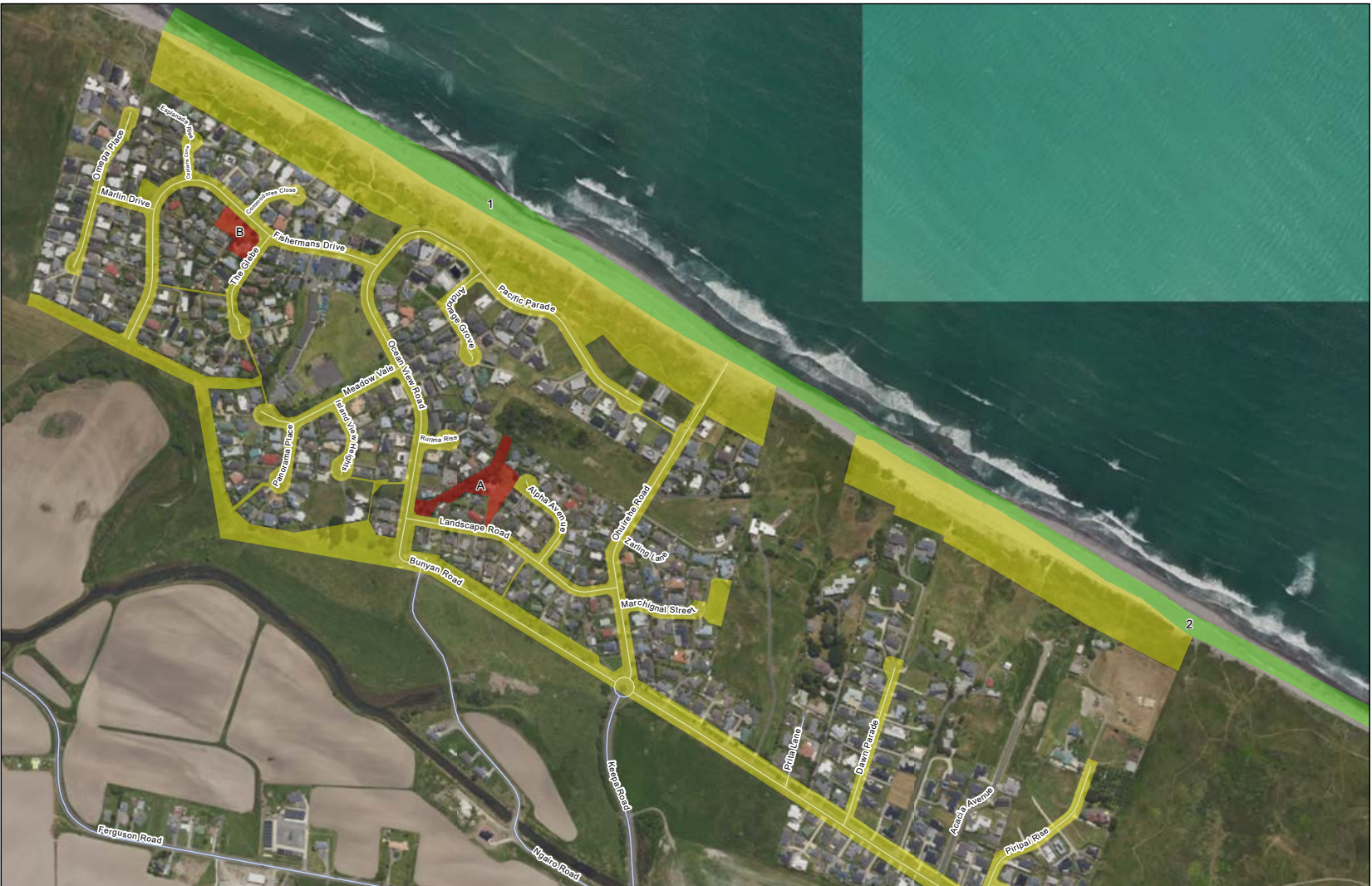
- 1 All public playgrounds
- 2 Whakatāne Observatory
- 3 Whakatāne Aquatic and Fitness Centre
- 4 Waimana War Memorial Hall.
- 5 Eve Rimmer Netball Court in Whakatāne
- 6 Murupara Service Centre (Murupara)
- 7 Cemeteries (Domain Road Cemetery, Hillcrest Cemetery, Rangitihi Cemetery)
- 8 Tennis Courts - Ōtarawairere Tennis Court, Rex Morpeth Park Tennis Court, Wharekura Reserve tennis court (Ōhope).
- 9 Specified reserves:


Awatapu Lagoon (Riding for the Disabled part), Kōhī Point Scenic Reserve, Mokorua Bush Scenic Reserve, Piripai Spit, Paru Site, Peace Park reserve, Amphitheatre\Miniature Railway Area, Salt Marsh - Whakatāne River, Whakatāne River Islands, Wairere Falls, Whakatāne Skateboard Park, Fisherman's Drive Reserve, Ohope Scenic reserve (Department of Conservation land), Tauwhare Pā Scenic Reserve, Ōhope Spit reserve, (Ōhope), Port Ōhope Recreation Reserve, Amokura Road Reserve (Tāneatua), Howell Road Reserve (Tāneatua), Jack Knowles Reserve (Tāneatua), Tāneatua Skatepark (Tāneatua), Mitchell Park (Tāneatua), Rob Shaw Park (Tāneatua) Lake Aniwhenua reserve - camping area north of entrance road to boatramp (Galatea), Arawa Reserve (Matatā), Playground Reserve (Matatā), Oak Street Reserve (Murupara).

Schedule 3: Dog Prohibited, restricted and exercise area maps


9.2.10 Appendix 9 - Dog Control Maps

9.2.10 Appendix 9 - Dog Control Maps






 <p>whakatane.govt.nz</p>	<p style="text-align: center;">Dog Control Areas: Coastlands - Map 1</p> <p style="text-align: right;">Scale: 1:5,000 Author: AP</p>	<p><small>DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography from between 2003 and 2023, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</small></p>
	<p>Date of issue: 10/03/2026</p>	



 <p>whakatane.govt.nz</p>	<p style="text-align: center;">Dog Control Areas: Coastlands (Shaw Road) - Map 2</p> <p>Date of issue: 10/03/2026</p>	<p style="text-align: center;">Scale: 1:1,200</p> <p style="text-align: center;">Author: AP</p> <p style="font-size: small;">DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography from between 2003 and 2023, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</p>
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9.2.10 Appendix 9 - Dog Control Maps(Cont.)

COASTLANDS

 <u>Dog Exercise Area</u>	1. Coastlands Beachfront 2. Piripai Beach	 <u>Dogs Prohibited at all times*</u>	A. Alpha Ave Playground Reserve B. Fishermans Drive Reserve C. Joseph Harawira Playground
 <u>Dogs must be on a lead</u>			* Includes all public play areas (defined as areas containing apparatus or equipment for children to play on)


9.2.10 Appendix 9 - Dog Control Maps(Cont.)

EDGECUMBE

 <u>Dog Exercise Area</u>	2. Kanuka Park 3. Konini Place Reserve 4. Puriri Crescent Reserve 5. College Road Reserve
<u>Dog Exercise Area - However, dogs prohibited on sportsfields when formalised sporting fixtures are taking place or when the described areas are being leased for any approved activity</u>	1. Edgecumbe Domain
 <u>Dogs must be on a lead</u>	RA1. Riverslea Reserve
 <u>Dogs Prohibited - At All Times*</u>	A. Bill Orr Park B. Riverslea Reserve Playground C. Puriri Crescent Playground D. Edgecumbe Skatepark





* Includes all public play areas (defined as areas containing apparatus or equipment for children to play on)



 <p>whakatane.govt.nz</p>	<p>Dog Control Areas: Matatā - Map 4</p> <p>Date of issue: 10/03/2026</p> <p>Scale: 1:7,500</p> <p>Author: AP</p>	<p>DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography from between 2003 and 2023, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</p>
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9.2.10 Appendix 9 - Dog Control Maps(Cont.)

MATATĀ

 <u>Dog Exercise Area</u>	2. Matatā Beachfront	 <u>Dogs Prohibited - At All Times</u>	A. Playground Reserve B. Arawa Reserve C. Rangitihī Cemetery
<u>Dog Exercise Area - However, dogs prohibited on sportsfields when formalised sporting fixtures are taking place or when the described areas are being leased for any approved activity</u>	1. Richmond Park	 <u>Department of Conservation Control Areas</u>	* Includes all public play areas (defined as areas containing apparatus or equipment for children to play on)
 <u>Dogs must be on a lead</u>			



9.2.10 Appendix 9 - Dog Control Maps(Cont.)

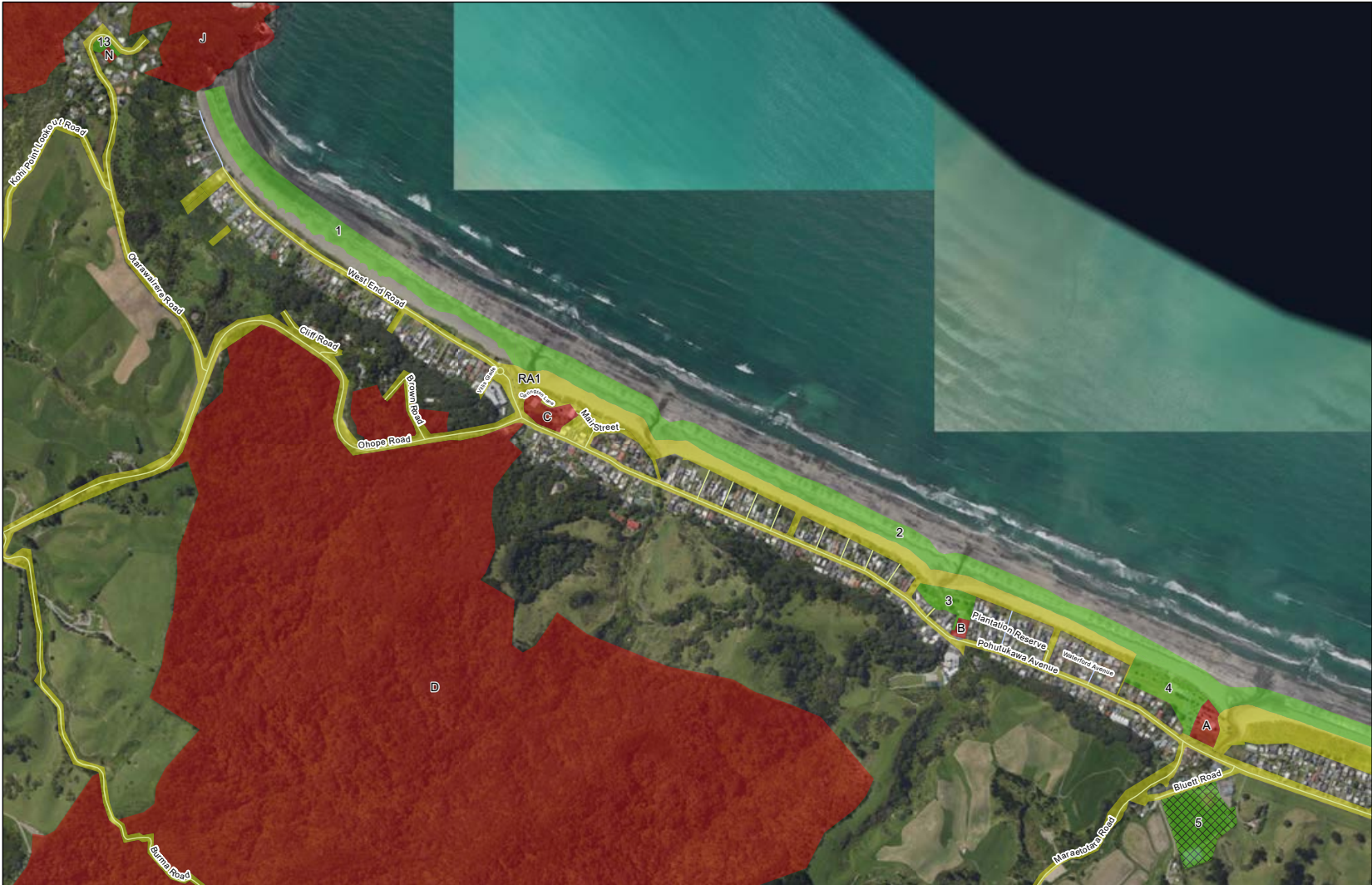



 <p>WHAKATĀNE District Council Whakatane 3100</p>	<h3>Dog Control Areas: Murupara - Map 5</h3>	<p>DISCLAIMER: While Whakatane District Council (WDC) has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography flown between 2021 and 2023, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</p>
<p>Date of issue: 10/03/2026</p>	<p>Scale: 1:6,000 Author: AP</p>	<p>N</p>

9.2.10 Appendix 9 - Dog Control Maps(Cont.)


MURUPARA

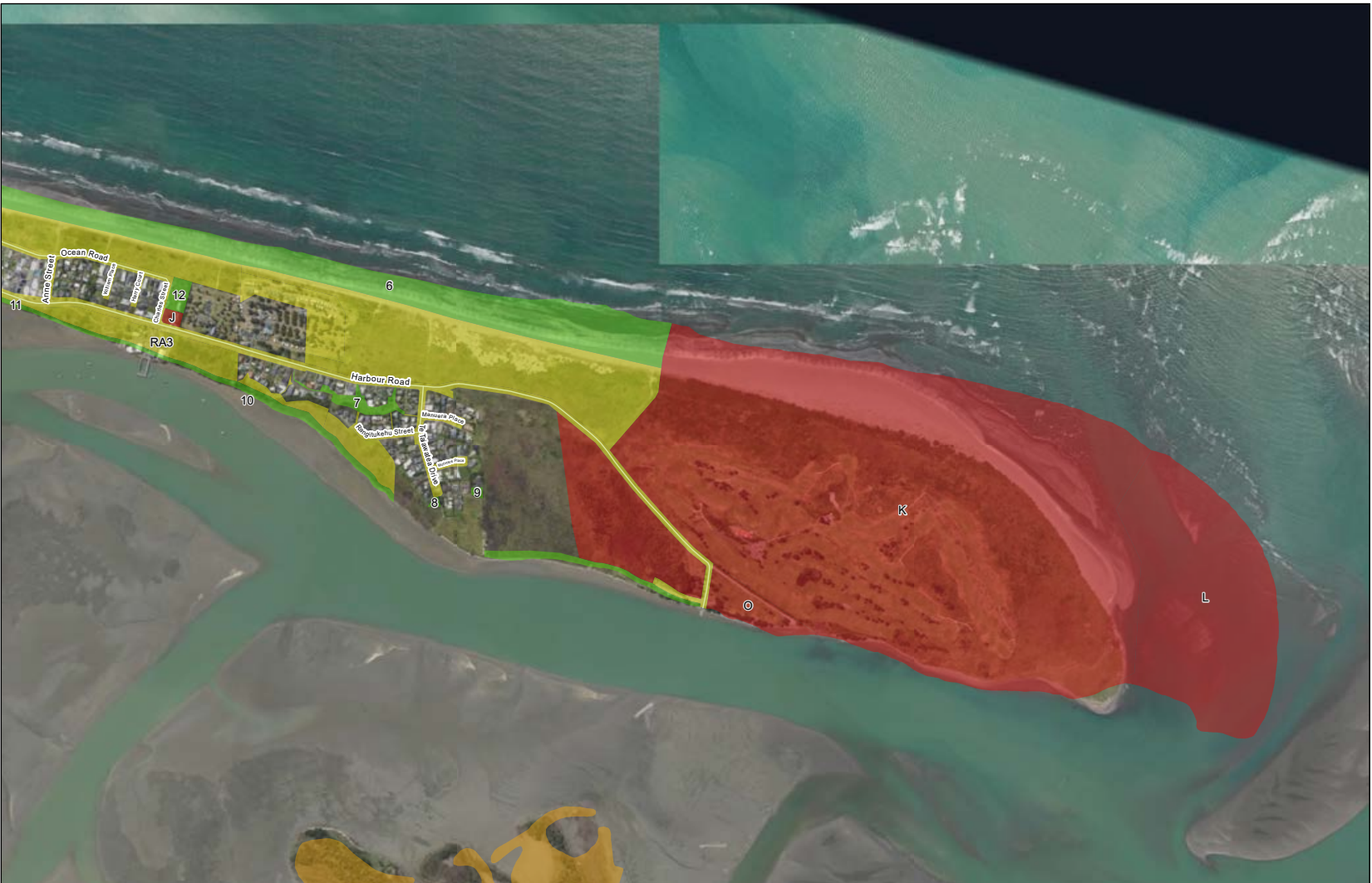
 <u>Dog Exercise Area</u>	1. Taniwha Park / Roy Hardy Reserve 2. River Edge Reserve 5. Fire Station Reserve
<u>Dog Exercise Area - However, dogs prohibited on sportsfields when formalised sporting fixtures are taking place or when the described areas are being leased for any approved activity</u>	3. Wingate Park 4. Evans Park
 <u>Dogs must be on a lead</u>	
 <u>Dogs Prohibited - At All Times*</u>	A. Oak Street Reserve B. Service Centre Reserve
	* Includes all public play areas (defined as areas containing apparatus or equipment for children to play on)




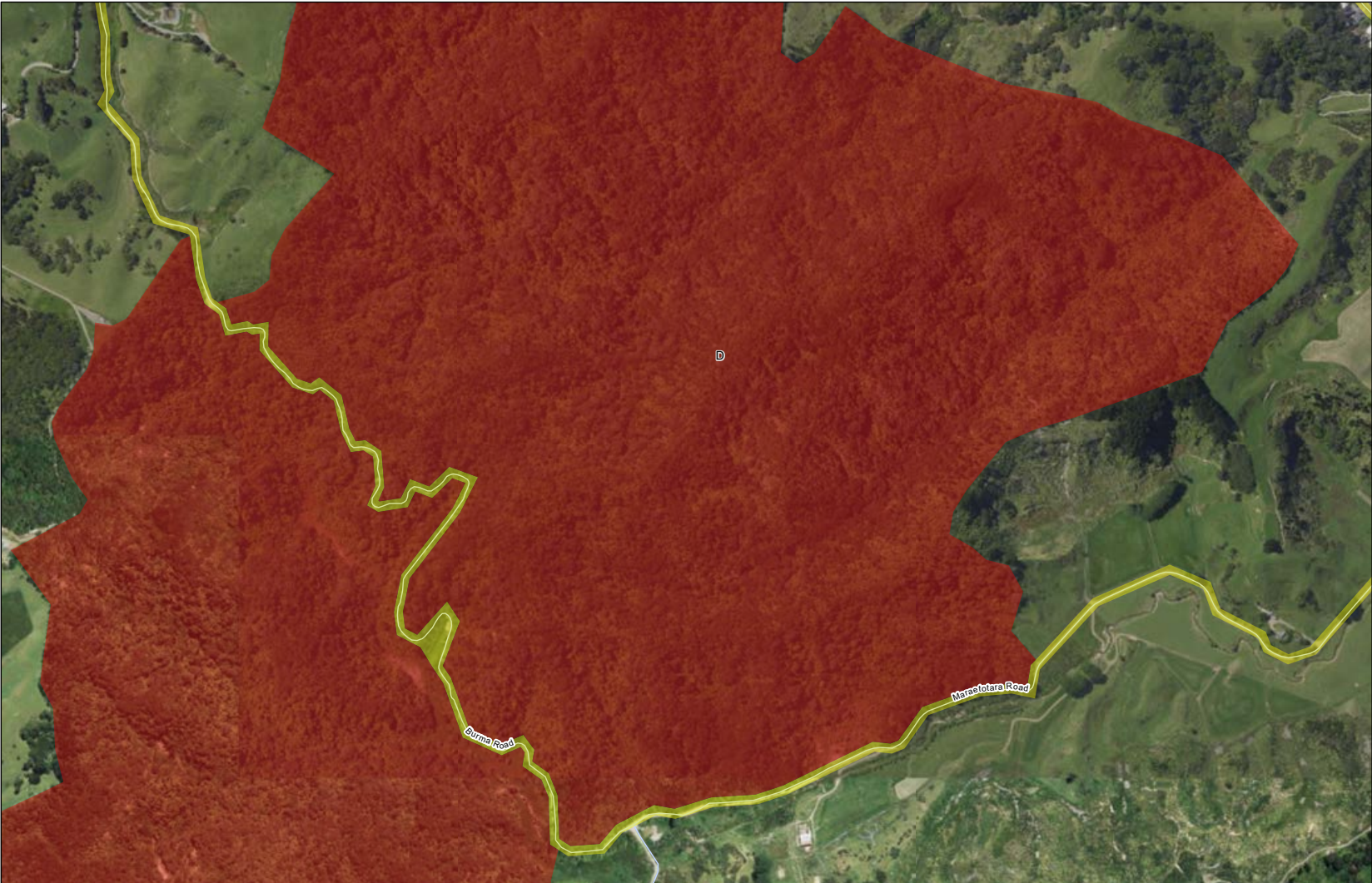
 <p>whakatane.govt.nz</p>	<p>Dog Control Areas: Ōhope - Map 6</p>	<p>DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography from between 2003 and 2023, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</p>
	<p>Date of issue: 10/03/2026</p>	<p>Scale: 1:10,000 Author: AP</p>




 <p>whakatane.govt.nz</p>	<p>Dog Control Areas: Ōhope - Map 7</p>	<p>DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography from between 2003 and 2023, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</p>
<p>Date of issue: 10/03/2026</p>	<p>Scale: 1:10,000</p>	<p>Author: AP</p>








 <p>whakatane.govt.nz</p>	<p>Dog Control Areas: Ōhope - Map 8</p>	<p>DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography from between 2003 and 2023, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</p>
	<p>Date of issue: 10/03/2026</p>	<p>Scale: 1:10,000 Author: AP</p>



 whakatane.govt.nz	<p style="text-align: center;">Dog Control Areas: Ōhope (Burma Road) - Map 9</p> <p style="text-align: right;">Scale: 1:7,000 Author: AP</p>	<p style="text-align: center;">N ▲</p> <p><small>DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography from between 2003 and 2023, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</small></p>
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9.2.10 Appendix 9 - Dog Control Maps(Cont.)

ŌHOPE

<p> <u>Dog Exercise Area</u></p>	<ol style="list-style-type: none"> 1. West End Beachfront 2. Pohutukawa Avenue Beachfront 3. Wharekura Reserve 4. Maraetotara Reserve 6. Ocean Road Beachfront 7. Waiotahi / Waimana Reserve 8. Local Purpose Reserve 9. Local Purpose Reserve 10. Esplanade Reserve 11. Otao South Reserve 12. Bob Byrne Park 13. Ōtarawairere Tennis Courts Reserve 	<p> <u>Dogs Prohibited - At All Times</u></p>	<ol style="list-style-type: none"> A. Maraetotara Playground B. Wharekura Reserve Tennis Courts C. Mahy Reserve Playground D. Ōhope Scenic Reserve - Kiwi Zone E. Tauwhare Pa Scenic Reserve F. Pacific Park G. Ōhiwa Parade Reserve H. Stormwater Pond I. Otao South Playground J. Bob Byrne Park Playground K. Port Ohope Recreation Reserve L. Ōhope Wildlife Reserve (DOC Land) M. Waterways Playground N. Ōtarawairere Tennis Courts O. Ōhope Spit Reserve
<p> <u>Dog Exercise Area - However, dogs prohibited on sportsfields when formalised sporting fixtures are taking place or when the described areas are being leased for any approved activity</u></p>	<ol style="list-style-type: none"> 5. Bluett Park 	<p> <u>Department of Conservation Control Areas</u></p>	<p>* Includes all public play areas (defined as areas containing apparatus or equipment for children to play on)</p>
<p> <u>Dogs must be on a lead</u></p>	<ol style="list-style-type: none"> RA1. Ōhope Beach Reserve RA2. Otao South Reserve RA3. Port Ōhope Wharf 		




9.2.10 Appendix 9 - Dog Control Maps(Cont.)



	<p>Dog Control Areas: Tāneatua - Map 10</p> <p>Date of issue: 10/03/2026</p> <p>Scale: 1:4,500</p> <p>Author: AP</p>	<p style="text-align: center;">N</p> <p><small>DISCLAIMER: While Whakatane District Council (WDC) has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography flown between 2001 and 2023, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</small></p>
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9.2.10 Appendix 9 - Dog Control Maps(Cont.)

TANEATUA

 <u>Dog Exercise Area</u>	1. Amokura Road Reserve 2. Howell Road Reserve 3. McKenzie Street Reserve
<u>Dog Exercise Area - However, dogs prohibited on sportsfields when formalised sporting fixtures are taking place or when the described areas are being leased for any approved activity</u>	4. Mitchell Park Reserve 5. Rob Shaw Park
 <u>Dogs must be on a lead</u>	
 <u>Dogs Prohibited - At All Times</u>	A. Jack Knowles Reserve B. Amokura Road Reserve C. Rob Shaw Park D. Mitchell Park E. Tāneatua Skatepark
	* Includes all public play areas (defined as areas containing apparatus or equipment for children to play on)



9.2.10 Appendix 9 - Dog Control Maps(Cont.)




	<p>Dog Control Areas: Te Mahoe - Map 11</p>		<p><small>DISCLAIMER: While Whakatane District Council (WDC) has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography flown between 2021 and 2023, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</small></p>
<p><small>whakatane.govt.nz</small></p>	<p>Date of issue: 10/03/2026</p>	<p>Scale: 1:1,200</p>	<p>Author: AP</p>

9.2.10 Appendix 9 - Dog Control Maps(Cont.)

TE MAHOE



<p><u>Dog Exercise Area - however, dogs prohibited on sportsfields when formalised sporting fixtures are taking place or when the described areas are being leased for any approved activity</u></p>	1. Te Mahoe Tennis Courts
<p> Dogs must be on a lead</p>	A. Te Mahoe Playground
<p> Dogs Prohibited at all times*</p>	* Includes all public play areas (defined as areas containing apparatus or equipment for children to play on)




 <p>whakatane.govt.nz</p>	<p style="text-align: center;">Dog Control Areas: Te Teko - Map 12</p> <p>Date of issue: 10/03/2026</p>	<p style="text-align: center;">Scale: 1:4,000</p> <p style="text-align: center;">Author: AP</p> <p style="font-size: small;">DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography from between 2003 and 2023, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</p>
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9.2.10 Appendix 9 - Dog Control Maps(Cont.)

TE TEKO



<p><u>Dog Exercise Area - However, dogs prohibited on sportsfields when formalised sporting fixtures are taking place or when the described areas are being leased for any approved activity</u></p> <p> <u>Dogs must be on a lead</u></p>	<p> <u>Dogs Prohibited - At All Times</u></p> <p>1. Eivers Park 2. Dunderdale Park</p>	<p>A. Tui Street Playground B. Eivers Park Playground</p> <p>* Includes all public play areas (defined as areas containing apparatus or equipment for children to play on)</p>
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 <p>whakatane.govt.nz</p>	<p>Dog Control Areas: Waimana - Map 13</p> <p>Date of issue: 10/03/2026</p> <p>Scale: 1:3,000</p> <p>Author: AP</p>	<p>DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography from between 2003 and 2023, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</p>
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9.2.10 Appendix 9 - Dog Control Maps(Cont.)


WAIMANA

<p><u>Dog Exercise Area - however, dogs prohibited on sportsfields when formalised sporting fixtures are taking place or when the described areas are being leased for any approved activity</u></p>	<p>1. Waimana Domain</p>	<p> <u>Dogs must be on a lead</u>  <u>Dogs Prohibited at all times*</u></p>	<p>A. Waimana War Memorial Hall</p> <p>* Includes all public play areas (defined as areas containing apparatus or equipment for children to play on)</p>
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 <p>whakatane.govt.nz</p>	<p style="text-align: center;">Dog Control Areas: Whakatāne - Map 15</p> <p>Date of issue: 10/03/2026</p> <p style="text-align: right;">Scale: 1:6,500 Author: AP</p>	<p>DISCLAIMER: While Whakatāne District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography from between 2003 and 2023, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</p>
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 <p>whakatane.govt.nz</p>	<p style="text-align: center;">Dog Control Areas: Whakatāne - Map 16</p> <p style="text-align: right;">Scale: 1:9,000 Author: AP</p>	<p>DISCLAIMER: While Whakatāne District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography from between 2003 and 2023, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</p>
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WHAKATANE

<p> <u>Dog Exercise Area</u></p>	<p>3. Awatapu Lagoon 7. River Edge Park 8. Elenor Place Reserve 9. Hinemoa Glade 10. King Street Reserve 11. Valley Road Plantation 12. Valley Road Escarpment 13. Waiewe Drainage Reserve 15. Mitchell Park 16. Strand Canal 17. Peace Street Drainage Reserve 18. Eivers Road Reserve 20. Pohutu Reserve 22. Whakatāne Heads 23. Warren Cole Walkway 24. Warren Park Dog Exercise Area 25. Eve Rimmer Park Lagoon 26. Kirk Street Area</p>	<p> <u>Dogs Prohibited - At All Times</u></p>	<p>A. Mananui Crescent Playground B. Thompson Crescent Playground C. King Street Reserve Playground D. Awatapu Lagoon (Riding for the Disabled) E. Wairere Falls F. Warren Park Playground G. Domain Road Cemetery H. Ocean Playground I. The Heads Playground J. Kohi Point Scenic Reserve - Kiwi Zone K. Hillcrest Cemetery L. Mokorua Bush Scenic Reserve - Kiwi Zone M. Sullivan Lake Playground N. Appenzell Drive Playground O. Rex Morpeth Park Tennis Courts P. Aquatic Centre Q. Rex Morpeth Park Playground R. Farnworth Crescent Playground S. Piripai Spit T. Observatory U. Escarpment Including Waiewe Street Playground V. Eve Rimmer Netball W. Eve Rimmer Playground X. Riveredge Park Y. Paru Site Z. Rose Gardens Playground AA. Peace Park BB. Amphitheatre\Miniature Railway Area CC. Salt Marsh - Whakatāne River DD. Whakatāne River Islands EE. Waiewe Playground</p>
<p> <u>Dog Exercise Area - However, dogs prohibited on sportsfields when formalised sporting fixtures are taking place or when the described areas are being leased for any approved activity</u></p>	<p>1. Warren Park 2. Rex Morpeth Park 4. Awatapu Park 5. Eve Rimmer Sportsfield 6. Red Conway Park 14. Mataatua Reserve 19. Athletic Domain 21. Rugby Park</p>		
<p> <u>Dogs must be on a lead</u></p>	<p>RA1. Whakatāne Gardens RA2. Sullivan Lake Reserve</p>		
<p> <u>Dogs Prohibited - 9am to 5pm, 7 days a week</u></p>			
		<p> <u>Department of Conservation Control Areas</u></p>	<p>* Includes all public play areas (defined as areas containing apparatus or equipment for children to play on)</p>



9.2.10 Appendix 9 - Dog Control Maps(Cont.)



	Dog Control Areas: Galatea - Map 17	N ↑	<small>DISCLAIMER: While Whakatane District Council (WDC) has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography flown between 2021 and 2023, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</small>
<small>whakatane.govt.nz</small>	Date of issue: 10/03/2026	Scale: 1:1,500	Author: AP


9.2.10 Appendix 9 - Dog Control Maps(Cont.)

GALATEA

<p> <u>Dogs must be on a lead</u></p> <p> <u>Dogs Prohibited at all times*</u></p>	<p>A. Lake Aniwhenua Camping Area</p> <p>* Includes all public play areas (defined as areas containing apparatus or equipment for children to play on)</p>
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


9.2.10 Appendix 9 - Dog Control Maps(Cont.)



 <p>WHAKATĀNE District Council Whakatane 3101</p>	<p>Dog Control Areas: Thornton - Map 18</p>	<p>DISCLAIMER: While Whakatane District Council (WDC) has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography flown between 2021 and 2023, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</p>
<p>Date of issue: 10/03/2026</p>	<p>Scale: 1:1,500 Author: AP</p>	<p>N ↑</p>


9.2.10 Appendix 9 - Dog Control Maps(Cont.)

THORNTON

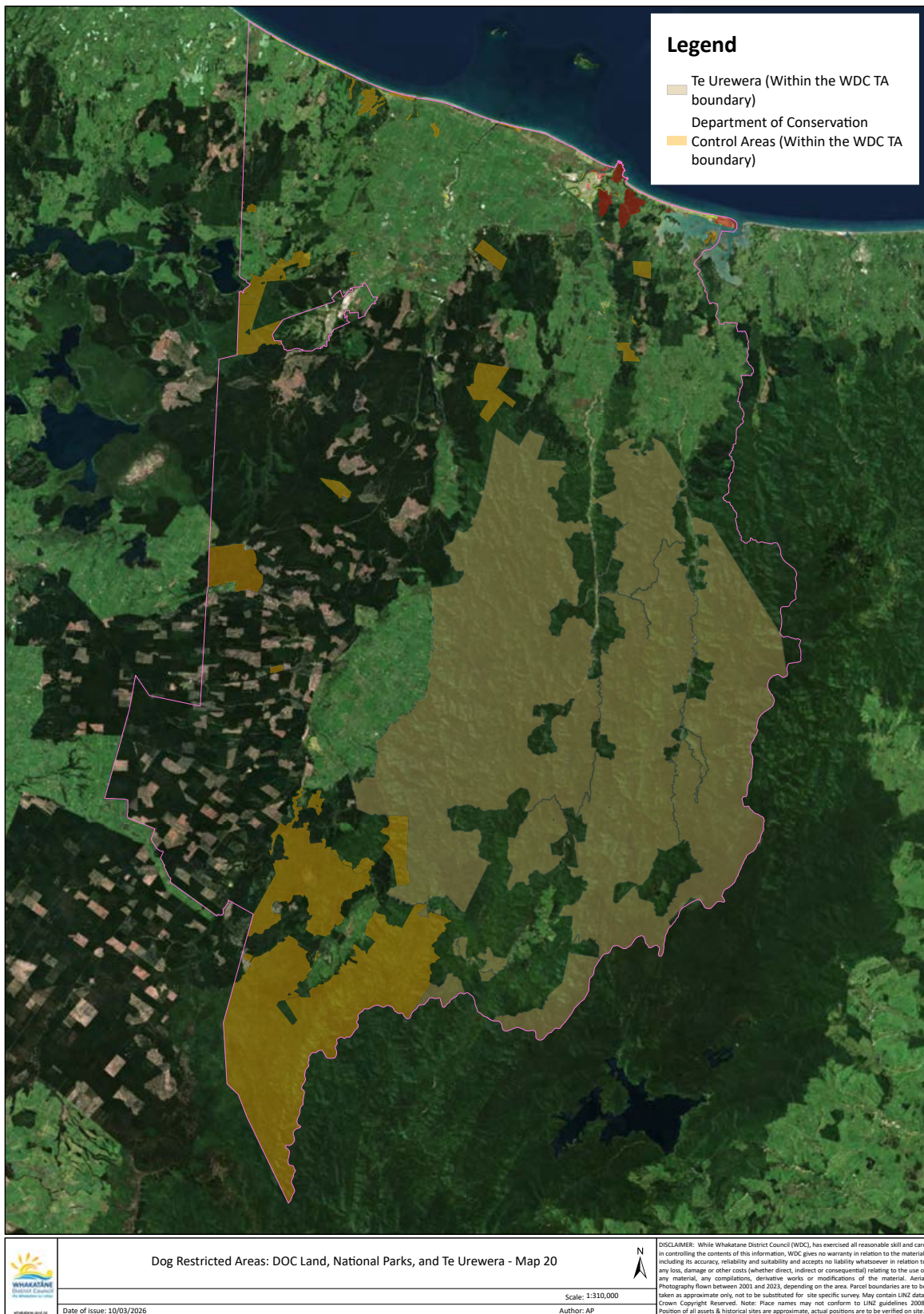
 <u>Dog Exercise Area</u>	1. Thornton Domain Reserve
 <u>Dogs must be on a lead</u>	
 <u>Dogs Prohibited - At All Times*</u>	A. Thornton Domain Playground
	* Includes all public play areas (defined as areas containing apparatus or equipment for children to play on)

9.2.10 Appendix 9 - Dog Control Maps(Cont.)




	<p style="text-align: center;">Dog Control Areas: Whakatāne & Ōhope (Kiwi Zones) - Map 19</p> <p style="text-align: right;">Scale: 1:17,400 Author: AP</p>	<p style="font-size: small;">DISCLAIMER: While Whakatāne District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography flown between 2001 and 2023, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</p>
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9.2.10 Appendix 9 - Dog Control Maps(Cont.)






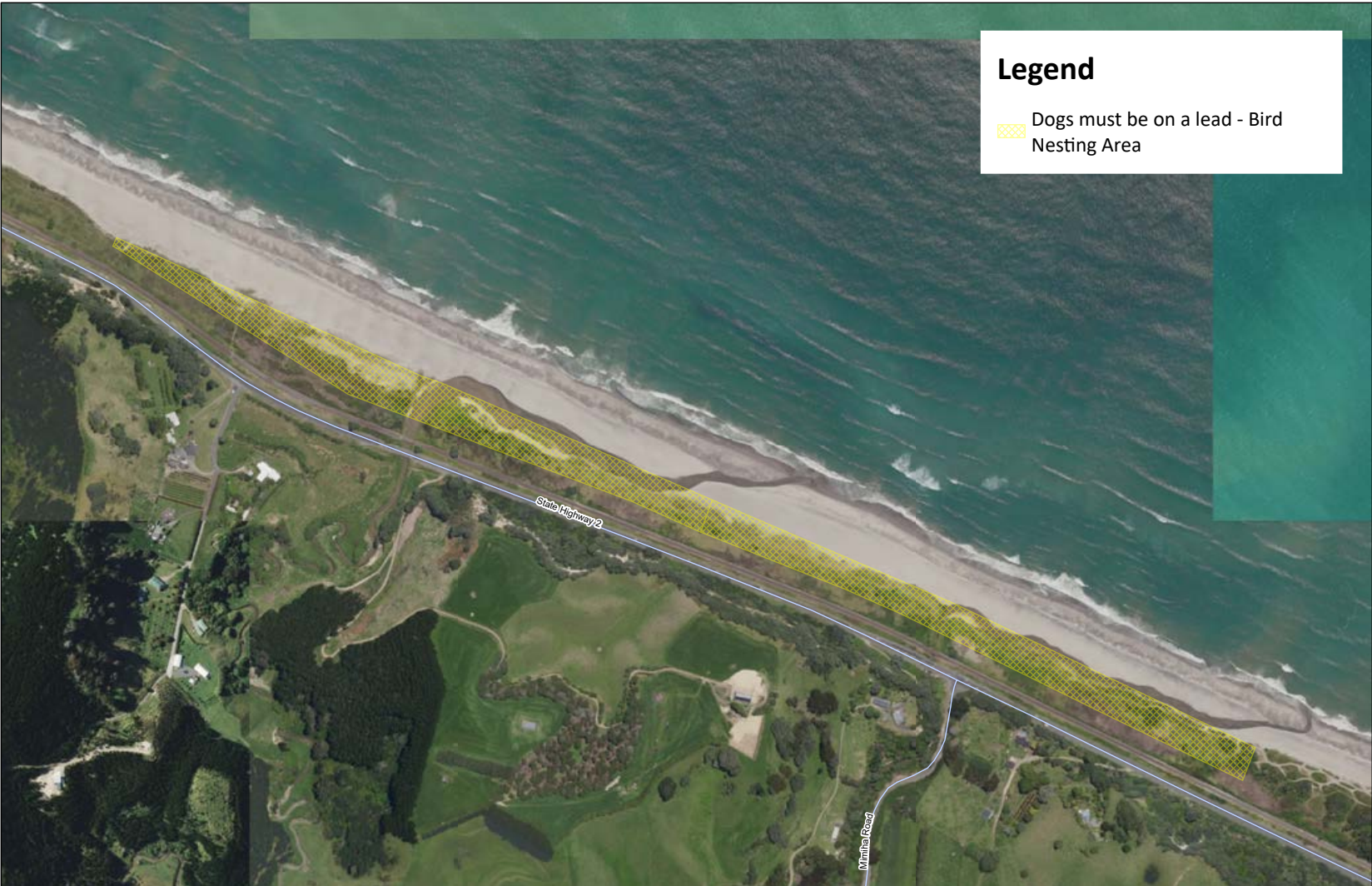
 <p>whakatane.govt.nz</p>	<p style="text-align: center;">Dog Control Areas: Hauone Stream - Map 21</p> <p>Date of issue: 10/03/2026</p>	<p style="text-align: center;">Scale: 1:3,000</p> <p style="text-align: center;">Author: AP</p> <p><small>DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography from between 2003 and 2023, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</small></p>
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Legend



- Dogs must be on a lead - Bird Nesting Area

 <p>whakatane.govt.nz</p>	<p align="center">Dog Control Areas: Pikowai Stream - Map 22</p> <p align="right">Scale: 1:3,000 Author: AP</p>	<p><small>DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography from between 2003 and 2023, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.</small></p>
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Legend

Dogs must be on a lead - Bird Nesting Area

 whakatane.govt.nz	Dog Control Areas: Herepuru Stream and Mimiha Stream - Map 23	N 	DISCLAIMER: While Whakatane District Council (WDC), has exercised all reasonable skill and care in controlling the contents of this information, WDC gives no warranty in relation to the material, including its accuracy, reliability and suitability and accepts no liability whatsoever in relation to any loss, damage or other costs (whether direct, indirect or consequential) relating to the use of any material, any compilations, derivative works or modifications of the material. Aerial Photography from between 2003 and 2023, depending on the area. Parcel boundaries are to be taken as approximate only, not to be substituted for site specific survey. May contain LINZ data: Crown Copyright Reserved. Note: Place names may not conform to LINZ guidelines 2008. Position of all assets & historical sites are approximate, actual positions are to be verified on site.
	Date of issue: 10/03/2026	Scale: 1:5,000 Author: AP	

9.2.11 Appendix 10 - Draft Keeping of Animals, Stock, Flock and Bees (excluding dogs) for consultation

**9.2.11 Appendix 10 - Draft Keeping of Animals, Stock, Flock and Bees (excluding dogs)
for consultation**

9.2.11 Appendix 10 - Draft Keeping of Animals, Stock, Flock and Bees (excluding dogs) for consultation(Cont.)

Keeping and Movement of Animals: Stock, Flock and Bees Bylaw (Excluding Dogs)

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

Date made:	8 March 2018
Commencement:	1 April 2018
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<i>When reviews are completed and amendments have been made, you can include here the date of the approved</i>	

9.2.11 Appendix 10 - Draft Keeping of Animals, Stock, Flock and Bees (excluding dogs) for consultation(Cont.)

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9.2.11 Appendix 10 - Draft Keeping of Animals, Stock, Flock and Bees (excluding dogs) for consultation(Cont.)

PART 1: INTRODUCTION - *Kupu Arataki*

The Whakatāne District Council makes this bylaw pursuant to Sections 145 and 146 of the Local Government Act 2002 and section 64 of the Health Act 1956.

1.0 Short title, commencement and application - *Taitara, tīmatanga me te takiwā*

This Bylaw shall be known as the Whakatāne District Council Keeping and Movement of Animals (Excluding Dogs), Stock, Flock and Bees Bylaw

This Bylaw commenced on [date] 2018 and was amended on [date] 2026.

This Bylaw shall apply to the Whakatāne District.

2.0 Purpose - *Take*

- (1) The purpose of this bylaw is to establish the requirements for keeping animals, poultry, and bees, the district. These requirements are intended to prevent the keeping of animals, poultry, and bees from becoming a nuisance to the community, safeguard public health and safety, and ensure the protection of the surface and structure of roads.
- (2) This bylaw promotes the responsible care and control of animals within the district, ensuring public safety, environmental protection, and the welfare of animals.
- (3) This bylaw should be read in conjunction with other enactments which affect animals and/or pests, including (but not limited to) the Animal Products Act 1999, Animal Welfare Act 1999, Biosecurity Act 1993, Reserves Act 1977, Health Act 1956, Impounding Act 1955, Resource Management Act 1991, Building Act 2004 Industry Codes of Practice, and the Local Government Act 2002.

3.0 Exclusions - *Whakakorenga*

- (1) This bylaw does not apply to dogs as the control of dogs is provided for under the Whakatāne District Council Dog Control Bylaw and relevant legislation.
- (2) This Bylaw does not address animal welfare matters. Animal welfare is dealt with by the Ministry of Primary Industries (MPI) and the Society for the Prevention of Cruelty to Animals (SPCA)

Explanatory Note:

This Bylaw supplements, rather than duplicates other animal owner obligations, including under the legislation referred to in clause 2(3) of this Bylaw. The importance

9.2.11 Appendix 10 - Draft Keeping of Animals, Stock, Flock and Bees (excluding dogs) for consultation(Cont.)

of animal welfare is outlined in the Animal Welfare Act 1999. Persons who keep animals must comply with the Codes of Welfare issued by the Ministry of Primary Industries, and should uphold the SPCA's Five Freedoms of Animal Welfare; Welfare: Freedom from hunger and thirst, discomfort, pain, injury, disease, fear and distress, and Freedom to express normal behaviour. The Council encourages owners to provide animals with adequate food, water, shelter, exercise and veterinary care, and to ensure animals are not subjected to unnecessary stress or harm.¹

3.0 Interpretation - *Whakamāramatanga*

In this bylaw, unless the context otherwise requires or where otherwise expressly provided:

Act means the Local Government Act 2002.

Animal means any domestic animal dependent on humans for their care and sustenance and includes but is not limited to birds, poultry, bees and stock such as cattle, deer, llamas, alpacas, donkeys, mules, horses, sheep, goats and pigs. Dogs are excluded.

Authorised officer means an employee of, or a contractor to the Whakatāne District Council appointed or authorised to carry out general or specific duties arising from any of the provisions of this Bylaw and includes an Enforcement Officer.

Birds means any bird, including but not limited to, birds that are commonly domesticated such as chickens, ducks, geese, peacocks, peahens, pheasants, swans, pigeons, doves, parrots, parakeets, budgies.

Bylaw means the Whakatāne District Council Keeping and Movement of Animals (Excluding Dogs), Stock, Flock and Bees Bylaw.

Chief Executive means the chief executive of the Council and any person delegated to perform any duties of the chief executive.

Council means the Whakatāne District Council, or any person delegated or authorised to act on its behalf.

District means the area within the territorial boundary of the Whakatāne District Council.

¹ Any person who suspects an animal is being mistreated or neglected is encouraged to report the matter to MPI 0800 00 83 33 or the SPCA 0800 77 22 69.

9.2.11 Appendix 10 - Draft Keeping of Animals, Stock, Flock and Bees (excluding dogs) for consultation(Cont.)

District Plan means the operative Whakatāne District Plan.

Enforcement officer means any person appointed by Council under section 177 of the Act for the purpose of enforcing provisions of the Bylaw and the Act.

Fence means a fence that, as to its nature, condition, and state of repair, is in a stock proof condition to satisfactorily retain animals in the areas that they should be kept and to prevent them from straying. **Hours of darkness** means those hours half an hour after sunset and half an hour before sunrise the next day or at any other time when there is insufficient daylight to render clearly visible any stock, person, animal, or vehicle at a distance of 100 metres.

Keep or Keeping means in respect of all animals, the owning, looking after, caring for, or being in charge of any animal and includes their young.

Owner in relation to any animal means every person who:

- (a) owns the animal; and/or
- (b) has the animal in his or her possession, custody, or supervision, whether it is at large or in confinement.

Nuisance means, without limitation, any unreasonable interference with the peace, comfort or convenience of another person, whether or not that person is in a public place, including by way of excessive noise or excessive odours, and includes the nuisances defined in section 29 of the Health Act 1956.

Permit means a written authority from the Council or Authorised Officer with or without prescribed conditions and charges.

Permit holder means a person who has obtained a permit from the Council or Authorised Officer for the movement of stock on, across, or along the road.

Premises means all land and buildings within a single rating unit.

Poultry means:

- (a) any live domesticated or farmed bird including chicken, domestic fowls of all descriptions (excluding roosters), duck, geese, turkeys, budgerigar, canary, cockatoo, pigeon, parrot, peacock, pheasant, ostrich, emu; and
- (b) all other types of domestic or fancy birds that Council by resolution from time to time determines to be poultry for the purposes of this Bylaw.

9.2.11 Appendix 10 - Draft Keeping of Animals, Stock, Flock and Bees (excluding dogs) for consultation(Cont.)

Public place means a place that, at any material time, is under the control of Council and is open to or being used by the public, whether free or on payment of a charge, and includes any road.

Road has the same meaning as in section 2(1) of the Land Transport Act 1998 and includes:

- a) a street;
- b) a motorway;
- c) a beach;
- d) a place to which the public have access, whether as of right or not;
- e) all bridges, culverts, ferries, and fords forming part of a road or street or motorway, or a place referred to in paragraph (d); and
- f) all sites at which vehicles may be weighed for the purposes of the Land Transport Act 1998 or any other enactment.

Road controlling authority has the same meaning as in section 2(1) of the Land Transport Act 1998 and means the organisation with control over a road or a person acting under delegation or authorisation given by the controlling authority.

Rural comprises all populations, housing, and territory not included within an urban area.

***Explanatory Note:** Although unlikely there would be stock movement in an urban environment, the stock movement provisions of this Bylaw apply to both the urban and rural environment*

Stock means:

- (a) Any animal normally kept for their meat, wool, skin or milk, and includes any cattle, horse, deer, sheep, goat, pig, or other such animal. and
- (b) Any other animal that Council by resolution from time to time determines to be stock for the purposes of this Bylaw

Urban area means any area of the district excluding areas zoned rural and deferred residential in the Whakatāne District Plan.

***Explanatory Note:** Although unlikely there would be stock movement in an urban environment, the stock movement provisions of this Bylaw apply to both the urban and rural environment.*

9.2.11 Appendix 10 - Draft Keeping of Animals, Stock, Flock and Bees (excluding dogs) for consultation(Cont.)

PART 2: BYLAW CLAUSES – *Wāhanga 2:* *Wāhanga Ture ā-rohe - Ngā Herenga Whānui*

4.0 General Requirements

4.1 Control in relation to or having responsibility for an animal means that the owner, as defined by this bylaw, shall keep that animal on a restraint or confined within a vehicle or other container while in a public place. The owner must also be capable of controlling the animal whilst it is on the restraint and have the power of directing or commanding the animal whilst it is off the restraint in private and permitted areas.

4.2 Any person keeping or permitting to be kept, bees, poultry and other animals as defined in this Bylaw, must always ensure that these animals and/or any structures or things used or constructed for the keeping of bees, poultry and other animals:

- a. Do not cause or are unlikely to cause a nuisance to any person;
- b. Are not at large (roaming) in any public place;
- c. Do not obstruct the lawful passage of persons in public places, or rush at or frighten such persons;
- d. Are kept in conditions which are not offensive or injurious to health and safety;
- e. Do not damage any property belonging to any other person.

4.2 Any person who fails to comply with the requirements of clause 4.1 commits an offence under this Bylaw.

5.0 Pigs

5.1 No person shall:

- (a) Keep any pigs within any urban area.
- (b) Keep pigs in a manner that breaches the requirements of 4.1
- (a) Except as authorised by a permit issued by the Council or Authorised Officer, construct or allow any pigsty to remain, or any pigs to be at large or to range at a distance less than 50 metres from any:
 - dwelling, wholly or partly occupied building; or
 - any street or public place; or
 - any place used for the preparation, storage, or sale of food for human

9.2.11 Appendix 10 - Draft Keeping of Animals, Stock, Flock and Bees (excluding dogs) for consultation(Cont.)

- consumption; or
- from any boundary of any adjoining property.

6.0 Bee Keeping

- (1) No person shall keep bees in the district if in the opinion of the Council or an Authorised Officer, the keeping of bees is likely to breach clause 4.1
- (2) The Council or an Authorised Officer may prescribe conditions if it considers a hive to breach clause 4.1, and/or it may require removal of such hive(s)

7.0 Poultry Keeping

- (1) Except as authorised by a permit issued by the Council or an Authorised Officer, not more than twelve head of poultry shall be kept on any property in an urban area. The issue of a permit may be refused if in the opinion of the Council the poultry house or poultry run is likely to cause a nuisance or be offensive or dangerous to health or would otherwise be contrary to the requirements of clause 4.1 of this Bylaw
- (2) No poultry caged or otherwise shall be kept in any urban area except in a properly constructed poultry house and fenced poultry run with a rainproof roof. Every poultry house and poultry run shall be maintained by the owner in good repair, in a clean condition free from any offensive smell or overflow and free from vermin.
- (3) No poultry house or poultry run shall be erected or maintained so that any part of it is within 2 metres of any dwelling, factory, or any other building.
- (4) If:
 - (a) a poultry house or run causes a nuisance as described in 6(2) due to its construction, disrepair, lack of cleanliness, or any matter covered by this Bylaw; or
 - (b) The owner fails to comply with the terms and conditions of a permit;the owner must remedy the issue upon receiving a written notice from the Council. Failure to comply with the notice constitutes an offence under this Bylaw.

- (5) No roosters shall be kept in an urban area.

8.0 Nuisance caused by any animal or bird

No person shall keep on any premises any animal or bird breaches the requirements of 4.1(2) If in the opinion of the Council, a person is keeping an animal, bird or poultry in a manner which breaches the requirements of clause 7.1, it may issue a notice to the owner requiring them to remedy the issue. Failure to comply with the notice constitutes an offence under this Bylaw.

9.2.11 Appendix 10 - Draft Keeping of Animals, Stock, Flock and Bees (excluding dogs) for consultation(Cont.)

9.0 Stock

- (1) Except with written approval from the Council or an Authorised Officer, no person shall:
 - a. keep any stock in any urban area;
 - b. tether or otherwise leave any stock on any public place in an urban area whether for despasturising or grazing.
 - c. tether or otherwise leave any stock on any vacant sections in an urban area for whether for despasturising, grazing or any other purpose
- (2) The owner of any animal shall ensure that any building, structure or yard in which that animal is kept is maintained in a clean and sanitary condition to the satisfaction of Authorised Officers, and that the noise and odour associated with the animal is as far as practicable confined within the premises.
- (3) The owner of any animal shall prevent the animal from wandering, roaming or being at large without proper control in any public place.
- (4) The owner shall not keep any stock on land without ensuring that there is an adequate fence to prevent the stock from wandering onto a public place.

10.0 Stock Processing

- (1) No person shall slaughter animals on any premises within the urban area.
- (2) All waste associated with the processing of animals must be removed from the premises immediately. No person shall dispose of the animal's body, any part of the body, bodily fluids or effluent of any animal, in a manner that will produce odour, cause a nuisance or a threat to public health.
- (3) No person shall hang or otherwise store an animal carcass in a state where, in the opinion of the Council, it is likely to be injurious to public health or causes a nuisance.

PART 3: OTHER MATTERS – *Wāhanga 3:*

Take kē

11.0 Notices - *Ngā pānui*

- (1) Without limitation to any other statutory powers available, the Council or Authorised Officer may give notice to any person in breach of this Bylaw to carry out any remedial action in order to comply with the Bylaw and every such notice shall state the time within which the remedial action is to be carried out. The Council may vary a notice or extend the time limit for compliance at its discretion.

9.2.11 Appendix 10 - Draft Keeping of Animals, Stock, Flock and Bees (excluding dogs) for consultation(Cont.)

- (2) Any person who fails to comply with a notice issued under clause 14.1 commits an offence.

12.0 Offences - *Ngā Takahanga*

- 12.1 Every person who fails, refuses, or neglects to do anything required to be done, or does anything prohibited by this Bylaw commits a breach of this Bylaw and is liable to a penalty under section 242 of the Local Government Act 2002.
- 12.2 Council may, pursuant to section 163 of the Local Government Act 2002:
- a) remove or alter any work or thing that is, or has been, constructed, deposited, stored, or accumulated in breach of this bylaw; and
 - b) recover the costs of removal, repair or alteration from the person who committed the breach or was responsible for the activity creating the breach.

13.0 Penalties - *Tautukunga*

Subject to any provision to the contrary, any person convicted of an offence against this Bylaw shall be subject to the penalties set out in section 242(4) of the Local Government Act 2002 and is liable on summary conviction to a fine not exceeding \$20,000.

14.0 Exemptions - *Awerenga*

14.1 The Council may, by giving notice in writing, waive or modify the requirements of this Bylaw, except any prescribed by statute, if it believes in the circumstances that doing so would not be contrary to the purposes of this Bylaw or would otherwise breach the requirements of clause 4.1.

15.0 Fees - *Ngā Utu*

- 15.1 Council may in accordance with section 150 of the Local Government Act 2002 prescribe fees or charges for any certificate, licence, approval, permit, consent form, or inspection made by Council under this Bylaw as set out in Council Fees and Charges Schedule.
- 15.2 Where a fee has been paid under clause 15.1 for a service which has not been given, the Council may provide a refund, a remission, or waiver of such fee, or portion of it as the Council may determine.

Explanatory Note

9.2.11 Appendix 10 - Draft Keeping of Animals, Stock, Flock and Bees (excluding dogs) for consultation(Cont.)

Section 15 of the Impounding Act 1955 provides Council with additional powers to recover reasonable costs for the relocation of wandering stock found on roads.

16.0 Permits - *Puka whakaaetanga*

16.1 The form of any application for and grant of any permits, under this Bylaw will be determined by the Council or Authorised Officer.

16.2 Permits are not able to be transferred or assigned to any other person

16.2 The Council or Authorised Officer may attach to any permission, approval or licence any terms or conditions as it considers appropriate, having regard to the purpose of this bylaw.

16.3 No application for a licence from the Council or Authorised Officer, and no payment of or receipt for any fee paid in connection with such application or licence, shall confer any right, authority or immunity on the person making such application or payment.

16.4 Suspending or Revoking Permits

If the Council believes on reasonable grounds that the holder of a permit, licence or other approval given under this bylaw has:

- a) failed to observe or comply with any applicable requirements of this Bylaw or conditions of the permit of approval; or
- b) Acted in a way which the opinion of the Council renders the permit holder unfit to hold the permit of approval;

The Council may, by notice served upon the person:

- c) inform that person that the Council is considering revoking, suspending or varying the persons's license;
- d) identify the grounds for issuing the notice; and
- e) require the person to appear before the Council or its nominated Committee at a time and place specified in the notice to present any evidence or submissions responding to the issues raised

16.5 Following the hearing, or, in the event of no response or appearance by the person, the Council or its nominated Committee may make a determination on whether to uphold, revoke, suspend or vary the permit, license or approval, and provide reasons for its decision

9.2.11 Appendix 10 - Draft Keeping of Animals, Stock, Flock and Bees (excluding dogs) for consultation(Cont.)

16.6 If the Council believes on reasonable grounds that the grounds for issuing a notice under clause 19.6 also require an urgent suspension of the permit, license or approval, the Council may temporarily suspend the license, permit or approval pending the convening of a hearing as required by clause 16.4(e). Any such temporary suspension will take effect from the date of service of a notice of temporary suspension on the person, or at such other date or time specified in the notice.

9.2.12 Appendix 11 - Draft Stock Movement Bylaw for consultation

9.2.12 Appendix 11 - Draft Stock Movement Bylaw for consultation

9.2.12 Appendix 11 - Draft Stock Movement Bylaw for consultation(Cont.)

Stock Movement Bylaw

Ture ā-rohe Whakaneke Tōki

Date made:	<i>This is the date the bylaw was first adopted by Council</i>
Commencement:	<i>This is the date the bylaw came into force</i>
Amendments:	<i>When reviews are completed and amendments have been made, you can include here the date of the approved amendment and a short explanation of what the amendment was</i>
Next review date:	<i>This is the date the next review needs to be completed by</i>

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9.2.12 Appendix 11 - Draft Stock Movement Bylaw for consultation(Cont.)

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9.2.12 Appendix 11 - Draft Stock Movement Bylaw for consultation(Cont.)

PART 1: INTRODUCTION - Wāhanga

1: Kupu Arataki

The Whakatāne District Council makes this bylaw to regulate the movement of livestock on, across, or along public roads under the control of Council pursuant to the Land Transport Act 1998 (LTA).

1.0 Short title, commencement and application - *Taitara, tīmatanga me te takiwā*

This Bylaw shall be known as the Whakatāne District Council Stock Movement Bylaw 2026.

This Bylaw commenced on [date] 2026.

This Bylaw shall apply to the Whakatāne District.

2.0 Purpose - *Take*

- (1) The purpose of this Bylaw is to control the movement of livestock on Council-controlled roads within the district to:
- a) protect:
 - i. the safety of all road users including those associated with moving livestock;
 - ii. the structure and surface of the carriageway in the roads; and
 - iii. public and private structures and utilities situated in the road.
 - b) reduce inconvenience, and potential hazards for all road users; and
 - c) minimise any loss of social value or environmental quality from use of the road.

3.0 Scope - *Hōkaitanga*

All control of stock movement along or across any State Highway is within the jurisdiction of The New Zealand Transport Authority Waka Kotahi, (NZTA) therefore is outside the application of this Bylaw. This bylaw applies to all local roads within the Whakatāne District, where Whakatāne District Council is the Road Controlling Authority. This bylaw does not apply to roads where the New Zealand

9.2.12 Appendix 11 - Draft Stock Movement Bylaw for consultation(Cont.)

Transport Authority Waka Kotahi (NZTA) is the road controlling authority, except where the NZTA has delegated to the Council its functions and powers as a road controlling authority.

4.0 Interpretation - *Whakamāramatanga*

In this bylaw, unless the context otherwise requires or where otherwise expressly provided:

Act means Land Transport Act 1998 (LTA) the legislation this bylaw is made under.

Authorised Officer means any person delegated, appointed, or authorised in writing by the Council to act on its behalf under this Bylaw and includes a parking warden appointed by the Council pursuant to the provisions of the Act, an enforcement officer appointed pursuant to the provisions of the Act, or any police officer.

Competent Person means a person being over the age of 14 years and being able to provide reasonable care and supervision.

Council means the Whakatāne District Council or any person delegated or authorised to act on its behalf.

Drove/drive means to direct or guide the movement of stock, excluding horses which are being led or ridden.

Permit means a permit in writing given by the Council authorising a permit holder to move stock on, across or along a road.

Permit holder means a person who has obtained a permit from the Council or Authorised Officer for the movement of stock on, across or along a road.

Pilot vehicle means a motor vehicle that leads or follows the movement of stock along a road, with an amber flashing beacon and an appropriate temporary warning sign, and may be a;

- truck,
- car,
- utility,
- quad bike,
- trike,
- or motorcycle.

Road Includes –

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- (a) a street;
- (b) and a motorway;
- (c) and a beach; and
- (d) a place to which the public have access, whether as of right or not; and
- (e) all bridges, culverts, ferries, and fords forming part of a road or street or motorway, or a place referred to in paragraph (d); and
- (f) all sites at which vehicles may be weighed for the purposes of the Land Transport Act 1998 or any other enactment.

Road controlling authority has the same meaning as in section 2(1) of the Land Transport Act 1998, and generally means the authority, body, or person with control over a road, or a person acting under delegation or authorisation given by the controlling authority.

Rural road means any road within the rural zone or future urban zone under the operative Whakatane District Plan.

Stock means:

- (a) Any cattle, horse, deer, sheep, goat, pig, llama, alpaca, donkey, mule or other such animal farmed, and dependent on humans for their care and sustenance; and
- (b) Any other animal that Council by resolution from time to time determines to be stock for the purposes of this Bylaw

Stock Movement means any movement of livestock on, across or along a road where the animals move by their own efforts and are free of individual control, such individual control being by means of being ridden or led or driven on a bridle, halter, collar, or similar restraint.

Traffic Management Plan (TMP) means a document approved by the Council describing the design, implementation, management, and removal of temporary traffic management measures (such as signs, flashing beacons and cones) while an activity or event is taking place within the road or adjacent to and affecting the road. This includes plans prepared for one-off events and generic plans to cover activities carried out frequently.

Hours of Darkness means any period of time between half an hour after sunset on one day and half an hour before sunrise on the next day; or at any other time when there

9.2.12 Appendix 11 - Draft Stock Movement Bylaw for consultation(Cont.)

is insufficient daylight to render clearly visible any stock, person, animal, or vehicle at a distance of 100 metres.

Urban area means any area of the district excluding areas zoned rural and the Future Urban Zone in the Whakatāne District Plan.

Explanatory Note: Although unlikely there would be stock movement in an urban environment, the stock movement provisions of this Bylaw apply to both the urban and rural environment.

PART 2: BYLAW CLAUSES - *Wāhanga 2:* *Wāhanga Ture ā-rohe*

5.0 Stock prohibited on roads during the hours of darkness

- 1) Except with the written permission of the Council, no person shall drive, tether or leave to graze, any stock along any road during the hours of darkness.
- 2) Clause 5.1 shall not apply:
 - a) Where an animal has escaped from a property;
 - b) In the case of an emergency which makes it necessary for the animal to use roads to escape the consequences of the emergency;
 - c) In the case of any person riding or leading horses if exercising all reasonable care for property and persons.
- 3) No person shall ride or lead any animal on any road during the hours of darkness without suitable means of illumination.

6.0 Permitted Stock Movement on Rural Roads

- (1) A person may drive stock across or along a rural road where all of the following conditions are met:
 - a) The road classification where the stock movement is to occur and the average number of stock crossings or movements per week result in a permitted stock movement in accordance with the table in Schedule 2.
 - b) The number of animals in any one herd shall not exceed 600 head of cattle or 3000 head of sheep or 1000 head of any other type of animal.

9.2.12 Appendix 11 - Draft Stock Movement Bylaw for consultation(Cont.)

- c) No livestock movements are to begin or continue during the hours of darkness.
- d) The drover shall have a submitted and approved traffic management plan.
- e) There must be sufficient persons to control the stock at all times. The drove must be conducted in a safe manner, with at least one person at the front and one at the rear.
- f) The drovers, stock or pilot vehicles shall be clearly visible at all times so that approaching vehicles are able to stop safely.
- g) There shall be no less than 100m of unimpeded visibility between approaching vehicles and sign(s) and the crossing site.
- h) All personnel controlling the stock shall wear high visibility vests that comply with The New Zealand Transport Authority Waka Kotahi, (NZTA) requirements.
- i) Persons moving the stock shall take all reasonable steps to make way for or allow vehicles to pass through the stock, if practicable.
- j) The stock owner shall hold current third-party liability insurance.
- k) No person shall leave any carriageway with a sealed surface covered in excessive mud, excrement of other matter, after any livestock movement. The surface of a sealed road must be immediately cleaned of excessive mud, excrement and other matter.

7.0 Controlled stock movements

Where a proposed stock movement does not comply with any of the permitted stock movement conditions in clause 6, a person may not drive stock across or along a road except in accordance with a Stock Movement Permit issued by the Council.

7.1 *Application for a Stock Movement Permit*

- (1) A person must apply for a Permit in accordance with clause 7(1) by filing an application in the correct form, which will be available on the Council website or on request, and by payment of the prescribed fee, in accordance with Council's Schedule of Fees and Charges.
- (2) On receipt of any application for a Permit, the Council or Authorised Officer may require the applicant to provide, if it has not already been provided, further material necessary for it to consider the application, including but not limited to, a traffic management plan appropriate to the location and the timing and size of the stock movement.
- (3) The holder of an existing Permit may apply to the Council for a renewal of the Permit.
- (4) An issued permit applies to a property, and is not transferable to another property.

7.2 *Consideration of Permit Applications*

9.2.12 Appendix 11 - Draft Stock Movement Bylaw for consultation(Cont.)

In considering the application the Council or Authorised Officer shall have regard to:

- a) the numbers and nature of the stock;
- b) The frequency of intended use of the route;
- c) The time involved in the movement of the stock on the road.
- d) The other uses, conditions and physical characteristics of the road and possible alternative routes;
- e) The safety of users of the road and interference with the public's right to use the road;
- f) The potential for damage to the road or structures within the road reserve;
- g) The number of livestock movements in any month in relation to the status of and number of traffic movements on the road;
- h) The extent of previous compliance demonstrated by the applicant against the relevant provisions of this Bylaw;
- i) Any Council policy relating to the issues; and
- j) other considerations that may be relevant in the circumstances.

7.3 *Decision on Permit Application*

- (1) The Council shall notify the applicant in writing of the refusal or approval of the permit application.
- (2) Where an application is refused, the notification will include the reasons for refusal.
- (3) If approved, the Permit may be granted on such terms and conditions as the Council thinks fit, including but not limited to the following matters:
 - a) The days, dates and the times that stock may be moved;
 - b) The nature of the stock and the size of the herd or flock;
 - c) The number of drovers to be present during the movements;
 - d) The extent to which traffic management best practice applies to the stock movement;
 - e) Proof that the permit holder holds an acceptable public liability insurance policy or any other form of indemnity;
 - f) The payment to Council of the costs of any work on a road that, in the opinion of the Council or Authorised Officer is necessary to:
 - i. Facilitate the passage of the moved stock, or
 - ii. Reinstatement of damage caused by the moved stock or the removal of stock effluent from the road;
 - g) Any measure required to repair damage to or clearing of excessive fouling of the road;
 - h) Any measures that the Council may reasonably impose to ensure orderly and safe stock movements;
 - i) The road or roads that the stock may be moved along or across; or
 - j) The road or roads that stock may not enter.

9.2.12 Appendix 11 - Draft Stock Movement Bylaw for consultation(Cont.)

7.4 *Objections*

- (1) Any person who has received written notice that an application under this Bylaw has been refused, may within 15 working days of receipt of that notice, lodge an objection in writing to the Council stating the grounds for their objection to the decision.
- (2) The Council shall consider the objection through a hearing, and its decision shall be final and binding.
- (3) The Council shall establish a procedure for the hearing that is appropriate and fair in the circumstances and shall ensure that:
 - a) The objector has a right to be heard; and
 - b) The person who conducts the objection hearing is not the same person, or subordinate to, the person who made the decision on the Permit.

7.5 *Conditions of Controlled Stock Movements*

- (1) Where any permit has been issued, the permit holder shall comply with all permit conditions at all times
- (2) A permit shall have a term of no more than five (5) years.
- (3) The permit shall ensure ownership of the permit lies with the owner of the stock which is being moved, but is linked to the actual land adjacent to the road where the stock will cross.
- (4) The requirements and recommendations of a traffic management plan must be complied with at all times.
- (5) Temporary warning signs must be closed and secured, removed or covered at all times when stock is not being moved along or across the road.

8.0 Prohibited stock movement on roads

No person may drive stock along or across a road, except in accordance with the conditions of a stock driving permit, or where all the requirements for a permitted stock movement are complied with.

8.1 Stock Movement on Urban Streets is Prohibited

No person shall drive any stock along or across any urban street except:

- a) for the purpose of recovery following an escape;

9.2.12 Appendix 11 - Draft Stock Movement Bylaw for consultation(Cont.)

- b) in the case of an emergency; or
- c) with the written permission of the Council or Authorised Officer and in accordance with any conditions that may be required.

9.0 Contamination or damage to roads

- (1) No person shall leave any carriageway with a sealed surface covered in excessive mud, excrement or other matter after any livestock movement. The stock owner and/or permit holder must take all reasonable steps to clean the road immediately after use by such stock.
- (2) For the purposes of clause 9(1), all reasonable steps include:
 - a) the adequate washing of road surfaces to remove mud, excrement or other matter, or the reasonable removal of excrement using a flat mouth shovel or similar implement, or the placement of effluent mats that will be removed after stock have finished crossing the road; and
 - b) Depositing such matter in a manner that does not cause pollution of a water body or water course.
- (3) Where the owner of the stock and/or the permit holder fails to reasonably clean the road, an authorised officer may arrange for the road to be cleaned and recover the costs from the owner of the stock and/or the permit holder.
- (4) Where damage to the road, road reserve or property on the road reserve results from the movement of stock, the Council may carry out repairs or replace the damaged property, and recover the cost of doing so from the owner of the stock and/or the permit holder.
- (5) No person may place any equipment, work or thing on the road associated with the movement of stock across or along the road, except in accordance with the requirements of this Bylaw or any permit issued under this Bylaw.
- (6) The Council may remove any equipment, work or thing that has been placed or constructed on the road in breach of this Bylaw, and recover the costs or removal, repair, or alteration from the person who committed the breach or was responsible for the activity creating the breach.

10.0 Stock Underpasses

9.2.12 Appendix 11 - Draft Stock Movement Bylaw for consultation(Cont.)

- a) Where stock movement across a road will be in excess of the limits specified in Schedule 1 of this Bylaw, the Council may require the construction by the applicant of an approved stock underpass that meets the requirements of Council.
- b) All stock underpasses must be approved by the Council or Authorised Officer and have a licence to occupy road reserve and an encumbrance registered against the property title(s) benefitting from the stock underpass, imposing requirements as to the maintenance and cleaning of the underpass and appropriate building consent.

Explanatory Note

A portion of the installation cost for an underpass can be eligible for NZ Transport Agency co-funding. As part of the application process to install a new underpass, Council will work with the applicant to determine what if any co-funding is available, depending on NZTA's funding policy for this activity at the time.

11.0 Inspections

- a) The Council or Authorised Officer may inspect stock crossings, roads and/or the environment for the purposes of:
 - i. Identifying if the Bylaw has been breached; or
 - ii. Identifying if the stock movement permit conditions are being met; or
 - iii. Validating data contained in any stock movement permit applications.
- b) The frequency of inspections will be at the Council or an Authorised Officer's discretion.
- c) Based on inspections, the Council or an Authorised Officer may:
 - i. Require a person to apply for a stock movement permit; or
 - ii. Decline, or suspend the processing of permit applications.

PART 3: OTHER MATTERS - *Wāhanga 3:*

Take kē

12.0 Notices - *Ngā pānui*

9.2.12 Appendix 11 - Draft Stock Movement Bylaw for consultation(Cont.)

- a) Without limitation to any other statutory power available, the Council or Authorised Officer may give notice to any person in breach of this Bylaw to carry out any remedial action in order to comply with the Bylaw and every such notice shall state the time within which the remedial action is to be carried out. The Council may vary a notice or extend the time limit for compliance at its discretion.
- b) Any person who fails to comply with a notice issued under clause xxx commits an offence.

13.0 Offences and penalties - *Ngā Takahanga*

13.1 Every person who fails, refuses, or neglects to do anything required to be done, or does anything prohibited by this Bylaw commits a breach of this Bylaw and is liable on conviction to a penalty not exceeding \$1,000 under the Act..

14.0 Exemptions - *Awerenga*

14.1 The Council may, by giving notice in writing, waive or modify the requirements of this Bylaw, except any prescribed by statute, if it believes in the circumstances that doing so would not be contrary to the purposes of this Bylaw or would otherwise breach the bylaw.

15.0 Exclusions - *Whakakorenga*

This Bylaw does not apply to any person who carries out an act that is done by a member of the emergency services in the course of carrying out their duties.

16.0 Fees - *Ngā Utu*

16.1 Council may in accordance with section 150 of the Local Government Act 2002 prescribe fees or charges for any application, permit, or inspection made by Council, under this Bylaw as set out in Council Fees and Charges Schedule.

16.2 Where a fee has been paid under clause 17.1 for a service which has not been given, the Council may provide a refund, a remission, or waiver of such fee, or portion of it as the Council may determine.

16.3 The Council may set fees and charges for the recovery of costs incurred for the:

9.2.12 Appendix 11 - Draft Stock Movement Bylaw for consultation(Cont.)

- a) unscheduled maintenance or repair of a road or any part of the carriageway due to damage caused by livestock; and/or
- b) unscheduled maintenance or cleaning to remove excrement, mud and other matter from a road, carriageway or any entrance to the road after any livestock movements; and/or
- c) Replacing or reinstating road marker posts, traffic signs or repairing any other street furniture, culverts, drains, public property or plantings damaged by the movement of livestock.

16.4 Failure to pay any applicable fees and charges is a breach of this Bylaw.

17.0 Permits – *Puka whakaaetanga*

- 17.1 The form of any application for and grant of any permit under this Bylaw will be determined by the Council or Authorised Officer.
- 17.2 The Council or Authorised Officer may attach to any permission, approval or licence any terms or conditions as it considers appropriate having regard to the purpose of this bylaw.
- 17.3 No application for a licence from the Council or Authorised Officer, and no payment of or receipt for any fee paid in connection with such application or licence shall confer any right, authority or immunity on the person making such application or payment.
- 17.4 Permits are not able to be transferred or assigned by the permit holder to any other person.
- 17.5 Suspending or Revoking Permits

If the Council or Authorised Officer believes on reasonable grounds that the holder of a permit, licence or other approval given under this bylaw has:

- a) failed to observe or comply with any applicable requirements of this Bylaw or conditions of the permit of approval; or
- b) Acted in a way which in the opinion of the Council renders the permit holder unfit to hold the permit of approval;

The Council may, by notice served upon the person:

9.2.12 Appendix 11 - Draft Stock Movement Bylaw for consultation(Cont.)

- c) inform that person that the Council is considering revoking, suspending or varying the person's permit;
- d) identify the grounds for issuing the notice; and
- e) require the person to appear before the Council or its nominated decision-making body or person at a time and place specified in the notice to present any evidence or submissions responding to the issues raised.

17.6 Following the process of opportunity to be heard as deemed by the decision-making body, or, in the event of no response or appearance by the person, the Council or its nominated decision-making body or person may make a determination on whether to uphold, revoke, suspend or vary the permit, licence or approval, and provide reasons for its decision, any such decision being final.

17.7 If the Council believes on reasonable grounds that the grounds for issuing a notice under clause 17.5 also require an urgent suspension of the permit, licence or approval, the Council may temporarily suspend the licence, permit or approval pending the convening of a hearing as required by clause 17.5 (e). Any such temporary suspension will take effect from the date of service of a notice of temporary suspension

Kupu Āpiti 1

Schedule 1: Stock Movement Graph

Explanatory Note

This chart is a stock crossing decision chart used to determine whether a level crossing or a stock underpass is appropriate for moving stock across the road and assists with decision making. This graph compares three key factors:

- **Number of stock** (y-axis, left)
- **Percentage of days in the dairy season when crossings occur** (x-axis, bottom)
- **Average daily traffic (ADT)** on the road (y-axis, right, diagonal lines)

The procedure (as shown by lines A–D in the example) is:

From the number of stock (Line A), move horizontally to the percentage of days crossings occur (Line B). From that point, move vertically up to the diagonal line corresponding to the ADT (Line C). Extend horizontally to the top scale (Line D) to determine if the situation falls under **Level Crossing** or **Underpass**.

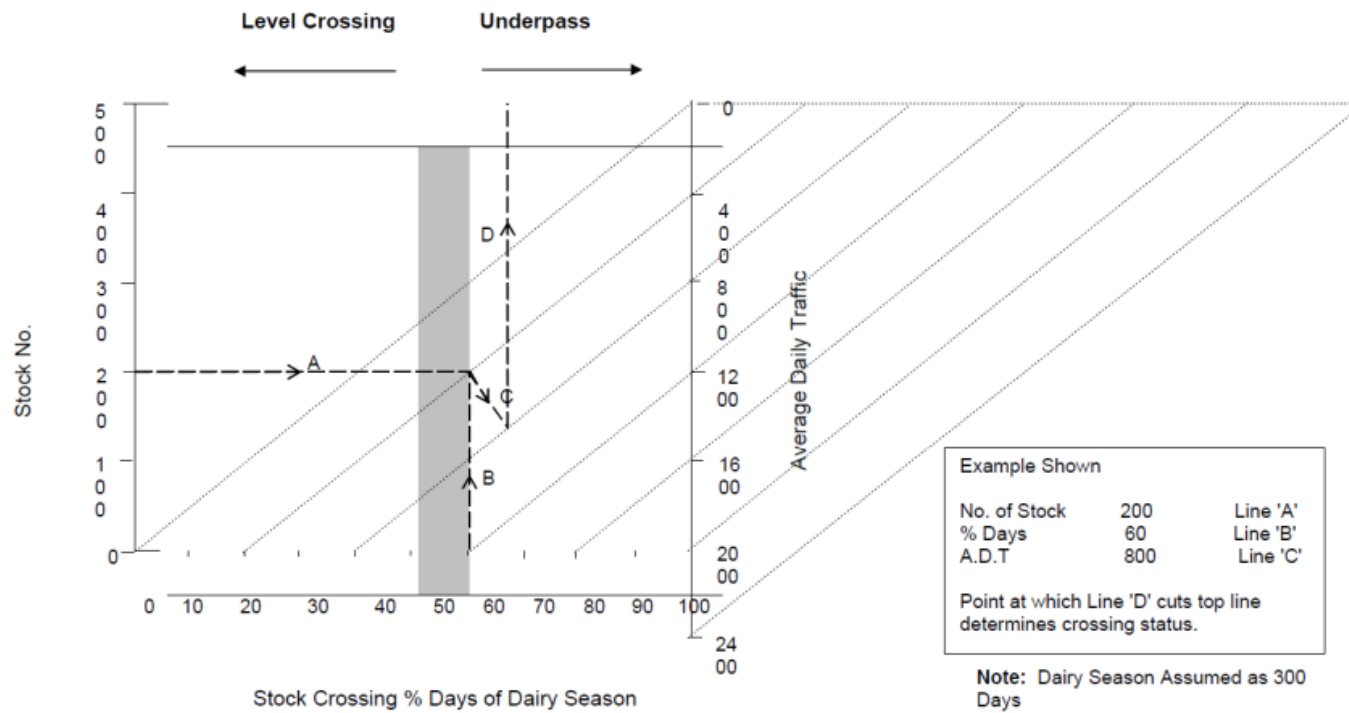
In the example: 200 stock, crossing 60% of the dairy season, with 800 ADT, the intersection point falls in the **Underpass** zone, meaning a stock underpass is recommended.

This chart helps decide when a stock underpass (rather than a level crossing) is required, based on traffic volume, herd size, and crossing frequency.

Explanatory Note

Temporary warning sign means an orange temporary warning sign used to alert road users to the presence of stock on the road, which complies with the requirements of the Land Transport Rule: Traffic Devices 2004. For vehicle-mounted signs, the sign shall

be at least 600mm x 600mm. For a static sign, the sign should be at least 750mm x 750mm. Refer to Land Transport Rule: Traffic Devices 2004 for signage details.



9.2.12 Appendix 11 - Draft Stock Movement Bylaw for consultation(Cont.)

Kupu Āpiti 2

Schedule 2: Permit Requirements

Explanatory Note: Road classification, average number of days stock crossing/moving per week and when they do or don't need a permit.

Road Classification	Description	Average number of days per week of stock movements						
		<1	2	3	4	5	6	7
Urban Streets	Any urban street	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow
High volume roads	Any road with a traffic volume of 500vpd or more	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow	Yellow
Rural Connectors	Any rural road with a traffic volume between 200 and 500vpd	Green	Green	Green	Green	Green	Yellow	Yellow
Low Volume Sealed Rural Roads	Any sealed rural road with a traffic volume less than 200vpd	Green	Green	Green	Green	Green	Green	Green
Unsealed Roads	Any road that is not sealed.	Green	Green	Green	Green	Green	Green	Green

Urban streets include any road with a speed limit of less than 70kph

Rural roads include any road with a speed limit of 70kph or more

	Permitted movements
	Conditional movements (permit required)

9.2.13 Appendix 12 - Draft Statement of Proposal for consultation

9.2.13 Appendix 12 - Draft Statement of Proposal for consultation

9.2.13 Appendix 12 - Draft Statement of Proposal for consultation(Cont.)



STATEMENT OF PROPOSAL



Shaping our shared spaces
Whakaahuatia ngā wāhi hapori

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



 **Kōrero mai**
SHAPING YOUR DISTRICT

 **WHAKATĀNE**
District Council
Kia Whakatāne au i ahau



9.2.13 Appendix 12 - Draft Statement of Proposal for consultation(Cont.)


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

Te reo

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.**

9.2.13 Appendix 12 - Draft Statement of Proposal for consultation(Cont.)

Alcohol Control Bylaw *Ture ā-rohe Whakahaere Kararehe*



Background

Te reo

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.

Key changes we’re proposing *Te reo*

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.

9.2.13 Appendix 12 - Draft Statement of Proposal for consultation(Cont.)



Background *Te reo*

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 *Te reo*

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.

9.2.13 Appendix 12 - Draft Statement of Proposal for consultation(Cont.)



Background *Te reo*

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 *Te reo*

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.

9.2.13 Appendix 12 - Draft Statement of Proposal for consultation(Cont.)



Background

Te reo

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

Te reo

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.

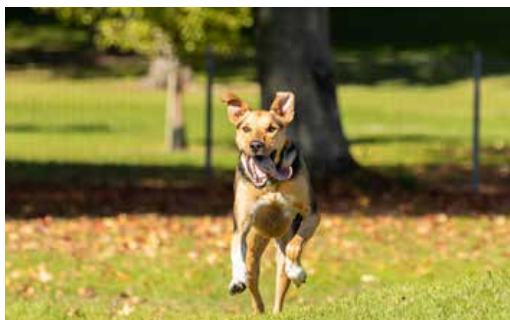
We would like to hear community views on the following:

- 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.




9.2.13 Appendix 12 - Draft Statement of Proposal for consultation(Cont.)



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

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



Background

Te reo

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 Te reo

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. Increasing the required setback for poultry houses and runs from 2 metres to 5 metres from any nearby home.
4. Clarifying the requirements for keeping bees to prevent nuisance and updating the rules for keeping stock in urban areas.
5. Clarifying the permit process for the keeping of animals, including the process for revoking or suspending permits.
6. 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.
7. 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.

9.2.13 Appendix 12 - Draft Statement of Proposal for consultation(Cont.)

Stock Movement Bylaw *Ture ā-rohe Whakaneke Tōki*



Background *Te reo*

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 *Te reo*

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.

9.2.13 Appendix 12 - Draft Statement of Proposal for consultation(Cont.)

Legislation | *Te reo*

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 | *Te reo*

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

Te reo

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.



9.2.13 Appendix 12 - Draft Statement of Proposal for consultation(Cont.)



Have your say Kōrero Mai

Online: koreromai.whakatane.govt.nz/shapingourspace
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.instagram.com/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 TIMELINE	1 APRIL	Consultation begins
	30 APRIL	Submissions close
	28 MAY	Public hearing and deliberations
	23 JULY	Council decision

CONSULTATION DOCUMENTS

View the following documents at whakatane.koreromai.govt.nz/shapingourspace

- 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

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WHAKATĀNE
District Council
Kia Whakatāne au i ahau

10 Resolution to Exclude the Public - *Whakataunga kia awere te marea*

10 Resolution to Exclude the Public - *Whakataunga kia awere te marea*

RECOMMENDATION

THAT the Strategy and Policy Committee **agree** to exclude the public from the following part(s) of the proceedings of this meeting, namely:

1. isite Review - Public Excluded Report

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).

Item number and General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for excluding the public	Plain English reason for passing this resolution
<p>Item 1: isite Review - Public Excluded Report</p>	<p>7(2)(a) Protect the privacy of natural persons (staff), including that of deceased natural persons</p> <p>7(2)(h) Enable any Council holding the information to carry out, without prejudice or disadvantage, commercial activities</p> <p>7(2)(i) Enable any Council holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	<p>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</p>	<p>The report is public excluded due to the commercial nature of the iSite business, discussions of possible joint ventures, commercial rental, and tenancies and staff sensitivity.</p>

1 Reports - *Ngā Pūrongo*

1 Reports - *Ngā Pūrongo*

1.1 isite Review Report – Public Excluded