

Mā tō tātou takiwā
For our District

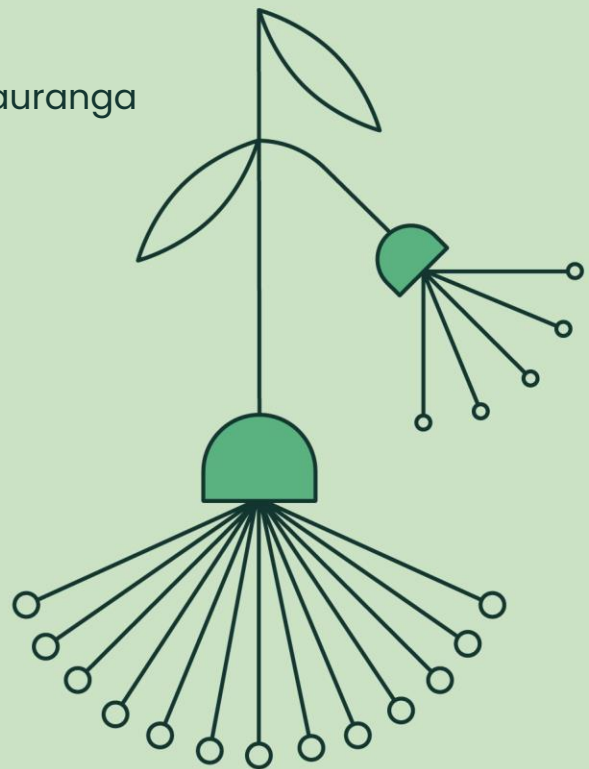
Strategy and Policy Committee

Kōmiti Rautaki me Kaupapa Here

SPC25-6

Thursday, 12 June 2025, 9.30am

Council Chambers, 1484 Cameron Road, Tauranga



Strategy and Policy Committee

Membership:

Chairperson	Mayor James Denyer
Deputy Chairperson	Cr Murray Grainger
Members	Cr Tracey Coxhead Cr Grant Dally Cr Anne Henry Cr Rodney Joyce Cr Margaret Murray-Benge Cr Laura Rae Deputy Mayor John Scrimgeour Cr Allan Sole Cr Don Thwaites Cr Andy Wichers
Quorum	Six (6)
Frequency	Six weekly

Role:

- To develop and review strategies, policies, plans and bylaws to advance the strategic direction of Council and its communities.
- To ensure an integrated approach to land development (including land for housing), land use and transportation to enable, support and shape sustainable, vibrant and safe communities.
- To ensure there is sufficient and appropriate housing supply and choice in existing and new urban areas to meet current and future needs.

Scope:

- Development and review of bylaws in accordance with legislation including determination of the nature and extent of community engagement approaches to be deployed.
- Development, review and approval of strategies and plans in accordance with legislation including

- determination of the nature and extent of community engagement approaches to be deployed.
- Subject to compliance with legislation and the Long Term Plan, to resolve all matters of strategic policy outside of the Long Term Plan process which does not require, under the Local Government Act 2002, a resolution of Council.
- Development of District Plan changes up to the point of public notification under the Resource Management Act 1991.
- Endorsement of the Future Development Strategy and sub-regional or regional spatial plans.
- Consider and approve changes to service delivery arrangements arising from service delivery reviews required under the Local Government Act 2002 (provided that where a service delivery proposal requires an amendment to the Long Term Plan, it shall thereafter be progressed by the Annual Plan and Long Term Plan Committee).
- Where un-budgeted financial implications arise from the development or review of policies, bylaws or plans, recommend to Council any changes or variations necessary to give effect to such policies, bylaws or plans.
- Listen to and receive the presentation of views by people and engage in spoken interaction in relation to any matters Council undertakes to consult on whether under the Local Government Act 2002 or any other Act.
- Oversee the development of strategies relating to sub-regional parks and sub-regional community facilities for the enhancement of community wellbeing of the Western Bay of Plenty District communities, for recommendation to Tauranga City Council and Western Bay of Plenty District Council.
- Approve Council submissions to central government, councils and other organisations, including submissions on proposed legislation, plan changes or policy statements.
- Receive and make decisions and recommendations to Council and its Committees, as appropriate, on reports, recommendations and minutes of the following:
 - SmartGrowth Leadership Group
 - Regional Transport Committee
 - Any other Joint Committee, Forum or Working Group, as directed by Council.
- Receive and make decisions on, as appropriate, any matters of a policy or planning nature from the following:
 - Waihi Beach, Katikati, Ōmokoroa, Te Puke and Maketu Community Boards.
 - Community Committee.

Power to Act:

- To make all decisions necessary to fulfil the role and scope of the Committee subject to the limitations imposed.

Power to Recommend:

- To Council and/or any Committee as it deems appropriate.

Power to sub-delegate:

- The Committee may delegate any of its functions, duties or powers to a subcommittee, working group or other subordinate decision-making body subject to the restrictions within its delegations and provided that any such sub-delegation includes a statement of purpose and specification of task.
- Should there be insufficient time for Strategy and Policy Committee to consider approval for a final submission to an external body, the Chair has delegated authority to sign the submission on behalf of Council, provided that the final submission is reported to the next scheduled meeting of the Strategy and Policy Committee.

Notice is hereby given that a Strategy and Policy Committee Meeting will be held in the Council Chambers, 1484 Cameron Road, Tauranga on: Thursday, 12 June 2025 at 9.30am

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1 KARAKIA

Whakatau mai te wairua	Settle the spirit
Whakawātea mai te hinengaro	Clear the mind
Whakarite mai te tinana	Prepare the body
Kia ea ai ngā mahi	To achieve what needs to be achieved.
Āe	Yes

2 PRESENT**3 IN ATTENDANCE****4 APOLOGIES****5 CONSIDERATION OF LATE ITEMS****6 DECLARATIONS OF INTEREST**

Members are reminded of the need to be vigilant and to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest that they may have.

7 PUBLIC EXCLUDED ITEMS**8 PUBLIC FORUM**

A period of up to 30 minutes is set aside for a public forum. Members of the public may attend to address the Board for up to five minutes on items that fall within the delegations of the Board provided the matters are not subject to legal proceedings, or to a process providing for the hearing of submissions. Speakers may be questioned through the Chairperson by members, but questions must be confined to obtaining information or clarification on matters raised by the speaker. The Chairperson has discretion in regard to time extensions.

Such presentations do not form part of the formal business of the meeting, a brief record will be kept of matters raised during any public forum section of the meeting with matters for action to be referred through the customer relationship management system as a service request, while those requiring further investigation will be referred to the Chief Executive.

9 PRESENTATIONS

10 REPORTS

10.1 DELIBERATIONS AND RECOMMEND ADOPTION OF LIVESTOCK MOVEMENTS BYLAW 2025

File Number: A6720961

Author: Danna Leslie, Senior Policy Analyst

Authoriser: Rachael Davie, Deputy CEO/General Manager Strategy and Community

EXECUTIVE SUMMARY

1. In February 2025 the Strategy and Policy Committee adopted a draft Livestock Movements Bylaw 2025 for community consultation.
2. This report presents the submissions received through the consultation period, which ran from 20 March 2025 to 22 April 2025.
3. If supported, the Committee is requested to recommend to Council that the Livestock Movements Bylaw be adopted substantively in the form attached to this report

RECOMMENDATION

1. That the Senior Policy Analyst's report dated 12 June 2025 titled 'Deliberations and Recommend Adoption of Livestock Movements Bylaw 2025' be received.
2. That the report relates to an issue that is considered to be of **low** significance in terms of Council's Significance and Engagement Policy.
3. That the Strategy and Policy Committee receives all submissions received through the consultation period, which ran from 20 March 2025 to 22 April 2025, as is set out in **Attachment 1** to this report.
4. That pursuant to s155 of the Local Government Act 2002, the Strategy and Policy Committee recommends to Council that the draft Livestock Movements Bylaw 2025 is the most appropriate form of bylaw and does not give rise to any implications under the New Zealand Bill of Rights 1990.
5. That the Strategy and Policy Committee recommend to Council the adoption of the Livestock Movements Bylaw 2025 contained in **Attachment 2** to this report, noting the requirement for public notice of the Council resolution to adopt the bylaw pursuant to s157(1) of the Local Government Act 2002.
6. That the Strategy and Policy Committee requests the Chief Executive to direct staff to prepare a decision document for final approval by the Mayor, in general accordance with the resolutions of this meeting, as the formal response to submitters, for dissemination to those that provided feedback and to be published on the Council's website.

BACKGROUND

4. Bylaws are rules or regulations made by the council that affect how people live work and play. Bylaws protect both our district and the rights of our community. They are a local legislative tool which help manage issues when or if they arise by providing legal controls and parameters to operate within.
5. Council has the ability to make bylaws to protect the public from nuisance, protect, promote and maintain public health and safety, and to minimise the potential for offensive behaviour in public places (section 145 of the Local Government Act 2002 (**LGA**)).
6. Once adopted, the LGA requires that new bylaws be reviewed within five years after the date in which the bylaw was first made and every ten years after that. The Livestock Movements Bylaw, which regulates the movement of livestock on, across or along public roads under the control of the Council, was last reviewed in 2014 and is now due for review.

7. Changes were made to the draft bylaw to:
 - (a) Remove impractical and obsolete provisions
 - (b) Clarification of terms and provisions, including updating references to relevant frameworks and best practice guidelines
 - (c) Removal of redundant and outdated appendices
 - (d) Replacing Schedule 1 with a definition of Urban Roads which future proofs the bylaw to capture future roadways.

SIGNIFICANCE AND ENGAGEMENT

8. The Local Government Act 2002 requires a formal assessment of the significance of matters and decision in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.
9. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
10. In terms of the Significance and Engagement Policy this decision is considered to be of **low** significance because there are a limited number of licence holders who will be affected by the proposed amendments and the reversible nature of this decision.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

11. We were required to comply with the provisions of section 82 of the LGA, seeking public feedback with the opportunity for spoken interaction.
12. Consultation was undertaken in accordance with the LGA, and consultation ran from 20 March to 22 April 2025. Engagement was targeted at known interested parties, as well as being publicly advertised through Council's 'Have your say' and other mechanisms.
13. Council received 2 submissions throughout the consultation period. These can be read in full at **Attachment 1**. Federated Farmers spoke to their submission on 29 April 2025.

Remove reference to renewal fees	Removed and shown in Attachment 2 . No fee will be payable for renewal of a consent.
Option for single livestock movement where AADT exceeds 600 vehicle movements	<ul style="list-style-type: none"> Option B, set out below provides for the inclusion of an additional clause to the bylaw to address the issue raised by the submitter. However, as no applications for a single movement or complaints regarding single movements have been received to date, there is little evidence to base the need for the inclusion of this additional clause. The Local Government Act 2002 requires consideration as to whether a bylaw is the most appropriate way of addressing the perceived problem. It is recommended that further evidence of the problem of single movement crossings is needed before a determination could be made to include a provision in the bylaw.
How will farmers be supported with changes to bylaw	Council will maintain its current approach of education and working with the community.
Confirm that existing consent holders are not required to comply with updated traffic management standards	All consent holders are required to comply with current traffic management and health and safety requirements.
Access to Average Annual Daily Traffic Data (AADT) for the rural community	<ul style="list-style-type: none"> Estimated traffic data is now available on Council's mapping system (MAPI) for staff and public use.
Schedule 1 (Fees & Charges) Reference to 'livestock movement consent' changed to 'consent'	<p>Fees and charges are payable for all forms of consent under the bylaw, not just livestock movement consents.</p> <p>Changes have been recommended to Council's Schedule of Fees & Charges (for consideration at the Long Term and Annual Plan Committee on 5 June</p>

	2025) to respond consultation feedback.
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16. Additional editorial amendments have been made to the Livestock Movements Bylaw (as released for consultation) as follows:
- (a) Updated legislation has been noted in the bylaw.
 - (b) The purpose of the bylaw has been amended to include protection of livestock while being moved across or along public roads.
 - (c) The term of each consent is five (5) years; however this was not clear in relation to Droving Consents. This has been amended, for clarity, in clause 17.1. As with all consents under this bylaw, there is no fee for renewal of a Droving Consent.
 - (d) The New Zealand Guide to Temporary Traffic Management (Version 1) (NZGTTM) has replaced NZTA's Code of Practice for Temporary Traffic Management, and references in the bylaw have been updated at clause 12, and in Charts 1-3.
 - (e) Although implied, a new clause 4.2 has been added which expressly states the requirement to comply with the NZGTTM or relevant traffic management requirements.
 - (f) Clause 28 (Transitional provisions) shall be deleted as all permits or consents issued under the 2014 Bylaw have now expired, and where an application has been received, a new consent has been issued.
17. The proposed draft bylaw is included at **Attachment 2** to this report.
18. There are three options available for the Livestock Movements Bylaw. These are:
- (a) Adopt the Livestock Movements Bylaw 2025 in the form attached to this report.
 - (b) Adopt the Livestock Movements Bylaw 2025 with an amendment enabling a pathway for a single livestock movement consent.
 - (c) Status quo – retain the Livestock Movements Bylaw 2014 in its current form without amendment.

<p>Option A – RECOMMENDED</p> <p>That the Strategy and Policy Committee adopts the Livestock Movements Bylaw 2025 in the form attached to this report.</p>	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p><u>Advantages</u></p> <ul style="list-style-type: none"> • Impractical and obsolete provisions identified by staff will be removed streamlining the bylaws and minimising potential for confusion. • The bylaw will be legally valid for a further 10 years. <p><u>Disadvantages</u></p> <ul style="list-style-type: none"> • The request from Federated Farmers to create a pathway for a single livestock movement consent is not accommodated.
<p>Costs (including present and future costs, direct, indirect and contingent costs).</p>	<p>The proposed changes to the bylaw do not impact current operational budgets.</p>
<p>Option B</p> <p>That the Strategy and Policy Committee adopts the Livestock Movements Bylaw 2025 with the following additional clause enabling a pathway for single livestock movement consent:</p> <p>(a) Clause 5.1 be amended with the addition of a new subclause (d) as follows:</p> <p style="padding-left: 40px;"><i>(d) Single Movement (along a road)</i></p> <p>(b) The addition of a new clause 5.8 as follows:</p> <p style="padding-left: 40px;"><i>5.8 Clause 28 confirms the process for a Single Movement, and when consent will be considered.</i></p> <p>(c) A new clause 28 as follows:</p> <p>28. Single Movement Consent</p> <p><i>28.1 An application for a Single Movement Consent will be considered where:</i></p> <p style="padding-left: 40px;"><i>(a) The road on which the livestock movement is intended to occur is not an Urban Road; and</i></p> <p style="padding-left: 40px;"><i>(b) The livestock movement will not occur more than once in any five (5) year period; and</i></p> <p style="padding-left: 40px;"><i>(c) The livestock movement will be inside the hours of day light, being half an hour before sunrise to half an hour after sunset; and</i></p> <p style="padding-left: 40px;"><i>(d) Livestock will be moved for a distance of less than one (1) kilometre; and</i></p>	

<p>(e) <i>The Average Annual Daily Traffic measured in vehicles per day is greater than 600.</i></p> <p>28.2 <i>An application for a Single Movement Consent shall be in writing and must include an acceptable traffic management plan.</i></p> <p>28.3 <i>An applicant will be notified in writing whether a Single Movement Consent has been granted no later than five (5) working days after receipt of an application and an acceptable traffic management plan.</i></p> <p>(d) Chart 1 be amended by adding the following statement in the Notes:</p> <p>3. <i>Refer to clause 28 (Single Movement Consent) should the droving relate to a single stock movement which will occur once in any five (5) year period.</i></p>	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p><u>Advantages</u></p> <ul style="list-style-type: none"> • Responds to a request from the community. <p><u>Disadvantages</u></p> <ul style="list-style-type: none"> • A premium service is proposed requiring resources allocation. • Any additional resource costs to be met by the ratepayer. • There is no evidence that this is an issue, as no complaints or requests for single movements have been made. • Given the lack of evidence to support the problem, the inclusion of the clause may not meet the requirements of section 155 of the Local Government Act 2002.
<p>Costs (including present and future costs, direct, indirect and contingent costs).</p>	<p>Resourcing costs to respond to applications received.</p>
<p>Option C Status quo – Retain the Livestock Movements Bylaw in its current form without amendment</p>	

<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p><u>Advantages</u></p> <ul style="list-style-type: none"> • No known advantages for this option <p><u>Disadvantages</u></p> <ul style="list-style-type: none"> • Potential for confusion with impractical and obsolete provisions remaining in the Bylaws
<p>Costs (including present and future costs, direct, indirect and contingent costs).</p>	<p>Retaining the Livestock Movements Bylaw in its current form, without amendment falls within existing budgets.</p> <p>Costs would relate to advertising the decision to adopt bylaw 'as-is'.</p>

STATUTORY COMPLIANCE

19. Sections 158(1) and 159 require that new bylaws be reviewed within five years after the date in which the bylaw was first made and every ten years after that. The Livestock Movements Bylaw was last reviewed in 2014 and is due for review.
20. The recommendations in this report ensure compliance with the Local Government Act 1974 and 2002, the Bylaws Act 1910 and the Land Transport Management Act 2003.

Local Government Act 2002 section 155 Considerations

21. As part of the bylaw review process, Council is required to make the determinations required by s155 of the LGA. This means that Council must determine that a bylaw is the most appropriate way of addressing the perceived problem, that the draft bylaw is the most appropriate form of bylaw, and that it does not give rise to any implications under the New Zealand Bill of Rights Act 1990.
22. There is no legislative requirement to have this bylaw in place, however the Local Government Act 2002 enables councils to implement and enforce bylaws where there are local issues that need additional powers to be addressed. Council must determine whether a bylaw is the most appropriate way of addressing the perceived problem¹. If a bylaw is considered to be appropriate Council must then decide whether or not the bylaw is the most appropriate form of bylaw, and whether or not the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Is a bylaw the appropriate means to deal with the problem?

Council considers that a bylaw is the most appropriate tool to protect the safety of all road users, the structure and surface of the carriageway, and public and private structures and utilities situated on the road. The current bylaw has been in place

¹ Section 155 of the Local Government Act 2002

for several years and enables Council to regulate the movement of livestock on, across or along public roads under the control of the Council. This reduces convenience, nuisance and potential hazard for all road users. It also minimises any loss of social value or environmental quality from use of the road. The proposed bylaw is considered to be consistent with the approach taken by other councils of a similar size and nature.

Is the bylaw in the appropriate form?

The bylaw focuses on identified issues and is customised to suit the particular circumstances of the Western Bay of Plenty District. The proposed bylaw is consistent with Council document standards and has been written in plain English so far as possible. It is therefore considered to be the most appropriate form of bylaw.

Is the bylaw consistent with the New Zealand Bill of Rights?

The Bill of Rights protects the human rights and fundamental freedoms of all people in New Zealand. The regulatory controls provided under this bylaw are designed to regulate the movement of livestock on, across or along public roads under the control of the Council. It is considered that the draft bylaw does not give rise to any implications under the Bill of Rights.

FUNDING/BUDGET IMPLICATIONS

23. Implementation of the Livestock Movements Bylaw will be undertaken within existing resource allocations.

ATTACHMENTS

1. **Submission Pack – Livestock Movements Bylaw Review 2025**  
2. **Livestock Movements Bylaw 2025**  
3. **Livestock Movements Bylaw Review Hearing Notes – 29 April 2025**  



**Western
Bay of Plenty**
District Council



Livestock
Movement Bylaw
Review 2025

Submission Pack

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James Wilkins, Warwick Farm	1	3
Jesse Brennan, Federated Farmers of New Zealand	2	4



Western Bay of Plenty District Council
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1484 Cameron Road, Greerton, Tauranga, 3112
P 0800 926 732
E info@westernbay.govt.nz
westernbay.govt.nz

Livestock Movements Bylaw Review 2025

Submitter ID: 1

Name: James Wilkins

Organisation: Warwick Farm

Q1: Do you support replacing the list of restricted roads in Schedule 1, with a definition that will include future roads?

Yes

Q2: Please share why or why not.

As explained

Q3: Please provide any other comments on the Livestock Movements Bylaw:

That Road users are required to slow down to 20 km/h when approaching a stock crossing when the amber light is flashing

SUB ID 2

SUBMISSION

TELEPHONE 0800 327 646 | WEBSITE WWW.FEDFARM.ORG.NZ

To: Western Bay of Plenty District Council
Via email: yourplace@westernbay.govt.nz

Submission on: Livestock movements bylaw review 2025

Address for service: **JESSE BRENNAN**
SENIOR POLICY ADVISOR (REGIONAL)
Federated Farmers of New Zealand
M [REDACTED]
E [REDACTED]

SUMMARY OF RELIEF SOUGHT

- FFNZ requests Council update the terminology in the bylaw to refer to 'permit' instead of 'consent' to ensure wording used is consistent, to avoid confusion.
- FFNZ requests that Section 7 and Schedule 1 of the LMB are amended to remove references to a fee being required for renewals.
- FFNZ encourages WBOPDC to think about how it can support farmers with changes to ensure they are compliant.
- Council to confirm if FFNZ's interpretation that existing permit holders under the 2014 livestock movements bylaw do not need to comply with the Code of Practice on Temporary Traffic Management Section I: 5 Stock under control (crossing and droving) 2015 for current stock crossing layouts is correct.
- FFNZ requests WBOPDC to provide information about AADT data and how it will make this data easily accessible for the rural community.
- FFNZ requests that the livestock movements bylaw is updated to provide clarification about Average Annual Daily Traffic data, updates to data, and how it can be accessed for determining permit requirements under the bylaw.
- WBOPDC to consider to a pathway in the bylaw for infrequent stock movements (i.e., three or less movements a year) for farmers on roads that would otherwise have over 600 vehicles per day and therefore require a permit. This should also be reflected with an equivalent cost option in the 2025/2026 fees and charges. FFNZ would be pleased to assist Council in the development of this.

1. INTRODUCTION

- 1.1 Bay of Plenty Federated Farmers (Federated Farmers, or **FFNZ**) appreciates this opportunity to submit on Western Bay of Plenty's (**WBOPDC** or **Council**) review of the livestock movements bylaw (**LMB**, or **bylaw**). Federated Farmers has over 175 active members located in the Western Bay of Plenty District.
- 1.2 Federated Farmers acknowledges any submissions from individual members of our organisation.
- 1.3 Federated Farmers would like the opportunity to speak to Council about this submission.
- 1.4 Western Bay of Plenty is a district that depends on primary production. To enable ongoing future success for our farming community, regulation needs to be as enabling as possible.
- 1.5 Farming today is very different from a generation ago, and our farming families are continually working to keep up with the practical implications and associated costs of ongoing regulatory changes.
- 1.6 The LMB goes to the heart of farming activities, as moving stock between paddocks, across roads and droving stock along roads, has and will continue to be, an integral part of farming in the district.

2. GENERAL COMMENTS

- 2.1 It is our members and the wider rural community that is most significantly affected by the review of the LMB. They are the group within the community that the bylaw directly impacts, and therefore whom compliance is required from.
- 2.2 Federated Farmers acknowledges and accepts the need for controls with regard to stock movement on public roads. However, we are of the opinion that controls must be restricted to issues of safety, road damage and reasonable expectations of the public to traffic flow. We believe that the economic costs of any controls imposed must be balanced with the benefits that can be achieved.
- 2.3 FFNZ also wants to acknowledge that its submission has been made on the basis that the proposed changes are to improve efficiencies and to update the bylaw with current national practice. If there were specific issues relating to livestock movements in the district, FFNZ would like to know about this and would be pleased to assist Council in coming up with practical solutions alongside our members and the wider farming community.
- 2.4 FFNZ is largely supportive of changes to the proposed LMB, with the key changes relating to:

- (a) Aligning the bylaw with current national standards for livestock movements set by NZTA, and
 - (b) Removing Schedule 1 (which currently lists urban roads where livestock movements are restricted) and replacing it with a definition of urban roads, which will cover both current and future urban areas where livestock movements would require a permit.
- 2.5 FFNZ appreciates WBOPDC aligning the draft LMB with the *NZTA Code of Practice on Temporary Traffic Management (CoPTTM) Section I: 5 Stock under control (crossing and droving) 2015* (or subsequent update).
- 2.6 FFNZ has provided comments below regarding:
- a. Terminology used in the bylaw
 - b. How changes will be communicated to farmers
 - c. The data for average annual daily traffic, and;
 - d. Requirements for infrequent stock movements.

3. TERMINOLOGY AND OTHER AMENDMENTS

- 3.1 FFNZ has concerns about the inconsistent terminology used between a 'permit' and a 'consent' in the LMB. For example, Section 15 (variation of 'consent') and Charts 1-4 refer to a 'consent being needed'. The words appear to be used interchangeably in the LMB.
- 3.2 FFNZ recommends that terminology is updated to refer only to 'permit' (where the word consent has been used) and recommends terminology is updated to a 'livestock movement permit' given it can be a crossing or a droving that may require a permit under the bylaw (as opposed to just referring to stock crossings). FFNZ has also requested this change in its submission on the fees and charges for 2025/26.
- 3.3 FFNZ also notes that Section 7 and Schedule 1 still refer to a fee being required for renewal. However, FFNZ's understanding based on the fees and charges consultation is that the application fee will only apply to new permits and existing permits will not be required to pay renewal fees. FFNZ therefore requests Section 7 and Schedule 1 are amended to remove references to a fee being required for renewals.

Relief requested:

- FFNZ requests Council updates the terminology in the bylaw to refer to 'permit' instead of 'consent' to ensure wording used is consistent, to avoid confusion.
- FFNZ requests that Section 7 and Schedule 1 of the LMB are amended to remove references to a fee being required for renewals.

4. COMMUNICATION OF CHANGES TO FARMERS

- 4.1 FFNZ appreciates that one of the key changes is aligning LMB with the CoPTTM. We note that this will require some changes for farmers.
- 4.2 FFNZ is aware that permit holders have been sent a letter about the proposed changes to existing permit holders. FFNZ is not aware if WBOPDC has provided communications to other farmers and rural rate payers about the changes to this bylaw and the new requirements.
- 4.3 FFNZ encourages WBOPDC to think about how it can support farmers with changes to ensure they are compliant. FFNZ understands that every existing stock crossing permit issued under the 2014 Bylaw shall continue in force as if it were a consent under the new bylaw¹. FFNZ therefore interprets this to mean existing permit holders do not need to meet the requirements of the CoPTTM for current stock crossing layouts. FFNZ request confirmation that this is correct.

Relief requested:

- FFNZ encourages WBOPDC to think about how it can support farmers with changes to ensure they are compliant.
- Council to confirm if FFNZ's interpretation that existing permit holders under the 2014 livestock movements bylaw do not need to comply with the Code of Practice on Temporary Traffic Management Section I: 5 Stock under control (crossing and droving) 2015 for current stock crossing layouts is correct.

5. AVERAGE ANNUAL DAILY TRAFFIC

- 5.1 FFNZ notes that the 2014 LMB has an accompanying document that provides Average Annual Daily Traffic (AADT)². FFNZ had questions about how old this data is, and whether it would be used for the revised LMB.
- 5.2 FFNZ has discussed this with WBOPDC Staff³ and understands that Council has a requirement to keep track of AADT for the roading network throughout the district. Some AADT will be measured, and others will be estimated. We were told that the latest information is available through the Council mapping system (MAPI), or the Mobile Roads website. FFNZ was also informed that if a farmer feels the AADT is not reflective of actual traffic, they are welcome to submit to Council on this.

¹ Section 28 – Transitional provisions (proposed LMB)

² [Livestock Movement Bylaw - average Annual Daily Traffic.pdf](#)

³ Phone conversation with Pip Brown 16/4/2025

- 5.3 FFNZ tried to find this information on MAPI and was unable to find it on the publicly available maps. Further, the Mobile Roads website requires registration. FFNZ's point here is that this information does not appear to be easily accessible for farmers to assist them in determining whether they require a permit for driving or crossing. The bylaw does not discuss AADT data, or how this data is supposed to be accessed or disputed should a farmer feel it does not accurately reflect the actual traffic numbers.
- 5.4 Therefore, FFNZ requests that the LMB is updated to provide clarification about accessing AADT data, updates to data, and how it can be accessed for determining permit requirements under the LMB.

Relief requested:

- FFNZ requests WBOPDC to provide information about AADT data and how it will make this data easily accessible for the rural community.
- FFNZ requests that the LMB is updated to provide clarification about AADT data, updates, and how it can be accessed for determining permit requirements under the LMB.

6. INFREQUENT STOCK MOVEMENTS REQUIRING PERMIT

- 6.1 FFNZ has submitted on the changes to the fees for a livestock movement permit (increasing from \$166 to \$866 with no renewal fee after the 5-year term of the permit), as proposed by the 2025/26 fees and charges consultation. FFNZ has requested justification for the increase in the permit cost, and for the fees and charges to provide an equivalent cost option for these infrequent stock movements.
- 6.2 FFNZ is concerned about farmers who may trigger the need for a permit, however may only need to move stock infrequently (i.e., a few times a year).
- 6.3 For example, a farmer may have a runoff located down the road and may need to drive calves or drystock there over the winter, and bring them back to the milking platform in spring/early summer. Another example is where a farmer may purchase stock off a neighbour, and need to drive them along the road to get them to their property to save the cost of a stock truck.
- 6.4 FFNZ is concerned that the AADT for some roads may force farmers to require a permit for these infrequent movements. While we appreciate that there is a risk, FFNZ has received feedback from its members that this could be problematic for their operations.

- 6.5 FFNZ requests that Council gives consideration to a pathway in the bylaw for infrequent stock movements (i.e., three or less movements a year) for roads that would otherwise have over 600 vehicles per day and would therefore require a permit.

Relief requested:

- WBOPDC to consider to a pathway in the bylaw for infrequent stock movements (i.e., three or less movements a year) for farmers on roads that would otherwise have over 600 vehicles per day and therefore require a permit. This should also be reflected with an equivalent cost option in the 2025/2026 fees and charges. FFNZ would be pleased to assist Council in the development of this.

Federated Farmers thanks Western Bay of Plenty District Council for considering this submission

About Federated Farmers

Federated Farmers is a not-for-profit primary sector policy and advocacy organisation that represents the majority of farming businesses in New Zealand. Federated Farmers has a long and proud history of representing the interests of New Zealand's farmers.

The Federation aims to add value to its members' farming businesses. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:

- Our members may operate their business in a fair and flexible commercial environment;
- Our members' families and their staff have access to services essential to the needs of the rural community; and
- Our members adopt responsible management and environmental practices.

This submission is representative of member views and reflect the fact that local government rating and spending policies impact on our member's daily lives as farmers and members of local communities.





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Explanatory Note

Western Bay of Plenty District Council may make bylaws to regulate the movement of livestock on, across or along public roads under the control of the Council in accordance with the provisions of the Bylaws Act 1910, Land Transport Act 1998, [the Land Transport Management Act 2003](#) and the Local Government Acts 1974 and 2002.

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Western Bay of Plenty District Council

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Title

This Bylaw is made under Section 145 of the Local Government Act 2002 and shall be known as the Western Bay of Plenty District Council Livestock Movements Bylaw ~~2014~~2025.

Commencement and application

This Bylaw shall come into force on ~~18 December 2014~~ [28 August] 2025 and applies to all parts of all roads under the control of the Western Bay of Plenty District Council.

Revocation

~~The Western Bay of Plenty District Council Stock Crossing Bylaw 2008 is hereby revoked.~~

Purpose of the Bylaw

The purpose of the Bylaw is to improve control of the movement of livestock on public roads:

- a) to protect:
 - ~~i.~~ i. the safety of all road users including those associated with moving livestock;
 - ~~ii.~~ ii. livestock whilst being moved across or along public roads;
 - ~~iii.~~ iii. the structure and surface of the carriageway in the roads; and
 - ~~iv.~~ iv. public and private structures and utilities situated in the road.
- b) to reduce inconvenience, nuisance and potential hazard for all road users; and
- c) to minimise any loss of social value or environmental quality from use of the road.

Scope

This Bylaw provides for the:

- a) acceptance of long-term, intermittent, or temporary movement of livestock on, across or along public roads in the district;
- b) establishment of a clear framework (including associated criteria) for determining whether a livestock movement is permitted, whether it requires a consent or whether it requires the investigation of alternative options.
- c) setting of charges to cover the costs of administration and monitoring; and

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- d) administrative mechanisms for the operation of this Bylaw

Compliance with other Acts

Nothing in this Bylaw shall derogate from any provision of the Health and Safety [at Work Act 2015](#)~~in Employment Act 1992~~, the Resource Management Act 1991, the Animal Welfare Act 1999, the Impounding Act 1955, or any statutory or regulatory requirement.

1. Definitions

For the purpose of this bylaw:

~~(NOTE: Words in italics are also defined.)~~

Approval or approved means approved in writing by an authorised officer of the Council.

Authorised officer means any person appointed by the Chief Executive of the Council for the purposes of acting as an authorised officer under this bylaw.

Carriageway means that part of a road constructed or made for use of vehicular traffic and includes any shoulder, edging, kerbing or channelling thereof.

Competent person means a person being over the age of 14 years and being able to provide reasonable care and supervision.

Consent means a consent in writing given by the Council authorising a consent holder to move livestock on, across or along a road.

Consent holder means a person who has obtained consent for the movement of livestock on, across or along a road.

Council means the Western Bay of Plenty District Council.

District means the area administered by the Western Bay of Plenty District Council.

Hours of Daylight means half an hour before sunrise to half an hour after sunset.

Livestock means any animal kept or normally kept for commercial purposes, whether so kept or not, and may include, but is not limited to, any hoofed animal, domestic fowl or poultry.

Livestock movement means any single movement of a herd or mob of livestock, including movements of milking herds, across or along a road in a single direction where the animals move by their own efforts and are free of individual control,

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such individual control being by means of being ridden or led or driven on a bridle, halter, collar or similar restraint.

Milking herd crossing means any single movement of a milking herd across a road during the milking season where the animals move by their own efforts and are free of individual control

Person means a legal person and includes a corporation sole and also a body of persons whether corporate or incorporate.

Road means a road as defined in section 315 of the Local Government Act 1974, being all the land under the control of Western Bay of Plenty District Council maintained for public use and being the full width of the legal road between adjacent property boundaries and including both the carriageway and any unformed parts to the sides of the carriageway, but excluding any unformed road.

Traffic management plan means a plan, drawing, sketch or map indicating the method or measures for ensuring the safety of the livestock and all other road users to be used by the consent holder, that is required to be an acceptable standard, as determined by the Council to enable assessment of what is planned to occur. Once determined to be acceptable by the Council, it shall not be changed.

Urban road means roads in residential, medium density residential, rural residential, natural open space, commercial and industrial zones or as otherwise defined in the District Plan on which livestock farming or similar activity is not otherwise occurring, or such other roads as are deemed by Council to be unsafe or inappropriate for livestock movements

1.1. In this Bylaw one gender may include all genders, the singular may include the plural and the plural includes the singular.

2. Control of livestock movements

- 2.1. No person shall:
- a) Move, or cause or allow to be moved, any livestock to which the provisions of this Bylaw apply except in accordance with the provisions of this Bylaw; or
 - b) Move, cause or allow to be moved, any livestock on a road restricted to the movement of livestock by this Bylaw.
 - c) Move, or cause or allow to be moved, any livestock on an Urban road ~~within the Western Bay of Plenty District listed in Schedule 1~~, without first obtaining a consent (where required by Council) in accordance with this Bylaw.

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3. Council may restrict movement

- 3.1. In the event that an authorised officer considers it necessary to close or restrict access to any road as a result of obstruction from road works, flooding, landslide, civil emergency or any other event, the authorised officer shall have discretionary power to halt or divert any movement of livestock from the use of that road notwithstanding any prior consent for movement of livestock on that road.

4. Movements to comply with best practice

- 4.1. Any and every movement of livestock on a public road shall comply with the requirements of any applicable statute, regulation, code of practice, or similar directive relating to the safety, health and welfare of livestock.
- ~~4.1.~~4.2. Any and every movement of livestock on a public road shall comply with the requirements of any applicable statute, regulation, code of practice, or similar directive, including the New Zealand guide to traffic management or subsequent updates relating to temporary traffic management and the health, safety and welfare of all road users.

5. Classification of livestock movements

- 5.1. Livestock movements on roads shall be classified as follows:
- a) Livestock Droving (along a road)
 - b) Livestock Crossing (across a road)
 - c) Milking Herd Crossing (across a road)
- 5.2. Chart 1 of this Bylaw describes the process for determining whether a proposal for Livestock Droving is permitted or whether a consent is required.
- 5.3. Where Chart 1 of this Bylaw indicates that a proposal for Livestock Droving is permitted, the owner of such livestock must conduct any operation on a public road in a safe and appropriate manner.
- 5.4. Chart 2 of this Bylaw describes the process for determining whether a proposal for Livestock Crossing is permitted or whether a consent is required.
- 5.5. Where Chart 2 of this Bylaw indicates that a proposal for Livestock Crossing is permitted, the owner of such livestock must conduct any operation on a public road in a safe and appropriate manner.
- 5.6. Chart 3 of this Bylaw describes the process for determining whether a proposal for a Milking Herd Crossing can be issued consent or whether alternative options need to be investigated.



- 5.7. Where Chart 3 confirms the need for alternative options to be investigated in relation to a Milking Herd Crossing Chart 4 and Chart 5 of this Bylaw shall apply.

6. Exemptions

- 6.1. Livestock movements on public roads that are the result of an emergency, such as flooding or fire, landslide and damage to fences, or similar, or for the purposes of returning wandering or loose livestock to the owner's property or to a temporary pound, shall be exempt from clause 5.
- 6.2. Livestock movements shall be exempt from clause 5 where;
- a) Livestock are moved to graze the road verge adjacent to the livestock owner's property and;
 - b) The livestock are securely contained, by temporary fencing or a similar measure to ensure no ~~livestock animal~~ intrudes onto or across the carriageway and;
 - c) The road is not restricted for livestock movements by this ~~B~~bylaw, and;
 - d) The livestock are within the road only during the hours of daylight.

7. Fee to accompany application

- 7.1. Every application for consent ~~or renewal~~ shall be accompanied by the application fee in accordance with the Schedule ~~2-1~~ of this Bylaw and Council's operative Schedule of Fees and Charges.
- 7.2. The application for a consent will not be processed until the application fee is paid.

8. Council may require further material

- 8.1. On receipt of any application for a consent the Council may require the applicant to provide, if not already provided, further material necessary to assist consideration of the application, such as but not limited to:
- a) A traffic management plan appropriate to the location, timing and size of the livestock movement.

9. Application to be properly executed

- 9.1. The applicant shall be responsible for ensuring that the application and every document required for the proper consideration of the application shall be properly executed and any act done for or on behalf of the applicant in making the application shall be deemed to be an act of the applicant.

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10. Consideration of an application

- 10.1. In considering any application for a consent and in imposing any conditions on the consent the Council shall take into consideration the following:
- Limits and maximum values for characteristics specified in Charts 1, 2 and 3 of this Bylaw;
 - Whether the stock crossing is on a 'No Exit' road;
 - The timing of crossing movements;
 - Traffic safety criteria, including traffic volume and sight distances;
 - Frequency or scale of any potential traffic hazard or obstruction or nuisance;
 - Social impact;
 - Environmental impact;
 - Potential damage to the road or structures in the road.

11. Decision on an application

- 11.1. The Council shall, within ten (10) working days of receiving all information necessary to process an application for consent:
- Grant the application for consent, and
 - Notify the applicant of any conditions attached to the consent, or
 - Decline the application for consent and advise the reasons why.

12. Conditions of Consent

- 12.1. Any consent may be granted subject to such conditions as the Council may impose, including but not limited to the:
- dimensions and surface of any entrance to the road;
 - the potential for stock holding and priority crossing operations;
 - the effective implementation of a Traffic Management Plan agreed between Council and the livestock owner;
 - ~~compliance with the New Zealand Guide to Temporary Traffic Management, or subsequent updates.~~
 - ~~dimensions and placement of warning signs (Appendix 1);~~
 - ~~use, colour and placement of warning lights (Appendix 1);~~
 - ~~use, size and placement of road cones (Appendix 1);~~
 - ~~e)~~ number of competent persons required to be present;
 - ~~h)~~ length of time for which other road users might be halted;
 - ~~i)~~ use of mats or similar devices to protect the road;
 - ~~j)~~ the use of alternative carriageway surfaces for crossing points e.g. concrete;

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- ~~k)j)~~ removal of excrement from the carriageway and entrances to the road;
- ~~h)j)~~ installation of appropriate excrement capture and disposal methods;
- ~~m)k)~~ specific routes to be used;
- ~~n)l)~~ specific times for movement;
- ~~e)m)~~ maximum number of livestock; or
- ~~p)n)~~ meeting of any other conditions reasonably necessary to achieve or ensure compliance with this ~~B~~bylaw.

13. Requirements for alternative mitigation and underpasses

~~13.1.~~ If, after all reasonable alternative options for a ~~Milking-HerdLivestock~~ Crossing have been investigated and discounted Council may either decline the application for consent or require a grade separated crossing by means of a livestock ~~underpass-or~~ overpass ~~or underpass~~ (as per Chart 5) subject to section 341 of the Local Government Act 1974.

~~13.1.13.2.~~ If an overpass or underpass (as per Chart 5) is required, the owner(s) of the properties to and from which the overpass or underpass connects shall register an encumbrance against the title(s) of that property or those properties.

14. Availability of subsidy for underpasses

- 14.1. Where in accordance with clause 13 of this Bylaw and Charts 3 and 4 an underpass is required a Council funded subsidy for the building of an underpass will only be available:
- i. where ~~the a~~ New Zealand Transport Agency subsidy is applicable and available; and
 - ii. where such underpass is considered by Council 'fit for purpose' in terms of the nature of ~~Milking-HerdLivestock~~ Crossing proposed.

15. Variation of consent

- 15.1. The Council may at any time during the term of a consent, by written notice to the consent holder, vary any condition within the consent to address such issues as a change in the:
- a) Nature of the livestock movement;
 - b) Traffic volume; or
 - c) Legal requirements imposed on the Council.

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- 15.2. Fair and reasonable fees may be charged to cover administration costs in processing the variation in accordance with Clause 22 and Clause 23 of this Bylaw.

16. Compliance with the consent

- 16.1. The consent holder shall at all times comply with, and be responsible for compliance with, the conditions of the consent.

17. Term of Consent

- 17.1. A livestock driving consent shall be specific to the livestock movement route for which it is issued and shall be valid, unless revoked under clause 18 or clause 19, for a term of five (5) years.
- 17.2. A livestock crossing consent shall be valid, unless revoked under clause 18 or clause 19, for a term of five (5) years.
- 17.3. A milking herd crossing consent shall be valid, unless revoked under clause 18 or clause 19, for a term of five (5) years.

18. Suspension or cancellation of consent

- 18.1. The authorised officer may suspend or cancel any consent by giving twenty (20) working days notice to the consent holder where it is in the public interest to do so or if the consent holder fails to comply with any conditions of the consent.

19. Summary cancellation

- 19.1. An authorised officer may suspend or cancel any consent immediately by giving written notice to the consent holder, if:
- a) Council is lawfully directed to suspend or cancel the consent;
 - b) the consent holder disregards any conditions of the consent in a manner which the authorised officer determines may endanger the health or safety of any person or damage any part of the road or cause environmental degradation, or
 - c) the Livestock movement is not effectively controlled to be in accordance with the requirements of a consent.

20. Transfer or termination of consent

- 20.1. When the consent holder of any property from which livestock is moved subject to a consent ceases to occupy that property then the consent shall be at an end.

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- 20.2. The consent holder shall not transfer the rights and responsibilities provided for under this Bylaw and under the consent to any other party.

21. Incidents to be reported

- 21.1. The consent holder shall inform the Council of any incident which may cause a breach of the consent or this ~~B~~ylaw within one day. Any incident causing or likely to cause a breach of a consent or of this ~~B~~ylaw shall be cause for the Council to review the conditions of the consent.

22. Council may recover costs

- 22.1. The Council may charge for the recovery of the reasonable costs incurred for the:
- a) unscheduled maintenance or repair of the road or any part of the road due to damage caused by the livestock movement, and
 - ~~b)~~ b) unscheduled maintenance to remove excessive livestock excrement from the road carriageway or any entrance to the road after the livestock movement, and
 - ~~b)c)~~ b)c) administration of the consent as specified by this Bylaw, and
 - ~~e)d)~~ e)d) recovery of unpaid fees and charges.

23. Fees and charges

- 23.1. The Council may set fees and charges annually through the adoption of the Fees and Charges Schedule for the:
- a) application process, and
 - b) administration of the consent

24. Offences and penalties

- 24.1. Every person who fails to comply with this Bylaw or breaches any condition of a consent granted under this Bylaw or fails to comply with any notice served under this Bylaw commits an offence under section 239 of the Local Government Act 2002 and is liable to a fine not exceeding \$20,000 under section 242(4) of the Local Government Act 2002.

25. Review of decisions

- 25.1. If any person is dissatisfied with a decision of an authorised officer, that person may request the Council to review any such decision by notice to the Chief Executive Officer of the Council not later than twenty (20) working days after the decision of the authorised officer has been received.

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26. Service of Documents

- 26.1. A person authorised by the Council shall sign any notice or document to be served or delivered to a consent holder and such notice or document may be left at a conspicuous place or handed to an employee of the consent holder at the consent holder's property or given or served by delivery or courier or sent by facsimile or electronic mail or registered post addressed to the:
- a) 'address for service' specified in a consent, or
 - b) Consent holder's last known place of residence, or
 - c) Registered office of an incorporated entity.

27. Date of service

- 27.1. Any notice or document sent by registered post shall be deemed to have been received on the third working day following posting. Any notice or document left at a conspicuous place at the property of or handed to an employee of the consent holder at that property or given or served by delivery or courier or sent by facsimile or electronic mail shall be deemed to have been received on the same day as the notice or document was despatched.

~~28. Transitional provisions~~

~~28.1.27.2. Every existing stock crossing permit shall continue in force as if it were a consent under this Bylaw until 30 June 2015 after which time it will expire and a new consent will need to be applied for under this Bylaw.~~



Chart 1 – Process for assessing a proposal for livestock driving **ALONG** a road

NOTES

1. Frequency of movements refers to number of movements by the herd or mob.
2. [The New Zealand guide to temporary traffic management or subsequent enactment should be complied with.](#)
- 2.3. AADT is Average Annual Daily Traffic measured in vehicles per day.

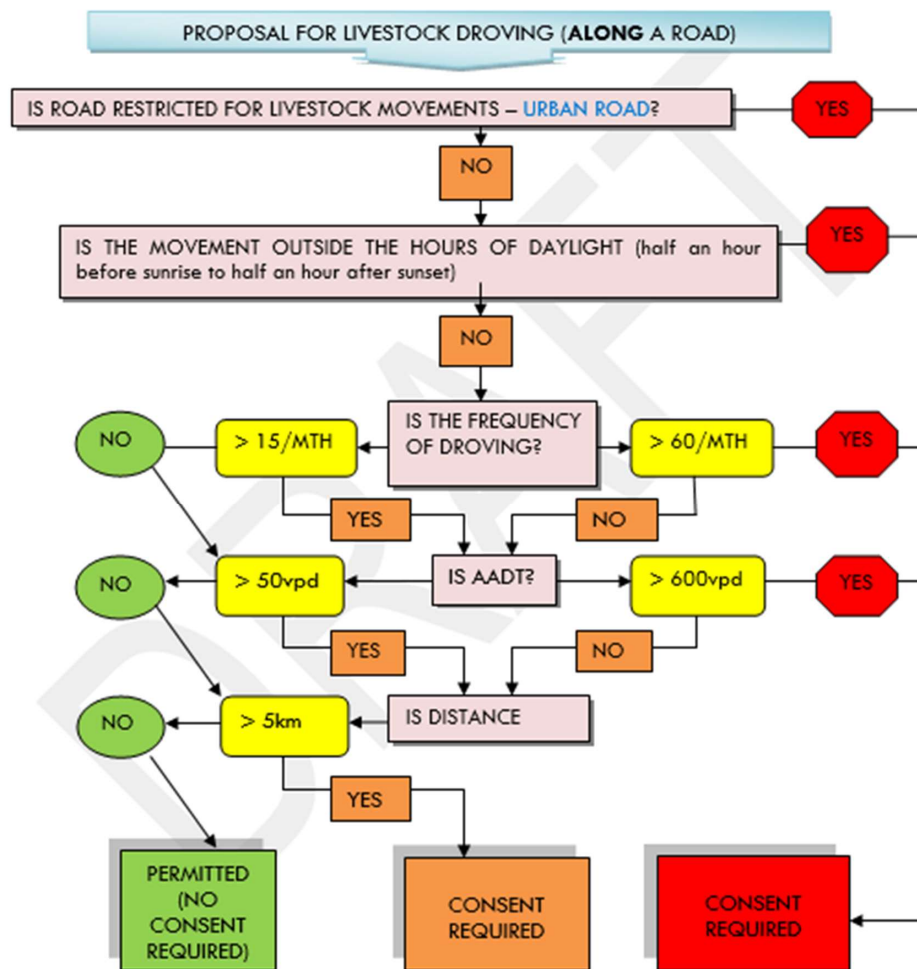




Chart 2 – Process for assessing a proposal for livestock movement ACROSS a road

NOTES

1. Frequency of movements refers to number of movements by the herd or mob.
- ~~2. [New Zealand guide to temporary traffic management or subsequent enactment, should be complied with New Zealand Transport Agency's Code of Practice for Temporary Traffic Management, Section 1: 5 Stock under control \(crossing and driving\)](#)
The requirements of Appendix 1 are for more than 100m of unimpeded visibility between any approaching vehicle on the open road and any warning sign of any potential hazard and more than 150m of road is available between any such warning sign and that hazard or obstruction~~
- ~~2.3. AADT is Average Annual Daily Traffic measured in vehicles per day.~~

10.2 DELIBERATIONS AND RECOMMEND ADOPTION OF CEMETERIES BYLAW 2025**File Number:** A6720950**Author:** Danna Leslie, Senior Policy Analyst**Authoriser:** Rachael Davie, Deputy CEO/General Manager Strategy and Community**EXECUTIVE SUMMARY**

1. In February 2025, the Strategy and Policy Committee adopted a draft Cemeteries Bylaw 2025 for community consultation.
2. This report presents the submissions received through the consultation period, which ran from 20 March 2025 to 22 April 2025.
3. If supported, the Committee is requested to recommend to Council that the Cemeteries Bylaw be adopted substantively in the form attached to this report.

RECOMMENDATION

1. That the Senior Policy Analyst's report dated 12 June 2025 titled 'Deliberations and recommend adoption of Cemeteries Bylaw 2025' received.
2. That the report relates to an issue that is considered to be of **medium** significance in terms of Council's Significance and Engagement Policy.
3. That the Strategy and Policy Committee receives all submissions received through the consultation period, which ran from 20 March 2025 to 22 April 2025, as set out in **Attachment 1** to this report.
4. That pursuant to s155 of the Local Government Act 2002, the Strategy and Policy Committee recommends that the draft Cemeteries Bylaw 2025 is the most appropriate form of bylaw and does not give rise to any implications under the New Zealand Bill of Rights 1990.
5. That the Strategy and Policy Committee recommend to Council the adoption of the Cemeteries Bylaw substantively set out in **Attachment 2** to this report (in the form as released for consultation), noting the requirement for public notice of the Council resolution to adopt the bylaw pursuant to s157(1) of the Local Government Act 2002.
6. That the Strategy and Policy Committee requests the Chief Executive to direct staff to prepare a Decision Story for final approval by the Mayor, in general accordance with the resolutions of this meeting, as the formal response to submitters, for dissemination to those that provided feedback and to be published on the Council's website.

BACKGROUND

4. Bylaws are rules or regulations made by the council that affect how people live, work and play. Bylaws protect both our district and the rights of our community. They are a local legislative tool which help manage issues when or if they arise by providing legal controls and parameters to operate within.
5. Council has the ability to make bylaws to protect the public from nuisance, protect, promote and maintain public health and safety, and to minimise the potential for offensive behaviour in public places (section 145 of the Local Government Act 2002 (**LGA**)). Council also has specific bylaw making powers including for the purposes of managing and protecting cemeteries from damage, misuse or loss (section 146 of the LGA).
6. Once adopted, the LGA requires that new bylaws be reviewed within five years after the date on which the bylaw was first made and every ten years after that. The Cemeteries Bylaw, which promotes the orderly and efficient management of cemeteries under the Council's control, was previously included in a combined general bylaw and split out into a new separate bylaw in 2019. The five-year review therefore applies to this bylaw.
7. Council currently manages five cemeteries in Maketu, Te Puke (two), Oropi and Katikati. All cemeteries are interdenominational, and Council does not provide cremation services.
8. The Cemeteries Bylaw does not apply to private cemeteries or Urupā.
9. Changes were made to the draft bylaw to:
 - (a) Remove impractical and obsolete provisions
 - (b) Include provisions relating to natural burials to align with the Council's level of service adopted in 2021.
 - (c) Include provisions giving discretion to Council staff as to plot sizes to cater for differing requirements.

SIGNIFICANCE AND ENGAGEMENT

10. The Local Government Act 2002 requires a formal assessment of the significance of matters and decision in this report against Council's Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.
11. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

	Submitters had the opportunity to register to speak to their submission in Council Chambers.		
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ISSUES AND OPTIONS ASSESSMENT

16. There are no significant changes required to the draft bylaw in response to community feedback. However, in response to the matters raised by the submitters, the following feedback will be provided:

Feedback	Council Response
Burial in areas other than cemeteries	<p>The bylaw relates to the Council owned and managed cemeteries.</p> <p>The Burial and Cremation Act 1964 includes provisions relating to private burials, which will be referred to the submitter.</p>
Re-use period suggested 50 years	It is not clear whether re-use will be required, and if so, when. The bylaw will be reviewed in 10 years, and at that time it would be more appropriate to consider the re-use length, when Council will have data on the number of natural burials in the district.
Planting of native trees	This is an operational matter, and although consistent with current plans, will not be included in the bylaw.
Re-use limitations	The natural burial areas are within the cemetery and will remain compliant with relevant guidance and legislation in relation to cemeteries.
Use for family or cremated remains	This is an operational matter and will not be included in the bylaw.
Burial depth and soil layer	This is an operational matter and will not be included in the bylaw. The natural burial area will be managed in accordance with relevant guidelines and best practice standards.

Wider plots	The proposed change enables staff to accommodate requests, manage encroachment issues and other operational matters. There is currently no proposed uplift in fees and there is sufficient capacity to accommodate this change.
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- 17. The proposed final bylaw is included at **Attachment 2** to this report.
- 18. There are two options available for the Cemeteries Bylaw review. These are:
 - (a) Adopt the Cemeteries Bylaw 2025 in the form attached to this report (as released for consultation).
 - (b) Status quo – retain the Cemeteries Bylaw 2019 in its current form without amendment.

<p>Option A That the Strategy and Policy Committee adopts the Cemeteries Bylaw 2025 as contained in Attachment 2 (as released for consultation)</p>	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p><u>Advantages</u></p> <ul style="list-style-type: none"> • Ensures the bylaw is current and meets all required legislative requirements. • The bylaw will be legally valid for a further 10 years. • Aligns bylaw provisions with Council’s level of service for natural burials. <p><u>Disadvantages</u></p> <ul style="list-style-type: none"> • No known disadvantages for this option
<p>Costs (including present and future costs, direct, indirect and contingent costs).</p>	<p>The proposed changes to the bylaw do not impact current operational budgets.</p> <p>If adopted, fees for natural burials can be considered as part of the consultation on the Schedule of Fees and Charges in the 2026/2027 Financial Year.</p>
<p>Option B Status quo – Retain the Cemeteries Bylaw 2019 in its current form without amendment.</p>	

<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p><u>Advantages</u></p> <ul style="list-style-type: none"> • No known advantages for this option <p><u>Disadvantages</u></p> <ul style="list-style-type: none"> • Potential for confusion with impractical and obsolete provisions remaining in the Bylaws. • Will not give effect to previous Council decision to provide natural burial sites.
<p>Costs (including present and future costs, direct, indirect and contingent costs).</p>	<p>Retaining the Cemeteries Bylaw in its current form, without amendment falls within existing budgets.</p> <p>Costs would relate to advertising the decision to adopt bylaw 'as-is'.</p>

STATUTORY COMPLIANCE

19. Sections 158(1) and 159 of the LGA require that new bylaws be reviewed within five years after the date on which the bylaw was first made and every ten years after that. The Cemeteries Bylaw was previously included in a combined general bylaw and split out into a new separate bylaw in 2019. The five-year review therefore applies to this bylaw.
20. As part of the bylaw review and adoption process, Council is required to make the determinations required by s155 of the LGA. This means that Council must determine that a bylaw is the most appropriate way of addressing the perceived problem, that the draft bylaw is the most appropriate form of bylaw, and that it does not give rise to any implications under the New Zealand Bill of Rights Act 1990. By Council resolution dated 13 February 2025 (SPC25-1.1) Council endorsed the adoption of the Statement of Proposal, which confirmed:

There is no legislative requirement to have this bylaw in place, however the Local Government Act 2002 enables councils to implement and enforce bylaws where there are local issues that need additional powers to be addressed. Council must determine whether a bylaw is the most appropriate way of addressing the perceived problem². If a bylaw is considered to be appropriate Council must then decide whether or not the bylaw is the most appropriate form of bylaw, and whether or not the bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

² Section 155 of the Local Government Act 2002

Is a bylaw the appropriate means to deal with the problem?

Council considers that a bylaw is the most appropriate tool to promote the orderly and efficient management of cemeteries throughout the district. The current bylaw has been in place for several years and enables Council to set fees and control the use of cemeteries within the district. This minimises public safety risks, cemetery misuse, distress to families, obstruction and damage to property, heritage and the environment from the use of council cemeteries. The draft bylaw is considered to be consistent with the approach taken by other councils of a similar size and nature.

Is the bylaw in the appropriate form?

The draft bylaw focuses on identified issues and is customised to suit the particular circumstances of the Western Bay of Plenty District. The draft bylaw is consistent with Council document standards and has been written in plain English so far as possible. It is therefore considered to be the most appropriate form of bylaw.

Is the bylaw consistent with the New Zealand Bill of Rights?




The Bill of Rights protects the human rights and fundamental freedoms of all people in New Zealand. The regulatory controls provided under this bylaw are designed to promote the orderly and efficient management of cemeteries under the Council's control. It is considered that the draft bylaw does not give rise to any implications under the Bill of Rights.

21. The recommendations in this report ensure compliance with the Local Government Act 2002 and Burial and Cremation Act 1964.

FUNDING/BUDGET IMPLICATIONS

22. Implementation of the Cemeteries Bylaw will be undertaken within existing resource allocations.

ATTACHMENTS

1. **Submission Pack – Copies of all Submissions for Cemeteries Bylaw review 2025** 
2. **Cemeteries Bylaw 2025**  

10.3 S17A SWIMMING POOL DELIVERY OPTIONS

File Number: A6783013

Author: Peter Watson, Reserves and Facilities Manager

Authoriser: Miriam Taris, Interim Chief Executive Officer

EXECUTIVE SUMMARY

1. The purpose of this report is to present the options considered through a S17A review for Aquatic Facilities and note the preferred option to initiate procurement of a commercial provider of Aquatic Services to deliver for both aquatic facilities.

RECOMMENDATION

1. That the Reserves and Facilities Manager report dated 12 June 2025 titled 'S17A Swimming Pool Delivery Options be received.
2. That the report relates to an issue that is considered to be of **(low)** significance in terms of Council's Significance and Engagement Policy.
3. That the delivery of council swimming pool services is outsourced to a commercial provider, noting the ability for tenderers to tender for a single pool or to manage both pools and that the required funding for this service is included in the Long Term Plan 2024-34.

BACKGROUND

2. The council manages two aquatic facilities, Dave Hume Pool in Katikati and the Te Puke Memorial Pool. The council owns both the land and facilities at Dave Hume Pool in Katikati. Te Puke Memorial Pool is located at the Te Puke High School and the land owned by iwi and leased to the Ministry of Education (via Te Puke High School). MoE owns the buildings and structures, apart from the pool filters and other miscellaneous equipment.
3. Staff commissioned a review of the delivery of Aquatic Services in January of 2023 (**Attachment 1**) in line with section 17A of the Local Government Act 2002.
4. The review set out to determine the most appropriate operational service delivery model to align with the anticipated changing service delivery requirements at the time by moving from two seasonal outdoor aquatic facilities to two indoor, all-year round aquatic facilities as identified in the 2021/31 Long-Term plan.
5. It is important to that circumstances have changed since the initial review was prepared and the Dave Hume Pool in Katikati will no longer be a covered pool. The attached review document dated January 2023 should be considered in the context of these changes to the capital investment now occurring.

6. The review considered the existing arrangements for the Dave Hume Pool in Katikati and the Te Puke Pool based at Te Puke High School. Both facilities currently have their service provision contracted out to two separate entities, Katikati to the Dave Hume Trust and Te Puke to a private commercial contractor. The planned upgrades to the facilities provided the best opportunity to review how cost effective, efficient and appropriate current service levels would be in the upgraded facilities and compared these to other possible service delivery options that are available.
7. The review was carried out in accordance with Section 17A of the LGA 2002 and covered the existing facilities in their current state. The review was largely a desktop approach as the pools were planned to evolve from seasonal outdoor facilities to all year-round facilities.
8. It is noted from the review, that the Dave Hume Trust at the time had signalled that it did not wish to continue the service delivery once the pool has become a year-round offering. This position may have changed in recent times.
9. The Service Delivery Contracts for both pools were due to terminate at the time, however, variations orders were granted to roll over the contract until April 2025. Both contracts are now finished.
10. A procurement process is underway as time is of the essence to ensure that a new contractor(s) is in place, particularly for the Te Puke Pool, which will be open in October 2025. There needs to be enough lead in time to allow for a new contractor to set up and prepare the pool prior to opening for the summer season.
11. The key driver in the review was the investment through the Long-Term Plan to allow for redevelopment of the facilities and associated increases to operational costs and therefore service delivery levels that will come with the upgraded facilities. This then requires investigation of the existing operator's capacity to deliver increased services to meet community expectation and operational outcomes in their communities.
12. This means that Council needs to consider:
 - Existing internal capabilities and resource allocation
 - Potential requirement to increase staff headcount and specialist industry expertise required to operate these facilities.
 - Fiscal responsibility and funding
 - Managing the fiscal risk of operational and capital expenditure
 - Community engagement and social responsibility
 - Being responsive to community need and align service delivery methods with broader social objectives

	<ul style="list-style-type: none"> • Ability to draw on other resources • Ability to manage both pools through one contractor providing efficiencies • Increased marketing and programming expertise acquired <p>Disadvantages</p> <ul style="list-style-type: none"> • Potentially higher operating costs than previous operating model
<p>Costs (including present and future costs, direct, indirect and contingent costs).</p>	<p>Costs will be subject to tender outcomes from the market sector.</p>

STATUTORY COMPLIANCE

4. The Section 17A has been prepared in accordance with the Local Government Act 2002 requirements

FUNDING/BUDGET IMPLICATIONS

5. There is budget provision in the 2025/26 Annual Plan and 2024/34 Long Term Plan for the delivery of swimming pool services. Entering a new service delivery contract(s) post the tender process, will be subject to available budget.

ATTACHMENTS

1. **WBOPDC Aquatic Services S17A Review**  

10.4 MOORE PARK YOUTH PARK PROPOSAL

File Number: A6802777

Author: Peter Watson, Acting General Manager, Infrastructure Group

Authoriser: Rachael Davie, Deputy CEO/General Manager Strategy and Community

EXECUTIVE SUMMARY

Council has received a community led proposal from the Katikati 'Community Led Development Steering Group' (CLDSG) for the development of a Katikati Youth Park Project for Moore Park next to the existing skatepark. CLDSG have also presented to the Katikati Community Board about their proposal and have met with staff.

This report seeks approval in principle for the proposal to proceed at Moore Park adjacent to the existing skatepark.

RECOMMENDATION

1. That the **Acting General Manager, Infrastructure Group** report dated 14 June 2025 titled Moore Park Youth Park Proposal be received.
2. That the report relates to an issue that is considered to be of **low** significance in terms of Council's Significance and Engagement Policy.
3. That the Strategy and Policy Committee approves in principle the community led initiative for the staged enhancement of the Moore Park skate park area, including a new playground, and;
4. That the Committee notes that consideration will be given to wider playground needs in Katikati through the Spatial Plan review process commencing later in 2025 and the Katikati/Waihi Beach Ward Reserve Management Plan review scheduled for 2027.

BACKGROUND

1. Community -led development (CLD) in Aotearoa is about empowering local people to drive change, and in Katikati, young people are at the heart of this transformation. The Katikati Community Led Development Steering Group, established in 2023, has facilitated this process, ensuring that the insights and solutions proposed by youth are supported and put into action.
2. During engagement opportunities, youth emphasised that revitalising the Katikati skate park was essential to meeting their need for a dedicated space where they could gather, be active and have a sense of belonging.

3. The Katikati Youth Park is a youth-led initiative to transform the existing skate park area into a vibrant, welcoming space where young people can feel safe, stay active, and take pride in a place they can call their own.
4. The CLDSG have met with staff on site to look at the potential to give effect to a youth park area based around the skate park.
5. The proposed key facilities to enhance the area would be delivered in three stages:
 - Stage 1: BBQ, picnic tables, seating and a shade structure
 - Stage 2: Playground equipment, e.g. flying fox, climbing structures, other items yet to be determined.
 - Stage 3: Half- court basketball court.
6. Staff are of the view that the site around the skatepark has become tired and needs a revamp. To revamp the area, the trees and shrubbery planted when the skate park was built in 2012 need to be crown lifted to improve sight lines around the area thereby improving Crime Prevention Through Environmental Design (CPTED) principles.
7. There is the opportunity to create a degree of separation between the proposed youth area to the proposed playground area through the natural barrier created by the trees and shrubbery garden.
8. Staff suggest that the proposal is achievable, subject to externally raised funding, and would give effect to this community led initiative.
9. The adopted Moore Park Concept Plan includes a potential playground being behind the main carpark in a similar sized space less than 200 metres from the CLDSG's suggested location for a playground.
10. There are pros and cons for both sites. Council's inhouse playground specialist advises that the site nearer the road provides the opportunity to complement the skate park, similar to the design rationale for Jubilee Park and Ōmokoroa Sports Ground.
11. There is good street frontage, good CPTED principles, an adjoining kindergarten, public amenities, shade and the potential to expand the site to offer a larger scale facility if required.
12. The use of a nature barrier separating the proposed playground area to the skate park, will allow rangatahi (youth) to have a place to hang out and enjoy the skate park and proposed 1/2 basketball court, while the separated area between the toilet and playcentre would be a comfortable space for families and young children to enjoy, while being close to toilet facilities. Clever design in the playground will alleviate concerns with the playground being closer to the road.

13. The final decision and specifications for any of the proposed works will need to be signed off by staff and consider inclusiveness and accessibility built to park industry standards.
14. Staff would also enter into a MOU with CLDSG to clarify roles and responsibilities for the proposal including asset ownership and ongoing maintenance.
15. The proposal would meet the short to medium term needs of the community whilst the proposed Katikati Spatial Plan would take a 30/50-year planning horizon view to consider future new reserve land opportunities through structure planning where a larger scale playground could be planned and budgeted for.
16. A brief assessment of the existing Katikati reserves network, including the recent 294 Beach Road concept plan, where it was agreed that a playground was not appropriate at that site, identifies that there is limited opportunity in establishing other neighbourhood or larger type playgrounds in the existing Katikati urban catchment.

SIGNIFICANCE AND ENGAGEMENT

17. In terms of the Significance and Engagement Policy this decision is considered to be **low** significance because there is no significant impact on existing budgets and there is a level of support from the community and the Community Board.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication		
Name of interested parties/groups	<p>A letter drop to nearby neighbours would be undertaken to provide the opportunity for any feedback on the proposal.</p> <p>The Community Board is in support of the proposal.</p>	Planned	Completed
Tangata Whenua	Youth engagement has included tangata whenua		
General Public	Council's usual social media channels would be used for any community engagement.		

ISSUES AND OPTIONS ASSESSMENT

<p>Option A 3. That the Strategy and Policy Committee approves in principle the community led initiative for the staged enhancement of the Moore Park skate park area, including a new playground</p>	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<ul style="list-style-type: none"> • Supports a community led initiative • Primarily externally funded • Supports youth in Katikati • Revamps an area of Moore Park • Improves social opportunities through interactive equipment • Potential for Menzshed to contribute • Aligns with Council’s Recreation and Open Spaces Strategy objectives
<p>Costs (including present and future costs, direct, indirect and contingent costs).</p>	<ul style="list-style-type: none"> • The proposal is self funding through external funding. • Council operational budgets include an allowance for the tidy up of the trees and garden.
<p>Other implications and any assumptions that relate to this option (Optional – if you want to include any information not covered above).</p>	
<p>Option B 3. That the Strategy and Policy Committee does not approve in principle the community led initiative for the staged enhancement of the Moore Park skate park area, including a new playground</p>	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<ul style="list-style-type: none"> • Community led initiative would not be realised • Opportunity for youth engagement lost • Existing external funds would need to be returned
<p>Costs (including present and future costs, direct, indirect and contingent costs).</p>	<p>Tree and garden upgrade would still proceed to improve CPTED principles.</p>

Other implications and any assumptions that relate to this option (Optional – if you want to include any information not covered above).	

STATUTORY COMPLIANCE

18. The proposal is consistent with the intention of the following;
- Reserves Act 1977,
 - Council’s Recreation and Open Spaces Strategy objectives and outcomes and
 - The Katikati/Waihi Beach Ward Reserve Management Plan.

FUNDING/BUDGET IMPLICATIONS

19. The CLDSG have to date successfully raised \$68,000.00 towards a target budget of \$129,000.00 and are in the process of applying to three other community funders and are investigating local business sponsorship opportunities.

Budget Funding Information	Relevant Detail
	<ul style="list-style-type: none"> • The group have identified a budget of \$129,000.00 to implement the proposal. Staff consider that this figure is too conservative, and the costs are expected to be higher given current rates on similar type recreation facilities. • The work is identified in three stages, with delivery of each stage being subject to available budget. • There will be some operational costs associated with tidying up the trees and gardens. These costs are already provided for in the 2025/26 FY - District Reserves Budget.

ATTACHMENTS

1. **Katikati Youth Park Proposal** 

10.5 STRATEGIC POLICY AND PLANNING WORK PROGRAMME

File Number: A6789867

Author: Emily Watton, Strategic Policy and Planning Programme Director

Authoriser: Rachael Davie, Deputy CEO/General Manager Strategy and Community

EXECUTIVE SUMMARY

1. This report provides an overview of Strategic Policy and Planning projects progressed in the last 12 months and presents the proposed work programme for the Committee's approval. This will enable prioritised projects to be progressed throughout the election period and into the next triennium.

RECOMMENDATION

1. That the Strategic Policy and Planning Programme Director's report dated 12 June 2024 titled 'Strategic Policy and Planning work programme' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That the Committee approves the work programme as set out in section 5 of this report, noting that it will be revisited in February/March 2026 with the incoming Strategy and Policy Committee (or its equivalent).

BACKGROUND

2. This paper sets out the proposed work programme priorities for the Strategic Policy and Planning teams. It is timely to revisit the work programme given a range of projects have been completed (or nearing completion prior to the election period).
3. This work programme is proposed in the midst of further significant legislative reform. In light of this, we will continue to reassess our recommended approach over the coming 6-12 months, and plan to bring the work programme back to Strategy and Policy Committee (or its equivalent) in February/March 2026 to reconfirm work programme priorities for the incoming Council.
4. There are many policy, planning and strategy matters that could be focused on, so it is important that there is a clear work programme setting out the priority projects. The proposed work programme represents a significant workload based on current resourcing levels. This work programme represents the elements of our work that require Strategy and Policy Committee direction or decision-making from time to time. There are also a number of other corporate or operational programmes of work that are not included, due to the fact that Committee direction is not required.

WORK PROGRAMME HIGHLIGHTS SINCE JUNE 2024

The following overview sets out the projects completed or progressed in the previous 12 months (in no particular order):

- Adoption of Long Term Plan 2024-34
- Representation Review
- Tahawai Reserve Concept Plan
- Review of Dangerous, Affected and Insanitary Buildings Policy
- Review of Easter Sunday Shop Trading Policy
- Review of TECT Park Strategic Plan
- Consultation on options for Ōmokoroa Dog Exercise Area
- Review of Public Art Policy
- Beach Road and Surrounds Concept Plan
- Review of Class 4 Gambling Venue Policy and TAB Venue Policy
- Kaimai Reserve Management Plan – consultation on the draft RMP completed (including hearings)
- Te Puke Spatial Plan – pre-engagement and preparatory work to enable draft spatial plan to be adopted for consultation by the new Council.
- Kaituna Action Plan and Waiari feasibility study implementation
- Review of Animals (excluding Dogs) Bylaw and Public Places Bylaw
- Review of Cemeteries Bylaw – consultation (including hearings) complete
- Review of Livestock Movements Bylaw – consultation (including hearings) complete
- Scoping of s17A review for reserves maintenance
- Scoping of Community Facilities Fund
- Scoping of Traffic and Parking Enforcement Bylaw
- Scoping of speed limit review for variable speed limits for schools

- Plan Change 96 Papakāinga – pre-engagement and scoping of plan change (likely to be addressed through new National Environmental Standard)
- Commercial Centres Strategy scoping work
- Preparation of Regional Deal proposal
- Scoping of review for Policy of Setting Land Rentals for Club Buildings on Council Land
- Western Corridor Specified Development Project (SDP) – engagement in technical workshops and preparation of Council’s formal response to the initial assessment
- National Planning Standards – implementation of first stage requirements for E-Plan updates
- Local Water Done Well – consultation on service delivery options completed and initial preparatory work on Water Services Delivery Plan (for adoption in September 2025)
- Annual Plan 2025/26 – consultation on the Schedule of Fees and Charges (including financial contributions) and preparatory work to enable deliberations in June 2025.
- Preparation and adoption of the sub-regional Development Trends report
- Private Plan Change 95 – Pencarrow Estate at Arawa Road, Pongakawa
- Facilities in the Community Fund decisions
- Decision on Town Centre Fund approach
- Adoption of the SmartGrowth Strategy 2024-74/Future Development Strategy and its Funding and Implementation Plan
- Scoping of Te Puna/Minden Spatial Plan, and endorsement to commence spatial planning processes for Katikati and Waihī Beach/Bowentown/Athenree.
- Submissions lodged on behalf of Council on:
 - Resource Management (Freshwater and Other Matters) Amendment Bill
 - Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill
 - Making it easier to build granny flats – feedback on changes to the building and resource management system
 - Draft Land Transport Rule – Setting of Speed Limits 2024

- Local Government (Water Services) Bill
- Local Government (Water Services Preliminary Arrangements) Bill
- International Visitor Conservation and Tourism Levy
- Toll proposal for the Takitimu North Link
- Levy proposals for the Water Services Authority
- Fast Track Approvals Bill
- Resource Management Act Reform Amendment Bill (Consenting and Other System Changes)
- Regional Speed Limit review – Te Moana a Toi-te-Huatahi – SH2 Katikati to Te Puna
- Land Transport Management (Time of Use Charging) Amendment Bill
- Water Service Authority Wastewater Environmental Standards
- Sale and Supply of Alcohol (Sales on ANZAC Day Morning, Good Friday, Easter Sunday and Christmas Day) Amendment Bill.

PROPOSED WORK PROGRAMME

5. The proposed work programme is comprised of two key components:

Projects driven by legislative requirements. These must be progressed in order for Council to fulfil its legislative obligations.

High priority projects. These are recommended to be prioritised as they respond to community views, give effect to previous Council decisions and/or they may have a key role in adding value to legislative projects.

1	Projects driven by legislative requirements	Explanation
1a	Local Water Done Well	Council is required to comply with the requirements set out in the Local Government (Water Services Preliminary Arrangements) Act. There is a requirement to submit a Water Services Delivery Plan by 3 September 2025. This plan must set out a number of matters including the preferred model for service delivery that meets the financial sustainability tests. At this point in the decision-making process, it is not considered appropriate to determine that changes are required to

		<p>other Council policies and bylaws. When Council decides on the water services model that they wish to include in a Water Services Delivery Plan, an assessment will be undertaken to determine any changes required to Council policies and bylaws.</p>
1b	Annual Plan 2025/26 and 2026/27	<p>Budget update for the 2025/26 year. Must adopt final Annual Plan by 30 June 2025.</p> <p>Annual Plan 2026/27 (including a likely LTPA in relation to waters) will commence October/November 2025.</p>
1c	Commencement of LTP 2027-37	<p>Project planning and initiation work to commence, including planning for pre-engagement in March/April 2026 in conjunction with the spatial planning processes.</p>
1d	Cemeteries Bylaw	<p>This Bylaw promotes the orderly and efficient management of cemeteries under the Council's control.</p> <p>Consultation on the review of the bylaw occurred in March/April 2025 with a decision required on 12 June 2025 with Council to adopt a bylaw on 30 July.</p>
1e	Livestock Movements Bylaw	<p>This bylaw regulates the movement of livestock on, across or along public roads. Consultation on the review of the bylaw occurred in March/April 2025 with a decision required on 12 June 2025 with Council to adopt a bylaw on 30 July.</p>
1f	National Planning Standards	<p>Implementation of changes to the District Plan to standardise the format and content so that it aligns with other district plans across the country. The operative provisions of the District Plan will still be implemented the same, they'll just appear differently within Councils District Plan, both the words and the mapping.</p>

1g	Speed limit review for schools	Recent workshop direction to staff was to progress an Alternative Method Proposal that focuses on variable speed limits outside schools to meet the 1 July 2026 compliance requirement. It's noted that a comprehensive speed management plan to cover the rest of the District will be considered in 2026.
1h	Commercial Centres Strategy	A requirement set through the National Policy Statement for Urban Development and a short-term deliverable set in the SmartGrowth Funding and Implementation plan. A Commercial Centres Strategy is a sub-regional project being undertaken with Tauranga City Council to fulfil policy requirements and to inform future plan change work within the sub-region.

2	High priority projects	Explanation
2a	Responding to legislative changes <ul style="list-style-type: none"> • Three Waters • Local Government reform • Resource Management Act 	Council needs to advocate for its communities by ensuring its voice is heard through submission processes on these significant reform programmes. We also need to understand implications for our business and respond to information requests to inform transfer of functions/new functions.
2b	Enabling Papakāinga development – Plan Change 96	An identified priority plan change project to remove unnecessary planning provisions which can make it harder to enable papakāinga development across the district. Recent announcements from government suggest a Papakāinga National Environmental Standard will be released, that may address the same matters we have identified through the engagement phase of this work.

2c	Regional Deals	Regional deal proposal submitted to Central Government, awaiting decision.
2d	Te Kainga (Eastern Centre)	The Eastern Centre has been agreed as a Priority Development Area by SmartGrowth. A Strategic Case has been developed to inform possible development opportunities. Council is waiting for further direction from central government and for more information on Regional Deals.
2e	Belk Road Urban Growth Area	Maintaining a watching brief, but decision points to come on how to proceed following TCC desktop feasibility assessments.
2f	Te Puke Spatial Plan	Determine population growth beyond 13,000 people and the outcomes, infrastructure (including social and community infrastructure), housing and business land needed to service the future population. Significant project to progress elements of the District Plan review and can also be the vehicle to determine location of swimming pool, future library etc. as already funded in LTP 2021-31.
2g	Kaituna / Waiari Programme	Comprehensive package of work to implement the Kaituna River Action Plan and the Waiari Cultural Development Framework. Includes concept planning, capital works delivery, cultural interpretation plan, economic development plan. Waiari Bridge Area Restoration Project is currently underway with key deliverable for May 2025 to March 2026 being the completion of all plans, assessments, reports, designs, cost estimates, consent lodgments. Construction is estimated to begin toward the end of 2026 into 2027.
2h	Review of community board delegations	This project is an action arising out of the representation review, to inform decision-making by the incoming Mayor and Council on community

		board delegations for the new triennium. This work will be undertaken in collaboration with the Governance team and will involve some informal engagement with the existing community boards.
2i	Community Roding Allocation Policy	<p>Sets the framework for allocating Council's discretionary roading funding between District improvements, rural community, rural urban community and urban community improvements. A review is required now due to the outcome of the decisions from the Representation Review and the level of 'discretionary' funding available in the Transportation budgets. Annual Plan decision on community board funding recommends this review is progressed in the coming year. Pre-engagement with community boards could occur at the same time as engagement on the above project on delegations. Consultation on the policy is likely to occur alongside the Annual Plan 2026/27 consultation in March/April 2026.</p>
2j	Traffic and Parking Enforcement Bylaw	<p>Allows Council to set requirements for parking and control of traffic on roads, public places and parking areas. Last reviewed 2019.</p> <p>A number of matters have been raised by the community and by the Transportation team. Council resolved to consider matters relating to heavy vehicles on Clarke Road through this review. Transportation staff are currently working through proposed amendments to the bylaw schedules. The intention is to discuss the draft bylaw at the Strategy and Policy Committee workshop in July, prior to adopting for consultation in August 2025.</p>

2k	Community Facilities Fund	<p>The Long Term Plan 2024-34 resolved to introduce a Community Facilities Fund from year three.</p> <p>Scoping the approach to the community facilities fund and establish criteria for its use is underway with a workshop with the Committee in June/July. This work should be completed in advance of the rates introduction.</p>
2l	Policy for Setting Land Rentals for Club Buildings on Council Land	<p>This policy seeks to continue support of clubs and societies, while ensuring lease rates are more equitable between clubs which use Council land, while taking into account several matters. Last reviewed 2017.</p> <p>A review of the policy is required to ensure it is fit for purpose.</p>
2m	Kaimai Reserve Management Plan and Huharua Reserve Management Plan	<p>Consultation was undertaken from 11 March to 11 May, with deliberations and adoption to occur prior to the election period.</p> <p>Due to timing and resource availability the Huharua RMP review will continue into 2026.</p>
2n	S17A Reserve Maintenance Review	<p>Recent workshop direction given to commence a s17A review, focused on the reserves maintenance service delivery options prior to the current contract expiring in August 2027. The timing of the review is well placed also in relation to decision-making on Local Water Done Well and the development of the next LTP.</p>
2o	Spatial Planning programme -Te Puna/Minden -Katikati -Waihī Beach/ Bowentown/Athenree	<p>A coordinated approach to progress three spatial plans for Te Puna/Minden, Katikati and Waihī Beach/Bowentown/Athenree will provide a comprehensive means of understanding and addressing the different growth pressures, future opportunities and restrictions to these urban areas. Carrying out these plans</p>

		now helps ensure we can feed into regional spatial planning under a new resource management system in 2027.
2p	Moore Park Concept Plan	Recommendation to review the concept plan, as part of the Katikati Spatial Plan process. (Note: a community-led initiative to develop a space for youth is the subject of a separate report to this Strategy and Policy Committee agenda).
2q	Plan Change 95 – Arawa Road – Pencarrow Estate	A private plan change request for residential zoning in Pongakawa. Council has accepted the plan change and is required to process it through the statutory procedure set out in the Resource Management Act. Hearings were held in November 2024, and a decision from commissioners is expected imminently. Any appeal period would run through the remainder of 2025.
2r	Natural Hazards	Two areas of focus are completing coastal erosion mapping across the district. There is also a focus on improving the level of detail for our liquefaction assessments in Te Puke and Ōmokoroa, and the guidance for landowners affected by liquefaction.
2s	Te Puke Structure Planning	A continuation of the Te Puke Spatial Plan will be to progress further work on zone change and growth areas identified. Infrastructure and land suitability studies will be required and engagement with relevant landowners and stakeholders will be necessary throughout.

PROJECTS NOT TO BE PROGRESSED

6. Current projects are not proposed to progress as immediate priorities are set out below. These will be reconsidered in the February work programme update, where there is likely to be further clarity on information or Council decisions not yet known.

Project	Rationale
Road Naming Policy	Policy is due for review and some known issues to be addressed, including how the policy provides for road renaming processes. However, it is not considered as high a priority as other projects recommended for inclusion on the work programme above.
Dog Control Policy and Bylaw	The Bylaw and Policy are not due for statutory review until 2026, with a two year 'grace period' applying to complete the review. Generally, the policy and bylaw remain fit for purpose, with some minor amendments to be considered around specific areas of restriction or prohibition once the review commences.
Waihi Beach Dog Park	Development of a dog park in the four major centres was signalled through the LTP 2021. Initial work, discussions with the community Board and community engagement on a location for Waihi Beach would be required to progress this project. If Council wishes to defer this project further, a report can be prepared to defer this at least to the Katikati-Waihi Beach RMP review in 2027/28.
Street Tree Policy	The Policy Committee considered a scoping paper in July 2022.

	<p>The approach to street trees is closely linked to the infrastructure development code which is expected to be reviewed by mid 2026.</p>
<p>Rating review</p>	<p>To scope the requirements of a rating review, that would consider Council's approach to rating and the underlying basis and philosophy it uses.</p> <p>There is a direct relationship with the rating review, waters project, growth funding approach, development code and district plan.</p> <p>Decision to be made on scope, timing and capacity.</p>
<p>Freedom Camping Bylaw</p>	<p>New definitions for self containment come into effect in November 2025 that require vehicles to have an inbuilt toilet. Council will need to determine whether it will different levels of freedom camping at some sites. Issues around homelessness and general parking complaints are also a consideration.</p> <p>Last reviewed 2019. Not due for legislative review until 2029.</p>
<p>Review of policies and funding sources for growth related development (Finco/DC)</p>	<p>This review has been put on hold until a Local Waters decision has been made, and clarity on replacement funding tools in the resource management replacement legislation is known.</p>

SIGNIFICANCE AND ENGAGEMENT

- 7. The Local Government Act 2002 requires a formal assessment of the significance of matters and decision in this report against Council’s Significance and Engagement Policy. In making this formal assessment there is no intention to assess the importance of this item to individuals, groups, or agencies within the community and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.
- 8. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
- 9. In terms of the Significance and Engagement Policy this decision is considered to be of **low** significance because of the procedural nature of the recommendations. Whilst each project is likely to have differing levels of significance to the community, the direction sought on prioritisation of the projects is not considered significant.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

- 10. Each project will be assessed in relation to engagement, consultation and communication needs and carried out accordingly at the relevant project phase(s). This will be subject to future Committee endorsement/approval on a project basis.

ISSUES AND OPTIONS ASSESSMENT

- 11. There are two substantive options for the Committee to consider:
 - Option A - approval of the work programme as set out in section 5 of the report, or
 - Option B - modify the proposed work programme.

Option A - Approval of the work programme as set out in section 5 of the report	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p><u>Advantages</u></p> <ul style="list-style-type: none"> • Progresses a range of projects required by legislation or assessed as high priority. • Sets clear priorities for the interregnum period and pipeline of work into the new triennium. • Enables reconsideration in early 2025 to reconfirm approach in light of further legislative change.

	<p><u>Disadvantages</u></p> <ul style="list-style-type: none"> • May not include some projects that are of interest to some community members.
Costs (including present and future costs, direct, indirect and contingent costs).	Can be progressed within existing resourcing levels and operational budgets.
Option B - Modify the proposed work programme	
<p>Assessment of advantages and disadvantages including impact on each of the four well-beings</p> <ul style="list-style-type: none"> • Economic • Social • Cultural • Environmental 	<p><u>Advantages</u></p> <ul style="list-style-type: none"> • May enable other projects to be prioritised where there is good rationale for inclusion on the work programme. <p><u>Disadvantages</u></p> <ul style="list-style-type: none"> • Some projects may be removed from the work programme, despite the rationale for their proposed inclusion.
Costs (including present and future costs, direct, indirect and contingent costs).	Additional projects will require re-prioritisation of other projects on the work programme to enable them to be resourced, or additional consultant costs incurred.

STATUTORY COMPLIANCE

12. The proposed work programme has been considered within a context of significant legislative change being progressed (or at least signalled) by the coalition government. It is based on best knowledge to date. The recommendations of this report note the intention to revisit the work programme in February/March 2026 to ensure that it is still fit for purpose for the incoming Strategy and Policy Committee (or its equivalent), and in light of further reform likely being progressed over the coming 6-12 months.

FUNDING/BUDGET IMPLICATIONS

13. The proposed work programme (set out in section 5 of this report) will be delivered within existing resourcing and budgets. If the Committee wishes add to this programme, there may be additional consultant costs incurred to enable delivery.

ATTACHMENTS

- 1. Strategy and Policy Committee - Workshop Notes - 27 May 2025** 

10.6 SUBMISSION ON THE SALE AND SUPPLY OF ALCOHOL (SALES ON ANZAC DAY MORNING, GOOD FRIDAY, EASTER SUNDAY, AND CHRISTMAS DAY) AMENDMENT BILL

File Number: A6776599

Author: Charlotte McGirr, Policy Analyst

Authoriser: Rachael Davie, Deputy CEO/General Manager Strategy and Community

EXECUTIVE SUMMARY

For the information of the Strategy and Policy Committee, this report presents the submission made by Western Bay of Plenty District Council on the following matter:

- (a) Sale and Supply of Alcohol (Sales on Anzac Day Morning, Good Friday, Easter Sunday, and Christmas Day) Amendment Bill.

RECOMMENDATION

1. That the Policy Analyst's report dated 12 June 2025 titled 'Submission on the Sale and Supply of Alcohol (Sales on Anzac Day Morning, Good Friday, Easter Sunday, and Christmas Day) Amendment Bill' be received.
2. That the following submission, shown as Attachment 1 to this report, be received by the Strategy and Policy Committee and the information noted.
 - a. Submission on the Sale and Supply of Alcohol (Sales on Anzac Day Morning, Good Friday, Easter Sunday, and Christmas Day) Amendment Bill, dated 9 May 2025.

ATTACHMENTS

1. **Submission on the Sale and Supply of Alcohol (Sales on Anzac Day Morning, Good Friday, Easter Sunday, and Christmas Day) Amendment Bill** 
2. **Workshop Notes - Strategy and Policy Committee - 8 May 2025** 

11 INFORMATION FOR RECEIPT