

Mā tō tātou takiwā  
**For our District**

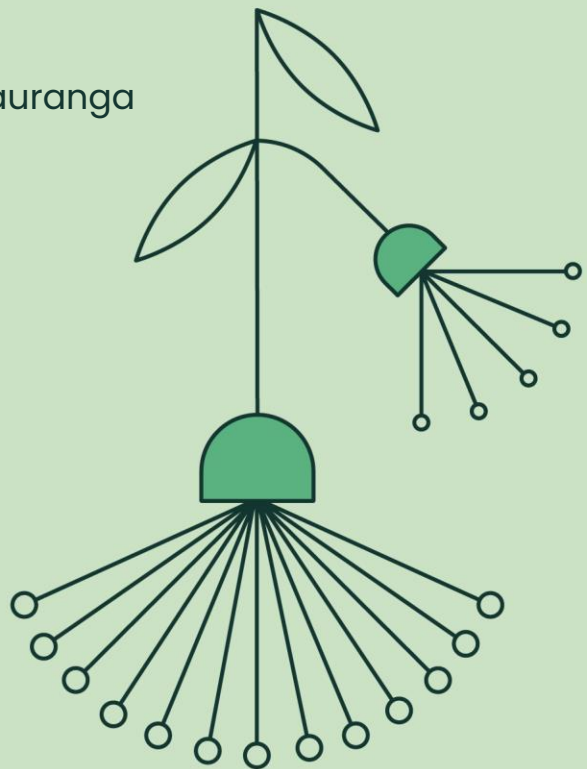
## Strategy and Policy Committee

Kōmiti Rautaki me Kaupapa Here

SPC25-6

Thursday, 12 June 2025, 9.30am

Council Chambers, 1484 Cameron Road, Tauranga



# Strategy and Policy Committee

## Membership:

<b>Chairperson</b>	Mayor James Denyer
<b>Deputy Chairperson</b>	Cr Murray Grainger
<b>Members</b>	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
<b>Quorum</b>	Six (6)
<b>Frequency</b>	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

## Order Of Business

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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.

Interested/Affected Parties	Planned Consultation
Interested / Affected Parties	<p>Letters or emails were sent to notify the following parties of consultation on the draft bylaw and invite feedback through Have Your Say site or via email:</p> <ul style="list-style-type: none"> <li>• All current licence holders (35)</li> <li>• Waka Kotahi</li> <li>• Federated Farmers of New Zealand</li> </ul>
General Public	<p>Public feedback was sought through the Have Your Say site, email and hard copy forms.</p> <p>Information was made available online and at each of the Council Libraries and Service Centres. This was promoted through inclusion in Council's electronic newsletter, and Antenno.</p> <p>Submitters had the opportunity to register to speak to their submission in Council Chambers.</p>

Planned

Completed

### ISSUES AND OPTIONS ASSESSMENT

14. There are no significant changes required to the draft bylaw in response to community feedback.
15. In response to the matters raised by 2 submitters, the following feedback will be provided:

Feedback	Council Response
Replace 'consent' with 'permit'	The word 'consent' is to be retained in the bylaw. Activities are either 'permitted' or require 'consent'.

Remove reference to renewal fees	Removed and shown in <b>Attachment 2</b> . 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"> <li>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.</li> <li></li> </ul>
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"> <li>Estimated traffic data is now available on Council's mapping system (MAPI) for staff and public use.</li> <li></li> </ul>
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 &amp; 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.



<b>Option A – RECOMMENDED</b> <b>That the Strategy and Policy Committee adopts the Livestock Movements Bylaw 2025 in the form attached to this report.</b>	
<b>Assessment of advantages and disadvantages including impact on each of the four well-beings</b> <ul style="list-style-type: none"> <li>• <b>Economic</b></li> <li>• <b>Social</b></li> <li>• <b>Cultural</b></li> <li>• <b>Environmental</b></li> </ul>	<u>Advantages</u> <ul style="list-style-type: none"> <li>• Impractical and obsolete provisions identified by staff will be removed streamlining the bylaws and minimising potential for confusion.</li> <li>• The bylaw will be legally valid for a further 10 years.</li> </ul> <u>Disadvantages</u> <ul style="list-style-type: none"> <li>• The request from Federated Farmers to create a pathway for a single livestock movement consent is not accommodated.</li> </ul>
<b>Costs (including present and future costs, direct, indirect and contingent costs).</b>	The proposed changes to the bylaw do not impact current operational budgets.
<b>Option B</b> <b>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:</b> <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><b>28. Single Movement Consent</b></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><b>Assessment of advantages and disadvantages including impact on each of the four well-beings</b></p> <ul style="list-style-type: none"> <li>• <b>Economic</b></li> <li>• <b>Social</b></li> <li>• <b>Cultural</b></li> <li>• <b>Environmental</b></li> </ul>	<p><u>Advantages</u></p> <ul style="list-style-type: none"> <li>• Responds to a request from the community.</li> </ul> <p><u>Disadvantages</u></p> <ul style="list-style-type: none"> <li>• A premium service is proposed requiring resources allocation.</li> <li>• Any additional resource costs to be met by the ratepayer.</li> <li>• There is no evidence that this is an issue, as no complaints or requests for single movements have been made.</li> <li>• 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.</li> </ul>
<p><b>Costs (including present and future costs, direct, indirect and contingent costs).</b></p>	<p>Resourcing costs to respond to applications received.</p>
<p><b>Option C</b></p> <p><b>Status quo – Retain the Livestock Movements Bylaw in its current form without amendment</b></p>	

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

### 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 problem<sup>1</sup>. 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

<sup>1</sup> 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**  



# Livestock Movement Bylaw Review 2025

Submission Pack

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**Western Bay of Plenty District Council**  
Private Bag 12803 Tauranga Mail Centre  
1484 Cameron Road, Greerton, Tauranga, 3112  
P 0800 926 732  
E [info@westernbay.govt.nz](mailto:info@westernbay.govt.nz)  
[westernbay.govt.nz](http://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](http://WWW.FEDFARM.ORG.NZ)

To: Western Bay of Plenty District Council

Via email: [yourplace@westernbay.govt.nz](mailto: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 bylaw<sup>1</sup>. 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)<sup>2</sup>. 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 Staff<sup>3</sup> 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.

<sup>1</sup> Section 28 – Transitional provisions (proposed LMB)

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

<sup>3</sup> 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.





## **DRAFT Livestock Movements Bylaw 20142025**

### **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.



## 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. the safety of all road users including those associated with moving livestock;
  - ~~i.~~ ii. ~~livestock whilst being moved across or along public roads;~~
  - ~~ii.~~ iii. the structure and surface of the carriageway in the roads; and
  - ~~iii.~~ 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~~ylaw, 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:
- a) Limits and maximum values for characteristics specified in Charts 1, 2 and 3 of this Bylaw;
  - b) Whether the stock crossing is on a 'No Exit' road;
  - c) The timing of crossing movements;
  - d) Traffic safety criteria, including traffic volume and sight distances;
  - e) Frequency or scale of any potential traffic hazard or obstruction or nuisance;
  - f) Social impact;
  - g) Environmental impact;
  - h) 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:
- a) Grant the application for consent, and
  - b) Notify the applicant of any conditions attached to the consent, or
  - c) 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:
- a) dimensions and surface of any entrance to the road;
  - b) the potential for stock holding and priority crossing operations;
  - c) the effective implementation of a Traffic Management Plan agreed between Council and the livestock owner;
  - d) compliance with the New Zealand Guide to Temporary Traffic Management, or subsequent updates.
  - ~~d) dimensions and placement of warning signs (Appendix 1);~~
  - ~~e) use, colour and placement of warning lights (Appendix 1);~~
  - ~~f) use, size and placement of road cones (Appendix 1);~~
  - ~~g) e)~~ number of competent persons required to be present;
  - ~~h) f)~~ length of time for which other road users might be halted;
  - ~~i) g)~~ use of mats or similar devices to protect the road;
  - ~~j) h)~~ the use of alternative carriageway surfaces for crossing points e.g. concrete;



- ~~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)~~ c) ~~administration of the consent as specified by this Bylaw, and~~
  - ~~e)d)~~ 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

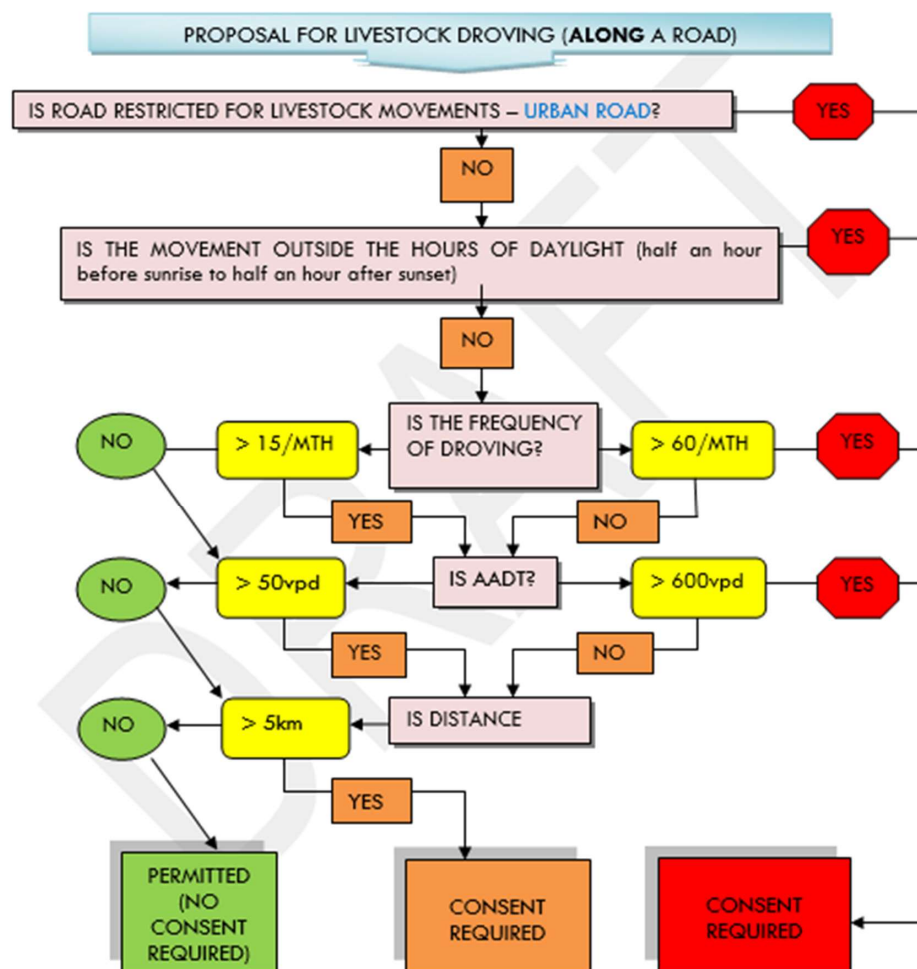
~~28.1.27.2. Every existing stock crossing permit shall continue in force as if it were a consent under this Bylaw until 30 June 2015 after which time it will expire and a new consent will need to be applied for under this Bylaw.~~



## 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.

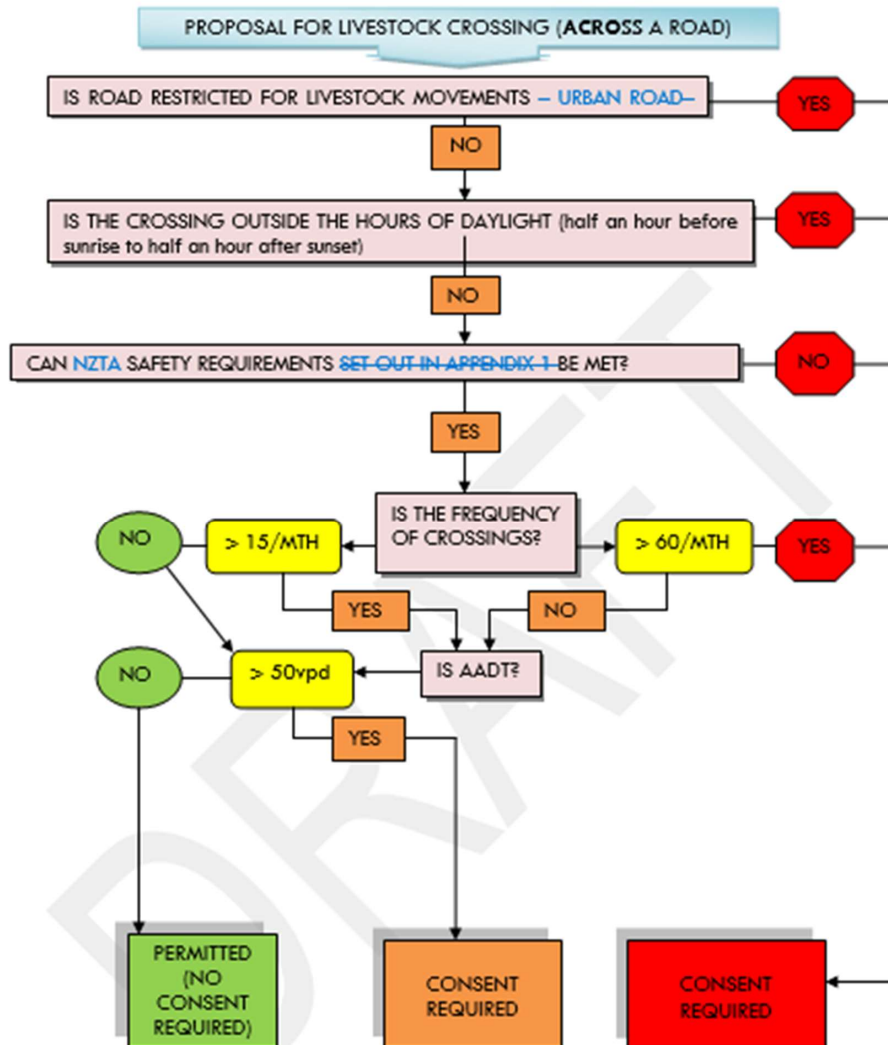




## Chart 2 – Process for assessing a proposal for livestock movement ACROSS a road

### 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.

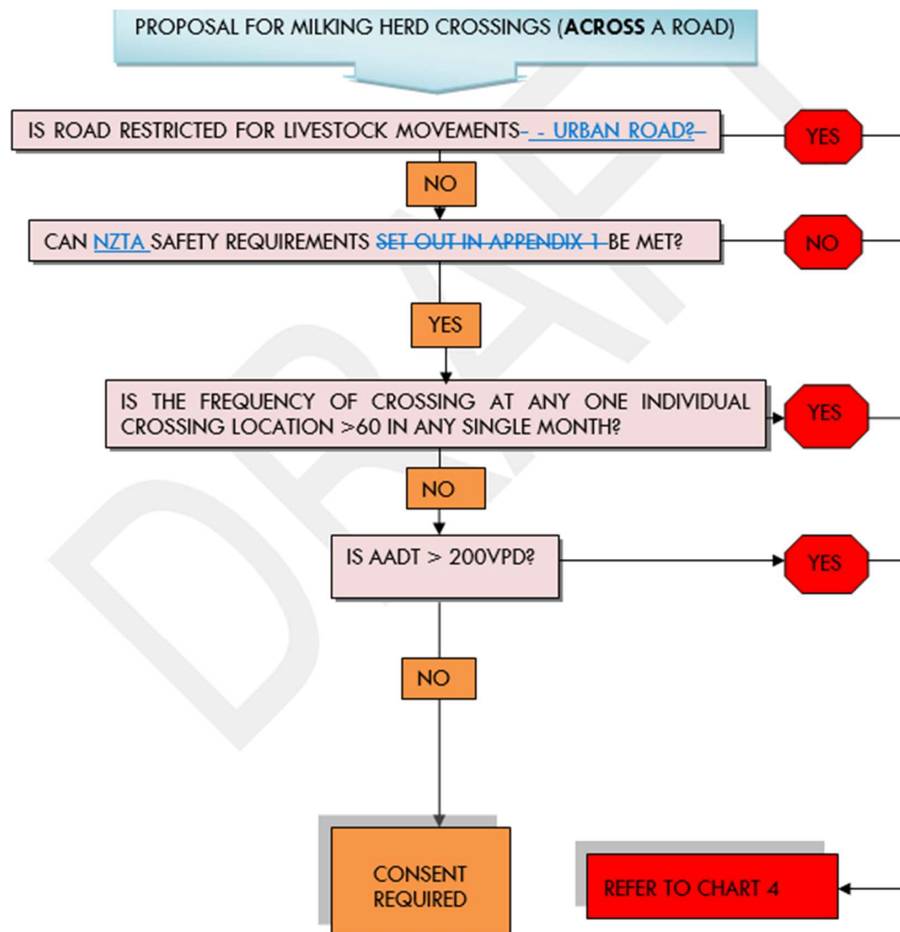




### Chart 3 – Process for assessing a proposal for milking herd crossings (ACROSS a road)

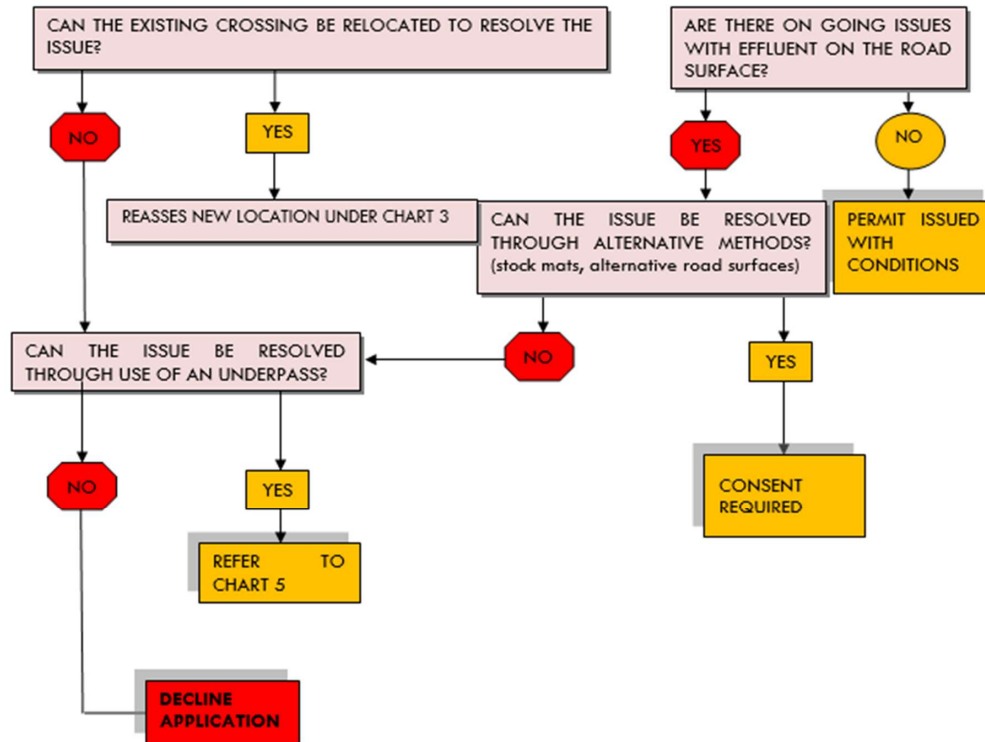
#### NOTES

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. requirements of Schedule 2 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
3. AADT is Average Annual Daily Traffic measured in vehicles per day.



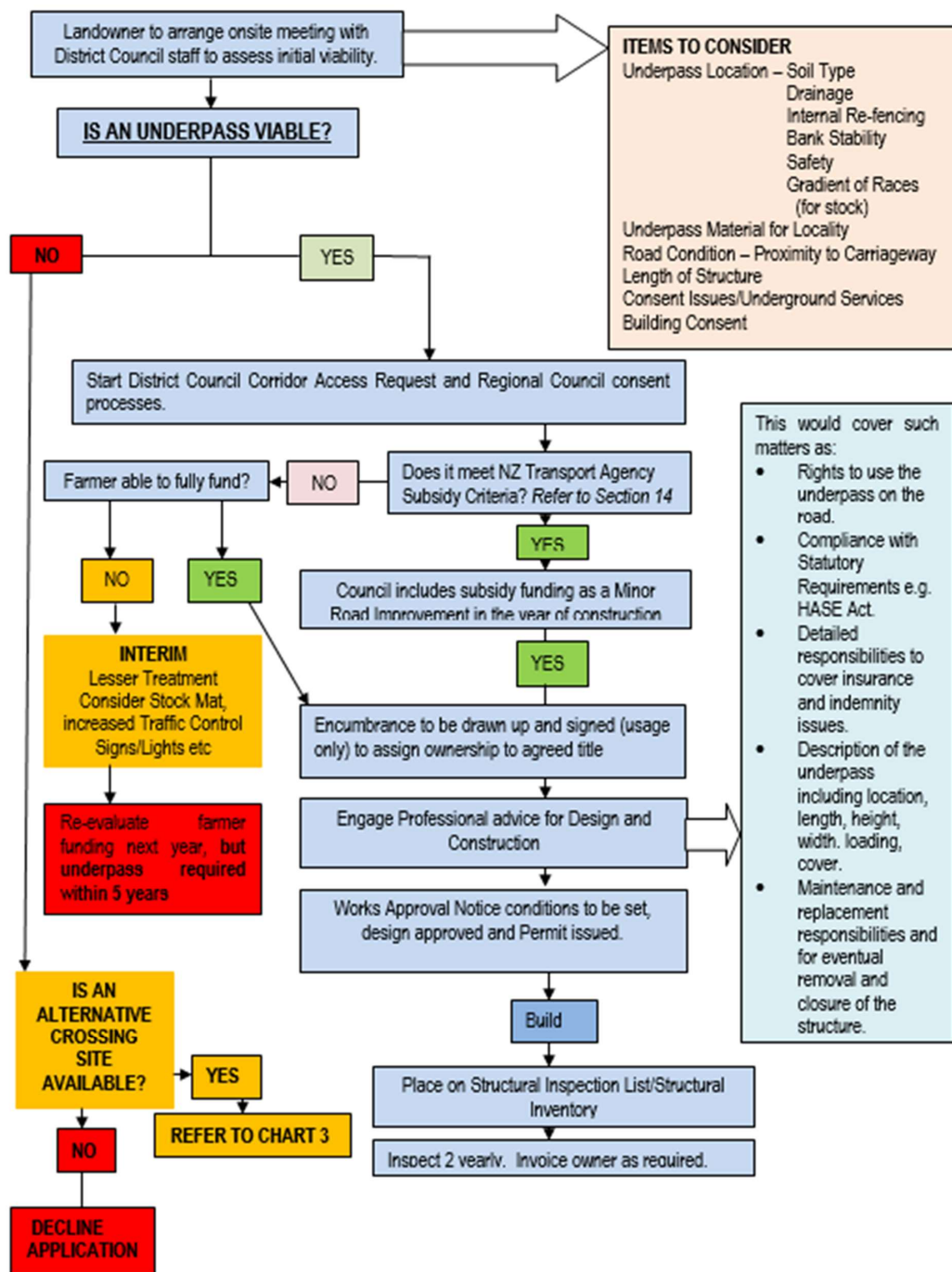


### Chart 4 – Process for assessing alternative mitigation of discretionary milking herd crossings





**Chart 5 – Process for assessing installation of an underpass**







## Schedule 1: Local roads where Livestock Movements are restricted

The following roads or parts thereof here specified shall be restricted to livestock movements and livestock may not be driven without first obtaining a consent from Council in accordance with this Bylaw.

### Waihi Beach/Athenree/Pios Beach

Adela Stewart Drive	Hillary Street	Scarborough Road
Albacore Avenue	Hillview Road	Scott Street
Angus Lane	Hinemoa Road	Sea Crest Place
Athenree Road (East of Koutunui Road)	Jenkinson Street	Sea Vista
Ayr Street	Kauri Point Road	Seaforth Road
Beach Road, Waihi Beach	Koutunui Road	Seaview Road
Bonito Avenue	Leo Street	Shaw Road, Waihi Beach
Bewentown Boulevard	Mako Avenue	Snell Crescent
Brighton Road	Marina Way	Tatai Road
Broadway Road	Marine Avenue	Te Kanawa Place
Browns Drive	Marlin Avenue	The Crescent
Citrus Avenue	Mayor View Terrace	The Esplanade, Waihi Beach
Denby Close	Nathan Place	The Loop
Didsbury Drive	Ocean View Road	The Terrace
Dillon Street	Otto Road	Tuhua Place
Dolphin Avenue	Pacific Road	Tuna Avenue
Edinburgh Street	Papaunahi road	Waiiti Avenue
Edwards Street	Park Avenue	Waione Avenue
Elizabeth Street	Patterson Place	Wakanoi Place
Farm Road	Pio Road	Walnut a Venue
Fyfe Road	Pohutukawa Drive	West Street
Glen Isla Place	Queen Street, Waihi Beach	Wilson Road, Waihi Beach
Hanlen Avenue	Roretana Drive	
Hereford Place	Savage Avenue	

### Tanners Point/Tuapiro/Ongare Point/Kauri Point

Baigent Place
Chelmsford Street
Esplanade Road (Kauri Point)
Esplanade Road (Ongare Point)
Giles Way

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Harbour View Road (Ongare Point)
Meana Drive
Noble Lane
Ongare Point Road (East of No 254)
Potu Road
Princes Street
Stanley Street
Tanners Point Road (East of No 133)
Tuapiro Road (North of No 354)
Victoria Street

### Katikati

Alexander Street	Hyde Street
Atlanta Court	Irwin Court
Beach Road, Katikati	Jocelyn Street, Katikati
Belmont Rise	Johnston Street
Binnie Road	Katterns Street
Blundell Place	Kea Street
Boyd Street	Kowhai Court
Busby Road	Leyley Lane
Carisbrooke Street	MacMillan Street
Church Street	Major Street
Clive Road	Marshall Road
Crossley Street	Mulgan Street
Donegal Place	Park Road, Katikati
Earl Drive	Philip Walter Drive
Fairview Road	Polley Crescent
Fencourt Crescent	Riverlea Drive
Francis Drive	Robinson Street
Gilfillan Drive	Rosemary Place
Gledstane Road	Sheffield Street
Gordet Drive	Station Road, Katikati
Gray Street	Stewart Street
Grosvenor Place	Tui Street
Hansen Place	Twickenham Close
Henry Road (East of Rawaka Drive)	Waterford Downs
Heron Crescent	Wedgewood Street
Highfields Drive	Wills Road (North of Sewerage Screening Plant)

### Omokoroa/Te Puna

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Anderley Avenue	Margaret Place
Ashwood Grove	Matahiwi Road
Astelia Drive	McDonnell Street
Beach Road	Myrtle Drive
Branley Drive	Omokoroa Road (North of Railway Line)
Colleen Place	Owen Place
Coppelia Avenue	Ruamoana Place
Farnell Court	Snodgrass Road (north of Borrell Road)
Gane Place	The Esplanade
Gellibrand Place	Tinopai Drive
Gerald Place	Tralee Street
Hamurana Road	Vivian Drive
Harbour View Road	Wallace Road
Kaharoa Avenue	Walnut Grove
Kayelene Place	Waterview Terrace
Kowhai Grove	Western Avenue
Links View Avenue	

### Te Puke

Aran Place	George Street	Nettlingham Place
Atuaroa Avenue	Gilmore Street	No 1 Road (North of No 79)
Barnett Place	Gisborne Road	No 2 Road (North of No 15)
Barrow Place	Glen Terrace	No 3 Road (North of Whitehead Avenue)
Bayview Street	Gordon Street	Norrie Street
Beatty Avenue	Gray Avenue	Oroua Street
Velvedere Street	Harris Street	Otawa Street
Ben Keys Street	Hastings Street	Oxford Street
Bishoprick Crescent	Hayward Court	Palmer Place
Boucher Avenue	Herbert Street	Princess Street
Brown Terrace	Hookey Drive	Puriri Avenue
Cameron Road	Jocelyn Street, Te Puke	Queen Street
Carberry Crescent	Killarney Street	Randell Street
Chaytor Street	King Street	Raymond Avenue
Clifden Terrace	Kowhai Avenue	Saunders Place
Glydesburn Avenue	Kylemore Place	Seddon Street (South of Ben Keys St)
Gollins Lane	Landscape Road	Slater Place

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Commerce Lane	Lee Street	Stapleton Place
Conifer Place	Lenihan Drive	Station Road, Te Puke
Cooney Street	Lowry Road	Stewart Street, Te Puke
Donovan Street	Maeloughlin Drive	Strathaven Way
Dudley Verecoe Drive	Magnolia Place	Tui Street
Dunlop Road	Malyon Street	Tynan Street
Edgehill Place	McBeth Drive	Valley Road
Fairview Place	Milsom Place	Washer Place
Fenton Terrace	Moochau Street	Whitehead Avenue
Fenton Terrace East	Mountbatten Place	Williams Drive
Galway Place	Muir Place	Wiltshire Place

### Maketu/Paengaroa/Pukehina

Beach Road, Maketu	Ngaroma Lane
Black Road (West of No 39)	Otimi Street
Bledisloe Park Avenue	Park Road, Maketu
Church Road	Pukehina Parade
Conway Road	Rauperoa Road
Costello Crescent	School Road
Gardner Road	Spencer Avenue
Hall Road	Taupata Street
Hapimana Road	Te Awhe Road
Kauri Place	Town Point road
Kiokio Place	Walter Street
Lemon Road	Whenuariri Place
Little Waihi Road	Williams Crescent
Maketu Road (North of no 58)	Wilson Road North (North of Arawa Ave)
Ngaparoa Drive	Wilson Road North (South of McKenzie Road)



## Schedule 21: Fees and Charges

### 1. INTRODUCTION

- 1.1. Under section 150 of the Local Government Act 2002 the Council may set fees and charges for the recovery of the reasonable costs incurred for the:
- a) application process for granting a consent;
  - b) administration of the consent;
  - c) unscheduled maintenance or repair of the road or any part of the road due to damage caused by livestock movement subject to a consent; and
  - d) unscheduled maintenance to remove excessive livestock excrement from the road carriageway or any entrance to the road after any livestock movement subject to a consent.

### 2. APPLICATION FEE

- 2.1. An application fee shall be payable to the Council with each application for a consent ~~or renewal of a consent~~ to move livestock on, across or along any public road.
- 2.2. The application fee shall be set annually by the Council.

### 3. CHARGES

- 3.1. Charges shall be payable to the Council by every holder of a ~~livestock movement~~ consent to recover the reasonable costs incurred by the Council arising from the consent
- 3.2. The charges may comprise one or more of:
- a charge for the administration of the consent where the Council has received a complaint and compliance monitoring of the consent is necessary;
  - a charge for the unscheduled maintenance or repair of the road or any part of the road due to damage caused by livestock movement subject to the consent; and
  - a charge for unscheduled maintenance to remove excessive livestock excrement from the road carriageway or any entrance to the road after any livestock movement subject to the consent.
  - Costs for unpaid fees and charges.



#### **4. DETERMINATION OF CHARGES**

- 4.1. The calculation of charges shall be based on recovery of reasonable costs incurred by the Council as a result of the ~~livestock movement~~ consent.

#### **5. PAYMENT OF CHARGES**

- 5.1. Charges shall be payable to the Council within 30 days of the date of the notice of the charges levied.

#### **6. APPEALS AGAINST CHARGES**

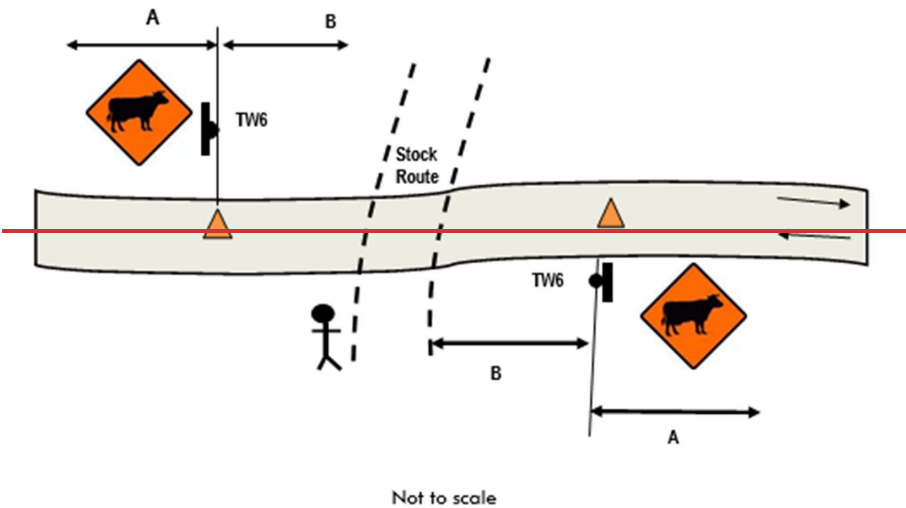
- 6.1. Any person wishing to object to any assessment of charges levied by the Council in respect of a ~~livestock movement~~ consent has the right to appeal in accordance with the provisions of the Local Government Act 2002

Appendix 1: Stock Crossing Layout

Minimum distances for warning signs

STOCK CROSSING: GOOD VISIBILITY

Diagram 200—other activities: Local Road Supplement—September 2005



Notes:

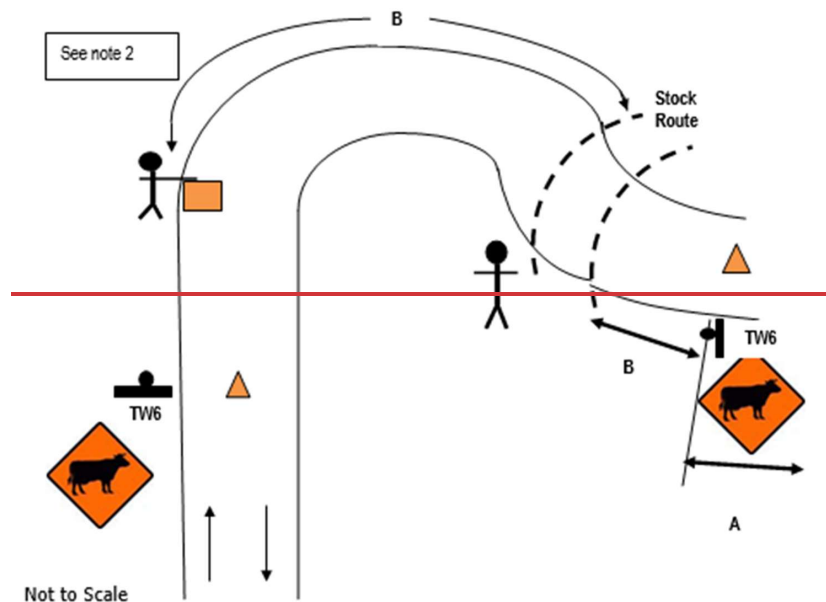
- 1. All TW6 signs to be folded or removed when not required.
- 2. Visibility A and warning B distances are:

A	B	Speed limit
50m	30m	50km/h
60m	80m	60km/h
70m	105m	70km/h
80m	120m	80km/h
90m	135m	90km/h
100m	150m	100km/h

- 3. Speed limit is posted speed limit or normal operating speed of RCA.
- 4. Cones placed on the centre line of the road are optional.

~~STOCK CROSSING: POOR VISIBILITY~~

~~Diagram 201-other activities: Local Road Supplement-September 2005~~



~~Notes:~~

1. ~~All TW6 signs to be folded or removed when not required.~~
2. ~~A yellow flashing beacon or a person waving an orange flag is required in situations or during times of poor visibility.~~
3. ~~Visibility A and warning B distances are:~~

A	B	Speed limit
50m	30m	50km/h
60m	80m	60km/h
70m	105m	70km/h
80m	120m	80km/h
90m	135m	90km/h
100m	150m	100km/h

4. Speed limit is the posted speed limit or normal operating speed of RCA.
5. Cones placed on the centre line of the road are optional.





## Appendix 2: Sample Memorandum of Encumbrance

### MEMORANDUM OF ENCUMBRANCE

Encumbrancer:

\_\_\_\_\_ (in this Memorandum called "the Encumbrancer")

Council: \_\_\_\_\_ DISTRICT COUNCIL

\_\_\_\_\_ (in this Memorandum called "the Council")

WHEREAS:

1. \_\_\_\_\_ The Encumbrancer is registered as proprietor of an estate in fee simple in the land described in the Second Schedule.
2. \_\_\_\_\_ The land is situated in the district of the Council.
3. \_\_\_\_\_ As a result of the circumstances disclosed in the Third Schedule the Encumbrancer has agreed:
  - a) to grant and make the rent charge with the Council as set out, and subject to the conditions expressed, in the First Schedule; and
  - b) to enter into the covenants in the Council's favour as set out in the Fourth Schedule.

NOW THIS MEMORANDUM WITNESSES that the Encumbrancer ENCUMBERS the land for the benefit of the Council as set out in the First Schedule AND COVENANTS with the Council as set out in the Fourth Schedule.

IN WITNESS WHEREOF this Memorandum has been executed this

day of \_\_\_\_\_ 20.....

**SIGNED** by \_\_\_\_\_ )

in the presence of: \_\_\_\_\_ )

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### **FIRST SCHEDULE**

#### **~~(Terms and Conditions of Encumbrance)~~**

1. ~~———— The term of the Encumbrance is 999 years commencing from the date hereof subject to earlier determination in the events provided in the Fifth Schedule.~~
2. ~~———— The annual charge that covers rent of the structure, administration and engineering inspection fees is determined through the setting of the Schedule of Annual Fees & Charges in the Annual Plan process. The annual charge, along with the Inspection Fee set out in the Fourth Schedule, and any such further sum as may be owing by the Encumbrancer to the Council under the Covenants of this Encumbrance is to be paid to the Council on the 1st business day of July 20\_\_ and on the 1st business day of July in every year thereafter.~~
3. ~~———— The covenants of the Fourth Schedule shall be enforceable only against the owners and occupiers for the time being of the land and not otherwise against the Encumbrancer and his successors in title.~~
4. ~~———— Section 104 of the Property Law Act 1952 applies to this Memorandum of Encumbrance but otherwise (and without prejudice to the Council's rights of action at common law as a rent-chargee):~~
  - a) ~~The Council shall be entitled to none of the powers and remedies given to Encumbrancees by the Land Transfer Act 1952 and the Property Law Act 1952; and~~
  - b) ~~No covenants on the part of the Encumbrancer and his successors in title are implied in this Memorandum other than the covenants for further assurance implied by Section 154 of the Land Transfer Act 1952.~~
5. ~~———— The underpass is the property and responsibility of the Encumbrancer and remains within the road at Council's pleasure.~~
6. ~~———— In the event of the Encumbrancer wishing to enter into a mortgage or mortgages of the land to have priority to this Memorandum the Encumbrancer shall be entitled at his own cost in all things to a Memorandum of Priority granted by the Council in favour of any such mortgage or mortgages PROVIDED that the mortgagee thereunder consents to and acknowledges that it is bound by the covenants of this Memorandum for the purposes of Section 105 of the Land Transfer Act 1952.~~
7. ~~———— The Encumbrancer shall further pay to the Council forthwith upon demand an amount equal to any output tax payable by the Council under the Goods and Services Tax Act 1985 or any Act in amendment or substitution thereof in respect of taxable supplies made to the Encumbrancer directly or indirectly attributable to matters referred to in, or arising from, this Memorandum of Encumbrance.~~

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8. ~~In this Memorandum and its Schedules:~~

- ~~a) "the Land" refers to that described in the Second Schedule and any part of it;~~
- ~~b) "the Licence" is that for a stock underpass referred to in the Third Schedule;~~
- ~~c) "Schedule" refers to the several Schedules attached to this Memorandum;~~
- ~~d) "the Works" refers to those described in the Sixth Schedule and any part of it.~~

#### **SECOND SCHEDULE**

~~(the Land)~~

~~An estate in fee simple in all those parcels of land containing:~~

#### **THIRD SCHEDULE**

~~(the Circumstances)~~

- ~~1. The Encumbrancer has applied to the Council for a Licence to have constructed on and under the road between the separate parcels of the Land a stock underpass ("the underpass").~~
- ~~2. That application has been approved by the Council on the condition, amongst others, that the Encumbrancer enters into this charge and the covenants of the Fourth Schedule in the Council's favour.~~

#### **FOURTH SCHEDULE**

~~(the Covenants)~~

- ~~1. That the Encumbrancer shall duly and punctually, to the Council's reasonable satisfaction, comply with all these Covenants.~~
- ~~2. Nothing expressed or implied in this Encumbrance shall constitute either party as the partner, agent, employee or officer of, or as a joint venturer with, the other party, and neither party shall make any contrary representation to any other person.~~
- ~~3. The Encumbrancer shall have the Works carried out and completed in strict accordance with plans and specifications and any timetable or programme of performance first approved by the Council and to the reasonable satisfaction of the Council.~~



4. — The Encumbrancer shall not do, nor permit, anything with regard to the underpass or Works which might directly or indirectly prejudice the structural integrity of the works, the Council's road or the underpass.
5. — The Encumbrancer shall construct and maintain the Works until all the Works have been completed to the reasonable satisfaction of the Council, including the provision of satisfactory as-built plans and records of such of the Works as may be required from time to time by the Council, together with Certificate of Due Performance of the Works acceptable to the Council given by adequately qualified persons as requested from time to time by the Council, including upon completion of the works.
6. — The Encumbrancer shall visually inspect the underpass on a regular basis and carry out any necessary maintenance from time to time to ensure the underpass remains in a satisfactory and safe condition.
7. — The Encumbrancer agrees to pay the Council's costs in carrying out regular structural inspections of the underpass at intervals specified by the Council ("the Inspection Fee"). This will include a minimum of an annual visual inspection, and a structural engineering inspection every two years or after any event that may cause damage to the underpass.
8. — The Encumbrancer agrees to immediately carry out at their sole cost any Works, maintenance, or remedial works that the Council deems necessary. This includes repairing any damage caused to Council's utilities or road pavement.
9. — The Encumbrancer permits the Council without hindrance at any time and from time to time, and without the need for notice, by its servants, agents, contractors or workmen:
  - a) — To inspect the underpass and to undertake the Works or any of them at the Encumbrancer's cost should the Council consider it necessary to do so on account of the Encumbrancer failing, or failing to make such progress as the Council reasonably requires as being necessary, to complete or fulfil any of the Covenants strictly in accordance with this schedule;
  - b) — To issue instructions to the Encumbrancer, or any servant, contractor, or workman of the Encumbrancer for any remedial works as the Council reasonably thinks necessary for the due maintenance or better performance of the Works;
  - c) — As reasonably required to audit the performance of the Works by examination of all relative records of the Encumbrancer, or any servant, contractor or workman of the Encumbrancer;
  - d) — To undertake any remediation of the Works at the Encumbrancer's cost as the Council reasonably thinks fit.
10. — The Encumbrancer shall not take any proceedings, make any claim, join any proceedings or claim, or charge, account for, seek payment, or set-off

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- of any kind, against the Council, whether in respect of any costs, charges or expenses incurred, or losses or damages suffered, for compensation or other relief whatsoever, directly or indirectly arising from:
- a) The exercise by the Council of any rights, remedies or powers under this Encumbrance, or as territorial local authority for the district within which the Land is situated; or
  - b) The Encumbrancer or any servant, contractor or workman of the Encumbrancer complying with orders or instructions given by, or for the Council in accordance with this Schedule.
11. — Without limiting the Encumbrancer's obligations and liabilities under this Encumbrance, the Encumbrancer shall effect and maintain in respect of the Works policies of public liability, professional and contract works insurance and personal injury and loss of life insurance, or any of them, as the Council may reasonably direct, with the Council named as principal, fully insuring the Council and the Encumbrancer against all claims and liabilities whether under statute or at common law in respect of damage to or loss of any real or personal property of any description, and loss of life or personal injury, if reasonably required by the Council, arising from or caused by the execution of the Works whether by or for the Council, the Encumbrancer or others. The total amount payable under each such insurance in respect of any one claim shall be as directed by the Council.
12. — In undertaking the Works the Encumbrancer shall:
- a) Comply with all relative legislation including, but not in limitation, the Health and Safety in Employment Act 1992 (the HSE Act); and
  - b) When called upon by the Council to do so, satisfy the Council as to the Encumbrancer's due performance of the obligation in the preceding paragraph; and
  - c) Indemnify the Council to the full extent permitted by the laws against liability or loss arising directly or indirectly to the Owner under or by virtue of the HSE Act as a consequence of the works or any thing undertaken by any person pursuant, or relative to this Encumbrance.
13. — In the event that the underpass fails or becomes redundant or the Council requires the underpass to be removed for reasons of health and safety, the Encumbrancer shall pay all costs of decommissioning and removal of the underpass and reinstatement of the road.
14. — The Encumbrancer shall at all times indemnify the Council in respect of any loss, damage or cost (including consequential loss or damage and legal costs on a solicitor and own client basis) suffered or incurred by it as a direct or indirect result of the Council granting the Licence, or imposing conditions or requirements on the issue of the Licence.
15. — The Encumbrancer authorises the Council to recover the cost of Council undertaking any Works, exercising any of the Council's powers, or

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~~satisfying any of the Covenants of the Encumbrancer under this Memorandum from the Encumbrancer as a debt owing by the Encumbrancer to the Council payable forthwith upon demand and, if not so paid, such sum or sums, together with interest thereon from the date of expenditure by the Council until refunded by the Encumbrancer at the rate of 15 per cent per annum, shall constitute and be recoverable by the Council as additional rent charge.~~

- ~~16. The Encumbrancer's liability under these Covenants shall not be released, varied or affected in any way by any delay, extension of time or other indulgence to the Encumbrancer or suffered or permitted by the Council or by any failure or neglect of the Council to enforce the Council's rights or powers or any obligation of the Encumbrancer under these Covenants.~~
- ~~17. The Encumbrancer shall forthwith upon demand pay the Council's legal and engineering costs on a professional and own-client basis in respect of settling the terms and conditions, and the preparation, execution, operation, enforcement, any variation and the ultimate release of this Encumbrance and of any action of proceedings relating to it.~~

#### **FIFTH SCHEDULE**

~~(Events for Termination)~~

~~Upon the Council being satisfied that the Covenants of the Fourth Schedule have been duly performed:~~

#### **SIXTH SCHEDULE**

~~(the Works)~~

~~The provision, performance and operation to the Council's reasonable satisfaction and in accordance with the Fourth Schedule covenants of the following:~~

- ~~1. A stock underpass as follows:~~
- ~~a) Material, ie concrete, steel,~~  
~~etc. \_\_\_\_\_~~
- ~~b) Type, ie precast box, pipe, etc:~~  
~~\_\_\_\_\_~~
- ~~c) External Dimensions~~  
~~height \_\_\_\_\_~~  
~~span \_\_\_\_\_~~  
~~length \_\_\_\_\_~~

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- d) ~~Depth of cover~~ \_\_\_\_\_
- e) ~~Design Loading~~ \_\_\_\_\_
- ~~located at:~~
- f) ~~Ward~~ \_\_\_\_\_
- g) ~~Road~~ \_\_\_\_\_
- h) ~~Location in terms of Rapid Numbering System~~ \_\_\_\_\_

- 2. ~~All equipment required for the efficient operation of the underpass including any dewatering pumps, switching systems or other plant.~~
- 3. ~~Cleaning, maintenance, dewatering, de-sludging, repair, restoration and ultimate closure (including removal of any Works and the filling of any void and portals) of the underpass.~~

~~Together with:~~

- a) ~~All necessary or desirable works associated with the works described above, including on any road (including road repairs) or property adjoining or near the Land affected by the Works;~~
- b) ~~The provision to the Council as and when requested, of such reports, plans, specifications, documentation and certificates reasonably required by the Council; and~~
- c) ~~The securing, maintenance and due performance of any consent, licence, right or authority which may be necessary or desirable for the performance of the Works by or for the Encumbrancer or the Council, and compliance with any conditions applying to any such consent, licence, right or authority.~~

~~And the performance of the Works shall require at all times the highest practicable standards of performance with regard to (without limitation) environmental, visual and aural impact and the safety and convenience of all persons directly affected by the Works.~~



## Appendix 3: NZTA Stock Crossing Funding Policy

### Introduction

The following policy applies where provision of a stock crossing across, under or over a road has been requested to connect two parts of a property.

### Road protection where stock cross at grade

If the least long-term maintenance cost is to use a protective covering over the road (eg road/stock mats or a specialised seal coating), then this cost is eligible for funding assistance under work category III: sealed pavement maintenance.

### New road alignment

When a new road alignment severs a rural property, the roading portion of an access structure may be included as part of the total road construction cost.

Cost sharing is to be considered on the following basis:

- Where provision of a stock access structure can be made at a cost less than that involved in acquiring the severed area of land, the full cost of the access structure will be accepted as a charge to the roading improvement. This includes the value of any improvements;
- Where the cost of providing an access structure exceeds the value of the severed land, no stock access structure shall be provided. This is where the value of improvements is included and the landowner is not prepared to sell the severed land.

**Note:** Other options to be considered include:

- the resale or exchange of the severed land;
- purchase and resale of both portions.

### Existing road alignment

Where existing and proposed stock movements on an existing road significantly affects road traffic, a proportion of the cost of constructing a stock access structure (including fees) will be accepted as a roading cost.

This roading cost may be included in the programme under work category 341: minor improvements.

### Existing roads: proportion of cost

The figure below illustrates the proportion of an access structure's cost that will be accepted as a roading cost, where the structure is to be built on an existing road alignment.





Note: Where a vehicle accident record exists, the project should be considered as a road reconstruction project. If the project has an assessment profile better or equal to the prevailing funding threshold profile, the total cost should be accepted as a roading cost.

### Form of structure

The form of the stock access structure should be determined by the needs of the farmer, subject to approval of the design by the RCA

### Agreements with landowner

The NZTA requires that the Approved Organisation obtains a written undertaking from the farmer that any at grade stock crossing will be eliminated immediately on completion of the access structure.

The Approved Organisation should also consider an encumbrance to be registered against the title of the property affected by the under or overpass. For a sample of an encumbrance refer Appendix 4.

### Approvals

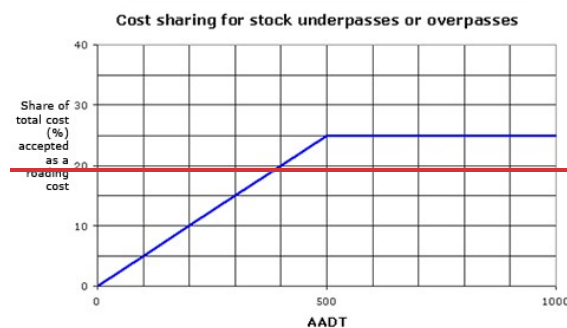
The Approved Organisation can approve applications for projects that conform to this policy. Proposals not complying with this policy shall be referred to the NZTA for a decision.

### Maintenance

Any repairs to the stock access structure may be included in work category 114: structures maintenance. However, at a minimum, the landowner will be responsible for the cost of:

- maintenance of the track through the structure;
- associated drainage and fencing; and
- the repair of any damage to the structure caused by the farmer's use or activity.

### Cost sharing for stock underpasses or overpasses



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**Formula for cost sharing for stock underpasses or overpasses**

~~CS = 0.05 x AADT (on roads having less than 500 AADT) in percent~~

~~CS = 25 percent (on roads having greater than or equal to 500 AADT)~~

~~CS = Approved Organisation contribution to the total construction cost of an access structure on an existing road (in percent)~~

~~(AADT = traffic volume)~~

**Cemeteries and Livestock Movement Bylaw Review – Strategy and Policy Submission Hearing**

<b>DATE:</b>	Tuesday, 29 April 2025, 1.30pm
<b>HELD:</b>	Council Chambers and Via Zoom (and livestreamed)
<b>TOPICS:</b>	1. Cemeteries and Livestock Movement Bylaw Review
<b>GENERAL MANAGER RESPONSIBLE:</b>	R Davie (General Manager Strategy and Community)
<b>ELECTED MEMBERS PRESENT:</b>	Mayor J Denyer (Chairperson), Deputy Mayor J Scrimgeour, Cr G Dally, Cr A Henry, Cr M Murray-Benge, Cr A Sole, Cr D Thwaites, Cr L Rae and Cr A Wichers
<b>APOLOGIES RECEIVED:</b>	Cr R Joyce, Cr Coxhead and Cr Grainger
<b>STAFF IN ATTENDANCE:</b>	M Taris (Interim Chief Executive Officer), R Davie (Deputy CEO/General Manager Strategy and Community), E Watton (Strategic Policy and Planning Programme Director), M Leighton (Finance Planning and Analysis Manager), R Gallagher (Acting Policy and Planning Manager), P Browne (Transport and Safety Engineer), R Garrett (Governance Manager), H Wi Repa (Governance Systems Advisor) and R Leahy (Senior Governance Advisor)
<b>OTHERS IN ATTENDANCE:</b>	Submitters as listed in the notes.
<b>INTRODUCTION:</b>	

The Mayor opened the hearing and welcomed everyone present. It was noted that the hearings were recorded and livestreamed.

Cemeteries and Livestock Movement Bylaw Review Submissions Hearings – 29 April 2025

**1. Cemeteries and Livestock Movement Bylaw Review – Submissions****A. Submission ID 1 – Federated Farmers NZ**

Jesse Brennan & Rick Powdrell were in attendance to speak on behalf of the Federated Farmers NZ submission. They spoke to the main points of the submission.

Jesse Brennan & Rick Powdrell responded to pātai as follows:

- In relation to permits for infrequent livestock movements for high usage roads (600 vehicles or more), Federated Farmers were supportive of addressing the risk and did not want to cause any risk to farmers or drivers. However, they were looking for a pathway where farmers did not have to pay the full fee for an infrequent or one-off livestock movement.
- To enable farmers to move stock in a timely manner, the process for obtaining a permit for infrequent livestock movements should not be long and drawn out.
- It was unclear whether there had been any major incidents regarding livestock movements in the District.
- Federated Farmers indicated that requests for a permit for an infrequent livestock movement should be prioritised by council staff to allow farmers to obtain a permit quickly. This may involve a triage system or direct phone line for applications.
- Federated Farmers were supportive of removing Schedule 1 from the bylaw and replacing it with the definition of an 'urban road'. It was noted that, due to growth it was more practical to use the definition of 'urban road' instead of listing individual roads within the bylaw.
- The original fee for a livestock movement permit was \$166, which was more palatable for farmers.
- Federated Farmers acknowledged that in relation to the fee charge, consideration had been given to factors other than safety, for example disruption and mess on the road.
- The terminology 'consent' and 'permit' was used interchangeably, and this was confusing for farmers. It was important that only one term to be used to ensure consistency. There was a preference for the term 'permit' to be used as it had a far better connotation than 'consent'.

The hearings closed at 1.56pm.

Cemeteries and Livestock Movement Bylaw Review Submissions Hearings – 29 April 2025

**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.

12. In terms of the Significance and Engagement Policy this decision is considered to be of **medium** significance because of:
- (a) The likely public interest in the proposals included in the draft bylaw
  - (b) The requirement to undertake a LGA special consultative procedure.

### ENGAGEMENT, CONSULTATION AND COMMUNICATION

13. We were required to adopt a statement of proposal, seek public feedback for one month and allow for the opportunity for spoken interaction, in accordance with section 83 of the Local Government Act 2002.
14. A special consultative procedure 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 'Your Place and other mechanisms.
15. Council received two submissions throughout the consultation period. These can be read in full at **Attachment 1**. None of the submitters wished to speak to their submission.

Interested/Affected Parties	Planned Consultation	
Interested / Affected Parties	<p>Emails were sent to notify the following parties of consultation on the draft bylaw and invite feedback through Have Your Say site or via email:</p> <ul style="list-style-type: none"> <li>Natural Burials New Zealand</li> <li>Legacy Funerals</li> <li>Elliotts Funeral Services</li> <li>Hope Family Funerals</li> </ul>	
General Public	<p>Public feedback was sought through the Have Your Say site, email and hard copy forms.</p> <p>Information was made available online and at each of the Council's Libraries and Service Centres. This was promoted through inclusion in Council's electronic newsletter, and Antenno.</p>	<div>Planned</div> <div>Completed</div>

	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	The bylaw relates to the Council owned and managed cemeteries.  The Burial and Cremation Act 1964 includes provisions relating to private burials, which will be referred to the submitter.
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.

<b>Option A</b> <b>That the Strategy and Policy Committee adopts the Cemeteries Bylaw 2025 as contained in Attachment 2 (as released for consultation)</b>	
<b>Assessment of advantages and disadvantages including impact on each of the four well-beings</b> <ul style="list-style-type: none"> <li>• <b>Economic</b></li> <li>• <b>Social</b></li> <li>• <b>Cultural</b></li> <li>• <b>Environmental</b></li> </ul>	<u>Advantages</u> <ul style="list-style-type: none"> <li>• Ensures the bylaw is current and meets all required legislative requirements.</li> <li>• The bylaw will be legally valid for a further 10 years.</li> <li>• Aligns bylaw provisions with Council's level of service for natural burials.</li> </ul> <u>Disadvantages</u> <ul style="list-style-type: none"> <li>• No known disadvantages for this option</li> </ul>
<b>Costs (including present and future costs, direct, indirect and contingent costs).</b>	<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>
<b>Option B</b> <b>Status quo – Retain the Cemeteries Bylaw 2019 in its current form without amendment.</b>	

<p><b>Assessment of advantages and disadvantages including impact on each of the four well-beings</b></p> <ul style="list-style-type: none"> <li>• <b>Economic</b></li> <li>• <b>Social</b></li> <li>• <b>Cultural</b></li> <li>• <b>Environmental</b></li> </ul>	<p><u>Advantages</u></p> <ul style="list-style-type: none"> <li>• No known advantages for this option</li> </ul> <p><u>Disadvantages</u></p> <ul style="list-style-type: none"> <li>• Potential for confusion with impractical and obsolete provisions remaining in the Bylaws.</li> <li>• Will not give effect to previous Council decision to provide natural burial sites.</li> </ul>
<p><b>Costs (including present and future costs, direct, indirect and contingent costs).</b></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 problem<sup>2</sup>. 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.

<sup>2</sup> 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**  



**Western  
Bay of Plenty**  
District Council



# **Cemeteries Bylaw Review 2025**

Full Submission Pack

Contents		
<u>Name</u>	<u>Submitter ID</u>	<u>Page</u>
Sarah Rice	1	3
Oliver Marriner, Hope Family Funerals	2	4



**Western Bay of Plenty District Council**  
Private Bag 12803 Tauranga Mail Centre  
1484 Cameron Road, Greerton, Tauranga, 3112  
P 0800 926 732  
E [info@westernbay.govt.nz](mailto:info@westernbay.govt.nz)  
[westernbay.govt.nz](http://westernbay.govt.nz)

## Cemeteries Bylaw Review 2025

Submitter ID: 1  
Name: Sarah Rice  
Organisation:

Q1: Do you support the proposed changes to the bylaw which will enable Council to provide natural burials?

Yes

Q2: Please share why or why not.  
Is a step in the right direction

Q3: Do you support Council providing wider burial plots? (e.g. 1600mm wide instead of 1400mm)?

Yes

Q3: Please share why or why not  
I don't have a problem with this

Q3: Do you have any other comments on the proposed changes to the Cemeteries Bylaw?  
I would like it taken further. In the UK, my father is buried in a woodland burial ground. It was a farmer who decided to diversify into natural burials about 35 years ago. Cardboard coffins and native trees on every body will turn the space into a natural native woodland in time. Its nice to go back and visit Dads tree. His grave was marked with a wooden peg originally but now its just the tree. Its not attached to a regular cemetery, I would like the option to be buried in a similar manner and a similar space when my time comes. Funeral directors not required. Families can grieve and process better when they have the freedom to bury their loved ones in a way that they feel fit

Te Kaunihera a rohe mai i ngā Kuri-a-Whārei ki Ōtamarākau ki te Uru

SUB ID 2

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From: Oliver Marriner [REDACTED]  
Sent: Tuesday, 22 April 2025 10:19 am  
To: Your Place  
Subject: Submission for Cemeteries Bylaw (Hope Family Funerals and Legacy Funerals)

Kia ora,

Thank you for the opportunity to provide feedback on the proposed changes to the Cemeteries Bylaw. We appreciate the clarity offered in your responses to the questions raised and would like to offer the following submission, addressing several key areas:

### **1. Natural Burials**

We support the inclusion of natural burial options within the Cemeteries Bylaw and commend the Council for recognising the growing demand for more sustainable and environmentally conscious burial practices.

#### **Re-use Period**

We recommend that the bylaw specifies a *minimum* period before re-use of natural burial plots can be considered, to provide clarity and certainty for families. A period of at least 20 years would align with natural decomposition timelines. However, taking current sensitivities around re-use of plots into account, especially the fact that plot re-use is not common practice for New Zealanders, we advise a period of at least **50 years**.

We would also like to point out that we strongly support the planting of native trees on natural burial plots as a way to contribute to biodiversity and ecological restoration, which is in line with the natural burial philosophy. Consequently, we question whether the re-use of a plot is feasible in instances where a tree has been planted.

#### **Re-use Limitations**

We support that re-use would be restricted to natural burials, but would recommend further clarity in the bylaw itself to ensure plots cannot be repurposed for non-burial uses in the future.

#### **Use for Family or Cremated Remains**

We support allowing re-use by unrelated individuals, but would also suggest including the option for family members to indicate a preference for limiting re-use to relatives if desired. We also support the ability to use natural burial plots for cremated remains, provided they meet the same natural burial criteria.

#### **Burial Depth and Soil Layer**

Although this is considered operational, we believe it is critical that natural burials occur within the active soil layer to allow for proper decomposition. Even if this isn't included in the bylaw, it should be clearly outlined in operational guidelines and made available to the public.

SUB ID 2

**2. Wider Plots and Standard Plot Size****Wider Plots**

While we understand there has been increasing demand for wider caskets, our experience suggests this is still relatively uncommon. If Council is to change the bylaw to allow wider plots, we recommend that this be accompanied by clear data on the number of requests and justification for the proposed change. It is important that any increase in plot size does not result in reduced capacity or unnecessary cost increases for families.

**Costs**

We note that there is no proposed change in fees for wider plots at this time. We support this, and recommend that if this changes in the future, public consultation be conducted to assess community support for the additional cost.

In general, we encourage Council to continue improving transparency around burial practices, especially where bylaw and operational matters intersect. Families appreciate clarity, especially during emotionally challenging times. Thanks again for the opportunity to contribute to this important topic.

Finally, please pass this feedback on the Draft Fees and Charges on to the relevant team:

We also wish to acknowledge and appreciate that, as outlined on page 29 of the Draft Schedule of Fees and Charges 2025–26, cemetery plot fees are proposed to remain unchanged for the upcoming financial year. This provides welcome financial stability for families during a time of loss.

Ngā mihi nui,

Oliver Marriner, General Manager - Hope Family Funerals  
Kiri Randall, General Manager - Legacy Funerals





**Western Bay of Plenty District Council**

# **DRAFT Cemeteries Bylaw 20192025**

## **Explanatory Note**

This Bylaw promotes the orderly and efficient management of cemeteries under the Council's control.

It should be read in conjunction with any policy or Code of Practice which Council has adopted and publicly notified in relation to cemeteries under its control.



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## Authority

Pursuant to the powers vested in it under section 146(b)(v) the Local Government Act 2002, the Western Bay of Plenty District Council makes this Bylaw.

## Title

This Bylaw is the Western Bay of Plenty District Cemeteries Bylaw ~~2019-2025~~ and shall come into force on ~~30 September 2019~~[28 August ] 2025.

## Repeal

~~Chapter 3 of the Western Bay of Plenty District General Bylaw 2008 is repealed.~~

## Bylaw Structure

This Bylaw comprises the document.

## Scope

This Bylaw applies to the whole of the district administered by Western Bay of Plenty District Council, and other locations that are controlled by Western Bay of Plenty District Council, now and in the future.

## Validation

The Western Bay of Plenty District Council Cemeteries Bylaw ~~2019-2025~~ was duly made at a meeting of the Western Bay of Plenty District Council held on ~~29 August 2019~~[30 July 2025]; ~~after completion of the Special Consultative Procedure~~, and will come into force on ~~30 August 2019~~[ 28 August 2025:]



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### **Savings**

All approvals, permits, and other acts of authority (including any resolutions of the Council) which originated under Chapter 3 of the Western Bay of Plenty District Council General Bylaw 2008, and all applications, and other acts of parties and generally all documents, matters, acts, and things which so originated and are continuing at the commencement of this Bylaw, continue for the purposes of this Bylaw to have full force and effect.

The revocation of Chapter 3 of the Western Bay of Plenty District Council General Bylaw 2008 does not prevent any legal proceedings, criminal or civil, being taken to enforce that bylaw and such proceedings continue to be dealt with and completed as if that bylaw had not been revoked.



## Western Bay of Plenty District Council

# **DRAFT Cemeteries Bylaw** **20192025**

Pursuant to the powers vested in it under sections 16 and 40 of the Burial and Cremation Act 1964 and section 146 of the Local Government Act 2002, the Western Bay of Plenty makes this Bylaw.

### **Definitions**

**Act** means The Local Government Act 2002.

**Animal** means any living stage of any member of the animal kingdom except human beings and in the case of any mammal, bird, fish, or reptile includes the carcase.

**Approved** means approved by the Council or by an Officer of the Council authorised in that behalf, and "approval" has a corresponding meaning.

**Authorised Officer** means an officer or other person appointed by the Council to perform duties required under this Bylaw, irrespective of the designation given to that officer or person and includes any Police officer, with powers of entry as prescribed by sections 171–174 of the Local Government Act 2002

**Bylaw** means a Bylaw of the Council for the time being in force, made under the provisions of any enactment enabling the Council to make Bylaws.

**Cemetery** means any land for the time being vested in the Council or under its control and dedicated and opened as a cemetery.

**Consent** means the Consent in writing given by the Council under this Bylaw authorising the person to whom the Consent is given to carry out any action or activity which is controlled by the provisions of this Bylaw or of any statutory enactment.



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

**Driver** in relation to any ~~motor-vehicle~~, means any person who uses or drives the ~~motor-vehicle~~ on any Road, or causes or Permits it to be on any Road or to be driven on any Road, whether or not the person is present with the ~~motor-vehicle~~ and includes any person apparently in charge of the ~~motor-vehicle~~.

**Exclusive right of burial** is a right, purchased from Council, to be buried within a specified Cemetery and / or Plot, together with the ability to install a headstone or monument on the concrete beam and otherwise subject to:

- a) compliance, in all respects, with this Bylaw, including approval of any headstone or monument and payment of relevant fees;
- b) the lapse of such right in accordance with section 10 of the Burial and Cremation Act 1964
- c) such right not conferring any rights of ownership in the Cemetery or the land on which it is located.

**Footpath** has the meaning as in section 315(1) of the Local Government Act 1974.

**Natural burial** involves the interment of a body in a manner that does not put anything in the ground which doesn't decompose, and allows the body to return to nature without harming the environment, with such practices as:

- a) No embalming of the body;
- b) Non-toxic and biodegradable materials for all caskets, coffins, body coverings and ornaments; and
- c) No permanent monuments erected to mark the grave.

**Natural Burial Plot** means a grave plot within a cemetery in an area set aside for the purpose of Natural burials, laid off and shown upon the plan and shall have the dimensions of 2.5 m in length and 2.5 m in width.

**Nuisance** has the meaning as in the Health Act 1956, and includes anything obnoxious, offensive or injurious to the community or any member of it.

**Offence** includes any act or omission in relation to this Bylaw or any part of this Bylaw for which any person can be punished either on indictment or by summary process.



**Ornaments** are any object which is not structurally part of a headstone or concrete ~~berm/~~beam provided. This includes, but is not limited to a flower, wreath, pottery, vase, figurine, decoration, art, memorabilia, tribute and adornment.

**Person** includes any individual person, or group of individual persons bound together by common purpose, and includes a body corporate or body sole

**Plot** means a grave plot in a cemetery laid off and shown upon the plan and shall, unless otherwise expressly stated, unless it is a -Natural Burial Plot or a Wider Plot , haveing the dimensions of 2.4m in length by 1.2m-4m in width.

**Road** has the meaning as in the Land Transport Act 1998. It also means all land lying between the boarders of a road including Footpaths and berms.

~~**Section** means a property contained on one Certificate of Title and includes a cross-lease property.~~

**Sexton** means the person appointed by the Council as Sexton of the Cemetery.

**Vehicle** has the meaning as in the Land Transport Act 1998.

**Wider Plot** means a grave plot in a cemetery laid off and shown upon the plan and shall have dimensions generally 1.6m by 2.4m or otherwise at Council discretion.

**Writing, Written** or any similar term means and includes words printed, painted, engraved, lithographed, or otherwise traced or copied, and where anything is required to be written it may be partly in writing and partly in printing.



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## 1. Council Cemetery Policy

- 1.1 The Council may from time to time by resolution adopt a policy or Code of Practice for the purpose of maintaining, preserving, or developing the amenities or facilities of any Cemetery or Cemeteries or crematoria under its control, or for any other purpose which the Council considers necessary for the proper and lawful operation of Cemeteries or crematoria under the Council control.

## 2. Related Legislation

- 2.1 Nothing in this ~~Chapter of the~~ Bylaw derogates from any provision of, or the necessity for compliance with –
- a) Burial and Cremation Act 1964;
  - b) Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967;
  - c) Cremation Regulations 1973;
  - d) Health (Burial) Regulations 1946.

## 3. Rights of Burial

- 3.1 Subject to the provisions of the Burial and Cremation Act 1964, every Cemetery must be open for the interment of all deceased Persons, to be buried with such religious or other ceremony, or without any ceremony, as the family and friends of the deceased think proper.
- 3.2 Burials may be made in any Cemetery in the District, which has not been lawfully closed, subject, in the case of Cemeteries under the control of the Council, to the provisions of this Bylaw.
- 3.3 The Council may sell ~~Exclusive rights of B~~urial ~~Plots~~ according to the Council's normal terms and conditions, and where ~~an~~the ~~E~~xclusive right of burial has been granted in terms of section 10 of the Burial and Cremation Act 1964, that right may be subject to such terms and





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conditions as Council may prescribe.

- 3.4 Where a person has agreed to purchase ~~thean e~~Exclusive right of burial in any Plot or ground where no previous interment has taken place, such agreement shall lapse six months after the agreement date if the fee remains unpaid.

#### **4. Fees and Charges**

- 4.1 The fees and charges mentioned in this Bylaw do not include payment for any work required to be done beyond the actual digging of an ordinary grave and after burial, back-filling of the grave.
- 4.2 The Council may set fees and charges for all services provided for the operation and maintenance of Cemeteries and crematoria under its control.
- 4.3 The fees and charges payable in accordance with the provisions of this Bylaw may from time to time be amended or increased by the Council.

#### **5. Burial**

- 5.1 No interment may be made in any Cemetery without a burial warrant for that purpose, obtained from the Council by the person having the management or control of the burial, being presented to the Sexton as authority for burial.
- 5.2 The Council will not issue a burial warrant unless the fee for interment has been paid except that in the case of an interment under the control of a registered funeral director the Council may waive the need for prior payment and charge the cost directly to that registered funeral director.
- 5.3 Any burial must take place in the Plot as determined by the Council, and no headstone or monument may be erected unless all interment and other fees incurred at that time have been paid.
- 5.4 The minimum depth of a grave for a single interment must not be less than 1.6 metres and if more than one interment is to be made in the same



Plot then a further 400mm must be dug to form an extra depth grave of 2 metres. The minimum depth of ground cover over any casket must not be less than one metre. This clause 5.4 does not apply to a Natural Burial.

- 5.5 No person other than the Sexton ~~or his or her~~their assistant, or any ~~P~~erson approved by the Council and working under the direct supervision of the Sexton, may dig any grave or open the ground for burial in any part of the Cemetery. Any grave dug by any ~~"P~~erson approved by the Council" will still incur the appropriate burial fee.
- 5.6 Notification of an intended burial must be given to the Sexton at least eight working hours prior to the time fixed for the funeral, except in cases of emergency, when, on the certificate of a medical practitioner or Coroner's order, a shorter notice will be accepted.
- 5.7 Every ~~P~~erson who back fills in any grave Plot after a burial must do all levelling and reinstatement work at his or her own cost and under the direct supervision of the Sexton.
- 5.8 Upon written application to the Council and payment of the prescribed fees, the urn containing the ashes of any deceased person may be buried in the appropriate part of the Cemetery set aside for that purpose, or in any Plot subject to an ~~e~~Exclusive right of burial.

## **6. Natural Burial**

- 6.1 The Council may set aside areas within a Cemetery or specific Natural Burial Plots for the purpose of Natural burials and Natural burials shall only be permitted in such areas and / or Natural Burial Plots.
- 6.2 In line with the principles of returning to nature and low environmental impact parts of the Natural Burial Plot may be re-used in the future.
- 6.3 The minimum depth for a Natural burial shall be 800mm.
- 6.4 No planting shall be undertaken in or around the area of a Natural burial other than by Council or its contractors.
- 6.5 Permanent individual markers, memorials or monuments must not be placed in or around the area of a Natural burial. Only the use of



temporary, untreated wooden markers is allowed.

6.6 Other than the provisions of this clause 6, a Natural burial shall, in all other respects be consistent with the provisions of this Bylaw including the requirement for a burial warrant and payment of relevant fees.

## **6.7. Headstones and Monuments**

6.7.1 All above-ground grave structures, enclosures, ornaments, memorial headstones and other monuments may be installed only in accordance with a Consent issued by the Council and must be kept in good order and repair indefinitely by the purchasers of the Plots or their representatives.

Note: Headstone/monument maximum dimensions are available on the Council website at [www.westernbay.govt.nz](http://www.westernbay.govt.nz) within the Memorial Headstone Application form.

6.27.2 All ornaments must be confined to the bounds of the concrete ~~berm~~/beam located within the designated plot. Any ornament located outside of the concrete ~~berm~~/beam may be removed and disposed of by the Sexton or Council's ~~m~~Maintenance ~~c~~CContractors.

6.37.3 The Council may carry out regular inspections of memorial headstones and other monuments to ensure that they present no danger or inconvenience to both the public and the Council's ~~m~~Maintenance ~~C~~Contractors.

6.47.4 Subject to the provisions of the Burial and Cremation (Removal of Monuments and Tablets) Regulations 1967, the Council –

- a) may remove any installation of any kind that has fallen into a state of decay or disrepair; and
- b) may remove any item that did not receive consent under clause ~~7~~6.1; and
- c) must take a photographic record of the installation before it is removed and the photographic record must be retained in the Council's Cemetery records.



[6.57.5](#) Before any monumental work commences a drawing and specification of the proposed monument must be submitted to the Council for approval.

[6.67.6](#) Where the Council designates land for a Cemetery, Memorial Park or memorial feature, headstones and other monuments may only be erected subject to compliance with any relevant legislation and those conditions specified by the Council.

## **[7.8.](#) Control of Activities**

[7.18.1](#) No person may remove from the Cemetery or from any Plot within the Cemetery, any monument, tablet, vase, wreath, plant, flower, or any other thing without first obtaining the Consent of the Council.

[7.28.2](#) No person may do any work in any Plot in the Cemetery unless specifically authorised by the Sexton to do so.

[7.38.3](#) No tree or shrub may be planted in any part of any Cemetery by any person without first obtaining the Consent of the Council.

[7.48.4](#) No person may in or near any part of the Cemetery prevent, interrupt, or delay the decent and solemn burial of any body, or remains of any body.

[7.58.5](#) No person may, in or near any part of the Cemetery, so conduct himself or herself as to be offensive, to be a nuisance, or to cause annoyance to Persons lawfully within the Cemetery.

[7.68.6](#) Any person installing any memorial, or carrying out any other work in a Cemetery, within sight or sound of a funeral service must cease that activity and withdraw for the duration of the funeral service.

[7.78.7](#) Any wreath or other floral tribute may be placed on a Plot but the Sexton may at any time remove receptacles which are damaged or of a type not approved by the Council, or any material that in his or her opinion is neglected, unsafe or broken, and may also remove at any time dead flowers and dead foliage.

[7.88.8](#) No person may allow any ~~e~~A~~n~~imal within the Cemetery grounds without the Consent of the Sexton, with the exception of dogs.

[7.98.9](#) Dogs are required to be restrained on a leash at all times within the



Cemetery grounds.

~~7.108.10~~ Except at the specific request of the purchaser of a Plot or their representatives no person may, in any Cemetery, accept or solicit any custom from any other person for any work to be done in any Cemetery.

~~7.118.11~~ No person may take any photographs or moving images at a funeral without the consent of the funeral director or the family of the deceased.

~~7.128.12~~ No person may –

- a) drive or propel any ~~V~~vehicle of any kind in any Cemetery at a greater speed than 15km/h, or at a speed greater than that indicated on any ~~R~~oad or sign within any Cemetery; and
- b) unless authorised by the Council, drive or allow that ~~V~~vehicle to be on any part of any Cemetery except the ~~R~~oads open for vehicular traffic and in the direction indicated by traffic notices.

~~7.138.13~~ Vehicles may only be driven within the Cemetery grounds between the hours of 6.00am and sunset on the same day, unless prior arrangements have been made with the Sexton.

~~7.148.14~~ The Driver of any ~~V~~vehicle within the limits of a Cemetery must yield unconditional right of way to any funeral procession and must stop or move that ~~V~~vehicle as directed by the Sexton or his or her assistant.

## **~~8.9.~~ Exhumation**

~~8.19.1~~ Where an application for an exhumation is received by the Council, the exhumation must be conducted under section 51 of the Burial and Cremation Act 1964 and subject to payment of such fees as the Council prescribes.

## **~~9.10.~~ Offences and Breaches**

~~9.10.1~~ Every ~~P~~erson commits a breach of this Bylaw who:

- a) Does, or causes to be done, or permits anything to be done that is



contrary to this Bylaw; or

- b) Omits, or neglects to do, or permits to remain undone, anything which ought to be done by ~~that Person~~ ~~him or her~~ at the time and in the manner provided in this ~~B~~bylaw; or
- c) Does not cease any action which the ~~P~~person is required to cease under this Bylaw; or
- d) Knowingly permits or allows any condition of things to exist or continue to exist contrary to this Bylaw; or
- e) Fails, refuses or neglects to comply with any notice duly given to that ~~p~~Person under this Bylaw; or
- f) Obstructs or hinders any Officer of the Council or other ~~P~~person appointed by the Council in the exercise of any power conferred on that officer or other ~~P~~person by this Bylaw;
- g) Fails to comply with any notice, or direction, or conditions contained in any licence granted by the Council.

~~9.2~~10.2 If a ~~P~~person fails to comply with a lawful notice, request, or order, ~~duly~~ given by an Authorised Officer ~~or Enforcement Officer~~ under this Bylaw the failure, whether wilful or otherwise, to comply with that notice, request, or order is a separate Offence on each day that such ~~P~~person so fails to comply.

~~9.3~~10.3 Clause ~~9~~10.2 does not relieve any ~~P~~person from any penalty which ~~they he~~ ~~or she~~ may have incurred before receiving that notice, request, or order.

~~9.4~~10.4 Subject to any Act, any ~~P~~person (including a member of the Police) may lay any information for an Offence against this Bylaw.

## **10.11. Penalties**

~~10.11.1~~ Every ~~P~~person who commits an ~~O~~ffence against this ~~B~~bylaw is liable to –

- a) The penalty set out in section 242(4) of the Act, in relation to the provisions of the ~~B~~bylaw that are made under Part 8 of the Act; or



- b) Where another enactment specifies the penalty for a breach of the Bylaw, that other penalty in relation to the provisions of this ~~B~~ylaw that are made under that other enactment.

## 11.12. Right of Appeal

11.12.1 Any person who claims to be unfairly or adversely affected by any decision, order, or direction, ~~duly~~ given by an Authorised Officer of ~~thes~~ Council has the right of ~~a~~Appeal to the Council.

11.12.2 The ~~a~~Appeal must be in writing setting out the reasons for the ~~A~~appeal and must be lodged within fourteen (14) days of the date on which the decision, order, or direction was given.

11.12.3 The Council may appoint any standing committee of Council to consider the ~~A~~appeal and to hear Written or personal submissions from the appellant if the committee so decides.

11.12.4 The committee, after considering such evidence as it thinks necessary, may revoke, confirm, or modify the decision, order, or direction giving rise to the ~~a~~Appeal.

<b>Group</b>	<u>Strategy and Community</u>	<b>Contact (3rd Tier Manager)</b>	<u>Reserves and Facilities Manager</u>
<b>Supersedes</b>	<u>Cemeteries Bylaw 2019</u>		
<b>Creation Date</b>	<u>30 August 2019</u>	<b>Resolution Reference</b>	<u>-C29.12</u>
<b>Last Review Date</b>	<u>[ 30 July ] 2025</u>	<b>Resolution Reference</b>	<u>[ XXX ]-</u>
<b>Review Cycle</b>	<u>Ten yearly/legislative revisions, or as required</u>	<b>Date</b>	<u>[ 30 July ] 2035</u>
<b>Authorised by</b>	-	<b>Date</b>	<u>[ 30 July ] 2025</u>

### 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

## SIGNIFICANCE AND ENGAGEMENT

2. In terms of the Significance and Engagement Policy this decision is considered to be of **low** significance because the s17A recommends continuing with an external service provider.

## ENGAGEMENT, CONSULTATION AND COMMUNICATION

3. If there is no requirement for an engagement plan, please fill in the following table with other communication which may have taken place or be required to keep our communities fully informed.

Interested/Affected Parties	Completed/Planned Engagement/Consultation/Communication		
Name of interested parties/groups	Industry based research was undertaken through a market analysis.	Planned	Completed
Tangata Whenua	N/A		
General Public	N/A		

## ISSUES AND OPTIONS ASSESSMENT

Option A	
3. That Council outsource swimming pool delivery services to a commercial provider, noting the ability for tenderers to tender for a single pool or to manage both pools	
<b>Assessment of advantages and disadvantages including impact on each of the four well-beings</b> <ul style="list-style-type: none"> <li>• <b>Economic</b></li> <li>• <b>Social</b></li> <li>• <b>Cultural</b></li> <li>• <b>Environmental</b></li> </ul>	<b>Advantages</b> <ul style="list-style-type: none"> <li>• Pool safe requirements will be met and maintained</li> <li>• Improved community activation</li> <li>• Increased focus of accessibility and diversity to meet community demands</li> <li>• Qualified experienced staff</li> </ul>

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

### 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** 



## **Aquatic Services Provision**

Service Delivery

Section 17A Local Government Act

January 2023

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### Document Control

Author	Change	Date of Issue	Version
Brendon Rope (Xyst Limited)	First Draft	9 January 2023	1.0
Brendon Rope (Xyst Limited)	Final Draft	20 January 2023	Final

## Definitions

- **Funding arrangement** - involves the manner in which the financial resources are provided to support a service, including both the mix of revenue and capital sources and any arrangement or agreement that governs the provision of these resources (contracts, trust deed, etc).
- **Governance arrangement** – revolves around who has the right to make binding decisions about the overall objectives for the provision of the service and sets the strategic framework in which the service operates. In the Local Authority context, governance options fit into two broad categories – political or arm’s-length.
- **Service delivery arrangement** - describes the body and agreement between agencies for service provision.

## Common acronyms used:

**BVL** - Bay Venues Limited

**CCO** - Council Controlled Organisation

**CCTO** - Council Controlled Trading Organisation

**LGA** - Local Government Act 2002

**OAG** - Controller and Auditor General

**HDC** - Hauraki District Council

**MOE** - Ministry of Education

**MPDC** - Matamata-Piako District Council

**RLC** - Rotorua Lakes District Council

**TA** - Territorial Authority

**TCC** - Tauranga City Council

**WDC** - Whakatane District Council



Figure 1 Territorial Authority Boundaries

## Executive Summary

The Western Bay of Plenty District is served by two public swimming pool facilities that are open to the public for recreational enjoyment. One is Council owned and the other is Ministry of Education owned but Council operated. These facilities require professional management to meet the operational requirements, industry standards and public expectations. Further to this, the services need to provide the resident population with value for money in terms of the delivery of outcomes and minimised operational costs to Western Bay of Plenty District Council (WBOPDC).

The WBOPDC has outsourced the aquatic services delivery of the two facilities independently. One is operated by the Dave Hume Pool Trust and the other by a private commercial operator. Benchmarking with other councils nationally (using Yardstick) shows the WBOPDC facilities are lagging behind in attendance levels.

This review has been conducted to determine the most appropriate service delivery model to achieve the desired outcomes in a cost effective way. It has been initiated due to the nature of changing service delivery requirement from two seasonal aquatic facilities to two indoor, all-year-round aquatic facilities. The long term plan identifies indoor aquatic facilities in Katikati and in Te Puke. It has followed the review requirements as defined under Section 17A of the Local Government Act 2002.

A range of seven options has been considered and, through a first stage assessment of benefits, five are deemed appropriate to meet service delivery expectations. Of these, four are outsourced options and the other option is for WBOPDC to operate the pools in-house.

This report recommends that WBOPDC initiate procurement of a commercial provider of aquatic services to deliver for both aquatic facilities.

WBOPDC has limited time to progress with the services delivery option given the Dave Hume Pool roof project is planned to be completed in Spring 2023. The Te Puke Pool may continue as it is for additional years until the replacement pool is complete. A decision should be confirmed at least six months in advance of the takeover date.

Through the second stage assessment two options are deemed to be the strongest options with a third that could also be tested if Council wishes to consider it further. The two options identified to be suitable provide confidence in being able to meet the key criteria and WBOPDC's vision, mission and values. The options have been ranked by suitability, but these should be tested by direct dialogue with Bay Venues Ltd (BVL) and a business case developed for the in-house option.

WBOPDC has limited time to progress with the services delivery option given the Dave Hume Pool roof project is planned to be completed in Spring 2023. The Te Puke Pool may continue as it is for additional years until the replacement pool is complete. A decision should be confirmed at least six months in advance of the takeover date.

Author note: For the design of a new Te Puke pool, the National Aquatic Facilities Strategy 2023 will be a key guidance document. It is planned to be released in July 2023. In terms of relevance to this review, one of the guiding principles to achieve functional design will be to include pool facilities operator input in the design journey. This will enable securing operational efficiencies and avoid functional design flaws.

## 1 Introduction

### 1.1 Why is Council reviewing this service?

A service delivery review is a process of determining whether the existing means for delivering a service remains the most efficient, effective and appropriate means for delivering that service. The legislation requires that a service delivery review should periodically assess “the cost-effectiveness of current arrangements for meeting the needs of communities within its district or region for good quality local infrastructure, local public services, and performance of regulatory functions”.

Taituarā<sup>1</sup> guidance has emphasised that the term cost effectiveness is not the same thing as ‘least cost’. Councils must also consider the effectiveness of current arrangements. Cost effectiveness is therefore much more consistent with ‘least cost consistent with the achievement of the council’s objectives for delivering the service’.

The scale of the aquatic services is relatively small so the efficiency gain will also be of a small scale. WBOPDC is cognisant that there are inherent health and safety risks associated to provision of aquatic facilities and services. A primary focus of this review is to minimise those risks for the most cost-effective option.

### 1.2 What might Council gain from carrying out this review?

The potential benefits of undertaking a service delivery review include:

- **Efficiency gains** - In reviewing the funding, governance and service delivery arrangements for a particular service, Council may identify cost savings or a reduction in resource requirements, improving the cost efficiency of the service.
- **Improvements in services** - Council may identify ways to improve the service delivered to the community and reduce risks.
- **Improving relationships** - with other Local Authorities, community groups and private sector providers.
- **Better understanding of available options** - Improving the understanding of the options for this service is a valuable exercise even if Council decides not to make any changes, minimising risk of complacency.

### 1.3 Scope of the review

This review provides a full and independent review in accordance with Section 17A of the LGA. The aquatic services subject to this review are limited to the current aquatic facilities which Council owns and that Council is a stakeholder in for aquatic facility provision.

- *a funding arrangement* involves the manner in which the financial resources are provided to support the service, including both the mix of sources of revenue or capital and any arrangement or agreement that governs the provision of these resources (such as a contract, deed of trust ,etc)
- *a governance arrangement* revolves around who has the right to make binding decisions about the overall objectives for provision of the service and sets the strategic framework in which the service operates. In the Local Authority context governance options fit into two broad categories – political or arm’s-length (which in itself is a catch-all term for a variety of models ranging from corporate forms to various forms of trusts)

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<sup>1</sup> Taituarā is the national membership organisation for local government professionals whose purpose is to promote and support professional management in local government.



- *a service delivery arrangement* essentially describes the body that physically undertakes the work or provides the service.

The review is largely completed as a desktop exercise given the future of the pools will evolve from being seasonal facilities to being indoor all-year-round facilities. The Dave Hume Pool Trust does not have the appetite to continue the service delivery once the pool facility is an all-year-round one; Cathy and Tony Shaw are interested pending what the final pool facility is.

## 2 Background

### 2.1 National context

The aquatics sector is not regulated through specific legislation. To provide guidance for the industry Recreation Aotearoa<sup>2</sup> partnered with Water Safety New Zealand and Sport New Zealand and developed the Aquatic Facility Guidelines 2015. This is the industry standard for operating public pools in Aotearoa. Recreation Aotearoa has also developed the PoolSafe Quality Management Scheme to provide an independent assessment of public pools to ensure that their operations and facilities are safe.

### 2.2 Aquatic services

For the purpose of this review aquatic services are considered to be the provision of the operational management services of Council-owned aquatic facilities including:

- compliance with health and safety risk management obligations - qualified pool plant and water quality management, and qualified supervision of aquatic activities
- quality of service delivery - public access and benefits appreciated by the community
- value for money - quality of service for the investment

The review includes services relating to the Council-owned pool in Katikati, the Dave Hume Pool, and the Ministry of Education owned pool in Te Puke, the Te Puke Memorial Pools.

### 2.3 Aquatic related legislation

**Health and Safety at Work Act 2015:** This Act is intended to reduce and minimise harm to both people working in and those moving around places of work. There are obligations within the Act for employers and other controllers of places of works. Council has multiple obligations for recreational facilities with regard to employees, contractors and also the public to manage safety.

**Local Government Act 2002 (LGA):** States the purpose of local government and provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them. For open spaces it provides for local authorities to assume a broad role in meeting the current and future needs of their communities for good-quality local infrastructure, local public services and performance of regulatory functions.

**Health Act 1956 –** This places a duty on every Local Authority in Section 23 to improve, promote and protect public health within its district. This involves identifying potential health risks and ensuring that these risks are managed to within acceptable levels.

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<sup>2</sup> Recreation Aotearoa is the professional association acting as the voice of Recreation in Aotearoa, representing all professionals in the industry.

## 2.4 Local context

### 2.4.1 Population trends

Western Bay of Plenty district is located in northwest Bay of Plenty region. As determined by the most recent census the district had a population of 51,321 as of 2018<sup>3</sup>. The population of the district has grown by 17.5% since 2013, an acceleration from the 2006 to 2013 period of 4.5%. It is estimated that the population will grow by 8.4% (4,864 people) in the next five years

As of 30 June 2021, the Western Bay of Plenty District's population projection will be 57,355. The population is expected to reach around 69,980 by 2038<sup>4</sup>. Most of this growth has come from immigrants and migration from other parts of New Zealand<sup>5</sup>.

19% of the district's population identify themselves as Māori which is higher than the national average of 17%.

The median age of the population is 45.2 years, significantly higher than the national median of 37.4 years. 19% of the population in the district are less than 15-years old, very close to the national average of 20%. And 21% of residents in the district are over 65-years old, higher than the national average of 15%<sup>6</sup>.

The two townships that have aquatic facilities have populations of significance and also serve the wider surrounding catchments:

- Katikati (5,010 resident population, with growth of 22.3% since 2013, an acceleration from the 2006 to 2013 period of 13%.)
- Te Puke (8,688 resident population – East and West Te Puke, with growth of 17.5% since 2013, an acceleration from the 2006 to 2013 period of 6.2%.)

### 2.4.2 District deprivation measures

A consideration for the townships is the New Zealand Index of Deprivation (NZDep). The NZDep is an area-based measure of socioeconomic deprivation in New Zealand. It measures the level of deprivation for people in each small area. It is based on nine census variables.

NZDep is displayed as deciles. Each NZDep decile contains about 10% of small areas in New Zealand.

- Decile 1 represents areas with the least deprived scores
- Decile 10 represents areas with the most deprived scores

The Katikati township has a deprivation level 7 in the immediate catchment. The Te Puke township has a deprivation level ranging from 8 and 9 in the immediate catchment<sup>7</sup>.

### 2.4.3 Aquatic skills

In terms of aquatic capability of the district's residents there is no objective data available. One indicator is the Water Safety New Zealand drowning statistics. In the period of 1 January 2017 to 31 December 2021 there were nine preventable drownings.<sup>8</sup>

<sup>3</sup> <https://www.stats.govt.nz/tools/2018-census-place-summaries/western-bay-of-plenty-district>

<sup>4</sup> WBOPDC Long Term Plan 2021-2031

<sup>5</sup> WBOPDC Annual Plan 2022-23

<sup>6</sup> WBOPDC Annual Plan 2022-23

<sup>7</sup> 2018 New Zealand Index of Multiple Deprivation: <https://ehinz.ac.nz/indicators/population-vulnerability/socioeconomic-deprivation-profile/#Ref1>. It is important to note that:

- NZDep estimates relative socioeconomic deprivation for areas, not people.
- NZDep should not be used to look at changes in absolute deprivation over time as 10% of areas will always have the most deprived scores.
- The indicators used for each NZDep may change from census to census.

<sup>8</sup> Preventable drowning fatalities 2017-2021 and drowning hospitalisations 2017-2021 - Western Bay of Plenty, Water Safety New Zealand

#### 2.4.4 Local context summary

Due to the population growth WBOPDC are planning to increase the provision of aquatic facilities. The delivery of the services from these facilities will need to be cost effective and affordable for residents to access. The aquatic service delivery will need to facilitate an increase in water skills to contribute to reducing the drowning statistics of the District.

### 2.5 Organisational Overview

WBOPDC is the territorial authority for the Western Bay of Plenty district, based in the city of Tauranga, with service centres in Barks Corner (Tauranga), Ōmokoroa, Katikati, Te Puke and Waihi Beach. WBOPDC has approximately 300 employees.

Council delivers on eight service areas to the community that are directly attributable to Section 10 of the LGA 2002. These activities fulfil the purpose of local government to enable democratic local decision making and action by, and on behalf of, communities, and to meet the current and future needs of communities for good quality local infrastructure, local public services and performance of regulatory functions in a way that is most cost effective for households and businesses. A further three areas support Council to deliver these activities. These are: administration, finance and information technology.

#### 2.5.1 Vision for the district

The WBOPDC Vision is<sup>9</sup>:

“Council will be recognised as a leader providing strong governance and efficient, effective services through understanding the identity of our communities.”

The key elements of the District Vision are:

- *we can all enjoy a healthy and safe lifestyle*
- *our communities are vibrant and welcoming*
- *leaders are effective, informed and inclusive*
- *our environment is clean, green and valued*
- *our economy is thriving*

The WBOPDC activities to meet community outcomes are<sup>10</sup>:

- Planning for the Future | Mahere ki Raurangi. In consultation with our communities and guided by our sustainable development approach, we plan for the future.
  - Develop, monitor, review and advocate policy and plans that support the achievement of our vision for the District, our community outcomes and the direction provided by SmartGrowth.
- Community Building | Paihere Hapori. As part of the Communities Strategy, our Community Building activity involves working with our communities and local organisations to achieve social and cultural wellbeing.
- Libraries and Service Centres | Wharepukapuka me Papa Ratonga. Our libraries and service centres sit at the heart of our community. They provide welcoming and inclusive spaces where people can connect and access knowledge. Our libraries empower people through literacy, learning and free access to information and resources. Reading, digital fluency, free computer access and training are all central to our libraries. They also house our local

<sup>9</sup> <https://www.westernbay.govt.nz/council/our-vision-and-mission>

<sup>10</sup> WBOPDC Long Term Plan 2021-2031

heritage, stories and history. Our libraries and service centres belong to everyone and contribute to connected communities where lifelong learning opportunities thrive.

- **Community Facilities | Hanga ā-Hapori.** As part of the Communities Group of activities, community facilities include community halls, elder housing and cemeteries. Community facilities contribute to achieving social and cultural wellbeing. They contribute to having communities where people are connected and feel they belong, have access to adequate housing, and have spaces where they can be active and healthy and learn and contribute.
- **Recreation and Open Space | Rēhia me Papa Wātea.** Our recreation and open space network plays an important role in contributing to the social, environmental, cultural and economic wellbeing of our community.
- **Regulatory Services | Ratonga Waeture.** As a regulator we are required to take a balanced response to decision making by considering the competing rights of individuals and groups to undertake particular activities.
- **Stormwater | Waiāwhā.** Council's stormwater network is designed to manage the risk of flooding and coastal erosion to buildings and property, in a way that avoids negative impacts on the environment. The stormwater network includes watercourses, open channels, swales, pipes and structures that channel stormwater to a final discharge point. It includes primary and secondary overland flow paths, stormwater detention and stormwater treatment.
- **Transportation | Rangawaka.** Council's transportation activity aims to provide a safe and effective transportation network which contributes to the health and wellbeing of the community. An efficient transport network enables economic development that is of district, regional and national importance. The network provides strategic transport links to the Port of Tauranga which has the largest maritime import/export freight volumes in New Zealand.
- **Water Supply | Puna Wai / Kohinga Wai.** We supply potable (drinking) water to over 16,000 properties in our District through water infrastructure operating in the Western, Central and Eastern supply zones. Our customer base includes residential, commercial, horticultural and agricultural.
- **Natural Environment and Sustainable Living | Taiao Māori me Nohonga Tautīnei.** Council's Environment Strategy sets out Council's contribution to achieving a clean, green and valued environment.
- **Wastewater | Waipara.** Council aims to ensure that wastewater treatment and disposal systems are sustainable and continue to meet environmental and health and safety standards. We will continue to encourage households to explore and implement measures that reduce wastewater volume per person.
- **Solid Waste | Paratotoka.** Our sustainable development approach to the management of solid waste activities across our District. Human activity is inextricably linked to the health of our natural environment. A healthy environment is essential for overall wellbeing and prosperity. With our population growing, demands on our natural resources will increase. The challenge is to lessen our impacts on the environment and reduce consumption and waste.
- **Economic Development | Whanake Taiōhanga.** This activity focuses on Council's role in supporting economic development, tourism, promotions, events and town centre development.

- Support Services | Ratonga Taunaki. Our Corporate Plan guides the activities that support our staff to produce their best work and deliver the highest standards of service to our customers.

#### 2.5.2 2021 Long Term Plan decisions relating to swimming pools | Ngā hōpua

- A new pool facility in Te Puke in 2026, at a cost of \$15million. \$10million will be funded by Council, from rates and financial contributions. We will also spend \$300,000 in 2022 on upgrades to keep the existing pool functioning. Most of the upgrades will be able to be repurposed into the new pool facility, eg filters.
- An upgrade for Dave Hume Pool in Katikati to cover the facility, at a cost of \$2million. This will be followed by a new pool being built post 2040.
- Land purchase to secure a site for a new swimming pool facility in Ōmokoroa (new pool to be constructed post 2040).

#### 2.5.3 Wellbeing plan

WBOPDC developed the Wellbeing Plan to inform and provide context for the Long Term Plan. This carries three areas of focus: social / cultural, economic, and environmental wellbeing. The District's pools have particular contribution to social / cultural wellbeing but are also a consideration to economic and environmental wellbeing.

#### 2.6 Community value from aquatic services

The aquatic facilities closely align with the WBOPDC vision statement. They are valued local assets and provide opportunity for the residents to swim safely in a controlled environment. The pools provide opportunity for recreational swimming, swimming for fitness, learning to swim, to learn water safety skills and, to some level, swimming for competition.

#### 2.7 Levels of service

At the time of writing this report, WBOPDC provides two aquatic facilities; both are seasonal (open through the warmer months of the year).

There are plans to develop the Dave Hume Pool (Figure 2) into an all-year-round pool by enclosing the main pool with a roof structure. In the longer term a new pool facility is planned to be built in Katikati. WBOPDC are also planning on building a pool in Ōmokoroa in the future. These two pools will serve the western area of the district.

There are also plans to replace the Te Puke Memorial Pools (Figure 3) with an all-year-round pool in Te Puke, the eastern area of the district.



Figure 2 Dave Hume Swimming Pool<sup>11</sup>



Figure 3 Te Puke Memorial Pools<sup>12</sup>

The levels of service were recently increased through the 2021-2031 Long Term Plan process. The levels of service are now the delivery of indoor pools at Te Puke, Katikati, and Ōmokoroa.

The plans to increase aquatics provision changes the context of the service delivery, ie currently two seasonal pools with narrow service delivery and a seasonal workforce through to two/three all-year-round facilities that will have wider services delivered and require an all-year-round dedicated workforce.

### 2.8 Current service delivery

Both pools are operated slightly differently.

<sup>11</sup> <https://hail.to/katikati-college-western-bay-of-plenty/article/demK3r3>

<sup>12</sup> <https://www.facebook.com/TePukeMemorialPools/about>



### *Dave Hume Pool*

The Dave Hume Pool is operated by a private not-for-profit charitable trust, the Dave Hume Swimming Pool Trust (the Trust). The Trust employs staff to deliver the aquatic services including a pool manager, lifeguards and learn-to-swim instructors. The services available include:

- casual public swimming
- regular lap swimming
- regular group hire for training and fitness (eg Waihi Beach Surf Club)
- aqua fitness programmes
- learn-to-swim classes
- Katikati College has swimming access (obligation to be reserved for the school 8.30am-3.30pm on school days under the Memorandum Of Agreement dated 1 November 1972<sup>13</sup>) and pays an agreed sum of \$7,000 per annum.

WBOPDC engages the Trust on a triennial service delivery contract that is current from 1 July 2020 to 30 June 2023. Council pays the Trust a consulting fee to support the pool being open and available to the community. The Trust retains all admission revenue.

### *2.8.1 Te Puke Memorial Pools*

The Te Puke Memorial Pools is operated by WBOPDC under direct contract with Cathy and Tony Shaw. The services available include:

- casual public swimming
- regular lap swimming
- regular group hire for training and fitness (eg Te Puke Swimming Club)
- aqua fitness programmes
- learn-to-swim classes (through Te Puke Swimming Club)
- Te Puke High School has swimming access (agreement to be reserved for the school on school days) and pays an agreed sum of \$7,000 per annum.

WBOPDC pays Cathy and Tony Shaw a consulting fee to support the pool being open and available to the community.

The pool is also independently supported by advocate group Friends of Te Puke Memorial Pools.

### *2.8.2 Other publicly available aquatic facilities*

In addition to council facilities there are school pools, retirement village pools and private learn-to-swim pools. Sit-and-soak pools with a leisure and tourism focus are located in various places across the sub-region including Omokoroa, Oropi, Mount Maunganui and Athenree.

## *2.9 How the service was delivered in 2021/22*

As noted earlier the mechanism for delivery for both pools is through individual Service Delivery Contracts. The contracts include operating the facilities, maintaining the water quality and supervising the swimmers. A key measure of the performance of the contracts is the attendance of the pools. To understand the level of utilisation there are several measures that can be used. Total admissions per annum is a high-level measure but can be associated to the area of facility provision and resident numbers to provide more targeted comparison.

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<sup>13</sup> Memorandum of agreement 1972 between the County of Tauranga, the South Auckland Education Board, and the Katikati Swimming Club (Inc).

It has to be noted the service delivery will be significantly increased when both pools are all-year-round pools and this is addressed in point 7.4

### 2.9.1 Dave Hume Pool

**Error! Reference source not found.** summarises the utilisation levels over the last four years of the contract.

*Table 1 – Utilisation measures of performance Dave Hume Pool*

Dave Hume Pool	2017-18	2018-19	2019-20	2020-21
Total Admissions for all activities	13,094	22,903	19,784	16,555
WBOPDC cost per visit	\$5.60	\$4.15	\$5.05	\$6.16
Admissions per m <sup>2</sup> of pools	26	46	40	33
Yardstick <sup>14</sup> survey national median	168	135	135	Not available
Annual number of visits to aquatic facilities per district rate payer	0.26	0.45	0.39	0.32
Annual number of visits to aquatic facilities per direct catchment rate payer	2.61	4.57	3.95	3.30
Yardstick comparison district councils - district population	4.64 <sup>15</sup>	4.38 <sup>16</sup>	3.76 <sup>17</sup>	Not available

The cost to WBOPDC per visit is low for a seasonal aquatic facility. The utilisation is low in comparison to both admissions per m<sup>2</sup> and annual number of visits to aquatic facilities per district ratepayer. The direct catchment visit rate is comparable with the benchmark data.

### 2.9.2 Te Puke Memorial Pool

**Error! Reference source not found.** summarises the utilisation levels over the years of available data. There is insufficient attendance data to provide a full picture of the aquatic activity so the information presented is limited in what it can tell us.

*Table 2 - Utilisation measures of performance Te Puke Memorial Pool*

Te Puke Memorial Pool	2017-18	2020-21
Total admissions for all activities	12,369	5,478 <sup>18</sup>
WBOPDC cost per visit	\$6.47	\$14.60
Admissions per m <sup>2</sup> of pools	19	8
Yardstick survey national median	168	Not available
Annual number of visits to aquatic facilities per district rate payer	0.24	0.11

<sup>14</sup> Yardstick is a benchmark tool used by local authorities to measure performance delivery in the recreation services sector.

<sup>15</sup> Population data comes from <http://nzdotstat.stats.govt.nz/wbos/index.aspx> for 2018 and the District Council data available in Yardstick for 2018 relates to: Central Otago District, Gore District, Gisborne District, Queenstown Lakes District, Selwyn District, Waipa District, Wairoa District, and Waitaki District

<sup>16</sup> Population data comes from <http://nzdotstat.stats.govt.nz/wbos/index.aspx> for 2018 and the District Council data available in Yardstick for 2019 relates to: Porirua City, Queenstown Lakes District, Queenstown Lakes District and Waitaki District

<sup>17</sup> Population data comes from <http://nzdotstat.stats.govt.nz/wbos/index.aspx> for 2018 and the District Council data available in Yardstick for 2020 relates to: Dunedin City, Gore District, Porirua City, Queenstown Lakes District, Queenstown Lakes District, and Waitaki District

<sup>18</sup> The attendance data available captured the months of December, January, and February only.



Te Puke Memorial Pool	2017-18	2020-21
Annual number of visits to aquatic facilities per direct catchment rate payer	1.42	0.63
Yardstick comparison district councils - district population	4.64 <sup>19</sup>	Not available

The cost to WBOPDC per visit is low for a seasonal aquatic facility. The utilisation is low in comparison to both admissions per m<sup>2</sup> and annual number of visits to aquatic facilities per district ratepayer. The direct catchment visit rate is also low (30%) when compared with the benchmark data.

While the lower utilisation across both pool facilities will be attributed to a range of factors the two most obvious are:

- the access to alternative pool space within the catchment, eg Tauranga city pools
- the access to natural bodies of water and domestic swimming pools

In terms of Western Bay of Plenty district residents' access to pools, it must be noted that there is a network of aquatic facilities that includes:

- school pools
- neighbouring local authority pools
- private swim schools

The access for residents to alternative pools available within the catchment influences the overall provision requirements on the WBOPDC facilities (a full pool facility network assessment is not within the scope of this service delivery review).

### 3 Governance arrangements

At the time of writing the aquatic services activity is governed by the full Council. After the recent local body elections the new triennium committee structures were yet to be finalised.

The **Te Puke/Komiti Taiwhenua and Katikati Community Boards** provide feedback to Council on issues that relate to the pools, to make annual submissions on expenditure within the respective communities and to make recommendations to full Council on matters of interest or concern to the respective communities. They do not have delegated authority to make decisions.

### 4 Ownership/asset management/service delivery

There are a number of characteristics and requirements that are common to both in-house service delivery and outsourcing of facility management<sup>20</sup>:

- The quality and skills of facility or business unit management, strong and trusting relationships, understanding of costs and revenue potential, and an ability to effectively market the facilities to maximise access and participation **all** contribute to successful facility management.

<sup>19</sup> Population data comes from <http://nzdotstat.stats.govt.nz/wbos/index.aspx> for 2018 and the District Council data available in Yardstick for 2018 relates to: Central Otago District, Gore District, Gisborne District, Queenstown Lakes District, Selwyn District, Waipa District, Wairoa District, and Waitaki District

<sup>20</sup> From the 2013 Territorial Authority Community Sport and Recreation Facility Management Choices in New Zealand: Research Report by Sport New Zealand

- The Local Authority **owns the assets** and is also responsible for provision for depreciation and asset renewal, maintenance or replacement for the life of the facility (30–50 years).
- The Local Authority must ensure **good asset management** planning in identifying long-term facility needs and upgrades. This will increase the choices available to Local Authorities when they are considering how their sport and recreation facilities will be managed.
- **Risks need to be managed** regardless of the management model. A Local Authority has full control of risk with in-house management (but will be exposed to risk if it does not understand its cost structures and revenue potential). Outsourcing can reduce risk (but poorly written contracts and leases often result in the Local Authority retaining risk). Developing partnerships can result in sharing or transferring risk.
- Sport and recreation facilities must meet appropriate **health and safety standards**. Swimming pools that are PoolSafe accredited will meet the required standards for safe public access.
- **Economic objectives** (asset utilisation, cost and revenue) must be balanced with **social objectives** (access and participation).
- The Local Authority needs to ensure its own **brand and image** are reflected because, regardless of who manages the facility, the public perception will be that the Local Authority is responsible for its operation. A trust or private operator may “capture” the brand opportunity and in so doing undermine or alienate the Local Authority’s brand and image.
- **Reputation risk** is linked to performance, and if loss of reputation results in the loss of the service or contract there is a greater incentive to perform to a high level.

For the aquatic facilities WBOPDC has two different ownership/asset management/service delivery situations:

1. Dave Hume Pool - WBOPDC owns the land, the buildings and structures. WBOPDC takes responsibility for the asset renewals and the repairs and maintenance for all issues other than small day-to-day items. Through the service delivery contract the Trust is responsible for the delivery of aquatic programmes, all pool admission activity, the hygiene and presentation of the facilities, and managing the water quality.
2. Te Puke Memorial Pools – The land is owned by iwi and leased by MoE. MoE owns the buildings and structures. WBOPDC has contributed to asset renewals and covers all repairs and maintenance. WBOPDC has the responsibility for the delivery of aquatic programmes, all pool admission activity, the hygiene and presentation of the facilities, and managing the water quality during the community opening hours. This responsibility is delegated through contract to Cathy and Tony Shaw.

## 5 Funding arrangements

The aquatic services are included within the Infrastructure Group of services and the funding ratio public to private for capital construction projects is 67% and 33% respectively but for operational costs is non-determined. Funding is predominately from rates with a portion of revenue from user charges. There are no other significant sources of external revenue to offset the cost-of-service delivery.

### 5.1 Operating costs

The agreed annual service delivery contract fee for the Dave Hume Pool is \$102,000 plus GST<sup>21</sup>. The fee is applied to the management cost of the Facilities including staff, management salaries, utilities and the administration costs.

For Te Puke the agreed annual service delivery contract fee is \$80,000 under much the same management cost arrangement as Dave Hume Pool.

### 5.2 Repairs and maintenance costs

Repairs and maintenance expenditure has been reactive over the years as plant, equipment and fittings failures have occurred. WBOPDC commissioned a condition assessment for the Dave Hume Pool and produced an asset management plan (HSPT planned maintenance 2019-2045 - revised April 2020). Provisional values are budgeted for based on this plan.

WBOPDC also commissioned a condition assessment for the Te Puke Memorial Pool and an asset management plan (Asset Management Plan\_2022). Provisional values are budgeted for based on this plan.

### 5.3 Capital contributions

Similarly capital expenditure has been reactive over the years as plant, equipment, fittings or building failures have occurred. The condition assessments have helped to determine the required capital investment into the near future. WBOPDC will need to update the facility asset management plan for the Dave Hume Pool once the roof development work is complete and develop one for the new Te Puke Pool.

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<sup>21</sup> Dave Hume Swimming Pool Service Delivery Contract, Contract Number 20-1051

## 6 Review of service

### 6.1 Introduction

Section 17A of the LGA2002 requires Council to review the cost effectiveness of the aquatic services current arrangements for governance, funding and service delivery. This section details potential options for each of these elements which are common across the three activities of public conveniences, cemeteries and open space.

In the first instance, the Service Delivery Reviews take a 'first-pass' at the options outlined in Section 17A. These have been aggregated to three high level options:

1. **In-house service delivery** – WBOPDC officers are responsible for delivering the service, while Council governs, making decisions about policy and funding.
2. **Outsourcing** – Some or all of the activity is outsourced to a third party contractor, including other councils or CCOs.
3. **Shared service arrangements with other councils** – This would include entering into shared service arrangements for some or all of the activity, through a joint committee, CCO or merger.

As identified in the 2013 Territorial Authority Community Sport and Recreation Facility Management Choices in New Zealand: Research Report by Sport New Zealand, there were six main management models operating for sport and recreation facilities<sup>22</sup>:

1. In-house management: 64% of Territorial Authorities manage one or more of their facilities in-house.
2. A Council Controlled Organisation (CCO): 4.5% of Territorial Authorities have one or more sport and recreation facilities managed by a CCO.
3. Contracted or leased to a private provider: 21% of Territorial Authorities contract out management of one or more facilities to a private provider.
4. Contracted or leased to a community trust or committee: 30% of Territorial Authorities contract out management of one or more facilities to a community trust or committee (including 7.5% who contract to an RST).
5. A mixed management model: 33% of Territorial Authorities have a mixed model that may include in-house, CCO and outsourcing to a private contractor, community trust or committee.
6. A "hands-off" model: 7.5% of Territorial Authorities do not own sport and recreation facilities, preferring instead to support community provision.

The available options that match the WBOPDC aquatic facility context are introduced below and then a more detailed analysis of issues and options is presented.

### 6.2 Phase one options assessment

The available options are considered on the following assumptions:

- The Te Puke Memorial Pools facility will be a new facility on WBOPDC land in 2026. If the facility remains on MoE land there will need to be a clear determination of responsibilities when it comes to the responsibilities for building renewals and general repairs and maintenance.

<sup>22</sup> From the Territorial Authority Community Sport and Recreation Facility Management Choices in New Zealand: Research Report by Sport New Zealand

- The Dave Hume Pool will become an all-year-round pool from September 2023.
- The service delivery period will be from September 2023 to August 2032 (ten years).

*6.2.1 Option 1 – Status Quo Dave Hume Pool – outsource aquatic services delivery to not-for-profit entity*

Outsourcing the service delivery of an activity to another person or agency (LGA, 2002 S17 (A) (4) (b) (iii); S17 (A) (4) (b) (iv)). The aquatic service is delivered by a third party not-for-profit provider. This may be in the form of an independent charitable trust set up to manage the pools. The responsibility for admissions, supervision, water treatment, facility presentation and hygiene is delegated to the not-for-profit provider. Responsibility for building renewals and general repairs and maintenance remains with WBOPDC.

*6.2.2 Option 2 - Status Quo Te Puke Memorial Pool - Outsource aquatic services delivery to commercial provider/s*

Outsourcing the service delivery of an activity to another person or agency (LGA, 2002 S17 (A) (4) (b) (iii); S17 (A) (4) (b) (iv)). The aquatic service is delivered by a third party commercial provider<sup>23</sup>. The responsibility for admissions, supervision, water treatment, facility presentation and hygiene is delegated to the commercial provider. Responsibility for building renewals and general repairs and maintenance remains with WBOPDC.

*6.2.3 Option 3 - Outsource full aquatic facility delivery to commercial provider/s*

Outsourcing the service delivery of an activity to another person or agency (LGA, 2002 S17 (A) (4) (b) (iii); S17 (A) (4) (b) (iv)). The facility management service is delivered by a third party commercial provider<sup>10</sup>. The responsibility for admissions, supervision, water treatment, facility presentation and hygiene, repairs and maintenance, plant and equipment renewals, and all utilities is delegated to the commercial provider.

*6.2.4 Option 4 – Outsource full aquatic facility delivery to not-for-profit/charitable trust*

Outsourcing the service delivery of an activity to another person or agency (LGA, 2002 S17 (A) (4) (b) (iii); S17 (A) (4) (b) (iv)). The aquatic service is delivered by a third party not-for-profit provider. This may be in the form of an independent charitable trust set up to manage the pools. The responsibility for admissions, supervision, water treatment, facility presentation and hygiene, repairs and maintenance, plant and equipment renewals, and all utilities is delegated to the not-for-profit provider.

*6.2.5 Option 5 - In-house full aquatic facility delivery*

Delivering services through an in-house option (LGA, 2002 S17A (4a)) means that WBOPDC is responsible for the governance, funding and full service delivery including admissions, supervision, water treatment, facility presentation and hygiene, repairs and maintenance, plant and equipment renewals, and all utilities.

*6.2.6 Option 6 - Full aquatic facility delivery by CCO wholly owned by WBOPDC*

Delivery by a CCO would entail governance and funding by WBOPDC with delivery by a CCO wholly owned by Western Bay of Plenty District Council. (LGA, 2002 S17A(4)(b)(i)). A separate CCO wholly owned by the Western Bay of Plenty District Council could be established with the responsibility for admissions, supervision, water treatment, facility presentation and hygiene, repairs and maintenance, plant and equipment renewals, and all utilities.

<sup>23</sup> For the purposes of this review organisations such as YMCA Auckland are identified as commercial providers. While they are a not for profit entity they perform the facility management function in the same manner as commercial providers.

### 6.2.7 Option 7 - Shared services model for aquatic services delivery

The delivery of service through a shared model (LGA, 2002 S17 (A) (4) (b) (ii,); S17 (A) (4) (c)), whether it be through a joint committee, CCO, or merger with another council. The agreed responsibilities would be for admissions, supervision, water treatment, facility presentation and hygiene, repairs and maintenance, plant and equipment renewals, and all utilities.

### 6.3 Phase one option selection

To determine the option/s that should be considered the Phase one approach has been to conduct a high-level assessment using the Suitability, Feasibility and Acceptability (SFA) framework<sup>24</sup>. This considers the options under a strategic lens and rules out those that do not meet the threshold.

**Suitability:** this is the extent to which the strategic opportunity is suitable for WBOPDC. It is the first consideration and takes into account:

- alignment to the Council's vision, goals and objectives
- current Council capabilities and the requirement to extend capabilities
- has opportunity optimise cost effectiveness
- has potential to secure opportunities and minimise threats
- creates or capitalises on competitive advantage

**Feasibility:** this is the extent to which the strategic option is feasible. This involves looking at strengths and weaknesses that arise from an internal analysis and considers:

- people
- capital
- expertise
- capacity
- market environment

**Acceptability:** the acceptability of a strategic choice arises by examining two criteria, financial aspects, and the extent to which the choice fits in with Council stakeholders.

The assessment criteria scoring is based on a risk and benefit criteria as outlined in Table 3.

Table 3 – Criteria scoring levels

High risk / Low benefit	Moderate risk / Low benefit	Moderate risk / High benefit	Low risk / High benefit
0	1	2	3
There are factors that indicate significant risk for a low realisation of benefit	There are factors that indicate risk for a low realisation of benefit	There are factors that indicate risk but this is balanced with realisation of high benefit	There are limited factors that indicate risk while achieving realisation of high benefit

<sup>24</sup> <https://www.toolshero.com/marketing/sfa-matrix/>

#### 6.4 Initial Options Analysis for aquatic services

Table 4 summarises the service delivery options considered for the delivery of aquatic services.

*Table 4 – Options initial assessment results*

	Suitability	Feasibility	Acceptability
<b>Option 1 – Status Quo – Outsource aquatic services delivery to not-for-profit/charitable trust</b>	<b>2</b> Accommodates community engagement opportunities Aligns with current Council capabilities Limited delivery and fiscal controls	<b>2</b> Low internal people resource requirement Risk of volunteer personnel changes	<b>2</b> Social responsibility alignment Outcomes achieved from operational funding efficiency
<b>Option 2 - Status Quo – Outsource aquatic services delivery to commercial provider</b>	<b>1</b> Aligns with current Council capabilities Limited delivery and fiscal controls	<b>3</b> Low internal people resource requirement Specialist industry expertise secured	<b>2</b> Risk of conflict between commercial drivers and community activation Potential for outcomes achieved from operational funding efficiency
<b>Option 3 - Outsource full aquatic facility delivery to commercial provider</b>	<b>1</b> Aligns with current Council capabilities Limited delivery and fiscal controls Delegated property responsibility increases fiscal risks	<b>1</b> Low internal people resource requirement Specialist industry expertise secured Limited external funding sources creating a higher risk proposition for the provider, elevating the financial expectation on WBOPDC and adds commercial pressure to succeed	<b>1</b> Risk of conflict between commercial drivers and community activation Risk to condition of plant and facility

	<b>Suitability</b>	<b>Feasibility</b>	<b>Acceptability</b>
<b>Option 4 – Outsource full aquatic facility delivery to not-for-profit/charitable trust</b>	<b>2</b> Aligns with current Council capabilities Limited delivery and fiscal controls Delegated property responsibility creates fiscal risk but also opportunities (external funding access) Accommodates community engagement opportunities	<b>2</b> Low internal people resource requirement A higher risk proposition for the provider elevating the financial expectation on WBOPDC and adds pressure to succeed but external funding access may eliminate this Specialist industry expertise secured	<b>2</b> Social responsibility alignment Outcomes from operational funding efficiency
<b>Option 5 - In-house full aquatic facility delivery</b>	<b>3</b> Requires Council to extend capabilities Full delivery and fiscal control	<b>1</b> High internal people resource requirement Organisational capacity risks to be able to “flex” for seasonal delivery Requirement to secure and sustain specialist industry expertise	<b>2</b> Social responsibility alignment Potential for outcomes achieved from operational funding efficiency
<b>Option 6 - Full aquatic facility delivery by CCO wholly owned by WBOPDC</b>	<b>2</b> Requires Council to extend capabilities Delivery and fiscal controls	<b>0</b> Scale of services does not support the efforts required governance costs to establish a CCO	<b>0</b> Scale of services does not support the efforts required to establish a CCO
<b>Option 7 - Shared services model for aquatic services delivery</b>	<b>2</b> Limited delivery and fiscal controls	<b>3</b> Low internal people resource requirement TCC is the only likely partner through Bay Venues Ltd and WBOPDC would need to be confident in their service delivery Specialist industry expertise secured Scale provides confidence of the ability to “flex” when needed	<b>2</b> Social responsibility alignment Potential for outcomes achieved from operational funding efficiency



#### 6.4.1 Phase one option assessment summary

To progress through to a deeper assessment the score of six or greater has been determined as the threshold. This identifies the following to be considered further in section 7:

Option 1 – Status Quo – Outsource aquatic services delivery to not-for-profit/charitable trust

Option 2 – Status Quo – Outsource aquatic services delivery to a commercial provider

Option 4 – Outsource full aquatic facility delivery to not-for-profit/charitable trust

Option 5 - In-house full aquatic facility delivery

Option 7 - Shared services model

#### 6.5 More detailed commentary for those ruled out

##### 6.5.1 Option 3 - Outsource full aquatic facility delivery to commercial provider

Benefits of outsourcing an activity can include greater effectiveness as the contractor is generally considered a 'specialist' in their field with the skills and processes to get the work done efficiently, minimising organisational risk, and a reduction in capital, operational and staff costs (including recruitment, training and retention).

The additional benefits from option 2 to WBOPDC under this option is a clearer delineation of responsibilities for property management in terms of maintaining the building and plant. Some of the capital burden can be delegated to the provider therefore reducing the WBOPDC costs.

The disadvantages of outsourcing can include a reduced customer-focused service with not having staff based in-house, less understanding of local needs and issues and, depending on the governance structure chosen, challenges with maintaining local autonomy in governance and decision making. Outsourcing also requires contract management including regular procurement, processing claims, reviewing and auditing performance, and resolving disputes in the event that the outcomes of outsourcing do not deliver as promised.

Other disadvantages can include<sup>25</sup>:

- A contractor will accurately assess the true costs and potential revenue and this may disadvantage the Local Authority in negotiations and result in a contract at less than a fair contract value.
- A contractor may focus on profit-generating activities (the contract and reputational risk will usually ensure there is a balance).
- Specification by the Local Authority is difficult and managing a contract is open to dispute. Resources must be provided to manage the relationship and monitor contract delivery.
- The contractor's profit motive may not align with the values of the Local Authority (but can be secured through the contract).
- A contractor may attempt to cover up an emerging problem for fear of jeopardising the contract or the relationship. The problem then becomes bigger at a later stage.
- There is potential for disagreement about who is responsible for maintenance. Trust is needed to ensure decisions that are fair to both parties.

<sup>25</sup> From the Territorial Authority Community Sport and Recreation Facility Management Choices in New Zealand: Research Report by Sport New Zealand

- Poorly maintained assets may result from poorly executed contracts that are based on the term of the contract relationship rather than the life of the asset.
- Financial targets may reduce the focus on club sport and community based activities at the facilities, eg swim clubs.

The additional disadvantages of delegating full aquatic facility delivery include a greater management fee and increased risk of poorly maintained assets.

#### *6.5.2 Option 6 CCO/CCTO owned by Western Bay of Plenty District Council*

Given the small scale of the aquatic services delivery it is unlikely that the additional governance and support costs would justify establishing a separate CCO.

The [Controller and Auditor General \(OAG\) has provided useful advice](#) for councils considering setting up a CCO or CCTO. The OAG has noted a number of potential benefits that are frequently cited including:

- improved commercial focus – that is, operating a company with a professional board of directors with the objective of achieving greater operating efficiency
- tax effectiveness – local authorities can derive tax credits from commercial subsidiaries that pay dividends
- independence – separation from political direction
- streamlining bureaucracy, enabling nimbleness and agility – CCOs have less "process" to follow in making decisions than Local Authorities
- economies of scale, where shared services CCOs combine several Local Authorities' similar activities
- the ability to recruit and retain high-quality board members and staff who might not be available to be members or employees of a Local Authority

The OAG has also noted a number of possible disadvantages including:

- the Local Authority's lack of direct accountability to the community for the services the CCO delivers
- tensions between the objectives of pursuing profit and delivering community outcomes
- additional ongoing costs – the costs incurred by the Local Authority in monitoring the performance of the CCO, and the CCO's own costs, can increase overall service delivery costs; and
- reduced ability to manage risk – arm's-length delivery can make managing risks to the reputation of the Local Authority more difficult

In our view the disadvantages outlined above are relevant and likely to occur if the service was to be delivered by a CCO/CCTO. We consider the possible disadvantages outweigh the potential benefits.

Given the small scale and seasonal delivery of aquatic services we consider that there would be limited to no value-for-money improvements and more likely a reduction. As such this option is discounted and will not be assessed further in the detailed analysis of issues and options presented below.

## 7 Detailed service delivery assessment – aquatic services

The Council provides two aquatic facilities. They are located 60km apart with the city of Tauranga in between. This is relevant in terms of the challenge this poses to leveraging staff resources across the two facilities if they were to be operated by one entity.

The aquatic services delivered from these facilities have operated under a Council-funded Service Delivery Contract with the Dave Hume Swimming Pool Trust, and a similar Council-funded Service Delivery Contract with Cathy and Tony Shaw.

The contracts do not include repairs and maintenance.

### 7.1 What is the cost?

The delivery cost of aquatic services delivery for Council in 2021/22 was \$180,000. The total operational cost of aquatic service delivery is determined as \$257,000.

The funding ratio is determined as 30:70, private:public. This is an expected level of funding split for aquatic service delivery throughout New Zealand.

The revenue from user charges is retained by Dave Hume Pool Trust. WBOPDC retains the user charges for Te Puke (approximately \$20,000 pa) including booking fees from schools and the swim club.

This review is focused on the service delivery so has not investigated the repairs and maintenance, or capital costs.

### 7.2 What works well?

#### 7.2.1 Dave Hume Pool

- The Dave Hume Pool Trust has operated the pool facility since 1996. The Trust has developed in-depth knowledge of the pool and how it operates
- The model is very cost effective for Council
- The Trust is highly community connected and community focused
- The governance is clear, defined from management, and pro-swimming
- Management is “invested” in doing a great job at low cost

#### 7.2.2 Te Puke Pool

- Cathy and Tony Shaw have operated the pool facility for two seasons
- They have strong community connections and have a positive customer service style
- They are pro-swimming
- The management of lifeguards has been good

*Author notes: To provide confidence in management it would be advisable for WBOPDC to:*

- *require PoolSafe accreditation for both pools*
- *independently seek customer satisfaction feedback*

### 7.3 What could be improved?

There are several areas of improvement identified that could occur under the current delivery model but would translate over to all-year-round facilities.

#### **Pool activation**

The pools have opportunity to engage wider audiences and connect with non-traditional pool user organisations. Greater connection with local marae and wider iwi organisations was an observation by Council staff.

#### **Safety management assurance**

Currently WBOPDC monitors the compliance of water quality management at both pools internally. This could be improved by requiring the pools to be PoolSafe accredited and then by conducting internal assessments throughout the season to ensure continued PoolSafe standard compliance.

#### **Administration management – Te Puke**

Improved financial and performance reporting would be desirable. Introducing digital management systems for recording all business activity, user numbers, receipting of purchases, etc.

### 7.4 What are the considerations for the future?

Under the current context the key issues for aquatics service delivery include:

- aging outdoor facilities to be addressed as noted earlier
- currently reliant on a small number of committed key personnel with unknown succession plans
- the heightened risk of a pandemic or other natural disaster
- ongoing challenges to secure qualified locally based staff
- population growth and aquatic provision gaps
- Ministry of Education reduced priority on non-core curricular facilities causing increased demand on remaining pools in the network

Looking ahead to when the two pools are all-year-round indoor facilities many of these will still apply but the facilities will be either new or significantly upgraded. Pending the service delivery model, the following considerations need to be addressed by Council.

#### **7.4.1 Cost of delivery will increase**

Two indoor facilities operating 12 months per year will have an annual operating cost of approximately \$950,000 to \$1,150,000<sup>26</sup>. Noting that the features included in a facility and the option of delivery will influence this (the cost of learn-to-swim instructors was excluded from the Dave Hume Trust Feasibility Report and a general rule of thumb is that an effectively run learn-to-swim programme will incur instructor costs of 40% of sales).

The cost of delivery is offset by user charges for pool entry and for the services provided. The most lucrative aquatic service delivery is learn-to-swim classes, and other specialist classes can also provide surpluses to support operational costs. At a high level it is reasonable to expect the learn-to-swim income for each catchment could be \$250,000-\$400,000 per annum. Delivery of the Water Skills for Life programme can provide an additional \$30,000-\$40,000 per annum. The pool admission fees should be approximately \$50,000-\$100,000. Additional bookings income \$20,000-\$30,000. As

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<sup>26</sup> As proposed in the three options for the Dave Hume Pool in the Dave Hume Trust Feasibility Report, October 2019, Watershed.

demonstrated in Table 5 the income for a low- and high-performing facility can have a marked effect on the bottom line.

*Table 5 - High level operational financial performance estimations*

Income	Low performance	High performance
Admission fees	\$ 50,000	\$ 100,000
Learn to swim	\$ 250,000	\$ 400,000
Water Skills for Life	\$ 30,000	\$ 40,000
Other bookings	\$ 20,000	\$ 30,000
<b>Total income</b>	<b>\$ 350,000</b>	<b>\$ 570,000</b>
Expenditure		
Base assumption (Watershed)	\$ 1,150,000	\$ 950,000
Additional LTS & WS4L instructor costs	\$ 112,000	\$ 176,000
<b>Total expenditure</b>	<b>\$ 1,262,000</b>	<b>\$ 1,126,000</b>
<b>Surplus/Deficit</b>	<b>-\$ 912,000</b>	<b>-\$ 556,000</b>
<b>Private funding contribution</b>	<b>27.7%</b>	<b>50.6%</b>
<b>Public funding requirement (rates)</b>	<b>72.3%</b>	<b>49.4%</b>

This provides an estimated picture of what the service delivery annual cost might be for an indoor aquatic facility, a range of \$550,000 to \$915,000. WBOPDC will need to be prepared to fund each indoor aquatic facility to this level.

*Author Note: Once the needs assessment and concept design to meet those needs is completed, financial modelling should be conducted to a greater depth of detail. It will need a clear understanding of the market users, the price point resistance, programmes of delivery, schools who will engage in programmes, prime hours for programme delivery, etc.*

#### *7.4.2 Level of aquatic services delivery expectation will increase*

With new/upgraded and indoor facilities there will be a higher expectation of the service delivery than what it is currently. Increased compliance with water quality, maintaining opening hours (ie weather events will not close the facility), supervision standards, instruction standards, facility presentation and customer service will all come under greater customer/public scrutiny.

As noted earlier, WBOPDC would be advised to seek third party endorsement of aquatic facility management through PoolSafe. It would also be advisable to seek instructor qualifications for specialised programme delivery, for example Austswim for Learn to Swim Instructors, REPs registration for fitness/exercise instructors, etc. While qualifications are not measures of delivery performance, they do provide confidence that the individuals have the knowledge to deliver.

## 8 What are the options for delivery?

The five options identified through the initial options analysis have been considered further for the suitability of the delivery of this service.

A key consideration for the analysis of the appropriate and preferred option/s is the distance between the two facilities and the limitation of leveraging staff resourcing across the two sites. This means a single entity operating both pools will be able to have some efficiencies for back-of-house/administration and management functions but will have little opportunity to have a shared resource of frontline staff.

### 8.1 Option 1 – Status Quo – Outsource aquatic services delivery to not-for-profit/charitable trust

This approach may occur in two ways. WBOPDC leads the establishment of a not-for-profit/charitable trust to manage pool facilities, or to contract with an existing community not-for-profit/charitable trust.

Author note: If this was to be the model WBOPDC pursues it is recommended to engage an already established not-for-profit/charitable trust that has the capability and scalability to take on the extra facilities.

The advantages and disadvantages of not-for-profit/charitable trust management model that is important when considering this option are<sup>27</sup>:

#### Advantages

- It is a low-cost option for WBOPDC (trust governance is on a voluntary basis with high community involvement) and flexible employment conditions
- A funding agreement (or contract) between WBOPDC and trust can clearly set expectations for quality service delivery and efficiency gains
- A trust governance structure focuses on the delivery of a single activity without the distraction of multiple and often competing activities within Council
- Trusts may not be driven to make a profit and are able to consider the wellbeing of the community
- Trusts may provide an opportunity for the TA to share or transfer risk (particularly with regards to asset funding through external sources)

#### Disadvantages

- Activities must be of sufficient scale to warrant the expense of setting up trust structures and systems
- If the management and marketing systems established by the trust are inefficient, this may result in low access and participation.
- Trustee selection processes must be robust to avoid “capture” by self-interest groups or individuals and ensure commercial and community experience
- Political appointments are often made to trusts, which may result in conflicts of interest
- WBOPDC may have increased risk if the trust does not have management capability or an entrepreneurial approach

<sup>27</sup> Territorial Authority Community Sport and Recreation Facility Management Choices in New Zealand: Research Report by Sport New Zealand

### Assessment

Similar to the reason for ruling out the CCO option the scale of the opportunity does not warrant setting up a specific trust (or other not-for-profit entity). However engaging an already established Trust would be conceivable. Dave Hume Pool Trust has worked successfully, most evident in recent years, and there are examples of successful trusts operating multiple pool facilities. For example, Waipa Community Facilities Trust (GoWaipa) operating Waipa District Council's two indoor facilities.

The model GoWaipa operates under for the Waipa district pools is full aquatic facility delivery where they take responsibility for capital expenses of the facility.

### 8.2 Option 2 – Status Quo – Outsource aquatic services delivery to a commercial provider

Benefits of outsourcing an activity can include greater effectiveness as the contractor is generally considered a 'specialist' in their field with the skills and processes to get the work done efficiently, minimising organisational risk, and a reduction in capital, operational and staff costs (including recruitment, training and retention).

The disadvantages of outsourcing can include a reduced customer-focused service with not having staff based in-house, less understanding of local needs and issues and, depending on the governance structure chosen, challenges with maintaining local autonomy in governance and decision making. Outsourcing also requires contract management including regular procurement, processing claims, reviewing and auditing performance, and resolving disputes in the event that the outcomes of outsourcing do not deliver as promised.

Other disadvantages can include<sup>28</sup>:

- A contractor will accurately assess the true costs and potential revenue, and this may disadvantage the Local Authority in negotiations and result in a contract at less than a fair contract value
- A contractor may focus on profit-generating activities (the contract and reputational risk will usually ensure there is a balance)
- Specification by the Local Authority is difficult and managing a contract is open to dispute. Resources must be provided to manage the relationship and monitor contract delivery
- The contractor's profit motive may not align with the values of the Local Authority (but can be secured through the contract)
- A contractor may attempt to cover up an emerging problem for fear of jeopardising the contract or the relationship. The problem then becomes bigger at a later stage
- There is potential for disagreement about who is responsible for maintenance. Trust is needed to ensure decisions that are fair to both parties
- Poorly maintained assets may result from poorly executed contracts that are based on the term of the contract relationship rather than the life of the asset
- Financial targets may reduce the focus on club sport and community-based activities at the facilities, eg swim clubs

### Assessment

The context of the type of commercial provider varies. The current engagement is with a small, single pool facility commercial management provider. Other options are large scale commercial operators that manage multiple pool facilities, eg CLM in RLD.

A small operator that is local and community connected has a higher likelihood of being in tune with the community and the ability to connect with the community. A larger operator may not have the

<sup>28</sup> From the Territorial Authority Community Sport and Recreation Facility Management Choices in New Zealand: Research Report by Sport New Zealand

embodied community connection, but they will have greater resources to call on, and marketing capacity to ensure expected delivery levels are met.

Either type of commercial provider is a valid option, however if WBOPDC has intention to have consistency of service delivery across both pools and reduce internal management resource requirement, a single operator for both pool facilities is advised.

### 8.3 Option 4 – Outsource full aquatic facility delivery to not-for-profit/charitable trust

Transferring the asset ownership to a not-for-profit/charitable trust has the same base advantages and disadvantages as Option 1 however the additional benefits are:

- The opportunity for WBOPDC to transfer the risk (asset capital renewals) to the not-for-profit/charitable trust. A not-for-profit/charitable trust has ability to secure asset funding through external sources for these expenditure items.
- All aquatic related income remains within the aquatic facilities for reinvestment, ie it is not taken as a profit out of the district.

The obvious risk for this option is a potential reliance on external funding sources that reduce in availability or disappear altogether. There is also the reputational consideration where external funding sources are being directed to a Council asset creating an opportunity cost to other community projects/groups.

#### Assessment

Engaging an already established and successful trust that will take responsibility for the building renewals and general repairs and maintenance as well as service delivery is very attractive. Balancing the risks associated, WBOPDC will still be in a strong position should the risks be realised.

### 8.4 Option 5 - In-house full aquatic facility delivery

In many instances there are obvious reasons for delivering internally, including providing customer-focused service, understanding local needs and issues, and maintaining local autonomy with governance and decision making.

On the other hand, service delivery in-house requires staff recruitment, retention and training costs, which can be challenging in high-skilled positions where retention is often an issue for smaller provincial local authorities. For activities with small teams, covering staff absences can be a concern, particularly in compliance-based activities with legislative timeframes.

The district pools have not been managed in-house by WBOPDC. For WBOPDC to bring the service delivery in-house will require additional personnel that have an interest in pools, the capability and the experience to provide a level of service that meets customer needs and WBOPDC's risk management expectations.

#### Advantages

- WBOPDC will have a high level of control over social demands and returns – it is not profit driven
- If there is a clear understanding of cost structures and revenue potential, WBOPDC has a high degree of control over managing risk
- WBOPDC will have control over budgets, pricing, programming, staffing and facility maintenance
- Profits can be invested back into the facility or WBOPDC, rather than losing them to the private sector
- WBOPDC will have ownership and control of branding of the facilities (same look and feel)



- WBOPDC accountability is simplified, with one organisation responsible for the delivery chain
- WBOPDC retains institutional knowledge
- WBOPDC will have direct interface with customers
- Skills can be leveraged within WBOPDC, in particular, management and financial skills
- WBOPDC elected officials have a more direct influence on operational policy based on constituent expectations
- WBOPDC can have a strong commitment to facility-based club sport, eg swim club
- Tax efficiency is achieved (if profit making)

#### Disadvantages

- WBOPDC may not have a contract that defines quality standards to be achieved (there may be internal levels of service contracts)
- WBOPDC may lack marketing and entrepreneurial flair, and this will impact on access and participation (not nimble in responding to new ideas and taking risks with new programmes)
- Sport and recreation facilities often suffer from short-term funding decisions versus long-term planning
- If the WBOPDC doesn't know the cost structures and revenue potential, this will compromise its ability to manage risk
- WBOPDC may have low incentive or demand to control costs or grow participation to increase the ROI (financial risks)
- WBOPDC will have resources tied up in assets (direct and indirect)
- Standard HR practices may limit the opportunity to incentivise staff or manage poor performance in a timely way
- WBOPDC will have high dependence on key personnel for continuity of quality service
- Front-line professional standards may not be reinforced by WBOPDC if sport and recreation is not a high priority
- WBOPDC may not encourage employment of specialists which may impact on service quality
- Political control and interference may lead to poor decision making impacting on facility utilisation

#### Assessment

In-house delivery is an option for WBOPDC. The current level of asset and plant management activity addresses the facility provision aspects. If in-house delivery is to be contemplated it would require WBOPDC to make a commitment to customer-facing service delivery for the pools. That commitment would need to be at least the same or higher level of service than what is being achieved under the current delivery model.

The current Reserves and Facilities team has a level of understanding of how to manage the asset and associated plant to provide the water quality management. WBOPDC will require investment in staff recruitment and training, programme delivery, booking management systems, third party payment services (or do this inhouse), etc, and would need to be confident that this would not be a greater financial commitment than the current management contract.

#### 8.5 Option 7 - Shared services model

To be effective the option of shared services requires a clear understanding of the governance, funding and delivery structure. Where the responsibilities lie in terms of achieving agreed outcomes and how decisions are made.

Shared services models, when they work effectively, can deliver a range of benefits to local councils and their communities. The key benefits can include:

- cost-efficiencies through economies of scale

- access to specialist expertise
- improvements in service
- improved compliance with regulations and standards

The realisation of these benefits is challenging, and can be constrained by:

- lack of political or managerial commitment
- uncertain benefits
- conflicting objectives
- process complexities

The conditions for successful shared service models have been considered by LGNZ in their 2011 paper titled 'Shared Services for Local Government'<sup>29</sup>. The filters outlined in Part B of the paper assist in the assessment of an activity's suitability for shared service arrangements.

If deemed suitable, then a business case needs to be developed for the activity to determine the type of shared service arrangement. A key part of this process is consultation with affected parties, including a thorough assessment of the commitment of other organisations to a shared service model. Community engagement would also need to be considered early in the process.

The advantages and disadvantages of clustering with other councils (or shared services) model when considering this option are:

#### Advantages

- WBOPDC may be able to provide higher quality services than might be possible with a single council
- WBOPDC may have the opportunity to provide a hierarchy of facilities of different quality across another district/city
- Opportunity to rationalise aging facilities that are likely to require increased maintenance over time and replace them with high quality facilities
- Cost savings may be possible through a shared service approach to provision and maintenance
- Increased marketing and programming expertise may be possible
- Benefits from increased scale when exploring alternative management options
- Councils can collaborate rather than compete with neighbouring facilities in close proximity

#### Disadvantages

- There may be loss of direct control over facilities in which WBOPDC has invested
- Branding and WBOPDC identity may be lost where there is one council managing facilities on behalf of two or more
- Responsibility for maintenance and renewal would need to be clearly specified in a contract
- Opportunities might be limited because of the distance between districts or cities

In terms of the opportunities available to WBOPDC the neighbouring local authorities are:

- HDC to the north
- MPDC and SWDC to the west
- RLC and WDC to the south
- TCC in the east (aquatics service deliver through BVL)

These councils provide aquatic services to varying levels and in a range of models. A summary of these are:

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<sup>29</sup> Sourced from <http://www.lgnz.co.nz/assets/Uploads/Shared-services.pdf>

**HDC** – Has three community pools located in Ngatea, Paeroa and Waihi. All are seasonal outdoor pools. Ngatea has a 30m, 6 lane pool, and a small learner's pool. Paeroa pool is 25m, 6 lanes. The Waihi pool is a school facility with a 30m, 7 lane pool. The pools are managed in-house, although the Waihi Pool is a MoE facility. The facilities are not PoolSafe accredited.

**MPDC** – Has three aquatic facilities Matamata, Morrinsville and Te Aroha. Matamata has an indoor all-season pool and spa (although it is seasonal at the time of writing due to the roof structure being removed because of building seismic structural assessment), a 25m outdoor lane pool, and a dive pool. Morrinsville is a seasonal outdoor facility with a 50m lane pool, toddler pool and a learners' pool. The pools are managed in-house. The facilities are not PoolSafe accredited.

**SWDC** - Has one aquatic all-seasons facility in Tokoroa and two seasonal pools in Putāruru and Tīrau. The Tokoroa facility includes a 25m, 6 lane pool, a tiered leisure pool with graduated depths, a hot spa and exercise spa pool adjacent to one another. Other facilities include a community room, a children's outdoor play area and BBQ and picnic surrounds adjacent to the building. Both the Putāruru and Tīrau facilities are 25m, 5 lane pools with a toddler pool adjacent. The pools are managed in-house. The facilities are not PoolSafe accredited.

**RLC** – Has one aquatic all-seasons facility in Rotorua. It includes a 50m, 8 lane heated outdoor pool pool (open year round), an indoor 25m, 8 lane pool, a learners' pool, a range of spas, a lazy river and a splash pad. The facility is a PoolSafe facility and is contracted out to a commercial provider, CLM.

**WDC** - Has one aquatic all seasons facility in Whakatane and a seasonal pool in Murupara. The Whakatane facility includes a 25m, 6 lane indoor pool, a 33m, 6 lane enclosed outdoor pool (open year round), gymnasium and a learners' pool. The Murupara facility is a 33m, 6 lane pool with a toddler pool adjacent. Both the facilities are PoolSafe. The pools are managed in-house.

**TCC** – Has five aquatic facilities: Baywave, Greerton, Memorial, Otumoetai and Mount Hot Pools. Baywave includes an indoor 25m, 10 lane lap pool, a leisure pool with a wave machine, a spa pool, a sauna and a hydroslide. Greerton includes a 25m, 7 lane lap pool, a hydrotherapy pool and a learners' pool. Memorial includes a 25m, 6 lane lap pool and a learners' pool. Otumoetai includes a 25m, 6 lane heated pool with a toddler pool adjacent and is enclosed by a fabric structure. Mount Hot Pools includes a range of spa and relaxation/therapy pools. All the facilities are PoolSafe. The pools are managed by Bay Venues Ltd, a TCC CCO.

#### Assessment

From what is known of the neighbouring councils, we can assess some key attributes that indicate suitability for the WBOPDC specific situation:

- Operational management – as an independent measure of quality practices can the prospective operator demonstrate capacity and motivation to achieve PoolSafe accreditation for the WBOPDC pools?
- Serviceable outreach – is there confidence that the challenge of distance from the network of facilities will not negatively influence service delivery?

*Table 6 - Assessment of neighbouring councils attributes to deliver aquatic services for WBOPDC*

Local Authority	Operational management (PoolSafe Accreditation)	Serviceable outreach
HDC	No	Dave Hume Pool could possibly be serviced but Te Puke would be an additional 60km away - 25km from Waihi Pool, 43km from Paeroa Pool and 67km from Ngatea Pool

Local Authority	Operational management (PoolSafe Accreditation)	Serviceable outreach
MPDC	No	Dave Hume Pool could possibly be serviced but Te Puke would be an additional 60km away - <i>64km from Te Aroha Pools, 84km from Morrinsville Poo, and 76km from Matamata Pools</i>
SWDC	No	Distance would be too great
RLC	Yes	Te Puke Memorial Pool could possibly be serviced but Dave Hume Pool would be an additional 60km away - <i>56km from Rotorua Aquatic Centre</i>
WDC	Yes	Te Puke Memorial Pool could possibly be serviced but Dave Hume Pool would be an additional 60km away - <i>68km from Whakatane Aquatic Centre</i>
TCC via BVL	Yes	Both Pools could conceivably be serviced by BVL - <i>44km from Baywave to Dave Hume Pool and 18km to Te Puke Memorial Pool</i>

Based on the assessment in Table 6 it leaves WDC and TCC in the running for a shared services approach as RLC contracts out its aquatic services delivery to CLM.

For WDC and TCC the next attributes to assess are:

- Motivation – does the prospective operator want to take on additional facilities?
- Resource capacity – is there sufficient level of capacity and management structure to extend the current delivery capacity to include two additional pools?

Local Authority	Motivation	Resource capacity
WDC	No, WDC has a focus on their own district	WDC does not have the organisational capacity to extend to two more pools
TCC via BVL	Yes, there is strong motivation to begin dialogue	BVL operates five aquatic facilities within the catchment of both pools and manages a wider portfolio of recreation facilities

There is an opportunity to engage with BVL and leverage their service provision to support WBOPDC's aquatics delivery. However, the CCO model TCC operates with BVL places BVL in the commercial provider option. The analysis of options in 8.6 below maintains TCC and BVL under the "shared services" option for continuity of assessment.

## 8.6 Analysis of Options

Criteria	Option 1 – Outsource aquatic services delivery to not-for-profit/charitable trust *	Option 2 – Outsource aquatic services delivery to a commercial provider	Option 4 – Outsource full aquatic facility delivery to not-for-profit/charitable trust*	Option 5 - In-house full aquatic facility delivery	Option 7 – “Shared services” model**
Compliance with health and safety risk management obligations	Semi-confident – PoolSafe requirements will be met and maintained	Confident – PoolSafe requirements will be met and maintained	Confident – PoolSafe requirements will be met and maintained	Semi-confident – PoolSafe requirements will be met and maintained as WBOPDC will have direct control	Highly confident – PoolSafe requirements will be met and maintained
Quality of service delivery	Confident – levels of service will be achieved	Confident – levels of service will be achieved	Confident – levels of service will be achieved	Confident – levels of service will be achieved	Confident – levels of service will be achieved
Value for money	Semi-confident – cost to WBOPDC will be contained within contract	Semi-confident – cost to WBOPDC will be contained within contract	Semi-confident – cost to WBOPDC will be contained within contract and additional financial resources will be secured	Semi-confident – WBOPDC will contain the costs within expectations as WBOPDC will have direct control	Confident – cost to WBOPDC will be contained within a shared services agreement
Community outcomes achieved	Confident – not-for-profit ethos, having a local focus and being experienced will increase community activation	Confident – being experienced will increase community activation	Confident – not-for-profit ethos, having a local focus and being experienced will increase community activation	Confident – having a local focus will increase community activation	Confident – being experienced will increase community activation
Specific advantages			Reduced capital investment by WBOPDC Reinvestment model	Direct control of all elements of the service provision and the assets	
Specific disadvantages			Distancing asset renewal risk creates a risk of facility/plant disrepair	Sourcing specific expertise	

\* Assuming the not-for-profit/charitable trust is an established one in the field of aquatic service delivery

\*\* Assuming the “shared services” opportunity is with BVL

### 8.7 Options recommendation

At the time of writing, with the information gathered, the authors would rank the top two options as listed below. Given BVL would be operating as a commercial provider, Option 7 has merged to become Option 2. This will require procurement processes to be followed to determine the most appropriate commercial provider (large scale operator is preferable).

1. Option 2 – Outsource aquatic services delivery to a commercial provider. Tauranga City has an established CCO delivery model that could be rolled out across the Western Bay of Plenty district. It will improve the network approach to public pool delivery.
2. Option 5 - In-house full aquatic facility delivery. Having direct control and local focus is the primary advantage here. The key will be securing expertise and imbedding the service delivery culture that activates the community.

The top ranked options align with the guidance of Local Government New Zealand and their high-level assessment of activities for shared services as detailed in Figure 4:

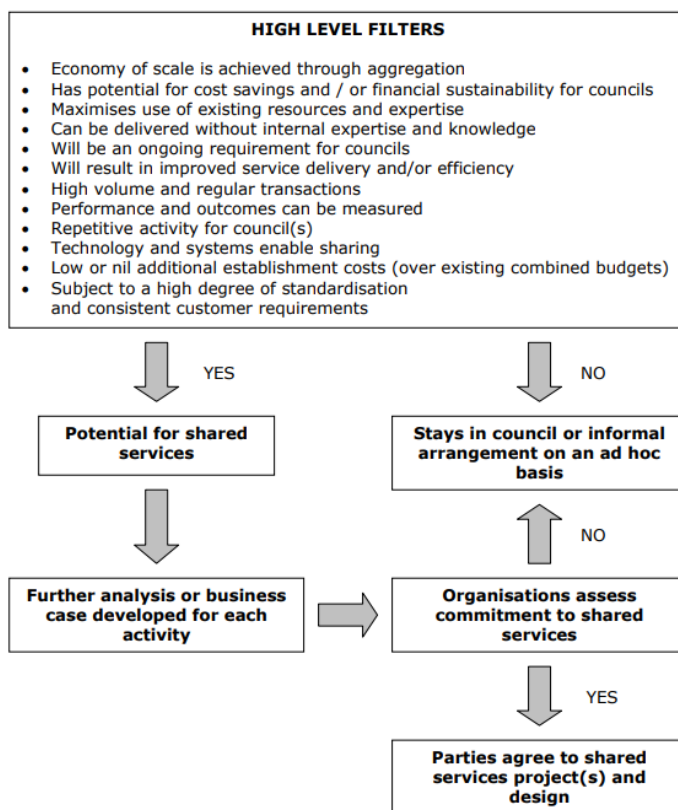


Figure 4 - High level assessment of activities for shared services<sup>30</sup>

WBOPDC is in a position to consider what will be the best option for Council and the district's residents given the current facilities are under service delivery contracts. However, with the planning for indoor pool facilities, it will be advised to begin investigating the recommended options in the immediate short term.

<sup>30</sup> Page 64 of <http://www.lgnz.co.nz/assets/Uploads/Shared-services.pdf>

## 9 Conclusion

After careful consideration of the available service delivery options, it has been determined that neither a CCO/CCTO, outsource aquatic services delivery to not-for-profit/charitable trust, outsource full aquatic facility delivery to not-for-profit/charitable trust, nor outsource full aquatic services delivery to commercial provider options are suitable for WBOPDC. The circumstances relating to the shared services opportunities have ruled this option out also in terms of the TCC/BVL opportunity being a commercial provider situation.

The two options identified to be suitable provide confidence in being able to meet the key criteria and WBOPDC's vision, mission and values. The options have been ranked by suitability, but will require a clear procurement process for commercial providers, and a business case for the in-house option.

The rankings are:

1. Option 2 – Outsource aquatic services delivery to a commercial provider (including BVL<sup>31</sup> as a commercial provider opportunity)
2. Option 5 - In-house full aquatic facility delivery

### 9.1 Recommendation

WBOPDC initiate procurement of a commercial provider of aquatic services to deliver for both aquatic facilities.

WBOPDC has limited time to progress with the services delivery option given the Dave Hume Pool roof project is planned to be completed in Spring 2023. The Te Puke Pool may continue as it is for additional years until the replacement pool is complete. A decision should be confirmed at least six months in advance of the takeover date.

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<sup>31</sup> Entering into a commercial service delivery contract with BVL may have some specific legal implications that WBOPDC will need to take into account when proceeding through the procurement and contractual negotiations.

## 10 Appendix A – Sources of information

### Internal - Western Bay of Plenty District Council:

- Interviews and information source – Scott Parker, Reserves & Facilities Projects & Assets Manager
- Swimming Pool Level of Service - Issues and Options Report, February 2020, Cheryl Steiner
- Western Bay of Plenty District Council LTP 2021-2031
- Te Puke Memorial Pool AUDIT, February 2020
- Te Puke Asset Condition Assessment, January 2022, Watershed
- Te Puke Memorial Pool Service Delivery Contract, October 2021
- Business Case - 2021-2031 LTP - Te Puke new indoor swimming pool, August 2020
- Dave Hume Pool Assessment, June 2016, Watershed
- Dave Hume Trust Feasibility Report, October 2019, Watershed
- Site Visits

### External

- Statistics NZ website
- Neighbouring council websites
- Bay of Plenty Spaces and Places Strategy, September 2020
- Email responses to questions regarding Section 17a Aquatic Services Reviews

### Neighbouring councils Aquatic Services Delivery Section 17A history:

- **HDC** - Has not conducted one and does not have plans to do so
- **MPDC** - Conducted one six years ago and will be interested in the WBOPDC findings
- **RLC** - Conducted one on the Rotorua Aquatic Centre in August 2017. This led to several operational and management options reports that ultimately concluded with RLC out-sourcing aquatic operations to an external contractor from 2018. They have a 5+5 year contract with the operator so have no intention of redoing a Section 17A review in the near future
- **TCC** - *no response to enquiry*
- **WDC** - Has not conducted one and does not have plans to do so



## 11 Appendix B – History of the two current pools

### 11.1 Te Puke memorial pool<sup>32</sup>

In April 1920 fundraising began for Te Puke's First World War memorial. However, little progress was made, partly because of disagreement over what form the memorial should take (suggestions included an obelisk, soldiers' club, town clock, band rotunda, recreation ground, library, and lych gate). In 1930 the war memorial fund trustees gave all the money raised so far to the Te Puke Town Board.

The Town Board decided to put it towards a swimming pool and a rest room. The MP for Tauranga, C.E. Macmillan, formally opened the Te Puke war memorial swimming baths on 10 December 1930. A rest room was completed the following year and handed over to the Plunket Society. Neither a roll of honour nor a memorial plaque were installed at the pool or the Plunket rooms; the Te Puke Town Board evidently considered that the Te Puke School memorial gates provided an adequate focus for public commemorations.

On 29 October 1960 a new swimming pool was opened at Te Puke District High School. The project was jointly funded by the High School, Te Puke Borough Council and the Te Puke Swimming Club. The baths were intended to serve as a memorial to men from the district who fell in both world wars. However, like the earlier memorial swimming baths, neither a roll of honour nor a memorial plaque were installed. The facility is known today as the Te Puke Memorial Pool.

### 11.2 Dave Hume Pool<sup>33</sup>

In 1971, the population of Katikati was a quarter of what it is now but it was increasing. Student numbers were also increasing at the primary school and the college. The idea of a swimming pool was raised. Dave Hume was given the task of pushing this project along. He was just the man for the job.

There was a small budget for the pool. Dave worked hard to get the community on board and the money was raised in various ways. The land was donated, the local Council and the College chipped in. It was a huge community project.

Dave had a mate in Temuka, who had been involved with building their town pool. In order to save money, Dave requested the plans for the Temuka Pool and got them. He then used his gentle, persuasive manner to get the community involved in building the pool. Taylor Brothers donated equipment and labour to dig the hole. Other locals worked on the plumbing, building, fencing and painting of the pool.

In 1973 the then Prime Minister, Norman Kirk was invited to open the pool. He emphasised in his speech that every child should learn to swim and this facility enabled that. The pool is still used daily from late September until early March. Locals can learn to swim, train, relax and even have their birthday party at the heated pool facility.

Since 1996 the pool has been operated under a Council-funded Service Delivery Contract by the Dave Hume Swimming Pool Trust.

A development in 2005 added two spa pools but these were decommissioned in 2012 due to unaffordable operational costs. The children's pool has a shade sail over it.

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<sup>32</sup> <https://nzhistory.govt.nz/media/photo/te-puke-memorial-pool>

<sup>33</sup> <https://www.davehumpoolkk.com/pool-history.html>

## 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**

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

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

### 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.

<b>Budget Funding Information</b>	<b>Relevant Detail</b>
	<ul style="list-style-type: none"> <li>• 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.</li> <li>• The work is identified in three stages, with delivery of each stage being subject to available budget.</li> <li>• 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.</li> </ul>

### ATTACHMENTS

1. **Katikati Youth Park Proposal**  

## Katikati Youth Park Proposal

### Background

The Katikati Community Led Development Steering Group (CLDSG) commissioned research into what the youth of the district wanted to enable them to thrive and enjoy life in Katikati. This involved the employment of a 'youth connector' who canvassed their views at various events over several months, conducting a full day workshop with experienced facilitators (The Design Factory) and other community groups.

The outcome of this programme of research indicated a number of events youths would like to see eventuate in Katikati, such as 'Go Days' involving one off events like raft races, trolley derbys, more film nights etc. One project that gained favour amongst the youth was an upgrade of the old skatepark to incorporate other facilities such as a BBQ with tables under shade cloth, a graffiti wall, a playground for younger children, more toilets, CCTV and lighting, a stage or platform area, a perimeter pump track for bikes/skaters, a half court basketball etc.

### Proposal

The CLDSG have secured some seeding funding from the Dept. of Internal Affairs (DIA) to assist with the installation of some of the elements that came from the workshop and will engage with the Parks and Reserves section of the Western Bay of Plenty Council to ultimately secure their approval to progress the upgrade of the existing skatepark in Fairfield Rd, to make it a more diverse youth park with facilities for all age groups and become a more 'family friendly' environment.

This may require a small extension to the existing footprint, if this can be incorporated within the long -term community plan for the Moore Park reserve.

### Current facilities at the Skate Park

The existing skatepark had its origins in September, 2010, with Jared Tinetti establishing a Skateboarding Club in early 2011 and the raising of an initial \$45,000, including a \$6000 underwrite from the Katikati Community Board.

It engaged 'Premium Skate Park Designs' to complete the initial groundwork and opened in 2012. A second phase of work was undertaken in 2014, using the nationally recognized 'Rich Landscapes' (Richard Smith) as designer and 'Premium Skate Park designs' as contractor to provide skaters and BMXers with a state- of- the- art complex. It has a number of jumps, ramps, rails and obstacles etc , but is showing signs of wear and tear, has no canopy cover, limited toilet facilities and no tables or BBQ facilities to encourage families to use the area better.

The outcome from the community engagement process is to plan for a total youth park complex, incorporating more diverse facilities to cater for a wider demographic, rather than just skateboarders. This will widen the enjoyment of the facilities by more youth and families in our growing community, alongside other proposed developments at



Moore Park, involving a new building to cater for more diverse sports activities (Sport and Recreation centre)

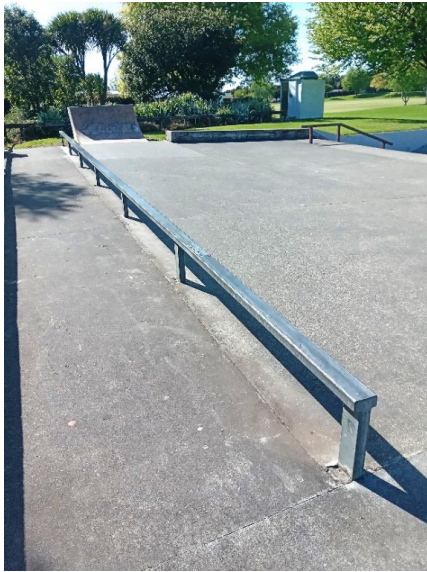


Phase 2 extension of Skate Park, Fairview Rd, Katikati-2014



Existing skatepark ramps/jumps/rails and steps





Rails and jumps



Existing single toilet block

There is a relatively large greenfield site adjacent to the skatepark's eastern boundary and the early childcare facility. We would like to explore the possibility of incorporating structures for a younger demographic, such as swings, slides, playing and climbing structures etc and picnic tables/BBQ facility, away from the existing skatepark facilities, which would be a safer environment for the younger children and families.



Greenfield site between skatepark and adjacent early childhood facility

All of the existing mature native trees would be retained for shade and sound barriers, but we would contemplate removing some of the undergrowth coprosmas and other groundcover to allow for an improved layout and connection between the two spaces and activities with a covered BBQ and picnic table area, as at Omokoroa skatepark.

One major deficiency with the current skatepark identified was the lack of seating for parents, some form of BBQ with adjacent picnic table(s) and recycling or rubbish bins under a canopy cover



Combination BBQ ,picnic tables, seating under canopy as proposed



Double BBQ



Recycling bins





Cradle swing and single slide (Omokoroa playground)



Alternative double slide and swings style-Katikati Primary school





'Spider web' climbing structure-Katikati Primary school



Combination multi swing structure as proposed





Omokoroa Park with climbing platforms

Consideration should be given to various sensory play items for those with disabilities and in different age groups, eg xylophones, drums etc







The older children would like some form of flying fox structure if space was available



Flying fox at Omokoroa reserve



Optional timber framed flying fox(single or double)

A 'pump track' around the perimeter for cyclists, skaters and scooters could be incorporated at a later stage, along with a half court basketball court, as funds become available



New Pump cycle/skateway-Mt Maunganui(left) and at Omokoroa skatepark (right)



'half court' basketball





Omokoroa Park showing multiple use facilities for all age groups

The objective of this project is to make the existing skatepark more user friendly for a wider cross section of children and families by incorporating some of the new facilities as shown into the slightly expanded footprint, using some of the DIA funding, supplemented by local businesses providing goods and services as appropriate.

The assistance of local service clubs, who could perhaps sponsor some of the elements as shown, is being sought. The WBOP council could support the project in a number of ways, such as with infrastructure (ie toilets, parking upgrade, CCTV etc

This supplementary funding could perhaps be spread over a number of budgetary years, with a list of priority elements agreed between the various stakeholders in this project

We have held preliminary discussions to partner with 'Katikati Open Air Art', who have a project in the early planning stage to engage Kalib Wallace, a well-known 'mural artist' who has worked with Tauranga Council to beautify a number of local buildings with murals, working with local youth 'taggers'. It has been proven over many years that murals painted by the youth are considered off limits by taggers and the provision of a 'tagging wall' structure is one of the elements in this proposal

Costings from specialist playground product providers are currently being sought, allowing us to prioritize which of the elements we could purchase and install within the time constraints we currently have with the DIA funding. Additionally, we will be approaching local businesses with access to product and/or services such as shelter-belt poles/canvas, wood chip etc, who may be able to assist with this project.



Schedule of costs for playground equipment

BBQ plate/cabinet-single-‘Icon’	\$11870+GST+installation(Tilley)
-single ‘Urban’ electric	\$10,600
Building structure for BBQ/picnic sets	\$3000 est(Timber frame/corrugated roof)
‘Plaza’ picnic table-HDG frame	\$2400 + GST ea
Single rubbish bin	\$1650
Combo multi swing pole structure	\$9015 +GST and installation
Single slide	\$1700 +GST
Double slide	\$1815 “
Flying fox(20m) - single/ timber frame	\$17,240 +GST
- Double “	\$24,000 +GST
Spider web climbing net	\$2466 +GST
Cargo net climbing frame	\$8550
Climbing platform-multi level	\$2000 est

Sensory play equipment

Xylophone	\$2684
Percussion play sets	\$4315
Poles/shade cloth	\$5,000 est
Approx total cost of elements	<u>\$75,000</u>

Note

Considerable savings would be possible using goods and services supplied locally, along with local volunteer labour where appropriate

**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 Waihi 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

		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.
<b>1b</b>	<b>Annual Plan 2025/26 and 2026/27</b>	Budget update for the 2025/26 year. Must adopt final Annual Plan by 30 June 2025. Annual Plan 2026/27 (including a likely LTPA in relation to waters) will commence October/November 2025.
<b>1c</b>	<b>Commencement of LTP 2027-37</b>	Project planning and initiation work to commence, including planning for pre-engagement in March/April 2026 in conjunction with the spatial planning processes.
<b>1d</b>	<b>Cemeteries Bylaw</b>	This Bylaw promotes the orderly and efficient management of cemeteries under the Council's control. 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.
<b>1e</b>	<b>Livestock Movements Bylaw</b>	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.
<b>1f</b>	<b>National Planning Standards</b>	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.

<b>1g</b>	<b>Speed limit review for schools</b>	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.
<b>1h</b>	<b>Commercial Centres Strategy</b>	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.

<b>2</b>	<b>High priority projects</b>	<b>Explanation</b>
<b>2a</b>	<b>Responding to legislative changes</b> <ul style="list-style-type: none"> <li>• Three Waters</li> <li>• Local Government reform</li> <li>• Resource Management Act</li> </ul>	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.
<b>2b</b>	<b>Enabling Papakāinga development – Plan Change 96</b>	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.

<b>2c</b>	<b>Regional Deals</b>	Regional deal proposal submitted to Central Government, awaiting decision.
<b>2d</b>	<b>Te Kainga (Eastern Centre)</b>	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.
<b>2e</b>	<b>Belk Road Urban Growth Area</b>	Maintaining a watching brief, but decision points to come on how to proceed following TCC desktop feasibility assessments.
<b>2f</b>	<b>Te Puke Spatial Plan</b>	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.
<b>2g</b>	<b>Kaituna / Waiari Programme</b>	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.
<b>2h</b>	<b>Review of community board delegations</b>	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.
<b>2i</b>	<b>Community Roading Allocation Policy</b>	<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>
<b>2j</b>	<b>Traffic and Parking Enforcement Bylaw</b>	<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>

<b>2k</b>	<b>Community Facilities Fund</b>	<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>
<b>2l</b>	<b>Policy for Setting Land Rentals for Club Buildings on Council Land</b>	<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>
<b>2m</b>	<b>Kaimai Reserve Management Plan and Huharua Reserve Management Plan</b>	<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>
<b>2n</b>	<b>S17A Reserve Maintenance Review</b>	<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>
<b>2o</b>	<b>Spatial Planning programme</b> <b>-Te Puna/Minden</b> <b>-Katikati</b> <b>-Waihī Beach/</b> <b>Bowentown/Athenree</b>	<p>A coordinated approach to progress three spatial plans for Te Puna/Minden, Katikati and Waihī</p> <p>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.
<b>2p</b>	<b>Moore Park Concept Plan</b>	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).
<b>2q</b>	<b>Plan Change 95 – Arawa Road – Pencarrow Estate</b>	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.
<b>2r</b>	<b>Natural Hazards</b>	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.
<b>2s</b>	<b>Te Puke Structure Planning</b>	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.

<b>Project</b>	<b>Rationale</b>
<b>Road Naming Policy</b>	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.
<b>Dog Control Policy and Bylaw</b>	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.
<b>Waihi Beach Dog Park</b>	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.
<b>Street Tree Policy</b>	The Policy Committee considered a scoping paper in July 2022.

	The approach to street trees is closely linked to the infrastructure development code which is expected to be reviewed by mid 2026.
<b>Rating review</b>	<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>
<b>Freedom Camping Bylaw</b>	<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>
<b>Review of policies and funding sources for growth related development (Finco/DC)</b>	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.

## 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.

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

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



**STRATEGY AND POLICY COMMITTEE WORKSHOP**

<b>DATE:</b>	Tuesday, 27 May 2025 at 4pm
<b>HELD:</b>	Council Chambers
<b>TOPIC:</b>	Strategic Policy and Planning Work Programme Update
<b>GENERAL MANAGER RESPONSIBLE:</b>	R Davie (Deputy CEO/General Manager Strategy and Community)
<b>FORUM MEMBERS PRESENT:</b>	Mayor J Denyer, Cr G Dally, Cr T Coxhead, Cr M Grainger, Cr A Henry, Cr R Joyce, Deputy Mayor John Scrimgeour, Cr M Murray-Benge, Cr L Rae, Cr A Sole, Cr D Thwaites, Cr A Wichers.
<b>STAFF IN ATTENDANCE:</b>	M Taris (Interim Chief Executive Officer), R Davie (Deputy CEO/General Manager Strategy and Community), E Watton (Strategic Policy and Programme Director), R Gallagher (Acting Policy and Planning Manager); R Garrett (Governance Manager) and H Wi Repa (Governance Systems Advisor)

Strategic Policy and Planning Work Programme Update
<p>The Strategic Policy and Programme Director facilitated a discussion regarding the Strategic Policy and Planning Work Programme.</p> <p><b>INTRODUCTION</b></p> <p>The purpose of this workshop was to discuss and seek direction on the Strategic Policy and Planning work programme.</p> <p><b>SUMMARY OF KEY THEMES</b></p> <p><u>Moore Park</u></p> <p>A concern was raised about the timing and priority of the Moore Park Concept Plan review. It was noted that there was a community-led group who were looking to create a playground and youth space in Moore Park. However, they had time-limited funding that ran</p>

out in October 2025, therefore the project would need to be progressed within the next few months. If a full review were to go ahead, this may impact the group’s ability to progress their playground project. Some Members felt that greater consideration to the placement of a playground in Katikati needed to happen and sought further advice as to whether the existing concept plan for Moore Park would enable a playground to proceed. It was noted that a decision should go to the Committee or Council regarding the community group’s proposal.

Street Tree Policy and Rating Review

Some Members felt that the Street Tree Policy and Rating Review should be prioritised. It was noted that due to the upcoming election it was unlikely that a Street Tree Policy Review could be completed prior to the end of the triennium. In relation to the Rating Review, despite this being an important piece of work, it was felt that this should be left until after the outcome of Local Waters Done Well.

DIRECTION	RESPONSIBLE
The Committee preference for a decision report on the work programme to go to the next Strategy and Policy Committee.	Strategic Policy and Planning Programme Director

Workshop topic ended at 4.20pm

## **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** 



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9 May 2025

Committee Secretariat  
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**Western Bay of Plenty District Council Submission on the Sale and Supply of Alcohol (Sales on Anzac Day Morning, Good Friday, Easter Sunday, and Christmas Day) Amendment Bill**

Western Bay of Plenty District Council (WBOPDC) appreciates the opportunity to provide feedback on the Sale and Supply of Alcohol (Sales on Anzac Day Morning, Good Friday, Easter Sunday, and Christmas Day) Amendment Bill.

WBOPDC supports the proposed amendments to allow licensed businesses (both on and off licensed premises) to sell alcohol under their usual license conditions on ANZAC Day morning, Good Friday, Easter Sunday, and Christmas Day.

Under the existing rules, on licensed businesses can open if they are serving food only, and patrons can consume alcoholic drinks from an hour before being served food to an hour after finishing. This can be difficult to manage for the business, especially at peak periods and for compliance officers to determine if businesses are complying. The proposed amendments make this much clearer for all involved and will reduce regulatory burden on business operators.

There is an economic benefit of enabling businesses to trade as usual, particularly as communities' working days and hours vary, and demand can be higher for hospitality services on and around public holidays.

The Bill enables personal choice, as people celebrating the respective holidays can decide if they wish to visit licensed premises or not.

We are more than happy to discuss any matters for clarification or to expand further.

Yours sincerely,



James Denyer

**Mayor**

Western Bay of Plenty District Council

STRATEGY AND POLICY COMMITTEE WORKSHOP

DATE:	Thursday, 8 May 2025 at 9.50am
HELD:	Council Chambers
TOPICS:	1. Submission on Sale and Supply of Alcohol Amendment Bill
GENERAL MANAGER RESPONSIBLE:	R Davie (Deputy CEO/General Manager Strategy and Community)
FORUM MEMBERS PRESENT:	Mayor J Denyer, Cr G Dally, Cr T Coxhead, Cr M Grainger, Cr A Henry, Cr R Joyce, Deputy Mayor John Scrimgeour, Cr A Sole, Cr M Murray-Benge and Cr L Rae.
VIA ZOOM:	Cr A Wichers
STAFF IN ATTENDANCE:	M Taris (Interim Chief Executive Officer), R Davie (Deputy CEO/General Manager Strategy and Community), E Watton (Strategic Policy and Planning Programme Director), R Gallagher (Acting Policy and Planning Manager), P Watson (Reserves and Facilities Manager), C McLean (Director Transportation), R Garrett (Governance Manager), C McGirr (Policy Analyst), D Leslie (Senior Policy Analyst), R Leahy (Senior Governance Advisor) and H Wi Repa (Governance Systems Advisor)
VIA ZOOM	C Steiner (Senior Policy Analyst)

Submission on Sale and Supply of Alcohol Amendment Bill
The Policy Analyst supported by the Acting Policy and Planning Manager facilitated a discussion regarding the proposed submission on the Sale and Supply of Alcohol Amendment Bill.

**INTRODUCTION**

The purpose this workshop was to seek direction from Elected Members on Council's submission on the Sale and Supply of Alcohol Amendment Bill. The Amendment Bill proposes to allow licensed businesses to sell alcohol under their licence conditions on Anzac Day morning, Good Friday, Easter Sunday and Christmas Day.

**SUMMARY**Support for Sale and Supply of Alcohol Amendment Bill

The submission outlined support for the proposed amendments, citing the current difficulties with monitoring compliance under the current rules, economic benefits and personal choice for businesses and individuals. There were mixed views on whether the rules for both on-licences and off-licences should be relaxed, however, there was a general preference to support the Bill. Concerns were raised about ensuring employees had a personal choice to not work on those public holidays if they wished, noting that this would be more appropriately covered in other legislation.

DIRECTION	RESPONSIBLE
There was a preference from the Committee to make a submission that supported the Sale and Supply of Alcohol Amendment Bill.	Policy Analyst.

Workshop topic ended at 12.10pm

**11      INFORMATION FOR RECEIPT**