



**CENTRAL
HAWKE'S BAY**
DISTRICT COUNCIL

Council Meeting Agenda

Thursday, 27 June 2024

9.00am

Council Chambers,
28-32 Ruataniwha Street, Waipawa

Together we thrive! E ora ngātahi ana!

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- 1 **WELCOME/ KARAKIA/ NOTICES**
- 2 **APOLOGIES**
- 3 **DECLARATIONS OF CONFLICTS OF INTEREST**
- 4 **STANDING ORDERS**

RECOMMENDATION

That the following standing orders are suspended for the duration of the meeting:

- 21.2 Time limits on speakers
- 21.5 Members may speak only once
- 21.6 Limits on number of speakers

And that Option C under section 22 *General Procedures for Speaking and Moving Motions* be used for the meeting.

Standing orders are recommended to be suspended to enable members to engage in discussion in a free and frank manner.

5 CONFIRMATION OF MINUTES

Ordinary Council Meeting - 13 June 2024.

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on 13 June 2024 as circulated, be confirmed as true and correct.

**MINUTES OF CENTRAL HAWKE'S BAY DISTRICT COUNCIL
COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, 28-32 RUATANIWHA STREET, WAIPAWA
ON THURSDAY, 13 JUNE 2024 AT 9.00AM**

UNCONFIRMED

PRESENT: Mayor Alex Walker
Deputy Mayor Kelly Annand
Cr Tim Aitken
Cr Pip Burne
Cr Jerry Greer
Cr Gerard Minehan
Cr Brent Muggeridge
Cr Kate Taylor

IN ATTENDANCE: Doug Tate (Chief Executive)
Nicola Bousfield (Group Manager People and Business Enablement)
Brent Chamberlain (Chief Financial Officer)
Dennise Elers (Group Manager Community Partnerships)
Dylan Muggeridge (Group Manager Strategic Planning & Development)
Phillip Stroud (Acting Group Manager Community Infrastructure and Development)

Lisa Harrison (LTP Programme Manager)
Twinkle Poulse (Land Transport Manager)
Shawn McKinley (Land Transport Relationship Manager)
Logan McKay (Customer and Compliance Manager)
Annelie Roets (Governance Lead)

1 WELCOME/ KARAKIA/ NOTICES

Her Worship, The Mayor Alex Walker welcomed everyone to the meeting and Cr Kate Taylor opened with a karakia.

2 APOLOGIES 24.91

Moved: Cr Kate Taylor
Seconded: Deputy Mayor Kelly Annand

That the apologies for Cr Exham Wichman be accepted.

CARRIED

3 DECLARATIONS OF CONFLICTS OF INTEREST

There were no Declarations of Conflict of Interest received.

4 STANDING ORDERS

RESOLVED: 24.92

Moved: Cr Pip Burne
Seconded: Cr Kate Taylor

That the following standing orders are suspended for the duration of the meeting:

- 21.2 Time limits on speakers

- 21.5 Members may speak only once
- 21.6 Limits on number of speakers

And that Option C under section 21 General procedures for speaking and moving motions be used for the meeting.

Standing orders are recommended to be suspended to enable members to engage in discussion in a free and frank manner.

CARRIED

5 CONFIRMATION OF MINUTES

RESOLVED: 24.93

Moved: Cr Gerard Minehan

Seconded: Cr Pip Burne

That the following minutes as circulated, be confirmed as true and correct:

1. **Ordinary Council Meeting – 18 April 2024.**
2. **Three Year Plan 2024-2027 Submissions Hearing Council meeting – 22 May 2024.**
3. **Ordinary Council Meeting – 23 May 2024.**
4. **Three Year Plan 2024-2027 Deliberations Council Meeting – 30 May 2024.**

CARRIED

6 REPORTS FROM COMMITTEES

There were no reports received.

7 REPORT SECTION

7.1 RESOLUTION MONITORING REPORT

PURPOSE

The purpose of this report is to present to Council the Resolution Monitoring Report. This report seeks to ensure Council has visibility over work that is progressing, following resolutions from Council.

RESOLVED: 24.94

Moved: Cr Tim Aitken

Seconded: Cr Brent Muggeridge

That the report be noted.

CARRIED

The report was introduced by Doug Tate and taken as read.

- **Centralines Aquatic Centre:** The Trust have requested an extension for a further 12 months.

7.2 ADOPTION OF THE THREE YEAR PLAN 2024-2027

PURPOSE

The matter for consideration by the Council is to present to the Three Year Plan 2024-2027 for adoption.

RESOLVED: 24.95

Moved: Cr Gerard Minehan

Seconded: Deputy Mayor Kelly Annand

1. **That Council adopt the Three Year Plan 2024-2027 in accordance with section 93G of the Local Government Act 2002.**
2. **That Council gives delegation to the Chief Executive to make any final edits, including minor changes to the Three Year Plan 2024-2027 ahead of formal publication.**

CARRIED

Lisa Harrison provided the purpose of the report and sought Councillor's adoption of the Three Year Plan 2024-2027. Council to also finalise the Three Year Plan and strike the rate by 30 June 2024:

- Following adoption, Council will receive a report at the 27 June 2024 Council Meeting in relation to striking the rates for the 2024/2025 year.
- Minor amendments to be made before final distribution of the Plan.
- Officers will respond back to all submissions with the outcome of the deliberations and information adopted as part of the Three Year Plan.
- Proposed that a Frequently Asked Questions document be circulated to community on specific information/topics.

7.3 LAND TRANSPORT SECTION 17A AND RISK REPORT

PURPOSE

The matter for consideration by the Council is the adoption of the Section 17a review and the Risk Review paper, which focuses on the risks associated with the Land Transport Improvement Plan.

RESOLVED: 24.96

Moved: Mayor Alex Walker

Seconded: Cr Kate Taylor

1. **That the Land Transport Section 17a be adopted and its findings and recommendations are incorporated into the Land Transport Improvement Plan.**
2. **That a regular report on Land Transport Improvement Programme Implementation is provided to council/committee to commence in August 2024, be adopted and appropriate risks incorporated into Council's risk register.**
3. **That the risk review identified in the risks in the Land Transport Improvement Programme be adopted and appropriate risks be incorporated in Council's Risk Register.**

CARRIED

Phillip Stroud spoke to the report with discussions noting:

- It is a requirement under the Local Government Act 2002 to conduct a Section 17a review and

adopt as proposed.

- Mr Stroud provided a summary of the findings from the S17a review.
- The review also looked back from the 2019 S17a Review recommendations and some recommendations have been brought forward to implement.
- There is a stronger focus going forward in “accountable delivery”
- Elected Members have raised specific concerns with regard to community activation, operational response mechanisms and culture, now being addressed through the refreshed Maintenance Intervention Strategy and a new maintenance contract.
- Risk management is being refreshed with the intent that risks will be escalated through Council’s risk framework as appropriate.
- Uncertainty in terms of funding and programmes means that the market is unlikely to grow its capacity in time to meet the demand.
- Council will need to consider how it can optimise its position as a preferred client in the short to medium term through creating programming and funding certainty and working closely with other regional clients.
- Next steps: a series of workshops will be held with council over the next six months until concerns and options have been explored and direction given to enable the big moves to be realised.

9 DATE OF NEXT MEETING

RESOLVED: 24.97

Moved: Cr Pip Burne

Seconded: Cr Jerry Greer

That the next meeting of the Central Hawke's Bay District Council be held on 27 June 2024.

CARRIED

8 CHIEF EXECUTIVE REPORT

There were no reports.

Her Worship, The Mayor Alex Walker informed Public that Council will be moving into Public Excluded business and will resume at 1.00pm to Hear Submissions on Freedom Camping Bylaw. The meeting will be livestreamed on Council's Facebook page.

10 PUBLIC EXCLUDED BUSINESS

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLVED: 24.98

Moved: Cr Kate Taylor

Seconded: Cr Jerry Greer

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this

resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
10.1 - Public Excluded Resolution Monitoring Report	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
10.2 - Three Waters Consultant Panel Procurement	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

CARRIED

RESOLVED: 24.99

Moved: Cr Kate Taylor

Seconded: Cr Jerry Greer

That Council moves into Public Excluded business at 9.52am.

CARRIED

RESOLVED: 24.100

Moved: Cr Kate Taylor

Seconded: Deputy Mayor Kelly Annand

That Council moves out of Public Excluded business at 10.05am.**CARRIED**

The meeting was suspended from 10.05am and reconvened in open business at 1.10pm and resumed with Item 7.4 Freedom Camping Bylaw – Hearing of Submissions.

Her Worship, The Mayor Alex Walker welcomed those submitters in the room as well as those joining the meeting online.

7.4 FREEDOM CAMPING BYLAW: HEARING OF SUBMISSIONS**PURPOSE**

The purpose of this report is to present submissions to the Proposed Freedom Camping Bylaw to Council and to introduce submitters who wish to present oral submissions to Council. significance and engagement.

RESOLVED: 24.101

Moved: Deputy Mayor Kelly Annand

Seconded: Cr Jerry Greer

- 1. That the submission on the Proposed Freedom Camping Bylaw be received.**
- 2. That Council thanks submitters for taking the time to provide feedback on the proposed Freedom Camping Bylaw and thank them for their submissions.**

CARRIED

Dylan Muggeridge introduced the report and gave a brief background on the paper. Council heard from the following submitters:

- 1.16pm Dianne Smith (*Online*), Submitter #18.
- 1.26pm Robbie Christiansen, Submitter #76.
- 1.30pm George Pere, Submitter #132 and #374.
- 1.36pm Tautoko Ratu spoke on behalf of Crystal Pekepo (*Online*), Submitter #12.
- 1.54pm Steffi Bourke (*Online*), Submitter #52.
- 2.02pm James Kenrick, Submitter #47.
- 2.17pm Daniel Bergloff Howes (*Online*), Submitter #391.
- 2.25pm Patricia Beach together with her Grandmother Mrs Smith, Submitter #143 and #454.

11 TIME OF CLOSURE

Her Worship, The Mayor Alex Walker requested Kaumatua James Kenrick to close the meeting with a karakia. The meeting closed at 2.53pm.

The minutes of this meeting will be confirmed at the next Ordinary Central Hawke's Bay District Council meeting to be held on 27 June 2024.

.....
CHAIRPERSON

6 REPORTS FROM COMMITTEES

There were no reports received.

7 REPORT SECTION

7.1 RESOLUTION MONITORING REPORT

File Number: COU1-1400

Author: Annelie Roets, Governance Lead

Authoriser: Doug Tate, Chief Executive

Attachments: 1. Council Monitoring Resolution Report [↓](#)

RECOMMENDATION

That the report be noted.

PURPOSE

The purpose of this report is to present to Council the Resolution Monitoring Report. This report seeks to ensure Council has visibility over work that is progressing, following resolutions from Council.

SIGNIFICANCE AND ENGAGEMENT

This report is provided for information purposes only and has been assessed as not significant.

DISCUSSION

The monitoring report is **attached**.

IMPLICATIONS ASSESSMENT

This report confirms that the matter concerned has no particular implications and has been dealt with in accordance with the Local Government Act 2002. Specifically:

- Council staff have delegated authority for any decisions made.
- Council staff have identified and assessed all reasonably practicable options for addressing the matter and considered the views and preferences of any interested or affected persons (including Māori), in proportion to the significance of the matter.
- Any decisions made will help 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.
- Unless stated above, any decisions made can be addressed through current funding under the Long-Term Plan and Annual Plan.
- Any decisions made are consistent with the Council's plans and policies; and
- No decisions have been made that would significantly alter the intended level of service provision for any significant activity undertaken by or on behalf of the Council or would transfer the ownership or control of a strategic asset to or from the Council.

NEXT STEPS

An updated Resolution Monitoring Report will be presented at the next Ordinary Council meeting.

RECOMMENDATION

That the report be noted.



Council Resolution Monitoring Report - 27 June 2024

Key	
Completed	
On Track	
Off Track	

Item Number	Item	Council Resolution or Action	Resolution Date	Responsible Officer	Progress Report
1	7.3	Centralines Aquatic Centre - Annual Plan 2023/24 1. That the report is noted. 2. That Council notes that a Section 17a Review will be conducted in collaboration with the Trust ahead of the development of a new agreement beyond 30 June 2024. 3. That subject to the funding for urgent works being confirmed by Council, Officers will develop an agreement with the Trust confirming expectations and obligations of the funding, including that the Trust continue to seek external funding support for the required works.	15-Jun-23	Dennise Elers	On Track Council Officers have met with the Trust to discuss the future direction and aspirations of the Trust and these conversations are ongoing. The ground lease for the Centralines Sports Complex expires on 30 June 2024, which can be achieved under the CE's Delegation. An extension to the lease is expected to be provided to give the Trust further time to confirm their future. Overall, the Trust have a plan for how they intend to understand their future state, form and function.
2	7.5	Adoption of Draft Statement of Proposal Freedom Camping That Council adopt the draft Statement of Proposal for Freedom Camping Bylaw for consultation with amendments.	19-Oct-23	Logan McKay	On Track - The Bylaw consultation period has closed. Officers have completed analysis of the 533 submissions, and oral submissions were heard by Council on 13 June. Council will at this meeting deliberate on these submissions.
3	7.2	Representation Review - Māori Representation 1. That Council resolves to establish a Māori Ward for the 2025 and 2028 Local Body Elections but invites hapu and marae to select up to two representatives for māori representation in an advisory role	15-Nov-23	Doug Tate	On Track - Council confirmed its proposed representation arrangement at its meeting of 30 May. In this agenda, is the draft initial representation proposal for consideration by Council. Mana whenua are making positive progress on the appointment process. A substantial update is expected in August.
4	7.4	Proposed Amendments and Updates to Council Delegations Manual That Council accepts and adopts the changes recommended in the Central Hawke's Bay Council Delegations Manual and requests that the Governance Structures and representation components are added to the policy review for policy refinement.	15-Feb-24	Brent Chamberlain / Dylan Muggeridge	On Track - Policy updated and available on the web. The inclusion of governance structures in the document, and possible duplication with other policies yet to be refined. Officers are working on this and expect to provide an update in August.
5	7.1	Submissions on the Three Year Plan 2024-2027 1. That the submissions on the Three Year Plan 2024-2027 be received. 2. That late submissions referred to in Attachment 4 are received. 3. That Council thank submitters for taking the time to provide feedback to the Three Year Plan process and thank them for their submissions.	22-May-24	Lisa Harrison	On Track - Officers will now work through connecting back with submitters based on deliberations and will complete this following the Adoption of the Three Year Plan on 13 June.
6	7.1	Representation Review - Confirmation of Representation Arrangements 1. That the Council confirms Option 4 as the representation arrangement for inclusion in Councils Initial Representation Proposal for the 2025 and 2028 elections.	30-May-24	Doug Tate/ Annelie Roets	On Track - Officers will now work to include the proposed arrangement (Option 4 as adopted) in the final draft Representation Review Proposal to be adopted at the 27 June 2024 Council meeting.
7	7.3	Three Year Plan 2024-2027 – Draft Deliberations Report: Trade-off area #1 – Sorting Land Transport 1. That Council adopts the Higher Option for Trade-off Area #1 – Sorting Land Transport as set out in the Three Year Plan 2024-2027. 2. That the submitters are thanked for their comments which are acknowledged and further that the information contained in this report is provided to the submitters.	30-May-24	Phillip Stroud	On Track - Officers will now work through connecting back with submitters based on deliberations and will complete this following the Adoption of the Three Year Plan on 13 June.

8	7.4	Three Year Plan 2024-2027 – Draft Deliberations Report: Trade-off area #2 – Drinking Water and Wastewater Investment	1. That Council adopts the Central Option for Trade-off Area #2 – Drinking Water and Wastewater Investment. 2. That the submitters are thanked for their comments which are acknowledged and further that the information contained in this report is provided to the submitters.	30-May-24	Ben Swinburne/ Phillip Stroud	On Track - Officers will now work through connecting back with submitters based on deliberations and will complete this following the Adoption of the Three Year Plan on 13 June.
9	7.5	Three Year Plan 2024-2027 – Draft Deliberations Report: Trade-off area #3 – Prioritising Stormwater	1. That Council adopts the Central Option for Trade-off Area #3 – Prioritising Stormwater as set out in the Three Year Plan 2024-2027. 2. That the submitters are thanked for their comments which are acknowledged and further that the information contained in this report is provided to the submitters.	30-May-24	Ben Swinburne/ Phillip Stroud	On Track - Officers will now work through connecting back with submitters based on deliberations and will complete this following the Adoption of the Three Year Plan on 13 June.
10	7.6	Three Year Plan 2024-2027 – Draft Deliberations Report: Trade-off area #4 – Service Reductions and Efficiencies	1. That Council adopts the Central Option for Trade-off area #4 – Service Reductions and Efficiencies, with the following changes: a) That Council retains the existing Library Service operating hours, requiring an increase in the general rate of \$30,000 in the Three Year Plan 2024-2027. 2. That the submitters are thanked for their comments which are acknowledged and further that the information contained in this report is provided to the submitters.	30-May-24	Lisa Harrison	On Track - Officers will now work through connecting back with submitters based on deliberations and will complete this following the Adoption of the Three Year Plan on 13 June.
11	7.7	Three Year Plan 2024-2027 – Draft Deliberation's Report: Tukituki (Tarewa) Swingbridge	1. That Council reaffirms its support of the Tukituki (Tarewa) Swing bridge as an important recreational asset for Central Hawke's Bay, despite delays in the rebuilding of the bridge as a result of Hawke's Bay Regional Council's review of the Upper Tukituki River Scheme following Cyclone Gabrielle. 2. That Council retains funding as proposed in the Three Year Plan 2024-2027 for the construction of the Tukituki (Tarewa) Swing bridge as a means to convey wastewater across the river. 3. That following the release of the Hawke's Bay Regional Council Upper Tukituki Scheme Review an assessment of the impacts of the review on the project is completed, and that Council reassesses the viability of the project to convey wastewater across the Tukituki. 4. That the submitters are thanked for their comments which are acknowledged and further that the information contained in this report is provided to the submitters.	30-May-24	Ben Swinburne/ Phillip Stroud	On Track - Officers will now work through connecting back with submitters based on deliberations and will complete this following the Adoption of the Three Year Plan on 13 June.
12	7.8	Three Year Plan 2024-2027 – Draft Deliberations Report: Revenue and Financing Policy and Rating System	1. That Council adopts the following recommendations for the Revenue and Financing Policy following its consultation as part of the Three Year Plan 2024-2027: a) That swimming pool inspection costs continue as a fee and do not move to a targeted rate. b) That swimming pool inspection costs move to 100% private funding. 2. That the submitters are thanked for their comments which are acknowledged and further that the information contained in this report is provided to the submitters.	30-May-24	Brent Chamberlain	On Track - Officers will now work through connecting back with submitters based on deliberations and will complete this following the Adoption of the Three Year Plan on 13 June.
13	7.9	Three Year Plan 2024-2027 – Draft Deliberations Report: Development Contributions Policy	1. That Council adopts the Development Contribution Policy following its consultation as part of the Three Year Plan 2024-2027. 2. That the submitters are thanked for their comments which are acknowledged and further that the information contained in this report is provided to the submitters.	30-May-24	Brent Chamberlain	On Track - Officers will now work through connecting back with submitters based on deliberations and will complete this following the Adoption of the Three Year Plan on 13 June.

14	7.10	Three Year Plan 2024-2027 – Draft Deliberations Report: Other Matters	1. That the submitters are thanked for their comments, which are acknowledged, and further that the information contained in this report is provided to the submitters. 2. That Sport Hawke's Bay's are thanked for their submission and their ongoing efforts in Central Hawke's Bay and that their request for support for a Regional Spaces and Places Plan and the Regional Aquatics Plan is managed by Officers. 3. That funding support is not provided to the Hawke's Bay Community Fitness Trust but invites the Trust to continue to participate in our community and community networks. 4. That Council adopts the proposed change in the Land Use and Subdivision activity budget. 5. That Council scopes for a rating review in the next 12 months.	30-May-24	Doug Tate	On Track - Officers will now work through connecting back with submitters based on deliberations and will complete this following the Adoption of the Three Year Plan on 13 June.
15	7.11	Three Year Plan 2024-2027 – Draft Deliberations Report: Te Aute Drainage Scheme	1. That Council agrees to increase the targeted rate for the Te Aute Drainage Scheme by \$50,000 for additional maintenance of the drainage scheme as requested by the Te Aute Drainage Scheme Committee/Ratepayers in the Three Year Plan 2024-2027.	30-May-24	Brent Chamberlain	On Track - Officers have updated the Drainage Scheme Committee and this time will be substantially complete on Council adopting the Three Year Plan 2024 - 2027 that forms part of this agenda.
16	7.2	Adoption of the Three Year Plan 2024-2027	1. That Council adopt the Three Year Plan 2024-2027 in accordance with section 93G of the Local Government Act 2002. 2. That Council gives delegation to the Chief Executive to make any final edits, including minor changes to the Three Year Plan 2024-2027 ahead of formal publication	13-Jun-24	Lisa Harrison	Completed - Three Year Plan was adopted on 13 June 2024. Minor changes have been made to complete the document.
17	7.3	Land Transport Section 17a and Risk Report	1. That the Land Transport Section 17a be adopted and its findings and recommendations are incorporated into the Land Transport Improvement Plan. 2. That a regular report on Land Transport Improvement Programme Implementation is provided to council/committee to commence in August 2024, be adopted and appropriate risks incorporated into Council's risk register. 3. That the risk review identified in the risks in the Land Transport Improvement Programme be adopted and appropriate risks be incorporated in Council's Risk Register.	13-Jun-24	Phillip Stroud / Twinkle Poullose / Shawn McKinley	On Track - Officers are starting to undertake the work required for the next phase of the LTIP. This will include further recruitment, continuation of the SCIP, prioritisation of the the district roads, re-engaged of the regions community groups and further work on the Procurement Framework and Strategy. Progress from this work will lead to the Maintenance Contract's Procurement Plan with updates being reported to Council in late August.

7.2 SETTING OF RATES FOR 2024/2025

File Number: COU1-1400

Author: Brent Chamberlain, Chief Financial Officer

Authoriser: Doug Tate, Chief Executive

Attachments: Nil

PURPOSE

The matter for consideration by the Council is the setting of the rates for the 2024-2025 financial year.

The rating factors below, when combined with Councils rating database, will collect the rates revenue required as per the first year of the Three Year Plan 2024-2027, which was adopted at the 13 June 2024 Council meeting.

RECOMMENDATION

That having considered all matters raised in the report:

- a) **Pursuant to Section 23(1) of the Local Government (Rating) Act 2002, the Central Hawke's Bay District Council resolves to set the rates, due dates and penalties regime for the 2024-2025 year.**

1. General Rate

A general rate set under section 13 of the Local Government (Rating) Act 2002 for the purposes of providing all or some of the cost of:

- Community leadership, including administration, cost of democracy, community voluntary support grants
- All regulatory activities, including district planning, land use and subdivision consent costs, building control, public health, animal control, and compliance.
- Solid waste
- Parks and reserves, public toilets, theatres and halls, cemeteries, and miscellaneous property costs

For the 2024-2025 year, this rate will be based on the rateable capital value of all rateable land within the district on a differential basis as set out below:

General Rate Differential Zone	Differential	2024-2025 Cents per Dollar of Capital Value (including GST)
Waipawa / Waipukurau Central Business District Zone	1.4	0.159927
Rest of District	1.0	0.114234

2. **Uniform Annual General Rate**

A rate set under section 15 of the Local Government (Rating) Act 2002 on each separately used or inhabited part of a rating unit within the district. See definition below. This rate is for the purpose of providing:

- Economic and social development.
- A portion of the cost of solid waste.
- Libraries and swimming facilities.

For the 2024-2025 year, this rate will be \$445.30 (including GST).

TARGETED RATES:

3. **District Land Transport Rate**

A rate for the Council's land transport facilities set under section 16 of the Local Government (Rating) Act 2002. This rate is set for the purpose of funding the operation and maintenance of the land transport system.

For the 2024-2025 year, this rate will be 0.178629 cents per dollar (including GST) based on the land value of all rateable land in the district.

Separately Used or Inhabited Parts of a Rating Unit

Definition – for the purposes of the Uniform Annual General Charge and the targeted rates above, a separately used or inhabited part of a rating unit is defined as –

A separately used or inhabited part of a rating unit includes any portion inhabited or used by [the owner/a person other than the owner], and who has the right to use or inhabit that portion by virtue of a tenancy, lease, licence, or other agreement.

This definition includes separately used parts, whether or not actually occupied at any time, which are used by the owner for occupation on an occasional or long-term basis by someone other than the owner.

Examples of separately used or inhabited parts of a rating unit include:

- For residential rating units, each self-contained household unit is considered a separately used or inhabited part. Each situation is assessed on its merits, but factors considered in determining whether an area is self-contained would include the provision of independent facilities such as cooking/kitchen or bathroom, and its own separate entrance.
- Residential properties, where a separate area is used for the purpose of operating a business, such as a medical or dental practice. The business area is considered a separately used or inhabited part.

These examples are not considered inclusive of all situations.

4. **Water Supply Rates**

A targeted rate set under section 16 of the Local Government (Rating) Act 2002 for water supply operations of a fixed amount per separately used or inhabited part of a rating unit. The purpose of this rate is to fund water supplies for Otāne, Takapau, Waipukurau, Waipawa, Kairakau, Pōrangahau and Te Paerahi.

The purpose of this rate is to fund the maintenance, operation and capital upgrades of water supplies and treatment in those parts of the district where these systems are provided.

The rate is subject to differentials as follows:

- a) a charge of per separately used or inhabited part of a rating unit connected in the Ōtāne, Takapau, Waipukurau, Waipawa, Kairakau, Pōrangahau, and Te Paerahi Beach communities.
- b) a half charge per separately used or inhabited part of a rating unit which is serviceable for the above locations.

For this rate:

- "Connected" means a rating unit to which water is supplied.
- "Serviceable" means a rating unit to which water is not being supplied, but the property it is situated within 100 metres of the water supply.

For the 2024-2025 year these rates will be:

	Charge	Water Rate (incl GST)
a	Connected	\$1,294.73
b	Serviceable, not connected	\$647.37

5. Metered Water Rates

A targeted rate under section 19 of the Local Government (Rating) Act 2002 per cubic metre of water supplied, as measured by cubic metre, over 300 cubic metres per year. This is applied to water users deemed 'Extraordinary' where payment of the Water Supply rate above entitles extraordinary users to the first 300 cubic metres of water without additional charge.

The rate is subject to differentials as follows:

- (a) a rate per cubic metre of water, for users consuming below 40,000 cubic metres.
- (b) A rate per cubic metre of water, for users above 40,000 cubic metres, and where the land use category in the valuation database is not 'industrial'.
- (c) a rate of per cubic metre of water, for users consuming above 40,000 cubic metres, and where the land use category in the valuation database is 'industrial'.

For the 2024-2025 year these rates will be:

	Volume of water (cubic metres)	Rate per cubic metre (incl GST)
a	Below 40,000	\$3.12
b	Above 40,000, non- industrial	\$3.12
c	Above 40,000, industrial	\$3.12

6. Sewage Rates

A targeted rate set under section 16 of the Local Government (Rating) Act 2002 for the Council's sewage disposal function of fixed amounts in relation to all land in the district to which the Council's sewage disposal service is provided or available, as follows:

- (a) a charge per rating unit connected.
- (b) a charge per pan within the rating unit, after the first one.
- (c) a charge per rating unit which is serviceable.

The rate is subject to differentials as follows:

- "Connected" means the rating unit is connected to a public sewerage system.
- "Serviceable" means the rating unit is not connected to a public sewerage drain but is within 30 metres of such a drain.
- A rating unit used primarily as a residence for one household is treated as not having more than one pan.
- For commercial accommodation providers, each subsequent pan will be rated at 50% of the charge.
- For those Clubs who qualify for a rebate of their General Rates under Council's Community Contribution and Club Rebate Remission Policy, and who are connected to the sewerage network, each subsequent pan will be rated at 50% of the Sewerage Charge.

The purpose of this rate is to fund the maintenance, operation and capital upgrades of sewerage collection, treatment and disposal systems in those parts of the district where these systems are provided.

For the 2024-2025 year these rates will be:

	Charge	Sewerage Rate (incl GST)
a	First charge per separately used or inhabited part of a rating unit connected	\$1,300.47
b	Additional charge per pan after the first	\$1,300.47
c	Serviceable, not connected, per separately used or inhabited part of a rating unit	\$650.24
d	Additional charge per pan after the first – commercial accommodation provider, qualifying club	\$650.24

7. **Stormwater Rates**

A targeted rate set under section 16 of the Local Government (Rating) Act 2002 for the purpose of funding operations and maintenance, plus improvements and loan charges on the stormwater drainage network as follows:

A uniform targeted rate on the capital value of all rateable land in the Waipukurau, Waipawa, Takapau, and Otāne Stormwater Catchment Areas on a differential basis as set out below:

Stormwater Catchment Area	Differential	2024-2025 Cents per Dollar of Capital Value (including GST)
Otane	0.64	0.030127
Takapau	0.48	0.022595
Waipawa	1.00	0.047074
Waipukurau	1.00	0.047074

8. Kerbside Recycling Rate

A targeted rate set under section 16 of the Local Government (Rating) Act 2002 for the Council's collection of household recyclables for Waipukurau, Waipawa, Takapau, Otāne, Ongaonga, and Tikokino on each separately used or inhabited part of a rating unit to which the Council provides the service.

For the 2024-2025 year this rate will be \$133.35 (including GST).

9. Refuse Collection Rate

A targeted rate set under section 16 of the Local Government (Rating) Act 2002 for the collection of household and commercial refuse for Otāne, Ongaonga, Takapau, Tikokino, Waipukurau, Waipawa, Pōrangahau, Te Paerahi, Blackhead Beach, Kairakau, Mangakuri, Aramoana and Pourerere Beach on each separately used or inhabited part of a rating unit to which the Council provides the service.

For the 2024-2025 year this rate will be \$53.69 (including GST).

10. Te Aute Drainage Rate

Te Aute Drainage rates are set on all rateable area of rateable property within the designated area subject to a graduated scale for the purpose of funding the operations, loan charges and the repayment of loans for the Te Aute Drainage Scheme area.

The amount required and the classification is set by the Te Aute Drainage Committee.

Each hectare of land in each property is classified according to the susceptibility of that hectare to flooding as follows:

A (100 points), B (80 points), C (15 points), F (3 points), and G (0 points).

The total number of points is 73614. The total amount of funding required each year determines how much each of these points are worth. In this way, the total amount required is apportioned on a pro rata basis using the weightings on each hectare.

The total amount of funding required for 2024-2025 is \$103,500.

The amount per point is 140.59826 cents including GST.

The Te Aute drainage scheme area is defined by reference to the classification list establishing the graduated scale.

Valuation Number	Hectares in each classification				Total Points	Amount
	A (100pts)	B (80pts)	C (15pts)	F (3pts)		
1092000300	0	11.3	8.15	31.63	1,121	\$ 1,576.10
1092000800	0	32.83	74.69	23.42	3,817	\$ 5,366.60
1092000900	0	0	0.83	2.15	19	\$ 26.71
1092001001	77.96	16.65	11.94	17.95	9,361	\$ 13,161.33
1092001100	78.22	0	15.28	39.73	8,171	\$ 11,488.22
1092001107	0	0	18.02	68.04	474	\$ 667.02
1092001200	0	2.88	18.35	18.86	562	\$ 790.16
1092001201	0	20.25	19.15	12.31	1,944	\$ 2,733.21
1092001400	0	0	0	14.16	42	\$ 59.05
1092001600	0	0	0	10.12	30	\$ 42.18
1092001700	38.74	51.06	36.24	45.12	8,638	\$ 12,144.81
1092002100	188.81	0	0	23.93	18,953	\$ 26,647.44
1092002200	84.02	4.14	1.16	6.45	8,770	\$ 12,330.40
1092002300	41.02	5.2	20.43	22.8	4,893	\$ 6,879.43
1092002900	0	0	0	0.81	2	\$ 2.81
1092006100	0	84.44	0	20.77	6,817	\$ 9,584.53
Total	508.77	228.75	224.24	358.25	73,614	\$103,500.00

Approach to Rating

Rates are set and assessed under the Local Government (Rating) Act 2002 on all rateable rating units on the value of the land and improvements as supplied by Quotable Value New Zealand Limited. The last rating revaluation was carried out in September 2021 and is effective from 1 July 2022.

The objectives of the council's rating policy is to:

- I. spread the incidence of rates as fairly as possible.
- II. be consistent in charging rates.
- III. ensure all ratepayers pay their fair share for council services.
- IV. provide the income needed to meet the council's goals.

The Central Hawke's Bay District Council rating system provides for all user charges and other income to be taken into account first, with the rates providing the balance needed to meet the council's objectives.

Rating Base

The rating base will be the database determined by the contracted rating service provider. Because this database is constantly changing due to change of ownership, subdivision, regular revaluations, change of status from rateable to non-rateable (and reverse), the rating base is not described in detail in this policy.

Due Dates for Rate Payments

Pursuant to Section 24 of the Local Government (Rating) Act 2002, the following dates are proposed to apply for assessing the amount of each instalment of rates excluding metered water rates for the year 1 July 2024 to 30 June 2025. Each instalment will be assessed in four equal amounts, rounded.

Instalment number	Instalment Start Date	Last day of payment without additional charge	Penalty date
1	1 July 2024	20 August 2024	21 August 2024
2	1 October 2024	20 November 2024	21 November 2024
3	1 January 2025	20 February 2025	21 February 2025
4	1 April 2025	20 May 2025	21 May 2025

Due Dates for Metered Water Rates

Pursuant to Section 24 of the Local Government (Rating) Act 2002, the following dates are proposed to apply for assessing the amount of metered water rates for the year 1 July 2024 to 30 June 2025. The assessment is applied to water users after the first 300 cubic metres of water without additional charge has been used as part of the Water Supply Rate.

Area/Users	Water Meters read during	Last day of payment
Commercial/Large Users	Monthly	20 th month following
All other Users	September, December, March, June	20 th month following

Penalty Charges

(Additional Charges on Unpaid Rates)

Pursuant to Section 58(1)(a) of the Local Government (Rating) Act 2002, an additional charge of 10% will be added on the penalty date above, to all amounts remaining unpaid for each instalment excluding metered water rates.

Pursuant to Section 58(1)(b) of the Local Government (Rating) Act, a further additional charge of 10% will be added on 1 July 2024 to the amount of rates assessed in previous financial years and remaining unpaid as at 30 June 2025 (Section 58(1)(b)) excluding metered water rates.

Targeted rates for metered water supply will be invoiced separately from other rates invoices. A 10% penalty will be added to any part of the water rates that remain unpaid by the due date as shown in the table above as provided for in Section 57 and 58(1)(a) of the Local Government (Rating) Act 2002.

EXECUTIVE SUMMARY

This report is the final step in the process of being able to set the rates for the 2024-2025 financial year following the adoption of the Three-Year Plan 2024-2027. The rates included in the report are part of the Funding Impact Statement that is included in the Three-Year Plan for the 2024-2025 financial year.

BACKGROUND

Council is required to resolve to set the rates, due dates and penalties regime for the 2024-2025 year.

The rates required by Council to be able to meet the requirements of the purpose of Local Government are part of the development of Annual Plan and are set out within the attached Funding Impact Statement within the Three-Year Plan. Following the adoption of the Three-Year

Plan, Council is required to set rates in accordance with the Funding Impact Statement and Section 23 of Local Government (Rating) Act 2002.

DISCUSSION

Once Council has set its Annual Plan for the year (in this case year one of the Three Year Plan) it knows what it expects its cost structure to be, and therefore what income it needs from rates and fees and charges to recover these costs.

To ensure that the appropriate level of rates are levied, it must set appropriate “Rate Factors” that will generate the required level of rates revenue.

For example, Land Transport is rated based on “Land Value” and Central Hawkes Bay District has \$5.96 billion of land value across its District. The Rates required to cover the Land Transport activity is \$10.65m, so by dividing one into the other, Council is required to rate \$0.00178629 for every dollar of Land Value a property has. This is its Rate Factor.

So, working through an example, a house in Waipukurau with a Land Value of \$100,000 will pay \$178.63 in Land Transport Rates.

On Tuesday 4 June 2024, Council Officers undertook a rates strike based on the rating database at that point in time, to set the Rates Factors for 2024-2025 that would generate the revenue required to match the 2024-2025 year one of the Three-Year Plan 2024-2027 expectations.

The full list of rates factors are:

Rates Type	2023-2024 Factor	2024-2025 Factor	% Change
General Rate	\$0.092254	\$0.11423	23.83%
Land Transport	\$0.151245	\$0.17863	18.11%
Refuse Collection	\$35.13	\$53.69	52.83%
Sewerage	\$1,026.00	\$1,300.47	26.75%
Stormwater	\$0.051198	\$0.04707	-8.06%
Water Supply	\$1,011.54	\$1,294.73	28.00%
Water Supply by Meter	\$2.95	\$3.12	5.76%
Recycling	\$138.64	\$133.35	-3.82%
UAGC	\$431.77	\$445.30	3.13%
Te Aute Drainage	\$1.405983	\$1.405983	0%
Rates Penalty	10%	10%	

RISK ASSESSMENT AND MITIGATION

Setting of the rates is a requirement of the Local Government Act 2002 and the Section 23 of Local Government (Rating) Act 2002. Council is required to set the rates in accordance with the Act to ensure they are lawful and can be collected from ratepayers.

The nature of the resolution recommended to Council is aligned with legal advice.

FOUR WELLBEINGS

Rates funding allows the Council to deliver the services included in the Annual Plan which are based on the Community Outcomes included in the plan. The rates proposed to be set are consistent with the Three-Year Plan 2024-2027 year one, therefore the decision before Council enables the Council to fund and finance the programmes and services which will in turn support the fostering of community wellbeing.

DELEGATIONS OR AUTHORITY

Council is required to set rates based on the Long Term Plan and in accordance with Section 23 of Local Government (Rating) Act 2002. This is a duty that only Council has authority to make and is unable to delegate.

SIGNIFICANCE AND ENGAGEMENT

In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being critical to the financial management of the Council, however the decision before Council to strike the rates does not trigger significance in itself.

OPTIONS ANALYSIS

Option 1

Pursuant to Section 23(1) of the Local Government (Rating) Act 2002, the Central Hawke's Bay District Council resolves to set the rates, due dates and penalties regime for the 2024-2025 year.

Option 2

Council resolves to not set the rates, due dates and penalties regime for the 2024-2025 year and to give Officers guidance on which amendments are needed and an amended timeframe related to setting of rates would be required. Any amendments are likely to result in amendments to the Three-Year Plan, which will require further guidance and instruction from Office of the Auditor General.

Setting of rates is key for the service provision and the financial management and funding of Council. Following the adoption of the Three-Year Plan 2024-2027, this allows the Council to collect the rates required to deliver the service of Council for 2024-2025. Not setting the rates would put Council at financial risk.

Recommended Option

This report recommends option number one "setting the rates" for addressing the matter.

NEXT STEPS

Following the setting of Rates, Council Officers will strike the rates within the Council rating system and following 1st July, the first rates assessment will be sent to ratepayers.

RECOMMENDATION

That having considered all matters raised in the report:

- a) **Pursuant to Section 23(1) of the Local Government (Rating) Act 2002, the Central Hawke's Bay District Council resolves to set the rates, due dates and penalties regime for the 2024-2025 year.**

1. General Rate

A general rate set under section 13 of the Local Government (Rating) Act 2002 for the purposes of providing all or some of the cost of:

- Community leadership, including administration, cost of democracy, community voluntary support grants
- All regulatory activities, including district planning, land use and subdivision consent costs, building control, public health, animal control, and compliance.
- Solid waste
- Parks and reserves, public toilets, theatres and halls, cemeteries, and miscellaneous property costs

For the 2024-2025 year, this rate will be based on the rateable capital value of all rateable land within the district on a differential basis as set out below:

General Rate Differential Zone	Differential	2024-2025 Cents per Dollar of Capital Value (including GST)
Waipawa / Waipukurau Central Business District Zone	1.4	0.159927
Rest of District	1.0	0.114234

2. Uniform Annual General Rate

A rate set under section 15 of the Local Government (Rating) Act 2002 on each separately used or inhabited part of a rating unit within the district. See definition below. This rate is for the purpose of providing:

- Economic and social development.
- A portion of the cost of solid waste.
- Libraries and swimming facilities.

For the 2024-2025 year, this rate will be \$445.30 (including GST).

TARGETED RATES:

3. District Land Transport Rate

A rate for the Council's land transport facilities set under section 16 of the Local Government (Rating) Act 2002. This rate is set for the purpose of funding the operation and maintenance of the land transport system.

For the 2024-2025 year, this rate will be 0.178629 cents per dollar (including GST) based on the land value of all rateable land in the district.

Separately Used or Inhabited Parts of a Rating Unit

Definition – for the purposes of the Uniform Annual General Charge and the targeted rates above, a separately used or inhabited part of a rating unit is defined as –

A separately used or inhabited part of a rating unit includes any portion inhabited or used by [the owner/a person other than the owner], and who has the right to use or inhabit that portion by virtue of a tenancy, lease, licence, or other agreement.

This definition includes separately used parts, whether or not actually occupied at any time, which are used by the owner for occupation on an occasional or long-term basis by someone other than the owner.

Examples of separately used or inhabited parts of a rating unit include:

- For residential rating units, each self-contained household unit is considered a separately used or inhabited part. Each situation is assessed on its merits, but factors considered in determining whether an area is self-contained would include the provision of independent facilities such as cooking/kitchen or bathroom, and its own separate entrance.
- Residential properties, where a separate area is used for the purpose of operating a business, such as a medical or dental practice. The business area is considered a separately used or inhabited part.

These examples are not considered inclusive of all situations.

4. Water Supply Rates

A targeted rate set under section 16 of the Local Government (Rating) Act 2002 for water supply operations of a fixed amount per separately used or inhabited part of a rating unit. The purpose of this rate is to fund water supplies for Otāne, Takapau, Waipukurau, Waipawa, Kairakau, Pōrangahau and Te Paerahi.

The purpose of this rate is to fund the maintenance, operation and capital upgrades of water supplies and treatment in those parts of the district where these systems are provided.

The rate is subject to differentials as follows:

- a charge of per separately used or inhabited part of a rating unit connected in the Otāne, Takapau, Waipukurau, Waipawa, Kairakau, Pōrangahau, and Te Paerahi Beach communities.
- a half charge per separately used or inhabited part of a rating unit which is serviceable for the above locations.

For this rate:

- "Connected" means a rating unit to which water is supplied.
- "Serviceable" means a rating unit to which water is not being supplied, but the property it is situated within 100 metres of the water supply.

For the 2024-2025 year these rates will be:

	Charge	Water Rate (incl GST)
a	Connected	\$1,294.73
b	Serviceable, not connected	\$647.37

5. **Metered Water Rates**

A targeted rate under section 19 of the Local Government (Rating) Act 2002 per cubic metre of water supplied, as measured by cubic metre, over 300 cubic metres per year. This is applied to water users deemed 'Extraordinary' where payment of the Water Supply rate above entitles extraordinary users to the first 300 cubic metres of water without additional charge.

The rate is subject to differentials as follows:

- (d) a rate per cubic metre of water, for users consuming below 40,000 cubic metres.
- (e) A rate per cubic metre of water, for users above 40,000 cubic metres, and where the land use category in the valuation database is not 'industrial'.
- (f) a rate of per cubic metre of water, for users consuming above 40,000 cubic metres, and where the land use category in the valuation database is 'industrial'.

For the 2024-2025 year these rates will be:

	Volume of water (cubic metres)	Rate per cubic metre (incl GST)
a	Below 40,000	\$3.12
b	Above 40,000, non- industrial	\$3.12
c	Above 40,000, industrial	\$3.12

6. **Sewage Rates**

A targeted rate set under section 16 of the Local Government (Rating) Act 2002 for the Council's sewage disposal function of fixed amounts in relation to all land in the district to which the Council's sewage disposal service is provided or available, as follows:

- (a) a charge per rating unit connected.
- (b) a charge per pan within the rating unit, after the first one.
- (c) a charge per rating unit which is serviceable.

The rate is subject to differentials as follows:

- "Connected" means the rating unit is connected to a public sewerage system.
- "Serviceable" means the rating unit is not connected to a public sewerage drain but is within 30 metres of such a drain.
- A rating unit used primarily as a residence for one household is treated as not having more than one pan.
- For commercial accommodation providers, each subsequent pan will be rated at 50% of the charge.
- For those Clubs who qualify for a rebate of their General Rates under Council's Community Contribution and Club Rebate Remission Policy, and who are connected to the sewerage network, each subsequent pan will be rated at 50% of the Sewerage Charge.

The purpose of this rate is to fund the maintenance, operation and capital upgrades of sewerage collection, treatment and disposal systems in those parts of the district where these systems are provided.

For the 2024-2025 year these rates will be:

	Charge	Sewerage Rate (incl GST)
a	First charge per separately used or inhabited part of a rating unit connected	\$1,300.47
b	Additional charge per pan after the first	\$1,300.47
c	Serviceable, not connected, per separately used or inhabited part of a rating unit	\$650.24
d	Additional charge per pan after the first – commercial accommodation provider, qualifying club	\$650.24

7. **Stormwater Rates**

A targeted rate set under section 16 of the Local Government (Rating) Act 2002 for the purpose of funding operations and maintenance, plus improvements and loan charges on the stormwater drainage network as follows:

A uniform targeted rate on the capital value of all rateable land in the Waipukurau, Waipawa, Takapau, and Otāne Stormwater Catchment Areas on a differential basis as set out below:

Stormwater Catchment Area	Differential	2024-2025 Cents per Dollar of Capital Value (including GST)
Otane	0.64	0.030127
Takapau	0.48	0.022595
Waipawa	1.00	0.047074
Waipukurau	1.00	0.047074

8. **Kerbside Recycling Rate**

A targeted rate set under section 16 of the Local Government (Rating) Act 2002 for the Council's collection of household recyclables for Waipukurau, Waipawa, Takapau, Otāne, Ongaonga, and Tikokino on each separately used or inhabited part of a rating unit to which the Council provides the service.

For the 2024-2025 year this rate will be \$133.35 (including GST).

9. **Refuse Collection Rate**

A targeted rate set under section 16 of the Local Government (Rating) Act 2002 for the collection of household and commercial refuse for Otāne, Ongaonga, Takapau, Tikokino, Waipukurau, Waipawa, Pōrangahau, Te Paerahi, Blackhead Beach, Kairakau, Mangakuri, Aramoana and Pourerere Beach on each separately used or inhabited part of a rating unit to which the Council provides the service.

For the 2024-2025 year this rate will be \$53.69 (including GST).

10. Te Aute Drainage Rate

Te Aute Drainage rates are set on all rateable area of rateable property within the designated area subject to a graduated scale for the purpose of funding the operations, loan charges and the repayment of loans for the Te Aute Drainage Scheme area.

The amount required and the classification is set by the Te Aute Drainage Committee.

Each hectare of land in each property is classified according to the susceptibility of that hectare to flooding as follows:

A (100 points), B (80 points), C (15 points), F (3 points), and G (0 points).

The total number of points is 73614. The total amount of funding required each year determines how much each of these points are worth. In this way, the total amount required is apportioned on a pro rata basis using the weightings on each hectare.

The total amount of funding required for 2024-2025 is \$103,500.

The amount per point is 140.59826 cents including GST.

The Te Aute drainage scheme area is defined by reference to the classification list establishing the graduated scale.

Valuation Number	Hectares in each classification				Total Points	Amount
	A (100pts)	B (80pts)	C (15pts)	F (3pts)		
1092000300	0	11.3	8.15	31.63	1,121	\$ 1,576.10
1092000800	0	32.83	74.69	23.42	3,817	\$ 5,366.60
1092000900	0	0	0.83	2.15	19	\$ 26.71
1092001001	77.96	16.65	11.94	17.95	9,361	\$ 13,161.33
1092001100	78.22	0	15.28	39.73	8,171	\$ 11,488.22
1092001107	0	0	18.02	68.04	474	\$ 667.02
1092001200	0	2.88	18.35	18.86	562	\$ 790.16
1092001201	0	20.25	19.15	12.31	1,944	\$ 2,733.21
1092001400	0	0	0	14.16	42	\$ 59.05
1092001600	0	0	0	10.12	30	\$ 42.18
1092001700	38.74	51.06	36.24	45.12	8,638	\$ 12,144.81
1092002100	188.81	0	0	23.93	18,953	\$ 26,647.44
1092002200	84.02	4.14	1.16	6.45	8,770	\$ 12,330.40
1092002300	41.02	5.2	20.43	22.8	4,893	\$ 6,879.43
1092002900	0	0	0	0.81	2	\$ 2.81
1092006100	0	84.44	0	20.77	6,817	\$ 9,584.53
Total	508.77	228.75	224.24	358.25	73,614	\$103,500.00

Approach to Rating

Rates are set and assessed under the Local Government (Rating) Act 2002 on all rateable rating units on the value of the land and improvements as supplied by Quotable Value New Zealand Limited. The last rating revaluation was carried out in September 2021 and is effective from 1 July 2022.

The objectives of the council's rating policy is to:

- v. spread the incidence of rates as fairly as possible.
- vi. be consistent in charging rates.

VII. ensure all ratepayers pay their fair share for council services.

VIII. provide the income needed to meet the council's goals.

The Central Hawke's Bay District Council rating system provides for all user charges and other income to be taken into account first, with the rates providing the balance needed to meet the council's objectives.

Rating Base

The rating base will be the database determined by the contracted rating service provider. Because this database is constantly changing due to change of ownership, subdivision, regular revaluations, change of status from rateable to non-rateable (and reverse), the rating base is not described in detail in this policy.

Due Dates for Rate Payments

Pursuant to Section 24 of the Local Government (Rating) Act 2002, the following dates are proposed to apply for assessing the amount of each instalment of rates excluding metered water rates for the year 1 July 2024 to 30 June 2025. Each instalment will be assessed in four equal amounts, rounded.

Instalment number	Instalment Start Date	Last day of payment without additional charge	Penalty date
1	1 July 2024	20 August 2024	21 August 2024
2	1 October 2024	20 November 2024	21 November 2024
3	1 January 2025	20 February 2025	21 February 2025
4	1 April 2025	20 May 2025	21 May 2025

Due Dates for Metered Water Rates

Pursuant to Section 24 of the Local Government (Rating) Act 2002, the following dates are proposed to apply for assessing the amount of metered water rates for the year 1 July 2024 to 30 June 2025. The assessment is applied to water users after the first 300 cubic metres of water without additional charge has been used as part of the Water Supply Rate.

Area/Users	Water Meters read during	Last day of payment
Commercial/Large Users	Monthly	20 th month following
All other Users	September, December, March, June	20 th month following

Penalty Charges

(Additional Charges on Unpaid Rates)

Pursuant to Section 58(1)(a) of the Local Government (Rating) Act 2002, an additional charge of 10% will be added on the penalty date above, to all amounts remaining unpaid for each instalment excluding metered water rates.

Pursuant to Section 58(1)(b) of the Local Government (Rating) Act, a further additional charge of 10% will be added on 1 July 2024 to the amount of rates assessed in previous financial years and remaining unpaid as at 30 June 2025 (Section 58(1)(b)) excluding metered water rates.

Targeted rates for metered water supply will be invoiced separately from other rates invoices. A 10% penalty will be added to any part of the water rates that remain unpaid by the due date as shown in the table above as provided for in Section 57 and 58(1)(a) of the Local Government (Rating) Act 2002.

7.3 ADOPTION OF INITIAL REPRESENTATION REVIEW - STATEMENT OF PROPOSAL

File Number:**Author:** Stephen Hill, Electionz.com**Authoriser:** Doug Tate, Chief Executive**Attachments:**

1. Aramoana/Ruahine Ward [↓](#)
2. Ruataniwha Ward [↓](#)
3. Statement of Proposal (Under separate cover to be released Monday, 24 June 2024)

PURPOSE

The purpose of this report is for Council to adopt its initial proposal for representation arrangements for the 2025 and 2028 elections, for public notification and consultation.

RECOMMENDATION

That Council adopts the following as its initial proposal for representation arrangements for the local elections to be held in 2025 and subsequent elections until altered by any subsequent decisions:

1. That the Central Hawke's Bay District Council comprises the Mayor, elected at large, and nine councillors, with seven councillors elected from wards and two councillors elected at large;
2. That the Central Hawke's Bay District is divided into three wards:
 - (a) the Aramoana-Ruahine general ward (3 councillors) comprising the area shown on the map at Attachment 1.
 - (b) the Ruataniwha general ward (3 councillors) comprising the area shown on the map at Attachment 2.
 - (c) the Rautahi Māori ward (1 councillor), comprising the entire district.
3. That no community boards are established.
4. That public notice is given of this proposal.
5. That the Council will hear submissions received, if any, on this initial proposal.

EXECUTIVE SUMMARY

Council is required to conduct a representation review every six years and is due to conduct a review prior to the 2025 elections. Following workshops with Council and preliminary consultation, Council is proposing to retain the existing general ward structure of the Aramoana-Ruahine and Ruataniwha wards, with the addition of a Māori ward and two councillors elected at large, with no community boards established.

This report provides the background to the reaching this decision and outlines the next steps relating to formal engagement required under the Local Electoral Act 2001.

BACKGROUND

The Council is required by the Local Electoral Act 2001 to complete a review of representation arrangements (including community boards) at least every six years.

The Council last reviewed its representation arrangements prior to the 2019 elections and is therefore required to review its representation prior to the 2025 election.

Representation reviews determine the detailed arrangements for:

- the number of electoral subdivisions known as wards (if any), and
- their boundaries, names, and number of members and
- basis of election (at large, by wards or a mix of both) and
- establishment of community boards.

The review process is subject to a statutory timeline and process. The Council must adopt for consultation its Initial Proposal no later than 31 July 2024 and must notify its Final Proposal no later than 3 November 2024. The final proposal is subject to rights of appeal and/or objection to the Local Government Commission.

Guidelines for undertaking a review

The Local Electoral Act identifies three key factors that must be carefully considered by local authorities when determining their representation proposals, namely:

- communities of interest
- effective representation of communities of interest
- fair representation of electors

The term Communities of interest is not defined in legislation but may include factors such a community's sense of belonging and identity, similarities in the demographic, socio-economic and/or ethnic characteristics of a community, distinct local history, the rohe or takiwā of local iwi and hapū, and dependence on shared facilities in an area.

Effective representation of communities of interest includes consideration of the number of elected members to represent each community, and whether members are elected by wards, at large (by district) or a mix of both. Other factors to be considered include the accessibility, size and configuration of an area, and ensuring communities of interest are not split between electoral areas, or grouped with communities that have few common interests.

Fair representation includes the requirement for wards to provide approximate population equality per member; that is, all votes are of approximately equal value (referred to as the '+/-10% rule') unless there are good (prescribed) reasons to depart from this requirement.

Council process

Council has progressed its representation review through a series of workshops and meetings including:

- 3 August 2023 (Workshop: Overview and Electoral system).
- 16 August 2023 (Workshop: Māori representation).
- 18 April 2024 (Workshop: Initial consideration of representation options).
- 7 May 2024 (Kahui with Manawhenua leaders on representation and the Māori ward).
- 9 May 2024 (Workshop: Feedback from engagement and further discussion of options).
- 30 May 2024 (Council meeting to confirm preferred option).

Community and mana whenua engagement was undertaken in July-August 2023 in relation to the introduction of Māori representation; and again in April-May 2024 for preliminary engagement on representation options.

Council resolved on 17 August 2023 to continue to use the First Past the Post (FPP) electoral system. No valid demand for a poll of electors was received by the statutory deadline of 11 December 2023.

On 15 November 2023, following community engagement and engagement with mana whenua, the Council resolved under Section 19Z of the Local Electoral Act to establish a Māori Ward for the 2025 and 2028 Local Body Elections.

SIGNIFICANCE

In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being of significance.

Council undertook a period of preliminary engagement with the public between 25 March 2024 and 28 April 2024 on this subject. Around 70 responses were received from this. The results of this engagement, along with feedback from community have been considered by the Council and have informed the representation review proposal being recommended in this paper.

A further period of formal consultation will be undertaken in July-August 2024 on this initial representation review proposal meeting both the requirements of the Significance and Engagement Policy and the legislation.

DISCUSSION

Current representation arrangements

Under the current representation arrangements, last determined in the 2018 representation review, Central Hawke's Bay District Council comprises a mayor and eight councillors, elected from two wards. These arrangements have been in place for over 15 years, being established in 2007:

- Aramoana-Ruahine Ward (4 councillors).
- Ruataniwha Ward (4 councillors).

There are no community boards.

As the Council has already resolved to establish a Māori ward for the 2025 elections, the current arrangements cannot be retained.

Communities of interest

The two existing general wards represent the following communities of interest:

Ward	Communities of Interest
Aramoana-Ruahine	Comprising the rural and coastal areas of the district
Ruataniwha	Comprising the district's major urban centres of Waipukurau and Waipawa

The district's population has grown by 15.5% since 2018, with growth distributed relatively evenly across the two wards. Population data indicated a trend towards a more mobile workforce, with an increase in the proportion of the district population working for employers outside the district. Council also noted an increase in the number of 'lifestyle' properties in the district since 2018.

In the Council's preliminary engagement during April 2024, over 60% of respondents indicated that they considered the current urban/rural ward structure best represented their community.

Overall, Councillors considered the current general ward structure continues to reflect the district's communities of interest, but also that an increasing proportion of the district, such as those on lifestyle blocks and those who were more mobile, did not necessarily identify with the traditional urban/rural distinction.

Effective representation

In accordance with best practice, the current number of elected members is considered appropriate to enable residents to access their representatives, and for elected members to effectively manage and share their workload; provide for a diversity of thought and representation and enable good governance. The establishment of a Māori ward will add to the scope and complexity of representation, indicating there is a case for an additional member to be added to the total.

Council also reviewed the basis of election and propose to include two members elected at large, that is, by all electors across the entire district. At large elections are considered appropriate in cases where a district has a shared common community of interest at the district level, and/or communities of interest that are spread across the district rather than being geographically distinct.

A mixed basis of election can also have the effect of balancing out the number of votes available to electors in general and Māori wards. For example, where general roll electors may have multiple votes within a ward, compared to Māori roll electors who may have only one ward vote.

In the preliminary engagement survey, 69% of respondents indicated the total number of councillors should remain at the status quo (8), while 17% indicated a preference for fewer, and 14% for more.

In relation to the basis of election, the survey showed that 37% of respondents thought councillors should be elected under the current two-ward system, 20% indicated a general preference for elections “by ward” and 36% indicated a preference for a mix of wards and at large.

Fair representation

For the current review, StatsNZ population data shows that after adjustment for the introduction of a Māori ward, the population per member ratios for the two general wards remain fully compliant with the +/- 10% requirement for the population per member ratio:

Ward	Population	Members	Pop per member	Difference from quota	% diff from quota
Aramoana-Ruahine	7,050	4	1,763	74	4.37
Ruataniwha	6,460	4	1,615	-74	-4.37
Total General	13,510	8	1,689		

Māori representation

As a result of the Council’s decision to establish Māori representation for the 2025 and 2028 elections, the representation review must include consideration of:

- the proposed total number of members of the local authority.
- whether all members are to be elected from either Māori or general wards, or some members are to be elected from either Māori or general wards, and some are to be elected at-large.
- the proposed number of members to be elected from the Māori wards and the number from the general wards.

The process for determining the number of members to be elected from both Māori and general wards is set out in clauses 2 and 4, Schedule 1A of the Local Electoral Act. The statutory formula for determining the number of members provides that if the total number of councillors elected from wards (General and Māori) is from five to nine, then one Māori member can be elected; while if the total number of councillors elected from wards (General and Māori) is from 10 to 15, then two Māori members can be elected.

With the establishment of a Māori ward/s, there must be at least one General ward; the option of a fully at large basis of election is not available.

In the preliminary engagement survey, 64% of respondents on the Māori electoral roll indicated they would prefer to have a single Māori ward, which all Māori ward Councillors are elected from.

Changes to the Local Electoral Act provisions for Māori wards

The Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill was introduced on 20 May 2024, reintroducing provision for binding polls on the establishment of Māori wards/constituencies and providing transitional arrangements for councils that have resolved to establish Māori wards/constituencies since 2020 without holding a poll.

For Central Hawke's Bay, transitional arrangements proposed in the Bill would require the Council to either rescind the decision to establish Māori wards; or hold a binding poll alongside the 2025 local elections to decide whether Māori wards should continue.

The Council cannot make any final decision on these arrangements until the Bill is enacted, which is expected to be in late July. This report is prepared on the basis that the Council will continue with its representation review as currently in progress.

Councillors in releasing the Statement of Proposal, may wish to survey community view as to whether Council should choose to rescind its decision to establish a ward or wait until the binding poll as part of the feedback sought on this proposal.

Community Boards

As part of reviewing representation arrangements, all territorial authorities must consider whether community boards are required, regardless of whether they currently exist within the district.

There are currently no community boards in Central Hawke's Bay. Council considers that representation needs across the district are being met effectively under the current structure.

In the preliminary engagement survey, 74% of respondents indicated they did not think that the district required a community board/s.

Preliminary engagement

Preliminary community engagement on the representation review was undertaken from 28 March to 28 April 2024, through the Council's Kōrero Mai/Let's Talk engagement platform. A total of 61 responses were received.

Key findings from the survey are included in the table below:

Survey Area	Findings
Ward Structure	<ul style="list-style-type: none"> Majority of respondents (60%) indicate the current urban/rural structure best represents their community. 22% indicated at-large structure would best represent them (13%). 14% indicated preference for representation by more, smaller wards. No indication of any calls for changes to ward boundaries.
Number of Councillors	<ul style="list-style-type: none"> 69% indicated preference for status quo (8). 17% indicated preference for fewer. 14% indicated preference for more.
Māori ward	<ul style="list-style-type: none"> <u>Māori roll respondents</u> indicated preference for one Māori ward (64%).
Community Board	<ul style="list-style-type: none"> 74% of respondents felt the district does not require community board/s.

Survey Area	Findings
Basis of election	<ul style="list-style-type: none"> 37% indicated a preference to retain the status quo (election by 2 wards – rural/urban). 20% indicated a preference for election by wards (note: number of wards not specified). 36% indicated a preference for election by a mix of wards and at-large.

Engagement with Manawhenua

Representation arrangements for Māori ward/s were discussed at a Kahui of Manawhenua leaders meeting on 7 May 2024. Discussion included options for having one or two Māori ward councillors. The meeting indicated a preference for having two Māori Ward councillors elected from one district-wide ward.

An option of having seven general ward councillors, two Māori ward councillors, plus the Mayor, was discussed, however, it was subsequently noted that this option would not be available, i.e. a minimum of 10 councillors in total is required to meet the threshold for two Māori members.

The Kahui was also asked to consider and advise on the name for a proposed Māori ward(s). The name Rautahi has been gifted by Mana whenua for the Ward. The name Rautahi recognises that while there is one person (tahi) proposed to be elected as a Councillor to the new Māori Ward, there are many people (rau) behind that person in support.

Representation options

A range of options for representation arrangements have been considered during Council workshops and meetings, including the following:

Option	Ruataniwha Ward Councillors	Aramoana – Ruahine Ward Councillors	General Ward or at large Councillors	Māori Ward Councillors	Community Boards	Total Councillors
1a	4	4	0	1	0	9
1b	4	4	0	2	0	10
2a	4	3	0	1	0	8
2b	3	4	0	1	0	8
3	3	3	0	1		7
4	3	3	2	1	0	9
5a	0	0	7	1		8
5b			8	(1 or 2)		9 or 10

A summary of these options were included in the Council report dated 30 May 2024 and can be found [here](#).

Of these, options 2a and 2b were not considered appropriate because of non-compliance with the population per member ratio (+/- 10% requirement).

At its meeting of 30 May 2024, the Council further considered the remaining options, including an assessment against the following criteria:

- Fair representation.
- Effective representation.
- Communities of interest.

- Manawhenua views.
- Survey feedback.

Option 4 was the option resolved by Council for inclusion in its Initial Proposal.

This option proposes a mixed basis of election, with some Councillors elected from wards, and some elected at large (i.e. elected by all electors across the entire district).

- A total of nine Councillors.
- Two general wards: Aramoana-Ruahine and Ruataniwha. These are unchanged from the wards currently in place; however, the number of ward Councillors is reduced.
 - Three councillors elected from the Aramoana-Ruahine ward.
 - Three councillors elected from the Ruataniwha ward.
- One Māori ward, the Rautahi Māori Ward, encompassing the entire Central Hawke's Bay district.
 - 1 Councillor elected from the district-wide Māori ward.
- 2 councillors elected by all electors at large (across the entire district).
- No community board is proposed.

Key considerations

- This option retains the existing general ward structure, with no boundary changes, maintaining some familiarity for residents.
- It is consistent with the community engagement findings which indicated that 60% of respondents felt the existing urban/rural ward structure represented communities effectively.
- The proposal adds an at large component to the representation structure, recognising communities of interest that are spread across the district rather than being geographically distinct, particularly those of lifestyle property owners, and a growing mobile/transient workforce, who do not necessarily identify as urban or rural.
- The mixed basis of election can also have the effect of partially balancing out the number of votes available to electors in general and Māori wards. In this case:
 - Each general ward elector would have three ward votes plus two at large votes (plus a vote for mayor).
 - Each Māori ward elector would have one ward vote plus two at large votes (plus a vote for mayor).
- It is consistent with community engagement findings which indicated that 36% of respondents indicated a preference for a mixed basis of election (almost on par with those preferring the two-ward system)
- In terms of fair representation this option fully complies with the +/-10% requirements, as indicated in the table below.
- It maintains the existing number of general ward councillors, while adding one councillor for the Māori ward, which is not inconsistent with the findings from community engagement to maintain a similar number of councillors.
- The name of the proposed Māori ward, the Rautahi Māori Ward, has been proposed by the Kahui of Manawhenua leaders.

OPTION 4	Population	Members	Pop per member	Difference from quota	% diff from quota
Aramoana-Ruahine Ward	7,050	3	2,350	98	4.37
Ruataniwha Ward	6,460	3	2,153	-98	-4.37
Total General	13,510	6	2,252		
Māori Ward	2510	1	2,510		
At-large	16,020	2			
Total	16,020	9			

Consultation and Statement of Proposal

The attached Statement of Proposal provides the formal basis for which Council will seek feedback from community on the proposal. This will be supported by media and other opportunities for community to connect on the proposal from the period of 15 July through to 25 August 2024.

Officers are currently preparing the engagement approach for this.

RISK ASSESSMENT AND MITIGATION

While any change to democracy carries risk, overall there are no new or emerging risks from this decision that have not been considered.

FOUR WELLBEINGS

The ability to participate in politics and public life is important for a functioning democracy, strong communities, and transparent and accountable governance. These factors are critical for the ongoing achievement of Councils seven community outcomes developed in Project Thrive.

DELEGATIONS OR AUTHORITY

Only Council has the authority to approve the Initial Proposal for Consultation.

SIGNIFICANCE AND ENGAGEMENT

In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as significant because fair and effective representation of the Central Hawke's Bay is an important part of a quality democratic process for the district.

OPTIONS ANALYSIS

Option 1

Adopt the recommended option (option 4) as the initial proposal for consultation.

This is the Council's preferred option. If adopted as the initial proposal, Council staff will proceed to public notification and consultation on the proposal.

Option 2

Adopt a different option as the initial proposal for consultation.

Council could adopt one of the other options considered during this representation review. Council staff would undertake any necessary changes required to proceed to public notification and consultation on the proposal before the deadline of 31 July 2024.

Option 3

Do not adopt an initial proposal and request staff to prepare an alternative proposal.

Council could request staff to develop an alternative proposal. This option is not recommend as it is less likely Council would be able to meet the statutory timeframe for the proposal; to be resolved before 321 July 2024. There would also not be sufficient opportunity to undertake any preliminary engagement on an option that has not already been canvassed with the community.

	<u>Option 1</u> Adopt the recommended option (option 4) as the initial proposal for consultation	<u>Option 2</u> Adopt a different option as the initial proposal for consultation	<u>Option 3</u> Do not adopt an initial proposal and request staff to prepare an alternative proposal
Financial and Operational Implications	No implications	Time and capacity for staff to prepare necessary documentation and programme for notification and consultation.	Time and capacity for staff to develop alternative options, prepare report and supporting information for Council report. Time and capacity to undertake community engagement on an alternative option.
Long Term Plan and Annual Plan Implications	No implications.	No implications.	Implications may be identified depending on the option adopted.
Promotion or Achievement of Community Outcomes	Enhancement of district representation effectiveness.	Enhancement of district representation effectiveness.	Enhancement of district representation effectiveness, dependent on option adopted.
Statutory Requirements	Complies with LEA statutory requirements. Statutory timeframes can be met.	Compliance with LEA statutory requirements dependent on the option selected. Likely that statutory timeframes can be met.	High risk of not meeting statutory timelines and requirements under the LEA.
Consistency with Policies and Plans	There are no obvious implications.	There are no obvious implications.	Potential inconsistency with Significance and Engagement Policy if proposal adopted without adequate community engagement.

Recommended Option

This report recommends **Option 1** (Option 4 in the representation options) for addressing the matter.

NEXT STEPS

Adoption of the initial proposal for consultation sets in motion a statutory timeline, proposed as follows:

- Public notification of initial proposal – by 15 July 2024.
- Public consultation open and submissions received – from date of notification.
- Public consultation closes – 25 August 2024.
- Council hearings and deliberations – 5 September 2024.
- Council meeting to adopt final proposal – 19 September 2024. (No later than 8 weeks from closing of submissions).
- Proposal open to appeals and objections – not less than one month from date of notification, and not later than 3 December 2024.

RECOMMENDATION

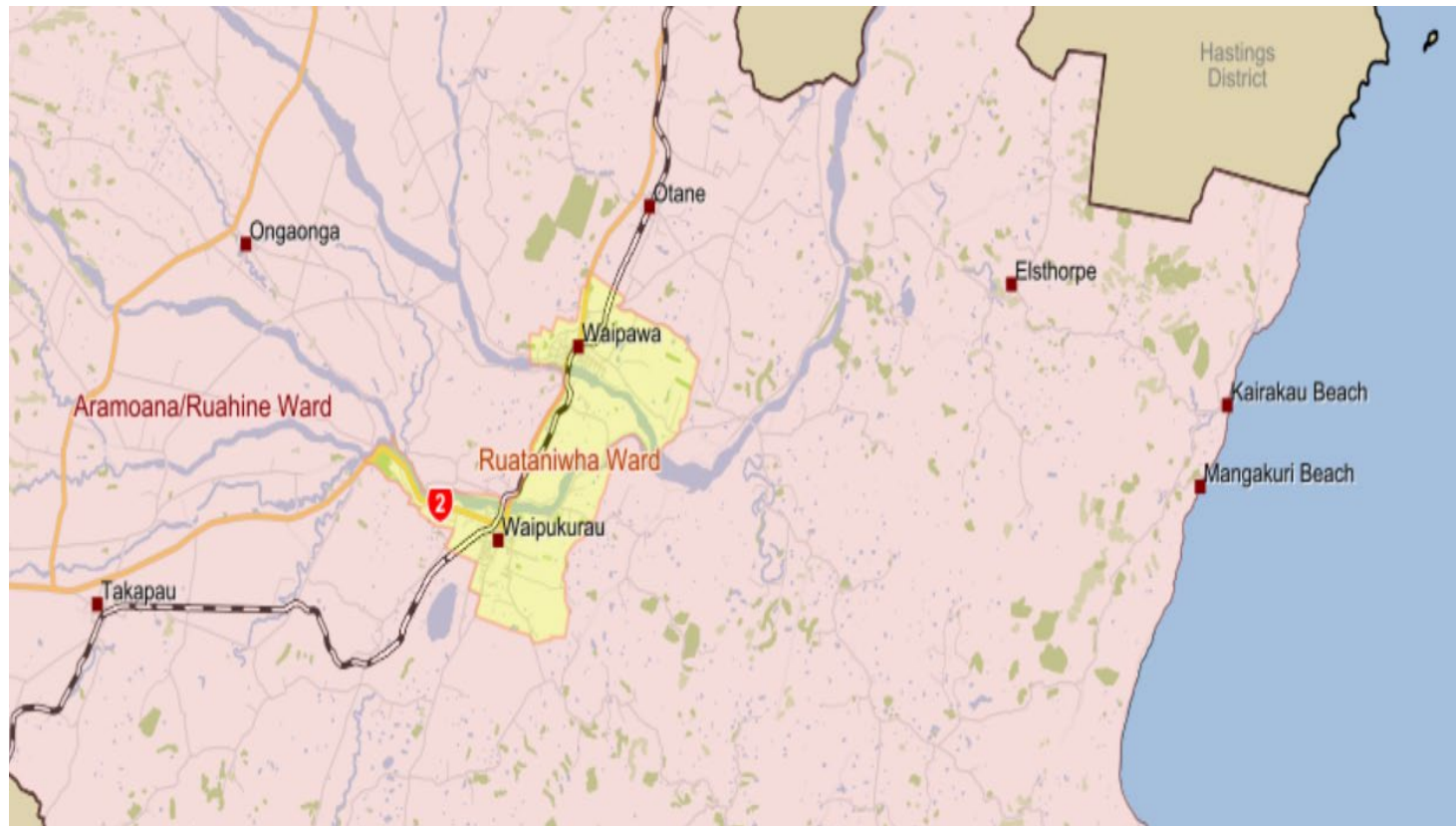
That Council adopts the following as its initial proposal for representation arrangements for the local elections to be held in 2025 and subsequent elections until altered by any subsequent decisions:

1. **That the Central Hawke's Bay District Council comprises the Mayor, elected at large, and nine councillors, with seven councillors elected from wards and two councillors elected at large;**
2. **That the Central Hawke's Bay District is divided into three wards:**
 - (a) **the Aramoana-Ruahine general ward (3 councillors) comprising the area shown on the map at Attachment 1.**
 - (b) **the Ruataniwha general ward (3 councillors) comprising the area shown on the map at Attachment 2.**
 - (c) **the Rautahi Māori ward (1 councillor), comprising the entire district.**
3. **That no community boards are established.**
4. **That public notice is given of this proposal.**
5. **That the Council will hear submissions received, if any, on this initial proposal.**

**Central Hawke’s Bay
Aramoana/Ruahine Ward**



Central Hawke's Bay Ruatahiwaha Ward



7.4 ADOPTION OF TERMS OF REFERENCE - HAWKE'S BAY THREE WATERS MODEL

File Number:

Author: Phillip Stroud, Group Manager - Community Infrastructure and Development

Authoriser: Doug Tate, Chief Executive

Attachments: 1. Draft Terms of Reference - Hawke's Bay Water [↓](#)

PURPOSE

The matter for consideration by the Council is that Council adopts the 'Terms of Reference for Hawke's Bay Water' (the Terms of Reference). The Terms of Reference are set out in Attachment 1.

RECOMMENDATION

1. That Council adopt the Hawke's Bay Water Terms of Reference set out in Attachment 1.

EXECUTIVE SUMMARY

Central Government has set out the initial policy decisions and proposed legislative changes for the delivery of local water infrastructure and services aimed at achieving the implementation of its Local Water Done Well (LWDW) policy framework.

Under the LWDW legislative framework, Hawke's Bay Councils can determine, supported by a feasible business case, whether they wish to establish a regional water services entity.

In recognition of the existing cross-council coordination function of the Regional Recovery Agency (RRA), it has been agreed between Wairoa District Council, Napier City Council, Hastings District Council and Central Hawke's Bay District Council that the RRA will take on the role of coordinating and programme managing the region's approach to LWDW.

The Terms of Reference set out the detail of this proposed arrangement, covering the objectives and scope of the work, the approach the RRA will take, oversight and reporting, as well as information on the approach, deliverables, timeline, and budget.

BACKGROUND

Hawke's Bay has been a leader in the three waters policy since as early as 2018, as it began the development of the Hawke's Bay Model. This culminated in a major body of work, being the Hawke's Bay Waters Model which is recognised as setting an early standard for collaboration in New Zealand.

At Council's 14 March 2024, Officers provided a substantial update on the background of the previous review and outlined government policy. That report can be found in Councils agenda [here](#).

Central Government has set out the initial policy decisions and proposed legislative changes for the delivery of local water infrastructure and services aimed at achieving the implementation of its Local Water Done Well (LWDW) policy framework.

The first Bill, passed into law in February 2024, repealed the previous Government's water services legislation and restored continued council ownership and control of water services.

The second Bill – Local Government (Water Services Preliminary Arrangements) Bill – is currently at select committee and is anticipated to be passed in August 2024. This Bill establishes the LWDW framework, and the transitional arrangements for a new water service system for New Zealand.

Areas of this Bill include:

1. Requiring councils (either individually or collectively) to develop Water Services Plans by mid-2025.
2. Requiring councils to provide baseline information about water services operations, assets, revenue, expenditure, pricing, and projected capital expenditure.
3. Providing specific consultation and decision-making processes that Territorial Authorities (TAs) may use to establish, join, or amend Council Controlled Organisations (CCOs) that will deliver water services.

The final Bill is expected to be introduced in December 2024, with policy decisions expected to be announced early in the second half of this year.

DISCUSSION

Under the LWDW legislative framework, Hawke's Bay Councils can determine, supported by a feasible business case, whether they wish to establish a regional water services entity. The councils have signalled that there is interest in refreshing the business case work collectively in order to support decision making. This has led to the development of the attached Terms of Reference.

In recognition of the existing cross-council coordination function of the Regional Recovery Agency (RRA), it has been agreed between Wairoa District Council, Napier City Council, Hastings District Council and Central Hawke's Bay District Council that the RRA will take on the role of coordinating and programme managing the region's approach to LWDW.

The Terms of Reference set out the detail of this proposed arrangement, covering the objectives and scope of the work, the approach the RRA will take, oversight and reporting, as well as information on the approach, deliverables, timeline and budget.

It is intended that the work will be funded by the councils using remaining Three Waters Transition Funding and, in some cases, Better Off Funding previously allocated or set aside for Council use. At this stage funding of \$1.33 Million has been identified for the project work. Central Hawke's Bay District Council's share will be \$165k which will be funded from a combination of the remaining "3 Waters Transition Funding" and part of the "Better Off Funding".

The focus of this work will be to enable a decision on whether to pursue a joint water services entity for Hawke's Bay. The work will include reviewing the existing business case development, work toward developing Water Services Delivery Plan(s) and work on funding and balance sheet separation issues and a range of other matters that will support council decision making.

Adopting the Terms of Reference does not lock the Council into proceeding with a joint Water Service Entity for Hawke's Bay. The work to be completed under the Terms of Reference will enable councils to make properly informed decisions about a joint Water Services Entity and, as importantly, how to address requirements on councils under the LWDW framework.

Once adopted, Council can expect regular updates on the work underway, recognising that there will be a number of important policy and other decision to be made as the work progresses. Council can expect an update on this in August.

RISK ASSESSMENT AND MITIGATION

This paper is aligned with Central Governments LWDW policy position, and if the Terms of Reference are endorsed, shows goodwill and willingness to explore the possibility of a Hawke's Bay Water Model with its neighbouring Territorial Local Authorities.

FOUR WELLBEINGS

If Council endorses the attached Terms of Reference, it was be committing to working with the other three Hawke's Bay Territorial Local Authority's on building a business case to determine the merits of establishing a Hawke's Bay Water Model.

This has potential to deliver savings to the Hawke's Bay Ratepayers by providing additional economies of scale.

DELEGATIONS OR AUTHORITY

This matter is coming to Council has it needs to decide whether to participate with the other three Hawke's Bay Territorial Local Authority's in exploring the merits of establishing a Hawke's Bay Water Model, along with committing \$165k of funding to enable this to happen.

SIGNIFICANCE AND ENGAGEMENT

In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as of minor significance.

OPTIONS ANALYSIS

Three options available to Council include:

Option 1 – Adopt the Terms of Reference

Adopt the proposed Regional Recovery Agencies Terms of Reference for Hawke's Bay Water, noting its implications.

Option 2 – Adopt the Terms of Reference with Changes

Propose modifications to the proposed Regional Recovery Agencies Terms of Reference for Hawke's Bay Water and its implications.

Option 3 – Do not adopt Reject the Terms of Reference

Reject the proposed Regional Recovery Agencies Terms of Reference for Hawke's Bay Water

Recommended Option

This report recommends option number one, adopt the proposed Regional Recovery Agencies Terms of Reference for Hawke's Bay Water, noting its implications for addressing the matter.

NEXT STEPS

If all Councils adopt the Terms of Reference, the next steps will be to recruit a Project Manager to undertake the programme of work set out in the Terms of Reference.

In the event the Terms of Reference is not supported, councils will need to determine how best to proceed to meet emerging requirements on them under the LWDW framework.

RECOMMENDATION

1. **That Council adopt the Hawke's Bay Water Terms of Reference set out in Attachment 1.**

Draft Terms of Reference – Hawke's Bay Water

1. Background

There are significant challenges ahead for the delivery of water services. Ageing infrastructure demands from growth, resilience challenges, the face of climate change and natural disasters, and increasing environmental standards signal increasing investment requirements. Alongside this, Hawke's Bay councils are committed to working together with mana whenua to ensure that te mana o te wai is at the centre of decision-making on water. The region wants to address these challenges and aspirations in the most cost-effective manner for residents.

The Government has released the first set of policies on the delivery of local water infrastructure and services. These policies and legislative changes establish the Local Water Done Well (LWDW) framework and the transitional arrangements for a new water services system for New Zealand.

Under the LWDW legislation, councils (either individually or collectively) will be required to develop Water Services Plans by mid-2025, as well as take decisions around a future model of water service delivery for their communities. Further information on the policy detail, and the policy areas expected to be included in future legislation is available on the [DIA website](#).

Hawke's Bay Councils will need to go through the process of determining whether there is appetite, and a feasible business case, for establishing some form of regional water service entity – with a focus on implementing LWDW in a way that best serves Hawke's Bay communities. Work on a joint Water Services Plan is likely to be contributory work to a decision on a joint water services entity.

In recognition of the existing cross-council coordination function of the Regional Recovery Agency (RRA), it has been agreed between Wairoa District Council, Napier City Council, Hastings District Council and Central Hawke's Bay District Council that the RRA will take on the role of coordinating the region's approach to LWDW with a focus on enabling a decision by councils on whether to pursue a joint water services entity.

This Terms of Reference sets out the detail of this arrangement, covering the objectives and scope of the work, the approach the RRA will take, oversight and reporting, as well as information on the team, their deliverables, timetable, and budget.

2. Objectives and scope

The objectives of this work are to:

- Provide central coordination across the four councils of the work on future water services delivery in the Hawke's Bay region in the context of the LWDW policy and legislative framework.
- Support engagement with mana whenua, agencies, and other stakeholders.
- Provide a primary point of contact with central government, representing local connections and context.
- Facilitate the work on LWDW to a critical decision-making point for the Hawke's Bay region – specifically, to enable the four Councils to take a decision on whether to pursue a regional model for water services delivery.

Decision-making, specifically on how to implement LWDW, is not in scope of this work. By law, decision-making responsibility sits with the Councils, who will consider decisions following

engagement with mana whenua, and subject to the usual legislative requirements around process, engagement and decision making.

3. Approach

The RRA will act as an independent programme manager, facilitator, and central point of connection between the Councils and partners, supporting the decision-making process around whether to pursue some form of regional water services entity.

This will involve implementing key tasks:

- Developing the work programme for evaluation and assessment of options and material to inform decision-making, including the development of a business case.
- Delivering programme management, the work programme, including development of effective plans, processes, budgeting, reporting, and monitoring of risks and issues
- Identifying and supervising workstreams, key milestones and immediate gateways to decision-making
- Ensuring the decision-making process meets the requirements of all stakeholders involved and draws extensively on expertise from council officers and mana whenua.
- Facilitating engagement with councils, mana whenua, government agencies and other stakeholders to foster collaboration and consensus.
- Supporting the Councils (particularly Mayors) as appropriate to engage with mana whenua partners on development of the work.
- Serving as the key point of contact and regional advocate with central government regarding LWDW policy development and implementation, including ensuring alignment of regional initiatives with evolving policy frameworks.
- Managing and administering the budget allocated for this work, including engaging consultants as required.

4. Team

A Project Manager will be appointed, with the agreement of the four councils, to provide programme management, planning and advice to the senior leadership of the RRA and across the Chief Executives and nominated senior executives of the four collaborating councils. The Project Manager will report to the Chief Executive of the RRA.

The Project Manager will be supported by a small team appropriate to the extent of the work programme. These staff/contractors will be in addition to existing RRA staff, so as not to detract from the core work of the recovery. There will also be external support on specific tasks, such as modelling, which will be managed through appropriate procurement processes.

The team will also engage, along with appropriate Council personnel, with key interested/supporting parties such as Standard and Poor's (S&P) and the Local Government Funding Agency (LGFA).

5. Oversight and Reporting

There will be frequent and open lines of communication between the RRA and Wairoa District Council, Napier City Council, Hastings District Council and Central Hawke's Bay District Council.

The Councils will receive fortnightly written reports on the work, covering progress, matters for discussion/decision, and upcoming milestones.

At key moments in the work, the Council Chief Executives and Mayors will be presented with a series of smaller decision-making gateways to ensure the work does not pursue pathways not endorsed at a council governance level.

The RRA Board will also provide a level of governance oversight of the RRA's work as a part of the Board's broader governance role over the organisation, noting that the councils are the clients and decision makers in respect of the work.

The Project Manager will be responsible for managing the budget allocated to this work and will include regular updates on expenditure as part of this reporting. This work will be overseen by the Chief Executive and Deputy Chief Executive of the HB Regional Recovery Agency.

6. Deliverables

The deliverables for this work include:

- Engagement of project management capability.
- Engagement of S&P to conduct a Rating Evaluation Service, and other technical/expert consultants where required (possibly in conjunction with Government).
- Design and coordination of immediate gateways in decision making, in collaboration with council officers and mana whenua.
- Regular reporting for the four councils and the RRA Board.
- Council-by-council workshops.
- A public engagement strategy.
- Development of a Business Case to support Council's ultimate decision making and consultation.
- Work to support the development of Water Service Delivery Plan(s).

Note that each council will be responsible for undertaking their own post-Business Case evaluation.

7. Timeline

Under LWDW, councils will be required to develop Water Service Delivery Plans by mid-2025 (12 month following assent of the Local Government (Water Services Preliminary Arrangements) Bill (the Bill)). In order to meet that deadline, the four Councils will need to take early decisions on whether a joint approach will be taken to developing the Plan.

Further specific detail and timeframes of the Government's policy will be released in the coming weeks and months as DIA provides further guidance on the water service delivery plan requirements following the Bill's enactment, and the policy decisions for the enduring settings for the new system are announced. The councils' work programme will respond to this emerging detail.

In the context of what is currently known about LWDW, the following is a high-level programme of work:

Stage 1: June-August 2024

- Formalise staffing arrangements, including recruitment of a project manager.
- Confirm funding support from DIA for this work.
- Initial design of work programme, with a focus on gateways to decision-making (to be finalised on the enactment of Transitional Provisions legislation and announcement of further policy decisions by central government in mid-2024).
- Develop a stakeholder engagement plan, with an immediate focus on council-by-council workshops, and mayoral engagement with PSGEs.
- Develop an initial communications plan to bring the public on the journey on the need for water reform.
- Engage with central government on the Transitional Provisions legislation, including through the select committee process (expected to be enacted by August 2024).
- Engage with central government on the detail of Water Services Delivery Plans (guidance expected in August 2024).
- Commence work on drafting a joint Water Services Delivery Plan, including working with the four Councils to consolidate all of the information required from each on their water services (as set out in Section 11 of the Bill).
- Engage credit rating agency S&P to conduct a Ratings Evaluation Service analysing how various options for governance, shareholding and operational decision-making of a regional entity will be viewed by S&P. This will have particular regard to the question of whether and how a regional water entity would gain balance sheet separation from the Councils, the impact on existing Council's credit ratings, and the impact this might have on Council balance sheets (as well as the entity's ability to source financing). This will include analysis of how transitional and draft legislation might contribute to balance sheet separation, for example the roles and requirements of a new water services regulator.
- Engage with LGFA on its views around the financing of water services entities and the effect the creation of an entity would have on the Councils' ability to borrow if an entity were established.

Stage 2: September-December 2024

- Continue with the work programme and stakeholder engagement, with the focus being on the (approximate) end of year deadline for councils to inform DIA on whether they will be submitting an individual or joint Plan.
- Develop analysis and recommendations to the Councils on a joint water services entity.
- Develop and agree a consistent methodology for 3 waters asset valuations and undertake revaluations across the 4 councils' water assets.
- Engage with central government on the policy detail of the Local Government Water Services Bill (due to be introduced in December 2024).

Stage 3: January-August 2025 – *if joint approach to Plan agreed*

- Draft joint Hawke's Bay Water Services Delivery Plan.

- Finalise Business Case – the case for change – to support Council decision making on whether to establish a joint water services entity.
- Dependent on council decision-making, undertake public engagement on proposed joint water services entity.
- Engage with central Government on the Local Government Water Services Bill, including through the select committee process (expected to be enacted by mid-2025).
- August 2025 (approximate) deadline for councils to submit final Plan to DIA.

8. Budget

The RRA will utilise non-recovery funding to support the programme through funding from the four Councils. Funding is being utilised from currently unspent and previously allocated Transition Funding and other funding through the DIA. Funding commitments are as follows:

	TSP – total remaining
Wairoa	\$165k
Napier	\$500k
Hastings	\$500k
CHB	\$165k
TOTAL	\$1.33M

The funding will be held by Hastings District Council on behalf of the councils.

Indicative allocation of the funding is expected to cover:

- Engagement of analytical and programme management capability to sit within the RRA (\$326k).
- Resource the RRA in a programme coordination capacity (\$81.5k).
- Ensure expert input from councils by making funding available to backfill responsibilities or engage consultants to help with data provision and analysis (\$205k).
- Financial support for engagement and co-design with partners (\$190k).
- Fund the Rating Evaluation Service process to understand the optimum design of a would-be entity for balance sheet separation and access to lending (\$136k).
- Resource support from expert consultants (e.g. legal, economic and modelling, change management) (\$272k).
- Begin a public communications and engagement activity (for pre-engagement and socialisation to get to the point of decision-making) (\$122.5k).

7.5 LOCAL GOVERNMENT NEW ZEALAND (LGNZ) FOUR-MONTHLY REPORT FOR MEMBERS - MARCH TO JUNE 2024

File Number:

Author: Doug Tate, Chief Executive

Authoriser: Doug Tate, Chief Executive

Attachments: 1. LGNZ Four Monthly report March - June 2024.pdf [↓](#)

RECOMMENDATION

That the report be noted.

PURPOSE

The purpose of this report is to present the Local Government New Zealand (LGNZ) Four Monthly Report for Member Councils to Council for its noting for the period of March – June 2024.

SIGNIFICANCE AND ENGAGEMENT

This report is provided for information purposes only and has been assessed as not significant.

BACKGROUND

The report is an LGNZ initiative introduced in late 2023, that summarises LGNZ's work on behalf of member councils. It is specifically designed to be placed on council agenda for discussion and feedback. The report is produced three times a year and complements LGNZ's regular communication channels, including Keeping it Local (our fortnightly e-newsletter). This report is the third report to be provided to Council.

The report is a comprehensive update from LGNZ and outlines the significant range of activities and work that is underway on topics that are pertinent to the future of Local Government.

IMPLICATIONS ASSESSMENT

This report confirms that the matter concerned has no particular implications and has been dealt with in accordance with the Local Government Act 2002. Specifically:

- Council staff have delegated authority for any decisions made.
- Council staff have identified and assessed all reasonably practicable options for addressing the matter and considered the views and preferences of any interested or affected persons (including Māori), in proportion to the significance of the matter.
- Any decisions made will help 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.
- Unless stated above, any decisions made can be addressed through current funding under the Long-Term Plan and Annual Plan.
- Any decisions made are consistent with the Council's plans and policies; and

- No decisions have been made that would alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council or would transfer the ownership or control of a strategic asset to or from the Council.

RECOMMENDATION

That the report be noted.

// **SUBMISSION**



LGNZ four-monthly report for member councils

// March-June 2024





Ko Tātou LGNZ.

This report summarises LGNZ's work on behalf of member councils and is produced three times a year. It's structured around LGNZ's purpose: to serve local government by **championing**, **connecting** and **supporting** members.

Many councils have found it useful to put this report on the agenda for their next council meeting so that all councillors have the opportunity to review it and provide feedback. Sam and Susan are also happy to join council meetings online to discuss the report or any aspect of it, on request.

This report complements our regular communication channels, including *Keeping it Local* (our fortnightly e-newsletter), providing a more in-depth look at what we do.

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Introduction

National Council reset LGNZ's strategy at our 1 March 2024 meeting. LGNZ's purpose is now to serve members by championing, connecting and supporting local government.

Champion means we advocate for local government on critical issues, build relationships with ministers and officials, and use media to amplify member voices and stories.

Connect means we bring members together at zone, sector and conference events or via networks like Te Maruata, Young Elected Members and our community boards network, and that we create strong feedback loops between members and LGNZ's work.

Support means we provide professional development uniquely tailored to local government, support councils and elected members when they are stuck, and support elected members to deal with pressure and harassment.

Everything LGNZ does comes under these pillars – and that's why they form the structure of this report. I hope reading this report stresses the breadth and depth of LGNZ's work. Our small team is dedicated to delivering for members and this period has been both intense and rewarding.

This four-monthly period has also included LGNZ's annual membership invoicing. We never take members for granted, and during this time there's been really constructive conversations with councils considering their membership. Grey and Westland have chosen not to stay members, and we're sorry to see them go.

As always, we welcome your feedback. The purpose of sharing this detailed report is to give you an opportunity to share your views, and we look forward to hearing them, whether that's in person, via email or a phone conversation. We're always keen to hear from you.

Ngā mihi
Sam and Susan

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Champion

Advocacy work programme

In March we shared [a document outlining our next steps on our Future by Local Government work](#) with members. It sets out the things we'll advocate for now, the work that local government can collectively start doing to shift towards a new future, and the things that will be longer-term advocacy priorities. This has been the foundation for National Council's work to confirm LGNZ's broad and targeted advocated priorities.

At the Combined Sector meeting in April, we asked members to rank our five broad advocacy areas in terms of priority. These were the resulting rankings:

1. Funding and financing
2. Water (including freshwater)
3. Resource Management Reform
4. Transport
5. Climate change

We also asked members to rank targeted advocacy priorities, with the results as follows:

1. Toolbox approach to funding and financing
2. Four-year term for local government
3. Development of a framework around city/regional deals
4. Changes to Regulatory Impact Statements to consider the impact of decisions on local government
5. Opposing changes to Māori ward/constituency referendum requirements.

Off the back of this ranking exercise, we have finalised our advocacy work programme. This has been shared with members and added as a third page to our 2024 [LGNZ A3](#).

We are now in the process of developing more detailed work plans for each of the five broad advocacy areas, setting out what we're trying to achieve under each area and the work we'll do. We plan to share these work plans with members soon.

Rates rise conversation

LGNZ has generated hundreds of stories and op-eds via all major media outlets this year on rates rises, the cost pressures facing councils and what's driving them. We generated 52 media items alone on the Infometrics report we launched in mid-March, which analysed increases in local government infrastructure costs that are driving rates rises.

Our March rates rise toolkit included:

- [Key messages](#)
- [Powerpoint](#)

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- [Infometrics report](#)

We had overwhelmingly positive feedback on this toolkit and how useful members found it. Councils have been using the data we've provided on increasing cost pressures in their own engagement with media and in their LTP consultation documents. Regional journalists have made good use of the research LGNZ commissioned in their pieces, giving a national perspective on local rates rises.

We launched our second rates rise toolkit at the Combined Sector meeting on 11 April. This covered tax vs rates, how rates compare to other bills, and how we fund infrastructure:

- [Key messages](#)
- [Powerpoint](#)
- [Social assets](#)

Again we have had a very positive response to this work and it was well used by members. For example, our social media posts and assets are being repurposed in councils' own accounts, and attracting some positive engagement from the public, and the information we've shared has been used in some councils' LTP consultation documents.

Our third toolkit will launch in late June and feature research we've commissioned by NZIER on the costs of central government reforms on local government. It looks at a basket of primary and secondary legislation (introduced by different governments) to quantify the cost impact of unfunded mandates on councils and communities. The specific areas (National Policy Statement for Freshwater Management, National Policy Statement on Urban Development and Medium Density Residential Standards, Local Alcohol Policies, improving recycling and food scrap collections) have been chosen to be representative of reforms with a range of impacts on councils.

Our social media rates rise series highlighting the difference between central government income and local government income has had strong engagement. This campaign aims to explain why rates rises occur, especially in the face of rising living costs, and to highlight that this is a widespread systemic issue. Through this series, we've explored how councils are financed, the services they offer, and the benefits residents receive from their investment in rates. The series overall has received over 60,000 impressions across platforms.

City and regional deals

The Government has strongly signalled interest in long-term city and regional deals as a way to partner with local government to create pipelines of regional projects.

We have released a proposal that sets out the key things councils need to see reflected in city and regional deals, and how these will support better alignment between central and local government. This proposal has supported our ongoing engagement with DIA and Ministers on the development of the Government's city and regional deals framework, which we expect to be released around August.

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We shared [the proposal](#), as well as a [factsheet](#) and [range of international examples](#), with members in late May.

Our Policy Team is meeting with DIA officials to discuss our proposals in more detail, and we have been approached by the New Zealand Initiative to speak about our work on their podcast. The Initiative's view is that our proposals are worth promoting as a way forward.

Local government funding and financing

We are in the process of developing a local government funding and financing policy and advocacy work plan to be shared with members. This will be a high-level plan setting out key policy, media and government relations actions and objectives. We have also begun work on a 'long list' of funding and financing tools that could form part of a funding and financing toolbox, which will include policy analysis of options. We plan to engage members on that as our work progresses.

Mayor Campbell Barry and Policy Manager Simon Randall recently met with the Local Government Business Forum (which contains representatives from organisations like Federated Farmers, the New Zealand Initiative, Hospitality New Zealand and Business New Zealand) to talk about local government's funding and financing challenges. We are pleased to be having ongoing engagement with the Forum.

Māori wards

In May we released a toolkit to support media engagement on this topic – based on our position that councils should make these decisions as they do on other wards and constituencies.

On 24 May, the Government introduced legislation to the House on reforms to Māori wards and constituencies. Submissions on this legislation were due by 29 May. Our submission was developed with input from Te Maruata Rōpū Whakahaere and was consistent with LGNZ's position that decisions on whether a community has Māori wards or constituencies should be made in the same way as other ward/constituency decisions – by councils with community and iwi consultation.

Thanks to a suggestion from Mayor Grant Smith, we developed a letter that Mayors and Chairs could choose to sign, opposing the Government's changes for the reason set out above. The letter reflected LGNZ's consistent position on this issue since 2018. Fifty-three Mayors/Chairs have now signed the letter, plus our Te Maruata Co-Chairs, and many spoke up in the media.

Budget 24

We were inside the Budget lockup on 30 May and produced [analysis for members](#) that was shared that evening, as well as media engagement that highlighted the Budget's impact on local government.

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Government relations

We are continuing our work to develop a strong partnership with the Government and other politicians building on our regular formal meetings with the Prime Minister, Ministers and key officials with additional informal meetings. We have made changes to our approach to political engagement which has seen us:

- Be part of political events such as Waitangi Commemorations, where it's possible to speak to a broader range of Ministers in formal and informal settings;
- Host a localism briefing with National Party MPs and provide follow up support to showcase examples of localism in action in their rohe; and
- Host a pizza and drinks night for Members of Parliament who were previously local government elected members or staff.

These types of engagements help build a broader cohort of central government politicians who understand and can advocate for local government from within.

On 3 April we had one of our regular quarterly meetings with Local Government Minister Simeon Brown. We discussed our desire to see changes to the rates rebate scheme, our work to support councils with the rates rises conversation, and the need for a broader range of funding and financing tools.

Mayor Neil Holdom (in his capacity as Chair of the LGNZ Transport Forum) and Mayor Campbell Barry were invited to meet with Transport Minister Simeon Brown in late March and provided feedback on the draft GPS, including signalling ways in which they thought it could be adjusted to provide councils with greater flexibility.

We have also secured quarterly meetings with Infrastructure Minister Chris Bishop. We had our first regular meeting with Minister Bishop on 16 April, and covered a wide range of topics including infrastructure, housing, local government funding and financing, resource management reform and how the Minister engages with local government.

The Minister agreed with our request for local government representation on his expert ministerial advisory group that is being set up to support phase 3 of the resource management reform programme, and we have put forward names for consideration.

Toby Adams, Mike Theelen and Nigel Corry (supported by Grace) have also recently met with Minister Bishop to discuss how he might engage with the Local Government Steering Group (LGSG) and/or a variation of this going forward. There are positive indications that the Minister is prepared to engage with a smaller, nimble group, so the larger LGSG has been put on hold and a smaller local government reference group formed for this purpose. Thanks to everyone who's contributed energy and expertise to this group over the past three years.

During May we met with Minister Shane Jones to discuss regional economic development and city/regional deals; Max Baxter, MTFJ Chair and the MTFJ team has met with Social Development Minister Louise Upston; and Susan attended a pre-Budget lunch event with the Prime Minister in Auckland.

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In late May, we were invited to present to the Governance and Administration Select Committee on LGNZ's work, with Sam and Susan spending a productive hour explaining what LGNZ does on behalf of members and fielding questions.

In June we have regular meetings with Infrastructure and RMA Reform Minister Chris Bishop (our focus will be on housing and the discussion will involve Mayor Sandra Hazlehurst and Nigel Bickle, CE Hastings District Council), Local Government Minister Simeon Brown, and Regional Development Minister Shane Jones.

Media

Our most visible media work during this period has been the rates rise conversation discussed above, and we have overall had a significant lift in engagement and profile.

To support the toolkit work discussed above, in early May, Infometrics crunched the numbers on GST from rates being returned to councils and we arranged a joint press conference. Sam and Infometrics CE Brad Olsen spoke to media on Parliament's steps, and Mayors across the motu have used the figures in their own discussions. This was covered extensively, and Sam also spoke about the research and rates rises on [Nine to Noon](#). NBR also ran a feature piece on key issues facing local government, including funding and financing and the expected city/regional deals.

Another major piece of advocacy through media is four-year-terms for local government. Sam has used every opportunity to talk about the efficiencies we'd gain by implementing longer electoral terms. This has led to stories in local papers as well as in-depth coverage by RNZ's political reporter, Russell Palmer. We have kept this conversation alive, having publicly launched the LGNZ Electoral Reform Group on 4 June and supported Chair Nick Smith with media engagement, including [1News](#) and breakfast media.

Leveraging the discussions at the Combined Sector meeting in April, we put the spotlight on city/regional deals, featuring in [pieces by Newsroom](#) and [The Spinoff](#). We had coverage by NBR on the link between tourism and local government in Minister Doocey's session. This media furthers our advocacy priority for new funding and financing tools.

We've been working in with some local papers on stories – including in Ashburton Guardian about how [constant Government reforms cause headaches for councils](#), and in ODT on the power of localism – featuring some of our members highlighting why localism matters.

Earlier this year, LGNZ ran a session for Mayors Taskforce for Jobs supporting individual council programmes to better tell their story of localism and council delivery. Since March, this has spurred an uptick in local media coverage positively highlighting the programme. A highlight was a [Seven Sharp](#) piece brokered by LGNZ on the only Windmill in the Southern Hemisphere, which aired in March.

Our city/regional deals proposal was [previewed by Newsroom](#), with Sam also appearing on the AM Show and [Mike Hosking's Breakfast](#).

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The Māori wards/constituencies letter received strong coverage on [OneNews](#) and in [Stuff](#). The day before the Budget, we had an [op ed by Sam](#) published in Stuff's The Post and The Press, and our Budget comments gained good traction.

Water services reform

The repeal of the previous government's water services legislation gave councils an additional three months to adopt their LTPs, an ability to forgo the audit of the consultation document, and to reduce consultation requirements on subsequent amendments. Alternatively, councils have been able to defer development of their LTP for 12 months if they produce an enhanced Annual Plan. We advocated for this relief and were pleased to see the Government make it available.

The replacement approach for water services will be rolled out in two parts. A first bill, the Local Government (Water Services Preliminary Arrangements) Bill, was introduced to the House in late May and LGNZ will be submitting on it to highlight councils' commonly held concerns with the bill and suggestions for improvement. This bill will be passed by the middle of the year and will require the development of service delivery plans (which will be the vehicle to self-determine future service delivery arrangements). This bill also puts in place transitional economic regulation and provides a streamlined process for establishing joint water services CCOs.

A second bill will be introduced at the end of the year and will set out provisions relating to long-term requirements for financial sustainability, provide for a complete economic regulation regime, and introduce a new range of structural and financing tools, including a new type of financially independent council-controlled organisation.

A technical advisory group has been formed to support the development of the legislation and related policy. We recommended two names for this technical group – one of them was selected (Mark Reese, Chapman Tripp).

LGNZ has been advocating for updates to the mandatory performance measures for water so that councils don't have to report against both the Taumata Arowai Drinking Water Standards and the now-replaced Ministry of Health Drinking Water Standards. We've been successful in securing this change, which has gone to councils for your feedback. Final changes should be in place by mid-June.

Taumata Arowai is starting to develop regulations for storm water and wastewater, and attended recent sector meetings. We are also engaging with Taumata Arowai on new wastewater and stormwater standards.

Resource management reform

The Government repealed the Natural and Built Environments and Spatial Planning Acts prior to Christmas. It then worked at pace to develop a new fast-track consenting regime. We made a joint submission on the new legislation with Taituarā and on 4 June we will appear before the

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Environment Committee with Taituarā in support of our submission. Our submission acknowledged the need for a fast-track process but identified a number of improvements that our members want to see including better alignment with councils' planning documents and processes, more time for engagement with councils and more of a focus on sustainable development. Our submission was informed by workshops that we held at each of our April sector meetings.

The new Government is working quickly to make a number of changes to national direction, including the NPS-Freshwater Management. We're monitoring these changes closely along with Taituarā and Te Uru Kahika.

Grace and Susan meet regularly with the MfE leadership team. These meetings are constructive and positive.

As noted above, we've worked closely with Mayor Toby Adams, in his role as Co-Chair of the Resource Management Reform Local Government Steering Group, to support him to engage with Minister Bishop on options for engaging with local government on changes to the resource management system. And we've recommended local government representatives to sit on an expert ministerial working group that Minister Bishop is planning to establish to support his reform programme.

Transport

The LGNZ Transport Forum, chaired by Mayor Neil Holdom, worked closely with our policy team to pull together our submission on the draft Land Transport GPS. We had good engagement with our draft submission, with 18 councils providing constructive feedback.

The Transport Forum had its second meeting of the year on 23 May, which covered off a range of key issues including the NZTA emergency works review, the Road Efficiency Group's (REG) ongoing efforts to improve the collection and presentation of transport data, and progress on the Government Policy Statement on Transport and National Land Transport Programme.

Our Transport Forum is continuing to progress its work programme and engage with members. Immediate priorities for LGNZ in the transport space include considering the impacts of the upcoming Budget, completing our submission on the emergency works review, and reviewing the finalised GPS when it is completed (the draft of which we submitted on earlier this year).

Climate change

We welcomed the Government's announcement that the Finance and Expenditure Committee will be continuing the inquiry into climate change adaptation that was started by the previous government. We're pleased that the Government's announcement has received cross-party support and in our press release emphasised the importance of engagement with local government given its role in adaptation, the urgent need to address adaptation funding arrangements and the need for thought to be given to the framework for managed retreat.

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The submission that we made to the earlier inquiry will be considered by the Finance and Expenditure Committee and we're planning to provide the Committee with some additional comments.

We were pleased to be able to suggest Aileen Lawrie, CE of Thames-Coromandel District Council, as local government representative on the expert reference group that the Ministry for the Environment has established to support its climate adaptation work.

Support for Cyclone-affected councils

The Policy Team has met with the secretariat of the Cyclone Gabrielle Recovery Taskforce to support development of their insights framework, which seeks to capture the lessons learned from their work. We have also started engagement with the Department of Prime Minister and Cabinet on their next steps on their critical infrastructure framework and minimum standards.

The report on the Government Inquiry into the Response to the North Island Severe Weather Events was released in April. We understand that consideration of the Emergency Management Bill (which we submitted on in October 2023) is on hold until the release of this report, so the Select Committee can consider it and any changes needed to the Bill. This may involve further submissions or engagement.

We worked with Mayor Rehette Stoltz, CE Nedine Thatcher-Swann and the team at Gisborne District Council to write a letter to Ministers and officials raising concerns with the process that was adopted for the Ministerial Inquiry into Land Use that Gisborne District Council was subject to last year. The purpose of the letter was to highlight that we don't want similar process issues repeated in any future inquiries that local government may be subject to.

Localism

We are developing our Choose Localism toolkit, which will be released at our SuperLocal Conference. The toolkit sets out a wide range of tools and approaches councils can use to make a localist future a reality and apply a localism lens across their day-to-day work. The toolkit has four broad headings: collaboration and input; place-based empowerment and devolution; planning, budgeting and resource allocation; and growing and developing local economic and social success.

We have also worked with Curia to poll members of the public on local government issues. The data will look at perceptions around the effectiveness of councils, how councils could improve their effectiveness and who is best placed to make certain decisions/deliver certain services out of central and local government or a combination of both. We are planning to release the findings and supporting work and recommendations at SuperLocal.



Electoral Reform Working Group

As part of our broader work on Choose Localism, we are looking at ways to tackle the issue of mandate for local government. There have been several reviews and numerous calls for local government electoral reform over the years, with no progress being made. Only four out of ten eligible voters have their say in local elections, compared with eight out of ten for central government.

Mayor Hon Dr Nick Smith, who has been part of a number of Justice Select Committees looking into this, will be leading an LGNZ working group to get some traction on the issue. The working group will have a very clear purpose: to drive LGNZ's advocacy work to strengthen the democratic mandate for local government to advocate for and meet the needs of communities, with a particular focus on increasing participation.

As well as Mayor Nick, other members of the group are Mayors Rehette Stoltz, Susan O'Regan and Campbell Barry, and Toni Boynton (Te Maruata Co-Chair). The group is meeting shortly to finalise its Terms of Reference and confirm its work programme. We'll keep members informed as this work progresses.

Measuring councils' collective scale and impact

We are holding a zoom on 6 June to support this data-gathering project, initiated by National Council member Mayor Neil Holdom, which aims to consolidate key local government expenditure into a collective national database. The purpose of this is to enable easy comparison between councils and to have data to support key conversations with central government on infrastructure and investment.

Freedom camping

The Policy Team have released updated guidance and a model bylaw that reflect recent amendments to legislation and case law, to support councils to develop, review, and administer bylaws relating to the Freedom Camping Act 2011 (FCA). Amendments to the FCA came into force on 7 June 2023, but there is a transitional period before the new certification for self-contained motor vehicles and related provisions come into force.

The Ministry of Business, Innovation and Employment and the New Zealand Motor Caravan Association part funded this work, and we worked with them and Taituarā to develop it.

Rates rebates

The Minister for Local Government announced an increase to the rates rebate scheme, shortly after we met Ministers Brown and Costello in early April and talked about the need for these changes to

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support low-income households. We've advocated strongly on this issue for several years off the back of remits put forward by Whanganui District Council (2020 AGM) and Horowhenua District Council (2023 AGM). However, the increases are only in line with inflation, not the Local Government Cost Index, which is the core ask of the remit put forward by Horowhenua District Council in 2020. We'll continue to advocate for increases to be in line with the LGCI.

Remits

We're continuing to make progress on remits where we can – though as is always the case following a General Election, progress slowed while the new government bedded in and we developed an understanding of how our remits relate to its priorities.

Remit	Progress update
Allocation of risk and liability in the building sector	We're yet to start substantive work to progress this remit. However, we did raise the issues that this remit addresses through our involvement in a working group that was reviewing the building consent system in 2023.
Rates rebates	As noted above, the Minister for Local Government announced an increase to the rates rebate scheme, shortly after we met Ministers Brown and Costello in early April and talked about the need for these changes to support low-income households.
Roading/transport maintenance funding	Our Transport Forum is leading work on this remit. Our submission to the draft Government Policy Statement advocated for increased investment in road maintenance.
Local election accessibility	We're yet to start substantive work to progress this remit.
Ability for co-chairs at formal meetings	Guidance on how to introduce co-chairs, which has been informed by legal advice, has been incorporated into our revised Guide to the LGNZ Standing Orders Template, which was published in early February 2024.
Parking infringement penalties	We're yet to start substantive work to progress this remit.
Rural and regional public transport	This remit is being progressed through the work that our Transport Forum is leading. Our submission to the draft GPS Land Transport advocated for increased investment in rural and regional public transport.
Establishing resolution service	We have built work on developing a resolution service into the refreshed LGNZ strategy.
Earthquake prone buildings	As championed by Manawātū District Council (the mover of this remit), a review of the current earthquake strengthening requirements has been announced. Our Policy Team has been working with Manawātū District Council and officials at MBIE to ensure the review meets the needs of local government, and that

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	there is strong local government input into it. There has been good media coverage of this review, and the role Manawātū District Council has played in pushing for it.
KiwiSaver contributions for elected members	We have engaged with Minister Brown on this issue, and he expressed some interest in it. We have engaged Simpson Grierson to provide detailed advice on options for providing KiwiSaver contributions for elected members – including drafting of relevant legislative clauses, so that we're able to present a package of options for reform to the Government.
Scope of audits and audit fees	Part of the approach to reduce fees is to ensure that the legislative requirements and scope (and resulting repetition and complexity) of Long-term Plans and Annual Plans and reports are reduced to be better aligned with needs and cost less to audit. A workshop with Audit NZ, Taituarā and the Office of the Auditor General has been organised for July to review the current requirements of long-term planning and associated reporting.

Remit applications for the 2024 AGM close on Tuesday 18 June. Currently no remits have been received, although we know of at least three in development. The remit committee (President, Vice-President, CEO, and Director Policy & Advocacy) will consider these on 1 July, with the approved remits being circulated to members on 3 July.



Connect

Member visits

Rates rises are top of mind for all councils so our work on this issue has been front and centre in our discussions with councils over the past four months.

As well as Sam, Campbell and representatives from LGNZ's leadership team being at zones 2, 1, 3 and 5-6, Sam and Susan visited councils in Otago and Southland, the wider Wellington region and Northland in March/April. We then visited the West Coast councils on 17-18 April and attended a WCRC meeting on 9 April after conversations about the value they derived from regional sector meetings. Since the start of May, we've visited councils in Manawatū, Whanganui, Upper Hutt, Horowhenua and Canterbury (including Christchurch). All these visits are incredibly valuable in terms of connecting councils with our work and receiving feedback. We are now planning visits over the next few months and post-conference towards the goal of visiting or scheduling visits with all members in Sam's first year as President.

Combined Sector meeting

Our Combined Sector meeting on Thursday 11 April featured a strong range of speakers, with a focus on rates rises, the cost of infrastructure and the fast-track consenting legislation. Speakers included Mayor of Greater Manchester Andy Burnham, Brad Olsen (Infometrics), Dr Eric Crampton (NZ Initiative), Philippa Fourie (Fonterra), Jade Wikaira (Wikaira Consulting Ltd), Richard Capie (Forest & Bird), Geoff Cooper (New Zealand Infrastructure Commission, Te Waihangā) and the team from Simpson Grierson who talked about fast-track consenting.

We've had very positive feedback on the day, with an average rating overall by survey respondents of 4.5/5, with the programme getting 4.6/5 and the overall organisation 4.8/5. Comments included:

- *Really happy with the new direction of LGNZ and the consultative approach - enjoy the interactive sessions (using SLIDO)*
- *Very worthwhile day. Stakeholder event was excellent*
- *In my opinion, this was one of the best LGNZ events I have ever attended. Topics were spot on, plenty of time to network (which is a huge benefit that comes from these events), great speakers, kicking off with the Manchester Mayor really set the scene. Well done to the organisers!*

Sector meetings the following day also ran well.



Te Uru Kahika and Regional Sector

The Regional Sector and Te Uru Kahika's priorities – climate resilience, resource management system, Te Ao Māori, the Government's reform agenda in freshwater, water services regulation, and transport – align closely with LGNZ's advocacy priorities, providing a wide range of opportunities for collaboration. This includes our recent participation in Te Uru Kahika's Climate Workshop.

Our team is meeting regularly with Te Uru Kahika to ensure we are joined up in our support for the Regional Sector. We continue to work together closely on submissions and engagement on central government reforms.

Infrastructure Symposium

We're looking forward to this Combined Sector event on 13/14 June and have secured another strong line-up of speakers, with the [finalised programme available here](#). Infrastructure Minister Chris Bishop will speak at the networking event on the Thursday night, and Sir Bill English is one of our keynote speakers on 14 June. Other speakers include Opposition Local Government spokesperson Hon Kieran McAnulty, Peter Nunns (Director Economics, Te Waihangā Infrastructure Commission), Simon Dyne (COO, Fulton Hogan), Councillor Linda Scott (via zoom, President, Australian Local Government Association), Malcolm Smith (Australasian Cities Leader, Arup) plus expert panels and more. Registrations are tracking well.

Conference and Awards update

Planning is well advanced for both SuperLocal 2024 and the Community Boards conference, along with additional events for Te Maruata and Young Elected Members, LGNZ's Annual General Meeting, the Mayors for Taskforce breakfast and numerous networking events across the three days.

In early April we launched SuperLocal24 to members and opened registrations. This followed the earlier launch of the SuperLocal 24 Awards.

We will exceed our sponsorship target for SuperLocal, which is a real achievement in the current climate.

We have finalised the programme, which has a dynamic line up of speakers, and registrations are on track.

Women in local government

Following on from our 13 February zoom for women in local government, we are planning a lunch immediately before the SuperLocal conference, which will feature Finance Minister Nicola Willis as the opening speaker.



Te Maruata update

Te Maruata held its first whānui hui online on 14 March to reset priorities for the remainder of the triennium. The hui included a kōrero with MP Marama Davidson, the election of new members for the Roopu Whakahaere as well as opportunity to meet with Mereana Taungapeau, LGNZ's recently appointed Kaitohutohu Matua Māori. Aubrey Ria was elected as the Rural & Provincial representative, and Keri Brown was elected as the at-large representative.

Te Maruata held its monthly online wānanga on 24 April. Te Whatu Ora provided updates on the Sale and Supply of Alcohol Amendment Act – specifically around the incorporation of Tikanga Māori into licensing hearings. There was also broad discussion about Māori wards and the Fast-Track Amendment Bill.

A key issue for Te Maruata is strong advocacy on retaining current arrangements for the establishment of Māori wards and constituencies.

At the Te Maruata Rōpū Whakahaere hui on 9-10 May, kaupapa included Māori wards, Te Maruata membership, the programme for the Te Maruata Hui at conference and the Hutia te Rito strategy – the LGNZ Te Ao Māori approach. The in-person hui included the member now representing Community Boards, Jock Martin (who represents the Lawrence/Tuapeka ward for Clutha District Council).

The Rōpū Whakahaere have been conscious of ensuring Te Maruata members are supported during the debates around Māori wards, which has been a difficult time for many. Regular comms, information sharing and opportunities for kōrerō have been activated so that Te Maruata members feel supported and connected. Equally it's important that the voices of Māori ward councillors and Māori elected members are uplifted. Te Maruata Rōpū Whakahaere made a submission on the Bill in support of LGNZ's submission that also spoke to personal experiences and the critical role Māori councillors play at decision-making tables across Aotearoa.

Hutia te Rito: LGNZ Māori Strategy

Our Kaitohutohu Matua Māori Mereana Taungapeau led the organisation of a staff wānanga at Raukawa Marae in Ōtaki on 1-2 May. Its purpose was to introduce staff to Hutia te Rito and the Te Ao Māori work programme for LGNZ which is currently in development.

Young Elected Members

The YEM Committee are keen to continue holding annual YEM Hui, and are well underway with planning for this year's event. The Committee has confirmed dates for this year's Hui (16-18 October) and will be holding it in Christchurch. In response to member feedback, we've brought the Hui forward and shared the dates early so people can get it in their diaries.

The YEM Committee met online in March and in person at the end of May. As well as discussing the next Hui and their pre-SuperLocal gathering, the Committee has refined the YEM Strategy and Kaupapa based on feedback received from the network at the end of last year.

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Petone Community Board member Kaz Yung has been elected to the YEM Committee as the community boards representative, and the Committee has also welcomed new member Councillor Deon Swiggs (Environment Canterbury), who has replaced Deputy Mayor of Westland Ash Cassin, following Westland's decision to withdraw from LGNZ membership.

Community Boards Executive Committee

Over the last few months CBEC has been actively involved in a number of initiatives:

- **Satisfaction survey of community boards and mayors:** CBEC commissioned FrankAdvice to undertake a survey of community boards and mayors to better understand the mood of community boards, and relationships between councils and community boards, as well as identify areas for improvement, with particular emphasis on roles, remuneration and relationships with councils. The final report, with recommendations, was released in late February. The findings will be used for ongoing advocacy by CBEC and to inform updates to the Governance Guide for Community Boards.
- **Community Boards Conference:** CBEC is well underway with planning for the 2024 Community Boards Conference, which is being held as part of SuperLocal. CBEC members have been working hard with the LGNZ team to pull together a programme, and seek speakers and sponsorship.
- **Declarations:** the Committee has discovered that some councils do not require appointed board members to make a community board declaration – creating a potential risk to councils should a board decision be challenged on the basis that some members were ineligible to vote. CBEC sought legal advice, which confirmed that all appointed members should make a community board declaration as well as their council declaration. That advice has been sent to all councils with community boards.
- **Remuneration:** CBEC is working with the Remuneration Authority to improve the basis on which community board remuneration is set. The Authority has not been able to resolve how to remunerate boards with additional responsibilities (member pay is based on population without any consideration of the level of responsibility). The Committee has been engaging regularly with the Remuneration Authority on options. It's meeting in June to develop a work programme to deliver on recommendations resulting from its survey of community board members and Mayors.

Kaz Yung (who was elected to the Young Elected Members Committee) has joined our Community Boards Executive Committee. Jock Martin has also been elected to CBEC and Te Maruata, as noted above.

CBEC held a zoom for all community board members in late March, where they discussed the results of the survey of community board members and mayors, and options for remunerating community board members. The zoom was attended by around 40 members.

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Support

Ākona

On 3 April, we gave all elected members access to Ākona, following National Council's decision that subscription should be rolled into the member fee.

The number of logins continues to grow, with 50-60 learners being added each week. Engagement with Ako hours already exceeds expectations, and registrations for next month's Climate Change Adaptation Ako hour are climbing quickly.

Sector engagement with Ākona has also significantly increased. Last week's bi-monthly hui with Council L&D staff (which would previously attract 10 or less participants) had almost 30 participants. There were also multiple requests for the hui to be recorded and sent to those who could not attend. Hui participants expressed their support of the system, including the new skills analysis tool. There was also keen interest in working with LGNZ to build elected member engagement through coaching sessions, to develop learning programmes, and to develop learning policy based on Ākona content.

The Induction 2025 Project has commenced with the development of a triennial calendar of learning linked to key sector milestones. This calendar will be tested by a group of sector representatives over the next few weeks, with a view to complete induction design by the end of October. The purpose and approach to Induction hui is being refined based on member input and feedback from the 2022 events.

Discussions have begun with Taituarā to develop an induction pack that will include pre-elected learning resources, (as per the framework). A pre-candidacy package of learning will also soon be developed to support the promotion of local governance participation in our communities.

There are new courses recently released or nearing release include:

- Climate Change
- Te Reo
- Decision Making
- The CE Relationship
- Leading diverse communities

In addition, the tīma worked with PD Training to contextualise a Critical Thinking workshop which was delivered at Napier District Council in late February. A targeted workshop focused on Chairing Meetings/Standing Orders has also been developed. Both options will become a permanent part of Ākona offerings.



Guidance and advisory for members

We've updated our [Guide to the LGNZ Standing Orders Templates](#). The updates provide councils with guidance on how to amend their standing orders to incorporate changes to the definition of a quorum (for those joining by audio visual means). They also provide guidance on the Ombudsman's recent report on public access to workshops.

We're working with the Taituarā Democracy and Participation Working Group to fine tune our Standing Orders Template, with a focus on readability. The updated version will be available to councils in early 2025, giving plenty of time to be prepared ahead of the 2025 local body elections. The new template will also reflect legislative changes made since mid-2022 when the current template was drafted.

Elected member safety and security

We held a zoom on safety and security on 18 April, with 60 people attending. Panel members Mayor Dan Gordon, Deputy Mayor Angela O'Leary and Mayor Len Salt spoke eloquently about the difficult and disturbing experiences they had had, followed by representatives from NZ Police and Netsafe. This was the start of a conversation and there's clearly more LGNZ can do to support members experiencing this harassment, which is also a threat to local democracy.

At the Combined Sector meeting, we asked attendees about their experiences and the results were:

- 74% had face aggressive, abusive or offensive behaviour as an EM in public meetings
- 65% had faced it online
- 39% had faced it at community events
- 33% had faced in doing every day activities like shopping or collecting children from school

In terms of the levels of behaviour:

- 53% thought it was worse than a year ago
- 41% thought it was similar
- 9% thought it was better.

Our second zoom in this series will be in mid-June, to focus on "sovereign citizens" and vexatious requests, and we've secured a range of panellists/speakers. This topic was suggested in the first zoom, and the third zoom will focus on physical security for EMs. All these zooms are recorded and available to elected members in Ākōna, along with related resources. [You can log into Ākōna here](#).

Te Korowai

Our continuous improvement programme, previously known as CouncilMARK, has undergone significant evolution over the past year in response to feedback from the sector. These changes aim to increase programme participation and deliver greater value to participating councils.

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Renamed 'Te Korowai', the programme has extended its focus beyond independent assessments to support councils throughout their continuous improvement journey, both before and after assessment.

Te Korowai emphasises a wraparound support for councils, the establishment of development benchmarks and aligning council performance with priorities. The introduction of additional development pathways facilitates the translation of assessment findings into actionable plans, enabling councils to optimise their performance.

We have collaborated closely with Waikato Regional Council, which served as the pilot for the new programme. Following their successful on-site assessment, they have transitioned into the development phase. Initial feedback from Waikato Regional Council has been overwhelmingly positive, highlighting how the programme provided valuable insights and confidence to progress along their development journey.

We are currently engaged with several other councils, including as Central Hawkes Bay District Council, Ōtorohanga District Council, and Otago Regional Council, as they prepare to join the revamped programme. Additionally, efforts are underway to align the programme's performance assessment framework with Ākona, fostering continuous improvement through a culture of learning and development.

Mayors' Taskforce for Jobs

Mayors' Taskforce for Jobs (MTFJ) core group has signed off a refreshed five-year strategic plan. The plan reconfirms the focus of the MTFJ kaupapa firmly on rangatahi, particularly those youth who are NEET (Not in Employment, Education or Training).

LGNZ supported Mayor Max Baxter, MTFJ Chair, to secure a meeting with the Social Development Minister Louise Upston, which the MTFJ team of Maree and Tammie attended, along with Scott.

Max also met with Minister Upston while attending a joint visit to Waimate to hear firsthand how the programme has delivered better employment outcomes there. The Minister is joining MTFJ for their annual breakfast meeting at SuperLocal.

The MTFJ Governance Group, which oversees MTFJ's strategy and delivery, met in April and May and the Core Group is meeting on 7 June.

Huge credit to the MTFJ council teams who nationally have exceeded their MSD-contracted CEP outcomes, achieving 1,111 employment outcomes for year one well ahead of the due date. This positions the MTFJ MSD employment contract for continued success as it rolls over into year 2, although with reduced contracted funding from (\$10 million to \$8 million).

LGNZ ran an impactful session for MTFJ in February supporting individual council programmes to better tell their story of localism and council delivery, as discussed in the media section above, and reflected in the uptick of media around MTFJ in recent weeks.

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Road Efficiency Group (REG)

LGNZ has been a long-standing partner and supporter of REG and we are pleased to see REG feature in the draft Transport GPS. This includes direction from the Minister that REG, as part of a wider expectation for improved sector performance and efficiency, is to focus on ensuring that all investment in maintaining and improving resilience on the state highway, local and rural road networks is spent in the most efficient manner.

Key focus areas for REG include:

- Finding efficiency in road maintenance spend to deliver more for road users and taxpayers' investment;
- Standardising maintenance protocols and processes to find efficiency where efficiencies can be found;
- Reducing expenditure on temporary traffic management (TTM), which is adding significant cost to road maintenance and reducing efficiency of spend;
- Reviewing Network Outcomes Contracts (NOC) with a focus on achieving long-term maintenance outcomes of 2 percent rehabilitation and 9 percent resurfacing per year, ensuring a proactive approach to road maintenance.

REG is currently reviewing its term of reference and governance arrangements, which will see two independent appointments by the Minister to the REG governance group.

Moata Carbon Portal

Recently we've provided a demo of the portal and had conversations on carbon accounting with Central Otago District Council. We have also supported Mott MacDonald to attend zone meetings to provide an overview of the carbon portal as well as some findings from the carbon baseline completed on Queenstown Lakes LTP in 2023.

The findings from this baseline were that water projects accounted for 55% of QLDC's total capital carbon, with transport accounting for 24% and built environment 21%. Over the course of their LTP, their highest carbon peaks were predicted for 2023 and 2030, with recommendations provided on integrating carbon assessments into their approval and delivery processes.

Ratepayer Assistance Scheme (RAS)

With Auckland and Tauranga confirming support to establish the RAS, we have secured \$1.2 million of the estimated \$3 million required to complete the development work to establish the RAS. On establishment, we would need circa \$23 million establishment capital.

As a reminder, the RAS is a special purpose tool that would provide support to ratepayers to finance any local authority charge. With balance sheet separation, and proximity to both local and central



government, it would have a very high credit rating and therefore be able to provide the cheapest possible financing terms to ratepayers.

The Ratepayer Financing Scheme's flexibility would enable it to support:

- Development contributions to enable housing development.
- Home improvement policy to meet healthy homes, earthquake strengthening, home insulation and solar panel installation, water separation and storage etc.
- Rates postponement to provide relief to ratepayer experiencing affordability pressures.

A detailed business case supporting the RAS's viability has been completed with the support of Auckland, Hamilton, Tauranga, Wellington, Christchurch councils alongside the LGFA and LGNZ. We have had recent positive engagement the new governments policy advisors. The RAS could provide financing for future water charges which would assist with affordability.

The Steering Group have engaged with the Government's water Technical Advisory Group to discuss funding and financing more broadly, including the possible role the RAS could play supporting ratepayers and funding infrastructure.

Scott and selected members of the Steering Group met Simon Court (Parliamentary Under-Secretary to the Minister for Infrastructure and the Minister Responsible for RMA Reform) on 3 April and Minister Simeon Brown has expressed interest in learning more about it.

Libraries partnership

Our Libraries Advisor is continuing to deliver the work programme that has been agreed to with DIA and the New Zealand Libraries Partnership Programme, and will be with LGNZ until the end of June 2024, when the project funding comes to an end. This was a Covid-19 recovery initiative so there isn't ongoing funding for this role.

At the end of the project, we'll receive a report that will outline all the key trends identified and findings made across the three years of the project.

Despite local government funding challenges, a large number of councils have supported the removal of fines to improve access to their library resources. Over 60% of councils are fully fines free and 92% are fines free for children and young people.

7.6 RISK AND ASSURANCE COMMITTEE RISK REPORT TO COUNCIL

File Number:

Author: Nicola Bousfield, Group Manager: People & Business Enablement

Authoriser: Doug Tate, Chief Executive

Attachments: 1. Risk and Assurance Quarterly Risk Status Report June 2024 [↓](#)

RECOMMENDATION

That the report be noted.

PURPOSE

The purpose of this report is to provide visibility to Council of active risks that officers have reported to the Risk and Assurance Committee, that have trending outside of the risk appetite of Council for two quarters or more. This report presents information tabled at the Risk and Assurance Committees meeting of 20 June 2024.

Officers will provide a verbal update to Council following the Committee meeting on any updates.

SIGNIFICANCE AND ENGAGEMENT

This report is provided for information purposes only and has been assessed as of some significance, noting the key risk issues being reported.

BACKGROUND

The Risk Status Report to the Risk and Assurance Committee is part of regular and routine reporting designed to provide governance with oversight and input into the way that identified risks are being managed within Council.

As noted in the 14 March Council meeting, the Risk Maturity Review undertaken in late 2023 resulted in several findings and areas identified for improvement, that has subsequently changed to how officers report on risk for discussion with the Risk and Assurance Committee and Council as outlined below. This report provides the second update to Council following the Risk and Assurance Committee meeting of 20 June 2024.

DISCUSSION

Please see attached for the Risk Register Update outline the risks reported to the Risk and Assurance Committee.

This update is being provided early to Council noting the timing of the Council's next meeting is not until 15 August, and the risk context will have changed by this time. Subsequently, Officers and Committee members will be providing a verbal update at the meeting.

How to interpret Council Risk Register Update

The attached Council Risk Register Update is a summarised version of Council's top risks from its risk register and is discussed in detail at Risk and Assurance each meeting. The risk titles also show the risk appetite of Council and then shows the sub-category risks with the residual risk trend. Where the risks are trending up or continuing along, there is an arrow to indicate this. If the residual risk is trending outside of the Council risk appetite, then there will be commentary to explain. The discussion will be focussed on those risks that have trended outside of risk appetite for two quarters or more, the purpose of this report to Council.

IMPLICATIONS ASSESSMENT

This report confirms that the matter concerned has no particular implications and has been dealt with in accordance with the Local Government Act 2002. Specifically:

- Council staff have delegated authority for any decisions made.
- Council staff have identified and assessed all reasonably practicable options for addressing the matter and considered the views and preferences of any interested or affected persons (including Māori), in proportion to the significance of the matter.
- Any decisions made will help 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.
- Unless stated above, any decisions made can be addressed through current funding under the Long-Term Plan and Annual Plan.
- Any decisions made are consistent with the Council's plans and policies; and
- No decisions have been made that would alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council or would transfer the ownership or control of a strategic asset to or from the Council.

NEXT STEPS

Officers will continue to report risks to Council that sit outside of the risk appetite of Council trending for two quarters or more.

RECOMMENDATION

That the report be noted.



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Risk Register Update: Quarter 4 – 2024

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Correct as at	11 June2024
Prepared by	Nicola Bousfield
Sponsor	Doug Tate

Proud District - Central Hawke's Bay is proud of its identity and place							
Risk Title	Appetite	Risk Subcategories	Trend				Narrative for those risks outside of Risk Appetite settings
			Q1	Q2	Q3	Q4	
Council loses or reduces its credibility or social licence to operate		N/A			↑	➡	

Connected Citizens							
Risk Title	Appetite	Risk Subcategories	Trend				Narrative for those risks outside of Risk Appetite settings
			Q1	Q2	Q3	Q4	
Council's business is significantly interrupted affecting its ability to operate		Business interruption					
		Cyber Security interruption					
Inadequate civil defence response		Inadequate civil defence response				↓	
		The risk of Tsunami					
		The risk of a flooding event					



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Risk Register Update: Quarter 4 – 2024

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Correct as at	11 June 2024
Prepared by	Nicola Bousfield
Sponsor	Doug Tate

Prosperous District - is attractive to businesses, households and whānau that are actively engaged in, and contribute, to our thriving district.							
Risk Title	Appetite	Risk Subcategories	Trend				Narrative for those risks outside of Risk Appetite settings
			Q1	Q2	Q3	Q4	
Unknown ongoing impact of Cyclone Gabrielle impacting Council		Unknown impact to Council					
		Unknown impact to community (Pōrangahau)					
Inability to demonstrate value for money to the rate payer		Inability to demonstrate value for money to the rate payer					
		Contracts value for money/performance is not achieved					
		Uncontrollable contractor challenges					
Central government funding uncertainty		Central government funding uncertainty					
		Roading funding uncertainty					
Council is unable to deliver Crown-funded projects		Council is unable to deliver Crown-funded projects			↑	↓	Quarter Four saw this risk decrease to amber due to no further funding being cancelled from central government. The Streets for People Project in Waipawa is nearing completion (by 30 June 2024). Council has sound risk controls in place around the Land Transport Recovery Programme including new favourable indications from Waka Kotahi NZTA. Council continues the existing programme of recovery work through funding from Crown Infrastructure Partners. Officers have also been working closely with Kainga Ora officials on the Waipukurau South Growth Precinct project (which is part-funded by Kainga Ora through the Infrastructure Acceleration Fund) to manage any risks around the funding provided by the Crown. Government officials have also confirmed the re-allocation of Better-Off Funding as adopted by Council at its meeting of 14 March 2024.
That rate increases are above forecast levels		That rate increases are above forecast levels			⇒	⇒	The risk remains amber. By the time of this meeting Council will have adopted the Three Year Plan and its budget and the associated rating requirements. The average rate increase for 2024/25 will be 20.9% pa with the first invoice due to be released in July, and those ratepayers who pay by Direct Debit will receive notification of the change in amount mid June.



**CENTRAL
HAWKE'S BAY**
DISTRICT COUNCIL

Risk and Assurance Committee: 20 June 2024

Risk Register Update: Quarter 4 – 2024

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Correct as at	11 June 2024
Prepared by	Nicola Bousfield
Sponsor	Doug Tate

Strong Communities							
Risk Title	Appetite	Risk Subcategories	Trend				Narrative for those risks outside of Risk Appetite settings
			Q1	Q2	Q3	Q4	
Staffing capacity and capability to deliver Council's objectives		Inability to recruit business critical roles - specifically at ELT or 3rd tier management level			↑	→	Quarter 4 saw this risk reduce to amber as we've now filled the key management roles, on a whole the market is better for attracting candidates but the challenge now will be ongoing budget restrictions. <u>Action:</u> This risk is continued to be mitigated by appointing internal support and contractor support. Specialised recruitment resources are being utilised to support current the recruitment drive to mitigate the financial impacts of current reliance on short term options.
Health & Safety - Failure to create and maintain safe council facilities and a safe environment for the community and staff		Failure to create and maintain safe council facilities and a safe environment for the community and staff				↓	
Unknown ongoing viability of the Centralines Aquatic Centre and risk of ratepayer investment		Unknown ongoing viability of the Centralines Aquatic Centre and risk of ratepayer investment					



**CENTRAL
HAWKE'S BAY**
DISTRICT COUNCIL

Risk and Assurance Committee: 20 June 2024

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Correct as at	11 June 2024
Prepared by	Nicola Bousfield
Sponsor	Doug Tate

Smart Growth							
Risk Title	Appetite	Risk Subcategories	Trend				Narrative for those risks outside of Risk Appetite settings
			Q1	Q2	Q3	Q4	
Growth and development		Inability to service development that then hinders or reduces growth					
		Inability to deliver the water capital works programme					Quarter 4 saw this risk reduce back to amber. With a realigned 3 Waters Programme managing affordability with critical and growth projects to align with the 3YP deliberations process. Substantial planning and programming have been a focus for the PMO team with a real push across various improvement measures being implemented within the PMO office to support the accountable delivery of the water's capital programme. <u>Action:</u> Officers to bring an update on the PMO Improvement Plan which will be presented to R&A August 2024, the improvements being implemented will provide the systems, processes and training to further develop the capability within the PMO and provide the framework required for the accountable delivery of capital projects.
		Growth projections aren't realised as planned for in the LTP					

Environmentally Responsible							
Risk Title	Appetite	Risk Description	Trend				Narrative for those risks outside of Risk Appetite settings
			Q1	Q2	Q3	Q4	
Failure to meet regulatory, legal or moral obligations		Failure to achieve drinking water legislative requirements					
		Failure to meet wastewater consent conditions - discharge into waterways					



Risk and Assurance Committee: 20 June 2024

Risk Register Update: Quarter 4 – 2024

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Correct as at	11 June 2024
Prepared by	Nicola Bousfield
Sponsor	Doug Tate

Durable Infrastructure							
Risk Title	Appetite	Risk Subcategories	Trend				Narrative for those risks outside of Risk Appetite settings
			Q1	Q2	Q3	Q4	
Critical asset failure		Failure of drinking water main Takapau Road, Waipukurau					
		Failure of water reservoirs in Waipawa and Waipukurau					
		Failure of Tikokino Road (Waipawa) Drinking Water Plant due to flood			⇒		\$2.5m was allocated by the Crown through the Cyclone Recovery Unit for a project to rebuild a stop bank to protect the treatment plant. Contractors have re-built the stopbank (on a 'like-for-like' basis), which provides an estimated 1:5 year flood event level of protection to the water treatment plant. <u>Action:</u> Officers continue to work with government officials to secure further funding that would enable the treatment plant to be relocated to higher grounds (ie, outside of the flood zone) to provide a level of protection that would meet the 1:100 year event at least, thereby significantly reducing the risk of plant failure in the event of a flood.
		Failure of State Highway 2 bore field			⇒	↓	Council officers better understand this risk after completing work in this quarter and anticipate this risk to reduce to amber next quarter. The project to upgrade the State Highway 2 bore field, that produces the water to service the Waipukurau township has operational risk with the current infrastructure being unable to be taken offline for servicing, as it is required to run continuously in order to supply the expected level of service. <u>Action:</u> There is a contract in place to mitigate this risk which will address the defects with bores and a plan in place to address the critical risks of these assets.
Water resilience		Waipukurau drinking water resilience			⇒	⇒	No new update from Q4, previous update form Q3: Project planned to increase resilience in Waipukurau's drinking water has been rephased due to affordability. The recent water outage event in Waipukurau reinforces the need for the capital works programme and these kind of events will continue until the required renewals and upgrades are completed. <u>Action:</u> Project rephasing continues, after workshopping and further discussions with elected members there is agreement drinking water resilience is a top priority.
		Pourerere Beach water resilience			NEW ⇒	⇒	No new update from Q4, previous update form Q3: The water supply servicing the Pourerere Campground does not meet the requirements of the new Draft Drinking Water Quality Assurance Rules, due to inadequate infrastructure to meet these rules. <u>Action:</u> to provide thorough briefing to council in coming months. Discussion with Taumata Arowai ongoing.



**CENTRAL
HAWKE'S BAY**
DISTRICT COUNCIL

Risk and Assurance Committee: 20 June 2024

Risk Register Update: Quarter 4 – 2024

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Correct as at	11 June 2024
Prepared by	Nicola Bousfield
Sponsor	Doug Tate

Durable Infrastructure							
Risk Title	Appetite	Risk Subcategories	Trend				Narrative for those risks outside of Risk Appetite settings
			Q1	Q2	Q3	Q4	
Disruption of essential services		Bridge failure (no alternate route or route of significance)			⇒	⇩	Generally this risk is trending down as Council has progressed and completed projects. The risk remains with the existing sites could be higher as we do not have certainty on central government funding. 1. Makaramu Bridge (Beach Road over Porangahau River) - bridge repair was completed in April 2024. 2. Patangata Bridge over Tukituki River on Elsthorpe Road has identified minor damage from February 2024 inspection. A cracked corbel structural element requires semi-urgent repairs. Risk is further deterioration in short term where a weight restriction may become warranted for heavy traffic. 3. Douglas Cutting - now into construction phase with a planned completion at the end of June 2024. 4. Titoki Bridge - design for a temporary solution is expected to be complete in June 2024 with further debris protection work planned, option report due 10 June. <u>Actions:</u> 1. Patangata Bridge: has current work being completed for both the piers and corbel which are planned to be complete in by end of June 2024, the bridge has maintained its posted limit and still safely able to carry 44 tonne heavy weight limit. There will be a short term weight limit on the bridge while these these works are completed. 2. Douglas Cutting: Management of the construction contract to complete works will continue to ensure delivery by the end of June 2024. 3. Titoki Bridge: Officers are currently and will continue to work with Waka Kotahi to advocate for access to further funding.
		Routes significantly damaged by weather events			⇒	⇩	Generally this risk is trending down as Council has progressed and completed projects. The risk remains with the existing sites could be higher as we do no have certainty on central government funding at this stage, although the 2024 budget has some funding which needs to be better understood. There are a number of routes that have been significantly impacted by either Cyclone Gabrielle or previous weather events and access is limited with high risk of deterioration or the alternative route is significant - this includes Cooks Tooth Road, Wimbledon Road, Tourere Road and Gwavas Road. <u>Action:</u> Collaboration with the Regional Recovery Agency is underway to generate a forward programme which can be presented to the Crown for further funding. At-risk sites have been weight-restricted, closed and or temporary repairs implemented where possible. Monitoring and repair of sites where possible under funding restrictions.
		Road asset damage due to weather		⇒	⇒	No new update from Q4, previous update form Q3: As well as the damage sustained in Gabrielle, large parts of the roading network remain damaged from 2022 events. Combined, this creates a significant impact for our road users as well as a significant challenge for our teams of staff and contractors to recover from. Limited maintenance contracts that don't and can't account for the scale of repairs required. <u>Action:</u> The 3 Year Plan consultation document including the level of service and the preferred funding/financial management options leading to an adopted 3 Year Plan. Anticipate that the Roothing Recovery additional funding (\$129mil) FAR (NZTA funding assistance rate) will be confirmed.	

7.7 CYCLONE GABRIELLE - ROADING RECOVERY UPDATE

File Number:**Author:** Rebecca England, Project Manager**Authoriser:** Doug Tate, Chief Executive**Attachments:** 1. Land Transport cyclone Gabrielle Recovery Key Project Status Report- June 2024 [↓](#)

PURPOSE

The purpose of this report is to provide an update to the Council on the Land Transport Recovery programme and the work undertaken during April 2024. This update is provided within the attached Road to Recovery Key Programme Status Report.

RECOMMENDATION

That the report be noted.

SIGNIFICANCE AND ENGAGEMENT

This report is provided for information purposes only and has been assessed as not significant.

BACKGROUND

This report presents the May 2024 update to the Land Transport Cyclone Gabrielle recovery programme.

DISCUSSION

Over the past month, we have made significant progress in the funded programme of work despite facing some challenges. Procurement was completed across a range of New Zealand Transport Agency (NZTA) Emergency Response funded projects, enabling the commencement of construction.

Construction has been completed on additional sites, leaving 4 simple and 6 complex sites still in progress. Despite some delays, we expect most of these sites to be completed before the end of the financial year.

We are currently collaborating with NZTA to extend the deadline for the Emergency Response funding to December 2024. Although this extension would not increase the scope of work, it mitigates the risk of exceeding the current deadline and incurring additional costs to Central Hawkes Bay District Council. We have also advanced the design on several unfunded sites, positioning us well for when further funding is acquired.

In addition, we have begun updating the prioritisation multi-criteria analysis (MCA). This plan includes further community consultation, building upon the existing community conversation data.

Despite these accomplishments, uncertainty remains regarding the programme funding for the remaining 98 sites across the district. Following the budget announcement on 30 May, it has been confirmed that Central Government will support the Cyclone Gabrielle infrastructure recovery. However, the scale of the funding assistance is not yet clear.

We continue to work with the Regional Recovery Agency and other partners to advocate for further funding. The ongoing development of the prioritisation MCA will support this advocacy and facilitate the creation of a robust programme.

We note from our May update the appetite from Councillors to see greater reporting on local procurement outcomes. This is an area that we are focussed on and working to achieve – balanced with the short term pressures of completing the physical works which are time bound.

IMPLICATIONS ASSESSMENT

This report confirms that the matter concerned has no particular implications and has been dealt with in accordance with the Local Government Act 2002. Specifically:

- Council staff have delegated authority for any decisions made.
- Council staff have identified and assessed all reasonably practicable options for addressing the matter and considered the views and preferences of any interested or affected persons (including Māori), in proportion to the significance of the matter.
- Any decisions made will help 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.
- Unless stated above, any decisions made can be addressed through current funding under the Long-Term Plan and Annual Plan.
- Any decisions made are consistent with the Council's plans and policies; and
- No decisions have been made that would alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council or would transfer the ownership or control of a strategic asset to or from the Council.

RECOMMENDATION

That the report be noted.

KEY PROGRAMME STATUS REPORT- LAND TRANSPORT PLANNED RESPONSE & RECOVERY

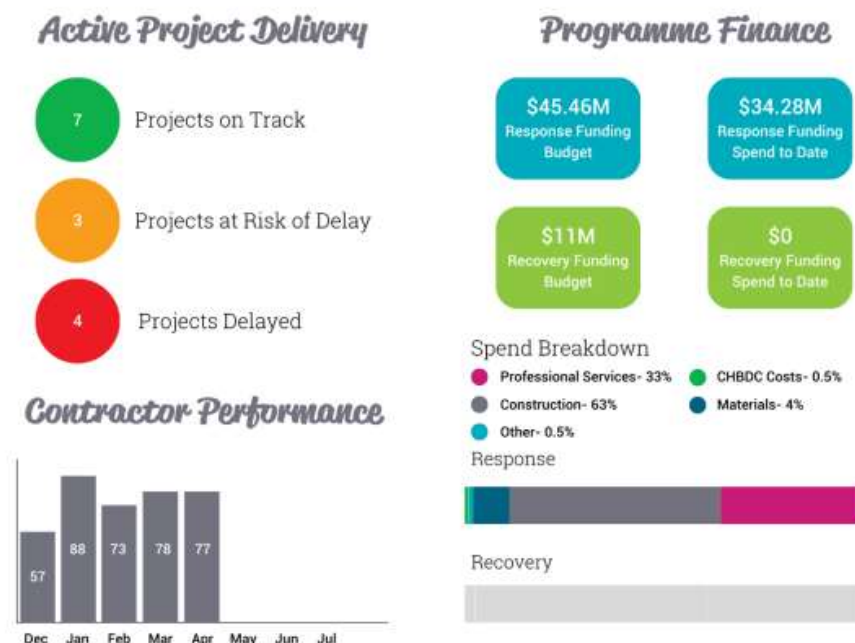


Programme Name	Land Transport Planned Response and Recovery
Programme Manager	Rebecca England
Programme Sponsor	Doug Tate
Reporting Period	20 Apr 2024- 20 May 2024

Programme Objectives:

- To rapidly assess and prioritise road damage to facilitate immediate response efforts.
- To ensure immediate safe access for affected community members and road users. In some areas undertaking temporary road repairs to restore basic functionality for emergency services and essential transportation.
- Where able, under budget constraints, permanently re-establish access to isolated or affected areas by repairing damaged roads.
- To communicate and engage with the community on the programme and progress of each project.
- To deliver these capital projects in alignment with budget and quality parameters whilst ensuring community benefit.
- To work with community members, affected landowners, businesses, iwi, and other stakeholders to establish priorities and ideal levels of service, which will inform future recovery works.

Delivery Analytics



KEY PROGRAMME STATUS REPORT- LAND TRANSPORT PLANNED RESPONSE & RECOVERY



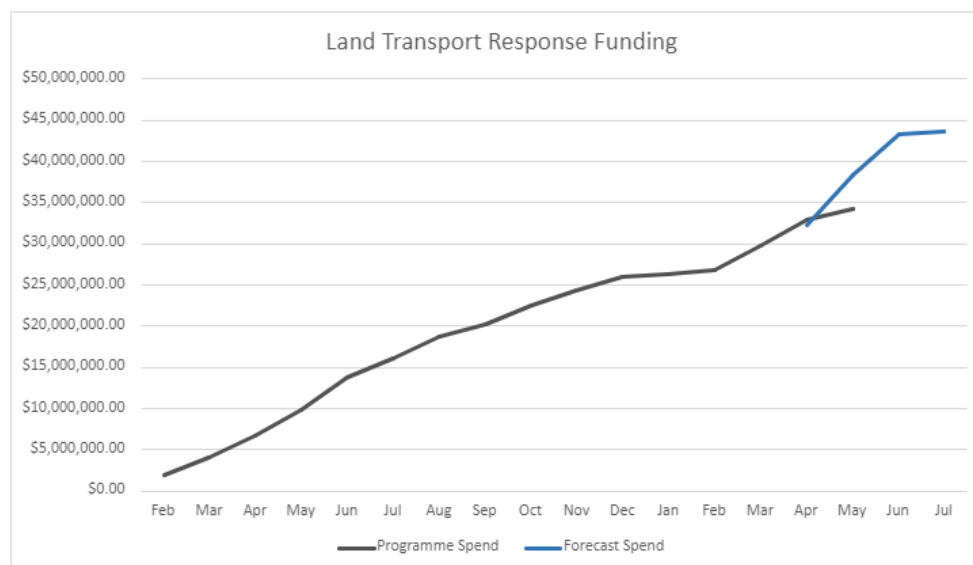
Executive Summary:

Over the past month, we have made significant progress in the funded programme of work despite facing some challenges. Procurement was completed across a range of New Zealand Transport Agency (NZTA) Emergency Response funded projects, enabling the commencement of construction. Construction has been completed on additional sites, leaving 4 simple and 6 complex sites still in progress. Despite some delays, we expect the majority of these sites to be completed before the end of the financial year.

We are currently collaborating with NZTA to extend the deadline for the Emergency Response funding to December 2024. Although this extension would not increase the scope of work, it mitigates the risk of exceeding the current deadline and incurring additional costs to Central Hawke's Bay District Council. We have also advanced the design on several unfunded sites, positioning us well for when further funding is acquired.

In addition, we have begun updating the prioritisation multi-criteria analysis (MCA). This plan includes further community consultation, building upon the existing community conversation data.

Despite these accomplishments, uncertainty remains regarding the programme funding for the remaining 98 sites across the district. Following the budget announcement on 30 May, it has been confirmed that Central Government will support the Cyclone Gabrielle infrastructure recovery. However, the scale of the funding assistance is not yet clear. We continue to work with the Regional Recovery Agency and other partners to advocate for further funding. The ongoing development of the prioritisation MCA will support this advocacy and facilitate the creation of a robust programme.



KEY PROGRAMME STATUS REPORT- LAND TRANSPORT PLANNED RESPONSE & RECOVERY



Risk and Issues Assessment

Key Issues Impact on Programme Objectives	Yes	No	Explanation and Proposed Resolution
Are there scope control problems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	All sites affected by Cyclone Gabrielle and the weather through the winter of 2022 have been identified and included in the scope.
Will target dates be missed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is currently minimal risk that target dates will be missed. We are working with New Zealand Transport Agency and contractors to efficiently deliver work whilst not compromising quality or budget.
Will project budgets be overrun?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	None at present.
Are there quality problems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	There is variable performance amongst contractors, however the majority are performing well. We are proactively working with those who are not reaching targets.
Are there resource problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The scale of the programme and the funding deadline continue to present resourcing issues, including forwarding planning. These are being managed both internally at Council and through work with consultant partners.
Are there risk management problems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	None at present. A risk register is established and regularly maintained by key team members.
Are there issues with key stakeholders?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No significant issues have been identified at present although there have been measurable delays to engagement with Mana whenua regarding recovery works.
Are there communications problems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	None at present. All communications are operating in alignment with the overarching plan.
Are there health and safety issues?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Although health and safety risks have been identified, we are comfortable that these are being mitigated appropriately.

Key Programme Risks

Likelihood	Consequence				
	1 - Insignificant	2 - Minor	3 - Significant	4 - Major	5 - Catastrophic
5 - Almost certain	Low	Moderate	Significant	Extreme	Extreme
4 - Very Likely	Low	Moderate	Significant	High	Extreme
3 - Likely	Low	Moderate	Significant	Significant	Extreme
2 - Unlikely	Low	Low	Moderate	Moderate	Moderate
1 - Rare	Low	Low	Low	Low	Low

KEY PROGRAMME STATUS REPORT- LAND TRANSPORT PLANNED RESPONSE & RECOVERY



Risk	Mitigation	Residual Risk Level
At present all response funding (excluding \$11 million recovery funding provided by the Crown) has a deadline of 30 June 2024, <i>with extension to be granted on some funding</i> . Unless further funding is secured, all new work will stop or incur further costs to CHBDC and, in turn, ratepayers.	In April, through work with the Regional Recovery Agency, a meeting with the Prime Minister and Minister of Transport took place. At this meeting, CHB Mayor Alex Walker, along with partners from across the region, advocated for further funding assistance. Collaboration with the Regional Recovery Agency and development of a prioritisation multi-criteria analysis will continue. Coordination with NZTA Waka Kotahi on funding support remains in place.	Extreme
Funding constraints limit the work that can be done at certain sites. There is a risk that with winter weather and the passage of time, these sites will continue to deteriorate, potentially resulting in the loss of access to some roads, such as Kahuranaki Road, Cooks Tooth Road, and Patangata Bridge.	At-risk sites have been weight-restricted, closed and/or temporary repairs implemented where possible. We are monitoring and repairing sites where possible under funding restrictions.	Extreme
There is a risk that the public will not comply with road closures and sites under temporary traffic management therefore resulting in significant injury or death.	Ongoing key communication messaging includes reinforcement of road safety. Minor protection works on unfunded sites aim to increase safety on unfunded sites by removing temporary traffic management and installing semi-permanent measures.	Extreme
There is a risk that without guaranteed funding a forward programme cannot be developed to provide certainty for external resources supporting the programme. There is also a risk that the current programme requires further updates.	Transparent and ongoing communication has been taking place with consultants and contractors to outline funding challenges and plan for work past June 2024.	High
There is a risk that insufficient communication with the community could result in incorrect messaging about the work program, causing a misalignment between the program and community expectations. This could lead to damage to the Council's reputation.	The successful implementation of work outlined in the finalised communications plan including visual aids, website, social media, radio and community conversations. Current planning for community consultation relating to the prioritisation of multi-criteria analysis is underway.	Moderate
Contractor performance does not meet Council's expectations, therefore leading to unforeseen cost increases, programme delays, poor quality results and negative public perception of the work being completed by Council.	Council clearly outlines its expectations to contractors at the commencement of the contract. Council builds a collaborative working relationship with contractors that allows for clear and regular communication. Council undertakes regular performance monitoring utilising Performance Assessment through Consistent Evaluation scores (PACE).	Moderate

KEY PROGRAMME STATUS REPORT- LAND TRANSPORT PLANNED RESPONSE & RECOVERY



Communications and Engagement

Following the approval of additional emergency response funding from NZTA, we have been working to implement our key communication tools across the sites where construction has recently started. Such communication tools have included advising residents through written letters, worksite signboards and social media posts.

As we plan to commence our minor protection works, we have also prepared key messages for the community that explain the type of work planned across our unfunded sites. This messaging aims to ensure community members understand the aims of the work, including increasing the longevity of sites, decreasing temporary traffic management costs, and improving safety for road users.

Emergency Response

Following the devastation caused by Cyclone Gabrielle in February 2023 \$35.9 million of Emergency Response funding was provided by Waka Kotahi. Between February and June 2023, funding was provided at a 100% funding assistance rate. From June 2023 onward this has been a 99% FAR. On 9th April 2024, a further \$9.5 million of emergency response funding was approved bringing the total available budget to \$45.46 million.

Work completed to date has included addressing over 4,000 minor repairs, and simple, complex sites across the district. The report below outlines progress on current projects under the current emergency response funding.

Taurekaitai Bridge

Execution	65% PROGRESS	Aug 2023 START DATE	Jun 2024 END DATE	\$417,500 BUDGET	\$35,803 SPEND TO DATE
Scope: To design and construct a repair to the true left bank approach of Taurekaitai Bridge and provide rock armouring to the bridge					
PROGRAMME	Construction commenced on site in the last week of April and was programmed to be completed by the end of May 2024 due delays both in and out of the contractors control work is now expected for completion on 20 June 2024.				
BUDGET	A measure and value contract has been signed and variations fall within budgeted contingency.				
RISK	There is a risk that construction could be delayed by wet weather as we move into winter and rain increases in frequency.				



KEY PROGRAMME STATUS REPORT- LAND TRANSPORT PLANNED RESPONSE & RECOVERY



Douglas Cutting Bridge

Monitor and Control	80% PROGRESS	Mar 2023 START DATE	Jun 2024 END DATE	\$1,965,724 BUDGET	\$1,016,221 SPEND TO DATE
Scope: To design and construct a bridge extension to replace an abutment that was washed out during Cyclone Gabrielle					
PROGRAMME	The programmed completion date is 17 th June 2024. The contractor is currently approximately 2 weeks behind the programme due to issues with deck panel design.				
BUDGET	Variations for additional tie-in work are expected and are estimated to fall within the approved contract budget.				
RISK	There is a risk to quality when completing sealing in winter. We are working with contractor Emmetts to ensure delivery in alignment with best industry practices.				



Gwavas Road Bridge

Monitor and Control	85% PROGRESS	Mar 2023 START DATE	Jun 2024 END DATE	\$2,854,530 BUDGET	\$1,759,603 SPEND TO DATE
Scope: To design and construct a new bridge to replace the culvert on Gwavas Road					
PROGRAMME	Construction commenced on site in mid-January and is planned to be completed by the end of June. The contractor is currently tracking on programme and making good progress.				
BUDGET	A design-build contract is in place to an agreed value and there are currently no further variations expected.				
RISK	There is a risk to quality when completing sealing in winter. We are working with the contractor to agree the most appropriate approach.				



KEY PROGRAMME STATUS REPORT- LAND TRANSPORT PLANNED RESPONSE & RECOVERY



Wakarara Road Bridge

Monitor and Control	90% PROGRESS	Mar 2023 START DATE	Jun 2024 END DATE	\$274,085 BUDGET	\$147,781 SPEND TO DATE
Scope: To design and construct true right abutment repairs to Wakarara Road Bridge					
PROGRAMME	Construction paused due to necessary design changes but has now resumed. Work was expected to be completed by 17 May but has been delayed. We are working with the contractor to confirm a new completion date.				
BUDGET	A variation for changes to the design has been received and no further variations are expected.				
RISK	The quality of contract administration from the contractor has been poor. Following the most recent PACE assessment, we are working with the contractor to improve this.				



Titoki Bridge

Execution	85% PROGRESS	Aug 2023 START DATE	Jun 2024 END DATE	\$1,412,815 BUDGET	\$434,360 SPEND TO DATE
Scope: To design and construct an underpinning of the true left abutment at Titoki Bridge					
PROGRAMME	Construction of the temporary pier is complete. Final construction of the castellation work, which will enable weight restrictions to be lifted, is planned to take place before the end of May. Due to timeframes for construction and other significant risks, the permanent solution will be designed and not constructed.				
BUDGET	Funding for the temporary and permanent solutions has been provided under additional Emergency Response funding. The available funding for construction of the permanent solution will be redirected to an alternative site.				
RISK	The restricted load limit will remain in place until castellation work has been completed. This is significantly impacting the farming business adjacent to the bridge.				



KEY PROGRAMME STATUS REPORT- LAND TRANSPORT PLANNED RESPONSE & RECOVERY



Simple Landslip Sites

Monitor and Control	85% PROGRESS	Aug 2023 START DATE	Jun 2024 END DATE	\$5,075,813 BUDGET	\$2,230,227 SPEND TO DATE
Scope: 44 simple and complex landslip sites have been identified across the district. Within response funding, 14 sites will receive treatments. Treatments at each site can differ depending on the scale, size and complexity of the site.					
PROGRAMME	10 of the 14 sites are completed and the remaining four are partway through construction. The 4 remaining sites have all been delayed due to significant rainfall. In particular, Hiranui Road RP1.385 is significantly delayed.				
BUDGET	Variations within contract contingency have been approved and no sites are currently expected to exceed their budgets.				
RISK	There is a risk that work could be delayed due to poor ground conditions or wet weather.				



Hautope RP6.12



Kahuranaki Road RP4.7



Tourere Road RP4.5



Tourere Road RP3.8

KEY PROGRAMME STATUS REPORT- LAND TRANSPORT PLANNED RESPONSE & RECOVERY



Resource Consenting

Planning	20% PROGRESS	Apr 2024 START DATE	Jun 2024 END DATE	\$174,665 BUDGET	\$0 SPEND TO DATE
Scope: To identify which sites, where construction has been completed, require a retrospective consent under S330 of the Resource Management Act. Once sites have been identified then submit necessary consent applications to Hawkes Bay Regional Council (HBRC).					
PROGRAMME	Work on stage 1 of the work (a planning needs assessment and consenting strategy) has been completed.				
BUDGET	A scope of work and budget to complete the work has been agreed with Stantec. There is a small risk that HBRC's processing fees exceed the budget.				
RISK	There is a risk that engagement with mana whenua delays the consenting programme and therefore exceeds the funding deadline of June 2024.				

Minor Protection Works

Execution	60% PROGRESS	Apr 2023 START DATE	Jun 2024 END DATE	\$872,507 BUDGET	\$0 SPEND TO DATE
Scope: To design and implement protection measures across 82 sites across the district. This work typically includes the installation of road signage, sight rails, edge protection barriers, batter stabilisation, removal of slip material of swales, and minor pavement and scour protections.					
PROGRAMME	Work on the programme started on the 4 th June 2024 and is expected for completion for the end of the financial year.				
BUDGET	Given the form of contract utilised we are monitoring budgets closely in partnership with the contractors weekly. Any risk of exceeding budgets will be flagged early.				
RISK	There is a risk of negative public perception of the works implementing permanent traffic management rather than repairing damaged sites.				



KEY PROGRAMME STATUS REPORT- LAND TRANSPORT PLANNED RESPONSE & RECOVERY



Simple Drainage Sites

Execution	55% PROGRESS	Apr 2023 START DATE	Jun 2024 END DATE	\$611,013 BUDGET	\$0 SPEND TO DATE
Scope: To design and construct repairs to drainage assets such as broken culverts or damaged headwalls					
PROGRAMME	One of the two contractors commenced work in late May and the second is expected to commence by the 10 th June.				
BUDGET	Given the form of contract utilised we are monitoring budgets closely in partnership with the contractors weekly. Any risk of exceeding budgets will be flagged early.				
RISK	There are currently no significant risks.				



Mill Road

Execution	60% PROGRESS	Apr 2023 START DATE	Jun 2024 END DATE	\$432,863 BUDGET	\$1,900 SPEND TO DATE
Scope: To design and construct repairs to landslides, drainage and roading assets along Mill Road damaged by Cyclone Gabrielle.					
PROGRAMME	A contractor has commenced work on the approximate 55 sites across the road. Work is expected to be completed before the end of the financial year.				
BUDGET	Given the form of contract utilised we are monitoring budgets closely in partnership with the contractors weekly. Any risk of exceeding budgets will be flagged early.				
RISK	There are currently no significant risks.				



KEY PROGRAMME STATUS REPORT- LAND TRANSPORT PLANNED RESPONSE & RECOVERY



Patangata Bridge

Planning	60% PROGRESS	Aug 2023 START DATE	Jun 2024 END DATE	\$1,212,281 BUDGET	\$0 SPEND TO DATE
Scope: To design and construct minor structural repairs and scour and erosion protection, and complete preliminary ground investigations to assist with future recovery work					
PROGRAMME	Scour protection works, despite an increase in scope, are significantly ahead of the programme. Minor structural repairs are still awaiting confirmation of the programme from Higgins				
BUDGET	There is currently no risk to the budget.				
RISK	There is a risk that the Central Government provide no further funding to support the long-term recovery of Patangata Bridge.				



**KEY PROGRAMME STATUS REPORT- LAND TRANSPORT PLANNED
RESPONSE & RECOVERY****Recovery, Phase 1**

Following negotiations with Central Government, a total of \$11 million has been provided to Central Hawke's Bay District Council (CHBDC) as a part of the North Island Weather Event Fund. This funding has been allocated to remediation at four sites, Wimbledon Road RP1.3, Wimbledon Road RP9.5, Elsthorpe Road and Fletchers Crossing, Wakarara Road.

To maximise the available recovery budget, we are utilising the current Waka Kotahi Emergency Response Funding to complete the investigation and partial design work on these four sites. In addition to this, we are also utilising Emergency Response funding to reinstate the abutment at Fletchers Crossing Bridge and therefore allow for temporary reinstatement of access whilst the design, procurement and construction of the long-term solution is completed.

Preferred and resilient solutions have been identified for each site; however, current cost estimates see these exceeding the available budget. Alternative solutions which provide a lower level of resilience are more likely to fit within the budget. Discussions with Crown Infrastructure Partners have indicated that the acceptable solution needs to be determined by CHBDC.

KEY PROGRAMME STATUS REPORT- LAND TRANSPORT PLANNED RESPONSE & RECOVERY



Wimbledon Road RP1.3

Planning	15% PROGRESS	Oct 2023 START DATE	Jun 2025 END DATE	TBC BUDGET	\$41,350 SPEND TO DATE
Scope: To design and construct a solution that restores the agreed level of service at this site					
PROGRAMME	A design option report has been provided to Council Officers and a preferred option has been selected. We are now working to engage with key stakeholders before proceeding with a decision in alignment with the three other recovery sites.				
BUDGET	The budget is to be confirmed once the option is selected.				
RISK	There is a risk that the site continues to degrade further throughout winter before construction can take place				



Wimbledon Road RP9.5 - 9.7

Planning	15% PROGRESS	Oct 2023 START DATE	Jun 2025 END DATE	TBC BUDGET	\$52,759 SPEND TO DATE
Scope: To design and construct a solution that restores the agreed level of service at this site					
PROGRAMME	A design option report has been provided to Council Officers and a preferred option has been selected. We are now working to engage with key stakeholders before proceeding with a decision in alignment with the three other recovery sites.				
BUDGET	The budget is to be confirmed once the option is selected.				
RISK	There is a risk that the most resilient solution for the road does not align with cultural values. Land acquisition is required throughout all options and poses a risk of delaying the programme and increasing costs.				



KEY PROGRAMME STATUS REPORT- LAND TRANSPORT PLANNED RESPONSE & RECOVERY



Elsthorpe Road RP14

Planning	15% PROGRESS	Oct 2023 START DATE	Jun 2025 END DATE	TBC BUDGET	\$25,636 SPEND TO DATE
Scope: To design and construct a solution that restores the agreed level of service at this site					
PROGRAMME	A design option report has been provided to Council Officers and a preferred option has been selected. We are now working to engage with key stakeholders before proceeding with a decision in alignment with the three other recovery sites.				
BUDGET	The budget is to be confirmed once the option is selected.				
RISK	Providing a resilient solution requires agreement with the adjacent landowner, therefore posing a risk of delaying the programme and increasing cost.				



Fletchers Crossing, Wakarara Road

Planning	20% PROGRESS	Oct 2023 START DATE	Jun 2025 END DATE	TBC BUDGET	\$50,872 SPEND TO DATE
Scope: To design and construct a solution that restores the agreed level of service at this site.					
PROGRAMME	A design option report has been provided to Council Officers and a preferred option has been selected. We are now working to engage with key stakeholders before proceeding with a decision in alignment with the three other recovery sites. Procurement work is also underway to construct a temporary reinstatement of the bridge abutment and allow traffic whilst design for the long term solution is taking place.				
BUDGET	The budget is to be confirmed once the option is selected.				
RISK	Depending upon the option selected, land acquisition could be required. With the road closed, community continues to be impacted. There poses a reputational risk to Council.				



7.8 KEY PROJECT STATUS REPORT - BIG WASTEWATER/BIGWATER STORY

File Number:**Author:** Reuben George, Director Projects and Programmes**Authoriser:** Doug Tate, Chief Executive**Attachments:**

1. The Big Waste Water Story Key Project Status Report May 2024 [↓](#)
2. The Big Water Story Key Project Status Report May 2024 [↓](#)

RECOMMENDATION

That the report be noted

PURPOSE

The purpose of this key project status report serves as an opportunity to formally report to elected members on the progress of each of the projects and their expected delivery against time, scope, budget and quality standards against the larger programme objectives.

The report covers key programmes:

- The Big Water Story (including all renewals projects).
- The Big Wastewater Story (Wastewater Upgrade Programme).

SIGNIFICANCE AND ENGAGEMENT

This report is provided for information purposes only and has been assessed as not significant.

BACKGROUND

As part of Project Thrive, the importance of water to our community was one of the loudest messages. This, combined with a vision for growth and prosperity, environmental responsibilities, as well as strong and durable infrastructure is how #thebigwaterstory began.

To deliver the improvements required, Council has developed a programme of upgrades and improvements to ensure that the drinking water, wastewater and stormwater infrastructure is able to meet the current and future needs of the community.

Following project THRIVE, creation of The Big Water Story brand, and adoption of the LTP in 2018 and subsequently 2021, attention and focus have shifted from discussion and consultation to planning and delivery. Projects must be sequenced and prioritised based on several factors. This holistic approach to managing several interrelated projects to achieve a single promised outcome is referred to as Programme Management.

Having now adopted the Three Year Plan 2024 – 2027, Council can expect to see a rephased programme and many of the underlying reporting risks for these projects change. Council can expect to see these updates in September.

DISCUSSION

The detail is generally outlined with the attached relevant key project status report.

For the Wastewater programme

- The proposed Central option in the Three Year Plan was approved, and as such officers are underway with planning to be ready to commence work on 1 July. Recent changes with key roles within the PMO has provided the opportunity to optimise project planning and processes, although landowner and stakeholder relationships will need to be re-established with the changes in officers.
- Investment in new wastewater treatment infrastructure for Waipukurau has been included in Years 1 and 2, which will improve the quality of water discharge into the Tukituki River.
- A rephasing of the long-term wastewater upgrade programme has already been proposed as Council awaits the outcomes of the Upper Tukituki Scheme Review being led by Hawkes Bay Regional Council. Following the completion of this review, any impacts on our Wastewater plants will be known.

For the Water Supply Upgrade and Renewal Programmes

- The resiliency of critical drinking water assets remains a significant risk to the continued safe and reliable delivery of water services to the community. Phasing options aim to manage the ongoing risks while delivering new infrastructure in a way that is affordable for our community.
- Officers have continued to progress works where required which has seen the close out of active projects.
- The Porangahau road water main renewal has been essentially completed with the last remaining detail on the water main upgrade to be installed during future wider network shutdown for which planning is continuing.
- The Resource consent for the new bore at Waipawa borefield is about to be issued.
- Works at SH2 borefield is underway to establish more resilient water supply from bores B and D to feed into the network and add to the current supply from bores A and E.
- The approach to wide ranging issues at Pourerere including the water supply discussed at Council workshop on 13 June 2024
- Where logical, design processes that were underway have been continued to enable future works to progress quickly once the funding allows.

IMPLICATIONS ASSESSMENT

This report confirms that the matter concerned has no particular implications and has been dealt with in accordance with the Local Government Act 2002. Specifically:

- Council staff have delegated authority for any decisions made.
- Council staff have identified and assessed all reasonably practicable options for addressing the matter and considered the views and preferences of any interested or affected persons (including Māori), in proportion to the significance of the matter.
- Any decisions made will help 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.

- Unless stated above, any decisions made can be addressed through current funding under the Long-Term Plan and Annual Plan.
- Any decisions made are consistent with the Council's plans and policies; and
- No decisions have been made that would alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council or would transfer the ownership or control of a strategic asset to or from the Council.

RECOMMENDATION

That the report be noted.

KEY PROGRAMME STATUS REPORT- The Big Wastewater Story

Programme Name	The Big Wastewater Story
Programme Manager	Ben Swinburne
Programme Sponsor	Doug Tate
Reporting Period	March - May 2024

Programme Objectives:

- Upgrade infrastructure so that it will last longer, and we can maintain and improve service levels.
- Meet changing legislative and compliance requirements relevant to 3 water assets.
- Ensure we are providing for smart growth in the district including the rapidly growing number of new homes being built in our residential areas and forecast over the next 10 years.
- Deal with wastewater to ensure minimal impact on our rivers.
- Ensure we do not burden future generations with ageing infrastructure.
- To deliver the capital projects in the allocated year/s that align with future resource consents.
- To deliver within budget and quality whilst ensuring maximum community benefit from these projects.
- Communicate and engage with the community and Mana whenua on the programme and the progress of each project.

KEY PROGRAMME STATUS REPORT- The Big Wastewater Story



Executive Summary:

A step change in investment in waters infrastructure was agreed in the 2021 Long Term Plan (LTP) to renew and replace aging, failing and high-risk critical assets. Three options were included in the Three Year Plan consultation:

- Lower Option – reduce operational activities
- Central Option – delivery on critical water projects
- Higher Option – make a one-off \$500k additional investment in waters.

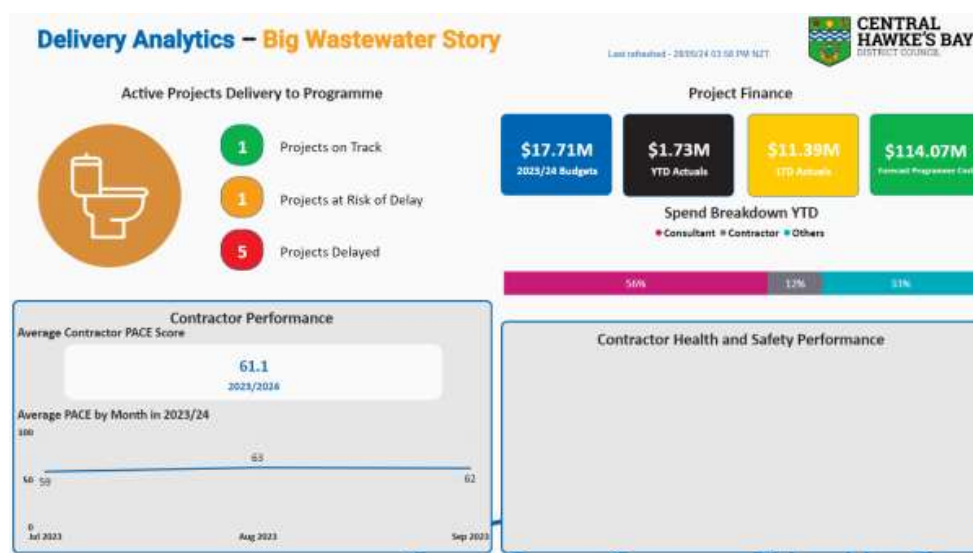
The recommended Central Option in the proposed Three Year Plan continues with the 2021 LTP approach while balancing community affordability - there was little difference between the options for the wastewater programme.

Submissions from the community consultation on the Three Year Plan did not have significant aversion to the proposed approach, and as such officers are underway with planning to be ready to commence work come 1 July. Recent changes with key roles within the PMO has provided the opportunity to optimise project delivery, although landowner and stakeholder relationships will need to be re-established with the changes in officers.

Investment in new wastewater treatment infrastructure for Waipukurau has been included in Years 1 and 2, which will improve the quality of water discharging into the Tukituki River.

A re-phasing of the long-term wastewater upgrade programme has already been proposed as Council awaits the outcomes of the Upper Tukituki Scheme Review being led by Hawke's Bay Regional Council. Following the completion of this review, any impacts on our Wastewater plants will be known.

While the programme notes a number of extreme risks, following the re-programming of the Wastewater programme aligned with the Three Year Plan, Council can expect to see these risks reassessed and of a low significance, when next reported in September.



KEY PROGRAMME STATUS REPORT- BIG WASTEWATER STORY

1

KEY PROGRAMME STATUS REPORT- The Big Wastewater Story



Risk and Issues Assessment

Key Issues Impact on Project Objectives	Yes	No	Explanation and Proposed Resolution
Are there scope control problems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Scopes are set at the initiation of each project. Overall programme scope remains although some short term refinement may be required due to funding constraints
Will target dates be missed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The milestone targets set within the LTP 21-31 will be missed, this is primarily due to the impacts of Cyclone Gabrielle both in terms of funding uncertainty created and environmental impact where sites have or may be impacted in the future
Will project budgets be overrun?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Recent budget projections, accounting for cost escalations resulting from inflation, material price increases and design refinements indicate project costs are likely to be overrun at the programme level.
Are there quality problems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	None at present
Are there resource problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	With the delays mentioned above, the future availability of consultants to complete key design and consenting work is a risk. Changes with key roles in the PMO means loss of institutional knowledge and stakeholder relationships. This will need to be rebuilt once new staff are appointed.
Are there risk management problems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	No significant risk management problems are perceived at present, risks will be identified below and managed as per project management practices, with programme level risks escalated to the project governance group. Hazard/operability and Safety in design workshops are held for each physical works package.
Are there issues with key stakeholders?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Key affected stakeholders will be communicated with and managed as per defined stakeholder management and communication plans for each project.
Are there communications problems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	None present, regular updates placed on CHBDC website and social media.
Are there health and safety issues?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	None at present

KEY PROGRAMME STATUS REPORT- The Big Wastewater Story



Key Programme Risks

Risk	Mitigation	Residual Risk Level
Programme Funding and Cost increases	Thorough assessment of the opportunities for mitigation and the effects of this risk. Engagement with Governance group and councillors will be regular and ongoing	Extreme
Programme Delays	Thorough assessment of the opportunities for mitigation and the effects of this risk. Engagement with Governance group and councillors will be regular and ongoing	Extreme
Existing and future consent non-compliances	Alternative short-term options have been formulated and assessed, balancing maximum possible benefit with affordability constraints, active engagement with regulators on the challenges faced	Extreme
Takapau Landowner Relationship	Continued communication with landowners to keep updated about HBRC work and concurrently progress agreement on operational and easement agreements.	Extreme
Takapau River Erosion	HBRC are currently working implementing plans to protect the affected area. We will continue to work with HBRC as their design progresses and works commence	Significant
Pōrangahau Consenting	Further conversations with HBRC directly to minimise the risk presented by current outstanding technical issues. The current 2A categorisation for Pōrangahau will create additional complexity	Significant
Tarewa Swingbridge Project Delay	Delay will occur due to the consenting process and requirement to wait for outcomes from the river scheme review.	Significant

Likelihood	Consequence				
	1 - Insignificant	2 - Minor	3 - Significant	4 - Major	5 - Catastrophic
5 - Almost certain	Low	Moderate	Significant	Extreme	Extreme
4 - Very Likely	Low	Moderate	Significant	High	Extreme
3 - Likely	Low	Moderate	Significant	Significant	Extreme
2 - Unlikely	Low	Low	Moderate	Moderate	Moderate
1 - Rare	Low	Low	Low	Low	Low

KEY PROGRAMME STATUS REPORT- The Big Wastewater Story



Communications and Engagement

Following the long-term plan process currently underway, officers also plan to refresh our communications and engagement plan to reflect the potential need for changes in our approach. This is key due to the need to rephase the programme with budgetary constraints, and also with the unknowns still to be worked through following the impacts of Cyclone Gabrielle on the ability to discharge the wastewater to the proposed land treatment sites. The timing of the programme going forwards still requires development.



Figure 1 - Optioneering for DAF location at Waipukurau WWTP (from DAF Strategy)

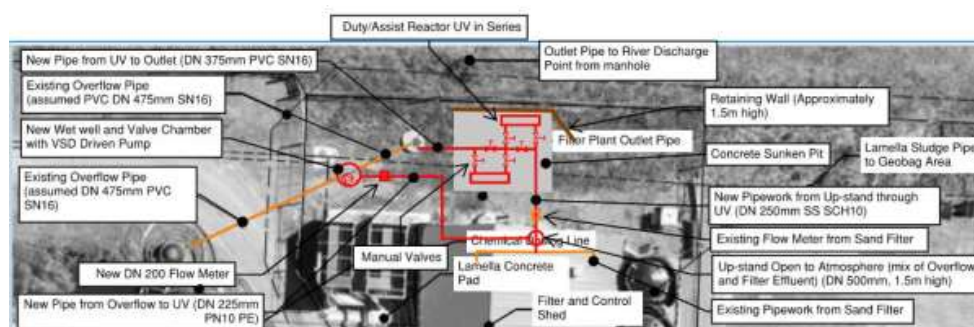


Figure 2 - Optioneering for potential Waipukurau WWTP UV upgrade

KEY PROGRAMME STATUS REPORT- The Big Wastewater Story



Project 1: WOW Upgrades (Short term upgrades)

Various	60% PROGRESS	2020 START DATE	TBC END DATE	\$TBC BUDGET	\$2.91m SPEND TO DATE
Scope: The focus for now continues to be on Waipukurau WWTP and the potential affordable treatment upgrades that can be undertaken. Effort at Waipawa WWTP concentrates on operational optimisation of treatment performance. Once funding is approved, a number of the short-term upgrade projects will proceed into procurement and construction. Design and planning continues to progress on identified upgrades and improvements: <ul style="list-style-type: none"> • Design of UV upgrades for Waipukurau, Waipawa • Optimisation of Treatment systems at Waipawa • Waipukurau Tertiary treatment improvement options (DAF) are proposed in the Three year plan 					
PROGRAMME	The programme is expected to be delayed due to funding constraints and the impacts and uncertainty created by the river scheme review. The Waipukurau Anaerobic pond outlet project is nearly finished and will be completed on time. The trial aerator installation at Waipawa is nearing completion				
BUDGET	The works currently being undertaken are all on track to be delivered within set budgets.				
RISK	No significant risks exist within the works currently being completed.				

Waipukurau WWTP anaerobic pond outlet works



New manifold installation



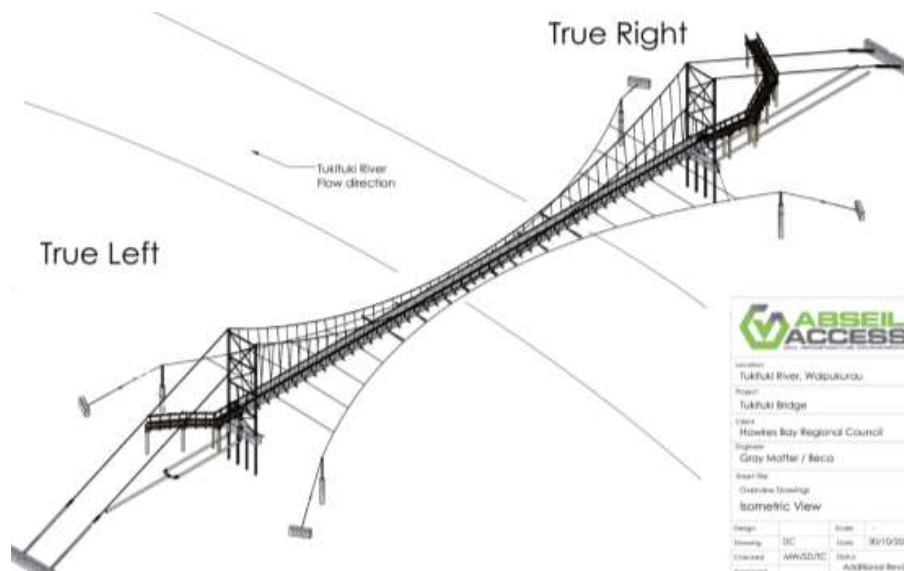
Channel refurbishment

KEY PROGRAMME STATUS REPORT- The Big Wastewater Story



Tukituki Swing Bridge

Planning	30% PROGRESS	Aug 2022 START DATE	June 2027 END DATE	\$1,565,000 BUDGET	\$280,000 SPEND TO DATE
Scope: To design and rebuild the Tukituki swing bridge whilst ensuring it is able to accept the planned future wastewater pipes enabling conveyance of wastewater from Waipukurau to Waipawa. Furthermore, ensuring resilience of the bridge is also of key importance.					
PROGRAMME	<p>The project has been delayed significantly as officers have worked to mitigate risks following Cyclone Gabrielle, updating flood modelling, design changes and peer review and additional requests through the resource consenting process. We have been informed that Resource consent will not be considered until results of the HBRC river scheme review are known.</p> <p>Due to this, and the additional funding requirements, the council has placed the project on hold. Consultation was included as part of the Three Year Plan consultation.</p> <p>Officers will work to keep the Trust update, with the key action remaining with HBRC relating to the timing and information of the Upper Tukituki Scheme Review.</p>				
BUDGET	<p>The mitigation of risks mentioned above, including a number of unforeseen costs resulted in the Project costs increasing. Until there is clarity on the outcomes of the Upper Tukituki Scheme review, the budget implications are not known.</p>				
RISK	<p>Inability to achieve resource consent from HBRC</p> <p>Significant design changes required due to outcomes from Upper Tukituki Scheme Review results in cost increases beyond the budget</p>				



KEY PROGRAMME STATUS REPORT- The Big Wastewater Story



Project 2: Pōrangahau and Te Paerahi Wastewater Upgrade

Planning	15% PROGRESS	Dec 2019 START DATE	Jul 2029 END DATE	\$17.6M BUDGET	\$1.8M SPEND TO DATE
Scope: To consent and build a land-based discharge system for the Pōrangahau and Pōrangahau Beach wastewater system to accommodate current and future growth and meet the community, environmental and cultural aspirations while balancing the affordability constraints.					
PROGRAMME	Milestone targets set within the LTP 21-31 will be missed. Progress through the consenting process is unrushed to ensure the best outcomes for community and Council. Planning has taken place in preparation for the commencement of key milestones such as procurement of an irrigation contractor, finalisation of landowner agreements and commencement of UV & conveyance design. Any physical works is on hold until consenting requirements are resolved, and programme phasing is established.				
BUDGET	Recent budget projections, accounting for cost escalations resulting from inflation, material price increases and design refinements indicate project costs are likely to be overrun at a programme level.				
RISK	There is a risk that consent conditions imposed by HBRC regarding nitrogen loading and concentration lead to a significant increase in cost to meet design standards and necessary change in scope. Land availability for irrigation needs to be worked through post Cyclone Gabrielle.				



Figure 3 - Proposed conveyance routes at Pōrangahau and Pōrangahau Beach to the proposed WWTW

KEY PROGRAMME STATUS REPORT- The Big Wastewater Story



Project 3: Takapau Wastewater Upgrade

Planning	20% PROGRESS	Sep 2017 START DATE	Jul 2025 END DATE	\$3M BUDGET	\$1.7M SPEND TO DATE
Scope: To consent and build a land-based discharge scheme for the Takapau wastewater system to accommodate current and future growth and meet the community, environmental and cultural aspirations while balancing the affordability constraints.					
PROGRAMME	Milestone targets set within the LTP 21-31 will be missed. Planning has taken place in preparation for the commencement of key milestones such as procurement of an irrigation contractor, but any physical works are on hold until phasing allows the proposed upgrades to go ahead. Consenting requirements will need to be resolved in discussion with HBRC in the next financial year.				
BUDGET	Recent budget projections, accounting for cost escalations resulting from inflation, material price increases and design refinements have been included in the Three year plan				
RISK	<p>There is a risk of a change in scope and/or cost to meet UV disinfection requirements set by the resource consent conditions.</p> <p>There is a risk of delay and increased cost to the project if the landowner declines to sign the operational agreement and easement agreement with the Council.</p> <p>There is a risk that the current irrigation design will need to be altered following erosion along the Mākāretu River's boundary with the proposed irrigation site.</p> <p>The current consent will need to be varied with updated timeframes in the Three year plan</p>				



Figure 4 - Takapau WWTP

KEY PROGRAMME STATUS REPORT- BIG WASTEWATER
STORY

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KEY PROGRAMME STATUS REPORT- The Big Wastewater Story



Rongomaraeroa Marae Wastewater Connection

Planning	20% PROGRESS	Jun 2022 START DATE	Jul 2024 END DATE	\$764,800 BUDGET	\$59,951 SPEND TO DATE
Scope: To design and construct a wastewater pump station and conveyance pipeline which connects Rongomaraeroa Marae (Pōrangahau Marae) to the existing local wastewater network.					
PROGRAMME	<p>Detailed design has been completed, along with an Engineer's Estimate. The Engineer's Estimate for construction exceeds the budget, and as such optioneering for the way forward will be undertaken with the Marae's input, and discussed with TIF. Officers plan to request formal guidance on this at a future Council meeting.</p> <p>This project is behind programme and an extension of the end date will need to be requested from TIF.</p>				
BUDGET	<p>The project is 50% funded by the Tourism Infrastructure Fund (TIF). The progress is behind the original schedule, and as such, the spend to date is also low.</p> <p>TIF has paid for two key milestones, totalling \$248,300 received to date. The council portion of the budget will remain to be available following the end of FY 23/24.</p>				
RISK	<p>Current risks include:</p> <ul style="list-style-type: none"> - Ability for Council to fund project with higher priorities post Cyclone Gabrielle - Delay with development of Cultural Impact Assessment having the potential to prevent commencement of construction - Ability to proceed results in frustration from Marae Trustees and impact on relationship 				

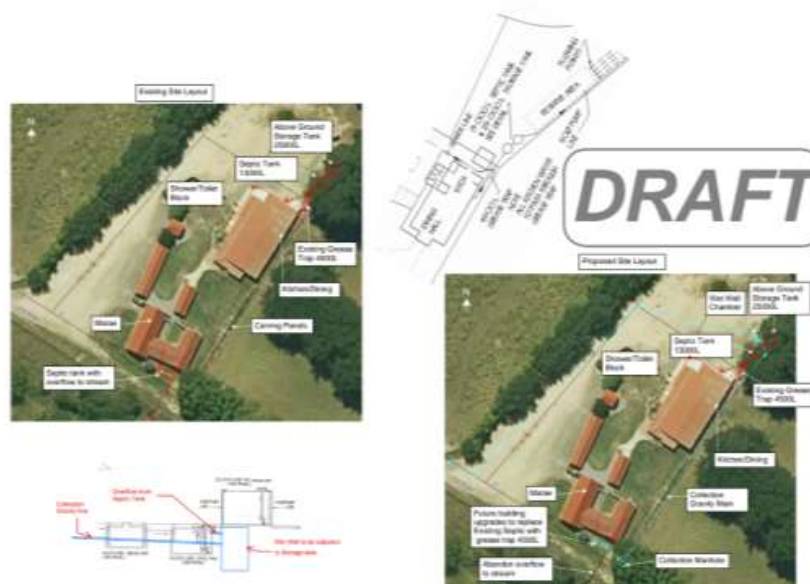


Figure 5 - Proposed wastewater layouts at Rongomaraeroa Marae

KEY PROGRAMME STATUS REPORT- BIG WASTEWATER
STORY

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KEY PROGRAMME STATUS REPORT- The Big Wastewater Story



Project 4: Residuals Management

Planning	30% PROGRESS	Nov 2021 START DATE	June 2025 END DATE	\$30K BUDGET	\$30K SPEND TO DATE
Scope: A residuals management strategy has been developed for implementation to inform the larger wastewater programme. As part of this, the current focus is on removal of the matured biosolids stored at Waipawa and Waipukurau WWTPs for beneficial reuse. A consent has been granted for this activity, an application management plan has been developed, we have completed a procurement exercise. An application for extension of the consent is scoped to align with budgetary timeframes.					
PROGRAMME	Programme delays have presented themselves in the form of budget prioritisation. Main risk is that the consent extension is declined (currently expires December 2024).				
BUDGET	Contractor quotes have been lower than engineers estimates for biosolids application short term works. Budget for implementation of residuals management strategy remains undetermined with higher priority items taking precedence.				
RISK	Main risk for short term works lies in delay presented by budget prioritisation and associated landowner relationship which is necessary to keep amenable if we wish to utilise the existing consent. Risk for strategy implementation is currently low.				



Figure 6 - Geobags at Waipawa WWTP

KEY PROGRAMME STATUS REPORT- The Big Wastewater Story



Project 5: Inflow and Infiltration

Execution	65% PROGRESS	July 2020 START DATE	June 2027 END DATE	\$1.5M BUDGET	\$701K SPEND TO DATE
Scope: Investigation of wastewater reticulation defects allowing liquid ingress and remediation of defects. Includes identification of stormwater system improvements that reduce I&I. Aimed at reducing treatment upgrade cost, increasing level of service of Stormwater/Wastewater system and reducing the environmental contamination.					
PROGRAMME	I&I management strategy and implementation plan for each township has been completed, aligning with the adoption of the District I&I strategy in August 2021. Pipe Vision have completed their investigation contract with CHBDC. During the contract 21km of pipe was CCTV'd and 1640 houses were inspected for defects. A total of 573 defects were found on private property. The next step is to send defects notices to property owners with defects, which has been planned for in the second half of the 2024/25 Financial year.				
BUDGET	Projected budget does not exceed what is in the LTP.				
RISK	There is a risk that the community will react negatively when defect notices are issued. Early and clear communications will be required to inform the community what the defect notices are for and why they have been sent.				

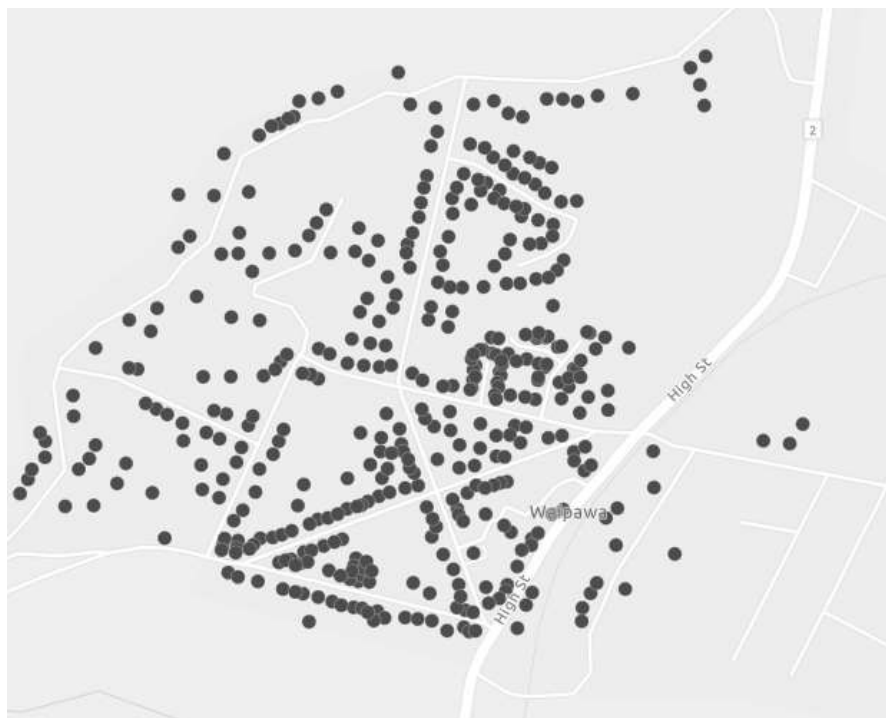


Figure 7 - Private properties inspected in Waipawa during Pipe Vision's contract.

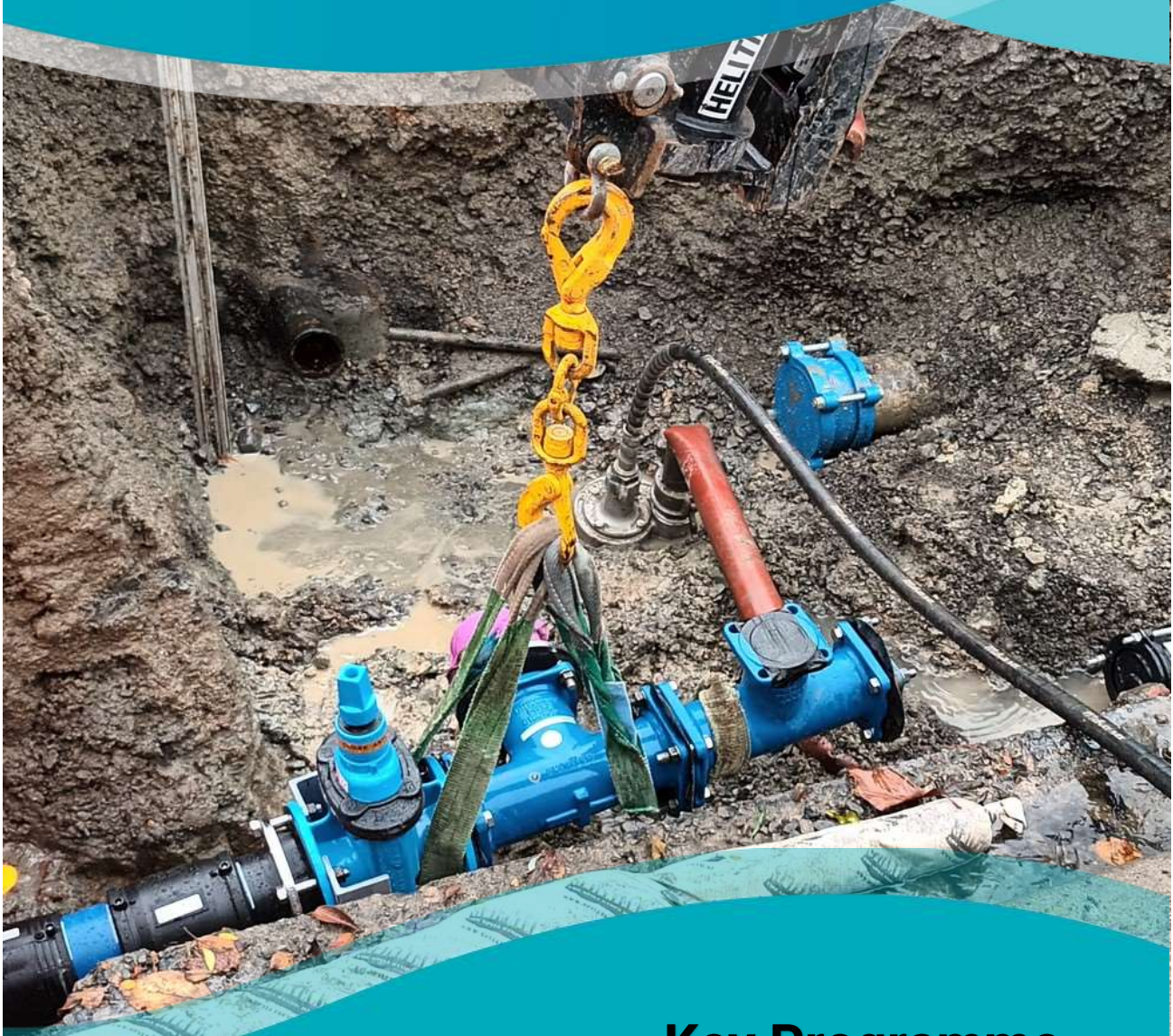
KEY PROGRAMME STATUS REPORT- BIG WASTEWATER
STORY

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**CENTRAL
HAWKE'S BAY**
DISTRICT COUNCIL

**#the BIG.
Water Story**



Key Programme Status Report

**Together
we thrive!**
E ora ngātahi ana!



Programme Name	Water Supply
Programme Manager	Bilyana Podrumac
Programme Sponsor	Doug Tate
Reporting Period	March 2024 – May 2024

Programme Objectives:

- To deliver the capital and renewal projects in the allocated year/s that together form the Big Water Story to budget and quality whilst ensuring maximum community benefit from these projects.
- To upgrade infrastructure to last longer, meet changing legislative and compliance requirements relevant to waters assets and build resilience in our waters infrastructure by having second supplies, firefighting capacity and right sized reticulation systems.
- To communicate to the community on the programme and the progress of each project.
- To provide input through the design and improvement projects to future infrastructure works and asset management plans, to inform where future expenditure and improvements are targeted for the betterment of infrastructure in the district.





Executive Summary:

The impact of both Cyclone Gabrielle and repeal of the 3 Waters Reform (Affordable Waters) programme has meant council has had to consider the rephasing of the Big Water Story capital works programme. Following optioneering, a rephased approach has been proposed within the Three-year plan. This phasing follows the following principles:

- Ensuring drinking water supply infrastructure is resilient; this is critical.
- We will continue to fund the replacement of our aging pipeline assets.
- We need to enable strategic growth.

The resiliency of critical drinking water assets remains a significant risk to the continued safe and reliable delivery of water services to the community. Phasing options aim to manage the ongoing risks while delivering new infrastructure in a way that is affordable for our community.

Officers have continued to progress works where required which has seen the close out of active projects. In the period since the previous report several projects have been completed. These are Second Supply Central Reservoir access track and platform, Kairakau water treatment plant and Great North Road main renewal, while the Porangahau Rd Water main renewal has been essentially completed with the last remaining detail to be installed during future wider network shutdown. The Resource Consent for the new bore at Waipawa borefield is about to be issued.

Where logical, designs processes that were underway have been continued to enable future works to progress quickly once the funding allows. Like the Wastewater programme, now the Three Year Plan has been finalised, Officers are working to re-programme works, which will see a number of risks in this report change.



Risk and Issues Assessment

Key Issues Impact on Project Objectives	Yes	No	Explanation and Proposed Resolution
Are there scope control problems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The scope of the Big Water Story is defined with listed projects. Project scopes will be refined as each project progresses through phases.
Will target dates be missed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Uncertainty of budget allocation and funding has meant that planned target dates set in the 21-31 LTP will be missed. Rephasing funding of two key projects, the Waipukurau 2 nd Water Supply and the Reservoir Replacement programme, has been proposed in the Three year plan.
Will project budgets be overrun?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Forecast costs to complete key programmes indicate significant budget increases are required above what was allocated in the 2021-31 LTP. These updated forecasts have been included in the Three year plan.
Are there quality problems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The quality of physical works is considered non-negotiable and is managed through well-established project management processes.
Are there resource problems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	With the delays mentioned above, the future availability of consultants to complete key design work is a risk. Contractor resource is expected to primarily be managed through the Civil and Pipeline panel, however programme delays may have an impact on this resourcing.
Are there risk management problems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The risk management system is in place and is regularly reviewed and updated.
Are there issues with key stakeholders?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There is generally stakeholder support for key projects with additional focus required in some cases. Iwi impact is considered high specifically for proposed river crossings. These ongoing and longer-term programme level risks require mitigation and management through regular engagement.
Are there communications problems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Internal communication is well established. External communication with affected parties and wide public is being run in a similar manner with regular project updates on Council website, social media and direct communication with affected landowners, when required.
Are there health and safety issues?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	H&S management is another non-negotiable for the delivery of all Big Water Story projects. It is mandatory that robust H&S management plans and procedures are provided for each project



Key Programme Risks

Risk	Mitigation	Residual Risk Level
Budget overruns	Rephasing of the Waipukurau Second Supply Project, Reservoir Renewals programme and the pipework Renewals Programme.	Significant
Aging, end of life or not 'fit for purpose' infrastructure fails prior to renewal/replacement	Prioritisation of critical drinking water resilience projects in the Three Year plan, including Reservoir Replacement Programme and Second Water supply. Also ensuring continued operational awareness.	Significant
Flooding impacts Tikokino Rd WTP	The like for like stopbank that provides protection against moderate event has been completed, however this is short term protection. Best long term mitigation to relocate to high ground.	Moderate
Resource consent not obtained for W2WS river crossings	Currently not progressed, may be able to be fully mitigated or eliminated as the more work is undertaken to better understand and plan the delivery of this.	Moderate

Likelihood	Consequence				
	1 - Insignificant	2 - Minor	3 - Significant	4 - Major	5 - Catastrophic
5 - Almost certain	Low	Moderate	Significant	Extreme	Extreme
4 - Very Likely	Low	Moderate	Significant	High	Extreme
3 - Likely	Low	Moderate	Significant	Significant	Extreme
2 - Unlikely	Low	Low	Moderate	Moderate	Moderate
1 - Rare	Low	Low	Low	Low	Low

Communications and Engagement

Project	Communication and engagement to date	Risks/Issues
Waipukurau 2 nd water supply	Regular web site updates, direct communication with affected landowners (access track).	Future engagement needed regarding river crossings
Abbotsford Road reservoirs replacement	Negotiations with two adjacent landowners. Agreements to lease/purchase land for access track and platform drafted.	Land purchase and lease agreements.
Waipawa WTP relocation to above flood level platform	Negotiations with affected landowner commenced.	Purchase agreement, land value being agreed.



RENEWAL PROGRAMME

Project team are working on the prioritisation of the renewal works. This will be finalised upon adoption of the Tree Year plan.

WAIPUKURAU SECOND WATER SUPPLY

Execution	25% PROGRESS	July 2017 START DATE	Dec 2027 END DATE	\$15.8M BUDGET	\$6.1M SPEND TO DATE
Scope: <ul style="list-style-type: none"> To find and construct a new water source bore, pipe and rising main to a reservoir. To erect new Central Reservoir and gravity feedback into Waipukurau as a second water supply to the town. To upgrade Waipawa WTP. 					
PROGRAMME		New water bore Resource Consent progressing well, conditions being agreed on. Access track and platform for new Central Reservoir completed. Pipework design 90% complete (excluding river crossings). Due to funding issues, original schedule has been reprogrammed in the Three year plan. Following adoption of the plan, detailed programming of the project will be undertaken.			
BUDGET		Budget adjusted to reflect forecasted increase in costs and this will be completed on adoption of new Three Year Plan within this report. Additional budget required for phase 2 of the WTP flood protection (changes in scope associated with improving the resilience of the Waipawa WTP).			
RISK		Overall funding constraints. Cost and feasibility of river crossings. Resource consent for river crossings. Iwi engagement for river crossings.			





WAIPAWA WATER TREATMENT PLANT FLOOD PROTECTION

Execution	25% PROGRESS	August 2023 START DATE	June 2025 END DATE	\$2.5M BUDGET	\$600k SPEND TO DATE
Scope: <ul style="list-style-type: none"> Phase 1 – Reinstall low level protection (like for like stopbank) Phase 2 – Provide additional long term flood mitigation 					
PROGRAMME	Phase 1 completed prior to wetter winter months. Phase 2 dependant on additional funding.				
BUDGET	Phase 1 delivered cost effectively, with remaining external funding aimed to be allocated to Phase 2 (yet to be fully determined). Additional funding required to complete Phase 2 (WTP relocation above flood level).				
RISK	Delay in Phase 2 to proceeding, as substantial weather events of may impact the WTP given the current protection provided.				





KAIRAKAU WATER TREATMENT UPGRADE

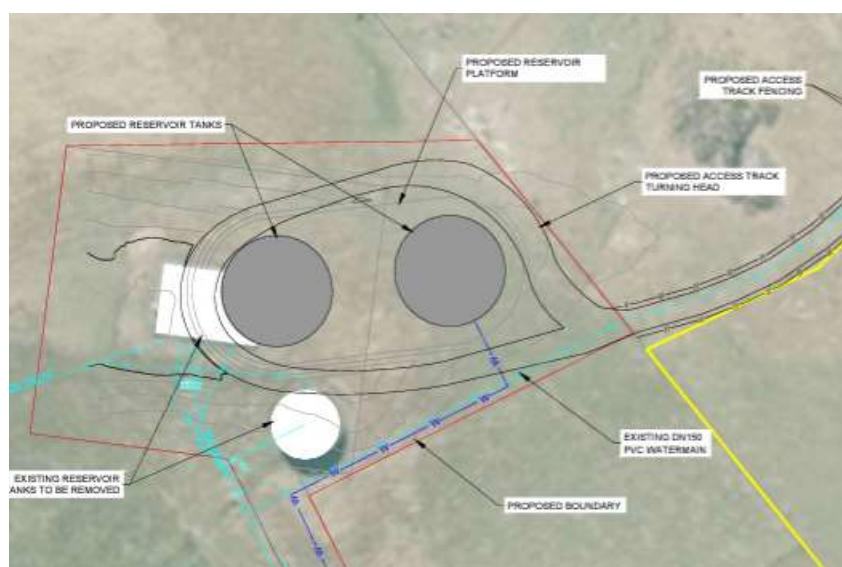
Closure	100% PROGRESS	July 2017 START DATE	July 2024 END DATE	\$1.868M BUDGET	\$1.86M SPEND TO DATE
Scope: To upgrade Kairakau WTP to meet Drinking Water standards and address aesthetic water quality issues, specifically water hardness.					
PROGRAMME	Works are completed and plant is operational. Project in the Defects Notification period with contractor attending to defects as identified by operations team.				
BUDGET	Project now completed, updated spend provided above and presented to council in June 2023. \$104,000 received from TIF funding against Operational budget to address hardness treatment and removal of waste.				
RISK	Defects being managed through contractual defect period.				





RESERVOIR REPLACEMENT PROGRAMME – WAIPAWA RESERVOIRS REPLACEMENT

Planning	15% PROGRESS	July 2017 START DATE	July 2026 END DATE	\$3.29M BUDGET	\$281K SPEND TO DATE
Scope: To replace end of life reservoirs with new. Considering additional resilience, improving access, increases in capacity and minimising impact on the existing networks during the project.					
PROGRAMME	Design of the new reservoirs is 90% completed. Programme pending on Three Plan adoption, as well as forming agreements with affected landowners.				
BUDGET	The Reservoir replacement programme has been rephased and allowance made for recent extreme construction inflation in the Three year plan.				
RISK	Obtaining the landowners' agreement to purchase additional land required.				





TIKOKINO ROAD WATER RISING MAIN STAGE 2, 3 AND STAGE 3 PHASE 2

Monitoring	95% PROGRESS	2023 START DATE	Dec 2024 PROJECTED END DATE	\$1.74m BUDGET	\$1.7m SPEND TO DATE
Scope: To Complete the last remaining section of Tikokino Road Water Stage 3.					
PROGRAMME	Running over scheduled time due to difficulty in sorting sufficient potable water quantity to carry out disinfection of Stage 2, 3 and 3.2. Current water restrictions have extended delay in completing. Project Team is working with the 3 Waters Team and Contractor Partners to develop a plan to commission these sections of new pipeline.				
BUDGET	Currently within budget, however is requiring close monitoring due to delays and changes to material and fitting requirements. Additional budget is likely to be required with change in potable water supply for disinfection purposes due to possible change in methodology to supply potable water for commissioning purposes.				
RISK	Delay in commissioning Stage 2, 3 and 3.2 of the Tikokino Road water main is delaying decommissioning current AC Rising Main, which is known to have leak (drawdown is confirmed). This has impacted on Land Transport ability to undertake pavement repairs on areas of Tikokino Road. Final budget requirements still to be determined once potable water source is confirmed, likely post lifting of water restrictions.				

TIKOKINO ROAD WATER MAIN RENEWAL STAGE 4 AND 4A

Monitoring	95% PROGRESS	April 2023 START DATE	Dec 2024 PROJECTED END DATE	\$720K BUDGET	\$540K SPEND TO DATE
Scope: To renew and replace the water main from the Tikokino Road water treatment plant to the reservoir on Abbotsford Road					
PROGRAMME	Works largely complete with Stage 4A (connecting the reservoir) on hold due to ongoing negotiations with an affected landowner.				
BUDGET	Budget forecast is within approved budget.				
RISK	Landowner negotiations are ongoing and remains a risk to the successful delivery of this project.				





PORANGAHAU ROAD WATER MAIN IMPROVEMENTS STAGE 1 AND 2

Monitoring	95% PROGRESS	2022 START DATE	May 2024 PROJECTED END DATE	\$1.7m BUDGET	\$1.374m SPEND TO DATE
Scope: To renew and replace the water main along Porangahau Road between Gaisford Tce and Lakeview Road to increase water network capacity.					
PROGRAMME	Works largely completed with 100% Stage 1 and 95% of Stage 2 completed. Last remaining detail is on hold due to Risks associated with aging valving infrastructure that requires replacement first. Larger Waipukurau Water Shutdown Project is directing final delivery of this Project. Last remaining Road rehabilitation work on completed works underway, projected to be completed by end of May 2024.				
BUDGET	Budget forecast is currently within approved budget but is likely to require reforecasting once all known costs are worked through in relation to the delay with completion and addition works required to complete.				
RISK	Delays in Valve replacement due to risk of extended water shutdown to the Waipukurau Water Network leading to additional planning work to be undertaken.				



SH2 BOREFIELD WAIPUKURAU

Monitoring	95% PROGRESS	2019 START DATE	August 2024 PROJECTED END DATE	\$2.238 BUDGET	\$1.901m SPEND TO DATE
Scope: To complete the upgrade the Waipukurau Borefield on SH2 with 3 new Bore Pumps and upgraded Control System.					
PROGRAMME	Project re-programmed following investigations into pump failure. New contract in place and has commenced. The works are planned to be completed by end of August 2024 to mitigate the risks reported through to Risk and Assurance.				
BUDGET	Budget has been increased from original to deal with issues. New budget in place based on new installation contract and consultancy support at critical installation times.				
RISK	Due to pump failure there is additional demand on the remaining bore pumps to maintain continuous water supply. This creates heightened risk should any of the existing operational pumps fail.				



7.9 FREEDOM CAMPING BYLAW ADOPTION

File Number:

Author: Logan McKay, Customer and Compliance Manager

Authoriser: Doug Tate, Chief Executive

Attachments:

1. Original Statement of Proposal.docx [↓](#)
2. Draft Freedom Camping Bylaw, including officers' recommendations
3. Updated maps of the different areas, including with recommended changes (under separate cover to be released on Monday, 24 June 2024).

PURPOSE

The matter for consideration by the Council is to deliberate on the submissions received on the draft Freedom Camping Bylaw for Central Hawke's Bay.

RECOMMENDATION

1. That Council:

- a. Notes the content of this report.
- b. Determines that the Freedom Camping Bylaw is:
 - i. Necessary to protect the areas for which freedom camping is prohibited or restricted, to protect the health and safety of people who may visit the areas, or to protect access to the areas.
 - ii. The most appropriate and proportionate way of addressing the perceived problem in relation to the areas.
 - iii. Not inconsistent with the New Zealand Bill of Rights Act 1990.
- c. Adopts the Freedom Camping Bylaw with the following changes following public consultation:
 - i. Removal of the prohibition of non-self-contained vehicles and tents outside of the peak season at the Pourerere Beach Road and Te Paerahi locations.
 - ii. Prohibition of freedom camping at White Domain in Pōrangahau.
 - iii. Prohibition of freedom camping at the Southern end of the Kairakau Beach Road Reserve from start of May to end of September.
 - iv. Removal of the seasonal restrictions at the Te Paerahi location.
 - v. Addition of a standdown period for freedom campers of seven days for both restricted and permitted areas.
 - vi. Removal of clause 20.1(e) of the statement of proposal for the bylaw
 - vii. Removal of the mandatory fee when permits are allocated for locations contained in the Freedom Camping Bylaw.

2. That Council:

- a) directs officers to work with the Pourerere Camping Committee and the broader Pourerere Community to develop and formalise an operational campsite allocation and management policy for the Pourerere Beach Road camping area by 25 October 2024

- b) requires that at least half of the Pourerere Beach Road campsites in the peak permitted season are allocated to the general public through a fair ballot process administered by Council.**
- 3. That in lieu of charging a mandatory fee for issuing permits through the Freedom Camping Bylaw, Council encourages voluntary contributions / koha / donations when permits are issued.**
- 4. That the Freedom Camping Bylaw is to have legal effect from 28 June 2024.**
- 5. That Council considers renewing the bylaw before the 5-year period set out in s13(1) of the Freedom Camping Act 2011.**
- 6. That Council gives delegation to the Chief Executive to make any final edits, including minor changes to the Freedom Camping Bylaw before publication.**

EXECUTIVE SUMMARY

The purpose of this report is to present the Central Hawke's Bay District Council Freedom Camping Bylaw 2024 (proposed Bylaw) for adoption. This report also:

- summarises and provides an analysis of submissions received on the proposed proposed Bylaw.
- outlines officers' recommendations to Council on proposed amendments to the draft bylaw following the process of public consultation.

The consultation period on the proposed freedom camping bylaw statement of proposal began on 21 October 2023 and closed on 31 January 2024. During the consultation period 533 submissions were received, 529 via the online portal and 4 direct to Council. A total of 53 submitters initially indicated they wished to speak in support of their submission. Following phone calls from officers to check on availability, 42 submitters indicated they no longer wished to speak (or were uncontactable), leaving 11 scheduled, 9 oral submissions which were heard on the 13th of June 2024.

BACKGROUND

Central Hawke's Bay has become increasingly popular following COVID-19 as a freedom camping destination. Due to the increase in popularity, our coastline in particular has received a significant increase in visitors over the main camping season (November to April). The increase in the number of visitors has also led to an increase in the negative impacts that freedom camping has on Central Hawke's Bay. The district currently does not have a freedom camping bylaw in place to help manage where, when and how visitors and locals alike can freedom camp. In the absence of a Bylaw, Council also does not have a documented Policy to manage freedom camping either.

In 2022, through the Thriving Places and Spaces Consultation Council adopted the Central Hawke's Bay Reserves Management Plan which covers 80 reserves (designated under the Reserves Act 1977) totaling over 228 hectares. The purpose of the Reserve Management Plans is to ensure that reserves are managed consistently, and that the natural, recreational, historical and cultural values are protected. Through this consultation, Council also adopted a Camping Strategy 2022, with the following strategic goal:

Camping is in our DNA – the Tamatea Way, looking after locals, welcoming visitors, offering mountains to beach opportunities and protecting our natural environments.

Freedom Camping Bylaw

Within the Camping Strategy there are five strategic priorities, of which the first is 'Developing a camping framework that enables and promotes responsible camping throughout the district'. One of the short-term actions out of this strategic priority was to develop a Freedom Camping Bylaw.

The purpose of adopting a Freedom Camping Bylaw is to enable and regulate freedom camping in the district while ensuring that Council meets its obligations under the relevant legislation – the Local Government Act 2002 (LGA), the Bill of Rights Act 1990 (BRA) and the Freedom Camping Act 2011 (FCA).

In addition, on 7 December 2023, the Self-contained Motor Vehicles Legislation Act 2023 came into force. Changes were made to the Plumbers, Gasfitters and Drainlayers Act 2006 and the Freedom Camping Act 2011 to establish a new regulatory system for certifying and registering self-contained vehicles used for freedom camping. The changes were made to strengthen the rules around freedom camping and protect New Zealand's natural environment.

A bylaw is not designed to inhibit the ability to freedom camp, it is to clearly articulate where campers can and cannot freedom camp if the negative effects that freedom camping may have on a particular area(s) outweigh the benefit of enabling freedom camping.

A Freedom Camping Bylaw is not intended to override or replace other legislation. Regulations to manage where locals and visitors can enjoy freedom camping in our district will not resolve all of the issues that have been raised and does not give us powers to deal with certain situations, such as where the New Zealand Police or other organisations have authority and jurisdiction to intervene. Our compliance team have a strong relationship with our local police and work closely on issues that are raised through freedom camping where we may need their support, and this will continue if a Freedom Camping Bylaw is adopted.

Draft statement of proposal

With changes to the legislation, and the increase in visitors and locals wanting to enjoy freedom camping in our district, Council sought the support of the Ministry of Business Innovation and Employment (MBIE), through the Freedom Camping Transition Fund to assist with the preparation of a Freedom Camping Bylaw. Council was successful in receiving funding through the 2022/2023 and 2023/2024 funding rounds to assist with the development and implementation of a Freedom Camping Bylaw.

This fund enabled Council to, over the past two summer season, employ camping ambassadors to promote responsible freedom camping across our district and also to prepare a draft Freedom Camping Bylaw.

A draft statement of proposal was presented to Council for adoption on 19 October 2023. At this meeting, Council resolved *to adopt the draft Statement of Proposal for Freedom Camping Bylaw with amendments*. The draft Statement of Proposal adopted by Council for public consultation can be found in **Attachment 1**.

The Council has prepared the proposed Bylaw in accordance with the requirements of section 11 of the FCA and sections 83 and 86 of the Local Government Act 2002 (LGA). The proposed Bylaw applies to the whole of the district.

The purpose of the proposed Bylaw is 'to regulate freedom camping on Council-owned or managed public land to protect public access, public health and safety, and the environment of the areas', and 'specifically includes the protection of the district's beaches, dunes and rivers from harm'.

The proposal to make a new bylaw to control freedom camping was required to follow the special consultative procedure as set out in the LGA.

What the proposed bylaw seeks to achieve

Council currently manages freedom camping by educating and engaging with campers through our compliance team. Voluntary kaitiaki groups also assist Council along our coast through the peak season.

However, Council currently has no enforcement powers when asking campers to move on if they are adversely impacting others or the environment. The proposed bylaw contains rules that would help to prevent irresponsible camping along with other laws and bylaws.

The Freedom Camping Act 2011 allows for a bylaw to be adopted if it a bylaw is 'appropriate' and 'proportionate' to address the problems experienced. Based on the number of freedom camping related complaints, feedback received during our Thriving Places and Spaces consultation in 2022, including on the development of a Reserves Management Plan and a Camping Strategy, and consultation to date, Council considers that the need for a bylaw is both appropriate and proportionate.

The proposed bylaw has been designed to address the following:

- Allow freedom camping in suitable areas where the impacts are low and can be managed.
- Set stricter rules in areas where they are required and their protection is justified under the Freedom Camping Act 2011 to protect the area, public health and safety, and/or access to the area.
- Introduce general rules to protect access for everyone to shared amenities and parking; and ensure that kaitiakitanga principles are upheld.
- The proposed bylaw also gives Council enforcement powers and the ability to apply penalties for offences.

The proposed bylaw must also specifically identify areas where freedom camping is prohibited, restricted, or permitted as follows:

- **Prohibited areas** where no freedom camping is allowed.
- **Restricted areas** where freedom camping is allowed for certified self-contained vehicles, including seasonal restrictions and a maximum number of nights.
- **Permitted areas** where freedom camping is allowed, including for non-self-contained vehicles and tents.

Consultation and engagement

Engagement and feedback on the proposed Bylaw were initially sought directly from a number of key partners and stakeholders in our communities:

- a) Mana Whenua.
- b) New Zealand Motorhome Caravan Association (NZMCA).
- c) Community groups and commercial campgrounds.

Council has been deliberate in engaging with the community on camping and freedom camping issues since 2021, through the development of a camping strategy and Reserves Management Plan for Central Hawke's Bay.

The pre-consultation period on the proposed Bylaw started in July 2023 with a first hui at the Waipawa Municipal Theater. Representatives from Ngāti Kere Hapū Authority, Ngā Karanga Hapū o Kairakau, Te Whātuiapiti Marae, Te Tapairu Marae, Pukehou Marae, Waipukurau Marae, Rongomaraeroa Marae attended. We heard strong views from mana whenua around their right to camp along the coastline as they have done so for generations and ensuring that this continues for generations to come. Mana whenua used the Pourerere summer camping season as an example of how it can work when mana whenua (through the Pourerere Camping Committee) and Council work in partnership. This partnership has been in place to ensure that freedom camping is managed through the summer seasonal period (in lieu of a bylaw) and is unique as we do not have this arrangement anywhere else across our district. Several further hui, as listed below, were

hosted to discuss with mana whenua, members of the public and community representatives across the District.

- a) Kaitiaki Hui, 17 August 2023.
- b) Kaitiaki Hui, 23 August 2023.
- c) Manawhenua, 24 August 2023 (Teams).
- d) Manawhenua, 1 September 2023 – group email with draft statement of proposal.
- e) Pourerere Campground, 25 September.
- f) Waipawa Campground, 26 September.
- g) New Zealand Motor Caravan association – 4 and 9 October.
- h) Pourerere Camping Committee, 11 October 2023.
- i) Manawhenua, 19 October 2023 – additional group email adoption of draft statement of proposal.
- j) Kairakau Lands Trust committee Chair, 25 October 2023.
- k) Waipawa Rugby Club, 10 November 2023.
- l) Takapau Rugby Club, 10 November 2023.
- m) Pourerere Camping Committee, 16 November 2023.
- n) Te Paerahi immediate Community, 20 November 2023.
- o) Kairakau Development Society, 27 January 2024.

Through the initial consultation phase, officers met with mana whenua and supported them through the formal submission process, including providing support to physically fill out submission forms.

Officers also engaged with other key stakeholders such as:

- a) the New Zealand Motorhome Caravan Association as representatives of the self-contained freedom camping community.
- b) Commercial Campground Owners/Lease Holders for their perspectives including as to the potential economic impacts by increasing opportunities for freedom Camping.
- c) Community Groups and representatives, such as the Kairakau Development Society and residential community representatives at coastal areas.
- d) Sports Clubs representatives at Takapau Rugby Club and Waipawa United for their perspectives including as to the impacts of potential enablement of freedom camping at what are traditionally sport fields.

In addition, four camping ambassadors from Council were employed over both the 2022/23 and the 2023/24 peak period to inform and educate the public about responsible freedom camping, in line with changes to national level legislation. For the 2023/24 season specifically, the camping ambassadors also carried educational material regarding the proposed bylaw for Central Hawke's Bay, as well as physical survey forms to directly capture the feedback received from campers they interacted with. The ambassadors captured the individual feedback via the online survey which has been captured as individual submissions on the proposed Bylaw.

The consultation period on the proposed freedom camping bylaw statement of proposal began on 21 October 2023 and closed on 31 January 2024. During the consultation period 533 submissions were received, 529 via the online portal and 4 direct to Council. A total of 53 submitters initially indicated they wished to speak in support of their submission. Following phone calls from officers

to check on availability, 42 submitters indicated they no longer wished to speak (or were uncontactable), leaving 11 scheduled oral submissions, 9 of which were heard on 13 June 2024 (2 submitters were not present on the day).

SUMMARY OF SUBMISSIONS

The 533 submissions covered a wide range of topics, including topics that do not fall directly within the scope of the proposed bylaw. The number of submissions indicates a high level of community interest in the proposed bylaw, as well as a successful methodology used to gather this feedback.

However, this has meant that analysing the responses has been complex, specifically because of the sheer number of respondents, the multiple geographical locations covered by the proposed Bylaw, and the manner in which the consultation questions were responded to. Predominantly, the number of submitters refer specifically to three key locations, Kairakau, Pourerere, and Te Paerahi.

Common themes (captured through verbatim statements) in support of the bylaw are:

- *“Provides a clear legal basis for freedom camping, and clearly designates where freedom campers may stay, and where it is restricted or prohibited. Gives more clarity and structure to freedom campers.”*
- *“Bylaw is needed to reduce the negative impacts freedom camping is having – keep control of things and be able to enforce rules for undesirable people/behaviour. Currently no rules to move them on and no one has any jurisdiction to do so - maybe having a bylaw will help with that.”*
- *“Makes it safer for families to go camping and enjoy.”*
- *“Important that locals be able to visit the region's beaches for day trips without being "pushed" out by freedom campers.”*

Common themes in opposition are:

- *“This land is for the people, for all whanau to come and enjoy whenever they feel the pull to come to our paradise, to heal, to rejuvenate, to be. It is not for the Council to push this kaupapa, this is our whenua, nga tangata taketake.*
- *Freedom camping has been here for many years... has been an important part of summer for generations of families at local beaches.*
- *People in tents have as much right to enjoy their family beach holidays as much as anyone else. Making camping elitist to only those who can afford self-contained vehicles.*
- *Don't want any restrictions. Too much red tape takes the fun out of camping. Leave as is.*
- *The few months of a year that the beach does get overcrowded does not warrant the timeframe proposed. Don't bring in heaps of laws to contain the peak season.*
- *Education is key, not restricting. It's a minority that is spoiling things for the majority (minority being those that abuse the privilege).*
- *Given the positive track record and the successful collaboration between Mana Whenua and the Council with regard to the Pourerere Beach camping area, we firmly believe that the introduction of a bylaw is unnecessary and could potentially disrupt the harmonious management that has been in place during the permitted season. Continue fostering the positive relationship between Mana Whenua and the Council, acknowledging the successful management of freedom camping during the permitted season without the need for additional regulatory measures.”*

The 533 submissions and summary of submissions drafted by Sage Planning were received by Council at its meeting on 13 June 2024. The submissions are accessible [here](#).

Officers have now assessed the 533 submissions and also taken into consideration the additional feedback provided by submitters at the oral hearings on 13 June 2023, in order to finalise recommendations to Elected Members for their consideration as they deliberate on the proposed freedom camping bylaw at this meeting.

DISCUSSION

The online survey used to capture submissions contained three specific consultation questions, as well as the ability for submitters to provide some free text responses. The three consultation questions were:

1. *“Do you think Central Hawke's Bay District Council should introduce the proposed freedom camping bylaw?”*
2. *“The draft bylaw proposes introducing a permit season between 14 December - 29 February for the two permitted areas. This is currently in place for Pourerere Beach Road but not Te Paerahi. Do you agree?”*
3. *“Outside the permit season the bylaw proposes prohibiting freedom camping for non-self-contained vehicles and tents for both permitted areas - Pourerere Beach Road and Te Paerahi. Do you agree?”*

The analysis of submissions has revealed some key themes and topics pertaining specifically to the draft bylaw, including submission points that are location specific. Officers have identified ten specific topics for which recommendations, including amendments to the draft bylaw, are provided. This section of the report presents, for each topic:

- A summary of the submissions and feedback received.
- Officers' analysis of the submissions.
- Officers' recommendations.

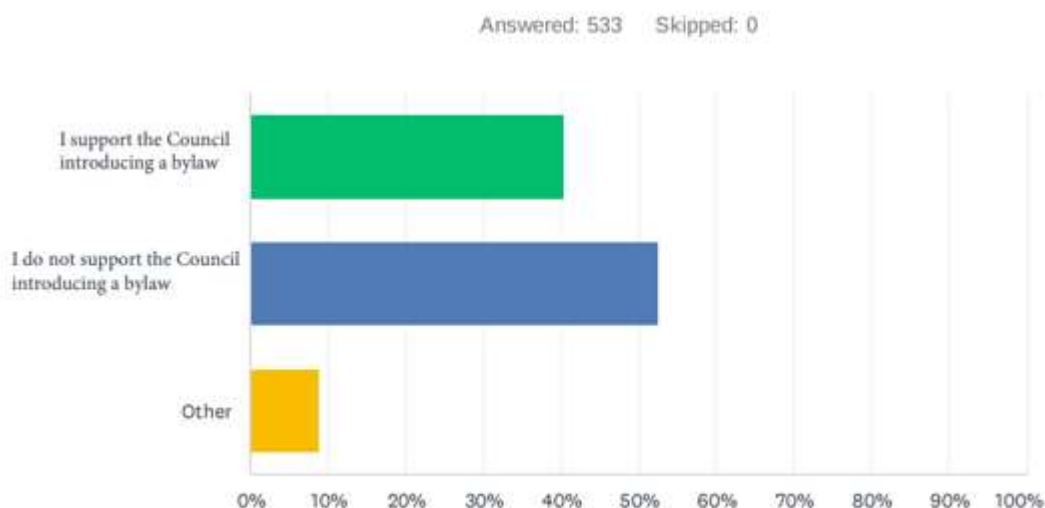
The ten topics covered are:

Topic One	Support for a Freedom Camping Bylaw
Topic Two	Non-self-contained restrictions at Pourerere Beach Road and Te Paerahi
Topic Three	White Domain, Pōrangahau
Topic Four	Kairakau Southern Road Reserve Area
Topic Five	Whangaehu
Topic Six	Permitted camping in the peak season at Te Paerahi
Topic Seven	Permitted camping in the peak season at Pourerere Beach Road
Topic Eight	Standdown period at restricted and permitted locations
Topic Nine	Charging for a permit to freedom camp
Topic Ten	NZMCA submission

Note that an updated draft freedom camping bylaw, including officers' recommendation in tracked changes, can be found in **Attachment 2**. Updated maps of the different areas, including with recommended changes, will be released under separate cover early next week as **Attachment 3**.

Topic One: Support for a Freedom Camping Bylaw**Summary of feedback received**

In relation to the survey question “Do you think Central Hawke's Bay District Council should introduce the proposed freedom camping bylaw?”, a total of 40% of submitters (215) support the introduction of the proposed Bylaw; 53% (280) do not support it; the remaining 7% (37) neither support nor oppose the bylaw.

**Analysis of submissions**

While a short majority of submitters oppose the introduction of a freedom camping bylaw, officers consider that on balance a bylaw is the most appropriate way to formalise rules and to manage freedom camping in Central Hawke's Bay. As noted by submitters in support of a freedom camping bylaw being established, officers believe that a bylaw is necessary to:

- protect the areas in which it is proposed to prohibit or restrict freedom camping, and the health and safety of people who may visit those areas.
- address the problems in relation to the areas in which it is proposed to prohibit or restrict areas.
- Manage areas where freedom camping is permitted, including the ability to enforce the rules contained in the bylaw if campers are in breach of these rules.

While an educational approach will always be the preferred approach for compliance officers to deal with issues pertaining to freedom camping, Officers are of the view that a bylaw provides the necessary tools to take enforcement action where the rules are being breached.

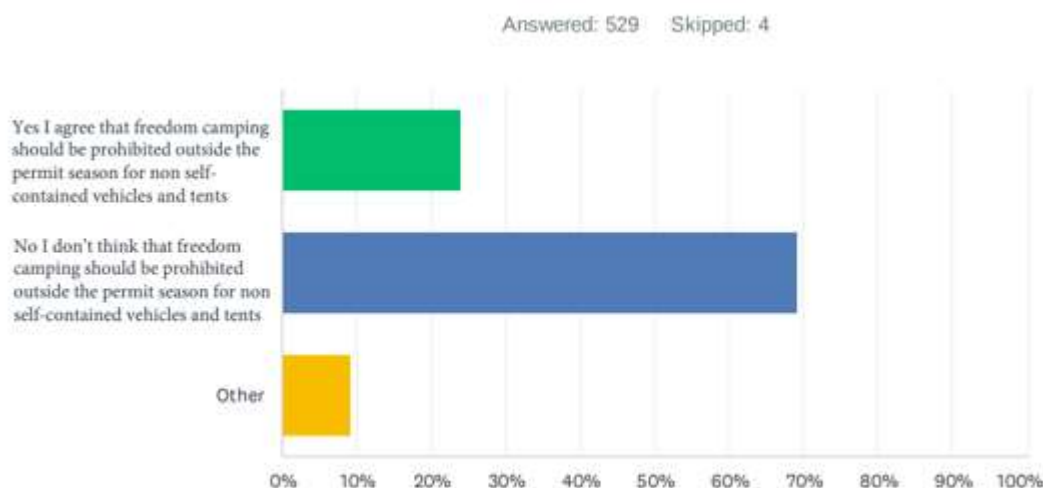
Officers' recommendation

Officers recommend that Council adopts a Freedom Camping Bylaw for managing freedom camping in Central Hawke's Bay.

Topic Two: Non-self-contained restrictions at Pourerere Beach Road and Te Paerahi

Summary of feedback received

Submitters were specifically asked whether or not they support the proposal contained in the draft bylaw to prohibit non-self-contained vehicles and tents outside the peak season for the Pourerere Beach Road and Te Paerahi areas. Approximately 24% of all survey respondents (126 of 529) support prohibiting non-self-contained vehicles and tents outside the permit season for both Pourerere Beach Road and Te Paerahi areas, but approximately 69% (365) expressly do not support that, with the remaining answering 'other' (4 respondents did not answer this question).



Analysis of submissions

A clear majority of survey respondents do not support provisions to prohibit freedom camping in non-self-contained vehicles and tents outside of the peak/permitted season at both the Pourerere Beach Road and Te Paerahi locations. In considering the feedback received officers are of the view that prohibiting freedom camping in non-self-contained vehicles and tents at these locations may contradict one of the success measures contained in the Central Hawke's Bay Camping Strategy which is to provide camping solutions that are fit for purpose and reflect the values of each community to promote visitation and meet community needs. A number of submitters also cited equity and affordability issues to access freedom camping opportunities at these locations. Some submitters also argued that the demand for freedom camping outside of the peak season is low, meaning that the public facilities already provided (eg, toilets) in those locations can cope with the low volume of campers.

Officers' recommendation

Officers recommend that Council removes the prohibition of non-self-contained vehicles and tents outside of the peak/permitted season at Pourerere Beach Road and Te Paerahi.

Topic three: White Domain, Pōrangahau

Summary of feedback received

The draft bylaw proposed the introduction of self-contained freedom camping at White Domain in Pōrangahau. 100% of the feedback received was opposed to this proposal.

Analysis of submissions

The proposed self-contained freedom camping at White Domain would impact community use as it is a children's playground, sports park, recycling centre, and public toilets. As there is limited space that support all of these activities, officers agree it is important that this area is protected. In

addition, the desirable coastal Te Paerahi freedom camping site is in proximity, being approximately 5.6km away.

Officers' recommendation

Officers recommend that Council removes White Domain in Pōrangahau as a location for self-contained freedom campaign. Officers also recommend that White Domain in Pōrangahau is included as a prohibited area for freedom camping.

Topic four: Kairakau Campground

Summary of feedback received

The draft bylaw proposed that the road reserve area at the southern end of Kairakau Beach should be included as an area for self-contained freedom camping from May to September (ie, when the 'commercial' campground operated by the Kairakau Development Society is not in operation). The majority of respondents opposed the proposal to allow freedom camping in the 'commercial' campground area from start of May to end of September – i.e., when it is not occupied by the KDS. The KDS submitted a detailed submission on behalf of its members (over 100) which clearly outlined a number of reasons why freedom camping in this area should be prohibited ([here](#)).

It is to be noted that all respondents supported the need for a bylaw to formalise existing rules around freedom camping and to help manage demand for an increasing number of campers at Kairakau. The majority of respondents supported the proposal to be self-contained vehicles only at the northern end of the beach. The majority of respondents supported prohibiting freedom camping in all other places around Kairakau.

Analysis of submissions

The Kairakau Development Society (KDS), which has 100 members, submitted that it opposes the proposal to allow freedom camping outside peak season at the Kairakau 'commercial' campground. Within the submission the primary concerns identified include safety concerns with the potential for flooding during the winter months, the maintenance of the facilities (currently the KDS maintains these facilities throughout the winter months), and concerns about potential damage to the infrastructure present on the site, such as for example infrastructure to power camping sites during the commercial camping season, or wastewater infrastructure in the campground.

The submission from the KDS was supplemented by a number of individual submissions to support it. Furthermore, officers attended a constructive meeting with the KDS where all who were present (estimated 40+ present) were united in opposing this proposal, further detailing the reasons why they opposed freedom camping being allowed from May to September.

On balance, officers agree with the views presented in submissions and at the public meeting. Officers concur with the KDS submission and the risk assessment, specifically during the winter months. Geographically, the commercial campground sits at the high tide line. In the summer months the KDS actively monitors risks to campers. Accordingly, there are potential health and safety concerns for people who may visit the area, and therefore officers believe that applying s.11(ii) of the FCA (a bylaw is necessary to protect the health and safety of people who may visit the area) is appropriate in this instance. Examples of unpredictable high tides can be identified as recently as Cyclone Hale and Cyclone Gabrielle. The absence of the KDS during the non-peak period would require CHBDC to monitor potential risk to any freedom campers. Conversely the Northern end of the Kairakau Reserve sits well above the hightide line and is therefore safer and has sufficient space to cater for demand during the off-peak season.

Officers' recommendation

Officers recommend that the 'Kairakau Campground' be removed from Schedule 2, list of restricted areas for self-contained motor vehicles, and included in Schedule 1, prohibited areas for freedom camping.

Topic Five: Whangaehu*Summary of feedback received*

The draft bylaw proposed that Whangaehu Beach should be included as a restricted area for self-contained freedom camping. Of the 31 respondents who specifically referred to freedom camping at Whangaehu Beach, 13 supported the bylaw, 14 did not, and the remaining 4 neither supported nor opposed it.

Overall feedback for Whangaehu can be summarised as:

- 8 respondents want all freedom camping prohibited at Whangaehu Beach.
- 8 respondents consider the area too small for freedom camping.
- 8 respondents support self-contained camping only.
- 12 respondents support freedom camping with a permit system in place for 1-2 nights only (with 2 respondents supporting 3-4 nights).

Analysis of submissions

Officers acknowledge the mixed feedback received regarding freedom camping at Whangaehu beach. Officers visited members of the Whangaehu community in December 2023. At this meeting the group spoke about the impacts that freedom camping may have. They considered that restricting camping to self-contained only and limiting it to one night will alleviate some of the initial concerns. Additionally, to further address community's concerns it is considered that a sign should be placed in Pōrangahau on the turn off to Cooks Tooth Road to inform campers of the camping restrictions and to serve as a reminder to drive with caution due to the condition of the road.

Multiple comments and recommendations within the feedback regarding Whangaehu fall significantly outside the legislative intent of the FCA.

Based on the feedback received and on balance, officers recommend keeping Whangaehu Beach as a restricted area for self-contained freedom camping for 1 night only.

Officers' recommendations

No changes from the proposed bylaw are recommended to Council.

Topic Six: Permitted camping in the peak season at Te Paerahi*Summary of feedback received*

The draft bylaw proposed that a permit system be introduced for self-contained freedom camping for the peak season (14 Dec – 29 February) at Te Paerahi. Of the 88 survey respondents who were primarily interested in the Te Paerahi/Pōrangahau areas, only 14% (12) support the introduction of a permit season, whereas 86% (76) do not support it (or answered 'other').

Analysis of submissions

Based on multiple factors submitted during the public consultation such as:

- community desire.
- the undulating geography which makes Te Paerahi difficult to accurately mark and manage individual sites.
- the influx to the area is less during the peak period than at Pourerere, and
- there is no freedom camping specific committee identified to support the management of a permitted system at this location.

Officers are of the view that seasonal restrictions for this location should be removed but consider that a maximum number of nights at this location should be determined.

Officers' recommendations

Officers recommend the removal of the permit system at Te Paerahi. Officers however recommend that camping at Te Paerahi be limited to 7 consecutive nights.

Topic Seven: Permitted camping in the peak season at Pourerere Beach Road

Summary of feedback received

The draft bylaw proposed that a permit system be introduced for self-contained freedom camping for the peak season (14 Dec – 29 February) at Pourerere Beach Road. Of the 58 Survey respondents who were primarily interested in Pourerere, 52% (28) believe that freedom camping at Pourerere should not be managed by a permit system, whilst 48% consider that it should.

One theme that is apparent from the submissions is the perceived ineffective and inequitable management of the permit system for the peak season. Additional comments speak to the length of the permit season.

There was recognition of the long-standing tradition of camping at Pourerere, with people referring it as 'a way of life'. Survey responses highlighted that direct engagement with mana whenua is required, and that there is a need to acknowledge their relationship to the land.

Multiple respondents considered that the ballot system as it currently stands is unfair, that it's hard to get a site, with some suggesting that Council should be responsible for its management. There was concern that there might be a lack of monitoring and enforcement of the rules particularly with regards to length of stay, over-crowding, and interfering with public access to the beach.

Further concern was raised about antisocial behaviour at times, dogs off leashes, vehicles parking on both sides of the road, dangerous motorbikes, and bonfires.

Analysis of submissions

While feedback is split on the requirement for a permitted season at Pourerere Beach Road, officers recommend that a permitted season be formalised through the proposed Bylaw.

Officers consider that formalising the permit season through the proposed Bylaw will provide a good first step, in particular from a compliance perspective, to address some of the issues that have been identified both through formal submissions as well as through observations and discussions had by our compliance team and camping ambassadors over the course of the past few seasons.

Officers' recommendation

Officers recommend that a permit season for the Pourerere Beach Road location be confirmed in the bylaw.

Additional recommendations

It is the view of officers that the main issues raised in written and oral feedback for the permitted season at Pourerere Beach Road pertain mainly to how freedom camping at this location is managed over the peak period, from the allocation of sites to the provision and maintenance of sanitary facilities, to compliance and enforcement issues.

If Council ultimately decides to adopt the proposed Bylaw and formalise the permitted season in relation to Pourerere Beach Road, officers have considered different options which would likely assist the management of the permitted season at Pourerere and also address some of the feedback provided by submitters, some of these options could. The following options for management of the permitted season are considered below:

- a) Restriction to self-contained vehicles only.
- b) Removal of the permitted season.
- c) Permit system to be managed fully by Council.
- d) Development of a camping management policy to be jointly developed between Central Hawke's Bay District Council, the Pourerere Camping Committee and the broader Pourerere community ahead of the next camping season (eg, by Anniversary weekend on 24 October 2024).

These options are further explored below.

- a) *Restriction to self-contained only.*

One management option would be to restrict the Pourerere Road Reserve to self-contained freedom camping only during the permitted season. The main advantage of this option would be to reduce the costs associated with providing additional ablution facilities for non-self-contained campers.

This option, however, carries a number of disadvantages, which include:

- Increased administrative costs to manage the permitted season. For example, permit holders would need to demonstrate that they meet the self-contained requirements before they are issued with a permit.
- Increased requirements on Council's compliance team on managing the permitted season. For example, compliance officers would need to remove any camper that does not meet the self-contained requirements, or any non-self-contained vehicle that has not obtained a permit.

This option would also largely ignore the feedback provided by submitters during the consultation period. 78 percent opposed the proposal to disallow non-self-contained vehicles outside of the permit season. A number of submitters also submitted that allowing self-contained vehicles only carries equity issues for accessibility to camping opportunities because of the costs associated with non-self-contained freedom camping. This feedback was reiterated in submissions made at the hearings on 13 June 2024. This option would potentially also go against principles of enabling a more traditional approach to freedom camping that aligns with other areas in our district and regionally.

Considering the above, this option is not recommended.

b) Removal of the permitted season.

This option would mean reversion back to standard freedom camping on a 'first come first served' basis, whilst maintaining non-self-contained freedom camping.

This option would align with the feedback provided by some submitters that suggests that the management of the permitted season is not equitable, in particular in terms of the way permits and camping sites are allocated. Several respondents consider the ballot system is unfair in that it is for some "hard to get a site". Some submitters have suggested placing management of freedom camping back in the hands of Council.

As described above feedback on whether to maintain a permitted season in Pourerere is nearly evenly split, with 52% (28) believing that Pourerere should not be permitted, whilst 48% agree.

Officers have assessed that the removal of the permitted season at Pourerere would significantly increase the resourcing requirements on Council, in particular from a compliance and enforcement perspective. Officers believe that based on some of the feedback received through the public consultation process as well as through the feedback received by, and observations made by camping ambassadors over the past couple of seasons that there would likely be a high-degree of non-compliance with the freedom camping bylaw should this option be adopted.

Feedback has also been provided by submitters that there is already a lack of monitoring and enforcement of the rules, there is also concern about length of stay, over-crowding, and interrupting of public access to the beach.

Officers assess that it is likely that this option may require the constant presence of a compliance officer over the course the peak summer season to ensure compliance with, and enforcement of the bylaw. The compliance team at Council is currently not resourced to achieve this based on current resources.

For these reasons this option is not recommended by officers.

c) Permit system to be managed fully by Council.

This option would formalise a permit system for self-contained and non-self-contained vehicles and tents for the peak season (14 Dec – 29 Feb), but the permit system including allocation of campsites would be managed fully by Council officers, ie without the help of the Pourerere Camping Committee.

As discussed above, based on some of the feedback received through the submission process it has been revealed that some submitters feel that there is an inequitable site distribution between The Pourerere Camping Committee and the balloted sites. Further feedback as summarised in the the Sage Planning report (page 14 & 15) suggests that the permitted season requires review and that the management of it should fall solely to Council. This option would likely address this feedback.

However, the Statement of Proposal for the draft Freedom Camping itself describes the partnership approach that Council has had with mana whenua in Pourerere and specifically with the Pourerere Camping Committee as an example of how a partnership approach to the management of freedom camping can be successful. Furthermore, a number of written submissions, supported by verbal submissions on 13 June, argued that mana whenua should be involved in Council's decision making on the Freedom Camping Bylaw – both in terms of adopting the Freedom Camping Bylaw, and in terms of implementing it. This option would go against this expectation from mana whenua, in particular at this location.

It is also unlikely that Council would have sufficient resources (in particular without any further external funding from MBIE) to sustain the time dedication required to effectively manage the permit season during Pourerere in the peak period, whilst also attempting to maintain a presence at the adjacent coastal areas.

For the reasons above, this option is therefore also not a recommended option.

d) Develop a management policy for the permitted season.

The formalisation of a permit season through the proposed bylaw is unlikely to resolve all the issues raised by submitters. It is the view of officers that further work needs to be conducted, in partnership with the Pourerere Camping Committee and the broader Pourerere community, on managing the permitted season at Pourerere.

Considering the feedback received through the public consultation period and through different engagements through the camping ambassadors and other direct engagements with the Pourerere Camping Committee and broader community members/groups, officers consider that the most appropriate way of addressing the management of the camping season in Pourerere (from site allocation, to issuance of permits, to compliance and enforcement during the season, to lessons learnt from the peak camping season) would be best addressed through the development and formalisation of a campsite allocation and management policy for Pourerere, owned by Council but developed in partnership with the Pourerere Camping Committee as well as the broader Pourerere community/residents.

This option would have the benefit of enabling Council to determine some 'bottom lines' in terms of how this particular location is managed through the season but would also enable both mana whenua and the broader Pourerere Beach community to participate and agree on the principles, protocols and rules that would be included in the policy.

Creating a formalised campsite allocation and management policy in conjunction with the Pourerere community and the Coastal Camping Committee would need to align with the priorities as laid out in the Freedom Camping Act, as well as the principles contained in Council's broader Camping Strategy and Reserves Management Act and would also need to address the issues raised through the submission process in particular around equity of site allocation.

As a starting point, Officers recommend that at least half of the 40 camp sites at the Pourerere Beach Road location be allocated through a fair and transparent ballot process administered by Council and supporting the Pourerere Camping Committee to allocate the remaining campsites for the permitted season. The rules contained in the bylaw would apply to all campsites in this location throughout the season.

Officers recommend that a formal freedom camping management policy for Pourerere be developed and adopted promptly, by 25 October 2024 (Anniversary weekend).

Topic Eight: Standdown period at restricted and permitted locations

In reviewing submissions and the draft freedom camping bylaw, officers noticed an oversight with regard to 'standdown' periods.

Page 12 of the statement of proposal clearly articulated a policy intent/rule for consultation that "freedom campers may not return to stay in the same road or off-road parking area, or within one area kilometre of that site, within a one-week period". This policy intent was however not included in the draft bylaw itself.

Officers' recommendation

Officers recommend that a standdown period of 7 days be included in the freedom camping bylaw, as reflected in amended schedules 2 and 3 in **Attachment 2**.

Topic Nine: Charging for a permit to freedom camp

Summary of feedback received

The draft bylaw contained a proposal that a fee should be charged for obtaining a permit to camp at Pourerere and Te Paerahi during the peak season. As identified within the New Zealand Motor Caravan Association (NZMCA) written submission, obligatory payments for a permit to camp at a specific location may contradict s5 of the Freedom Camping Act (FCA).

Analysis of submissions

The FCA provides that a freedom camping bylaw cannot regulate camping at a 'campground'. A 'campground' is then defined as '*any site at which a fee is payable for camping at the site*'. After seeking independent legal advice, officers consider that a fee cannot be charged to permit freedom camping at a site.

Officers' recommendations

Officers recommend that references to a fee be removed from the proposed bylaw. Officers also recommend that instead of charging a fee, that Council should instead provide an opportunity for freedom campers to pay a voluntary donation or koha when permits are issued.

Topic Ten: NZMCA submission

Summary of feedback received

In its submission, the New Zealand Motor Caravan Association queried whether Council undertook a risk analysis for each of the restricted and prohibited areas in line with the Freedom Camping Act (FCA) bylaw-making criteria, contained in section 11(2).

The NZMCA also recommended the deletion of clause 20.1(e) from the proposed bylaw, arguing that this broad provision may be relied on to protect residents from the adverse effects that, in the NZMCA's view, do not align with section 11(2) of the FCA. The NZMCA argued that for example adverse impacts contemplated under section 20.1(e) might include impacts on private property values or visual amenity. The report indicates that the clause 20.1(e) of the statement of proposal for the bylaw may be contrary to the FCA. The NZMCA written submission can be found [here](#).

Analysis of submissions

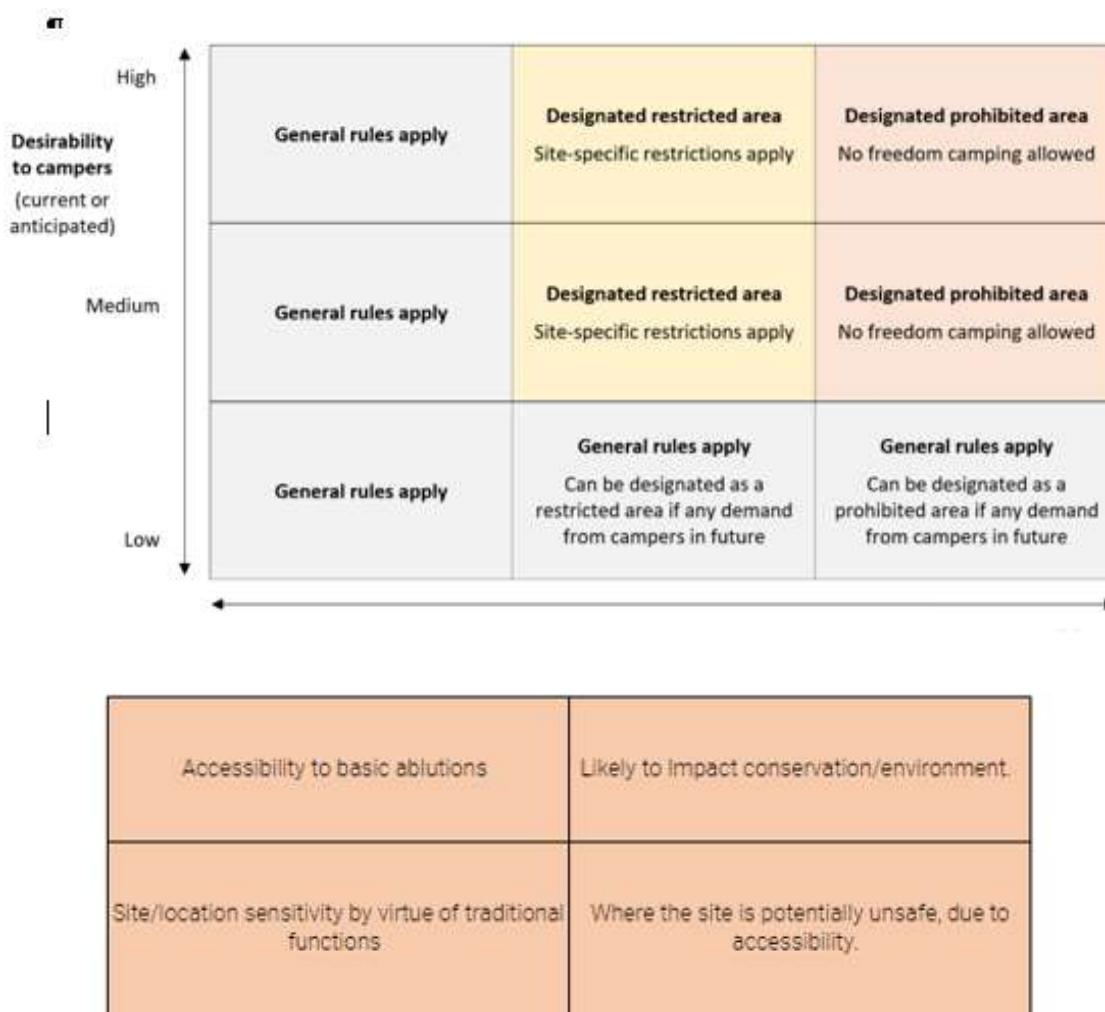
While officers understand the points raised by the NZMCA, officers are confident that site assessments were conducted in accordance with Section 11 of the FCA, which states in part;

A local authority may make a bylaw under subsection (1) only if it is satisfied that—

- a. the bylaw is necessary for 1 or more of the following purposes:*
 - i. to protect the area.*
 - ii. to protect the health and safety of people who may visit the area:*
 - iii. to protect access to the area.*

Page 18 of the Statement of Proposal clearly articulates the manner in which site assessments were conducted in accordance with the above section of the FCA.

Officers are confident that the proposals contained in the draft bylaw were made on the basis of sound assessments (identified below). The risk assessment matrix below, contained in the the proposed bylaw, identifies the key factors as defined within the Section 11 of the FCA.



Upon review of the NZMCA submission and further legal considerations, officers agree with the NZMCA's submission point to remove clause 20.1(e) of the statement of proposal for the bylaw.

Officers' recommendation

Officers recommend that the points raised by the NZMCA be noted, and that clause 20.1(e) of the statement of proposal for the bylaw is removed.

Summary of Submissions outside the scope of the Freedom Camping Act

As mentioned earlier in this report, a large number of submissions points related to issues that do not fall within the scope of the proposed freedom camping bylaw. These issues are generally linked to the behaviour and/or presence of campers, but that cannot be regulated through the FCA/through the bylaw.

A full list and summary of submission point can be found in detail on page 38, 39 of the Sage Planning report.

It is important to note that while these issues cannot be addressed through the Freedom Camping Bylaw, they have however been well noted and will inform the review of other relevant bylaws and/or will be passed on to organisations that have jurisdiction to intervene for their consideration. For example, issues raised around vehicle/motorbike speed on beaches will be picked up when the traffic bylaw is considered. Issues around rubbish collection at or near campsites has been passed on to both our Solid Waste and Open Spaces teams. Dog control issues (eg, dogs off leashes)

have been referred to the Animal Services and Compliance team as input into the upcoming review of the Animal Control Bylaw.

Officers also acknowledge that issues around land ownership, in particular along the coastline, were also raised during the pre-engagement and formal consultation period, through both written and oral submissions. The proposed restricted, permitted and prohibited camping areas are all contained within Council's Reserves and Road Reserves network, which are owned and managed by Council, as described in Council's Reserves Management Plan under the Reserves Act 1977. It is to be noted that Council is committed through the ongoing review of the Reserves Management Plan to further explore aspirations for joint decision-making with hapu authorities from the coastal area of Central Hawke's Bay.

RISK ASSESSMENT AND MITIGATION

Some submitters may be disappointed with the outcomes of the deliberations, especially if they believe their feedback has not been adequately reflected in the final Freedom Camping Bylaw.

However, officers consider that the bylaw process has met the requirements of section 83 of the Local Government Act 2002. The Freedom Camping Bylaw has followed a transparent process for the community to provide their feedback on the proposal.

Officers believe that the submission points raised through the submissions have been adequately addressed as per the content of this deliberations report.

Officers acknowledge that a number of submission points raised were not specifically within the scope of the Freedom Camping Bylaw. Submitters will have the opportunity to raise such points again, for example when other bylaws (eg, the traffic bylaw) are reviewed in the near future.

Officers also wish to note Council's firm intention to continue to partner with mana whenua into the future, to give confidence that their aspirations are considered and implemented together into the future, in particular as part of the ongoing review of the Reserves Management Plan.

FOUR WELLBEINGS

Freedom camping is an issue that touches all four wellbeing's of local government (cultural, social, economic and environmental).

Cultural: In addition to the engagement conducted before Council adopted its first Reserves Management Plan its first Camping Strategy in 2022, Elected Members and Officers heard through the engagement and consultation process the important connection that exists between mana whenua and the whenua considered as part of this Freedom Camping Bylaw. Officers believe that the bylaw, including recommendations contained in this report, takes a balanced approach to deliver on the cultural wellbeing aspect of this decision.

Social: Camping and freedom camping are often referred to as part of the social fabric of New Zealand and New Zealanders, providing opportunities for families and friends to explore and makes the most of our landscapes. This bylaw achieves a careful balance between enabling opportunities to enable as much freedom camping as possible (including new opportunities in urban areas), while ensuring the preservation of CHB's precious natural environments.

Economic: As referred to in a number of written and oral submissions, tourists and campers generate revenue for local businesses. Having a bylaw which promotes responsible camping and offers freedom camping opportunities in our district will likely lead to visitors (and locals) spending money in our local communities, either at or on their way to their camping destinations.

Environmental: The Freedom Camping Bylaw is a tool which will help Council to create opportunities for freedom camping in our district, including providing access to Central Hawke's Bay's prime landscapes and coastlines, and also manage any negative environmental impacts from freedom camping.

DELEGATIONS OR AUTHORITY

In accordance with the requirements of the Local Government Act 2002, only Council has the delegation to adopt a bylaw.

SIGNIFICANCE AND ENGAGEMENT

In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as significant. Council has undertaken a robust process of public engagement and formal consultation in line with the requirements under section 83 of the Local Government Act 2002 on the special consultative procedure.

OPTIONS ANALYSIS

Three possible options for Council to consider include:

Option 1: That Council adopts the Freedom Camping Bylaw with the amendments contained in Attachment 2 (Recommended).

This option sees the Freedom Camping Bylaw adopted and provides direction to officers for implementation ahead of the next camping season.

Option 2: That Council makes additional amendments to the Freedom Camping Bylaw which are within scope.

Subject to the extent of changes, this option sees the Freedom Camping Bylaw adopted, and provides direction to officers for implementation ahead of the next camping season. If Council chooses this option, the bylaw would not be able to be adopted until the review of the amendments has been completed.

Option 3: That Council does not adopt the Freedom Camping Bylaw.

This option sees the Freedom Camping Bylaw not adopted.

Option 4: That Council adopts the Freedom Camping Bylaw with no amendments (ie, as initially proposed).

This option would see the Freedom Camping Bylaw adopted as it was presented for public consultation.

	<u>Option 1</u> That Council adopts the Freedom Camping Bylaw with the amendments contained in attachment XX. (recommended)	<u>Option 2</u> That Council makes additional amendments to the Freedom Camping Bylaw which are within scope.	<u>Option 3</u> That Council does not adopt the Freedom Camping Bylaw.	<u>Option 4</u> that Council adopts the Freedom Camping Blaw with no amendments
Financial and Operational Implications	An increase in resourcing (1 additional compliance officer) has been included in the 2024 – 2027 Three Year Plan. The removal of mandatory permit fees means there will be uncertainty with regard to revenue for this activity.	Relative to the changes proposed there may be additional financial or operational implications from this decision. The removal of mandatory permit fees means there will be uncertainty with regard to revenue for this activity.	Council may have to return external funding from MBIE if it does not adopt a freedom camping bylaw.	An increase in resourcing (1 additional compliance officer) has been included in the 2024 – 2027 Three Year Plan.

	<u>Option 1</u> That Council adopts the Freedom Camping Bylaw with the amendments contained in attachment XX. (recommended)	<u>Option 2</u> That Council makes additional amendments to the Freedom Camping Bylaw which are within scope.	<u>Option 3</u> That Council does not adopt the Freedom Camping Bylaw.	<u>Option 4</u> that Council adopts the Freedom Camping Blaw with no amendments
Long Term Plan and Annual Plan Implications	This decision is in line with the budget included in the 2024 – 2027 Three Year Plan.	Relative to the changes, this decision is in line with the budget included in the 2024 – 2027 Three Year Plan.	Council has no budget to return the external funding from MBIE.	This decision is in line with the budget included in the 2024 – 2027 Three Year Plan.
Promotion or Achievement of Community Outcomes	This option supports the wider outcomes sought through the Reserves Management Plan and the 2022 Camping Strategy.	Relative to the changes, this option supports the wider outcomes sought through the Reserves Management Plan and the 2022 Camping Strategy.	It is not obvious how this option supports the promotion or achievement of community outcomes.	This option supports the wider outcomes sought through the Reserves Management Plan and the 2022 Camping Strategy. However, it would not include any of the feedback received through the public consultation process.
Statutory Requirements	This option would see Council have a Freedom Camping Bylaw as per the Freedom Camping Act 2011. The special consultative procedure under the LGA 2002 has been completed.	This option would see Council have a Freedom Camping Bylaw as per the Freedom Camping Act 2011. The special consultative procedure under the LGA 2002 has been completed.	Council does not have a statutory requirement to have a Freedom Camping Bylaw in place.	This option would see Council have a Freedom Camping Bylaw that may not be in line with the Freedom Camping Act 2011, eg, as fees cannot be charged for managing freedom camping.
Consistency with Policies and Plans	This option supports the wider outcomes sought through the Reserves Management Plan and the 2022 Camping Strategy.	This option supports the wider outcomes sought through the Reserves Management Plan and the 2022 Camping Strategy.	It is not clear how this options supports the wider achievement of key plans.	This option supports the wider outcomes sought through the Reserves Management Plan and the 2022 Camping Strategy.

Recommended Option

This report recommends **Option 1** for addressing the matter.

Other matters

The power to make the Proposed Bylaw is contained in s 11 of the Freedom Camping Act 2011. Section 11(2) of the FCA contains a number of decision-making requirements when making a bylaw. The statutory criteria in s 11(2) that Council must consider are:

- The bylaw is necessary to protect the areas for which freedom camping is prohibited or restricted, to protect the health and safety of people who may visit the areas, or to protect access to the areas.
- The bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to the areas.
- The bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

Overall, and taking into account matters raised in submissions and at the Council hearing, officers consider the proposed bylaw is consistent with s 11 of the FCA. Officers have specifically considered whether re-notification and further consultation would be required should this option be adopted. However, officers consider that the extent and significance of the changes are such that they are within scope of submissions and the bylaw. Officers consider that re-notification or further consultation is not required.

Because it is proposed to expand some areas in which freedom camping is prohibited, the Council will have to be satisfied that the additional limits on freedom of movement are proportionate and appropriate having regard to the purpose of the FCA, namely, to regulate freedom camping on local authority areas so as to control and manage the adverse effects of freedom camping.

NEXT STEPS

If adopted, Officers will take the necessary steps to implement Council's decision ahead of the next camping season. This will include recruitment of a new compliance officer, as well as progressing the preparation of signage and website material to clearly articulate where campers can and can't freedom camp, as well as any particular rules that campers need to be made aware of.

If adopted, the Freedom Camping Bylaw will have legal effect from the day after it is adopted, ie, 28 June 2024.

RECOMMENDATION

1. **That Council:**
 - a. **Notes the content of this report.**
 - b. **Determine that the Freedom Camping Bylaw is:**
 - i. **Necessary to protect the areas for which freedom camping is prohibited or restricted, to protect the health and safety of people who may visit the areas, or to protect access to the areas.**
 - ii. **The most appropriate and proportionate way of addressing the perceived problem in relation to the areas.**
 - iii. **Not inconsistent with the New Zealand Bill of Rights Act 1990.**
 - c. **Adopts the Freedom Camping Bylaw with the following changes following public consultation:**
 - i. **Removal of the prohibition of non-self-contained vehicles and tents outside of the peak season at the Pourerere Beach Road and Te Paerahi locations.**
 - ii. **Prohibition of freedom camping at White Domain in Pōrangahau.**
 - iii. **Prohibition of freedom camping at the Southern end of the Kairakau Beach Road Reserve from start of May to end of September.**
 - iv. **Removal of the seasonal restrictions at the Te Paerahi location.**
 - v. **Addition of a standdown period for freedom campers of seven days for both restricted and permitted areas.**
 - vi. **Removal of clause 20.1(e) of the statement of proposal for the bylaw**
 - vii. **Removal of the mandatory fee when permits are allocated for locations contained in the Freedom Camping Bylaw.**
2. **That Council:**
 - a) **directs officers to work with the Pourerere Camping Committee and the broader Pourerere Community to develop and formalise an operational campsite allocation and management policy for the Pourerere Beach Road camping area by 25 October 2024**
 - b) **requires that at least half of the Pourerere Beach Road campsites in the peak permitted season are allocated to the general public through a fair ballot process administered by Council.**
3. **That in lieu of charging a mandatory fee for issuing permits through the Freedom Camping Bylaw, Council encourages voluntary contributions / koha / donations when permits are issued.**
4. **That the Freedom Camping Bylaw is to have legal effect from 28 June 2024.**
5. **That Council considers renewing the bylaw before the 5-year period set out in s13(1) of the Freedom Camping Act 2011.**
6. **That Council gives delegation to the Chief Executive to make any final edits, including minor changes to the Freedom Camping Bylaw before publication.**



**CENTRAL
HAWKE'S BAY**
DISTRICT COUNCIL

Proposed Freedom Camping Bylaw

Statement of Proposal

Draft Adopted: 19 October 2023

Together we Thrive! E ora ngātahi ana!

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Draft Freedom Camping Bylaw Statement of Proposal
ADOPTED 19 October 2023

E ora ngātahi ana!

1. Introduction

The Council is seeking public feedback on its proposal to make a bylaw to regulate freedom camping in Tamatea – Central Hawke's Bay District. The proposed bylaw sets out the rules regarding where freedom camping is permitted, restricted or prohibited within the district.

There is an identified need for Council to regulate freedom camping in the district. The Council has received feedback through various channels, including the Thriving Places and Spaces Consultation in 2022, through complaints from the coastal communities and freedom campers, and through community meetings that have been held along the coastline due to the concerns residents have on the impact of freedom camping. The Council therefore proposes to adopt the Freedom Camping Bylaw 2023 (**proposed bylaw**).

2. Context and background

Council has recently adopted the Central Hawke's Bay Camping Strategy 2022¹ with the following strategic goal:

Camping is in our DNA – the Tamatea Way, looking after locals, welcoming visitors, offering mountains to beach opportunities and protecting our natural environments.

This strategic goal underpins the intent of the proposed bylaw. The Council is continuing to foster relationships with Mana Whenua to ensure that they can continue enjoying the tradition of camping with their whānau as well as welcome local residents and visitors to enjoy the outstanding features of the district, while protecting the local environment and having tools to manage adverse impacts.

In 2022 the Council also completed and adopted a Reserve Management Plan that covers 80 reserves (designated under the Reserves Act 1977 (**Reserves Act**)) totalling over 228 hectares. The Reserve Management Plan includes the desired future development and investment in facilities for each site, including toilets and carparking. The public submission process and Council decisions have informed whether key camping sites are included as prohibited, restricted or permitted for freedom camping. The Reserve Management Plan also recognises that it will play a role in articulating some of the aspirations for the whenua of the Tamatea hapū.

Mana Whenua have been the kaitiaki of our coastline for generations and Council is committed to working in partnership with Mana Whenua, kaitiaki groups, coastal groups and community groups in the management of camping within the district. It is our intention to not only build on these relationships but, where possible, to support the creation of new groups that aim to provide similar kaitiakitanga to our coastal camping community.

Growing and changing demand for camping and access to freedom camping sites is placing increasing pressures on some key coastal and river publicly owned sites. To protect

the environment, the health and safety of residents and the access to key public sites, Council has determined that a bylaw to manage freedom camping is required. The proposed bylaw will cover staying overnight in vehicles on public land controlled by the Council. This includes any land managed by Council, which means most local roads and some carparks.

Freedom camping can have both positive and negative impacts. Freedom camping refers to people staying in vehicles overnight as part of leisure travel, or because they are choosing to live in a vehicle for lifestyle reasons. Freedom camping provides a flexible and affordable way for local residents and domestic and international visitors to experience and enjoy our district. Some freedom campers visit friends and family or attend events while in the district. Many freedom campers will support local businesses during their stay.

However, freedom camping can have negative impacts on the local environment and host communities if it is not well managed. These impacts can be caused by:

- (a) people not camping responsibly;
- (b) demand for legal camping areas exceeding the supply at periods of high demand such as Christmas and Easter;
- (c) unavoidable noises and smells coming from campsites impacting other users and nearby local residents;
- (d) campers blocking views/access or displacing other users of an area; and
- (e) kaitiakitanga principles not being upheld.

Freedom camping has become popularly associated with some harmful and antisocial behaviours, such as going to the toilet in public places and dumping rubbish. A freedom camping bylaw can contain rules that help to prevent irresponsible camping, but there are also other laws and bylaws that manage these types of behaviour and which apply to everyone.

Relationship with Mana Whenua

Council continues to work with Mana Whenua to ensure that their aspirations are intertwined in the current bylaw and will continue to partner with Mana Whenua going forward. An example of a current partnership between Mana Whenua and Central Hawke's Bay District Council in action is the Pourerere Camping Committee and the Council's long-standing partnership in which the management and kaitiaki falls to the Pourerere Camping Committee when the Pohutukawa blooms/during our peak camping seasons when our whānau begin to utilise our coastline. Operating within the kawa of the Pourerere Camping Committee and within the limits of the Freedom Camping Act 2011, the Council aims to support tangata whenua and be a resource for the Central Hawke's Bay community.

3. Proposal

The Council proposes that a new bylaw should be made. The proposal to make a new bylaw to control freedom camping must follow the special consultative procedure in the Local Government Act 2002 (LGA).

This Statement of Proposal has been prepared in accordance with the requirements of section 11 of the Freedom Camping Act 2011, and sections 83 and 86 of the LGA, and includes:

- (a) consideration of whether the bylaw is necessary to protect the areas in which it is proposed to prohibit or restrict freedom camping, the health and safety of people who may visit those areas, or access to those areas;
- (b) consideration of whether a bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to the areas in which it is proposed to prohibit or restrict freedom camping;
- (c) consideration of the bylaw's consistency with the New Zealand Bill of Rights Act 1990; and
- (d) a draft of the proposed Freedom Camping Bylaw 2023.

4. Legislation

The proposed bylaw must comply with the Freedom Camping Act 2011 (FCA). The FCA (as amended in July 2023) allows freedom camping, and only in a certified self-contained motor vehicle (or tenting), on any land owned or managed by a local authority unless it is restricted or prohibited under a bylaw defining local authority areas in which freedom camping is prohibited or restricted. Non-certified vehicles can only be used for freedom camping if staying at a site designated for this use by the local authority.

Local authority areas are, in general terms, accessible public places, such as reserves, roads and laybys, other than camping grounds. The FCA also covers land owned by Waka Kotahi New Zealand Transport Agency (NZTA) and the Department of Conservation (DOC). The proposed bylaw only covers Council-owned or managed land, unless specifically agreed and included between Council and these agencies.

Freedom camping as defined in the FCA means to camp (other than at a camping ground) within 200 metres of an area accessible by motor vehicle or within 200 metres of the mean low-water springs line of any sea or harbour, or on or within 200 metres of a formed road or a Great Walks Track, using either or both of the following:

- (a) a tent or other temporary structure; and/or
- (b) a motor vehicle.

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Although the FCA allows freedom camping by default on public land, this does not apply if an area is already protected under another enactment. The proposed bylaw does not apply to private land.

Council could use the Reserves Act to regulate (prohibit or restrict) freedom camping rather than a bylaw or the FCA. Section 44(1) of the Reserves Act provides that no person can use a reserve, or any vehicle, caravan, tent or other structure situated on the reserve, for the purposes of permanent or temporary accommodation. Therefore, freedom camping on reserves is prohibited unless provided for in a Reserve Management Plan or Council exercises its delegated ministerial consent. While this mechanism could be used to part-regulate freedom camping, it would not remove the need for a bylaw altogether because it would not address roadside camping or land managed by the Council under another enactment. A bylaw is the most effective mechanism to provide for prohibited local authority areas and restricted local authority areas.

The proposal to make a new bylaw to control freedom camping must follow the special consultative procedure, involving at least one month for submissions with a public hearing, as set out in the LGA. This proposed bylaw will be adopted under the FCA.

As a new bylaw, a full review is required after five years.

5. Is the proposed bylaw the most appropriate and proportionate way of addressing the problem?

The FCA requires that bylaws must be 'proportionate' to ensure any restrictions on freedom camping are justifiable in relation to the nature and scope of the problems being experienced and are consistent with the BRA. The Camping Strategy and Reserve Management Plans that have been developed following the Thriving Places and Spaces Consultation, and Council knowledge gained through resident requests and complaints in relation to freedom camping, form the basis for the reasons why Council is proposing the bylaw. The FCA has specific criteria which must be considered when assessing the need to prohibit or impose restrictions on freedom camping.

The proposed bylaw does not cover all Council-owned or managed land, particularly land designated as reserves under the Reserves Act. Some key sites that are also reserves under the Reserves Act that have high demand for freedom camping and have historically been used for camping are included. This will increase Councils' ability to manage usage for the overall benefit of the community, the environment and users.

Freedom camping is, for many kiwis, a long-standing tradition that has become increasingly popular with tourists visiting New Zealand. As a result, freedom camper numbers have been growing locally and throughout the country over the last two decades. Border closures due to COVID-19 since 2020 have limited overseas visitors but have also prompted an increased demand from Kiwis for camping experiences. With borders now open, increased pressure on popular freedom camping sites is expected.

Central Hawke's Bay has specific issues with freedom camping during summer and autumn holiday periods focussed on coastal areas due to the beautiful Central Hawke's Bay coastline being discovered not only by locals but visitors. Central Hawke's Bay has become renowned as a location for the classic coastal holiday. During these times, there is significantly more demand for freedom camping places than are available.

The Reserve Management Plan process and submissions emphasised how important some coastal sites are to the community, and the need to balance the access for camping with protecting and managing the sites.

What the proposed bylaw is intended to achieve

The Council wants to make a new bylaw to help manage the negative impacts of freedom camping and ensure everyone can continue to enjoy our public places. The proposed bylaw has been designed to be appropriate and proportionate to the problems caused by freedom camping, including balancing the needs of campers and other users of public spaces. This means:

- (a) enabling freedom camping to happen in more suitable areas where the impacts will be low and can be managed.
- (b) setting stricter rules in specific areas where they are required (because the areas are known or likely to be desirable to freedom campers, and their protection is justified under the FCA to protect the area, public health and safety, and/or access to the area).
- (c) having general rules for all other areas that:
 - I. are simple and consistent;
 - II. protect Central Hawke's Bay's environment and public health by ensuring that all campers have access to a toilet, drinking water, and suitable places to cook and wash;
 - III. protect access for everyone to shared amenities and parking; and
 - IV. ensure that kaitiakitanga principles are upheld.

The proposed bylaw manages freedom camping on land it covers within three categories:

- (a) **Prohibited areas**, where no freedom camping is allowed
- (b) **Restricted areas**, where freedom camping is allowed subject to site-specific restrictions
- (c) **All other areas** where freedom camping is allowed

How specific areas have been assessed

Two key aspects were considered when assessing whether an area needed to be designated in the bylaw:

- (a) **Desirability** (whether campers are likely to want to stay there). The Council looked for evidence of past use by freedom campers, as well as at the amenity of the area and how close it was to attractive locations such as the coast, road access and urban areas.

- (b) **Sensitivity** (whether the area had characteristics that made it unsuitable for camping). The Council considered an area's environmental and cultural sensitivity, and whether freedom camping there could cause health and safety risks, damage infrastructure or impact public access to the area.

Desirability to campers (current or anticipated)	High	General rules apply	Designated restricted area Site-specific restrictions apply	Designated prohibited area No freedom camping allowed
	Medium	General rules apply	Designated restricted area Site-specific restrictions apply	Designated prohibited area No freedom camping allowed
	Low	General rules apply	General rules apply Can be designated as a restricted area if any demand from campers in future	General rules apply Can be designated as a prohibited area if any demand from campers in future
		Low	Medium	High
		Sensitivity of area to camping-related harms (environmental/cultural/health and safety/access)		

Sites identified to be prohibited in the proposed bylaw are those areas that are in a sensitive area and have medium-to-high demand. Restricted areas have medium sensitivity and medium-to-high demand. Other sites with low demand and/or low sensitivity generally do not have issues as a result of freedom camping and should not be specifically included in the proposed bylaw.

Any additional sites can and will be reviewed as required but no later than the five-year review of the proposed bylaw in 2028. Before including additional areas in the proposed bylaw, the Council will need evidence to justify their need for protection under the FCA.

The Council is proposing to designate 15 restricted areas and 76 prohibited areas that justify protection under the proposed bylaw.

Proposal	Description and rationale
Prohibited areas	These are places that the Council has assessed as sensitive and needing protection, or where freedom camping would impact public health and safety and/or access in ways that can't be adequately managed through restrictions. These areas will have signs that show no camping is allowed and will also be listed on the Council website.
Restricted areas – self-contained vehicles and seasonal restrictions	<p>These are places that the Council assessed as desirable for freedom camping and suitable to accommodate it, provided suitable restrictions are in place. In setting restrictions in these places, we've considered factors relating to the area's sensitivity, the health and safety of visitors, and public access. For example, Council has taken into account the current use of the area by others, what facilities are available onsite, the demand for parking, and the size and layout of the parking area. Restrictions at these areas could include:</p> <ul style="list-style-type: none"> • a requirement to use a certified self-contained vehicle because there are no onsite facilities available or facilities are closed overnight. • a maximum number of camping vehicles in order to protect access and prevent overcrowding. • seasonal restrictions to control excess demand over holiday and summer periods. • parking only within a designated parking area in order to protect access. • a maximum stay and a set departure time in order to support responsible camping and protect access for all users. <p>These areas will have signs that show the specific rules for freedom camping in that place and the designated parking area, if applicable. These areas will also be listed on the Council website.</p>

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Proposal	Description and rationale
Areas suitable for non-self-contained freedom camping including tents	The proposed bylaw does not include any areas suitable for non-self-contained freedom camping outside of specific seasonal sites identified above. The key is access to toilet facilities that are open at night. Freedom camping on designated reserves will remain prohibited unless specific approval for camping is given under the Reserves Act. Sites suitable for non-self-contained freedom camping may be developed in future; however, and if so, the bylaw schedules can be amended to reflect this.

Freedom camping in other areas will be subject to general rules

The Council considers the impacts of freedom camping in other areas of the district covered by the proposed bylaw can be adequately managed by general rules. These rules are necessary to protect the environment, public health and/or access to public places, in line with the FCA. General rules can also help make sure people can't just move a short distance from a desirable protected area to a nearby unregulated area to camp, which could shift any associated problems to those areas. In addition to the general rules expected from all freedom campers, there are some specific rules that control how long and how many campers can use a site. These rules, the thinking behind them and some options are shown in the table below.

Proposed general rule	Description of proposal and rationale	Options considered
Freedom campers may stay a maximum of three nights in the same road or off-road parking area and vacate by noon. The exception to this rule is in areas with designated restrictions that allow longer occupancy.	To meet the Self-Containment Standard, vehicles must be able to store at least three days' waste for the maximum number of occupants. The proposed three-night rule supports responsible camping by requiring campers to leave an area to dump waste before finding a new campsite. The Council considers that a three-night maximum stay strikes the right balance between supporting an enjoyable experience for freedom campers and allowing access to parking spaces for other users. Freedom camping vehicles must still comply with parking restrictions.	Two-night stay restriction: this seems overly restrictive given that most self-contained vehicles have the capacity to store three days or more worth of waste. More than three-night stay restriction: this increases the risk of waste discharges in sensitive areas.

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Proposed general rule	Description of proposal and rationale	Options considered
A maximum of three vehicles may be parked in any one area on any one night, unless expressly provided for through signage at the site.	To minimise the impacts on the environment and local residents, particularly noise and traffic, the number of freedom campers is limited to three vehicles at any one site, unless allowed for in Schedule 2.	Rules could be loosened to be more flexible, with the maximum number of vehicles stated in the schedules and on the signs onsite.
Freedom campers may not return to stay in the same road or off-road parking area, or within one kilometre of that site, within a one-week period.	The Council considers that a one-week no-return period strikes the right balance between enabling freedom campers to return to a place as part of a longer visit and protecting access to parking spaces for other users. The proposed no-return period would start on the day of departure following any maximum stay. Without a no-return period, any maximum stay rule would be harder to enforce.	Use a two-week or four-week non-return period: both of these non-return periods could be seen as too restrictive given lower demand by freedom campers outside designated areas; a longer no-return period may be unreasonable.

The Council wants your views on possible alternative settings for these general rules. The FCA sets the default permitted freedom camping as having to be in a self-contained vehicle, defined as having a fixed permanent toilet with a collection for waste.

Supporting freedom camping

Under the FCA, the Council cannot ban (or effectively ban) freedom camping on all Council-controlled land in the district. In assessing this, the Council must consider the cumulative impact not only of the prohibitions and restrictions in the proposed bylaw but also other enactments, such as the prohibition on camping under the Reserves Act. If adopted, the proposed general rules would mean that there is nowhere in the district where freedom camping can take place without any controls at all. However, the Council considers that this is justified under the FCA to protect the environment, public health and safety, and public access in all the areas covered by the rules.

Risk-based, graduated approach to enforcing the proposed bylaw

The Council takes a risk-based, 'graduated' approach to all enforcement activities. This means that Council officers respond to situations in order of seriousness – in terms of the risk presented to people, property and the natural environment – and reserve the harshest penalties for the worst offences.

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In relation to managing freedom camping, the Council's risk-based, graduated enforcement approach would mean that:

- (a) most breaches of the proposed bylaw will be low risk but if campers are committing more serious offences (such as dumping waste or lighting fires illegally), these will be responded to as a higher priority.
- (b) officers will seek to educate campers and move people on where they are camping in the wrong place or for too long, but staff will also have the discretion to issue infringement fines if the graduated approach is not successful.
- (c) the harshest penalties (such as seizing vehicles or prosecution) will be reserved for serious, repeated or ongoing breaches of the rules.
- (d) if issues are recurring in a particular place, the Council will investigate whether stricter rules are needed for this area in the proposed bylaw.

Freedom camping refers to people staying in vehicles overnight as part of leisure travel or living in vehicles for longer periods as a lifestyle choice. It is not the intention of the proposed bylaw to manage people who are living in vehicles involuntarily, due to homelessness.

Options

In considering whether a bylaw is the most appropriate and proportionate way of addressing the problem, the Council has considered the following two options:

Option One: Adopt a new bylaw

Making a new bylaw is preferable because it will ensure that the position remains under review given the five-year review period, as under the LGA; if a bylaw is found to be appropriate after a review, the bylaw next needs to be reviewed in a further 10 years. Given the public and political interest in freedom camping, reviewing the bylaw within five years ensures it remains relevant. A new bylaw will have all the advantages of the current bylaw but incorporate the findings of the comprehensive site assessment. It is also intended to have additional controls on number of vehicles at specific sites and maximum number of stays, which will enable better control and enforcement.

Disadvantages include that because the proposed bylaw overall reduces the areas in which freedom camping is allowed, there is a risk that across the district there are inadequate areas for freedom camping to cater for the demand. Imposition of limits on number of vehicles per car park could further reduce the availability of freedom camping sites. This is difficult to assess at present because of uncertainty around the number of tourists, so this is something Council will want to keep under review. This is considered a disadvantage because while it may be necessary to protect the amenity and health and safety of residents of newly expanded or developed residential areas, it will have the effect of

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conversely reducing the area in which freedom camping is allowed in self-contained vehicles.

Option Two: Status quo

Council could continue to have no bylaw in place defining any prohibited or restricted areas in the district. Council would have to be satisfied that there was not enough of an issue arising from freedom camping to warrant having a bylaw. It has been determined that there is a problem caused by freedom camping, due to the effects on the environment and amenity of the district. For that reason, a bylaw is recommended and is the most appropriate and proportionate way of dealing with the problem. Non-regulatory measures and controlling freedom camping via the Reserves Act are not as effective.

6. Are there any implications under the New Zealand Bill of Rights Act 1990?

The proposed bylaw engages the right to freedom of movement in section 18 of the New Zealand Bill of Rights Act 1990. However, the proposed controls are considered reasonable limits on that right as allowed for in section 5 of the New Zealand Bill of Rights Act 1990:

Subject to section 4, the rights and freedoms contained in this Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

The right to freedom of movement does not obviously encompass a right to remain in a certain place for the purpose of camping overnight. There are many alternative and reasonable options provided for in this bylaw, as well as commercial camping grounds. Any limitation there may be on the right to freedom of movement is based on a rational link between the bylaw provisions and the objective of controlling the adverse effects of freedom camping. The schedule of proposed areas for prohibition and restrictions remains a proportionate control.

7. Timetable for consultation

The following dates represent the key times in the consultation programme:

- (a) Council resolves to undertake public consultation regarding the Proposal at its meeting on 19 October 2023.
- (b) Submissions open on 21 October 2023.
- (c) Advertisements will run in the CHB Mail, on Council's website, via Council's social media channels and on Central FM Radio between 21 October and 24 November 2023.
- (d) Submissions close on 24 November 2023.
- (e) Submissions will be heard by Council in December 2023.
- (f) Council considers outcome of consultation process and whether to make decisions on the Proposal in early 2024.

8. Inspection of documents and obtaining copies

Copies of this Statement of Proposal and the proposed bylaw may be inspected and a copy obtained at no cost from:

- (a) the Council offices at 28–32 Ruataniwha Street, Waipawa;
- (b) the Council libraries within; or
- (c) the Council website, www.chbc.govt.nz.

9. Right to make a submission and be heard

We would like to know what you think about the proposed new Freedom Camping Bylaw 2023.

Any person or organisation has a right to be heard in regard to this Proposal and the Council encourages everyone with an interest to submit their considerations. Submissions should be directed toward matters that are within the scope of the Proposal.

You can give your feedback:

- (a) in person at one of our 'have your say' events – visit our website for details;
- (b) online at our website www.chbdc.govt.nz; or

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- (c) by filling out a submission form available from our facilities (e.g., libraries, main Council building).

Your name and feedback will be available to the public in our reports and online. All other personal details will remain private.

Submissions must be received by 21 November 2023. The Council will then convene a hearing in December 2023 at which any party who wishes to do so can present their submission in person. The Council will give equal consideration to written and oral submissions.

The Council will permit parties to make oral submissions (without prior written material) or to make a late submission, only where it considers that special circumstances apply.

Every submission made to the Council will be acknowledged in accordance with the LGA, copied and made available to the public, and every submission will be heard in a meeting that is open to the public.

Section 82 of the LGA sets out the obligations of the Council regarding consultation and the Council will take all steps necessary to meet the spirit and intent of the law.

Written submissions can take any form (e.g. email or letter). An effective submission references the clause(s) of the proposed bylaw you wish to submit on, states why the clause is supported or not supported, and states what change to the clause is sought.

Submissions on matters outside the scope of the Proposal cannot be considered by the Hearings Panel.

10. Proposed Freedom Camping Bylaw 2023

This bylaw, made under section 11 of the Freedom Camping Act 2011, is the Central Hawke's Bay District Council Freedom Camping Bylaw 2023.

This bylaw relates to Council-owned or Council-managed land within the Central Hawke's Bay District.

Note: Land that is owned by the Council and is under any lease or agreement managed by other legislation is not considered as freely available public land that can be utilised for freedom camping purposes. The Reserves Act 1977 also prohibits camping in reserves unless provided for under an active reserve management plan.

Compliance with this bylaw does not remove the requirement to comply with all other acts, regulations, bylaws and rules. This includes parking or other traffic restrictions, littering, lighting of fires, excessive noise, and the compliance with the directions of Enforcement Officers.

11. Commencement and application

11.1. This bylaw will come into force following adoption in early 2024.

11.2. This bylaw applies to the whole of the Central Hawke's Bay District.

12. Purpose

The purpose of this bylaw is to regulate freedom camping on Council-owned or managed public land in order to protect public access, public health and safety, and the environment of the areas. This specifically includes the protection of the district's beaches, dunes and rivers from harm.

12.1. This bylaw identifies the land managed by Council that is:

- (a) not suitable for freedom camping and prohibited;
- (b) suitable with restrictions (including seasonal restrictions) for freedom camping in self-contained vehicles; and
- (c) suitable for freedom camping in non-self-contained motor vehicles, including tenting.

12.2. All other Council-owned and managed land that is not prohibited by other legislation (such as reserves designated under the Reserves Act) is presumed to be permitted for freedom camping, subject to the General Rules under section 18.

12.3. This bylaw achieves this purpose by:

- (a) defining the Council-owned public areas in the district where freedom camping is prohibited, restricted, restricted on a seasonal basis, or suitable for non-self-contained motor vehicles and tents;
- (b) stating the restrictions that apply to freedom camping in areas where freedom camping is restricted so that while freedom camping in these areas is encouraged, the areas, access to the areas, and the health and safety of people who may visit the areas are protected; and
- (c) including general rules that apply to all freedom camping on Council-owned or managed land in Central Hawke's Bay.

13. Interpretation and definitions

13.1. The Interpretation Act 1999 applies to this bylaw.

13.2. In this bylaw, unless the context otherwise requires:

Act means the Freedom Camping Act 2011.

Campsite means a site used for freedom camping in a local authority area.

Certificate of Self-containment means a certificate of self-containment issued under section 87U of the Plumbers, Gasfitters and Drainlayers Act 2006.

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

Permit means a permit, issued under section 17 of this bylaw, to freedom camp in a restricted seasonal camping area listed in Schedule 2.

Restricted Area means any local authority area that is not identified as either:

- (a) prohibited in Schedule 1; or
- (b) a restricted seasonal camping area in Schedule 2.

Restricted Seasonal Camping means to freedom camp in a restricted seasonal camping area.

Restricted Seasonal Camping Area means any local authority area defined and marked in Schedule 2.

Semi-permanent Structure means any structure not qualifying as a tent, self-contained vehicle or motor vehicle, or port-a-loo as determined by a Council Enforcement Officer.

Tent means a collapsible, portable shelter made from canvas, fabric or plastic supported by one or more poles and secured to the ground by pegs as determined by a Council Enforcement Officer.

- 13.3. Words or phrases used in this bylaw shall have the same meanings as defined in the Act.
- 13.4. Reference should be made to Part 1 Introductory Bylaw for any other definitions not included in this bylaw.
- 13.5. Related information and definitions referred to in this bylaw do not form part of this bylaw and may be inserted, changed or removed without this bylaw being formally reviewed.

14. Freedom camping in prohibited areas

- 14.1. A person must not freedom camp in a local authority area marked as prohibited in Schedule 1 of this bylaw.
- 14.2. The matrix below has been used on a site-by-site basis when considering if a site should be classified as prohibited or not.

Accessibility to basic ablutions	Likely to Impact conservation/environment
Site/location sensitivity by virtue of traditional functions	Where the site is potentially unsafe, due to accessibility

Sites assessed as "prohibited" are based on one or more of the key indicators above.

Related Information

The Reserves Act 1977 also prohibits camping in reserves unless provided for under an active reserve management plan.

15. Freedom camping in permitted areas

- 15.1. A person freedom camping in a permitted area for self-contained vehicles must camp:
- (a) in a self-contained motor vehicle; and
 - (b) in accordance with the conditions in section 18.

16. Freedom camping in restricted seasonal areas for self-contained motor vehicles

- 16.1. A person may apply for a renewable 28-day permit to freedom camp in a restricted seasonal camping area.
- 16.2. A person freedom camping within a restricted seasonal camping area must camp in accordance with:
- (a) a permit (including the terms and conditions of the permit); and
 - (b) the conditions listed in section 18 (other than section 18.2).
- 16.3. A person freedom camping in a restricted seasonal freedom camping area must camp in:
- (a) a self-contained motor vehicle; or
 - (b) a tent with a chemical toilet.
- 16.4. An Enforcement Officer, or any other person authorised by the Council, may revoke a permit if the freedom camping is in breach of the conditions set out in section 18, or if continued freedom camping will adversely impact another person or the environment.

Related Information

Restricted and seasonal areas are illustrated and mapped in Schedule 2. Restricted areas are available for freedom camping without a permit.
Seasonal areas are open to freedom camping between the dates stated in Schedule 2.

17. Freedom camping in permitted areas for non-self-contained vehicles and tenting

- 17.1. A person freedom camping in a permitted area for non-self-contained motor vehicles and tents can camp:
- (a) in any vehicle;

- (b) In a tent; and
- (c) in accordance with the conditions in section 18.

Related Information

Fully permitted areas are illustrated and mapped in Schedule 3.

18. Conditions for Freedom Camping on land managed or owned by the Council

- 18.1. A person freedom camping in a permitted area must not camp within one kilometre of an area in which that person has undertaken freedom camping for three consecutive nights within the last one-week period.
- 18.2. A person freedom camping may stay a maximum of three (3) nights in the same road or off-road parking area and vacate by noon.
- 18.3. A maximum of three (3) vehicles may be parked in any one area on any one night, unless expressly provided for by signage at the site.
- 18.4. There must be no more than three (3) tents (in any one area as listed and permitted in Schedule 3) at any one time, unless expressly provided for by signage at the site.
- 18.5. All vehicles must park within existing defined car parking areas, where they exist. If parking at the site contains designated freedom camping parking spaces, freedom campers must use those parking spaces for their vehicles.
- 18.6. All vehicles must be legally parked.
- 18.7. A person freedom camping in a local authority area must:
 - (a) dispose of effluent in an appropriate manner at purpose-built septage disposal facilities;
 - (b) dispose of solid waste in Council rubbish bins or at facilities marked for waste management;
 - (c) not restrict access to public areas, private land or motor vehicle access ways;
 - (d) use the serviceable public toilet facilities available at the designated sites, if no self-contained facilities are available on-board their vehicle;
 - (e) comply with any reasonable directions of an Enforcement Officer;
 - (f) provide evidence of any matter necessary for compliance with this bylaw, if requested by an Enforcement Officer;

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- (g) ensure that they do not behave in a manner that, in the opinion of an Enforcement Officer, causes a nuisance or unreasonable disturbance, through the creation of excessive noise, to other persons camping in the area or local residents;
- (h) not damage or remove vegetation from the site; and
- (i) ensure the campsite is left tidy and free from damage.

18.8. A person in a local authority area must not:

- (a) camp in a semi-permanent structure; or
- (b) build, erect or bring a semi-permanent structure onto the area.

Related Information

These general conditions apply to freedom camping in all areas in the district, including freedom camping in a restricted area or restricted seasonal camping area in addition to the obligations under section 16. The Freedom Camping Act 2011 and other legislation may impose additional restrictions in relation to camping.

For example, the lighting of fires is regulated under the Fire and Emergency New Zealand Act 2017.

19. Prior consent from the Council

- 19.1. A person may freedom camp otherwise than in accordance with sections 14 to 17, if the person is freedom camping in accordance with written consent from the Council.

Related Information

Council may grant consent following consultation with iwi, with or without conditions. Consent may be applied for in writing, providing sufficient detail about the proposed freedom camping, to the Chief Executive of the Council at least 20 working days in advance of the date planned for freedom camping.

20. Council may close an area to freedom camping

- 20.1. The Council may temporarily close or restrict freedom camping in any area or part of an area where the closure or restriction is considered necessary to:
- (a) prevent damage to the local authority area or facilities in the area;
 - (b) allow maintenance of the local authority area/facilities thereon;
 - (c) protect the safety of persons/property;

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- (d) provide for unfettered public access, including in circumstances where events are planned for that area; or
- (e) protect residents from adverse effects associated with freedom camping in public spaces.

Related Information

Notice will be given of any temporary closure or restriction, and the removal of any closure or restriction, in any manner Council considers is appropriate. Prior notice of any temporary closure or restriction will be given where possible.

21. Enforcement

- 21.1. An Enforcement Officer may use the powers under the Act to enforce this bylaw.

22. Offences

- 22.1. Every person who fails to comply with this bylaw or the Act commits an offence as specified in section 20 of the Act.
- 22.2. Part 3, sections 20–20C of the Act specifies the infringement offences. Offences include:
- (a) freedom camping in a prohibited area or in a restricted area in breach of the stated restrictions;
 - (b) interfering with or damaging an area, its flora or fauna, or any structure in the area;
 - (c) depositing waste in or on the area (other than into an appropriate waste receptacle);
 - (d) freedom camping in a vehicle that is not self-contained unless in an area where this is specifically allowed;
 - (e) presenting an altered or a fraudulent certificate of self-containment to an Enforcement Officer; and
 - (f) having more campers staying in a vehicle than it is certified for.
- 22.3. Other offences (that on conviction carry a fine of up to \$10,000) include discharging certain substances that are likely to be noxious, dangerous, offensive or objectionable, to such an extent that it:
- (a) has, or is likely to have, a significant adverse effect on the environment; or
 - (b) has caused, or is likely to cause, significant concern to:

- (i) residents living on or near the area or land; or
- (ii) other users of the area or land.

Related Information

Section 20 of the Act specifies further offences that are not listed under this bylaw. For example, requirements in relation to compliance with the instructions of an Enforcement Officer.

23. Penalties

- 23.1. Every person who commits an offence under this bylaw or the Act is liable to a specific penalty as specified in section 20 of the Act.
- 23.2. A person who commits an offence against this bylaw is liable to:
 - (a) an infringement fee, up to \$1,000, of the amount prescribed by regulations made under section 43 of the Act for the offence; or
 - (b) \$400.00, if no fee is prescribed for the offence.

Related Information

The maximum infringement fee is \$1,000 (section 43 of the FCA). Notices can be emailed to the offending vehicle owner (section 27A of the Act?), and rental vehicle owners are liable for the infringement incurred by a rented vehicle.

24. Relationship of bylaw with treaty settlement legislation

- 24.1. This bylaw does not limit or affect the rights of iwi entitlements under any legislation passed in order to give effect to settlements under the Treaty of Waitangi.

THE COMMON SEAL OF CENTRAL HAWKE'S BAY DISTRICT COUNCIL WAS HERETO AFFIXED
PURSUANT TO RESOLUTION PASSED AT A MEETING OF THE CENTRAL HAWKE'S BAY
DISTRICT COUNCIL HELD ON xxxxx.

Alex Walker
Mayor
Central Hawke's Bay District
Council

Date:

Doug Tate
Chief Executive
Central Hawke's Bay District Council

Date:

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25. Schedule 1: Prohibited areas

Council prohibits freedom camping in prohibited areas as set out in section 14 of this bylaw. Detailed Maps outlining these areas can be found in appendix 1, which is attached at the end of this document.

Waipukurau

1. Russell Park (part of)
2. A'Deane Park
3. Pioneer Corner
4. Paul Hunter Memorial Park, Pukekaihou Pā
5. Mackie Street Reserve
6. Waipukurau Cemetery
7. Holt/Porritt Place and Redwood Drive reserves
8. The Green Patch
9. Bogle Brothers
10. Waipukurau Dump Station

Waipawa

1. Coronation Park (part of)
2. Abbotsford Domain
3. Don Allen Reserve
4. St Peter's Cemetery Reserve
5. Waipawa War Memorial
6. Islington Drive Gardens
7. Waipawa Cemetery and Central Hawke's Bay Cemetery
8. Madge Hunter Park
9. Nelly Jull Park
10. Loten Park
11. St Johns Corner

Takapau

1. Takapau Rest Area
2. Takapau Playground
3. Takapau Reserve and Cenotaph
4. Takapau Cemetery
5. Takapau Memorial Sports Park (part of)
6. Takapau Railway Reserve (part of)

Otane

1. Kaikora North Cemetery
2. Otane Town Hall Reserve (part of)
3. Otane Old Library and War Memorial
4. Otane Playground
5. Otane Higginson Rest Area
6. Otane Cemetery
7. Otane Higginson St Drainage Reserve
8. Otane Recreation Ground
9. Otane Old School Reserve (Arts and Crafts Corner)

Rural Areas and Reserves

1. Ongaonga Forest Gate Cemetery
2. Ongaonga Forest Gate Domain
3. Ongaonga Museum Reserve (part of)
4. Ongaonga Rest Area
5. Ongaonga War Memorial
Ongaonga Hall Reserve
6. Tikokino/Hampden Cemetery
7. Old Hampden Bush Reserve Cemetery
8. Tikokino Hall and War Memorial (part of)
9. Ashley Clinton Cemetery
10. Elsthorpe Domain
11. Elsthorpe Cemetery
12. Makaretu Cemetery
13. Hatuma Memorial Cairn
14. Ruataniwha Memorial Cairn
15. Hatuma Domain
16. Matthews Memorial Park
17. Otaia Bush/Lindsay Bush/Tukituki Scenic Reserve
18. Waikareao Bush Reserve
19. Wallingford Hall Reserve
20. Elsthorpe Hall Reserve

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Coastal Towns and Reserves

1. Pourerere Church Knoll
2. Pourerere Old Woolpress Site
3. Pōrangahau Cemetery
4. Te Paerahi/Pōrangahau Coastal Reserves (part of)
5. Whangaehu Historic Reserve (part of)
6. Kairakau Beach Front Reserve (part of)
7. Kapiti Place Reserve
8. Kairakau Bush Reserve
9. Kairakau Esplanade Reserve
10. Mangakuri Reserve
11. Pourerere Reserve North
12. Pourerere Beach Front and Amenity Area (part of)
13. Pourerere Domain
14. Ouepoto Beach Domain
15. Aramoana Esplanade Reserve
16. Shoal Beach Reserve (part of)
17. Blackhead Beach Esplanade Reserve
18. Pōrangahau White Domain (part of)
19. Pōrangahau Memorial Hall and Courts
20. Pōrangahau River Reserve

Related Information

GIS Maps for Schedule 1 are included as appendix 1.

26. Schedule 2: Restricted areas for self-contained motor vehicles

Council allows freedom camping for certified self-contained vehicles in restricted areas, including seasonal restrictions, as set out in section 16 of this bylaw. Detailed Maps outlining these areas can be found in appendix 2, which is attached at the end of this document.

Related Information

Freedom camping is prohibited outside the areas identified by the yellow restricted areas box. If all car parks within the yellow restricted area are occupied, persons wishing to freedom camp will need to find an alternative site or use commercial accommodation.

Site/Location	Facilities	Maximum capacity self-contained vehicles	Seasonal restrictions	Max no. nights
Kairakau Beach Reserve Freedom Camping, side of the road/beach side	Public toilets	Various	None	3 nights
Kairakau Campground	Public toilets		Seasonal occupation to be arranged with private campground owner/lease	3 nights
Pourerere Beachfront and amenity area – Road and Recreation Reserve – Freedom Camping, located on Road Reserve	Public toilets	Various	Permit required for 14 Dec–29 Feb on a ballot system (fee charged for this permit)	14 nights during peak season with permit required 7 nights off-peak season
Pourerere Tommy Ireland Point <i>Need to assess safety of this site due to ongoing erosion</i>	Parking area only No public toilets	Various	None	3 nights
Aramoana Shoal Beach Reserve Freedom Camping, Council car park adjacent to Local Purpose Reserve	Public toilets and 3 marked car parks	Various	None	1 night

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Site/Location	Facilities	Maximum capacity self-contained vehicles	Seasonal restrictions	Max no. nights
Pōrangahau: Te Paerahi Beach Freedom Camping, adjacent to Recreation Reserve	New public toilets, potable water via drinking fountain, dog water dish and outdoor shower	Various	Permit system for peak season 14 Dec–29 Feb (fee charged for this permit)	14 nights during peak season with permit required 7 nights off-peak season
White Domain, Pōrangahau	Public toilets at the playground/recycling drop-off centre	Various	None	1 night
Whangaehu Beach	Public toilet	Various	None	1 night
Russell Park, Scout Hall car park	Public toilets at Russell Park	Various	None	1 night
Coronation Park Waipawa	Public toilets and car parking	Various	None	3 nights
Takapau Memorial Sports Park or Takapau Reserve (Takapau Rugby Club)	No public toilets	Various	None – to be agreed by the lease holder	1 night
Takapau Railway Reserve	No public toilets	Various	None	1 night
Tikokino Hall	Public toilets and car parking	Various	None	1 night
Ongaonga Museum Reserve, car park	Public toilets and car parking	Various	None	1 night
Otane, behind the hall on Miller Street	Public toilets and car parking	Various	None	1 night

Related Information

GIS Maps for Schedules 2 are included as appendix 2.

27. Schedule 3: Freedom camping in permitted areas for non-self-contained motor vehicles and tenting

Council allows freedom camping for vehicles (including non-self-contained vehicles) and tents in permitted areas as set out in section 17 of this bylaw. Detailed Maps outlining these areas can be found in appendix 3, which is attached at the end of this document.

Related Information

Freedom camping is prohibited outside the areas identified by the yellow restricted areas. If all car parks within the yellow restricted area are occupied, persons wishing to freedom camp will need to find an alternative site or use commercial accommodation.

Site/Location	Facilities	Maximum capacity for sites for non-self-contained motor vehicles and tenting	Seasonal restrictions
Pourerere Beach Road, located on Road Reserve	Public toilets	Various	Permit required for 14 Dec–29 Feb on a ballot system. No non-self-contained camping outside the permit season
Pōrangahau: Te Paerahi Beach Freedom Camping, adjacent to Recreation Reserve	Public toilets, potable water via drinking fountain, dog water dish and outdoor shower	Various	Permit system for 14 Dec–29 Feb No non-self-contained camping outside of permit season

Related Information

GIS Maps for Schedules 3 are included as appendix 3.



**CENTRAL
HAWKE'S BAY**
DISTRICT COUNCIL

Proposed Freedom Camping Bylaw

Statement of Proposal

Draft Adopted: 19 October 2023

Together we Thrive! E ora ngātahi ana!

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1. Introduction

The Council is seeking public feedback on its proposal to make a bylaw to regulate freedom camping in Tamatea – Central Hawke’s Bay District. The proposed bylaw sets out the rules regarding where freedom camping is permitted, restricted or prohibited within the district.

There is an identified need for Council to regulate freedom camping in the district. The Council has received feedback through various channels, including the Thriving Places and Spaces Consultation in 2022, through complaints from the coastal communities and freedom campers, and through community meetings that have been held along the coastline due to the concerns residents have on the impact of freedom camping. The Council therefore proposes to adopt the Freedom Camping Bylaw 2023 (**proposed bylaw**).

2. Context and background

Council has recently adopted the Central Hawke’s Bay Camping Strategy 2022¹ with the following strategic goal:

Camping is in our DNA – the Tamatea Way, looking after locals, welcoming visitors, offering mountains to beach opportunities and protecting our natural environments.

This strategic goal underpins the intent of the proposed bylaw. The Council is continuing to foster relationships with Mana Whenua to ensure that they can continue enjoying the tradition of camping with their whānau as well as welcome local residents and visitors to enjoy the outstanding features of the district, while protecting the local environment and having tools to manage adverse impacts.

In 2022 the Council also completed and adopted a Reserve Management Plan that covers 80 reserves (designated under the Reserves Act 1977 (**Reserves Act**)) totalling over 228 hectares. The Reserve Management Plan includes the desired future development and investment in facilities for each site, including toilets and carparking. The public submission process and Council decisions have informed whether key camping sites are included as prohibited, restricted or permitted for freedom camping. The Reserve Management Plan also recognises that it will play a role in articulating some of the aspirations for the whenua of the Tamatea hapū.

Mana Whenua have been the kaitiaki of our coastline for generations and Council is committed to working in partnership with Mana Whenua, kaitiaki groups, coastal groups and community groups in the management of camping within the district. It is our intention to not only build on these relationships but, where possible, to support the creation of new groups that aim to provide similar kaitiakitanga to our coastal camping community.

Growing and changing demand for camping and access to freedom camping sites is placing increasing pressures on some key coastal and river publicly owned sites. To protect

the environment, the health and safety of residents and the access to key public sites, Council has determined that a bylaw to manage freedom camping is required. The proposed bylaw will cover staying overnight in vehicles on public land controlled by the Council. This includes any land managed by Council, which means most local roads and some carparks.

Freedom camping can have both positive and negative impacts. Freedom camping refers to people staying in vehicles overnight as part of leisure travel, or because they are choosing to live in a vehicle for lifestyle reasons. Freedom camping provides a flexible and affordable way for local residents and domestic and international visitors to experience and enjoy our district. Some freedom campers visit friends and family or attend events while in the district. Many freedom campers will support local businesses during their stay.

However, freedom camping can have negative impacts on the local environment and host communities if it is not well managed. These impacts can be caused by:

- (a) people not camping responsibly;
- (b) demand for legal camping areas exceeding the supply at periods of high demand such as Christmas and Easter;
- (c) unavoidable noises and smells coming from campsites impacting other users and nearby local residents;
- (d) campers blocking views/access or displacing other users of an area; and
- (e) kaitiakitanga principles not being upheld.

Freedom camping has become popularly associated with some harmful and antisocial behaviours, such as going to the toilet in public places and dumping rubbish. A freedom camping bylaw can contain rules that help to prevent irresponsible camping, but there are also other laws and bylaws that manage these types of behaviour and which apply to everyone.

Relationship with Mana Whenua

Council continues to work with Mana Whenua to ensure that their aspirations are intertwined in the current bylaw and will continue to partner with Mana Whenua going forward. An example of a current partnership between Mana Whenua and Central Hawke's Bay District Council in action is the Pourerere Camping Committee and the Council's long-standing partnership in which the management and kaitiaki falls to the Pourerere Camping Committee when the Pohutukawa blooms/during our peak camping seasons when our whānau begin to utilise our coastline. Operating within the kawa of the Pourerere Camping Committee and within the limits of the Freedom Camping Act 2011, the Council aims to support tangata whenua and be a resource for the Central Hawke's Bay community.

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3. Proposal

The Council proposes that a new bylaw should be made. The proposal to make a new bylaw to control freedom camping must follow the special consultative procedure in the Local Government Act 2002 (LGA).

This Statement of Proposal has been prepared in accordance with the requirements of section 11 of the Freedom Camping Act 2011, and sections 83 and 86 of the LGA, and includes:

- (a) consideration of whether the bylaw is necessary to protect the areas in which it is proposed to prohibit or restrict freedom camping, the health and safety of people who may visit those areas, or access to those areas;
- (b) consideration of whether a bylaw is the most appropriate and proportionate way of addressing the perceived problem in relation to the areas in which it is proposed to prohibit or restrict freedom camping;
- (c) consideration of the bylaw's consistency with the New Zealand Bill of Rights Act 1990; and
- (d) a draft of the proposed Freedom Camping Bylaw 2023.

4. Legislation

The proposed bylaw must comply with the Freedom Camping Act 2011 (FCA). The FCA (as amended in July 2023) allows freedom camping, and only in a certified self-contained motor vehicle (or tenting), on any land owned or managed by a local authority unless it is restricted or prohibited under a bylaw defining local authority areas in which freedom camping is prohibited or restricted. Non-certified vehicles can only be used for freedom camping if staying at a site designated for this use by the local authority.

Local authority areas are, in general terms, accessible public places, such as reserves, roads and laybys, other than camping grounds. The FCA also covers land owned by Waka Kotahi New Zealand Transport Agency (NZTA) and the Department of Conservation (DOC). The proposed bylaw only covers Council-owned or managed land, unless specifically agreed and included between Council and these agencies.

Freedom camping as defined in the FCA means to camp (other than at a camping ground) within 200 metres of an area accessible by motor vehicle or within 200 metres of the mean low-water springs line of any sea or harbour, or on or within 200 metres of a formed road or a Great Walks Track, using either or both of the following:

- (a) a tent or other temporary structure; and/or
- (b) a motor vehicle.

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Although the FCA allows freedom camping by default on public land, this does not apply if an area is already protected under another enactment. The proposed bylaw does not apply to private land.

Council could use the Reserves Act to regulate (prohibit or restrict) freedom camping rather than a bylaw or the FCA. Section 44(1) of the Reserves Act provides that no person can use a reserve, or any vehicle, caravan, tent or other structure situated on the reserve, for the purposes of permanent or temporary accommodation. Therefore, freedom camping on reserves is prohibited unless provided for in a Reserve Management Plan or Council exercises its delegated ministerial consent. While this mechanism could be used to part-regulate freedom camping, it would not remove the need for a bylaw altogether because it would not address roadside camping or land managed by the Council under another enactment. A bylaw is the most effective mechanism to provide for prohibited local authority areas and restricted local authority areas.

The proposal to make a new bylaw to control freedom camping must follow the special consultative procedure, involving at least one month for submissions with a public hearing, as set out in the LGA. This proposed bylaw will be adopted under the FCA.

As a new bylaw, a full review is required after five years.

5. Is the proposed bylaw the most appropriate and proportionate way of addressing the problem?

The FCA requires that bylaws must be 'proportionate' to ensure any restrictions on freedom camping are justifiable in relation to the nature and scope of the problems being experienced and are consistent with the BRA. The Camping Strategy and Reserve Management Plans that have been developed following the Thriving Places and Spaces Consultation, and Council knowledge gained through resident requests and complaints in relation to freedom camping, form the basis for the reasons why Council is proposing the bylaw. The FCA has specific criteria which must be considered when assessing the need to prohibit or impose restrictions on freedom camping.

The proposed bylaw does not cover all Council-owned or managed land, particularly land designated as reserves under the Reserves Act. Some key sites that are also reserves under the Reserves Act that have high demand for freedom camping and have historically been used for camping are included. This will increase Councils' ability to manage usage for the overall benefit of the community, the environment and users.

Freedom camping is, for many kiwis, a long-standing tradition that has become increasingly popular with tourists visiting New Zealand. As a result, freedom camper numbers have been growing locally and throughout the country over the last two decades. Border closures due to COVID-19 since 2020 have limited overseas visitors but have also prompted an increased demand from Kiwis for camping experiences. With borders now open, increased pressure on popular freedom camping sites is expected.

Central Hawke's Bay has specific issues with freedom camping during summer and autumn holiday periods focussed on coastal areas due to the beautiful Central Hawke's Bay coastline being discovered not only by locals but visitors. Central Hawke's Bay has become renowned as a location for the classic coastal holiday. During these times, there is significantly more demand for freedom camping places than are available.

The Reserve Management Plan process and submissions emphasised how important some coastal sites are to the community, and the need to balance the access for camping with protecting and managing the sites.

What the proposed bylaw is intended to achieve

The Council wants to make a new bylaw to help manage the negative impacts of freedom camping and ensure everyone can continue to enjoy our public places. The proposed bylaw has been designed to be appropriate and proportionate to the problems caused by freedom camping, including balancing the needs of campers and other users of public spaces. This means:

- (a) enabling freedom camping to happen in more suitable areas where the impacts will be low and can be managed.
- (b) setting stricter rules in specific areas where they are required (because the areas are known or likely to be desirable to freedom campers, and their protection is justified under the FCA to protect the area, public health and safety, and/or access to the area).
- (c) having general rules for all other areas that:
 - I. are simple and consistent;
 - II. protect Central Hawke's Bay's environment and public health by ensuring that all campers have access to a toilet, drinking water, and suitable places to cook and wash;
 - III. protect access for everyone to shared amenities and parking; and
 - IV. ensure that kaitiakitanga principles are upheld.

The proposed bylaw manages freedom camping on land it covers within three categories:

- (a) **Prohibited areas**, where no freedom camping is allowed
- (b) **Restricted areas**, where freedom camping is allowed subject to site-specific restrictions
- (c) **All other areas** where freedom camping is allowed

How specific areas have been assessed

Two key aspects were considered when assessing whether an area needed to be designated in the bylaw:

- (a) **Desirability** (whether campers are likely to want to stay there). The Council looked for evidence of past use by freedom campers, as well as at the amenity of the area and how close it was to attractive locations such as the coast, road access and urban areas.

- (b) **Sensitivity** (whether the area had characteristics that made it unsuitable for camping). The Council considered an area's environmental and cultural sensitivity, and whether freedom camping there could cause health and safety risks, damage infrastructure or impact public access to the area.

Desirability to campers (current or anticipated)	High	General rules apply	Designated restricted area Site-specific restrictions apply	Designated prohibited area No freedom camping allowed
	Medium	General rules apply	Designated restricted area Site-specific restrictions apply	Designated prohibited area No freedom camping allowed
	Low	General rules apply	General rules apply Can be designated as a restricted area if any demand from campers in future	General rules apply Can be designated as a prohibited area if any demand from campers in future
		Low	Medium	High
		Sensitivity of area to camping-related harms (environmental/cultural/health and safety/access)		

Sites identified to be prohibited in the proposed bylaw are those areas that are in a sensitive area and have medium-to-high demand. Restricted areas have medium sensitivity and medium-to-high demand. Other sites with low demand and/or low sensitivity generally do not have issues as a result of freedom camping and should not be specifically included in the proposed bylaw.

Any additional sites can and will be reviewed as required but no later than the five-year review of the proposed bylaw in 2028. Before including additional areas in the proposed bylaw, the Council will need evidence to justify their need for protection under the FCA.

The Council is proposing to designate 15 restricted areas and 76 prohibited areas that justify protection under the proposed bylaw.

Proposal	Description and rationale
Prohibited areas	These are places that the Council has assessed as sensitive and needing protection, or where freedom camping would impact public health and safety and/or access in ways that can't be adequately managed through restrictions. These areas will have signs that show no camping is allowed and will also be listed on the Council website.
Restricted areas – self-contained vehicles and seasonal restrictions	<p>These are places that the Council assessed as desirable for freedom camping and suitable to accommodate it, provided suitable restrictions are in place. In setting restrictions in these places, we've considered factors relating to the area's sensitivity, the health and safety of visitors, and public access. For example, Council has taken into account the current use of the area by others, what facilities are available onsite, the demand for parking, and the size and layout of the parking area. Restrictions at these areas could include:</p> <ul style="list-style-type: none"> • a requirement to use a certified self-contained vehicle because there are no onsite facilities available or facilities are closed overnight. • a maximum number of camping vehicles in order to protect access and prevent overcrowding. • seasonal restrictions to control excess demand over holiday and summer periods. • parking only within a designated parking area in order to protect access. • a maximum stay and a set departure time in order to support responsible camping and protect access for all users. <p>These areas will have signs that show the specific rules for freedom camping in that place and the designated parking area, if applicable. These areas will also be listed on the Council website.</p>

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Proposal	Description and rationale
Areas suitable for non-self-contained freedom camping including tents	The proposed bylaw does not include any areas suitable for non-self-contained freedom camping outside of specific seasonal sites identified above. The key is access to toilet facilities that are open at night. Freedom camping on designated reserves will remain prohibited unless specific approval for camping is given under the Reserves Act. Sites suitable for non-self-contained freedom camping may be developed in future; however, and if so, the bylaw schedules can be amended to reflect this.

Freedom camping in other areas will be subject to general rules

The Council considers the impacts of freedom camping in other areas of the district covered by the proposed bylaw can be adequately managed by general rules. These rules are necessary to protect the environment, public health and/or access to public places, in line with the FCA. General rules can also help make sure people can't just move a short distance from a desirable protected area to a nearby unregulated area to camp, which could shift any associated problems to those areas. In addition to the general rules expected from all freedom campers, there are some specific rules that control how long and how many campers can use a site. These rules, the thinking behind them and some options are shown in the table below.

Proposed general rule	Description of proposal and rationale	Options considered
Freedom campers may stay a maximum of three nights in the same road or off-road parking area and vacate by noon. The exception to this rule is in areas with designated restrictions that allow longer occupancy.	To meet the Self-Containment Standard, vehicles must be able to store at least three days' waste for the maximum number of occupants. The proposed three-night rule supports responsible camping by requiring campers to leave an area to dump waste before finding a new campsite. The Council considers that a three-night maximum stay strikes the right balance between supporting an enjoyable experience for freedom campers and allowing access to parking spaces for other users. Freedom camping vehicles must still comply with parking restrictions.	Two-night stay restriction: this seems overly restrictive given that most self-contained vehicles have the capacity to store three days or more worth of waste. More than three-night stay restriction: this increases the risk of waste discharges in sensitive areas.

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Proposed general rule	Description of proposal and rationale	Options considered
A maximum of three vehicles may be parked in any one area on any one night, unless expressly provided for through signage at the site.	To minimise the impacts on the environment and local residents, particularly noise and traffic, the number of freedom campers is limited to three vehicles at any one site, unless allowed for in Schedule 2.	Rules could be loosened to be more flexible, with the maximum number of vehicles stated in the schedules and on the signs onsite.
Freedom campers may not return to stay in the same road or off-road parking area, or within one kilometre of that site, within a one-week period.	The Council considers that a one-week no-return period strikes the right balance between enabling freedom campers to return to a place as part of a longer visit and protecting access to parking spaces for other users. The proposed no-return period would start on the day of departure following any maximum stay. Without a no-return period, any maximum stay rule would be harder to enforce.	Use a two-week or four-week non-return period: both of these non-return periods could be seen as too restrictive given lower demand by freedom campers outside designated areas; a longer no-return period may be unreasonable.

The Council wants your views on possible alternative settings for these general rules. The FCA sets the default permitted freedom camping as having to be in a self-contained vehicle, defined as having a fixed permanent toilet with a collection for waste.

Supporting freedom camping

Under the FCA, the Council cannot ban (or effectively ban) freedom camping on all Council-controlled land in the district. In assessing this, the Council must consider the cumulative impact not only of the prohibitions and restrictions in the proposed bylaw but also other enactments, such as the prohibition on camping under the Reserves Act. If adopted, the proposed general rules would mean that there is nowhere in the district where freedom camping can take place without any controls at all. However, the Council considers that this is justified under the FCA to protect the environment, public health and safety, and public access in all the areas covered by the rules.

Risk-based, graduated approach to enforcing the proposed bylaw

The Council takes a risk-based, 'graduated' approach to all enforcement activities. This means that Council officers respond to situations in order of seriousness – in terms of the risk presented to people, property and the natural environment – and reserve the harshest penalties for the worst offences.

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In relation to managing freedom camping, the Council's risk-based, graduated enforcement approach would mean that:

- (a) most breaches of the proposed bylaw will be low risk but if campers are committing more serious offences (such as dumping waste or lighting fires illegally), these will be responded to as a higher priority.
- (b) officers will seek to educate campers and move people on where they are camping in the wrong place or for too long, but staff will also have the discretion to issue infringement fines if the graduated approach is not successful.
- (c) the harshest penalties (such as seizing vehicles or prosecution) will be reserved for serious, repeated or ongoing breaches of the rules.
- (d) if issues are recurring in a particular place, the Council will investigate whether stricter rules are needed for this area in the proposed bylaw.

Freedom camping refers to people staying in vehicles overnight as part of leisure travel or living in vehicles for longer periods as a lifestyle choice. It is not the intention of the proposed bylaw to manage people who are living in vehicles involuntarily, due to homelessness.

Options

In considering whether a bylaw is the most appropriate and proportionate way of addressing the problem, the Council has considered the following two options:

Option One: Adopt a new bylaw

Making a new bylaw is preferable because it will ensure that the position remains under review given the five-year review period, as under the LGA; if a bylaw is found to be appropriate after a review, the bylaw next needs to be reviewed in a further 10 years. Given the public and political interest in freedom camping, reviewing the bylaw within five years ensures it remains relevant. A new bylaw will have all the advantages of the current bylaw but incorporate the findings of the comprehensive site assessment. It is also intended to have additional controls on number of vehicles at specific sites and maximum number of stays, which will enable better control and enforcement.

Disadvantages include that because the proposed bylaw overall reduces the areas in which freedom camping is allowed, there is a risk that across the district there are inadequate areas for freedom camping to cater for the demand. Imposition of limits on number of vehicles per car park could further reduce the availability of freedom camping sites. This is difficult to assess at present because of uncertainty around the number of tourists, so this is something Council will want to keep under review. This is considered a disadvantage because while it may be necessary to protect the amenity and health and safety of residents of newly expanded or developed residential areas, it will have the effect of

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conversely reducing the area in which freedom camping is allowed in self-contained vehicles.

Option Two: Status quo

Council could continue to have no bylaw in place defining any prohibited or restricted areas in the district. Council would have to be satisfied that there was not enough of an issue arising from freedom camping to warrant having a bylaw. It has been determined that there is a problem caused by freedom camping, due to the effects on the environment and amenity of the district. For that reason, a bylaw is recommended and is the most appropriate and proportionate way of dealing with the problem. Non-regulatory measures and controlling freedom camping via the Reserves Act are not as effective.

6. Are there any implications under the New Zealand Bill of Rights Act 1990?

The proposed bylaw engages the right to freedom of movement in section 18 of the New Zealand Bill of Rights Act 1990. However, the proposed controls are considered reasonable limits on that right as allowed for in section 5 of the New Zealand Bill of Rights Act 1990:

Subject to section 4, the rights and freedoms contained in this Bill of Rights may be subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

The right to freedom of movement does not obviously encompass a right to remain in a certain place for the purpose of camping overnight. There are many alternative and reasonable options provided for in this bylaw, as well as commercial camping grounds. Any limitation there may be on the right to freedom of movement is based on a rational link between the bylaw provisions and the objective of controlling the adverse effects of freedom camping. The schedule of proposed areas for prohibition and restrictions remains a proportionate control.

7. Timetable for consultation

The following dates represent the key times in the consultation programme:

- (a) Council resolves to undertake public consultation regarding the Proposal at its meeting on 19 October 2023.
- (b) Submissions open on 21 October 2023.
- (c) Advertisements will run in the CHB Mail, on Council's website, via Council's social media channels and on Central FM Radio between 21 October and 24 November 2023.
- (d) Submissions close on [31 January 2024](#) ~~24 November 2023~~.
- (e) Submissions will be heard by Council [13 June 2024](#) ~~in December 2023~~.
- (f) Council considers outcome of consultation process and whether to make decisions on the Proposal [on 27 June 2024](#) ~~in early 2024~~.

8. Inspection of documents and obtaining copies

Copies of this Statement of Proposal and the proposed bylaw may be inspected and a copy obtained at no cost from:

- (a) the Council offices at 28–32 Ruataniwha Street, Waipawa;
- (b) the Council libraries within; or
- (c) the Council website, www.chbc.govt.nz.

9. Right to make a submission and be heard

We would like to know what you think about the proposed new Freedom Camping Bylaw 2023.

Any person or organisation has a right to be heard in regard to this Proposal and the Council encourages everyone with an interest to submit their considerations. Submissions should be directed toward matters that are within the scope of the Proposal.

You can give your feedback:

- (a) in person at one of our 'have your say' events – visit our website for details;
- (b) online at our website www.chbdc.govt.nz; or

- (c) by filling out a submission form available from our facilities (e.g., libraries, main Council building).

Your name and feedback will be available to the public in our reports and online. All other personal details will remain private.

Submissions must be received by 31 January 2024. ~~21 November 2023~~. The Council will then convene a hearing in December 2023 at which any party who wishes to do so can present their submission in person. The Council will give equal consideration to written and oral submissions.

The Council will permit parties to make oral submissions (without prior written material) or to make a late submission, only where it considers that special circumstances apply.

Every submission made to the Council will be acknowledged in accordance with the LGA, copied and made available to the public, and every submission will be heard in a meeting that is open to the public.

Section 82 of the LGA sets out the obligations of the Council regarding consultation and the Council will take all steps necessary to meet the spirit and intent of the law.

Written submissions can take any form (e.g. email or letter). An effective submission references the clause(s) of the proposed bylaw you wish to submit on, states why the clause is supported or not supported, and states what change to the clause is sought.

Submissions on matters outside the scope of the Proposal cannot be considered by the Hearings Panel.

10. Proposed Freedom Camping Bylaw 2023

This bylaw, made under section 11 of the Freedom Camping Act 2011, is the Central Hawke's Bay District Council Freedom Camping Bylaw 2023.

This bylaw relates to Council-owned or Council-managed land within the Central Hawke's Bay District.

Note: Land that is owned by the Council and is under any lease or agreement managed by other legislation is not considered as freely available public land that can be utilised for freedom camping purposes. The Reserves Act 1977 also prohibits camping in reserves unless provided for under an active reserve management plan.

Compliance with this bylaw does not remove the requirement to comply with all other acts, regulations, bylaws and rules. This includes parking or other traffic restrictions, littering, lighting of fires, excessive noise, and the compliance with the directions of Enforcement Officers.

11. Commencement and application

~~1.1~~—This bylaw will come into force following adoption ~~in early 2024~~ on 27 June 2024.

11.1. This bylaw applies to the whole of the Central Hawke's Bay District.

12. Purpose

The purpose of this bylaw is to regulate freedom camping on Council-owned or managed public land in order to protect public access, public health and safety, and the environment of the areas. This specifically includes the protection of the district's beaches, dunes and rivers from harm.

12.1. This bylaw identifies the land managed by Council that is:

- (a) not suitable for freedom camping and prohibited;
- (b) suitable with restrictions (including seasonal restrictions) for freedom camping in self-contained vehicles; and
- (c) suitable for freedom camping in non-self-contained motor vehicles, including tenting.

12.2. All other Council-owned and managed land that is not prohibited by other legislation (such as reserves designated under the Reserves Act) is presumed to be permitted for freedom camping, subject to the General Rules under section 18.

12.3. This bylaw achieves this purpose by:

- (a) defining the Council-owned public areas in the district where freedom camping is prohibited, restricted, restricted on a seasonal basis, or suitable for non-self-contained motor vehicles and tents;
- (b) stating the restrictions that apply to freedom camping in areas where freedom camping is restricted so that while freedom camping in these areas is encouraged, the areas, access to the areas, and the health and safety of people who may visit the areas are protected; and
- (c) including general rules that apply to all freedom camping on Council-owned or managed land in Central Hawke's Bay.

13. Interpretation and definitions

13.1. The Interpretation Act 1999 applies to this bylaw.

13.2. In this bylaw, unless the context otherwise requires:

Act means the Freedom Camping Act 2011.

Campsite means a site used for freedom camping in a local authority area.

Certificate of Self-containment means a certificate of self-containment issued under section 87U of the Plumbers, Gasfitters and Drainlayers Act 2006.

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

Permit means a permit, issued under section 17 of this bylaw, to freedom camp in a restricted seasonal camping area listed in Schedule 2.

Restricted Area means any local authority area that is not identified as either:

- (a) prohibited in Schedule 1; or
- (b) a restricted seasonal camping area in Schedule 2.

Restricted Seasonal Camping means to freedom camp in a restricted seasonal camping area.

Restricted Seasonal Camping Area means any local authority area defined and marked in Schedule 2.

Semi-permanent Structure means any structure not qualifying as a tent, self-contained vehicle or motor vehicle, or port-a-loo as determined by a Council Enforcement Officer.

Tent means a collapsible, portable shelter made from canvas, fabric or plastic supported by one or more poles and secured to the ground by pegs as determined by a Council Enforcement Officer.

- 13.3. Words or phrases used in this bylaw shall have the same meanings as defined in the Act.
- 13.4. Reference should be made to Part 1 Introductory Bylaw for any other definitions not included in this bylaw.
- 13.5. Related information and definitions referred to in this bylaw do not form part of this bylaw and may be inserted, changed or removed without this bylaw being formally reviewed.

14. Freedom camping in prohibited areas

- 14.1. A person must not freedom camp in a local authority area marked as prohibited in Schedule 1 of this bylaw.
- 14.2. The matrix below has been used on a site-by-site basis when considering if a site should be classified as prohibited or not.

Accessibility to basic ablutions	Likely to Impact conservation/environment
Site/location sensitivity by virtue of traditional functions	Where the site is potentially unsafe, due to accessibility

Sites assessed as "prohibited" are based on one or more of the key indicators above.

Related Information

The Reserves Act 1977 also prohibits camping in reserves unless provided for under an active reserve management plan.

15. Freedom camping in permitted areas

- 15.1. A person freedom camping in a permitted area for self-contained vehicles must camp:
- (a) in a self-contained motor vehicle; and
 - (b) in accordance with the conditions in section 18.

16. Freedom camping in restricted seasonal areas for self-contained motor vehicles

~~1.21.1~~ A person may apply for a renewable 28-day permit to freedom camp in a restricted seasonal camping area.

- 16.1. A person freedom camping within a restricted seasonal camping area must camp in accordance with:
- (a) a permit (including the terms and conditions of the permit); and
 - (b) the conditions listed in section 18 (other than section 18.2).
- 16.2. A person freedom camping in a restricted seasonal freedom camping area must camp in:
- (a) a self-contained motor vehicle; or
 - (b) a tent with a chemical toilet.
- 16.3. An Enforcement Officer, or any other person authorised by the Council, may revoke a permit if the freedom camping is in breach of the conditions set out in section 18, or if continued freedom camping will adversely impact another person or the environment.

Related Information

Restricted and seasonal areas are illustrated and mapped in Schedule 2. Restricted areas are available for freedom camping without a permit.
Seasonal areas are open to freedom camping between the dates stated in Schedule 2.

17. Freedom camping in permitted areas for non-self-contained vehicles and tenting

- 17.1. A person freedom camping in a permitted area for non-self-contained motor vehicles and tents can camp:
- (a) in any vehicle;

- (b) In a tent; and
- (c) in accordance with the conditions in section 18.

Related Information

Fully permitted areas are illustrated and mapped in Schedule 3.

18. Conditions for Freedom Camping on land managed or owned by the Council

- 18.1. A person freedom camping in a permitted area must not camp within one kilometre of an area in which that person has undertaken freedom camping for three consecutive nights within the last one-week period.
- 18.2. A person freedom camping may stay a maximum of three (3) nights in the same road or off-road parking area and vacate by noon.
- 18.3. A maximum of three (3) vehicles may be parked in any one area on any one night, unless expressly provided for by signage at the site.
- 18.4. There must be no more than three (3) tents (in any one area as listed and permitted in Schedule 3) at any one time, unless expressly provided for by signage at the site.
- 18.5. All vehicles must park within existing defined car parking areas, where they exist. If parking at the site contains designated freedom camping parking spaces, freedom campers must use those parking spaces for their vehicles.
- 18.6. All vehicles must be legally parked.
- 18.7. A person freedom camping in a local authority area must:
 - (a) dispose of effluent in an appropriate manner at purpose-built septage disposal facilities;
 - (b) dispose of solid waste in Council rubbish bins or at facilities marked for waste management;
 - (c) not restrict access to public areas, private land or motor vehicle access ways;
 - (d) use the serviceable public toilet facilities available at the designated sites, if no self-contained facilities are available on-board their vehicle;
 - (e) comply with any reasonable directions of an Enforcement Officer;
 - (f) provide evidence of any matter necessary for compliance with this bylaw, if requested by an Enforcement Officer;

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- (g) ensure that they do not behave in a manner that, in the opinion of an Enforcement Officer, causes a nuisance or unreasonable disturbance, through the creation of excessive noise, to other persons camping in the area or local residents;
- (h) not damage or remove vegetation from the site; and
- (i) ensure the campsite is left tidy and free from damage.

18.8. A person in a local authority area must not:

- (a) camp in a semi-permanent structure; or
- (b) build, erect or bring a semi-permanent structure onto the area.

Related Information

These general conditions apply to freedom camping in all areas in the district, including freedom camping in a restricted area or restricted seasonal camping area in addition to the obligations under section 16. The Freedom Camping Act 2011 and other legislation may impose additional restrictions in relation to camping.

For example, the lighting of fires is regulated under the Fire and Emergency New Zealand Act 2017.

19. Prior consent from the Council

- 19.1. A person may freedom camp otherwise than in accordance with sections 14 to 17, if the person is freedom camping in accordance with written consent from the Council.

Related Information

Council may grant consent following consultation with iwi, with or without conditions. Consent may be applied for in writing, providing sufficient detail about the proposed freedom camping, to the Chief Executive of the Council at least 20 working days in advance of the date planned for freedom camping.

20. Council may close an area to freedom camping

- 20.1. The Council may temporarily close or restrict freedom camping in any area or part of an area where the closure or restriction is considered necessary to:
- (a) prevent damage to the local authority area or facilities in the area;
 - (b) allow maintenance of the local authority area/facilities thereon;
 - (c) protect the safety of persons/property;

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- (d) provide for unfettered public access, including in circumstances where events are planned for that area; or

1.31.2 ~~protect residents from adverse effects associated with freedom camping in public spaces.~~

Related Information

Notice will be given of any temporary closure or restriction, and the removal of any closure or restriction, in any manner Council considers is appropriate. Prior notice of any temporary closure or restriction will be given where possible.

21. Enforcement

- 21.1. An Enforcement Officer may use the powers under the Act to enforce this bylaw.

22. Offences

- 22.1. Every person who fails to comply with this bylaw or the Act commits an offence as specified in section 20 of the Act.

- 22.2. Part 3, sections 20–20C of the Act specifies the infringement offences. Offences include:

- (a) freedom camping in a prohibited area or in a restricted area in breach of the stated restrictions;
- (b) interfering with or damaging an area, its flora or fauna, or any structure in the area;
- (c) depositing waste in or on the area (other than into an appropriate waste receptacle);
- (d) freedom camping in a vehicle that is not self-contained unless in an area where this is specifically allowed;
- (e) presenting an altered or a fraudulent certificate of self-containment to an Enforcement Officer; and
- (f) having more campers staying in a vehicle than it is certified for.

- 22.3. Other offences (that on conviction carry a fine of up to \$10,000) include discharging certain substances that are likely to be noxious, dangerous, offensive or objectionable, to such an extent that it:

- (a) has, or is likely to have, a significant adverse effect on the environment; or
- (b) has caused, or is likely to cause, significant concern to:

- (i) residents living on or near the area or land; or
- (ii) other users of the area or land.

Related Information

Section 20 of the Act specifies further offences that are not listed under this bylaw. For example, requirements in relation to compliance with the instructions of an Enforcement Officer.

23. Penalties

- 23.1. Every person who commits an offence under this bylaw or the Act is liable to a specific penalty as specified in section 20 of the Act.
- 23.2. A person who commits an offence against this bylaw is liable to:
- (a) an infringement fee, up to \$1,000, of the amount prescribed by regulations made under section 43 of the Act for the offence; or
 - (b) \$400.00, if no fee is prescribed for the offence.

Related Information

The maximum infringement fee is \$1,000 (section 43 of the FCA). Notices can be emailed to the offending vehicle owner (section 27A of the Act?), and rental vehicle owners are liable for the infringement incurred by a rented vehicle.

24. Relationship of bylaw with treaty settlement legislation

- 24.1. This bylaw does not limit or affect the rights of iwi entitlements under any legislation passed in order to give effect to settlements under the Treaty of Waitangi.

THE COMMON SEAL OF CENTRAL HAWKE'S BAY DISTRICT COUNCIL WAS HERETO AFFIXED PURSUANT TO RESOLUTION PASSED AT A MEETING OF THE CENTRAL HAWKE'S BAY DISTRICT COUNCIL HELD ON ~~xxxxx~~27 June 2024.

Alex Walker Mayor Central Hawke's Bay District Council		Doug Tate Chief Executive Central Hawke's Bay District Council
Date:		Date:

25. Schedule 1: Prohibited areas

Council prohibits freedom camping in prohibited areas as set out in section 14 of this bylaw. Detailed Maps outlining these areas can be found in appendix 1, which is attached at the end of this document.

Waipukurau

1. Russell Park (part of)
2. A'Deane Park
3. Pioneer Corner
4. Paul Hunter Memorial Park, Pukekaihou Pā
5. Mackie Street Reserve
6. Waipukurau Cemetery
7. Holt/Porritt Place and Redwood Drive reserves
8. The Green Patch
9. Bogle Brothers
10. Waipukurau Dump Station

Waipawa

1. Coronation Park (part of)
2. Abbotsford Domain
3. Don Allen Reserve
4. St Peter's Cemetery Reserve
5. Waipawa War Memorial
6. Islington Drive Gardens
7. Waipawa Cemetery and Central Hawke's Bay Cemetery
8. Madge Hunter Park
9. Nelly Jull Park
10. Loten Park
11. St Johns Corner

Takapau

1. Takapau Rest Area
2. Takapau Playground
3. Takapau Reserve and Cenotaph
4. Takapau Cemetery
5. Takapau Memorial Sports Park (part of)
6. Takapau Railway Reserve (part of)

Otane

1. Kaikora North Cemetery
2. Otane Town Hall Reserve (part of)
3. Otane Old Library and War Memorial
4. Otane Playground
5. Otane Higginson Rest Area
6. Otane Cemetery
7. Otane Higginson St Drainage Reserve
8. Otane Recreation Ground
9. Otane Old School Reserve (Arts and Crafts Corner)

Rural Areas and Reserves

1. Ongaonga Forest Gate Cemetery
2. Ongaonga Forest Gate Domain
3. Ongaonga Museum Reserve (part of)
4. Ongaonga Rest Area
5. Ongaonga War Memorial
Ongaonga Hall Reserve
6. Tikokino/Hampden Cemetery
7. Old Hampden Bush Reserve Cemetery
8. Tikokino Hall and War Memorial (part of)
9. Ashley Clinton Cemetery
10. Elsthorpe Domain
11. Elsthorpe Cemetery
12. Makaretu Cemetery
13. Hatuma Memorial Cairn
14. Ruataniwha Memorial Cairn
15. Hatuma Domain
16. Matthews Memorial Park
17. Otaia Bush/Lindsay Bush/Tukituki Scenic Reserve
18. Waikareao Bush Reserve
19. Wallingford Hall Reserve
20. Elsthorpe Hall Reserve

Coastal Towns and Reserves

1. Pourerere Church Knoll
2. Pourerere Old Woolpress Site
3. Pōrangahau Cemetery
4. Te Paerahi/Pōrangahau Coastal Reserves (part of)
5. Whangaehu Historic Reserve (part of)
6. Kairakau Beach Front Reserve (part of)
- 6-7. [Kairakau Commercial Campground](#)
- 7-8. Kapiti Place Reserve
- 8-9. Kairakau Bush Reserve
- 9-10. Kairakau Esplanade Reserve
- 10-11. Mangakuri Reserve
- 11-12. Pourerere Reserve North
- 12-13. Pourerere Beach Front and Amenity Area (part of)
- 13-14. Pourerere Domain
- 14-15. Ouepoto Beach Domain
- 15-16. Aramoana Esplanade Reserve
- 16-17. Shoal Beach Reserve (part of)
- 17-18. Blackhead Beach Esplanade Reserve
18. [Pōrangahau White Domain \(part of\)](#)
19. Pōrangahau Memorial Hall and Courts
20. Pōrangahau River Reserve
- 20-21. [Pōrangahau White Domain](#)

Related Information

GIS Maps for Schedule 1 are included as appendix 1.

26. Schedule 2: Restricted areas for self-contained motor vehicles

Council allows freedom camping for certified self-contained vehicles in restricted areas, including seasonal restrictions, as set out in section 16 of this bylaw. Detailed Maps outlining these areas can be found in appendix 2, which is attached at the end of this document. [There is a one-week standdown period for each site/location, meaning campers cannot camp at the same location for seven days after departure from site/location.](#)

Related Information

Freedom camping is prohibited outside the areas identified by the yellow restricted areas box. If all car parks within the yellow restricted area are occupied, persons wishing to freedom camp will need to find an alternative site or use commercial accommodation.

Site/Location	Facilities	Maximum capacity self-contained vehicles	Seasonal restrictions	Max no. nights
Kairakau Beach Reserve Freedom Camping, side of the road/beach side	Public toilets	Various	None	3 nights
Kairakau Campground	Public toilets		Seasonal occupation to be arranged with private campground owner/lease	3 nights
Pourerere Beachfront and amenity area – Road and Recreation Reserve – Freedom Camping, located on Road Reserve	Public toilets	Various	Permit required for 14 Dec–29 Feb on a ballot system (fee charged for this permit)	14 nights during peak season with permit required 7 nights off-peak season
Pourerere Tommy Ireland Point <i>Need to assess safety of this site due to ongoing erosion</i>	Parking area only No public toilets	Various	None	3 nights
Aramoana Shoal Beach Reserve Freedom Camping, Council car park adjacent to Local Purpose Reserve	Public toilets and 3 marked car parks	Various	None	1 night

Site/Location	Facilities	Maximum capacity self-contained vehicles	Seasonal restrictions	Max no. nights
Pōrangahau-Te Paerahi Beach Freedom Camping, adjacent to Recreation Reserve	New public toilets, potable water via drinking fountain, dog water dish and outdoor shower	Various	Permit system for peak season 14 Dec-29 Feb (fee charged for this permit)	14 nights during peak season with permit required 7 nights off-peak season
White Domain, Pōrangahau	Public toilets at the playground/recycling drop-off centre	Various	None	1 night
Whangaehu Beach	Public toilet	Various	None	1 night
Russell Park, Scout Hall car park	Public toilets at Russell Park	Various	None	1 night
Coronation Park Waipawa	Public toilets and car parking	Various	None	3 nights
Takapau Memorial Sports Park or Takapau Reserve (Takapau Rugby Club)	No public toilets	Various	None – to be agreed by the lease holder	1 night
Takapau Railway Reserve	No public toilets	Various	None	1 night
Tikokino Hall	Public toilets and car parking	Various	None	1 night
Ongaonga Museum Reserve, car park	Public toilets and car parking	Various	None	1 night
Otane, behind the hall on Miller Street	Public toilets and car parking	Various	None	1 night

Related Information

GIS Maps for Schedules 2 are included as appendix 2.

27.— ~~Schedule 3: Freedom camping in permitted areas, for non-self-contained motor vehicles and tenting~~

Council allows freedom camping for vehicles (including non-self-contained vehicles) and tents in permitted areas as set out in section 17 of this bylaw. Detailed Maps outlining these areas can be found in appendix 3, which is attached at the end of this document. There is a one-week standdown period for each site/location, meaning campers cannot camp at the same location for seven days after departure from site/location.

Related Information

Freedom camping is prohibited outside the areas identified by the yellow restricted areas. If all car parks within the yellow restricted area are occupied, persons wishing to freedom camp will need to find an alternative site or use commercial accommodation.

Site/Location	Facilities	Maximum capacity for sites for non-self-contained motor vehicles and tenting	Seasonal restrictions	<u>Max no. nights</u>
Pourerere Beach Road, located on Road Reserve	Public toilets	Various	Permit required for 14 Dec–29 Feb on a ballot system. No non-self-contained camping outside the permit season	<u>14 nights during the peak season with a permit required, 7 nights outside of the peak season.</u>
Pōrangahau: Te Paerahi Beach Freedom Camping, adjacent to Recreation Reserve	Public toilets, potable water via drinking fountain, dog water dish and outdoor shower	Various	Permit system for 14 Dec–29 Feb No non-self-contained camping outside of permit season	<u>7 nights</u>

Related Information

GIS Maps for Schedules 3 are included as appendix 3.

7.10 REPORTS FROM JOINT COMMITTEES APRIL - JUNE 2024**File Number:****Author:** Annelie Roets, Governance Lead**Authoriser:** Doug Tate, Chief Executive**Attachments:** 1. 24 May 2024 - Regional Transport Committee Minutes [↓](#)**Purpose**

This report presents the minutes of the following Joint Committee for Council's noting:

1. 24 May 2024 – Regional Transport Committee minutes.

RECOMMENDATION

That the Minutes from the Regional Transport Committee held on 24 May 2024 be received.



TE KAUNIHERA Ā-ROHE O TE MATAU-A-MĀUI

Unconfirmed**Minutes of a meeting of the Regional Transport Committee**

Date:	24 May 2024
Time:	10.00am
Venue:	Council Chamber Hawke's Bay Regional Council 159 Dalton Street NAPIER
Present:	Cr M Williams, Chair Cr J van Beek, Deputy Chair Cr M Buddo (HDC) Cr Tania Kerr (HDC) L Malde (NZTA) Cr K Price (NCC) Cr Kate Taylor (CHBDC)
Advisory members In Attendance:	I Emmerson (Road Transport Association) N Ganivet (Napier Port) <i>(online)</i> A Hallett (NZ Police) <i>(online)</i> D Murray (AA) A Robin (HBRC Māori Committee) B Wilson (Te Whatu Ora)
In Attendance:	K Brunton – Group Manager Policy & Regulation <i>(online)</i> L Hooper – Governance Team Leader
TAG	B Cullen – HBRC Transport Strategy & Policy Analyst M Hardie – WDC <i>(online)</i> J Pannu – HDC <i>(online)</i>

1. Welcome/Karakia /Housekeeping /Apologies

The Chair, Martin Williams, welcomed everyone to the meeting and Api Robin opened with a karakia.

RTC13/24 Resolution

That the apologies for absence from Linda Stewart and Mayor Craig Little and for lateness be accepted.

**van Beek/Price
CARRIED**

RTC14/24 Resolution

That councillor Marcus Buddo is appointed as the Hastings District Council representative for today's meeting.

**van Beek/Price
CARRIED**

2. Conflict of interest declarations

There were no conflicts of interest declared.

3. Confirmation of Minutes of the Regional Transport Committee meeting held on 3 May 2024

RTC15/24 Resolution

Minutes of the Regional Transport Committee meeting held on Friday, 3 May 2024, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Buddo/Price
CARRIED**

4. Regional Land Transport Plan 2024-2034 deliberations

The Chair and Bryce Cullen introduced the item and provided an overview of the themes from submissions to the draft RLTP. Questions and discussions traversed:

- Main changes recommended have arisen from the NZTA and HB Regional Recovery Agency submissions.

Councillor Tania Kerr arrived at 10.14am

- In relation to the recommendation to not amend the RLTP in response to submissions has been made where the points the submitters have raised have been considered but are either addressed already in the RLTP or are outside the scope of the RLTP. All submitters will receive a letter which includes decisions made as they relate to their submission.
- Changes to the capital projects resulting from the updated SHIP include Tairāwhiti and HB Resilience now being programmes of work (within which specific projects are identified such as Devil's Elbow), retaining their original priority.
- Inaccuracies in the Port information will be corrected by staff.
- TREC has done a significant amount of work on alternative corridors already in their planning and initial business case processes and will be sharing high-level information with the community.
- It was noted that Mr Haliburton was not specifically interested in the rail corridor being an alternate state highway route, instead using it as a previous example.
- It was noted that the Waipawa and Wairoa bridge cycling lanes are classified as safety measures and will be retained in the capital projects programme despite not being funded in this RLTP.
- Refer Glenn Marshall's submission in relation to 'take the lane' to the RoadSafe and TAs'

active transport teams.

- It was suggested that Carol-Anne Guard is included in conversations, as an advocate for the disabled, during the development of plans and strategies and Bryce Cullen explained that the TAG intends to engage with Carol-Anne as a subject matter expert on future public transport projects.
- Cost-benefit analysis across the whole network could come up with some very different answers to transport-related issues, including emissions and health.
- It was suggested that alternate routes for state highways should be funded by NZTA as permanent detour routes, specifically rural roads.
- Need an integrated strategy to drive how the region moves away from cars to public and active transport.

RTC16/24

Resolutions

That the Regional Transport Committee:

1. Receives and considers the *Regional Land Transport Plan 2024-2034 deliberations* staff report.
2. In response to submissions and as recommended by the Transport Technical Advisory Group, amends the *Regional Land Transport Plan 2024-2034* (RLTP) by:
 - 2.1. including clear and concise commentary on how the Future Form and Function Review, as well as the East Coast Connectivity Business Case, will help the region plan for transport system resilience both now and into the future in both the Executive Summary and the relevant section of the final RLTP.
 - 2.2. including all additions as set out in the Hawke's Bay Airport Ltd submission except for 3.7.1.
 - 2.3. adding commentary in the emissions reduction section (3.3.1) of the RLTP, on the role that modern, efficient buses play in reducing emissions.
 - 2.4. ensuring enhanced resilience across the transport system is highlighted in the final RLTP – including the local road and state highway investments and the need for clearly planned-for and adequately funded network alternatives and redundancy.
 - 2.5. ensuring there is a clear view across both activities and prioritisation, of how proposed investments align with the Government Policy Statement on land transport 2024 (GPS) and deliver on the desired outcomes.
 - 2.6. including commentary about the potential of alternative funding sources for transport system investments across Hawke's Bay, such as tolling and Public-Private Partnerships, within the investment programme in chapter 7 of the RLTP.
 - 2.7. retaining both the Waipawa (with original prioritisation) and Wairoa (as a future capital project) walking and cycling connection projects in the RLTP.
 - 2.8. adding specific reference to the Genesis site at Tuai and its importance to the region as a lifeline piece of infrastructure, to highlight the importance of the State Highway 38 corridor and the need to ensure investments are made to enhance the resilience of the corridor.
 - 2.9. ensuring that all minor changes or refinements needed are made to the *Regional Land Transport Plan 2024-2034* ahead of adoption by the Regional Council, including capital works programmes via the State Highway Improvement Proposal along with Maintenance, Operations and Renewals (MOR) and other investment programmes.
 - 2.10. refining the content of the Regional Land Transport Plan to accurately reflect Napier Port volumes and operations.

2.11. including the Regional Recovery Agency's submission in the final *Regional Land Transport Plan 2024-2034* (RLTP) with:

- 2.11.1. an overview of the works and funding required across the region is included in chapter 7 of the RLTP. This would identify the need for enhanced Funding Assistance Rates by councils as well as the bespoke funding requirements.
- 2.11.2. a sub section of the RLTP investment programme (chapter 7) is created, which includes the full list of councils' costed recovery and rebuild projects (as at 30 April 2024), Funding Assistance Rates required, the overall funding short fall, bespoke funding needs and contextual commentary.
- 2.11.3. the above points built into the Executive Summary to outline and highlight its importance.

2.12. including the updated Capital Works Programme as follows.

	Rank	Project	Score
	1	Waikare Gorge Implementation	92.5
	2	Future Form & Function review & PBC	91.3
	3	SH2 4 laning	85.0
Tairāwhiti Wairoa Resilience – Rebuild programme	4	SH2 Devil's Elbow	82.5
		SH2 Opotiki to Napier – Highest Resilience risk sites	
		SH38 Tuai sub – station to Wairoa and Frasertown bridge	
		SH38 Wairoa to Murupara stage 2	
		SH38 Frasertown bridge EOL replacement	
Hawke's Bay Resilience rebuild programme	5	SH5 Taupo to Napier – highest resilience risk sites	82.5
		SH5 Lucky Hill Bridge to SH5 / SH2 and Eskdale flood management	
		SH5 Mohaka bridge upgrade	
		SH5 Taupo to Napier priority 2	
		SH2 Napier to Takapau	
	6	Mahia Connectivity	78.8
	7	SH2 Waipawa bridge shared path	76.3
	8	SH5 (incl. safety) programme of work	73.8
	9	Te Mata – Waimarama roundabout	65.0
	10	North Eastern Connector – Hastings	61.3
	11	SIP SH2 Paki Paki to Napier – Median Barrier	48.8
	12	SH2 Eskdale commercial vehicle rolling safety centre	40.0

Capital projects for future consideration / future years		
	Project	Comments
	SH2 Waipukurau revocation	Scheduled for 27 – 30 NLTP. Retained for visibility and future programmes
	Wairoa bridge walking / cycling connection	Important to Wairoa residents and forms a key missing link in their transport system. Retain in the programme for future years

2.13. including reference to 'take the lane' into the Active Transport section of the

Regional Land Transport Plan 2024-2034 and for consideration by Roadsaf

- 2.14. commencing all references to the Public Transport Plan, including policies 2.1 and 4.2, with 'subject to funding'.
3. Delegates the Regional Transport Committee Chair, Councillor Martin Williams, and Councillor Tania Kerr, the approval of necessary updates and editorial changes to the *Regional Land Transport Plan 2024-2034* and the final version for adoption by Hawke's Bay Regional Council.
4. Writes to the New Zealand Transport Agency to request that:
 - 4.1 any plans or business case processes, either underway or planned, include clear and explicit planning about network options for alternative routes and network redundancy/resilience (including on local roads) within those. This must include a transparent and equitable funding arrangement to ensure the alternative route is suitable to sustain high levels of traffic, both commercial and private vehicles.
 - 4.2 a robust optioneering and investigation process in relation to the expressway four-laning, encompassing the local roading network as key feeders and integration of other transport modes, to ensure the future form and function is most resilient, effective and efficient.
 - 4.3 NZTA and Transport Recovery East Coast (TREC) make the planning and optioneering that has been undertaken to consider transformative alternate routes for State Highway 2 (north to Wairoa) and /or alternative routes for network redundancy publicly available, including the design and economic evaluation information used, and allow the Hawke's Bay Regional Transport Committee to have continued input into the TREC processes.
5. Requests that the Transport Technical Advisory Group prepares and reports on a delivery programme for the *Regional Land Transport Plan 2024-2034* policies directed to driving greater uptake of active transport and public transport within funding constraints.
6. Recommends that Hawke's Bay Regional Council adopts the *Regional Land Transport Plan 2024-2034*, which incorporates the decisions of the Regional Transport Committee meeting of 24 May 2024, and submits it to the New Zealand Transport Agency (Waka Kotahi).

Williams/Buddo
CARRIED

Api Robin closed the meeting with a karakia.

Closure:

There being no further business the Chair declared the meeting closed at 11.41am on Friday, 24 May 2024.

Signed as a true and correct record.

Date:

Chair:

8 CHIEF EXECUTIVE REPORT

There were no reports received.

9 DATE OF NEXT MEETING**RECOMMENDATION**

THAT THE NEXT MEETING OF THE CENTRAL HAWKE'S BAY DISTRICT COUNCIL BE HELD ON 15 AUGUST 2024.

10 PUBLIC EXCLUDED BUSINESS**RESOLUTION TO EXCLUDE THE PUBLIC****RECOMMENDATION**

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
10.1 - Public Excluded Resolution Monitoring Report	<p>s7(2)(b)(ii) - the withholding of the information is necessary to protect information where the making available of the information would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information</p> <p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
10.2 - District Plan Key Project Status Report	s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good

	<p>s7(2)(c)(ii) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest</p> <p>s7(2)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority</p>	reason for withholding would exist under section 6 or section 7
10.3 - Crown Infrastructure Partners Land Transport Funding - Procurement Approach	<p>s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities</p> <p>s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)</p>	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7
10.4 - Appointment of Independent Risk and Assurance Committee Chair and Member Appointment	<p>s7(2)(a) - the withholding of the information is necessary to protect the privacy of natural persons, including that of deceased natural persons</p> <p>s7(2)(f)(i) - free and frank expression of opinions by or between or to members or officers or employees of any local authority</p>	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7

11 TIME OF CLOSURE