



**I, Kitea Tipuna, Tumu Whakarae Chief Executive, hereby give notice that  
an Ordinary Meeting of Council will be held on:**

**Date:** Tuesday, 9 April 2024  
**Time:** 1:30pm  
**Location:** Council Chamber, Wairoa District Council,  
Coronation Square, Wairoa

# **AGENDA**

## **Ordinary Council Meeting**

### **9 April 2024**

**MEMBERSHIP:** His Worship the Mayor Craig Little, Cr Denise Eaglesome-Karekare, Cr Jeremy Harker, Cr Melissa Kaimoana, Cr Chaans Tumataroa-Clarke, Cr Benita Cairns, Cr Roslyn Thomas

The agenda and associated papers are also available on our website: [www.wairoadc.govt.nz](http://www.wairoadc.govt.nz)

For further information please contact us 06 838 7309 or by email [info@wairoadc.govt.nz](mailto:info@wairoadc.govt.nz)



**Order Of Business**

<b>1</b>	<b>Karakia</b> .....	<b>5</b>
<b>2</b>	<b>Apologies for Absence</b> .....	<b>5</b>
<b>3</b>	<b>Declarations of Conflict of Interest</b> .....	<b>5</b>
<b>4</b>	<b>Chairperson’s Announcements</b> .....	<b>5</b>
<b>5</b>	<b>Late items of Urgent Business</b> .....	<b>5</b>
<b>6</b>	<b>Public Participation</b> .....	<b>5</b>
<b>7</b>	<b>Minutes of the Previous Meeting</b> .....	<b>5</b>
<b>8</b>	<b>General Items</b> .....	<b>12</b>
8.1	Freedom Camping Bylaw Determinations .....	12
8.2	District Licensing Committee Appointments .....	22
8.3	Submission to Draft Government Policy Statement on Land Transport 2024.....	26
8.4	Review of Dangerous, Insanitary and Affected Buildings Policy.....	34
8.5	Wairoa Recovery Update March 2024 .....	56
<b>9</b>	<b>Receipt of Minutes from Committees/Action Sheets</b> .....	<b>66</b>
9.1	Receipt of Council Meeting - 15 March 2023.....	66
<b>10</b>	<b>Public Excluded Items</b> .....	<b>72</b>
	Nil	



- 1 KARAKIA**
- 2 APOLOGIES FOR ABSENCE**
- 3 DECLARATIONS OF CONFLICT OF INTEREST**
- 4 CHAIRPERSON'S ANNOUNCEMENTS**
- 5 LATE ITEMS OF URGENT BUSINESS**
- 6 PUBLIC PARTICIPATION**

A maximum of 30 minutes has been set aside for members of the public to speak on any item on the agenda. Up to 5 minutes per person is allowed. As per Standing Order 15.1 requests to speak must be made to the Chief Executive Officer at least one clear day before the meeting; however this requirement may be waived by the Chairperson.

**7 MINUTES OF THE PREVIOUS MEETING**

Ordinary Meeting - 12 March 2024

**MINUTES OF WAIROA DISTRICT COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, WAIROA DISTRICT COUNCIL, CORONATION SQUARE, WAIROA  
ON TUESDAY, 12 MARCH 2024 AT 2:00PM**

**PRESENT:** His Worship the Mayor Craig Little, Cr Denise Eaglesome-Karekare, Cr Jeremy Harker, Cr Melissa Kaimoana, Cr Benita Cairns, Cr Roslyn Thomas

**IN ATTENDANCE:** **Kitea Tipuna** (Tumu Whakarae | Chief Executive) **Gary Borg** (Pouwhakarae – Pūtea/Tautāwhi Rangapū | Group Manager Finance and Corporate Support), **Hinetaakoha Viriaere** (Pouwhakarae Whakamahere me te Waeture | Group Manager Planning & Regulatory), **Michael Hardie** (Pouwhakarae – Hua Pūmau | Group Manager Assets and Infrastructure), **Juanita Savage** (Pouwhakarae Rātonga Hapori me te Whakawhanake | Group Manager Community Services and Development), **Sarayde Tapine** (Kaiurungi Kaupapa Here me Mana Ārahi | Policy and Governance Advisor), **Michael West** (Business Analyst), **Fenton Wilson** (QRS Director), **Lauren Jones** (QRS Director), **Tony Gray** (QRS Director) **Siobhan Storey** (QRS Chief Financial Officer), **Henare Mita** (Māori Standing Committee Chairperson), **Austin King** (Community Engagement Manager)

## 1 KARAKIA

The Opening Karakia was given by His Worship the Mayor, Craig Little.

## 2 APOLOGIES FOR ABSENCE

### APOLOGY

#### RESOLUTION 2024/11

Moved: Cr Denise Eaglesome-Karekare

Seconded: Cr Melissa Kaimoana

That the apology received from Cr Chaans Tumataroa-Clarke be accepted and leave of absence granted.

**CARRIED**

## 3 DECLARATIONS OF CONFLICT OF INTEREST

Item 8.1 QRS Statement of Intent for the period 1 July 2024 to 30 June 2027 and half-yearly report to 31 December 2023 - Cr Jeremy Harker.

## 4 CHAIRPERSON'S ANNOUNCEMENTS

His Worship the Mayor welcomed new staff members Austin King (Community Engagement Manager) and Michael West (Business Analyst). Both Austin and Michael introduced themselves. His Worship the Mayor then welcomed QRS attendees presenting the QRS Boards statement of intent and half yearly report to Council.

**5 LATE ITEMS OF URGENT BUSINESS**

Nil.

**6 PUBLIC PARTICIPATION**

Nil.

**7 MINUTES OF THE PREVIOUS MEETING****RESOLUTION 2024/12**

Moved: His Worship the Mayor Craig Little

Seconded: Cr Benita Cairns

That the minutes of the Ordinary Meeting held on 13 February 2024 be confirmed.

**CARRIED**

**8 GENERAL ITEMS****8.1 QRS STATEMENT OF INTENT FOR THE PERIOD 1 JULY 2024 TO 30 JUNE 2027 AND HALF-YEARLY REPORT TO 31 DECEMBER 2023.****RESOLUTION 2024/13**

Moved: Cr Denise Eaglesome-Karekare

Seconded: His Worship the Mayor Craig Little

That Council receives the QRS draft Statement of Intent 2024-27 and the 6-month performance report to 31 December 2023.

**CARRIED**

The Group Manager of Finance and Corporate Support spoke briefly to this report and acknowledged that the half-yearly report to 31 December 2023 is exceptional. QRS attendees then presented their half yearly report to Council.

QRS Director, Lauren Jones spoke first and highlighted:

- The opening of the operations hub at QRS, proving advantageous not only for the organisation but also for the broader community.
- The training of school leavers in civil engineering by QRS, preparing them for both the future of QRS and the future of Wairoa.
- The majority of QRS staff are located in Wairoa, contributing significantly to the local economy.

QRS Chief Financial Officer (CFO) Siobhan Storey presented QRS financial highlights, highlighting the following key points:

- The revenue for the 6 months ending December 2022 was \$10.3 million. In contrast, with consideration to Cyclone Gabrielle, the revenue for the 6 months ending December 2023 was \$24.9 million.
- The initial investment by Wairoa District Council in QRS, amounting to \$1.25 million, has grown to \$11.65 million.
- Despite the current surge in funds, the QRS CFO emphasised the importance of fortifying the business for the future, preserving funds for debt settlement, and addressing the increase in liabilities from \$2.8 million to \$5.2 million.

The final part of the presentation was moved to public excluded to discuss. This was moved by Cr Eaglesome-Karekare and seconded by His Worship the Mayor.

## **8.2 WDC APPOINTMENTS TO THE TE ROHE O TE WAIROA MATANGIRAU RESERVES BOARD**

### **RESOLUTION 2024/14**

Moved: Cr Benita Cairns

Seconded: Cr Jeremy Harker

That Council receive the report and appoint Cr Thomas and Cr Kaimoana as the new Wairoa District Council representatives to the Te Rohe o Te Wairoa Reserves Board Matangirau with Cr Eaglesome-Karekare to remain in her position.

**CARRIED**

The Policy and Governance Advisor spoke to this report and highlighted the current Wairoa District Council representatives to the Te Rohe o Te Wairoa Matangirau Reserves Board.

Cr Eaglesome-Karekare noted she wanted to remain in her position on the Board. Cr Thomas and Cr Kaimoana expressed interest for a position on the Board. However, clarity is required around whether Cr Tumataroa-Clarke wants to remain on the Board.

This item was adjourned at 2:42pm to wait for a response from Cr Tumataroa-Clarke.

When this item resumed – Cr Thomas and Cr Kaimoana replaced His worship and Cr Chaans Tumataroa-Clarke as Wairoa District Council representatives to the Te Rohe o Te Wairoa Matangirau Reserves Board.



### **8.3 MINOR UPDATES TO REVENUE AND FINANCING POLICY AND SIGNIFICANCE AND ENGAGEMENT POLICY**

#### **RESOLUTION 2024/15**

Moved: Cr Benita Cairns

Seconded: Cr Jeremy Harker

That Council adopts the updated Significance and Engagement Policy and the updated Revenue and Financing Policy and in doing so confirms that no consultation is required due to the editorial nature of these updates.

**CARRIED**

The Group Manager Finance and Corporate Support spoke to this report. He noted feedback received from Māori Standing Committee Chair and acknowledged Cr Cairns in her roles in other committees meant she has provided useful feedback at each meeting and the wording for the development contribution policy is vague within the revenue and financing policy, attributing this to the Council providing only informal direction of its creation through a workshop.

### **8.4 HAWKES BAY INDEPENDENT FLOOD REVIEW PANEL SUBMISSION**

#### **RESOLUTION 2024/16**

Moved: Cr Denise Eaglesome-Karekare

Seconded: Cr Jeremy Harker

That Council receive the report.

**CARRIED**

The Group Manager of Planning and Regulatory Manager spoke briefly to this report, noting that the final report from the review panel, encompassing all findings and recommendations was originally slated for completion and release in May. However, due to awaiting a NIWA report, which was completed in the first week of March, the release of the final report is now scheduled for June.

Elected members recognised the report as an excellent submission that accurately reflects the thoughts and sentiments of the Councillors.

**9 RECEIPT OF MINUTES FROM COMMITTEES/ACTION SHEETS**

Nil.

**10 PUBLIC EXCLUDED ITEMS**

**RESOLUTION TO EXCLUDE THE PUBLIC**

**RESOLUTION 2024/17**

Moved: His Worship the Mayor Craig Little

Seconded: Cr Jeremy Harker

That the public be excluded from the following parts of the proceedings of this meeting at 2:56pm.

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:

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48 for the passing of this resolution</b>
<b>10.1 - Statute Barred Rate Arrears Write-off 2016-17</b>	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	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
<b>10.2 - CONCEPT DESIGN APPROVAL – WAIROA RIVER RESERVE RESTORATION</b>	s7(2)(h) - the withholding of the information is necessary to enable Council to carry out, without prejudice or disadvantage, commercial activities  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)	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**

**RESOLUTION 2024/18**

Moved: Cr Denise Eaglesome-Karekare

Seconded: Cr Roslyn Thomas

That Council moves out of Closed Council into Open Council at 3:30pm.

**CARRIED**

**The Meeting closed at 3:31pm with a Closing Karakia given by His Worship the Mayor, Craig Little.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 9 April 2024.**

.....  
**CHAIRPERSON**

## 8 GENERAL ITEMS

### 8.1 FREEDOM CAMPING BYLAW DETERMINATIONS

**Author:** Chase Cook, Kaiwhakahaere Tūtohu me te Whakaaetanga | Compliance and Licensing Manager

**Authoriser:** Kitea Tipuna, Tumu Whakarae Chief Executive

**Appendices:** Nil

#### 1. PURPOSE

- 1.1 To provide Council with an analysis of options and recommendations for the control of freedom camping in the Wairoa District.

#### RECOMMENDATION

The Kaiwhakahaere Tūtohu me te Whakaaetanga | Compliance and Licensing Manager RECOMMENDS that Council:

1. Receive the *'Freedom Camping Bylaw Determinations'* Report;
2. Determine that a bylaw continues to be the most appropriate way of addressing the perceived problems related to freedom camping, made under section 11(2) of the Freedom Camping Act 2011 for one or more of the following purposes:
  - (i) to protect an area;
  - (ii) to protect the health and safety of people who may visit an area;
  - (iii) to protect access to an area.;
3. Request the Chief Executive initiate a review of the Wairoa District Council Consolidated Bylaw Part 9 – Freedom Camping to develop a new draft bylaw and statement of proposal for public consultation.

Note the review will consider the option to create a standalone Freedom Camping Bylaw as an alternative to the continued incorporation within the existing Wairoa District Council Consolidated Bylaw.

#### EXECUTIVE SUMMARY

New legislation released in 2023 has amended the Freedom Camping Act 2011 and this has prompted staff to assess how freedom camping is managed in Wairoa under the existing Wairoa District Council Freedom Camping Bylaw.

Freedom camping is an important issue for many in the community. The change in national legislation provides an opportunity to review Council's approach to ensure the bylaw is consistent with the new legislation. This opportunity also enables Council to ensure that it is meeting the needs of the community as well as those visitors to the District who choose to freedom camp.

The proposed review will consider development of a new standalone bylaw as an alternative to incorporation within the consolidated bylaw. This approach would help to create a more efficient and streamlined Council policy and regulatory environment.

## 2. BACKGROUND

- 2.1 Section 11 of [the Freedom Camping Act 2011](#) (the Act) enables councils to make a freedom camping bylaw where necessary for one or more of the following purposes:
  - 2.1.1. to protect the area;
  - 2.1.2. to protect the health and safety of people who may visit the area;
  - 2.1.3. to protect access to the area.
- 2.2 The Act was amended in 2023 by the [Self-contained Motor Vehicles Legislation Act](#). Under [Schedule 1AA Part 1 Subpart 3 Section 10](#) of the new legislation, local authorities are required to amend or revoke existing bylaws to remove any inconsistencies.
- 2.3 Freedom camping in Wairoa District is currently managed under the Wairoa District Council Consolidated Bylaw Part 9 – Freedom Camping (the Bylaw). Council adopted the Bylaw under Section 11 of the Act on 10 September 2019. The Bylaw identifies areas within the District which require protection from the effects of freedom camping, was consulted on using the special consultative procedure and considered the views of tangata whenua. Implementation of the Bylaw is supported by an ambassador programme: Manaaki Tangata.
- 2.4 The current Bylaw is due for review by 10 September 2029. If not reviewed, the Bylaw will be automatically revoked by 10 September 2031 under the Local Government Act 2002 (LGA).
- 2.5 The recent change in legislation presents an opportunity to review and update Council's approach to freedom camping to ensure it aligns with the new legislation and is continuing to meet the needs of the community by supporting social, cultural, environmental and economic wellbeing in the District.

## 3. DISCUSSION

### What is freedom camping?

- 3.1 Freedom camping is defined in the Act to mean camping within 200 metres of a motor vehicle accessible area or 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 one of more of the following:
  - a) a tent or other temporary structure;
  - b) a motor vehicle.
- 3.2 It does not include:
  - a) temporary and short-term parking of a motor vehicle;
  - b) recreational activities commonly known as day-trip excursions;
  - c) resting or sleeping at the roadside in a motor vehicle to avoid driver fatigue.
- 3.3 The Act also explicitly excludes those experiencing homelessness who may be living in a vehicle, tent or other temporary structure.

### Freedom camping bylaws

- 3.4 The Act is permissive by default, which means its starting point is to allow freedom camping on all local authority land, that is land that is owned and/or managed by Council, unless it is prohibited by another enactment. The Act does recognise that some areas may not be suitable for freedom camping, and it enables Council to make a bylaw to manage freedom camping within the District. According to the Act a freedom camping bylaw may prohibit or restrict freedom camping where necessary for one or more of the following purposes:
- a) To protect an area – for example where there may be sites that are environmentally, historically or culturally significant;
  - b) To protect health and safety – of freedom campers and other people who may visit an area;
  - c) To protect access to an area – where the presence of freedom campers could block access or could cause damage to infrastructure.
- 3.5 The Act also requires the Council:
- 3.5.1. to have considered other ways to manage the problem, other than through a bylaw (this report fulfils this requirement);
  - 3.5.2. to be satisfied that any prohibitions or restrictions are the most appropriate and proportionate response to freedom camping demand in the area, and the problems it would cause if allowed;
  - 3.5.3. not to ban (or effectively ban) freedom camping on all Council managed land through a bylaw (known as blanket bans);
  - 3.5.4. to make a bylaw that is consistent with the New Zealand Bill of Rights Act 1990; and
  - 3.5.5. to clearly describe and/or map each area covered by prohibitions or restrictions, so freedom campers have certainty about what rules apply.

### New legislation

- 3.6 [The Self-contained Motor Vehicles Legislation Act 2023](#) came into force in June 2023 making several amendments to the Act. The changes include:
- 3.6.1. the requirement for vehicle-based freedom campers to use a certified self-contained vehicle when they stay on council land, unless a council designates the site as suitable for non-self-contained vehicles;
  - 3.6.2. a new regulated national system for the certification and registration of self-contained vehicles;
  - 3.6.3. the requirement for vehicles to have a fixed toilet to be certified as self-contained; and
  - 3.6.4. strengthening of the infringement system with the introduction of a new tiered penalty system which entered into force in July 2023.
- 3.7 The new legislation states that if there is any inconsistency between a bylaw and the Act, local authorities must amend or revoke the bylaw to remove the inconsistency. It also states that where there is inconsistency the bylaw has no legal effect and the Act prevails.

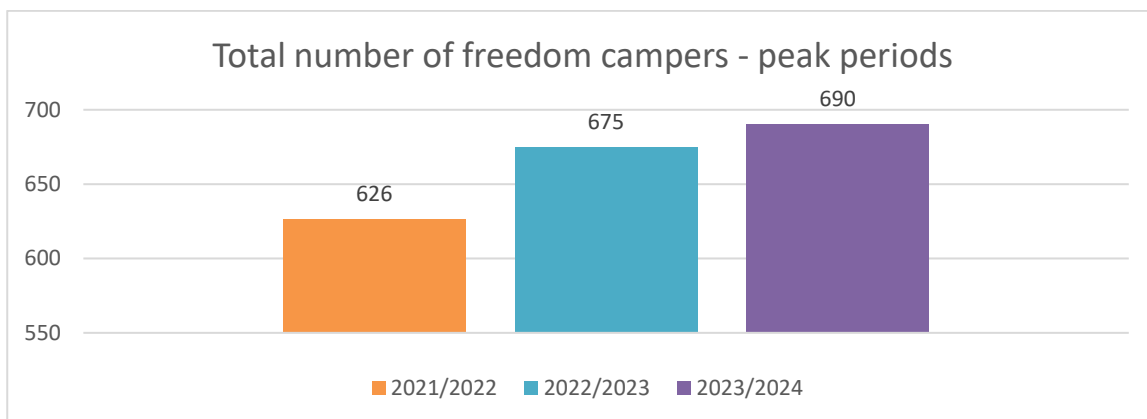
3.8 In response to the new legislation, [additional guidance](#) was released in January 2024. This guidance, including a new model bylaw, was developed by Local Government New Zealand (LGNZ), in consultation with the Ministry of Business Innovation and Employment (MBIE), the New Zealand Motor Caravan Association Incorporated (NZMCA) and Taituarā. The guidance provides a useful resource to Council for ensuring the approach to freedom camping is consistent with the Act.

**Freedom camping in the District**

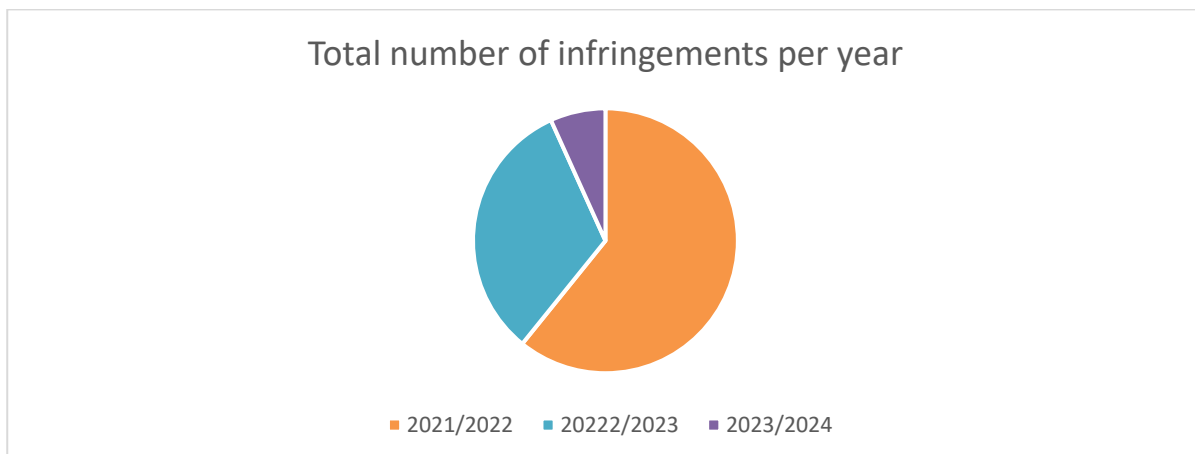
3.9 Wairoa District is a popular location for freedom campers, with the Mahia Peninsula in particular attracting high numbers of visitors at certain times of year. Freedom camping is an important part of tourism in the district and provides affordable holiday opportunities for those visiting both from outside the District and from within.

3.10 However, Freedom camping can also result in adverse effects on the community and the environment, especially at peak times. There are many attractive locations for freedom camping, especially in Mahia, however some are not appropriate for use, or their use should be carefully managed.

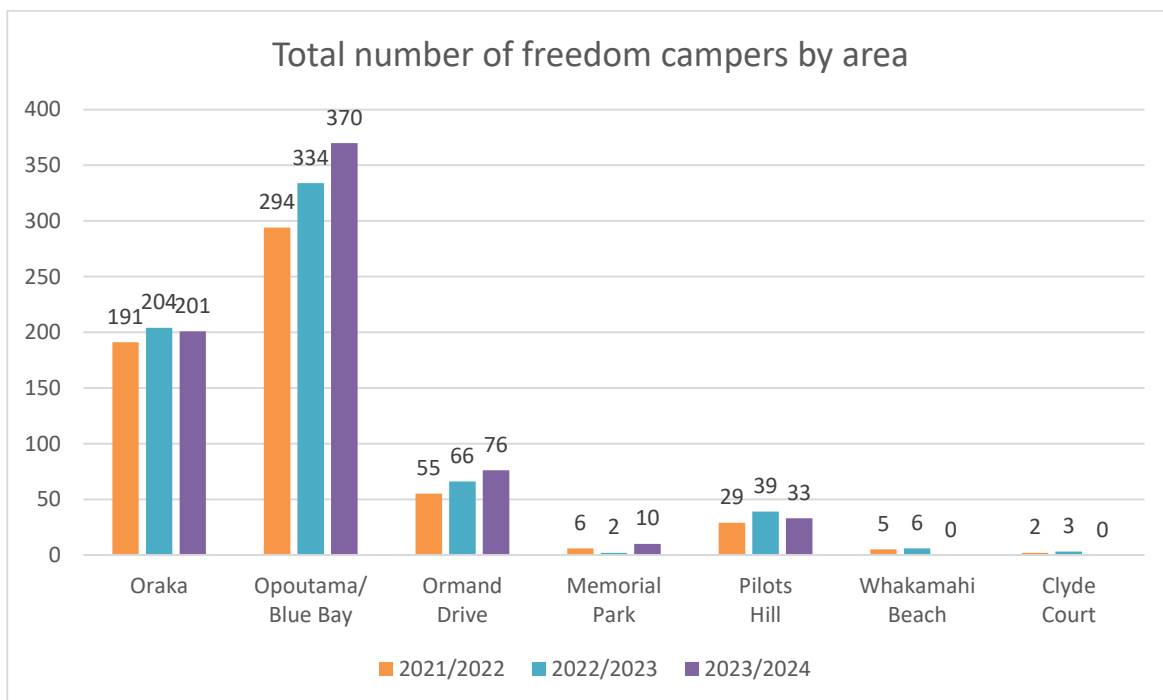
3.11 Freedom camping data for the Wairoa District shows increasing numbers of freedom campers during peak holiday periods from 2021 to 2024.



3.12 Despite an increase in numbers of campers, the total number of infringements has decreased. This is attributed to a change in the regulatory approach which includes the implementation of a freedom camping ambassador programme: Manaaki Tangata and which has demonstrated successful collaboration between Council and Ngāti Rongomaiwahine.



3.13 The most popular freedom camping areas in the District are Opoutama/Blue Bay and Oraka. These areas, as well as the Mahia East Coast Road where camping is currently prohibited in the existing Bylaw, are also the most problematic sites.



3.14 Freedom camping in the District presents several challenges. Problems related to freedom camping in the District include:

- 3.14.1. Health issues and environmental pollution from rubbish and human waste;
- 3.14.2. Damage or destruction of the natural environment, wāhi tapu, urupā and areas of cultural importance to tangata whenua, especially the Mahia Peninsula;
- 3.14.3. Obstruction of access to other users by large vehicles, large numbers of campers and lengthy stays;
- 3.14.4. Overflow of campers onto adjoining areas;
- 3.14.5. Reduction of visual amenity due to the location and number of campers in an area;

**The current Bylaw**

3.15 The Wairoa District Council Consolidated Bylaw Part 9 – Freedom Camping came into force in November 2019, pre-pandemic and prior to development of the Self-contained Motor Vehicles Legislation Act. It is due for review by 10 September 2029, however, the new legislation requires existing bylaws to be amended for consistency. Initial assessment against the new legislation and model bylaw indicates there are a number of inconsistencies between the current bylaw and the Act which can be addressed by a review. These include:

- 3.15.1. Updating definitions and references to sections of the Act;  
The new legislation changed some clauses and definitions referred to in the Bylaw. References to these in the current bylaw, such as in Clause 1.



Introduction, Clause 6. Offences and Clause 7. Penalties, should be updated to align with the new legislation and most recent guidance.

- 3.15.2. Separating site assessment information from the content of the Bylaw;  
To ensure a consistent and transparent approach to regulating freedom camping, it is considered best practice to comprehensively assess local authority areas against the three criteria in the Act. This is to ensure a transparent line of sight between a bylaw and the Act. Currently, the schedules of the Bylaw contain some information that would be better placed in a site assessment document. A separate document for site assessment information can inform decision making but does not form part of the bylaw. This would simplify the current Bylaw, improving clarity and readability. A separate site assessment document also enables Council to assess sites that may not form part of the eventual bylaw and to understand and articulate these areas may be omitted.
- 3.15.3. Removing references to issues that are out of scope of the Bylaw;  
A freedom camping bylaw is unable to regulate issues that fall outside the scope, for example, dog control, littering and fire. These are dealt with under the Act and other primary legislation and to avoid duplication should be removed from the current Bylaw. In addition, a freedom camping bylaw can only apply to local authority land, that is land that is owned and/or managed by Council. It does not apply to private land, conservation (DOC) land or land under settlement (unless management arrangements with Council exist). For land described in Schedule 3, where there are public roads, these areas should be incorporated into the Bylaw. For non-local authority areas, communication about camping can be achieved using alternative means such as signage and these areas can be removed from the Bylaw.
- 3.15.4. Addressing the permission to camp within 100 metres of a public toilet facility;  
Schedule two of the Bylaw identifies nine local authority areas where camping is permitted with restrictions. Each of these nine areas is identified by reference to a public toilet. While toilet facilities are a consideration for whether to allow for non-self-contained camping or not, the areas should be primarily assessed against the criteria in Act with any appropriate designated camping area informed by the assessment.
- 3.15.5. Reviewing consistency with the Reserves Act 1977.  
Section 44 of the Reserves Act prohibits camping on gazetted reserves unless provided for in a reserve management plan. Many of the locations included in the current bylaw overlap with gazetted reserve. Ensuring consistency across Council documentation would improve clarity and understanding of where freedom camping is permitted, restricted and prohibited. A review of Council's reserve management plans is planned for the first three years of the 2024-2034 Long Term Plan. For consistency and efficiency, there is the possibility to conduct consultation for some of the reserves at the same time as the bylaw.
- 3.15.6. Potential to remove from the Consolidated Bylaw.  
Many councils around the country are moving away from the consolidated approach to bylaws. Splitting the Consolidated Bylaw into separate bylaws, as each part comes due for review, will allow Council to establish more of a staggered approach to reviewing its bylaws and helps to smooth the workload of internal policy resources.

#### 4. OPTIONS

4.1 The options identified are:

- a. Status quo – do not review the Bylaw.
- b. Review the current Bylaw under the Freedom Camping Act 2011 (recommended option).
- c. Revoke the Bylaw.

4.2 The options are described below. For each of the options the following applies:

- Information, education and advice will continue to be provided to the public through the ambassador programme: Manaaki Tangata, Council website and other Council communication methods as appropriate.
- Littering and traffic offences would be dealt with under the Litter Act 1979 and Land Transport Act 1998 respectively.
- Criminal behaviour, such as theft or assault, would be dealt with by the Police.
- Education about, and enforcement of, fire safety would be a matter for Fire and Emergency New Zealand to address.

#### 4.3 Option a: Status quo

4.3.1. Under this option, the Council does not initiate a review of the existing Bylaw and, where there are inconsistencies, the Freedom Camping Act 2011 will apply. Under section 10 of that Act, freedom camping is generally permitted on all land owned or controlled by the Council, subject to restrictions and prohibitions provided for in other legislation. Council may be unable to enforce certain provisions in the existing Bylaw.

4.3.2. Advantages of this option include no direct cost to Council to review or make a new bylaw. If there are any further changes to the national legislation, these can be addressed as needed and the current Bylaw will remain in force within the Consolidated Bylaw until the required review period under the LGA in September 2029.

4.3.3. Disadvantages of this option include where the current Bylaw is inconsistent with the Act it will be unenforceable. This creates the risk that enforcement becomes piecemeal or inconsistent. There is a potential higher cost to Council to manage enforcement in this way and the risk of being unable to effectively regulate and address the negative impacts of freedom camping.

#### 4.4 Option b: Review the current Bylaw under the Freedom Camping Act 2011 (recommended option).

4.4.1. Under this option Council confirms a bylaw is the most appropriate and proportionate response to problems caused by Freedom Camping. It would initiate a review of the current Bylaw to remove inconsistencies with the legislation with a view to make a new bylaw under the Freedom Camping Act 2011 to prohibit or restrict freedom camping on land owned or controlled by Council for one or more of the following purposes:

- a) To protect an area;
- b) To protect the health and safety of people who may visit an area;

c) To protect access to an area.

- 4.4.2. Advantages of this option include that it is consistent with prior Council decisions that a bylaw under the Act is necessary and appropriate to regulate freedom camping. It enables Council to engage with the community and address any new problems which have emerged related to freedom camping. It gives Council access to the infringement offences and enforcement powers under the Act. It provides the opportunity to separate the Freedom Camping Bylaw from the Consolidated Bylaw and make a new bylaw. Council has received funding from MBIE for the purposes of updating the bylaw. The funding covers part of the cost of creating an updated bylaw and so offsets some of the cost of this option.
- 4.4.3. Disadvantages of this option include the cost to Council and the community to review the Bylaw, including consultation.

**4.5 Option c: Revoke the Bylaw.**

- 4.5.1. Under this option, the Council determines that a bylaw is no longer needed to address the problems related to freedom camping and revokes the existing Bylaw. The Freedom Camping Act 2011 would apply which permits freedom camping on all local authority land except gazetted reserve. The Reserves Act 1977 would apply to Council reserves prohibiting freedom camping on all reserves unless provided for in a reserve management plan.
  - 4.5.2. Advantages of this option include that Council can still regulate camping on reserves through reserve management plans and all regulation is under one piece of legislation, the Reserves Act.
  - 4.5.3. Disadvantages of this option include the cost to Council and the community to revoke the Bylaw, including consultation, as this is still required in order to revoke a bylaw. It is also unlikely to be supported by the community who have engaged with and supported the previous bylaw. Areas will not be assessed against the criteria in the Act and Council will be unable to protect areas that are not reserves.
- 4.6 The preferred option is **Option b: Make a bylaw under the Freedom Camping Act 2011**, this contributes to the following community outcomes:

Cultural wellbeing	Economic wellbeing	Social Wellbeing	Environmental Wellbeing
Valued and cherished community.	Strong and prosperous economy.	Safe, supported and well-led community.	Protected and healthy environment

**5. CORPORATE CONSIDERATIONS**

**What is the change?**

- 5.1 Review and development will begin on a new stand-alone freedom camping bylaw which is consistent with the new legislation and responds to current needs.

**Compliance with legislation and Council Policy**

- 5.2 Complies with the Freedom Camping Act 2011 and the Act which amends it, the Self-Contained Motor Vehicles Legislation Act 2023.
- 5.3 Complies with the Local Government Act 2002.
- 5.4 Complies with the Reserves Act 1977 and Council Reserve Management Plans.

**What are the key benefits?**

- 5.5 A new, updated and appropriate bylaw will be developed which aligns the new national legislation, is enforceable and responsive to the needs of the community while ensuring protection of the criteria under the Act.

**What is the cost?**

- 5.6 Funding has been received from MBIE for the purposes of updating the approach to freedom camping in response to the new legislation. The funding covers part of the cost of creating an updated bylaw. Council will meet any additional resource requirements within existing budgets.

**What is the saving?**

- 5.7 N/A

**Service delivery review**

- 5.8 N/A

**Maori Standing Committee**

- 5.9 This matter has not yet been referred to the Committee. If Council determines to make a new bylaw, pre-engagement will be initiated with the Committee as well as through other key lines of communication with tangata whenua.

**6. SIGNIFICANCE**

- 6.1 There is a history of public interest in the issues related to freedom camping.
- 6.2 Section 11B of the Act requires Council to use the special consultative procedure under section 83 of the LGA when developing, reviewing, or revoking a bylaw.
- 6.3 Council may, in future, determine a Bylaw is no longer required to manage the problems associated with freedom camping and revoke the bylaw.
- 6.4 When applying restrictions and or prohibitions on freedom camping through a bylaw, the Act requires consideration of the cultural importance of areas which includes the protection of sites such as wāhi tapu and urupā as well as native flora, fauna and other taonga.

**7. RISK MANAGEMENT**

- 7.1 In accordance with the Council's Risk Management Policy the inherent risks associated with this matter are: Low and considerable.

Human	Financial	Regulatory
Low	Low	Low
Operations	Employees	Image & Reputation
Low	Low	Considerable

### Who has been consulted?

- 7.1 Public consultation occurred in 2015 and 2019 on matters related to freedom camping.
- 7.2 Council has engaged resource to support the freedom camping ambassador programme: Manaaki Tangata.
- 7.3 The Act requires consideration of the cultural importance of areas and tangata whenua will be consulted.

### Further Information

- [The Freedom Camping Act 2011](#)
- [The Self-contained Motor Vehicles Legislation Act 2023](#)
- [MBIE freedom camping changes](#)
- [LGNZ Freedom camping model bylaw and guidance](#)

### References (to or from other Committees)

- Council 10 September 2019 – Freedom Camping Bylaw adoption
- Council 23 July 2019 – Freedom Camping Bylaw Review
- Council 10 November 2015 – Freedom Camping Bylaw

### Confirmation of statutory compliance

The options and recommendations presented in this report comply with the requirements of section 155 (1) of the Local Government Act 2002. This section states that:

- 1) A local authority must, before commencing the process for making a bylaw, determine whether a bylaw is the most appropriate way of addressing the perceived problem.

## 8.2 DISTRICT LICENSING COMMITTEE APPOINTMENTS

**Author:** Sarayde Tapine, Kaiurungi Kaupapa Here me Mana Ārahi | Policy and Governance Officer

**Authoriser:** Kitea Tipuna, Tumu Whakarae Chief Executive

**Appendices:** Nil

### 1. PURPOSE

- 1.1 Re-appointment of the members of the Wairoa District Licencing Committee.

#### RECOMMENDATION

The Kaiurungi Kaupapa Here me Mana Ārahi | Policy and Governance Officer RECOMMENDS that Council re-appoint Mr. David Fellows (Commissioner) and Mr Ross Pinkham (Member) for a fixed period of 1 year, starting 11 December 2023, and advertise for a Commissioner and Members of the District Licencing Committee to be in place by the 11th of December 2024.

### BACKGROUND

- 1.2 The Wairoa District Licencing Committee was established as required under section 186 of the Sale and Supply of Alcohol Act 2012. The purpose of the committee is to consider all applications for liquor licences and other matters relating to the sale and supply of alcohol within the Wairoa District, including conducting licencing hearings, as provided under section 187 of the Act. The Commissioner has all the functions and powers of the chairperson of the District Licencing Committee, as provided under section 193(1) of the Act.
- 1.3 The tenure of Mr. David Fellows (Commissioner) and Mr Ross Pinkham (Member) of the Wairoa District Committee expired on 11<sup>th</sup> December 2023. The reappointment of the members of the District Licencing Committee will enable the committee to continue to serve the Alcohol Licencing requirements of the Wairoa community.
- 1.4 At a meeting held on Tuesday 5<sup>th</sup> February 2019, the Wairoa District Council resolved to re-appoint Mr. David Fellows as Commissioner, and Mr Ross Pinkham to serve as a members of the committee for a further term of 5 years starting 11 December 2018 to the Wairoa District Licencing Committee
- 1.5 The re-appointment of the members of the Wairoa District Licencing Committee, and the Commissioner to that committee, will serve the purpose of the Sale and Supply of Alcohol Act 2012, namely to facilitate the safe, responsible sale, supply and consumption of alcohol and to minimise the harm caused by the excessive or inappropriate consumption of alcohol.

### 2. DISTRICT LICENSING COMMITTEE (DLC)

- 2.1 The DLC is deemed to be a Commission of Inquiry. It also provides information to ARLA the Alcohol Regulatory & Licencing Authority. Each territorial authority must appoint one or more DLCs to manage licencing matters within its district.

Functions of the DLC include:

- determining applications for licences, managers' certificates and renewals (s.187(a)(b))
- determining temporary authority applications (on/off-licences)( s.187(c))
- varying, suspending or cancelling special licences (s.187(d))
- referring applications to ARLA (s.187(f))
- conducting inquiries and making reports as required by ARLA (s.187(g))
- other functions conferred on it by any Act. (s.187(h)).

#### 2.2 Term of office:

- All members and the chair/commissioner are appointed for a period of up to five years and can be reappointed for one or more further periods of up to five years.
- A DLC member can resign at any time and can be removed for inability to perform functions, neglect, bankruptcy or misconduct.
- An elected member appointed as the chair of a DLC cannot continue if they cease to be an elected member, unless they have the required competencies and are appointed as a commissioner.

#### 2.3 <https://resources.alcohol.org.nz/alcohol-management-laws/administering-alcohol-law/district-licensing-committees-dlcs>

### 3. OPTIONS

#### 3.1 The options identified are:

- a. Re-appoint Mr. David Fellows (Commissioner) and Mr Ross Pinkham (Member) for a fixed period of 1 year, starting 11 December 2023, and advertise for a Commissioner and Members of the District Licencing Committee to be in place by the 11<sup>th</sup> of December 2024.
- b. Re-appoint Mr. David Fellows (Commissioner) and Mr Ross Pinkham (Member) to serve as members of the committee for a further term of 5 years starting 11 December 2023.
- c. Do nothing.

3.2 (a) – The current Commissioner and member have served on the Committee for over 10 years, it is important to go out and advertise to consider other potential options and to add additional members to the Committee to ensure it can continue to function at all times.

3.3 (b) – Continuing with the status quo and renewing the current Commissioner and Member for a further 5 years as permitted by the Act. However, this does have some risk as to hold a hearing there needs to be three members. Currently this would be Mr. David Fellows (Commissioner), Mr Ross Pinkham (Member) and Councillor Jeremy Harker (Deputy Chair - does not need reappointment) if one member was to be unavailable a hearing could not proceed.

3.4 (c) - The non-renewal of the tenure of the members of the Wairoa District Licencing Committee will result in the District Council being unable to process Alcohol licencing applications or deal with other matters relating to alcohol licencing, as provided under the Act, until a District Licencing Committee is re-established.

3.5 The preferred option is (a), Re-appoint Mr. David Fellows (Commissioner) and Mr Ross Pinkham (Member) for a fixed period of 1 year, starting 11 December 2023, and advertise for a Commissioner and Members of the District Licencing Committee to be in place by the 11th of December 2024. This contributes to the following community outcomes.

Cultural wellbeing	Economic wellbeing	Social Wellbeing	Environmental Wellbeing
Valued and cherished community.	Strong and prosperous economy.	Safe, supported and well-led community.	Protected and healthy environment

**4. CORPORATE CONSIDERATIONS**

**What is the change?**

4.1 No major changes.

**Compliance with legislation and Council Policy**

4.2 Complies with relevant legislation.

**What are the key benefits?**

4.3 To enable the efficient regulation of matters relating to the sale and supply of alcohol to continue.

**What is the cost?**

4.4 Costs covered by Alcohol Application Fees.

**Maori Standing Committee**

4.5 This report has not been referred to the Māori Standing Committee.

**5. SIGNIFICANCE**

5.1 N/A

**6. RISK MANAGEMENT**

6.1 In accordance with the Council’s Risk Management Policy the inherent risks associated with this matter are: Low

Human	Financial	Regulatory
Low	Low	Moderate
Operations	Employees	Image & Reputation
Low	Low	Moderate



**Confirmation of statutory compliance**

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

**8.3 SUBMISSION TO DRAFT GOVERNMENT POLICY STATEMENT ON LAND TRANSPORT 2024**

**Author:** Mike Hardie, Pouwhakarae - Hua Pumau | Group Manager Assets & Infrastructure

**Authoriser:** Kitea Tipuna, Tumu Whakarae Chief Executive

**Appendices:** 1. WDC Submission [↓](#)

**PURPOSE**

- 1.1 Provides information on the submission to the Draft Government Policy Statement (GPS) on Land Transport 2024.

**RECOMMENDATION**

The Pouwhakarae - Hua Pumau | Group Manager Assets & Infrastructure RECOMMENDS that Council receive the report.

**BACKGROUND**

- 1.2 The draft GPS submissions closed on April 2<sup>nd</sup> 2024.
- 1.3 The GPS outlines the Governments priorities for the next three years and is vitally important to Council.
- 1.4 Council Officers have highlighted key elements of the draft GPS that they wish to support and also have indicated if they seek support from government further, in form of the attached submission

**2. KEY THEMES OF SUBMISSION**

Economic Growth and Productivity

- 2.1 Request Nuhaka Opuatama Road and Mahia East Coast Road be included in the Roads of National Significance (or Roads of Regional Significance) programme(s)
- 2.2 Support Government implementing tolling on roads with high volumes and congestion.
- 2.3 Seek Government's support to progress walking and cycling improvements in our urban communities
- 2.4 Seek Government's support of broader outcomes and local suppliers/resource.

**3. Increased maintenance and resilience**

- 3.1 Support Government's increased priority on road maintenance and resilience
- 3.2 Support Government's intention to improve resilience of state highways and local roads.
- 3.3 Seek clarity and confidence that the investment required to ensure long term resilience and reliability of state highway 2 between Gisborne and Napier is forthcoming.
- 3.4 Suggest Government reviews the drivers of funding increases. Recommend reviewing regulatory requirements/standards related to workplace health and safety (e.g. Health & Safety at Work Act 2015 and associated precedents), temporary traffic management,

aggregate sourcing (e.g. Resource Management Act) with a view to ensuring value-for-money and fit-for-purpose outcomes

3.5 Support Government’s focus on proactive rather than reactive maintenance approach, however notes that due to historic investment levels, network vulnerability and numerous recent severe weather events that this will take time to fully implement.

3.6 Support Government refocusing the Road Efficiency Group (Te Ringa Maimoa), with a view to delivering improved value for money. Suggests that the development of consistent (or maximum subsidised) road maintenance levels of service (by road classification) be considered as part of their scope.

3.7 Supports a review of temporary traffic management requirements across New Zealand

3.8 Support an improved response time to state highway hazards such as potholes, but recommend Government reconsiders implementation of a 24 hour response time to potholes. This would be a significant increase to current service levels and costs

4. Value for Money

4.1 recommends that local government are included in driving effectiveness and efficiency gains across the land transport sector, working alongside the NZ Transport Agency

4.2 supports a reduction in expenditure on temporary traffic management, while maintaining the safety of workers and road users

5. Safety

5.1 supports Government targeting road safety investment in the areas it is most needed

5.2 acknowledges that Wairoa’s land transport network has one of the poorest safety records across the country. Improved road maintenance and targeted road safety improvements (enabled through Central Government funding), as well as effective road safety education and enforcement, is required to improve this

6. OPTIONS

6.1 The options identified are:

- a. Council receives the report
- b. Council do not receive the report

6.2 The preferred option is A, this contributes to the following community outcomes

Cultural wellbeing	Economic wellbeing	Social Wellbeing	Environmental Wellbeing
Valued and cherished community.	Strong and prosperous economy.	Safe, supported and well-led community.	Protected and healthy environment

7. RISK MANAGEMENT

7.1 In accordance with the Council’s Risk Management Policy the inherent risks associated with this matter (submission) are:

<b>Human</b>	<b>Financial</b>	<b>Regulatory</b>
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Low	Low	Low
<b>Operations</b>	<b>Employees</b>	<b>Image &amp; Reputation</b>
Low	Low	Low

**Who has been consulted?**

n/a

**Further Information**

<https://www.transport.govt.nz/area-of-interest/strategy-and-direction/government-policy-statement-on-land-transport-2024/>

**References (to or from other Committees)**

n/a

**Confirmation of statutory compliance**

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.













**8.4 REVIEW OF DANGEROUS, INSANITARY AND AFFECTED BUILDINGS POLICY**

**Author:** Hinetaakoha Viriaere, Pouwhakarae - Whakamahere me te Waeture | Group Manager Planning and Regulatory

**Authoriser:** Kitea Tipuna, Tumu Whakarae Chief Executive

**Appendices:** 1. Draft WDC Dangerous, Insanitary and Affected Buildings Policy Review (Tracked Changes Version). [↓](#)

**1. PURPOSE**

- 1.1 Provide an update on the 2024 review of the WDC Dangerous, Insanitary and Affected Building Policy and consultation proposed.

**RECOMMENDATION**

The Pouwhakarae - Whakamahere me te Waeture | Group Manager Planning and Regulatory RECOMMENDS that Council receives the report and approves that the Dangerous, Insanitary and Affected Building policy under review goes out for consultation in April 2024.

Addendum to this report is titled 'Draft WDC Dangerous, Insanitary and Affected Buildings Policy (Tracked Changes Version)'.

**2. BACKGROUND**

All territorial authorities are required to have a policy to deal with dangerous and insanitary buildings within its district in accordance with sections 131 and 132A of the Building Act. Policies must be reviewed at no more than 5 yearly intervals. The last review was undertaken in 2019.

The WDC Dangerous and Insanitary Buildings Policy is focused on making sure people can live and work in buildings without compromising their health and safety.

Minimal changes to the policy are recommended i.e., some minor editorial improvements as there have been no changes to legislation since the policy was first adopted, in 2019, that influence what requirements the policy needs to address.

However, as changes are proposed to the existing policy Council will provide an opportunity for public feedback in accordance with the Building Act 2004 section 132 and the Special Consultative Procedure in section 83 of the Local Government Act 2002. Therefore,

Public consultation is proposed to run from April 2024 for a 1 month period.

Addendum to this report is titled 'Draft WDC Dangerous, Insanitary and Affected Buildings Policy (Tracked Changes Version)'.

**3. Confirmation of statutory compliance**

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,

- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.













































**8.5 WAIROA RECOVERY UPDATE MARCH 2024**

**Author:** Steve Baker, Tautoko Whakaora - Recovery Support  
**Authoriser:** Gary Borg, Pouwhakarae - Putea Tautawhi Rangapu | Group Manager Finance and Corporate Support  
**Appendices:** Nil

**1. PURPOSE**

1.1 To update Council on the progress of the Cyclone Gabrielle recovery program to 24<sup>th</sup> March 2024.

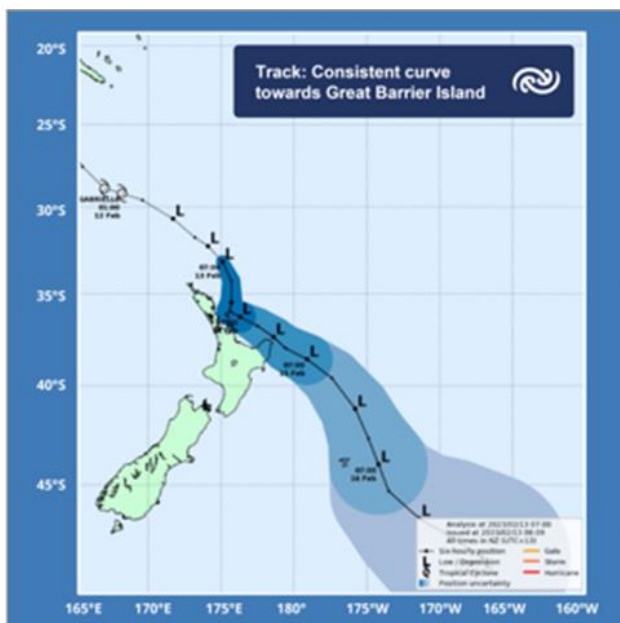
**RECOMMENDATION**

The Tautoko Whakaora - Recovery Support RECOMMENDS that Council receive the report.

**2. BACKGROUND**

2.1 At 0515 Hrs Tuesday 14 February 2023, Hawke’s Bay region declared a State of Local Emergency due to the flooding effect of Cyclone Gabrielle. At 0843 Hrs, the Minister for Emergency Management declared a State of National Emergency to assist in the response. The declaration applied to Northland, Auckland, Tairāwhiti, Bay of Plenty, Tararua District, Waikato, and Hawke’s Bay.

2.2 Cyclone Gabrielle resulted in extensive flooding across the north and east of the North Island. Major flooding occurred in the Wairoa District as the Wairoa River and numerous tributaries overtopped their banks, causing flooding into residential areas, and cut off rural communities. There was extensive surface water flooding across the district in all catchments.



2.3 The impact of Cyclone Gabrielle to whānau, whare, whenua, and our pātaka has been destructive and devastating. The consequences are felt by everyone and every



community in our rohe. No one is unaffected. We expect, based on other New Zealand flood events, that the social and economic consequences will worsen in the upcoming months and years.

- 2.4 The key area of impact in the Wairoa District was in the north of Wairoa with the river breaching its banks on the north-western side of the town and flooding the rural areas of Waihirere and Ruataniwha, and urban area of North Clyde. There were however floods in Awamate - on the other side of the river, Frasertown, Whakakī, Nuhaka and Mahia, where damage to homes was more limited.
- 2.5 There was also significant damage to the landscape, rural properties, and the primary sector, including horticulture, cropping, dairy, sheep and beef, and forestry. Many farms have limited access to and within their properties due to farm tracks being cut off or washed out. Water damage, erosion and silt deposition have damaged fences, access tracks, water infrastructure, destroyed crops (particularly maize and squash) and silage/hay loss and caused damage to ancillary farm buildings and dairy sheds. There has been significant pasture loss.

**KEY MESSAGES - 26 MARCH 2024**

- 2.6 At a February 2024 meeting the Committee requested the Recovery Team provide the following information.

Action Point	Comment
Houses impacted. a) By Cyclone Gabrielle b) By other weather events	The Insurance Council of NZ has advised us that there have been 217 lodged for residential properties within the Wairoa region. It does not tell us whether the claim is for Cyclone Gabrielle or a later weather event
Houses insured. a) in Cyclone Gabrielle b) in other weather events	
Houses not insured. a) in Cyclone Gabrielle b) in other weather events	
Safety Declaration: Houses declared safe to live in for each category,	The Rapid Building Assessment (RBA) system does not have the configuration required to provide this information.

- 2.7 Information obtained from our Kaimanaaki by visiting impacted properties, and discussions with other agencies operating in this space is that there are.

Non-insured houses rebuild listed by lead Agency managing rebuild.	Number
Church of Latter-Day Saints	5
TToTW	18
Hookmade - on behalf of the church of St	5

Vincent de Paul	
Remaining - Recovery Team	41
<b>Total</b>	<b>69</b>

### Status of Stickered homes

Category	Peak	Rain Event	As at 18
	March 2023	23 Nov 2023	Mar 2024
<b>White</b>	198		162
<b>Yellow</b>	146	16	100
<b>Red</b>	2	2	3
<b>Placards Removed</b>			93

Explanation of the different Placard types can be found at:

<https://www.building.govt.nz/assets/Uploads/managing-buildings/post-emergency-building-assessment/rapid-building-assessment-placards-and-forms-quick-guide.pdf>

- 2.8 Recovery Team - Our Recovery Team Leader Benita Tahuri finished on the 19<sup>th</sup> of March 2024. We thank Benita for her drive, commitment, and empathy to our whānau through this trying time. We wish her well in her future endeavours.
- 2.9 One year anniversary – the 14<sup>th</sup> of February 2024 marked the one-year anniversary of Cyclone Gabrielle. It also provided an essential step in the healing process. Whānau were given an opportunity to reflect, grieve, but also to support one another, reaffirm bonds with one another.
- 2.10 MPI – With an original delivery cut-off of 31 December 2023 the recovery team attained an extension of delivery to 31 March 2024 from NIWE and MPI. It has been a dynamic process with deliverables changing after considering community feedback. There has also been the need to try and fund greater levels of historical response expenditure that were unable to be funded through other avenues. This has led to recovery staff working with MPI to obtain the funding variation between the Isolated Communities and Community Hub grants. The pressure is most definitely on in the last few weeks of March to get these projects and funding over the line.

What we aim to deliver:

- Seven Community Hubs - EPOD's containing a range of essential equipment to assist communities in future weather events.
- Two Mobile EPOD's that can be deployed to an area in need during or prior to an event. These will be located at QRS Wairoa.
- First aid training for 100+ Whānau
- Water tank

- Reimbursement of approximately \$102,000+ of welfare expenditure incurred not reimbursed by NEWA.

2.11 Recovery Plan reset – A draft updated recovery plan is being reviewed by the recovery team. It represents a stocktake of where we are now and what needs to be done moving forward.

2.12 The Recovery Plan consists of several, independent or at times interlinked, work-packages many of which are underway concurrently. Section 3 of this report provides a high-level ‘Dashboard’ overview of each of these work-packages to the 24<sup>th</sup> March 2024 as well as a forecast out to June 2024. There is also a narrative for each highlighting milestones to date, as well as an explanation of where we are heading in the future. It is hoped that elected members will be able to use this report as a resource when talking to members of the community.

### 3. DASHBOARD

Work-Package	Lead	Work-Package Status					
		Scope	Resources	Schedule	Cost	Confidence	
<b>The EOC (emergency Operations Centre).</b>	Local Controller						
		To 24 Mar 2024	Forecast 30 June 2024				
	Expense	\$239,000	-				
	External Funding	Council Funded	-				
	Milestones to 24 March 2024						
	Some \$247,000 in costs remain with Council. Of this \$61,000 was to external suppliers with the remaining \$186,000 being staff wages and salaries.						
Milestones to 30 June 2024							
Staff are continuing to try and see if some of the cost incurred can be recharged.							
<b>NEMA – Welfare</b>	Local Controller						
		To 24 Mar 2024	Forecast 30 June 2024				
	Expense	\$480,000	-				
	External Funding	\$477,000	\$1,500				
	Milestones to 24 March 2024						
	<ul style="list-style-type: none"> <li>• \$477,000 in funding has been received from NEMA and other agencies such as NZ Police FENS etc against expenditure of \$480,000.</li> </ul>						
Milestones to 30 June 2024							
<ul style="list-style-type: none"> <li>• Three or four small invoices to be charged to NEWA.</li> </ul>							

Work-Package	Lead		Work-Package Status				
			Scope	Resources	Schedule	Cost	Confidence
<b>Recovery office</b>	Wairoa Manager	Recovery					
			To 24 Mar 2024	Forecast 30 June 2024			
		Expense	\$18,000	-			
		External Funding	-	-			
		<p>Milestones to 24 March 2024</p> <p>The Recovery Office is not externally funded. Where possible costs have been reassigned to externally funded work packages such as the Recovery Hub and the DIA funding for works identified by the recovery Manager to successfully engage with the impacted communities.</p> <p>Council has funded \$18,000 for the recovery office.</p>					
<b>Recovery Hub</b>	Wairoa Manager	Recovery					
			To 24 Mar 2024	Forecast 30 June 2024			
		Expense	\$159,000	42,000			
		External Funding	\$250,000	-			
		<p>Milestones to 24 March 2024</p> <p>Funding has been obtained from DIA for \$250,000. This is used to fund Recovery staff employed by Council. Prior to receiving this funding, The Recovery Manager salary sits under the DIA funding it covers any salary since the appointment and is also forecast in the Recovery Office budgets.</p> <p>One admin role has been confirmed and one supporting role has been provided by TToTW. <a href="#">Recovery has been invoiced 19,000 for this role.</a></p> <p>Milestones to 30 June 2024</p> <p>Forecast spend in this work package indicates no funding from Council required through to 30 June 2024. <a href="#">The forecast underspend in this budget of \$50,000 will offset the forecast overspend in the Community Communication, Engagement and Hui budget below.</a></p> <p><a href="#">We have approached DIA to outline the need for further funding in 2024/25. It is envisaged that the resourcing of the recovery office will be scaled back by this time.</a></p>					
<b>Community Communication, Engagement and Hui</b>	Wairoa Manager	Recovery					
			To 24 Mar 2024	Forecast 30 June 2024			
		Expense	342,000	151,000			
		External Funding	450,000	-			
		<p>Milestones to 24 March 2024</p> <p>Funding received from DIA \$450,000 so programme can be resourced. Recovery Manager meets regularly with Mary Wilson from DIA to ensure that all funding used from this fund is allocated as per the requirements of DIA.</p> <p>Milestones to 30 June 2024</p> <p><a href="#">Forecast spend in this work package indicates an overspend of \$45,000 in budget by June 2024 but this is offset in the savings in the recovery hub above.</a></p> <p><a href="#">We have approached DIA to outline the need for further funding in 2024/25. It is envisaged that the resourcing of the recovery office will be scaled back by this time.</a></p>					

Work-Package	Lead	Recovery	Work-Package Status				
			Scope	Resources	Schedule	Cost	Confidence
<b>Mayors Fund</b>	Wairoa Manager	Recovery					
			To 24 Mar 2024	Forecast 30 June 2024			
	Expense	\$0.88m	Unknown				
	External Funding	\$1.93m	Unknown				
	Milestones to 24 March 2024						
	<p>Some \$1.047m has been distributed to date with a further \$0.88m on hand to distribute. Small donations continue to come in spasmodically.</p> <p>Milestones to 30 June 2024</p> <p>The panel is considering the request to ringfence a portion of the fund to help meet the anticipated shortfall of the Red Cross Fund to complete basic rebuild costs.</p>						
<b>Red Cross-Liveable Homes</b>	Wairoa Manager	Recovery					
			To 24 Mar 2024	Forecast 30 June 2024			
	Expense	\$0.4m	Unknown				
	External Funding	\$1.1m	-				
	Milestones to 24 March 2024						
	<p>There are still unknowns, and now we have people in the team who are trying to fill in the gaps as quickly as we can. We are working across the community agencies to help us do this.</p> <p>There are also a number who are underinsured, and others who are uninsured due to the cost of insurance.</p> <p>To add to the complexity there are a few different players operating in this space.</p> <p>Milestones to 30 June 2024</p> <p>We continue to work to close the information gaps and return our whānau to their whare. Repair work is ramping up in this area.</p>						
<b>MPI – Isolated Communities</b>	Wairoa Manager	Recovery					
			To 24 Mar 2024	Forecast 30 June 2024			
	Expense	\$263,000	-				
	External Funding	\$224,068	\$25,932				
	Milestones to 24 March 2024						
	<p>An extension to March 2024 has been obtained. To date some \$102,000 of unclaimable expenditure under the NEMA – Welfare fund has been applied for under this work package.</p> <p>Two transportable EPOD’s have been procured and will be stored at in Wairoa.</p> <p>A variation to contract has been attained. The Assistance of MPI staff in this space has been outstanding.</p> <p>March Milestone report submitted along with invoices to uplift the final \$25,000 in funding before the 31 March 2024 cut-off.</p> <p>Milestones to 30 June 2024</p> <p>Delivery of transportable EPOD’s to Wairoa April May 2024. Based on actual expenditure the variation provides for expenditure to be transferred between the two NIWE funds based on objectives.</p>						

Work-Package	Lead	Work-Package Status				
		Scope	Resources	Schedule	Cost	Confidence
<b>MPI - Community Hub Resilience</b>	Wairoa Recovery Manager					
		To 24 Mar 2024	Forecast 30 June 2024			
	Expense	-	\$780,000+/-			
	External Funding	\$760,000	\$40,000			
	<p>Milestones to 24 March 2024</p> <p>One community has secured its own funding this impacts funding from DIA as the grant is limited to 100,000 per hub.</p> <p>As there are now only 7 Community Hubs to be funded Recovery has worked with MPI representatives to attain a funding variation between the two MPI grants.</p> <p>March Milestone report submitted along with invoices to uplift the final \$40,000 in funding before the 31 March 2024 cut-off.</p> <p>Milestones to 30 June 2024</p> <p>Delivery of EPOD's and first aid training.</p> <p>Based on actual expenditure the variation provides for expenditure to be transferred between the two NIWE funds based on objectives.</p>					
<b>Temporary Accommodation Solutions (TAS) MBIE</b>	WDC Building Control, Enabled Wairoa, TToTW					
		To 24 Mar 2024	Forecast 30 June 2024			
	Expense	\$175,000	-			
	External Funding	\$156,000	\$19,000			
	<p>Milestones to 24 March 2024</p> <p>TAS placement of units has slowed down considerably as demand has decreased. TToTW POD placements have remained steady and is progressing well.</p> <p>Milestones to 30 June 2024</p> <p>Based on reduced requests our part in this service is reducing also</p>					
<b>Land Categorisation</b>	Mayor & CE					
	<p>Milestones to 30 June 2024 and beyond</p> <p>Land Classification project is linked to the outcome of the flood protection project.</p>					

Work-Package	Lead	Work-Package Status				
		Scope	Resources	Schedule	Cost	Confidence
<b>Flood Mitigation</b>	Mayor & CE					
	<p>Milestones to 24 March 2024</p> <p>Treasury has confirmed that \$70m has been ring-fenced for Wairoa flood mitigation.</p> <p>Options have been presented in Wairoa. Draft report from Andrew Newman presented to Council in workshop.</p> <p>Regional Recovery Agency (RRA) has proposed an Order in Council to streamline consenting processes to accelerate the programme. RRA is funding shared legal representation.</p> <p>Milestones to 30 June 2024 and beyond</p> <p>Significant inherent programme management risks and exposure to cost overruns. <a href="#">Income and Expenditure is not being processed through Council but HBRC.</a></p>					
<b>NEMA - Solid Waste Management Fund</b>	WDC GM Assets & Infrastructure					
		To 24 Mar 2024		Forecast 30 June 2024		
		Expense	\$1.37m	-		
		External Funding	\$1.48m	-		
<p>Milestones to 24 March 2024</p> <p>Councils Claims have been accepted. This work package is now closed. <a href="#">The difference between Income and expenditure of \$109,000 represents ratepayer funding percentage of the Landfill Activity not covered by fees and charges (Refer Councils RFP) and applied to this work-package. NEMA has agreed to reimburse that amount.</a></p>						
<b>HBRC - Extreme Weather Event Recovery Activity (Silt)</b>	WDC GM Assets & Infrastructure					
		To 24 Mar 2024		Forecast 30 June 2024		
		Expense	\$6m	Unknown		
		External Funding	\$7m	Unknown		
<p>Milestones to 24 March 2024</p> <p>A total of \$9.4M has been secured and is ringfenced for this work. <a href="#">\$7m</a> has been paid and we have good reporting lines and tracking data for silt. High confidence that \$9.4M will be fully utilised. No overruns envisaged at this stage however potential asbestos issues and associated costs remain a risk to budget.</p> <p><a href="#">Silt cleared from storage areas such as the Railway yard.</a></p> <p>Milestones to 30 June 2024</p> <p><a href="#">Debris from stripping houses expected to increase over coming months. Potential asbestos issues and associated costs remain a risk to budget.</a></p> <p><a href="#">Recovery is working with HBRC to see if the deadline for this fund could be extended beyond June 2024.</a></p> <p><a href="#">On Sunday 11<sup>th</sup> of February, the Government announced a further package of \$63million for removal of silt and debris from areas affected by Cyclone Gabrielle with \$3m ringfenced for Wairoa. These funds have been gone to HBRC for work to be undertaken in the Wairoa area.</a></p>						

Work-Package	Lead	Work-Package Status				
		Scope	Resources	Schedule	Cost	Confidence
<b>Infrastructure – Roading</b>	WDC GM Assets & Infrastructure					
		To 24 Mar 2024	Forecast 30 June 2024			
	Expense	\$39.8m	Unknown			
	External Funding	\$36.1m	Unknown			
	<p>Milestones to 24 March 2024</p> <p>The initial \$16m response funding has been used well to get access back in most locations, and also to help with cashflow, a cost-scope adjustment request has been made and Council were successful in securing \$31m extra at 100% FAR. Funding for final reinstatement is being discussed with Waka Kotahi, likely to require Council share. Crown funding allocated for Te Reinga Bridge repair \$14m. if the cost of repair exceeds \$14m then the difference will be at Councils expense. Continual rain events are hampering progress. <a href="#">Expenditure of the \$31m extra funding currently sits at \$17m.</a></p> <p>Milestones to 30 June 2024</p> <p><a href="#">There is a drive to get this work complete before the end of June 2024, as the way forward beyond this date is uncertain.</a></p>					
<b>Infrastructure – 3 waters</b>	WDC GM Assets & Infrastructure					
		To 24 Mar 2024	Forecast 30 June 2024			
	Expense	\$1.1m	Depends on Pond Survey			
	External Funding	\$0.5m	Subject to insurance approval			
	<p>Milestones to 24 March 2024</p> <p><a href="#">NEMA have finalised the threshold for Wairoa District Council \$324,995 for 60/40 government funding threshold, based on WDC confirmation of the capital value of the rating units at \$4,333,259,830.</a></p> <p><a href="#">Damage has been incurred on both above ground assets, which are insured through AON, and below ground assets which are insured through LAPP.</a></p> <p><a href="#">AON has made an initial payment of \$500,000. Final claims for LAPP and AON are being worked through with loss adjustors.</a></p> <p><a href="#">The main action point from the December quarterly Report to NEMA was in relation to the progress on the Wairoa wastewater pond desludging as that is likely to determine the size of WDC’s 60/40 claim.</a></p> <p>Milestones to 30 June 2024</p> <p><a href="#">Parklink have been engaged to carry out sludge surveys on the Wairoa and Māhia ponds to determine quantum of silt ingress.</a></p>					



Key

	Green	Amber	Red
<b>Scope</b>	Current approved in-scope items can be delivered in full	Minor changes to core specification of quality of capability that will be delivered	Major changes to core specification of quality or capability that will be delivered
<b>Costs</b>	Variance between Total Approved Spend and Total Forecast Spend for the approved phase/s within +/- 5% of approved spend up to a value of \$50k	Variance between Total Approved Spend and Total Forecast Spend for the approved phase/s within +/- 10% of approved spend up to a value of \$100k	Variance between Total Approved Spend and Total Forecast Spend for the approved phase/s is greater than +/- 10% of approved spend or greater in value of \$100k
<b>Schedule</b>	Major milestones remain on track to meet the approved timelines	Major milestones are at risk however mitigating activities are in place in an effort to meet the approved dates	There is certainty that Major milestones have missed or will miss the approved dates
<b>Resourcing</b>	Workpackage resourced adequately and project team is performing to a high standard	Workpackage resourcing will cause a slip to schedule or cost or variance in scope if not	Workpackage resourcing is causing variance to schedule, cost or scope
<b>Confidence</b>	The overall confidence that the workpackage will deliver on its aims and objectives within scope, on cost, and on schedule	There are concerns that the workpackage may not deliver on its aims and objectives within scope, on cost, and on schedule. There are mitigation strategies in place to bring the workpackage back to "green"	There are significant issues in one or more of areas of scope, cost, or scheduling. The Workpackage is unlikely to achieve its objectives. There are mitigation strategies in place will not bring the workpackage back to "green"

**9 RECEIPT OF MINUTES FROM COMMITTEES/ACTION SHEETS****9.1 RECEIPT OF COUNCIL MEETING - 15 MARCH 2023**

**Author:** Hinemoa Hubbard, Governance Cadet

**Authoriser:** Kitea Tipuna, Tumu Whakarae Chief Executive

**Appendices:** 1. Minutes of Council Meeting - 15 March 2023

**RECOMMENDATION**

That the Minutes of the Council Meeting held on Wednesday 15 March 2023 be received and the recommendations therein be adopted.

**MINUTES OF WAIROA DISTRICT COUNCIL  
EXTRAORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER, WAIROA DISTRICT COUNCIL, CORONATION SQUARE, WAIROA  
ON WEDNESDAY, 15 MARCH 2023 AT 10.05AM**

**PRESENT:** His Worship the Mayor Craig Little, Cr Denise Eaglesome-Karekare, Cr Jeremy Harker, Cr Melissa Kaimoana, Cr Chaans Tumataroa-Clarke, Cr Benita Cairns, Cr Roslyn Thomas

**IN ATTENDANCE:** **Kitea Tipuna** (Tumu Whakarae | Chief Executive), **Gay Waikawa** (Kaiurangi Mana Ārahi | Governance Officer), **Sarayde Tapine** (Kaiurangi Kaupapa Here | Policy Officer), **Michael Hardie** (Acting Group Manager Community Assets)

**1 KARAKIA**

Karakia was given by Cr Chaans Tumataroa-Clarke.

His Worship the Mayor welcomed everyone to the Extraordinary meeting on 15 March 2023.

**2 APOLOGIES FOR ABSENCE**

Nil

**3 DECLARATIONS OF CONFLICT OF INTEREST**

His Worship the Mayor declared that Council does have a Conflict register but in this recent event (Cyclone Gabrielle) the elected members are all conflicted in one way or another affecting all elected members directly or indirectly and all know someone. The event while all effected Wairoa severely affected many farmers as well, many of Wairoa trade staff and businesses and know somebody and that is a great thing of a little town we all know someone.

His Worship the Mayor welcomed Ryan, Wairoa Star and acknowledged the passing of Craig Gemmell.

**4 PUBLIC PARTICIPATION**

His Worship the Mayor welcomed and asked Ngaire Pasma and Arahia Campbell if they had anything to talk about in public participation. They both replied no they just want to listen.

**5 GENERAL ITEMS****5.1 REPORTS FROM HAWKE'S BAY CIVIL DEFENCE EMERGENCY MANAGEMENT GROUP JOINT COMMITTEE****RESOLUTION 2023/25**

Moved: Cr Denise Eaglesome-Karekare

Seconded: Cr Benita Cairns

That Council receive this report and the appropriate feedback is provided to the Hawke's Bay Civil Defence Emergency Management Group Joint Committee.

**CARRIED**

The Chief Executive explained that the Joint Committee for Hawke's Bay relates to civil defence and emergency and His Worship the Mayor is Wairoa's formal representative and other Chief Executives in Hawke's Bay and is Chaired by Hinewai Ormsby of Hawke's Bay Regional Council.

On 9 March 2023 an extraordinary meeting was held, and those notes and reports are attached for elected members for your interest and discussion.

His Worship the Mayor spoke on the appointment of the Hawke's Bay Recovery Manager, Keriana Brooking and she whakapapa back to Wairoa. His Worship the Mayor also noted the HBCD Emergency Management Group is great, but Wairoa has a tenancy to fall through the cracks here in Wairoa and that is Wairoa's recovery must be Wairoa lead.

Elected members discussed at length as below:

- Wairoa for Wairoa.
- flood protection.
- no mention of Wairoa.
- conflicting with local knowledge.
- offer solutions.
- have the expertise.
- positive working relationship.
- develop a Wairoa plan.
- Tripartite agreement.

The elected members acknowledged and thanked external organisations for their financial contribution to Wairoa.

**5.2 RETROSPECTIVE APPROVAL OF FINANCIAL DELEGATIONS - CYCLONE GABRIELLE****RESOLUTION 2023/26**

Moved: Cr Benita Cairns

Seconded: Cr Melissa Kaimoana

That Council retrospectively approve financial delegations to the Chief Executive for response activities related to Cyclone Gabrielle the collection of cyclone related waste, refuse, damaged furniture and household items and the removal of silt from properties, lead efforts to gather and collate information and data for the purposes of recovery and effect decision making.

**CARRIED**

The Chief Executive advised elected members are aware of the clean up Council has undertaken as part of their response to Cyclone Gabrielle and this report was written before the recent announcement by the Minister of Local Government regarding \$15million that will be made available across the country for solid waste management.

The Chief Executive also advised this report retrospectively seeks approval financial delegations to the Chief Executive for response activities related to Cyclone Gabrielle being the collection of cyclone related waste, refuse, damaged furniture and household items and the removal of silt from properties and how Council progresses and to get retrospective approval as it exceeds the Chief Executive's delegation.

His Worship the Mayor advised elected members made a decision to look after Wairoa firstly and made the decision was made fit for purpose at that time.

His Worship the Mayor also advised coming to an end for the collection of solid waste and for the community to come to Council's front desk and apply and close off the dump site on Ormond Road.

Elected members discussed at length people's welfare and data gathering.

His Worship the Mayor acknowledged Mike Hardie, Hira Campbell, Morgan Goldsmith, Brett Craft, Courtney Hayward and her team, Juanita Savage, Nathan Heath and James Baty and all other Council staff for all their work.

**ADJOURN – 10.44am**

**RECONVENE – 10.51am**

## 6 PUBLIC EXCLUDED ITEMS

## RESOLUTION TO EXCLUDE THE PUBLIC

**RESOLUTION 2023/27**

Moved: His Worship the Mayor Craig Little

Seconded: Cr Denise Eaglesome-Karekare

That the public be excluded from the following parts of the proceedings of this meeting at 10.51am.

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:

<b>General subject of each matter to be considered</b>	<b>Reason for passing this resolution in relation to each matter</b>	<b>Ground(s) under section 48 for the passing of this resolution</b>
<b>6.1 - Cyclone Gabrielle: Risks Associated with Governance and Decision Making</b>	s7(2)(f)(ii) - the withholding of the information is necessary to maintain the effective conduct of public affairs through the protection of Council members, officers, employees, and persons from improper pressure or harassment	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
<b>6.2 - Endorsement of the Appointment of Recovery Manager</b>	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)	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**

**RESOLUTION 2023/28**

Moved: Cr Chaans Tumataroa-Clarke

Seconded: Cr Denise Eaglesome-Karekare

That Council moves out of Closed Council into Open Council at 11.44am.

**CARRIED**

**The Meeting closed at 11.45am.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on**

.....  
**CHAIRPERSON**

**10 PUBLIC EXCLUDED ITEMS**

Nil