

Whangarei District Council Meeting

Agenda

Date: Wednesday, 24 April, 2024

Time: 9:00 am

Location: Civic Centre, Te Iwitihi, 9 Rust Avenue

Elected Members: His Worship the Mayor Vince Cocurullo
Cr Gavin Benney
Cr Nicholas Connop
Cr Ken Couper
Cr Jayne Golightly
Cr Phil Halse
Cr Deborah Harding
Cr Patrick Holmes
Cr Scott McKenzie
Cr Marie Olsen
Cr Carol Peters
Cr Simon Reid
Cr Phoenix Ruka
Cr Paul Yovich

For any queries regarding this meeting please contact the Whangarei District Council on (09) 430-4200.

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2. Declarations of Interest / Take Whaipānga	
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9. Closure of Meeting / Te katinga o te Hui

Recommendations contained in the Council agenda may not be the final decision of Council.

Please refer to Council minutes for final resolution.

4. Public Forum

Meeting: Whangarei District Council
Date of meeting: 24 April 2024
Reporting officer: Carolyne Brindle (Senior Democracy Advisor)

1 Purpose / Te Kaupapa

To afford members of the community an opportunity to speak to Council and to report on matters raised at public forums where appropriate.

2 Summary

Standing Orders allow for a period of up to 30 minutes to be set aside for a public forum at the commencement of each monthly council meeting.

The time allowed for each speaker is 5 minutes.

Members of the public who wish to participate should send a written application, setting out the subject matter and the names of the speakers, to the Chief Executive at least 2 clear working days before the day of the meeting.

Speakers

Speaker	Topic
David Irvin (Chairman Black Ball Maritime Society)	To update Council on planning process for 2024 Whangarei Maritime Festival and discuss new efforts regarding joint GIS mapping project with Northland Inc, Whangarei Maritime Promotion Board and NZ Marine.

Response to previous speakers

There were no speakers at the March meeting.

Item 5.1
Whangarei District Council Meeting Minutes
Date: Thursday, 28 March, 2024

Time: 9:00 a.m.

Location: Civic Centre, Te Iwitahi, 9 Rust Avenue

In Attendance
His Worship the Mayor Vince Cocurullo
Cr Gavin Benney
Cr Nicholas Connop
Cr Ken Couper
Cr Deborah Harding
Cr Patrick Holmes
Cr Scott McKenzie
Cr Marie Olsen
Cr Carol Peters
Cr Simon Reid
Cr Phoenix Ruka
Not in Attendance
Cr Jayne Golightly
Cr Phil Halse
Cr Paul Yovich
Scribe
C Brindle (Senior Democracy Adviser)
1. Karakia/Prayer

His Worship the Mayor opened the meeting with a karakia/prayer.

2. Declarations of Interest / Take Whaipānga

No declarations of interest were made.

3. Apologies / Kore Tae Mai

Cr Jayne Golightly and Cr Paul Yovich

Moved By His Worship the Mayor

Seconded By Cr Deborah Harding

That the apologies be sustained.

Carried
4. Public Forum / Huihuinga-a-tangata

No applications to speak at public forum were received.

5. Confirmation of Minutes of Previous Meeting of the Whangarei District Council / Whakatau Meneti

5.1 Minutes Whangarei District Council held 22 February 2024

Moved By His Worship the Mayor

Seconded By Cr Marie Olsen

That the minutes of the Whangarei District Council meeting held on Thursday 21 December, including the confidential section, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.

Carried

5.2 Minutes Extra ordinary Whangarei District Council Meeting held Thursday 21 March 2024

Moved By Cr Patrick Holmes

Seconded By Cr Scott McKenzie

That the minutes of the Extra ordinary Whangarei District Council meeting held on Thursday 21 March 2024, having been circulated, be taken as read and now confirmed and adopted as a true and correct record of proceedings of that meeting.

Carried

6. Decision Reports / Whakatau Rīpoata

6.1 Amendment to Te Kārearea Strategic Partnership Standing Committee Terms of Reference

Moved By Cr Deborah Harding

Seconded By Cr Scott McKenzie

That the Council:

1. Amend the Te Kārearea Strategic Partnership Standing Committee Terms of Reference to change the meetings from bimonthly to monthly meetings.

Carried

6.2 Aotearoa Reorua WHANGAREI

Moved By Cr Phoenix Ruka

Seconded By Cr Nicholas Connop

That the Council:

1. Notes this report;

and

2. Approves the draft strategy for Aotearoa Reorua | Whangārei 2026.

Carried

6.3 Temporary Road Closure - Northland Car Club April to July 2024

Moved By Cr Simon Reid

Seconded By Cr Marie Olsen

That Whangarei District Council,

1. Approves the temporary closure of the following roads to ordinary traffic for the Northland Car Club Motorsport event series on the following dates in accordance with section 342 (1)(b) and Schedule 10 Clause 11 of the Local Government Act 1974.

Sunday 21 April 2024

Coxhead Road, from end of Coxhead Road to State Highway 15

Sunday 19 May 2024

Paiawa Road, from Mititai Road to the end Paiawa Road

Sunday 16 June 2024

Rosythe Road, from 2.5km from State Highway 1 to 400m from State Highway 1

Sunday 14 July 2024

Springfield Road, from Ormiston Road to 7.5kms from State Highway 1

Period of Closure: 8am - 5.30pm

2. Approves the temporary closure of the side roads off the roads to be closed for up to 100 metres from the intersection for safety purposes.
3. Delegates to the Chair of the Infrastructure Committee and General Manager Infrastructure the power to give public notices of these temporary road closures.

Carried

6.4 Road Maintenance and Renewals Contract Value Increase

Moved By Cr Simon Reid

Seconded By Cr Carol Peters

That the Council:

1. Notes additional budgeted works undertaken since the award of Separable Portion 2, as outlined in Table 2.
2. Notes the increase in contract values requested does not require any additional unbudgeted investment, and

3. Approves the contract value for Contract No.17085 North Area Road Maintenance and Renewals Contract to be increased by the value of **\$ 6,964,315.06** and the total contract value increased to **\$80,636,894.82** exclusive of GST.
4. Approves the contract value for Contract No.17086 South Area Road Maintenance and Renewals Contract to be increased by the value of **\$11,317,562.23** and the total contract value increased to **\$85,749,313.20** exclusive of GST.

Carried

7. Information Reports / Ngā Pūrongo Kōrero

7.1 Better Off Funding Portfolio - March 2024 Progress Report

Moved By Cr Carol Peters

Seconded By Cr Nicholas Connop

That the Council notes the March 2024 Progress Report on delivery of the Better Off Funding Portfolio.

Carried

9. Closure of Meeting / Te katinga o te Hui

His Worship the Mayor closed the meeting with a karakia//prayer at 9.27am.

Confirmed this 24th day of April 2024

His Worship the Mayor Vince Cocurullo (Chairperson)

6.1 Resignation of Risk and Audit Chairperson

Meeting: Whangarei District Council

Date of meeting: 24 April 2024

Reporting officer: Joanne Tasker (Risk Management Adviser)
 Aaron Taikato (Group Manager – Strategy and Democracy)

1 Purpose / Te Kaupapa

To receive the resignation of Richard Briggs from his role as Risk and Audit Chairperson and to note the process for the appointment of a new Chairperson.

2 Recommendations / Whakataunga

That the Whangarei District Council:

1. Notes the resignation of Richard Briggs from the role of Risk and Audit Chairperson and request the Mayor write a letter of appreciation to Mr Briggs for his service.
2. Notes that the Chief Executive will conduct a contestable process to identify a suitable candidate for the role of Chair of the Risk and Audit Committee.

3 Background / Horopaki

3.1 Resignation

On 19 January 2023 Richard Briggs was appointed to the role of Independent Chairperson of the Risk and Audit Committee. His appointment was intended to end on 10 October 2025 at the end of the current triennium.

Mr Briggs resigned from the role on 25 March 2024 to focus his attention on a new full time position he has been appointed to at another organisation. His letter of resignation is attached as Attachment 1.

In his time in the role Mr Briggs has Chaired four Risk and Audit Committee meetings and made himself available to attend other Council meetings and workshops upon request. He has helped facilitate risk sessions with each Council Group that have improved risk awareness across the organisation. He has been available to Councillors and senior leadership to discuss topics within the scope of the Committee, and where appropriate to provide advice. Mr Briggs experience and dedication has added great value to the Risk and Audit Committee and to the wider organisation.

3.2 Recruitment

As a result of Mr Brigg's resignation the role of Risk and Audit Chairperson is now vacant. In the interim the deputy Chairperson Cr Patrick Holmes may act as Chair until a replacement is appointed.

In the 02 November 2022 Council Meeting, His Worship the Mayor exercised his powers under section 41A of the Local Government Act 2002 to establish membership of Committee's. He opted to appoint an independent Chairperson for the Risk and Audit Committee. His Worship the Mayor then requested the Chief Executive to call for Expressions of Interest, and an interview panel, consisting of the His Worship the Mayor, one Councillor, the Chief Executive, and/ or one General Manager, to select an individual and make a recommendation back to Council for decision.

His Worship the Mayor has confirmed that his previous decision stands and the Chief Executive should run a contestable process to identify and recommend a Risk and Audit Chairperson, to Council, for the remainder of the triennium.

This supports best practice and ensures the Committee operates as effectively as possible.

Guidance from the Office of the Auditor General recommend having an independent Chairperson for a Risk and Audit Committee. The reason for this is that it promotes free and frank debate during Committee meetings and provides confidence to Councillors that they are receiving objective advice and assurance.

4 Discussion / Whakawhiti kōrero

4.1 Financial/budget considerations

The cost of an independent Chair on the Risk and Audit Committee has been accounted for within annual operating budgets. The process for recruitment is covered within existing budgets.

5 Significance and engagement / Te Hira me te Arawhiti

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via Agenda publication on the website.

6 Attachment / Ngā Tāpiritanga

1. Letter of Resignation from Richard Briggs

Richard Briggs
Chair Risk and Audit Committee Whangarei District Council
richard@launchglobal.co.nz

6 March 2024

Mayor
Vince Cocurullo Mayor of Whangarei
Whangarei District Council
mayor@wdc.govt.nz

Mr Mayor,

Resignation from the role of Chair Risk and Audit Committee Whangarei District Council

As discussed on the phone several weeks back I have started in the role of Chief Executive of a law firm in Hamilton. The role is full time and the Partners have requested that I cease all other forms of employment and consulting. Further given the nature of the workload in this role I do not foresee any capacity to undertake any external responsibilities.

Given this I am therefore tendering my notice in respect of the Chair role for the committee. Given the timing of the next committee I believe tendering my notice effective immediately makes the most sense. I apologise for any inconvenience.

I wish to thank you for the opportunity, your guidance, and your leadership.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'R. Briggs', written in a cursive style.

6.2 Psychoactive Substances Policy - Statement of Proposal

Meeting: Whangarei District Council
Date of meeting: 24 April 2024
Reporting officer: Will McNab (Strategic Planner – Bylaws)

1 Purpose / Te Kaupapa

To adopt a Statement of Proposal to revoke the Psychoactive Substances Policy.

2 Recommendations / Whakataunga

That Council:

1. Adopts the Statement of Proposal (Attachment 1) for public consultation.
2. Determines that a summary of the information contained in the Statement of Proposal is not necessary to enable public understanding of the Proposal.
3. Authorises the Chief Executive to approve any necessary minor drafting or presentation amendments to the Statement of Proposal to correct errors or omissions, or to reflect decisions made by Council at this meeting, prior to final printing and publication.

3 Background / Horopaki

Council's redundant Psychoactive Substances Policy regulates where businesses selling approved synthetic drugs can be located in the Whangārei District and what hours they can open.

Within one month of Council adopting the Policy in 2014, Central Government removed all interim products and licences from the market. Since then, the Policy has no longer had any approved products to regulate.

Council discussed the Policy and assessed its options at a Briefing on 26 March 2024.¹

Council must now decide on a preferred approach. If it chooses to amend or revoke the Policy, it must consult with the public under section 83 of the Local Government Act 2002 (LGA).

¹ The 26 March Council Briefing agenda can be downloaded [here](#); the minutes can be downloaded [here](#).

4 Discussion / Whakawhiti kōrero

At the 26 March Briefing, Council discussed three options. They are summarised in Table 1.

Table 1: Summary of options

Options	Pros	Cons
1. Revoke	- Eliminates obsolete and imperfect Policy	- Must consult under S83 LGA
2. Readopt	- Delays consultation	- Retains obsolete Policy no longer fit for purpose - Risks misleading investment decisions if intention is to amend in future
3. Review and amend	- Potential to improve on existing Policy in anticipation of any future product approvals	- Use of staff time - Highly unlikely to serve a purpose before next five-year review date - Must consult under S83 LGA

Staff recommend **option 1: revoke the Policy**. The added burden on staff resources created by the need to consult with the public can be mitigated by running consultation at the same time as that for the Easter Sunday Shop Trading Policy.

Option 1 was also supported by feedback from Elected Members at the 26 March Briefing.

4.1 Financial/budget considerations

The consultation proposed in this report is provided for under the current Strategic Planning department budget.

4.2 Policy and planning implications

Nothing in this report is inconsistent with Council plans, policies or strategies.

4.3 Options

See section 4 above.

4.4 Risks

Nil.

5 Significance and engagement / Te Hira me te Arawhiti

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy. The public will be informed via agenda publication on the website, Council News and public notice.

6 Attachment / Ngā Tāpiritanga

Attachment 1 - Statement of Proposal to revoke Psychoactive Substances Policy

Statement of Proposal

to revoke Council's Psychoactive Substances Policy

May 2024

1 What is the Psychoactive Substances Policy?

Council's Psychoactive Substances Policy (the Policy) specifies where businesses selling approved synthetic drugs can be located in the Whangārei District and what hours they can open.

The Policy was adopted under the Psychoactive Substances Act 2013 (the Act). When the Act came into force, approved products included recreational drugs commonly known as party pills, herbal highs and synthetic cannabis.

In 2014, Central Government removed all interim products and licences from the market. Since then, the Policy has no longer had any products to regulate.

Figure 1: Approved zone for retail sale of approved products (10am to 2pm and 6pm to 8pm)



Note: under the Policy, approved retailers must be separated by at least 300 metres.

2 Why is Council proposing to revoke the Policy?

When Central Government removed all interim product approvals and licences from the market in 2014, it also prohibited the consideration of animal testing by the authority responsible for granting approvals.

This makes it very unlikely that new products will be approved in the foreseeable future.

Council is still required to review the Policy, and we are proposing to revoke it for two main reasons:

1. The Policy is redundant in the absence of approved products to regulate.
2. Even if new products are approved in the future, the location and fixed nature of the approved zone may no longer provide the best way to achieve the Policy's harm-reduction goals.

3 Council has other options available to it

Council does not have to revoke the Policy. We could propose to amend the Policy or to readopt it without amendment in the anticipation that new products may be approved in the future.

Council discussed these options at a Briefing on 26 March 2024.¹ At a Meeting on 24 April 2024, Council decided to propose to revoke the Policy.²

Council's options are summarised below.

3.1 Option 1: Revoke the Policy

The Policy is redundant in the absence of approved products to regulate. The current location of the approved zone may also no longer be appropriate given actual and zoned land uses in the area.

Council would retain the ability to adopt a new Policy that is fit for purpose should new products be approved in the future.

3.2 Option 2: Readopt the Policy without amendment

Council could readopt the existing Policy and retain it just in case new products are approved in the future.

However, the Policy is redundant in the absence of approved products to regulate. It may also no longer be appropriate given actual and zoned land uses in the area.

3.3 Option 3: Amend the Policy

Council could choose a different location for the approved zone or adopt a different approach altogether by specifying sensitive sites like schools and community facilities near which approved products cannot be sold.

This option would consume the most Council resources in the short term and is unlikely to be cost-effective in the absence of approved products to regulate.

¹ The 26 March Council Briefing agenda can be downloaded [here](#); the minutes can be downloaded [here](#).

² The 24 April Council Meeting agenda can be downloaded [here](#); the minutes can be downloaded [here](#).

4 Tell us what you think

Between 1 May and 3 June 2024, we want you to tell us what you think about Council's proposal to revoke the Psychoactive Substances Policy.

This Statement of Proposal includes a copy of the Policy. The Policy is also available online at <https://www.wdc.govt.nz/PsychoactiveSubstancesPolicy>. Call us on 09 430 4200 or 0800 932 463 if you would like to be sent a copy.

4.1 How to give us your feedback

There are a few ways you can tell us what you think. You can send us your feedback in writing and/or register before 3 June 2024 to speak at a Council hearing either in person or via audiovisual link. Please let us know in advance if you require the services of a sign language interpreter.

- Do it online here [[online survey link](#)]
- Email us at BylawsConsult@wdc.govt.nz
- Write to us at Private Bag 9023, Whangārei 0148
- Deliver your written feedback to one of our customer service centres at 9 Rust Ave in Whangārei or at 9 Takutai Place in Ruakākā.

Please visit www.wdc.govt.nz/have-your-say to find out more information on how to give us your feedback.

4.2 Key dates

Feedback period: 9am 1 May 2024 – 5pm 3 June 2024

Hearing: [tbd](#)

Deliberations: [tbd](#)

Decision of Council: [tbd](#)

4.3 What will happen with your feedback?

All feedback received will be provided to Council. Staff will also review and analyse the feedback received and provide this analysis to Council. Council will then deliberate on all the information provided and make a decision on the proposal.

Please note that all submissions are considered public under the Local Government Official Information and Meetings Act. Your name and feedback may be publicly available via our reports and website. All other personal details you provide will remain private.

Whangarei District Council Psychoactive Substances Policy

June 2014

Whangarei District's Locally Approved Products Policy

Psychoactive Substances Policy

Contents

1. Introduction and Background
2. Definitions
3. Objectives
4. Locations/Guidelines
5. Review
6. Schedules
 - a. Map of appropriate zone for the location of approved psychoactive substance retailers

1. Introduction and background

The Psychoactive Substances Act 2013 commenced on 18 July 2013 and regulates the importation, manufacture and supply of psychoactive substances.

The regulation of retail premises selling psychoactive substances is enforced by the NZ Police and the Ministry of Health. Licences are issued by the Psychoactive Substances Regulatory Authority. The Authority is the Director-General of Health. Council has no role in issuing of licences or enforcement.

The Act allows Council to develop a 'Local Approved Products Policy' to help the Psychoactive Substances Regulatory Authority manage the geographical location of where approved products can be sold.

The provisions as they apply to councils are detailed in Sections 66 - 69 of the Act.

2. Definitions

The Act	The Psychoactive Substances Act 2013
The Policy	Whangarei District's Locally Approved Products Policy
The Authority	The Psychoactive Substances Regulatory Authority
Approved product	A psychoactive product approved by the authority under section 37 of the Act
Retail premises	A premises for which a licence to sell approved products has been granted
The Council	The Whangarei District Council and its successors
The Community	Residents of the Whangarei District
CBD	The central business district as defined in Schedule 2
Appropriate zone	The space, surrounded by the CBD, that approved products can be sold within the Whangarei District
Community Facility	A space or structure that exists to provide public services
Educational Facility	A space or structure that exists to provide educational services

3. Objectives

The purpose of this policy is to provide consistent guidance to The Authority when considering applications from the Whangarei District.

The content of this policy has been constructed to meet the following objectives:

- Ensure that Council and the community have influence over the location and density of retail premises in the Whangarei District
- Provide an appropriate zone for the retailing of psychoactive products and minimise harm to the

community caused through the proliferation of approved retailers.

- Ensure the density of approved retailers within an approved zone does not allow for an increase in approved retailers within Whangarei District.
- Minimise the exposure to or risk of harm to sensitive communities from the sale of approved psychoactive products.
- Maintain a reasonable proximity between 'on-licence' premises that sell alcohol and retailers who sell Psychoactive Products.

To achieve these objectives the locations and guidelines below are derived through 3 key strategic approaches:

1. Restrictions on locations
2. Restrictions in relation to proximity
3. Requesting restrictions on operating hours

4. Locations, Proximity and Operating Hours

The location of the appropriate zone is provided for in the attached map. The boundaries laid out by this Map are:

- Along Albert Street, from the North Western boundary of the property numbered 4 Albert Street and South Eastern boundary of the property numbered 1 Albert Street, to the intersection with Lower Cameron Street
- Along Lower Cameron Street, from the South Eastern boundary of the property numbered 89 Cameron Street, to the intersection with Albert Street
- Along Clyde Street, from the North Western boundary of the property numbered 28 Clyde Street and South Eastern boundary of the property numbered 15 Clyde Street, to the intersection with Albert Street
- This excludes service lanes

The proximity from one retailer to another is limited to 300 linear metres following the road layout within the approved zone. Those roads being:

1. Albert Street
2. Lower Cameron Street
3. Clyde Street

Managing the hours that retail premises are operating directly influences the success of this policy and the achievement of its objectives. Minors and students are exposed to the operations of retail premises, if these are to occur during school hours. If a licence is granted, Council considers that appropriate operating hours for an approved retailer should be from 10am – 2pm and from 6pm – 8pm.

5. Review

The Community Services Manager will monitor the implementation of this policy.

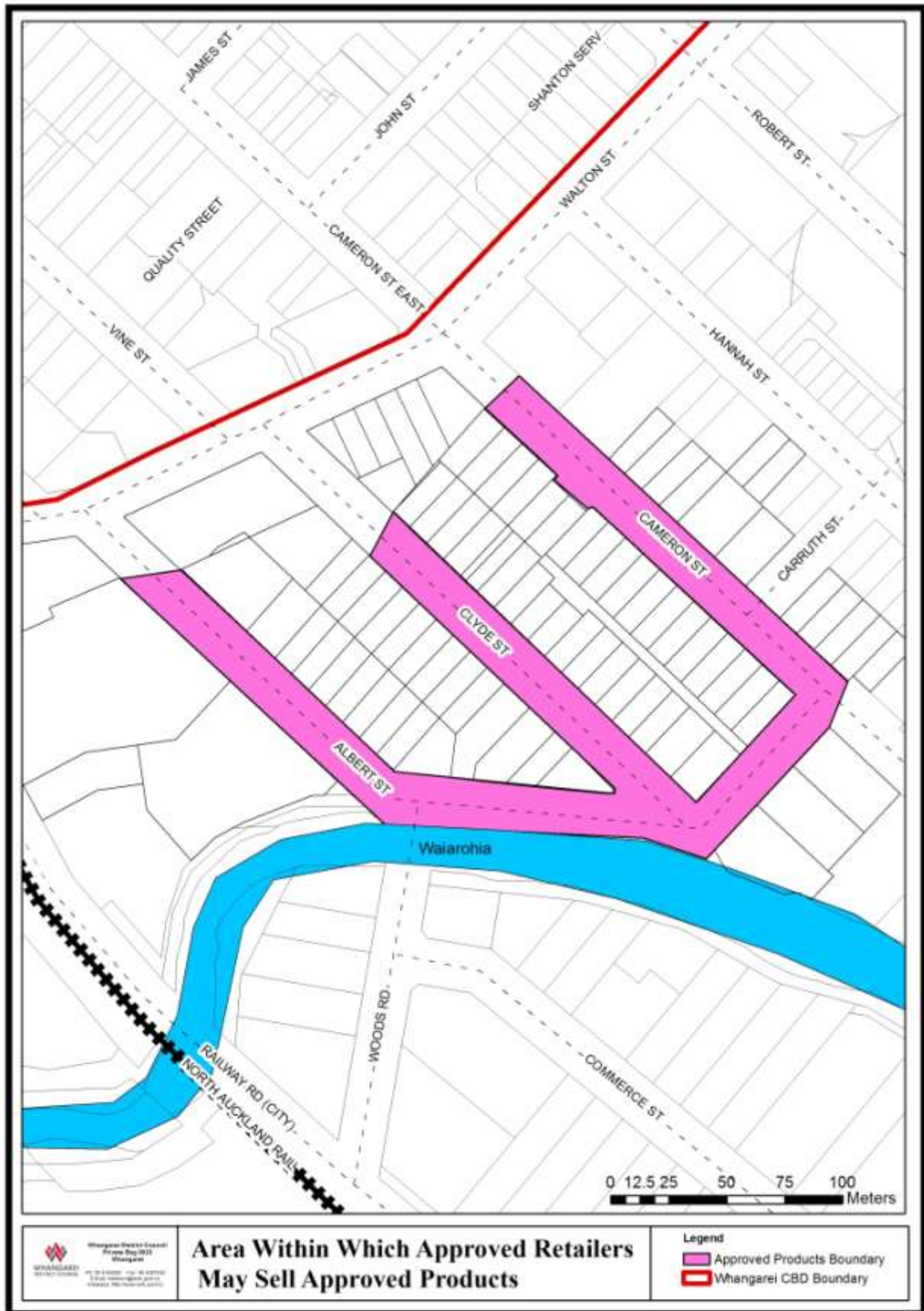
The policy will be reviewed every 5 years as required by the Psychoactive Substances Act 2013, or at the request of Council, or in response to change legislative/statutory requirements, or in response to an issue that may arise.

6. Schedules

See the following attachments:

- a. Map of appropriate zone for the location of approved psychoactive substance retailers

Schedule a. Map of appropriate zone for the location of approved psychoactive substance retailers



6.3 Easter Sunday Shop Trading Policy - Statement of Proposal

Meeting: Whangarei District Council
Date of meeting: 24 April 2024
Reporting officer: Will McNab (Strategic Planner – Bylaws)

1 Purpose / Te Kaupapa

To adopt a Statement of Proposal to readopt the Easter Sunday Shop Trading Policy.

2 Recommendations / Whakataunga

That Council:

1. Adopts the Statement of Proposal (Attachment 1) for public consultation.
2. Determines that a summary of the information contained in the Statement of Proposal is not necessary to enable public understanding of the Proposal.
3. Authorises the Chief Executive to approve any necessary minor drafting or presentation amendments to the Statement of Proposal to correct errors or omissions, or to reflect decisions made by Council at this meeting, prior to final printing and publication.

3 Background / Horopaki

Council has allowed shops to trade on Easter Sunday throughout the Whangārei District since 2019 by way of the Easter Sunday Shop Trading Policy (the Policy).

Council discussed its options following a review of the Policy at a Briefing on 26 March 2024.¹ It must now decide on a proposal for public consultation under section 83 of the Local Government Act 2002 (LGA). Council must consult with the public regardless of its preferred approach.²

¹ The 26 March Council Briefing agenda can be downloaded [here](#); the minutes can be downloaded [here](#).

² See section 5C(4) of the Shop Trading Hours Act 1990.

4 Discussion / Whakawhiti kōrero

At the 26 March Briefing, Council discussed three options: readopt; amend to allow shops to trade only in part(s) of the District; or revoke the Policy. The advantages and disadvantages of each option are summarised in Table 1 below.

Table 1: Summary of options

Options	Pros	Cons
1. Readopt	<ul style="list-style-type: none"> - Business-friendly, especially for local brick-and-mortar retailers - Local economic benefits - Treats all businesses consistently - Enables choice and flexibility (shops may trade if they wish to) - Reduces confusion for businesses and consumers - Employees are entitled by law to refuse to work on Easter Sunday - Consistent with Kaipara, Far North and most of regional New Zealand 	<ul style="list-style-type: none"> - Perceived by some as disregarding Christian religious holiday and traditions - Retail employees lose a guaranteed day off work (may prefer time for rest, family time, religious and/or cultural practices) - Some employees may be and/or feel pressured to work
2. Amend to allow trading only in part(s) of the District	<ul style="list-style-type: none"> - Shops in targeted areas may open - May support areas more heavily frequented by tourists - Employees are entitled by law to refuse to work on Easter Sunday 	<ul style="list-style-type: none"> - Perceived by some as disregarding Christian religious holiday and traditions - Affected retail employees lose a guaranteed day off work (may prefer time for rest, family time, religious and/or cultural practices) - Some employees may be and/or feel pressured to work - May be viewed as inequitable as some shops are allowed to trade while others are not - May create confusion by adding complexity and inconsistency - May require additional resources to educate business owners and lead to non-compliance - Souvenir shops are already exempt under the Act
3. Revoke	<ul style="list-style-type: none"> - Recognises Easter Sunday is a religious (Christian) holiday - Protects employees' rights by giving retail workers a guaranteed day off 	<ul style="list-style-type: none"> - Local shops miss opportunity to trade, forgoing revenue - May inconvenience residents and tourists - Inconsistent with Kaipara and Far North

		<ul style="list-style-type: none"> - May be perceived as anti-business - May require additional resources to educate business owners and lead to non-compliance - Local brick-and-mortar retailers may be further disadvantaged relative to online retailers
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Staff recommend that Council consults on **option 1: readopt the Policy**. This recommendation reflects the feedback from Elected Members at the 26 March briefing.

4.1 A private member's bill could revoke Council's Policy and allow shops to trade freely during Easter, but its success is uncertain and it may not be in force before Easter 2025

On 11 April 2024, a private member's bill seeking to allow shops to trade freely throughout the Easter weekend was drawn from the ballot at Parliament. If it passes in its current form, the Repeal of Good Friday and Easter Sunday as Restricted Trading Days (Shop Trading and Sale of Alcohol) Amendment Bill (the Bill) would revoke Council's Policy.

At the time of writing, the success of the Bill and the timing of its passage through Parliament are both uncertain. Even if it passes in its current form, it may not become law before Easter 2025.

If the Bill does not pass and Council does not conclude the review of the Policy, the Policy will automatically be revoked in February 2026.

4.2 Financial/budget considerations

The consultation proposed in this report is provided for under the existing Strategic Planning department budget.

4.3 Policy and planning implications

Nothing in this report is inconsistent with Council plans, policies or strategies.

4.4 Options

See section 4 above.

4.5 Risks

Nil.

5 Significance and engagement / Te Hira me te Arawhiti

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy. The public will be informed via agenda publication on the website, Council News and public notice.

6 Attachment / Ngā Tāpiritanga

Attachment 1 - Statement of Proposal to readopt Easter Sunday Shop Trading Policy

Statement of Proposal

to readopt Easter Sunday Shop Trading Policy

May 2024

1 What is the Easter Sunday Shop Trading Policy?

Easter Sunday has historically been a restricted trading day in New Zealand.

Under the Shop Trading Hours Act 1990 (the Act), Council can have a local Easter Sunday trading policy to allow shops in the Whangārei District to open on Easter Sunday if they want to.

The Act provides some exceptions. Alcohol, for instance, cannot be purchased or delivered from off-licence premises on Easter Sunday regardless of whether Council has a policy.

Without a policy, only some businesses, like dairies, pharmacies, cafes, souvenir shops and garden centres, would be allowed to open on Easter Sunday.

A local Easter Sunday trading policy can allow shops to open either: a) district-wide; or b) in selected parts of the District. A policy cannot require shops to open or specify trading hours or the types of shops that can open.

Council adopted its Easter Sunday Shop Trading Policy (the Policy) in 2019. The Policy allows shops to trade on Easter Sunday throughout the Whangārei District.

2 Why is Council proposing to readopt the Policy?

The Act requires Council to review the Policy five years after first adopting it and consult with the public on its preferred option.

Council has now reviewed the Policy. At a Meeting on 24 April 2024, Council decided to propose to readopt the Policy.¹

3 Council has other options available to it

Council does not have to readopt the Policy. It could propose to amend the Policy to allow trading only in part(s) of the District, or to revoke the Policy altogether.

These options were discussed at a Council Briefing on 26 March 2024 and are summarised below.²

3.1 Option 1: Readopt the Policy

Strengths	Weaknesses
<ul style="list-style-type: none"> • Business-friendly, especially for local brick-and-mortar retailers • Local economic benefits • Treats all businesses consistently • Enables choice and flexibility – shops may trade if they wish to • Reduces confusion for businesses and consumers • Employees are entitled by law to refuse to work on Easter Sunday • Consistent with Kaipara, Far North and most of regional New Zealand 	<ul style="list-style-type: none"> • Perceived by some as disregarding Christian religious holiday and traditions • Retail employees lose a guaranteed day off work (may prefer time for rest, family time, religious and/or cultural practices) • Some employees may be and/or feel pressured to work

¹ The 24 April Council Meeting agenda can be downloaded [here](#); the minutes can be downloaded [here](#).

² The 26 March Council Briefing agenda can be downloaded [here](#); the minutes can be downloaded [here](#).

3.2 Option 2: Amend the Policy to allow trading only in part(s) of the District

Strengths	Weaknesses
<ul style="list-style-type: none"> Shops in targeted areas may open May support areas more heavily frequented by tourists Employees are entitled by law to refuse to work on Easter Sunday 	<ul style="list-style-type: none"> Perceived by some as disregarding Christian religious holiday and traditions Affected retail employees lose a guaranteed day off work (may prefer time for rest, family time, religious and/or cultural practices) Some employees may be and/or feel pressured to work May be viewed as inequitable as some shops are allowed to trade while others are not May create confusion by adding complexity and inconsistency May require additional resources to educate business owners and lead to non-compliance Souvenir shops are already exempt under the Act

3.3 Option 3: Revoke the Policy

Strengths	Weaknesses
<ul style="list-style-type: none"> Recognises Easter Sunday is a religious (Christian) holiday Protects employees' rights by giving retail workers a guaranteed day off 	<ul style="list-style-type: none"> Local shops miss opportunity to trade, forgoing revenue May inconvenience residents and tourists Inconsistent with Kaipara and Far North May be perceived as anti-business May require additional resources to educate business owners and lead to non-compliance Local brick-and-mortar retailers may be further disadvantaged relative to online retailers

4 We want to know what you think

Between 1 May and 3 June 2024, we want you to tell us what you think about Council's proposal to readopt the Easter Sunday Shop Trading Policy.

This Statement of Proposal includes a copy of the Policy. The Policy is also available online at <https://www.wdc.govt.nz/EasterSundayShopTradingPolicy>. Call us on 09 430 4200 or 0800 932 463 if you would like to be sent a copy.

4.1 How to give us your feedback

There are a few ways you can tell us what you think. You can send us your feedback in writing and/or register before 3 June 2024 to speak at a Council hearing in person or via audiovisual link. Please let us know in advance if you require the services of a sign language interpreter.

- Do it online here [[online survey link](#)]
- Email us at BylawsConsult@wdc.govt.nz
- Write to us at Private Bag 9023, Whangārei 0148
- Deliver your written feedback to one of our customer service centres at 9 Rust Ave in Whangārei or at 9 Takutai Place in Ruakākā.

Please visit www.wdc.govt.nz/have-your-say to find out more information on how to give us your feedback.

4.2 Key dates

Feedback period: 9am 1 May 2024 – 5pm 3 June 2024

Hearing: [tbd](#)

Deliberations: [tbd](#)

Decision of Council: [tbd](#)

4.3 What will happen with your feedback?

All feedback received will be provided to Council. Staff will also review and analyse the feedback received and provide this analysis to Council. Council will then deliberate on all the information provided and make a decision on the proposal.

Please note that all submissions are considered public under the Local Government Official Information and Meetings Act. Your name and feedback may be publicly available via our reports and website. All other personal details you provide will remain private.

Whangarei District Council

***Easter Sunday Shop Trading
Policy***

1. Relevant legislation

Shop Trading Hours Act 1990.

2. Purpose

To enable shops in the Whangārei District to trade on Easter Sunday if they wish to.

3. Definitions

The Act means the Shop Trading Hours Act 1990

Shop has the same meaning as in the Act

4. Policy

- 4.1 Any shop is permitted to open on Easter Sunday in the Whangārei District (see map in Appendix 1).
- 4.2 This Policy applies to shops trading in the Whangārei District.

Related information

1. *This Policy does not—*
 - a. *apply to any day other than Easter Sunday;*
 - b. *control the types of shops that may open, or their opening hours;*
 - c. *apply to the sale and supply of alcohol on Easter Sunday from licensed premises, which is regulated by the Sale and Supply of Alcohol Act 2012.*
2. *Council is not responsible for enforcing this Policy. Enforcement will be undertaken by the central government department that is responsible for administering the Act. As of April 2024, that department is the Ministry of Business, Innovation and Employment.*
3. *Policy neither requires shops to open nor individuals to shop on Easter Sunday.*
4. *All shop employees can refuse to work on Easter Sunday under the Act.*

Appendix 1: Map of the Whangārei District



6.4 Dog Policy and Bylaw - Statement of Proposal

Meeting: Council Meeting
 Date of meeting: 24 April 2024
 Reporting officer: Shireen Munday (consultant)

1 Purpose / Te Kaupapa

To adopt a Statement of Proposal to amend the Dog Management Policy 2013, make a new Dog Management Bylaw and revoke the Dog Management Bylaw 2013 for public consultation.

2 Recommendations / Whakataunga

That Council:

1. Agrees that making a new Dog Management Bylaw is the most appropriate way to address the perceived problem.

After resolving 1 above, that Council:

2. Adopts the Statement of Proposal as provided in Attachment 2 of this agenda report for public consultation.
3. Confirms that the proposed Dog Management Bylaw as included in Attachment 2:
 - i. is in the most appropriate form of the bylaw; and
 - ii. does not give rise to any implications under, and is not inconsistent with, the New Zealand Bill of Rights Act 1990.
4. Agrees that a summary of the information contained in the Statement of Proposal is not necessary to assist in public understanding of the Proposal.
5. Approves the consultation plan as provided in Attachment 3 of this agenda report.
6. Authorises the Chief Executive to approve any necessary minor drafting or presentation amendments to the Statement of Proposal to correct errors or omissions, or to reflect decisions made by the Council, prior to final printing and publication.

3 Background / Horopaki

Council is required under the Dog Control Act 1996 (the Act) to adopt a Policy on Dogs and may make an associated Dog Management Bylaw to give effect to the Policy.

Council's Dog Management Bylaw (the Bylaw) is subject to the statutory review requirements of the Local Government Act 2002 (LGA). The Bylaw was last reviewed in 2013 and was due for review by March 2023. In accordance with section 160A of the LGA, the current Bylaw will be automatically revoked in March 2025 unless revoked earlier by Council. Council must now determine whether to propose to make a new bylaw and if it does, to consult on the proposal.

Section 10AA of the Act requires a policy on dogs to be reviewed in conjunction with a statutory review of a dog management bylaw. The Act requires that Council consults on any proposed amendments to the Policy before making a final decision. As such, this proposal combines the proposed new Bylaw and the associated proposed amendments to the Policy.

The review process commenced with an item to the Council Briefing in May 2023. Council asked for initial feedback from the community during June and July 2023 to inform the review process. The feedback received, together with the resulting findings and issues and options, was reported to a Council Briefing on 29 November 2023 (Attachment 1) and this led to a draft amended Policy and draft new Bylaw being presented to the 8 February 2024 Council Briefing for further direction and feedback.

Council can now consider the relevant legislative determinations. Once it has made those determinations, it can proceed with adopting a Statement of Proposal (SOP, Attachment 2) for consultation.

4 Discussion / Whakawhiti kōrero

4.1 Summary review findings

The review findings were reported in detail in the Findings and Issues and Options Report provided to the 29 November [Council Briefing](#). That report outlines in more detail the matters covered in sections 4.2–4.8 of this report.

The overall key findings are repeated here for completeness.

1. Dog management in the District is required because:

- the Dog Management Policy and the Dog Management Bylaw ensure dogs are integrated into the District and have adequate space to be exercised while minimising the problems caused by dogs
- dog related complaints, as reported to Council annually, remain of a scale and nature that rely on the provisions of the Bylaw to address.

2. The Policy and Bylaw largely meet their intent under the Act but could be improved because:

- the Policy contains elements that duplicate provisions in the Act
- the Policy's statutory content elements lack clarity
- the Bylaw contains elements that duplicate provisions in the Act
- the Bylaw contains clauses that lack clarity and certainty for enforcement purposes.

4.2 Is a bylaw the most appropriate way of addressing the perceived problem

Council must first decide whether a bylaw is the most appropriate way of addressing the perceived problem in accordance with s155(1) of the LGA.

In doing so, s10AA(2) of the Act requires Council to also consider the matters of s10(4) of the Act (which relate to the requirements of a policy on dogs), which are:

- a) the need to minimise danger, distress, and nuisance to the community generally; and
- b) the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults; and
- c) the importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
- d) the exercise and recreational needs of dogs and their owners.

The Findings and Issues and Options Report found that:

“The Bylaw is still the best approach to addressing those problems caused by dogs that are able to be provided for in a bylaw and to provide support to the objectives of the Policy and the intent of the Act. The Bylaw provides enforcement powers to encourage responsible dog ownership and to minimise harm and danger caused by dogs.”

Without a bylaw to manage problems and issues with dogs in the District, Council’s ability to implement the Policy is considerably limited.

4.3 Other statutory considerations

4.3.1 Policy requirements

The findings concluded that, while the current Policy generally meets the content requirements of s10 of the Act, improvements to the Policy could be made to express these requirements more clearly as well as other improvements in terms of organisation and format. Some additional elements are proposed to support the objectives of the Policy.

The review of the Policy requires Council to have regard to the matters provided for in s10(4) of the Act as outlined in section 4.2 above, and these have been considered in developing the proposed changes.

All proposed changes, together with a summary of the reasons why, are outlined in section 4.4 of this report.

4.3.2 Is the proposed new bylaw the most appropriate form of bylaw (s155(2)(a) LGA)

Section 155(2)(a) requires Council to determine whether the proposed Bylaw is the most appropriate form of bylaw. The findings found that the current Bylaw could be improved. The proposed changes outlined in section 4.4 both improve the format and approach of the Bylaw as well as aligning it with the proposed amendments to the Policy.

4.3.3 Does the proposed new bylaw give rise to any implications under the New Zealand Bill of Rights Act 1990 (s155(2)(b) and (3) LGA)

Staff consider that the proposed Bylaw is not inconsistent with the Bill of Rights. There are potential limitations to the freedom of movement of dog owners, when accompanied by their dog. Staff consider that this limitation is justifiable for the following reasons:

- it protects the safety of children and minimises conflict between dogs and other people
- it is only the dog that has restricted access to public places not the owner
- exemptions for those dependent on disability assist dogs are provided for in the Act.

4.3.4 Revocation of the existing Dog Management Bylaw

As was outlined at the May 2023 Briefing, the review of the Bylaw was not completed within the statutory timeframes and the Bylaw will automatically be revoked in March 2025. As such, as part of the SOP and subject to the decisions made at this meeting, Council must, in conjunction with the proposal to make a new Bylaw, consult on a proposal to revoke the current Bylaw at the same time.

4.4 Proposed changes

The issues and options sections of the report in Attachment 1 provide a detailed analysis of the content of the current Policy and Bylaw and matters to consider for proposed amendments to the Policy and the form and content of the proposed Bylaw. Based on this and the associated discussion and feedback provided at that Briefing, drafts of the proposed Policy and Bylaw were presented to the 8 February 2024 Briefing. No substantive further changes have been made as a result of the discussion and feedback. Table 1 summarises the rationale for the proposed changes.

Table 1

Proposed amendment	Reason for proposed change	Change in Policy	Change in Bylaw
<p>Removal of sections and clauses that repeat legislative requirements, including the clauses on:</p> <ul style="list-style-type: none"> • wandering and nuisance dogs • causing dogs to become unmanageable • shelter provisions • dogs to be under control. 	<p>Both the Policy and Bylaw contain content that repeats matters that are provided for under the Act and which are not necessary to include in either document for Council to be able to act where necessary. These inclusions are confusing and make the documents more complex than they need to be.</p> <p>Both proposed documents now include 'related information' sections connecting to provisions of the Act.</p>	√	√
<p>Organisation of Policy and Bylaw content and general wording.</p>	<p>The proposed Policy has been reorganised into user friendly themes and to ensure it meets statutory content requirements. It also better highlights the relationship between the Policy and the Bylaw, and clearly states what is expected of dog owners and what activities Council will undertake to manage dogs. All content has been reviewed for wording and clarity and changes are proposed throughout to achieve this.</p>	√	√
<p>Removal of duplicate information.</p>	<p>The dog access rules are currently contained in both the Policy and the Bylaw. These have been removed from the proposed Bylaw and are now contained in the proposed Policy only. Both the Policy and the Bylaw currently include provisions on the removal of dog faeces from public places. This matter only needs to be provided for in the Bylaw for enforcement purposes and has been removed from the proposed Policy.</p>	√	√
<p>Removal of sections on:</p> <ul style="list-style-type: none"> • impounding • hearing procedure • issuing of infringement notices • signs. 	<p>These current sections are largely operational in nature or are established or covered through other Council processes, such as annual budgets; internal processes and procedures; and the Terms of Reference for the Objections and Exemptions Committee.</p>	√	√

Proposed amendment	Reason for proposed change	Change in Policy	Change in Bylaw
Fees.	The current Policy states the percentage of cost recovery by way of fees and offences. This is inconsistent with the requirement of the Local Government Act 2002 to set cost recovery matters through the Revenue and Financing Policy and in accordance with Section 37 of the Act. This section has been amended to remove this inconsistency but retain clarity on the types of fees that will attract a reduced annual registration fee.	√	
Neutering of menacing dogs.	This compulsory section has been updated and expanded to provide more clarity for dog owners.	√	
Clarifying Council's jurisdiction on privately owned public spaces.	The current Policy lacks clarity on what the dog access rules for public places that are not under the control of Council are. Schedule 1 now provides that dogs must be on a leash in such places, unless there is signage indicating that dogs are prohibited or the person in charge of the public place advises that dogs are prohibited.	√	
Classification of menacing dogs under section 33C of the Act.	The Act requires Council to classify certain dogs as menacing due to their breed. A new clause in the Policy allows owners to provide evidence that their dog is an American Staffordshire Terrier and not a Pitbull Terrier to avoid this classification.	√	
Updates to how the dog access rules are presented.	The current dog access rules in the Policy and Bylaw do not provide sufficient clarity and certainty for dog owners. The schedules in the Policy have been significantly reviewed and updated to provide comprehensive location-specific information on where dogs are allowed off and on a leash in the District and where they are prohibited.	√	
Temporary dog access rules	It is proposed to include a clause to allow Council to make temporary changes to dog access rules under certain circumstances to allow for flexibility where required.		√

Proposed amendment	Reason for proposed change	Change in Policy	Change in Bylaw
Requirement to neuter uncontrolled dogs	<p>It is proposed to include a clause in the Bylaw that requires a dog to be neutered if it has not been kept under control and to provide an associated objection process.</p> <p>The proposed Bylaw includes an explanatory note to clarify that owners who do not comply with the current requirement to neuter their dog, if it is not under control on more than one occasion over a 12-month period, may be subject to an infringement and would still be required to neuter their dog.</p>		√
Encouraging responsible dog ownership for menacing dog owners.	<p>The proposed Bylaw allows for owners of dogs classified as menacing due to behaviour, to have the opportunity to have their dog's classification reviewed if the owner provides evidence of completing a dog obedience course (at the owner's expense), and the owner has not obtained any infringements in relation to the dog within a 24-month period.</p> <p>The removal of the classification of the dog is at the discretion of Council.</p> <p>This change is intended to incentivise dog owners to modify their dog's behaviour and promote responsible dog ownership.</p>		√

4.5 Consultation

Attachment 3 provides a detailed overview of the statutory consultation requirements for the proposal, including a proposed consultation plan. Council must adopt an SOP to amend the Policy. Based on the impact on the public, staff recommend that the proposal to make a new Bylaw and revoke the current Bylaw are also consulted on using the special consultative procedure.

The SOP provided in Attachment 2 has been prepared in accordance with statutory requirements and best practice regulatory drafting guidelines.

Due to the approach and format of the SOP, staff do not consider it necessary to develop a summary of the SOP to enable public understanding of the proposal in accordance with section 83(1)(a)(ii) of the LGA. An associated recommendation is included in this report.

4.6 Dog access rule maps

It is not feasible or a requirement to include maps of each dog access rule in the Policy document, and this is the case in the current Policy. Both the consultation and the final Policy and Bylaw will be supported by an online map.

However, to support understanding, and especially to accommodate people with limited or no access to the internet, staff are proposing to include a range of maps in an appendix to the Policy as related information. The maps to be provided will cover those areas that are less able to be easily identified, such as those parks and reserves with mixed rules and beach and foreshore areas where dogs are prohibited adjacent to land under the control of the Department of Conservation where dogs are prohibited.

These maps will not form part of the Policy and will therefore be able to be amended if required. For example, if a new playground is built, the map will be able to be updated to show the prohibition on the new playground. These types of updates will also be able to be applied to the online maps.

These maps are in the process of being developed and will be included in the Policy as provided in the SOP for consultation.

4.7 Financial/budget considerations

The consultation activities provided for in this report are accommodated within existing operational budgets.

4.8 Options

The following reasonably practicable options are provided subject to the decision of Council at this meeting and as provided in recommendation 1 that a bylaw is the most appropriate way of addressing the perceived problem.

Option 1 – Propose to amend the Policy, make a new Bylaw and revoke the existing Bylaw by adopting the Statement of Proposal for consultation.

Option 2 – Request staff to report back with a revised draft Policy and/or Bylaw to a future meeting based on direction received from Council at this meeting.

Staff recommend **Option 1**.

5 Significance and engagement / Te Hira me te Arawhiti

This report and the associated decisions relate to a statutory consultation matter and therefore consultation will be undertaken in accordance with the legislative requirements and following the process outlined in this report and its attachments, and as provided for in Council's Significance and Engagement Policy.

6 Attachments / Ngā Tāpiritanga

Attachment 1 – Findings and Issues and Options Report November 2023

Attachment 2 – Statement of Proposal Dog Management Policy and Dog Management Bylaw

Attachment 3 – Statutory Consultation Requirements & Consultation Plan

2.2 Dog Management Policy and Bylaw review – findings and issues and options

Meeting:	Council Briefing
Date of meeting:	29 November 2023
Reporting officer:	Shireen Munday (consultant)

1 Purpose / Te Kaupapa

To provide Council with the findings and associated issues and options of the review of the Dog Management Bylaw 2013 (the Bylaw) and the Dog Policy 2013 (the Policy), in addition to the dog access rule provisions that have already been presented to Council for discussion and direction.

The report will be supported by a presentation to aid the discussion during the meeting.

2 Background / Horopaki

This report expands on the background information provided to Council at the 29 November Briefing regarding the review process undertaken for the Dog Policy and Bylaw (DPB), which provided an overview of the research and analysis completed and the engagement undertaken.

This report covers all remaining elements necessary to conclude presenting the findings and associated issues and options of the review process for discussion and direction, and will inform the development of a draft Policy and Bylaw to be presented to Council.

3 Discussion / Whakawhiti kōrero

3.1 Scope of review

This review covered the following:

- A review of the Dog Management Policy 2013 and its policy approaches, including the statutorily required elements of a Policy on Dogs as well as the elective elements of the Policy.
- A review of the Dog Management Bylaw 2013, including analysis of legal requirements for both the bylaw making process and the content of the bylaw.

The following aspects are out of scope of this review:

- management and welfare of other animals (including stock and cats)
- matters covered by the Animals Bylaw
- public nuisance matters that do not concern dogs
- matters that are provided for directly in the Dog Control Act 1996 (the Act)
- non regulatory measures Council could consider adopting to address or mitigate some of the problems identified.

Where appropriate in this report, reference will be however made to matters already provided for in the Act or potential non-regulatory measures to support understanding.

3.2 Key questions for the review

This review is informed by the statutory requirements in the Local Government Act 2002 (LGA). The following key questions guided the review of the policy and bylaw:

- is the current policy meeting the legislative requirements?
- does the policy have clearly stated goals or objectives?
- is the current form of the policy the most appropriate approach?
- what was the original intent of the bylaw and is it meeting that intent?
- is the problem that the bylaw set out to address still a problem? If so, is a bylaw still the best approach to addressing that problem?
- if the bylaw is still required, what provisions should it contain (both existing and new provisions)?
- is the bylaw form still appropriate?
- are there any implications under the Bill of Rights Act 1990?

3.3 Methodology

Various research and engagement methods were used to inform the review process.

Research: Staff conducted research and analysis on all aspects of the DPB content, including a review of customer requests, annual Dog Policy reports, and an environmental scan of approaches for dog management taken by other territorial authorities in New Zealand. A scan of Council's applicable strategies, plans and policies was also undertaken.

Stakeholder interviews: Interviews and workshops were held with internal staff and contractors from Animal Management, Health and Bylaws, Community Safety, Legal and Parks. This included feedback from Animal Management Officers with the responsibility on administering and enforcing the DPB.

Public engagement: Council received over 600 items of feedback during the engagement undertaken in June and July 2023 which was designed to understand public perceptions on the current DPB.

3.4 Regulatory context

3.4.1 Dog Control Act 1996

The Dog Control Act 1996 (the Act) provides a legislative framework to ensure the care and control of dogs. Under section 10 of the Act, councils must adopt a policy on dogs and give effect to that policy by making a bylaw.

A policy must:

- state the dog access rules (as per the 29 November Briefing)
- specify the nature and application of bylaws
- state whether dogs classified as menacing dogs must be neutered or not and any associated criteria.

A policy may include policy approaches on the following:

- fees or proposed fees
- owner education programmes
- dog obedience courses
- the classification of owners
- the disqualification of owners

- the issuing of infringement notices
- any other matters Council sees fit.

The policy must have regard to:

- the need to minimise danger, distress, and nuisance to the community generally
- the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults
- the importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs
- the exercise and recreational needs of dogs and their owners.

A bylaw may include:

- dog access rules
- minimum standards for dog accommodation
- limits on the number of dogs per house
- requiring dogs to be tied up overnight
- requiring owners to immediately pick up dog faeces
- requiring bitches to be confined
- impounding dogs in breach of the bylaw
- requiring repeat offender not under control dogs to be neutered
- any other matters Council sees fit.

3.4.2 The current DPB

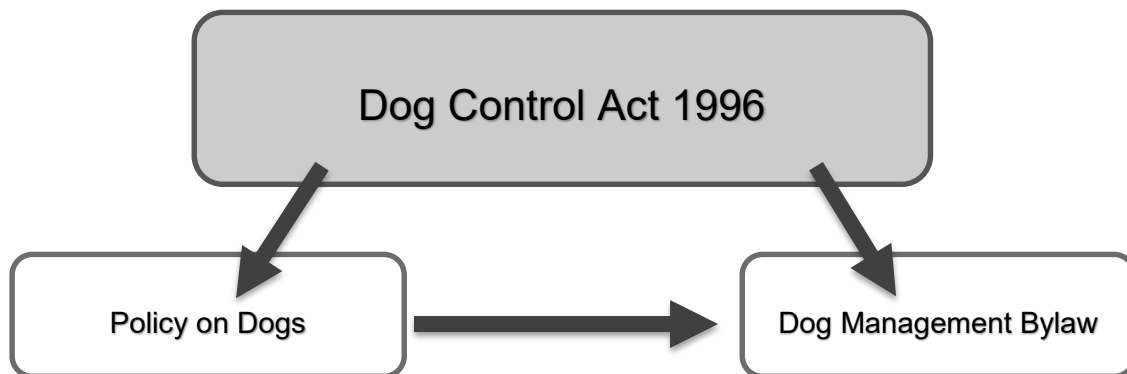
Council adopted the current Policy and Bylaw in 2013.

The Bylaw operates to give effect to the Policy by:

- regulating the public places where a dog may be taken by its owner and the means of control of the dog (dog access rules)
- requiring a dog to be under control at all times
- requiring dog owners to provide adequate shelter for their dog(s)
- providing for the control of wandering dogs (including on private property)
- requiring the owner of any dog that defecates in any public place or premise other than that occupied the owner to immediately remove the faeces
- restricting infected dogs and / or female dogs in season from being taken into any public place
- requiring dog owners to prevent their dog(s) from becoming a nuisance or injurious to health
- requiring owners to remove faeces from public places
- making it an offence for someone to cause a dog to become unmanageable.

The Act and the DPB combined provide the regulatory framework to support the needs of dogs and their owners as well as the needs of the wider community and wildlife.

The DPB are enforced by Animal Management Officers. Under the Act every person who breaches the Bylaw or commits an offence is liable to a penalty under the Act and the LGA. The Act also includes infringement offences for matters provided for in the Act, such as someone not meeting the requirement to microchip their dog.

Figure 1 – Relationship between dog management regulations

3.4.3 Other legislation related to dogs

The Animal Welfare Act 1999 ensures that the owners of animals and persons in charge of animals attend properly to welfare of those animals. This requires owners to ensure that the physical health and behavioural needs of the animals are met in accordance with good practise and scientific knowledge. The Animal Welfare Act 1999 includes a code of welfare (dogs) to assist dog owners.

The Wildlife Act 1953 includes provisions that apply to dogs specifically as well as other animals and was discussed as part of the previous report to Council.

3.5 Engagement feedback

3.5.1 Overview of feedback received

The engagement approach and a summary of the overall feedback received is detailed in the previous Briefing report for this review. Over 600 items of feedback were received in total.

The online submission form provided submitters with 5 specific topics, as well as the opportunity to make additional general comments. One of the topics was about the dog access rules covered in the previous Briefing report. The other 4 topics were:

- managing menacing dogs
- picking up of dog faeces
- number of dogs on properties
- requiring uncontrolled dogs to be neutered.

These topics were provided as they relate specifically to existing or potential DPB elements. This provided a total of 6 topics for submission analysis, the above four, plus dog access rules and also general comments, which were then further analysed and grouped.

Respondents were able to self-select which topics they wanted to comment on. Across all four of these specific questions, a large proportion of the commentary did not relate to the topic. While it is not unusual for survey responses to not clearly align with the question asked, staff acknowledge that due to the technical nature of the issues, the topics and associated questions could have been formulated in a more targeted manner to obtain more accurate responses.

Feedback received through other channels, such as emails or feedback provided at the drop-in sessions, was summarised across the 6 topics as applicable.

Attachment A provides the commentary provided under the four specific topics provided.

In addition to the four topics, respondents could also provide general feedback. Across all the feedback formats received, this resulted in 184 items of 'general feedback', which is provided in **Attachment B**.

3.5.2 Feedback analysis – policy and bylaw related feedback

Outside of the specific responses to the four topics raised, the majority of feedback received relates to matters that cannot be addressed through a Policy or Bylaw.

This section provides the details of the feedback received that Council could consider for addressing through this review process. The following section (3.5.3) will summarise the remaining feedback received. Staff from the Health and Bylaws Department will be available at the Briefing to respond to any questions relating to this.

For each of the four topic options, as well as other relevant matters derived from the general feedback, a table with a summary of feedback, followed by staff comments, is provided.

Managing menacing dogs

Table 1

# of comments (127 total)	Topic	Summary of feedback
77	Not related to menacing dogs	Submissions discussed wandering, roaming, aggressive or dangerous dogs or dog attacks, these comments are included in the overview in section 3.5.3.
10	Classification of menacing dogs	Generally, these comments relate to opposition of the classification process for menacing dogs, with opposition against the types of breeds that must be classified as menacing and the process Council undertakes to determine whether a dog is menacing or not.
1	Muzzling of menacing dogs	The Ministry of Primary Industries (MPI) submission requests that the Policy includes information on the requirement under the Act that menacing dogs must be muzzled in public places.
38	'Stricter rules'	These comments range from requesting all menacing dogs to be removed from the owner, euthanized, having to undergo compulsory training funded by Council and mandatory neutering to increased or stricter imposition of fines for owners.
1	Funding	The funding of managing menacing dogs should be funded through general rates.

Staff comments

The classification of menacing dogs is largely governed by the Act; however, Council does have some areas of discretion around this that could be addressed in the Policy. This is further discussed in section 3.7.

The information request from MPI can be accommodated via the 'related information' sections proposed for the Policy and Bylaw.

The requests for stricter rules are outside the scope of the available Policy or Bylaw provisions, as these are regulated by the Act.

Other matters raised are operational in nature or relate to the funding of the services which are discussed in section 3.7 of this report.

Picking up of dog faeces

Table 2

# of comments (132 total)	Topic	Summary of feedback
118	Picking up of dog faeces	The feedback provided is that dog faeces in public places continue to be a problem in various locations in the District and support for rules, fines, and enforcement to support people to pick up after their dogs. Two submitters commented that they should not be required to pick up faeces as this is a natural product.
14	Provision of dog waste bins and bags	Submitters are requesting bins and the provision of dog poo bags by Council in various locations in the District.

Staff comments

The Bylaw already contains a provision for the picking up of dog faeces and the feedback indicates that this provision should be retained.

The requests for the provision of dog poo bags and bins relate to operational and funding matters which are discussed in section 3.7 of this report.

Number of dogs on properties

Table 3

# of comments (84 total)	Topic	Summary of feedback
13	Opposed to setting limits on the number of dogs	The submitters considered that limiting the number of dogs would not ensure appropriate care for dogs or eliminate nuisance issues and would not consider the size and location of the property.
17	Various	The feedback did not stipulate a clear indication of requesting a limit on dogs but talked about related issues such as 'if dogs are appropriately cared for then no limit is required' or 'some owners should be prohibited from owning any dogs'. Other issues raised included that Kainga Ora should ban tenants from owning dogs and that dog breeding should be banned.
54	Support a limit on the number of dogs	Submitters requested limits ranging from 1 to 4 dogs and some also commented that different numbers should apply depending on whether the property would be urban or rural.

Staff comments

The feedback provided indicates a mix of comments and that a 'one size fits all' approach across the District has the potential to create conflict. While inclusion of such an element to the Bylaw can be considered as it is clearly provided for in the Act, consideration of

administration and enforcement costs as well as a transitional regime would be required. This is further discussed in section 3.8.

Requiring uncontrolled dogs to be neutered

Table 4

# of comments (109 total)	Topic	Summary of feedback
61	Support the neutering uncontrolled dogs	Firm support for neutering of uncontrolled, including wandering, dogs.
25	All dogs should be neutered	These submitters considered all dogs should be neutered.
4	Euthanasia	All uncontrolled dogs should be immediately euthanised
9	Funding	Submitters support neutering of dogs but want to see funding programmes in place to support this.
4	Opposed to neutering	Comments ranged from a lacking definition of 'uncontrolled' to a preference for training programmes for dogs and owners instead of neutering.

Staff comments

The feedback provided shows strong support for the neutering of uncontrolled dogs as a portion of those submitters who commented on this topic. This can be provided for in the Bylaw and is further discussed in section 3.8.

Mandatory de-sexing of all dogs and euthanasia for uncontrolled dogs are, or would need to be, regulated by the Act.

The requests for funding support for de-sexing programmes are discussed in section 3.7 of this report.

Other relevant matters raised in submissions

Table 5

# of comments	Topic	Summary of feedback
25	Owner education	Comments regarding this ranged from providing education programmes to support good dog ownership to compulsory training programmes for 'bad' dog owners and their dogs.
74	Changes to registration fees/funding of dog control activities	Most of this commentary focused on the view that good dog owners are being punished for bad dog owner behaviours and the related links to the dog registration fees. Submitters want to see reductions for good dog owners (often via a Responsible Dog Owner Certificate programme provided by Council) and to be incentivised to be good dog owners. Reductions in registration fees for the elderly were also requested.
176	Improved Levels of Service	The comments under this topic have strong links to the comments made regarding registration fees. Submitters

		consider that Council should provide a higher level of service to responsible dog owners and should generally be more dog friendly. Better or more clear information should be provided as well as education programmes and improvements to the enforcement systems and approaches. Much of this should be funded through general rates. Requests for improvement to the existing dog park and additional dog parks were also made.
40	Improve signage, communications and information	11 submitters made requests for improvements to signage at specific locations. The remaining submitters asked for general improvements for signs, communications and information provisions of Council to support better compliance and understanding of dog owners.
24	Dog welfare	These submitters raised concerns about dog welfare issues including dogs having sufficient water, food, shelter, exercise and socialisation. Concern about the number of dogs on chains all day was also raised and observed instances of abuse or neglect of dogs by their owners.

Staff comments

All the five above matters raised in submissions could potentially also be addressed entirely or partially through Policy provisions and are therefore included in section 3.7 for discussion.

3.5.3 Feedback analysis – other feedback

Table 6 below summarises and groups the range of other feedback received that is outside of the scope of the Policy and Bylaw review.

Table 6

# of comments	Topic	Summary of feedback
47	Bad dog owners	Bad dog owners should be restricted from owning dogs.
10	Return of impounded dogs	Dogs should not be returned to owners after impounding, ranging from not at all to requiring owners to undergo training programmes.
44	Stricter rules	These comments ranged from 'just stricter rules in general', to increased infringements to stricter rules for certain issues.
27	Increase fines	Submitters are generally wanting to see higher 'fines' to act as a deterrent for irresponsible dog owners.
96	Improved enforcement	These comments all relate to enforcement related issues and requests for improvements to the enforcement activities of Council, and this includes the comments relating to roaming, barking and nuisance dogs as well as a range of other issues. Often these issues relate to dogs on private property as opposed to being in a public place and include lack of fencing or supervision.
51	Roaming dogs	
18	Barking dogs	
15	Nuisance dogs	
18	Improved enforcement approaches	Submitters requested an improvement to the training and understanding of Animal Management Officers as well as improvements to systems and approaches to

		ensure a more consistent and improved standard of dog control activities in the District.
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Staff comments

The first 4 topics of the above table are not matters that can be addressed by Council. The Act provides the regulatory framework for these matters, including probationary and disqualification powers in relation to dog owners and infringement offence amounts.

The five remaining topics are generally outside the scope of a Policy or Bylaw. The Health and Bylaws Team have been provided with this feedback for their information and will be available at the meeting to discuss any questions on this section.

3.6 Findings

The overall key findings of the review are:

1. Dog management in the District is required because:
 - the DPB ensures dogs are integrated into the District and have adequate space to be exercised while minimising the problems caused by dogs
 - dog related complaints, as reported to Council annually, remain of a scale and nature that rely on the provisions of the Bylaw to address.
2. The Policy and Bylaw largely meet their intent under the Act but could be improved because:
 - the Policy contains elements that duplicate provisions in the Act
 - the Policy's statutory content elements lack clarity
 - the Bylaw contains elements that duplicate provisions in the Act
 - the Bylaw contains clauses that are lacking in clarity and certainty for enforcement purposes.

3.6.1 Is the current Policy meeting the legislative requirements?

The requirements of section 10 of the Act are summarised in 3.4.1 of this report, which lists the components that must be included in the Policy.

Staff consider the current Policy covers these three requirement elements. However, improvements to the expression of these are appropriate.

3.6.2 Does the Policy have clearly stated goals or objectives?

The Policy does not clearly provide a section with goals or objectives, but in the introduction section it makes the following statements:

- *Council's aim is for people of all ages to feel safe in our District during any interaction with dogs and Council has for example designated sufficient and appropriate locations where dog owners can exercise their pets. This can be achieved through active enforcement and by improving the skill and knowledge of dog owners.*
- *While there is focus in the Dog Control Act on minimising danger, distress and nuisance from dogs in the community through appropriate policy, it is believed that there is equal benefit in implementing policy that acknowledges and encourages good dog ownership.*
- *Council also acknowledges that it can participate in a wider role in respect to the welfare of dogs, the protection of wildlife and in particular, education of the public in respect to these issues.*

It is considered that these statements largely represent the aims of the 2013 Policy.

3.6.3 Is the current form of the Policy the most appropriate approach?

The current Policy form is not the most appropriate for the following reasons:

- it does not provide clearly articulated goals or objectives that inform the policy approach
- it contains elements that duplicate provisions in the Act
- while the three required statutory content elements of the Policy are present, they lack clarity and certainty
- some content is operational in nature and/or explains procedural elements that are documented elsewhere.

A possible Policy content and approach is outlined in section 3.7 and addresses the above matters as well as issues raised elsewhere in this report.

3.6.4 What was the original intent of the bylaw and is it meeting that intent?

The current Bylaw 'scope' states that the purpose of the Bylaw is to 'set standards of control that must be observed by dog owners'.

While at a high level the intent of the bylaw is being met, there is an opportunity to improve a range of areas in the Bylaw to better meet the stated intent and for the purpose of the Bylaw to be more clearly articulated.

3.6.5 Is the problem that the bylaw set out to address still a problem? If so, is a bylaw still the best approach to addressing that problem?

The Act sets out to ensure the care and control of dogs which is outlined in the Policy and implemented in the Bylaw. As has been highlighted in this report, problems and issues with dogs still exist.

The Bylaw is still the best approach to addressing those problems caused by dogs that are able to be provided for in a bylaw and to provide support to the objectives of the Policy and the intent of the Act. The Bylaw provides enforcement powers to encourage responsible dog ownership and to minimise harm and danger caused by dogs.

3.6.6 If the bylaw is still required, what provisions should it contain (both existing and new provisions)?

The dog management framework requires a bylaw to give effect to the Policy. Section 3.4.1 of this report outlines the nine matters that may be provided for in a bylaw under section 20 of the Act. Additionally, a council may make a bylaw 'for any other purpose that is necessary or desirable to further the control of dogs'.

The current Bylaw contains eight substantive clauses, of which four are specifically provided for in section 20 of the Act. The remaining four could be classified as being included 'for any other purpose' but repeat existing provisions in the Act or lack sufficient clarity to be able to be relied on for enforcement purposes.

The Bylaw does not currently include provisions for:

- limits on the number of dogs per house
- dogs to be tied up overnight
- impounding dogs in breach of the bylaw
- requiring repeat offending not-under-control dogs to be neutered

The potential draft Bylaw content and approach is outlined in section 3.8 and addresses each of the relevant matters individually.

3.6.7 is the bylaw form still appropriate?

The current Bylaw form is lacking. It does not follow the Whangarei District Council template format for bylaws, does not use a 'plain English' approach, and repeats the dog access rule provisions of the Policy, which have been identified in the previous report as lacking in clarity. There is an opportunity to provide greater understanding and transparency for both staff and the community by also including 'related information' content.

3.6.8 Are there any implications under the Bill of Rights Act 1990

Under the LGA a bylaw review must consider whether a bylaw has any implications under the New Zealand Bill of Rights Act 1990 (NZBORA). A bylaw cannot be inconsistent with this Act.

A dog management bylaw could potentially limit the freedom of movement under section 18 of NZBORA. The current Bylaw identifies public places in the District where dogs are prohibited or allowed on- and off-leash. Staff consider the existing Bylaw limits the freedom of movements for dog owners, however this limit is considered justifiable given the approach adopted in the Policy which for people of all ages to feel safe in our District and which the Bylaw gives effect to.

While some public spaces may be prohibited for dogs due to environmental protection and safety for children and to minimise the harm between dogs and other people, there are many places within the District where dogs are allowed to be.

3.7 Issues and options - possible Policy content

The review process has included a review of other local authorities' approaches to their policies on dogs. This indicates a more modern best practice approach for such policies is to provide an overall framework approach detailing the objectives of the policies, what Council's general approach is to meet those objectives and also what Council's expectations of dog owners are. The Policy should also provide clearer linkages to the Bylaw.

3.7.1 Required content

Within the above framework, Council must include the following:

- the dog access rules
- the nature and application of bylaws
- state whether dogs classified as menacing dogs must be neutered or not and any associated criteria.

The dog access rules were discussed at the previous briefing and staff will have received Council's feedback and direction to draft this element of the new Policy. The nature and application of the Bylaw is primarily explanatory in nature, rather than setting an actual policy direction. Both elements will be included in the draft Policy to be presented to a future Council Briefing for consideration.

Staff consider that some changes to the current Policy content on the classification of menacing dogs is required. Based on feedback and discussions with the relevant staff, as well as the engagement feedback received, the following changes are proposed:

1. Providing for the exclusion of American Staffordshire Terriers (which are acknowledged to look like American Pitbull Terriers) from being classified as menacing subject to sufficient evidence being provided.
2. Clarifying Council's position that all menacing dogs must be neutered but providing for a deferral of the neutering requirement if the dog is subject to enforcement proceedings or where an objection to the classification is lodged.

3.7.2 Elective content

Existing content proposed to be removed

Table 7 below lists those elements of the existing Policy that staff consider are not necessary or are duplicated in the Act and should be removed.

Table 7

Policy Section	Act s10 reference	Overview and staff recommendations
Introduction	NA	Proposed to be replaced with a more clearly articulated set of goals and objectives.
Control and care of dogs on private property	NA	Summarises/repeats elements of s14 and s52A of the Act. Recommend removing - Not required.
Wandering dogs	NA	Outlines Council's approach to wandering dogs. Is operational in nature and could be inconsistent with any changes to level of service agreements with Council's contractor. Summarises/repeats elements of S52-52A of the Act regarding impounding. Recommend removing - Not required.
Impounding	NA	Explains where the pound is, how impounding fees are set and outlines requirements of the Act regarding pounds. Recommend removing - Not required as these matters are established through other public processes.
Hearing procedure	NA	Outlines a 'general description' of a procedure to hear objections under the Act and provides relevant references to sections of the Act. Is potentially inconsistent with any specific procedures that the Committee wishes to establish. Potential for conflict between the Policy and the Committee's preferred processes (and potentially their Terms of Reference). Recommend removing.
Issuing of infringement notices	10(3)(f)(vi)	Largely outlines Council's operational approaches to the issuing of infringements; where it may apply discretion in issuing infringements, whether to prosecute infringements and that it may cancel an infringement. Recommend removing.

Existing content discussed in feedback

Three existing elements of the Policy were raised as issues in submissions. None of the elements are compulsory and can be addressed and provided for through other decision-making mechanisms of Council, even if not included in the Policy. They are operational and funding related matters and would predominantly be addressed through the annual budget setting and fees and charges processes.

Fees

While this is a specific matter that Council can consider including in the Policy, it is not recommended to retain this policy content in the current format.

The Act received Royal Assent in 1996 and it is assumed that the inclusion of fees relating to dogs in a Policy on Dogs was the most appropriate mechanism for the setting of fees at that time. However, the LGA provides for fee setting mechanisms through the Annual and Long-Term Plan processes, including the associated Revenue and Finance Policy mechanisms.

Related to these processes, fees are set every year through the fees and charges process of Council. Setting specific fees in the Policy would limit Council's ability to review and make changes to the Revenue and Finance Policy and the annual budget setting process.

An option for consideration is for Council to set a policy direction on registration fee reductions for certain categories of dogs (or owners), noting this would limit Council's flexibility in addressing these matters on an annual basis as it does with most other fee related matters.

This would remove the current prescriptive nature of the Policy wording, but allows for Council to confirm its preferred approach for certain dogs.

A draft section that represents Council's current discounted fee approach, but which excludes the current specific factors that should be addressed through other mechanisms, is provided below to aid discussion.

7. Fees and charges relating to dogs

1. *Section 37 of the Act sets out what Council may set fees for in relation to its dog control activities. Council's ability to set and collect fees is reviewed through the Long Term Plan and Annual Plan processes under the LGA.*
2. *Dog registration fees will be set through the processes outlined in 7.1 and in accordance with the following provisions:*
 - a) *Fees for neutered dogs will be set at a lower rate than standard registration fee*
 - b) *Fees for working dogs (excluding disability assist dogs) will be set at a lower rate than the standard registration fee*
 - c) *Fees for disability assist dogs as defined in Schedule 5 of the Dog Control Act will not be charged*
 - d) *Fees for the first registration of puppies will be charged on a pro-rata monthly rate.*

As outlined in section 3.5.2 of this report (Table 5), submitters requested a discount on registration fees for owners who had obtained 'Responsible Dog Owner' certification.

In addition to the existing discount categories above, Council may wish to consider providing further discounts to dog owners who have obtained a responsible dog owner license as is provided for in other councils.

However, any such addition would require additional funding to develop, implement and administer such a license system.

Defecations & signs

The Policy currently outlines Council's aspirational level of service regarding dog waste bins and signs in key high pedestrian areas. The provision of dog waste bins and associated budgeting issues were outlined in the previous Briefing report. Outside of the impact of this review on the regulatory signs budget, the Health and Bylaws Department includes an annual amount for signs that is established as part of the Annual or Long-Term Plan process.

Potential content discussed in feedback

Four other matters were raised in feedback that relate to potential Policy content:

1. Dog welfare
2. Communications and information
3. Owner education programmes/responsible dog owner licenses

4. Funding to support voluntary neutering programmes/activities that promote good dog ownership.

As with the previous section, Council may wish to consider the inclusion of one or more of the above matters as a clear policy direction in the Policy to provide for certainty on these matters over the ten-year period the Policy will be in place. However, by not including them this does not limit Council's ability to provide funding as per the other processes already mentioned.

The feedback on communications and information will inform the implementation process of the new Policy and Bylaw, which will include revised information on Council's website as well as an engagement plan to update the community on the new Policy and Bylaw. These elements will be covered within existing operational budgets.

3.8 Issues and options - possible Bylaw content

The Act does not provide for 'required' content for a Bylaw. However, Council must give effect to a Policy adopted under section 20. A key aspect of giving effect to the Policy is to provide for the enforcement of the dog access rules contained in the Policy.

Existing content proposed to be removed

Table 8 below lists those elements of the existing Bylaw that staff consider are not necessary, or are duplicated in the Act and should be removed.

Table 8

Bylaw section	Act s10 reference	Overview and recommendations
Shelter	20(1)(e)	Is a specific matter provided for in s20 but also largely duplicates the provisions of s5 of the Act as well as the Code of Welfare for dogs. Recommend removing.
Control of dogs wandering including on private property	NA	Duplicates the provisions of ss52 and 52A. Not required. Recommend removing.
Dogs becoming a nuisance or injurious to health	NA	Is provided for in s5 as well as other sections in the Act. Not required. Recommend removing.
Causing dogs to become unmanageable	NA	This is provided for in various sections of the Act but also lack certainty for enforcement purposes in any case. Recommend removing.

Existing content to be retained

The current Bylaw provisions relating to:

- dog access rules
- picking up of dog faeces
- dogs on heat and diseased dogs in public places,

are all proposed to be retained, but substantially reworded for clarity and transparency purposes.

New content for consideration

1. Neutering of uncontrolled dogs

Based on the review process, including the feedback received, staff consider it would be appropriate to include a new set of clauses in the Bylaw that would allow Council to require

dogs that have been not kept under control on more than one occasion within a 12-month period to be neutered. This would include an associated objection clause.

This inclusion would provide Animal Management Officers with the ability to issue infringement notices under the Bylaw if owners do not comply with a request for neutering and therefore provides another regulatory mechanism for Council to deal with problem dogs.

2. Review of classification of a menacing dog

It is suggested that a clause is included in the Bylaw to allow an owner of a dog that has been classified as menacing to have that classification reviewed after a year. This would support dog owners in engaging in activities towards responsible dog ownership to be eligible to apply.

3. Temporary changes to dog access rules

Current best practice approaches include provisions in Bylaws that allow for temporary changes to dog access rules to be made. This can accommodate dog training activities on land that is normally not accessible for dogs (e.g. sports parks) or to allow for restrictions on dogs where vulnerable wildlife has been recently identified.

Number of dogs on properties

An element of a Dog Bylaw that is often incorporated by councils across New Zealand is a limit on the number of dogs that can held on a property. Often this restriction is contained to a defined urban area of a District.

The outcome of the internal review is that staff do not support the inclusion of this matter in the Bylaw due to associated issues with enforcement and community expectations. As outlined in section 3.5.2 of this report, the feedback received, even from those who supported a limit on dogs, was mixed in terms of how such a limit should be applied.

Other elective elements of a bylaw

The two remaining elective elements of a bylaw are:

- dogs to be tied up at night
- impounding dogs in breach of the bylaw

These elements are not contained in the current Bylaw. The outcome of the internal review is that neither are required to be included in the Bylaw. While some feedback on concerns about dog welfare was received, staff consider that an educational approach is better suited to these types of issues rather than a regulatory infringement approach.

Staff further consider that the provisions of the Act regarding impounding of dogs are sufficiently broad and a specific clause in the Bylaw is therefore not required.

3.9 Statutory consultation process

Staff are seeking direction on Council's preferred approach for the statutory consultation element of the review process, now scheduled for approximately April 2024. The Act requires that a Policy and Bylaw must be consulted on in accordance with the requirements of section 83 of the LGA.

As was outlined to Council in an overview report on bylaw processes in May 2023, for statutory consultations, the LGA includes requirements to allow people to present their views on the subject of the consultation "in a manner that enables spoken or NZ Sign Language".

In the past, Council has met this requirement by holding hearings in Council chambers after written submissions have closed. This followed other legislative approaches (predominantly

the RMA) where people would attend a hearing to 'speak' to their written submission. A written submission is not a prerequisite for presenting an oral submission under the LGA.

A formal Council hearing may not be the most conducive format for many people to be able to present their views. Anecdotally, its formality and process can be intimidating.

Furthermore, changes in practices in the wake of Covid-19 have given rise to a range of alternative methods for Elected Members to "hear" submitters, such as phone calls and online meetings.

There are a range of possible ways to "hear" people, such as drop-in days or 'chat with a Councillor' sessions. Each process may use one or more methods depending on the topic and the wider context.

The May 2023 Briefing item provided that prior to consultation for each bylaw under review, staff will ask Council to identify a group of Elected Members to form a 'bylaw hearing panel' with the delegated authority to 'hear' submitters, deliberate on matters raised in submissions and then make a recommendation back to Council on the final proposed bylaw. This is standard process across many councils in Aotearoa/New Zealand.

Given the nature of a dog Policy and Bylaw review, staff are seeking initial feedback on Council's preferences for how to meet the statutory requirements of the LGA to hear submitters' views via spoken or NZ Sign Language, deliberate on matters raised in submissions and make a recommendation back to Council.

4 Next steps

The original project timeline proposed for this review process anticipated the adoption of a Statement of Proposal for consultation at the December 2023 Council meeting for consultation to start in early February 2024 and conclude in early March 2024 to avoid conflict with the 2024-34 Long-Term Plan consultation process.

There have been some challenges regarding the Briefing dates scheduled for this to be achieved, with the Briefing originally scheduled for 31 October 2023 being deferred due to the need to prioritise LTP discussions. This has had a flow on effect for the review timeline.

A revised schedule has now been established to accommodate this, with the scheduled adoption of the final Policy and Bylaw now moved to the July 2024 Council meeting. This does mean the original timeline has had to be moved out but there are no notable consequences as a result of this, the review must be concluded before 2025.

An item is now scheduled to be presented at a Briefing in February 2024 that will include a draft Bylaw and Policy based on the feedback and direction received at this and the previous meeting.

5 Attachments / Ngā Tāpiritanga

Attachment A – Feedback on four topics provided

Attachment B – General feedback

Attachment 2

Statement of Proposal **Whangarei District Council**

Dog Management Policy and Dog Management Bylaw

May 2024

Attachment 2

Our proposed new Dog Management Policy and Dog Management Bylaw

Under the Dog Control Act 1996 (the Act), all councils must adopt a policy on dogs. The Act lists several requirements that the council must include in its policy. The Act also enables the council to make a bylaw to implement aspects of policy.

Whangarei District Council last adopted its Dog Management Policy (the Policy) and Dog Management Bylaw (the Bylaw) in 2013.

Council commenced the review of the Policy and Bylaw in May 2023 and has now decided that both documents should be amended.

This document highlights the proposed changes to the Policy and Bylaw to ensure they meet the current and future needs of our communities.

What the Policy and Bylaw do

Public places in our District are used for a variety of purposes, including for exercising dogs. However, not all people enjoy the company of dogs. We make rules and provide services that aim to better manage dogs in the District.

The Policy and Bylaw do this by promoting responsible dog ownership, classifying dogs as dangerous or menacing, developing access rules, and taking measures to minimise nuisance caused by dogs.

This document includes further information on the proposed amendments, including the reasons for the proposal, a draft of the proposed Policy and the proposed Bylaw and how to have your say on the proposal.

How do the Policy and Bylaw connect with the Dog Control Act?

The Act links to the Policy and Bylaw in two ways. It lists some specific matters that the Policy and Bylaw must address and also provides a range of things that Council can consider including in the Policy or Bylaw if we choose to.

One of the key things that must be included in the Policy and Bylaw are the dog access rules. That is where dogs are allowed to be on-leash and off-leash and where they are prohibited, as well as stating where, if any, designated dog exercise areas are in the District.

Neither the Policy nor Bylaw can override or be inconsistent with the Act. For example, the requirement to micro-chip a dog is included in the Act already. It is not something that the Policy or Bylaw can, or should, include.

Therefore, the Policy and Bylaw do not duplicate any provisions of the Act, but align with it to provide a comprehensive framework of dog management rules for the District.

Attachment 2

Improving dog access, while minimising the harm caused by dogs

The review process undertaken by Council looked at all aspects of the Policy and Bylaw.

The key changes being proposed are to:

- reorganise the information contained in the Policy and Bylaw to make them more user friendly and easier to read
- remove duplication between the Policy and the Bylaw, which will also simplify future amendments
- remove duplications with the Act and replace these where appropriate with related information sections
- reduce confusion about dog access rules and improve voluntary compliance by:
 - clearly stating the general and default rules separate from the location specific rules
 - presenting the rules in the schedules in a consistent manner
 - replacing vague rules that may or may not apply with more specific rules
- address emerging issues around dog management by:
 - giving Council the ability to make temporary dog access rules
 - including requirements to neuter uncontrolled dogs
 - promoting responsible dog ownership amongst owners of dogs classified as 'menacing' on the basis of their behaviour.

We want to know what you think

Between 1 May and 3 June 2024, we want you to tell us what you think about the proposed changes to Whangarei District Council's Dog Management Policy and Dog Management Bylaw.

We really want to know the things you like about the proposal and would like to see retained, as well as things you think should be changed, this helps us get a better understanding of the communities' views on all aspects of the proposal and to assist us in developing the final Policy and Bylaw.

This Statement of Proposal includes copies of the proposed Policy and the proposed Bylaw. If you want to compare them with the current Policy and Bylaw, these are available online at www.wdc.govt.nz (*hyperlink*). Call us on xxx or 0800 XXX if you would like to be sent a copy.

Please visit www.whangarei.govt.nz/have-your-say or see **page XX** of this document to find out more information and how to give us your feedback.

Key dates

Feedback period: 1 May 2024 – 3 June 2024

Hearing: XXX

Deliberations: XX

Decision of Council: XXX

Attachment 2

What is the Policy?

The Whangarei District Council Dog Management Policy sets out the framework for dog management in the District. The purpose of the Policy is to provide for the needs of dogs and their owners in a way that also protects the community and wildlife.

It does this by aiming to:

- minimise the problems caused by dogs
- protect dogs from harm and ensure their welfare
- provide opportunities for owners to take their dogs into public places.

Policy on Dogs requirements – Dog Control Act 1996		
Dog Access Rules	Other Elements	
Identify public places in which dogs are prohibited, in general or at specified times.	Specify the nature and application of bylaws.	<p>In adopting a policy, Council must have regard to:</p> <ul style="list-style-type: none"> • minimising danger, distress and nuisance to the community generally • avoiding the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not accompanied by adults • enabling, to the extent practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs • the exercise and recreational needs of dogs and their owners.
Identify public places or parts of the District in which dogs are required to be controlled on a leash.	State whether dogs classified as menacing are required to be neutered.	
Identify public places or parts of the District in which dogs are not prohibited or required to be controlled on a leash.	State whether dogs classified as menacing by another territorial authority and registered with Council are required to be neutered.	
Identify areas as designated dog exercise areas.	<p>May include other details as council sees fits, including but not limited to:</p> <ul style="list-style-type: none"> • fees or proposed fees • owner education programmes • dog obedience courses • classification of owners • disqualification of owners • issuing of infringement notices. 	

In addition to the above, every policy adopted:

- must identify any land within the District that is:
 - a controlled dog area or open dog area under section 26ZS of the Conservation Act 1987
 - a national park constituted under the National Parks Act 1980
 - Te Urewera, as defined in section 7 of the Te Urewera Act 2014.
- may contain other information and advice related to dogs as a council deems necessary.

Attachment 2

What is the Bylaw

Under the Act, Council can make a bylaw for certain aspects of dog management. The Dog Management Bylaw 2013 currently:

- regulates public places where a dog may be taken
- requires the owner of any dog that defecates in any public place immediately remove the faeces
- requires any infectious or on-heat dogs to not enter any public places
- provides controls for wandering dogs and nuisance dogs
- provides a rule about causing dogs to become unmanageable
- requires dog owners to provide adequate shelter for their dogs
- requires dogs to be under control at all times in any place.

What Council proposes to change

The review process undertaken has identified some improvements that could be made. These proposed changes are summarised below and are also reflected in the attached proposed Policy and Bylaw.

Proposed amendments

Proposed amendment	Reason for proposed change	Change in Policy	Change in Bylaw
Removal of sections and clauses that repeat legislative requirements, including the clauses on: <ul style="list-style-type: none"> • wandering and nuisance dogs • causing dogs to become unmanageable • shelter provisions • dogs to be under control. 	Both the Policy and Bylaw contain content that repeats matters that are provided for under the Act and which are not necessary to include in either document for Council to be able to act where necessary. These inclusions are confusing and make the documents more complex than they need to be. Both of the proposed documents now include 'related information' sections that provide relevant information on provisions of the Act where they have links to the Policy or Bylaw content instead.	√	√
Organisation of Policy and Bylaw content and general wording and content.	The proposed Policy has been reorganised into user friendly themes and to ensure it meets statutory content requirements. It also better highlights the relationship between the Policy and the Bylaw, and clearly states what is expected of dog owners and what activities Council will undertake to manage dogs. All content has been reviewed for wording and clarity and changes are proposed throughout to achieve this.	√	√

Attachment 2

Removal of duplicate information.	<p>The dog access rules are currently contained in both the Policy and the Bylaw. These have been removed from the proposed Bylaw and are now contained in the proposed Policy only.</p> <p>Additionally, both the Policy and the Bylaw include provisions on the removal of dog faeces from public places. This matter only needs to be provided for in the Bylaw for enforcement purposes and has been removed from the proposed Policy.</p>	√	√
Removal of sections on: <ul style="list-style-type: none"> • impounding • hearing procedure • issuing of infringement notices • signs. 	These current sections are largely operational in nature and/or are established or covered through other Council processes, such as annual budgets, internal processes and procedures and the Terms of Reference for the Objections and Exemptions Committee.	√	√
Fees.	The current Policy states the percentage of cost recovery by way of fees and offences. This is inconsistent with the requirement of the Local Government Act 2002 to set cost recovery matters through the Revenue and Financing Policy and in accordance with Section 37 of the Act. This section has been amended to remove this inconsistency but retain clarity on the types of fees that will attract a reduced annual registration fee.	√	
Neutering of menacing dogs.	This compulsory section has been updated and expanded to provide more clarity for dog owners.	√	
Clarifying Council's jurisdiction on privately owned public spaces.	The current Policy lacks clarity on what the dog access rules for public places that are not under the control of Council are. Schedule 1 now provides that dogs must be on a leash in such places, unless there is signage indicating that dogs are prohibited or the person in charge of the public place advises that dogs are prohibited.	√	
Classification of menacing dogs under Section 33C of the Act.	The Act requires Council to classify certain dogs as menacing due to their breed. A new clause in the Policy allows owners to provide evidence that their dog is an American Staffordshire Terrier and not a Pitbull Terrier to avoid this classification.	√	
Updates to how the dog access	The current dog access rules in the Policy and Bylaw do not provide sufficient clarity and certainty for dog owners. The Schedules	√	

Attachment 2

rules are presented.	in the Policy have been significantly reviewed and updated to provide comprehensive location-specific information on where dogs are allowed off and on a leash in the District and where they are prohibited.		
Temporary dog access rules.	It is proposed to include a clause to allow Council to make temporary changes to dog access rules under certain circumstances to allow for flexibility where required.		√
Requirement to neuter uncontrolled dogs.	It is proposed to include a clause in the Bylaw that requires a dog to be neutered if it has not been kept under control and to provide an associated objection process. The proposed Bylaw includes an explanatory note to clarify that owners who do not comply with the current requirement to neuter their dog, if it is not under control on more than one occasion over a 12-month period, may be subject to an infringement and would still be required to neuter their dog.		√
Encouraging responsible dog ownership for menacing dog owners.	The proposed Bylaw allows for owners of dogs classified as menacing due to behaviour, to have the opportunity to have their dog's classification reviewed if the owner provides evidence of completing a dog obedience course (at the owner's expense), and the owner has not obtained any infringements in relation to the dog within a 24-month period. The removal of the classification of the dog is at the discretion of Council. This change is intended to incentivise dog owners to modify their dog's behaviour and promote responsible dog ownership.		√

How we got here

Decisions leading to the proposed changes

Council commenced this review process in May 2023. The Local Government Act 2002 requires Council to review the Dog Management Bylaw every ten years at least to determine whether it is effective, efficient, and still required.

The Dog Control Act 1996 requires Council to adopt a policy on dogs and states that a bylaw and a policy must not be inconsistent. Therefore, this proposal is for both the Policy and the Bylaw and the changes proposed are aligned between both documents.

An initial report was provided to a [Council Briefing](#) in May 2023 to provide an overview of the statutory review requirements and a proposed high-level timeframe.

Attachment 2

During June and July 2023, Council asked for feedback from the community to inform the review process. This feedback further supported the research and analysis work undertaken by staff for the review.

The outcomes of the engagement, together with the research and analysis undertaken by staff, was reported back to a [Council Briefing](#) in November 2023.

Subsequently, in February 2024 drafts of a new Policy and Bylaw were presented to Council for discussion and feedback at a [Council Briefing](#).

After considering the key issues and options, Council decided to propose the changes outlined in this Statement of Proposal to the Policy and Bylaw at the **24 April Council Meeting**.

Statutory considerations

As part of the review process, Council must also consider whether our bylaws are effective, efficient, and still necessary. This also includes making sure each bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

At the April Council Meeting, Council considered the research and analysis undertaken by staff and feedback from stakeholders, and decided that a bylaw is still the most appropriate way of addressing the perceived problem meeting.

After this determination was made and at the same meeting, Council determined that the proposed amended Bylaw is the most appropriate form of bylaw; and that it does not give rise to any implications under the New Zealand Bills of Rights Act 1990.

Due to the statutory review requirements for bylaws under the LGA, Council is proposing to make a new Dog Management Bylaw. While the current Bylaw will automatically be revoked in March 2025, under the Dog Control Act 1996, Council is required to revoke a bylaw that is inconsistent with the Policy.

To meet these requirements, Council is also proposing to revoke the Dog Management Bylaw 2013 as part of this review process.

To access copies of the above reports which discuss these statutory matters in more detail, and the associated decisions of Council, click on the above links or go to: **insert haveyoursay page here (links to copies of reports in escribe to be linked in this location)**. Alternatively emails us at bylawsconsult@wdc.govt.nz call us on **XX** or **0800 XXXXXX** if you would like to be sent hardcopies of the agenda reports.

Attachment 3

Statutory consultation requirements

The statutory review process of the Dog Management Policy (the Policy) and the Dog Management Bylaw (the Bylaw) are guided by requirements both under the Dog Control Act 1996 (the Act) as well as the Local Government Act 2002 (LGA).

While the process undertaken has been a review of the current Policy and Bylaw, because the statutory review of the Bylaw was not completed prior to the statutory deadline of March 2023, Council must now make a new Bylaw and revoke the existing Bylaw, which otherwise will automatically expire in March 2025.

Policy consultation requirements

Section 10AA of the Act requires a policy on dogs to be reviewed in conjunction with a statutory review of a dog management bylaw. The Act requires that Council consults on any proposed amendments to the Policy before making a final decision.

The Act requires that any amendments to a policy on dogs must be consulted on in accordance with the special consultative procedure (SCP) under s83 of the LGA (s10(10) of the Act). Section 87 of the LGA further provides that where a local authority is required to use the SCP provided for in s83, the Statement of Proposal must contain a draft of the proposed Policy.

Section 10(2) of the Act requires Council to advise all registered dog owners in the District of a proposal to amend the Policy.

Bylaw statutory consultation requirements

The Act specifies that any bylaw made in accordance with it must be made in accordance with the LGA and are deemed to be made under that the LGA.

In accordance with the requirements of s156 of the LGA, Council must, when making a bylaw, determine whether it should consult using the special consultative procedure under s83 of the LGA, or whether the proposal is not of significant interest to the public nor will have a significant impact on the public and therefore consultation in accordance with sections 82 and 82A of the LGA are appropriate.

Best practice approaches for a bylaw review are to consult using the special consultative procedure and this attachment and the associated report are based on this approach. Due to the nature and scope of the subject matter of the proposed Bylaw, this could significantly impact the public, particularly dog owners. No detailed analysis has been undertaken to make a recommendation whether to consider consulting under s82 of the LGA.

The requirements of the special consultative procedure include that Council must adopt a Statement of Proposal (SOP). Section 86 of the LGA then provides further details regarding the content of an SOP in relation to making and revoking bylaws.

Section 83(1)(a)(ii) of the LGA also outlines that a local authority must consider whether it is necessary to adopt a summary of the information contained in the SOP to enable public understanding of the proposal.

Due to the approach and format of the SOP and the associated elements of the Consultation Plan, staff do not consider it necessary to develop a summary of the SOP to enable public understanding of the proposal in accordance with section 83(1)(a)(ii) of the LGA. An associated recommendation is included in the Agenda Report.

Attachment 3

Special consultative procedure

The requirements of the special consultative procedure of s83 of the LGA, and as applicable to this process, are summarised here for completeness:

- Council must:
 - adopt a Statement of Proposal
 - decide whether a summary of the Statement of Proposal is required and if yes, adopt a summary
 - provide information on how people can provide their views on the proposal and the period during which they can do this, which must be not less than one month
 - provide an opportunity for views to be presented in a manner that enables spoken or New Zealand Sign Language to Council or any delegated representatives, including via audio link or audiovisual link.
- The content of the SOP must meet the relevant requirements of the LGA.
- It is not a requirement to provide a written submission to be able to provide feedback in spoken or New Zealand Sign Language or to hold a hearing to achieve this.
- Council can, before making a final decision, request and/or consider further information from staff or any other person before making a final decision.

Proposed Consultation Plan

The following details provide the proposed process and activities designed to meet the legislative requirements:

1. Council resolves to adopt the SOP as provided in Attachment 2 to this report to meet the requirements of sections 10AA(2) and 20(4) of the Act and sections 83, 83A, 86 and 87 of the LGA.
2. The SOP contains the proposed amended Policy, proposed new Bylaw and a statement that Council is proposing to revoke the existing Bylaw to meet these requirements, as well as the following information:
 - a. the proposal and the reasons for the proposal
 - b. a draft of the proposed Bylaw
 - c. a draft of the proposed amendments to the Policy
 - d. a report on the relevant s155 determinations, together with a link to the agenda item for more detailed information on those determinations.
 - e. links to other information provided to Council as part of the Policy and Bylaw review process.
3. Information on how to provide feedback on the proposal is included in the SOP.
4. Feedback will be invited through written submissions or oral (or NZ Sign Language) feedback.
5. The option to provide oral feedback will be provided through a hearing in Chambers to present views to Council in person, held in accordance with existing processes and scheduled after the close of the consultation period.

Attachment 3

6. Public notices of the proposal are published in the Whangarei Leader.
7. Council will advise all registered dog owners contained in Council's database via email where possible or through hard copy letters of the proposal.
8. Council further advises of the proposal on Council's website and through the various social media channels available to Council.
9. The SOP is made available for public inspection on Council's website, as well as in hardcopy (together with the information provided in the links) at the Council offices in Whangarei and Ruakaka and at Council's public libraries.
10. The consultation period to receive feedback is scheduled to start 1 May 2024 and close on 3 June 2024.
11. The consultation will be further promoted on Council's social media channels.
12. After all feedback has been received, staff will analyse and summarise this and prepare a deliberations report for Council to consider whether any further changes are required to the proposed Policy and Bylaw.
13. Based on the decisions made at the deliberations meeting, staff will make any necessary further amendments to the proposed amendments to the Policy and the proposed Bylaw and will prepare a report to present to Council for a final decision.

6.5 Quarry Gardens Slips Update and Budget Request

Meeting: Whangarei District Council
Date of meeting: 24 March 2024
Reporting officer: Louis Rattray (Manager Parks & Recreation)
 Callum Sands (Geotechnical Engineer - Hawthorn Geddes)

1 Purpose / Te Kaupapa

The purpose of this report is to update councillors on the slips at the Quarry Gardens and request funding for recommended works.

2 Recommendations / Whakataunga

That the Council:

1. Notes that the Quarry Gardens has suffered extensive damage because of extreme weather events of February 2023 and that circa \$500,000 unbudgeted slip management has been undertaken since that time to prevent risks to property (café), people and the stream
2. Approves a capital budget of \$450,000 for repairs to the lower slip, totara slip and stream stabilisation works which will reduce risk to property and visitors as well as reducing operating costs of slip Management.
3. Notes that this budget will be offset by reallocation of budgets from within the Parks and Recreation Activity and can be accommodated within the annual budget – i.e. it will reduce carry overs.
4. Notes that no further work will be undertaken on the Upper Slip as it is considered that this would be an operational budget and does not provide value for money. The risks of the ongoing slip will be managed from a health and safety perspective and overtime the slip material may make its way into the water course.

3 Background / Horopaki

The Quarry Gardens has suffered significant damage during and since the February 2023 Cyclone Gabriel. As a result of the extreme weather, landslides occurred covering areas of the gardens, damaging assets such as a bridge, gazebo, the accessway, stream banks, a sculpture and trees. Slip material filled large areas of the gardens, temporarily halting operations and making the area unsafe for public use.

At least nine slips occurred within the Gardens. There are three main slips requiring sediment control and stabilisation work, these are known as the upper and lower slip, and Totara slip.



Operational slip management

Since February 2023 Council has been working to remove and contain slip debris to make the site safe for public use, and to reduce the slip debris and sediment entering the stream and spreading through the gardens. The larger slip, referred to as the upper slip, is still moving and unstable. The totara slip stability has worsened and is currently active.

Geotechnical advice indicated the '**Upper Slip**' will continue to move for an indeterminable amount of time, perhaps for years until it stabilises. The debris below the slip and a portion of material on the cutting has been removed, but this slip continues to move and has potential rockfall even during fine weather. There is potential for the slip face to grow, areas alongside the slip show cracking, indicating instability.

During heavy rain liquid slip sediment washes off the face of the upper slip and debris collects at the bottom, spreading through the gardens and running into the lake and stream. Bunds have been put in place to contain this debris, there is limited area to hold the debris so these must be emptied once the material dries, to allow room for more debris during the next rain. The management of the Upper Slip is costly. Since February 2023 approximately \$500,000 has been spent to reopen the Quarry Gardens by removing slip debris and containing sediment at the upper and lower slips. Operational budget to continue sediment containment and slip removal at the upper slip is exhausted, and a Council decision on the Upper Slip management is required. The lower slip has been temporarily stabilised and has not needed sediment management since the majority of slip material was removed in May 2023.

The slip face is above the arid gardens bench, and material is flowing/falling over the quarried face to gardens and into the lake and stream during rain. A wide area below the upper slip has been closed to the public at all times. Staff and volunteers are allowed within

the public exclusion zone below the slip during fair weather, but are not allowed on the slip face. Due to this exclusion zone the upper third of the Gardens, near the lake, has remained closed for public safety. Following the recent dry weather a new geotechnical assessment of the slip safety has been made which allows most of the upper gardens area to open to the public during fair weather, safety within this area will be reassessed as rainfall and wind increases.

Engagement with Te Parawhau hapū, the Quarry Gardens team and the Northland Regional Council has been ongoing since the slips. Hapū strongly oppose slip material entering the lake and stream, which leads into the Hatea river then into the harbour. Sediment in streams can smother flora and fauna. As this land belongs to Council, hapū believe that Council has a responsibility to reduce effects of the slips. The Quarry Gardens team are primarily concerned with protecting the gardens and keeping the gardens open, including allowing the public to access the lake area past the upper slip. The Regional Council have been supportive of Council's work to reduce slip debris and sediment entering the lake and stream. The slips have occurred naturally, so there is no compliance/legal requirement for Council to contain the slip material.

The second large slip is near the café and is referred to as the **Lower Slip**. Following Cyclone Gabrielle slip material in the stream and over the accessway has been removed, allowing the accessway and this area of the gardens to reopen. There is still a risk of future movement of the lower slip, this risk is high during heavy rain. To reduce this risk and to allow the accessway to remain open at all times an engineering solution is recommended. The lower slip damaged the stream banks and these are now likely to be significantly eroded during large stream flow events, this has the potential to undermine the new carpark and an engineered solution is recommended.

A third smaller slip (**Totara Slip**) has increased in size since Gabrielle and is now causing concern. This slip is below a large totara tree behind the café. The surface material in this area is loose and the slip is undermining the totara tree, this tree is currently acting as stabilisation for the bank. No physical work has been done in this area. If the tree were to die then it is likely a wider area across this bank will become unstable and the tree could fall into the carpark, posing a safety risk to the community. If the slip continues to undermine the tree there is increasing chances of this tree dying. An engineering solution is recommended to minimize this risk.

The operational costs of managing the slips so far has been accommodated within a Cyclone Recovery budget line. There is no future budget for operational works for slip resilience works.

4 Discussion / Whakawhiti kōrero

To reduce the risk of future operational interruptions certain measures are recommended.

Lower slip

A precast concrete retaining wall for the Lower Slip has been designed to capture minor landslides and stop these blocking the accessway (main entrance to the gardens) and entering the stream. The retaining wall will also provide physical protection for pedestrians on the accessway in the event of further landslides.

The concrete wall foundation acts as a platform for future maintenance if there are further slips. Rock revetment along the damaged stream banks has been designed along 85 meters, from the staff car park area to the Five Senses Garden. Without rock revetment the

temporarily stabilised hydroseeded banks are likely to erode when the stream has high water flows.

Also proposed is to repair, by lining, an existing broken culvert and construct a new culvert near the Lower Slip.

Totara slip

A design for rock anchoring works at the totara slip has been completed.

Lower slip and totara slip options

Option 1. Do nothing

Doing nothing at the lower slip will likely result in stream banks continuing to erode, further slips and the Totara tree eventually falling into the café carpark as well of slip material. The recently completed main carpark may be undermined by stream bank erosion and there may be a loss of gardens.

Gardens access tracks must be closed during weather warning events to reduce the safety risk to the public. The access route is likely to be blocked in the future from slip movement. If the lower slip moves operational budget would be required to remove slip material.

Pros:

- No cost to Council

Cons:

- Temporary and/or permanent closure of areas of the gardens
- Safety risk to public
- Likely undermining of recently completed main carpark
- Likely increased costs for the Quarry Gardens to manage ongoing slip movement and damage
- Likely reduced income for the Quarry Gardens due to reduced visitor numbers due closure of gardens areas.

Option 2. Fund and complete recommended lower slip, totara slip and stream stabilisation works

A precast concrete retaining wall has been designed for the lower slip to capture minor landslides and stop these blocking the accessway (the main gardens entrance) and entering the stream. The retaining wall will provide physical protection for pedestrians on the accessway in the event of a landslide.

Also proposed is to line an existing broken culvert and construct a new culvert. The concrete wall foundation acts as a platform for maintenance if there are further slips. Rock revetment along the damaged stream banks has been designed along 85 meters, from the staff car park area to the Five Senses Garden. Without rock revetment the temporarily hydroseeded stabilised stream banks are likely to erode during times of high rain fall and enter the stream. If the lower slip moves operational budget would be required to remove slip material.

A design for rock anchoring works at the totara slip has been completed to hold the bank below the totara in place.

The Engineers Estimate to complete these works is \$450,000

Pros:

- Reduced risk of accessway closure from minor slips
- Accessway is able to remain open during rain warning events

- Stream banks are protected from erosion
- Lower risk of totara tree being undermined and likely protection of totara bank from erosion

Cons:

- Risk of large slips remains
- A full slip failure could damage infrastructure
- Capital Cost

Upper slip options

Option 1. Do nothing

No additional budget is added for managing the slip and sediment control.

Under this option two full days of rain will see the bunds overflow, slip debris and sediment would spread through the gardens and enter the stream. As this is a natural event Northland Regional Council (NRC) earthworks regulatory rules don't apply, but there will be environmental effects throughout the downstream catchment, including the Hatea River, likely causing negative public perception on both Council and NRC. Debris will continue to enter the waterways spread through the gardens for as long as the slip continues to move.

The garden area immediately below and beyond the slip will remain closed for public safety.

Pros:

- No additional cost

Cons:

- Environmental impacts
- Negative public perception
- Garden area below slip closed
- Garden area near slip damaged
- Likely operational costs to the Quarry Gardens as they attempt to manage the debris to reduce impact on the garden
- Likely reduction of income of the Quarry Gardens due to partial closure and damage

Option 2. Fund operational slip management

Allocate operational budget for continuing slip and sediment control. The cost for sediment control is between \$20,000 and \$60,000 a month (depending on rainfall in that month) and would need to continue for years to come until all loose material has all come down and the remaining rock face is stable. Based on spend to date an annual budget of \$500,000 is required.

Pros:

- Less environmental impact
- Improved public perception

Cons:

- Ongoing operational cost
- Uncertain duration
- No permanent solution
- Garden area below slip closed

Option 3. Engineered solution

Engineering solutions for the Upper Slip are more problematic given the volume of material, steep topography, ongoing movement and health and safety risks. It may be possible, but not a guaranteed success, to undertake an engineered solution to the problem. The Geotech Engineer considers geotechnical improvements at this slip a possibility, but a full investigation and design would need to be undertaken to confirm.

A potential Engineered solution that is being considered is a wall of permeable rock catching nets on the arid garden bench. This would allow liquid debris to pass through but catch solid debris. Overtime the wall become less permeable as material builds up. The existing debris and sediment control bunds below the slip would be required until the wall builds up material and the slip stabilises. Large volumes of material would need to be moved prior to the wall installation and debris management onsite would need to continue until the slip stabilises.

The slip area is very unstable and unsafe to work on, so there is no surety if the works are physically possible. An engineered solution would have design and consenting costs. A quote for design and investigation costs has been received for \$30,000, an additional \$12,000 consenting allowance and \$10,000 for additional unknown professional fees (ecological etc) brings the estimated cost of investigating and designing an Engineered solution at the upper slip to \$52,000. Additionally any slip debris that falls off the slip in the meantime should be contained and moved offsite as needed, to allow for eventual construction. \$500,000 in operational costs are expected for a year of slip and sediment containment.

The cost of an engineering solution is unknown until a methodology is determined, but the cost could be into the millions. The netwall construction is estimated at this concept stage to cost \$500,000 and require \$500,000 earthworks to construct. Additional ongoing slip debris management and removal would cost up to \$500,000 per year until the slip stabilises. The agenda requests design and consenting costs, as well as one year for slip management operational costs. Future construction costs would require Council approval.

Pros:

- Permanent solution
- Long term the best environmental solution
- Positive public perception
- Garden area below the slip may be able to open in the long term

Cons:

- Uncertain cost but likely to be expensive
- Technical feasibility unknown
- Potential safety hazards
- Continued operational slip material removal required until construction starts

Future of Quarry Gardens

The February 2023 Cyclone Gabrielle has exposed stability issues with the site. In total nine slips have been identified. These smaller slips throughout the gardens have been left without intervention and could become more problematic with future rain events.

If slips continue to prevail and worsen additional areas of the Quarry Gardens may need to be closed.

Finance

The requested capital budget of \$450,000 for the lower slip, totara slip and stream stabilisation works will be sourced from unspent capital budget for the Ruakaka Cemetery

Land Purchase within the 2023/24 Parks and Recreation capital budget. The land has now been purchased and an unspent budget of \$468,000 remains.

Budget for the Ruakaka Cemetery development is included in the Draft LTP

The proposed capital budget for design and consenting of an Engineered solution to stabilise the upper slip of \$52,000 is unbudgeted and the recommendation is not to spend money on an engineers solution and to let the slip erode naturally.

The proposed \$500,000 operational budget for ongoing management of the upper slip is unbudgeted and the recommendation is to not spend any further money on managing this slip and let the slip erode naturally.

5 Significance and engagement / Te Hira me te Arawhiti

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via Agenda publication on the website.

6.6 Water Supply Fluoridation – Progress Update

Meeting:	Whangarei District Council
Date of meeting:	24 April 2024
Reporting officer:	Jim Sephton (General Manager Infrastructure) Andrew Venmore (Manager Water Services) Bill Down (Project Engineer)

1 Purpose / Te Kaupapa

To update Councillors on the progress of the fluoridation implementation project including the latest legal situation.

2 Recommendations / Whakataunga

That the Council:

1. Notes the progress to date of the fluoridation equipment installation at the water treatment plants.
2. Request that staff ask the Ministry of Health to grant an extension to the commissioning dates for fluoridation of water from the Ahuroa, Ruakaka, Whau Valley and Ruddells water treatment plants, as required by the Director-General of Health's July 2022 directive, until 28th February 2025.
3. Notes that staff will report back to Council on the outcome of the request to the Ministry of Health for the extension.

3 Background / Horopaki

In July 2022 the Director-General of Health issued a directive for WDC to fluoridate water supplied from five water treatment plants in Whangarei and Bream Bay. The timeframe for this directive to be implemented are:

- June 2024 for Whau Valley,
- July 2024 for Ruddells,
- September 2024 for Ahuroa and Ruakaka Water Supplies and
- June 2026 for Poroti Water Supply.

In correspondence with the Ministry of Health and on their website, it has been stated that the due date for Whangarei is 30 June 2026. This is due to Poroti being the final Whangarei treatment plant to be implemented. The other two Whangarei water treatment plants, Whau Valley and Ruddells are due to be implemented as above.

In October an agenda item was approved by Council awarding the contract to construct and install the fluoridation equipment at four of the five sites. The fifth, Poroti, is programmed to be completed separately as part of the Poroti Water Treatment Plant Upgrade project. At the same time Council also agreed to accept funding from the Ministry of Health totaling \$4,557,856.88 (excl GST), being the full cost of constructing the fluoridation infrastructure at the four plants. The construction contract, the professional services agreement and the funding agreement have all been signed and are in the process of being delivered.

In June 2023 New Health New Zealand Inc filed an application for a judicial review of the July 2022 directions issued by the Director General of Health. On 10th November 2023 the High Court issued its judgement finding the Director-General had made an error of law by not explicitly considering the New Zealand Bill of Rights Act 1990 in making the decision. However, the High Court did not quash the directives, nor did it find that fluoridation of water supplies was unlawful and the original direction remained in force.

Council has continued with the construction of the physical works noting that there is a benefit to treatment plant operations even if the directive is repealed and fluoride dosing is not required. The works at Ahuroa, Ruakaka and Ruddells in particular will make significant improvements to chemical delivery, improving vehicle access and spill recovery. The majority of the remaining work could be re-purposed, improving facilities and providing savings to Council.

4 Discussion / Whakawhiti kōrero

4.1 Legal Update

Following the High Court decision of 10th November 2023, a second hearing was held on 2nd February 2024 to consider appropriate relief. The judge decided that the directions remain in place but directed the Director-General of Health to assess each direction in terms of the Bill of Rights Act. The Director-General wrote to Council on 22nd February confirming this. A copy of the letter is at Appendix A. Staff understand that the assessment is underway but we do not have a timeframe for when the assessment will be completed.

4.2 Construction update

Construction works are progressing well at Ruakaka, Ahuroa and Ruddells water treatment plants. Implementation at Whau Valley is pending delivery of equipment. All construction is on track to meet the target dates set by the Director-General.

4.3 Commissioning

Commissioning will be undertaken in two parts. The first part is dry commissioning when all equipment is checked and confirmed to be working but no fluoride is added to the water supply. The second part involves adding tightly controlled levels of fluoride to the water supply and ensuring systems and quantities are effective and accurate for a period of 30 days. At the end of the 30 days if the engineer is satisfied everything is working correctly commissioning will be considered complete. Consequently, the date for completion of commission will be 30 days after fluoride is first dosed.

4.4 Implementation Considerations

In accordance with the direction from the Director-General the first treatment plant is due to start dosing fluoride on 30th June 2024. Staff recommend that consumers are given at least 2 months notice of the exact date that fluoridation will start. We therefore propose to inform customers from the beginning of May. A communication plan is currently being developed.

It appears unlikely that the Director -General will have completed their assessment of the Bill of Rights Act prior to WDC implementing the communication plan. It might therefore be sensible for the Council to request an extension to the directive “go live” dates until after the assessment has been completed. This would ensure that the outcome of the Court directed

assessment by the Director-General of Health is known and there is little risk of confusing consumers with mixed messages.

4.5 Other Considerations

Other Councils are also completing the implementation of the Fluoridation equipment and considering “go-live” dates. Nelson City Council have requested that the implementation of fluoridation, due in April 2024, be delayed until the Director-General has completed their assessment under the Bill of Rights Act. The request was granted until 31st December 2024.

Delaying the commissioning of fluoridation has some minor risks. Normally contract works are not deemed completed until commissioning has been satisfactorily completed. At this point practical completion is issued and half of the retention monies released. If practical completion is approved after the dry commissioning and the contractor leaves site, then there would be a small cost for them to return to do the final commissioning. It is estimated that delaying the commissioning will cost no more than \$10,000.

If WDC was to request an extension to implementation a sensible date would be 28th February 2025. This would avoid going live around Christmas and give staff 30 days post-Christmas break to commission the plants before the target date.

4.6 Options

To comply with the Director-General’s directive the Whangarei District Council has the following options.

Option 1 – Continue with commissioning in accordance with the agreement with Ministry of Health and start fluoridating from June 2024 and inform customers from the beginning of May.

This option has the benefit of sticking to agreed contract timeframes and introduces fluoride to the water as soon as is reasonably practical. It also avoids the risks of any increase costs that could occur by extending the contract period for implementation by over six months.

Option 2 – Request the Ministry of Health to grant an extension of the implementation until 5th February 2025.

This option provides time for the Ministry of Health to complete their assessment of the directive in relation to the Bill of Rights Act. This reduces the risk that Council starts fluoridating and then (pending the outcome of the assessment) decides to stop, which could be confusing to customers. Option 2 also aligns with other councils (Nelson) and provides a consistent approach which is likely to be accepted by the Ministry of Health.

Option 2 is recommended.

5 Significance and engagement / Te Hira me te Arawhiti

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council’s Significance and Engagement Policy, and the public will be informed via the agenda publication on the website.

6 Attachment / Ngā Tāpiritanga

Appendix A – Letter from Ministry of Health following the relief hearing.



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22 February 2024

Simon Weston
Chief Executive
Whangarei District Council
Simon.weston@wdc.govt.nz

Tēnā koe Simon

Community water fluoridation court decision update

I am contacting you to provide an update on the judicial review of the directions issued by the Director-General of Health in July 2022, that required 14 local authorities to fluoridate one or more of their drinking water supplies.

As you are aware, on 10 November 2023, the High Court issued its judgment on the preliminary issue, finding that the Director-General of Health made an error of law by not explicitly considering the rights under the New Zealand Bill of Rights Act 1990 in making a decision on each direction. There was a second hearing on 2 February 2024 to consider the validity of the current directions, and any relief.

The Judge decided that the directions remain in place. However, the Judge directed the Director-General of Health to assess whether each of the 14 directions made in 2022 were, in terms of section 5 of the New Zealand Bill of Rights Act, a justified limit on the right to refuse medical treatment that is provided for in section 11 of the New Zealand Bill of Rights Act.

As directed by the Judge, I will carry out this assessment against the New Zealand Bill of Rights Act, for each of the directions. I will continue to update you as this process progresses.

Manatū Hauora is continuing to provide support to local authorities that are implementing their directions, including by providing funding for the capital works.

Thank you for your ongoing collaboration as we work together to improve the oral health of the communities we serve.

Nāku noa, nā



Dr Diana Sarfati
Director-General of Health
Te Tumu Whakarae mō te Hauora

7.1 Water Supply Fluoridation – Results of Resident Survey

Meeting:	Whangarei District Council
Date of meeting:	24 April 2024
Reporting officer:	Jim Sephton (General Manager Infrastructure) Andrew Venmore (Manager Water Services) Shona Morgan (Community Engagement Adviser)

1 Purpose / Te Kaupapa

The purpose of this report is to provide Councillors with the results from the recent survey carried out regarding whether residents of the district agree with the directive to fluoridate local water supplies.

2 Recommendation / Whakataunga

That the Council notes the information provided.

3 Background / Horopaki

In December 2023, Councillors requested a resident's phone survey be carried out to ascertain the level of support for fluoridating the districts urban water supplies. The elected members requested the survey be carried out following the directive received from the Director General of Health to fluoridate Whangarei and Bream Bay water supplies.

4 Discussion / Whakawhiti kōrero

A phone survey was carried out between February 29th and 7th March 2024. The survey utilised both mobile (67.2%) and landline (32.8%) numbers. A total of 406 residents over the age of 18 were surveyed. Residents who work for or are contracted to the council were not eligible to participate.

The survey was carried out by Symphony Research, an external professional organisation that specialises in phone interviews, and also conducts council's annual residents survey.

The margin of error for this survey +/- 4.9%. The most commonly acceptable margins of error used by survey researchers falls between 4% and 8% at the 95% confidence level. The cost of the survey was \$18,200 (excl GST)

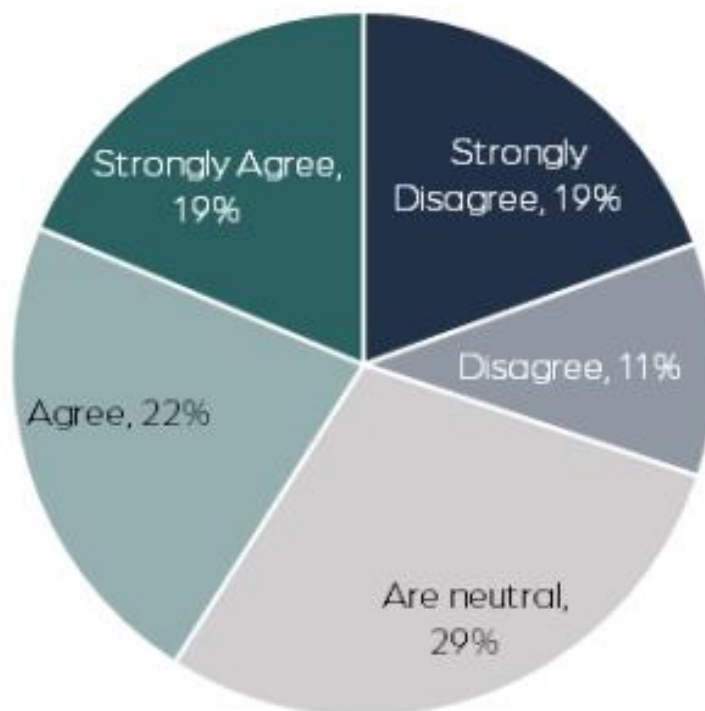
4.1 Results

The survey report with the results and analysis can be found at Appendix A.

Overall results are outlined below and in Chart 4 from the survey report. Full details about the gender, age, ethnicity and geographic location of participants are in the survey report:

- 30% of respondents either disagreed or strongly disagreed with fluoridating the urban water supply
- 41% agreed or strongly agreed
- 29% were neutral.

Chart 4: Agreement with adding fluoride to Whangarei and Bream Bay water supplies



5 Significance and engagement / Te Hira me te Arawhiti

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via agenda publication on the website,

6 Attachment / Ngā Tāpiritanga

Appendix A – Fluoride Survey March 2024 - Report

Whangarei District Council

Fluoride Survey
March 2024

Project Overview

Background

This document outlines the results of a survey conducted on behalf of the Whangarei District Council. The survey canvassed Whangarei residents' views on fluoridating the district's urban water supply. The elected members requested the survey to determine the community's view on fluoridation following a directive received from the Director General of Health-making about fluoridation.

Method

Symphony Research, an Auckland-based market research company, collected the data for this survey. The data was collected via Computer-Aided Telephone Interviewing (CATI) between the 29th of February and the 7th of March.

This interviewing utilised both mobile and landline telephone numbers, with 67.2% of the interviews completed via mobile phone contacts and 32.8% completed with landline contacts.

Interviewers called 3,963 numbers and spoke to 1,438 respondents. The response rate for the survey was 36.5%¹.

Sample

The target audience for this research was residents aged 18+ who live within the Whangarei district. A total of n=406 interviews were completed for this survey. Respondents who worked for or contracted to the council or lived outside the district were not eligible to participate in the research.

Area quotas were applied to the sample to ensure sufficient geographic coverage of the district. The table below outlines the number of respondents by ward and proportionately reflects the district.

Table 1: Ward breakdown of sample

Ward	% of the final sample	n= responses
Mangakahia – Maungatapere	5.80%	30
Hikurangi – Coastal	14.53%	55
Whangarei Heads	8.43%	36
Bream Bay	13.78%	55
Whangarei Urban	57.46%	230
TOTAL	100%	406

Margin of error

The margin of error (MoE) is a statistic commonly used in research to show the amount of sample error in a survey's results. MoE is particularly important when analysing a subset of data, as a smaller sample size incurs a greater MoE. The final sample size for this study is n=406, which gives a maximum margin of error of +/- 4.90% at the 95% confidence interval. That is, if the observed result is 50% (point of maximum margin of error), then there is a 95% chance that the true answer falls between 45.10% and 54.90%.

¹Response rate is calculated as the number of respondents who agreed to participate in the survey (completes plus those who were willing but screened out) divided by the total number of respondents spoken to.

Project Overview

Weighting

The final dataset was weighted by age and gender. Weighting data ensures that key demographic variables reflect the Whangarei population. This project uses gender and age weights which were based on the 2018 Census (Statistics New Zealand). The proportions used to weight the dataset are shown in the table below.

Table 2: Weight factors applied to the sample

Weight variable	% of population ²	Weight factor
Male	48%	1.34155
Female	52%	0.80269
18–39 years	31%	4.32789
40–59 years	35%	1.05722
60+ years	34%	0.55487

Questionnaire

The questionnaire for this survey was developed in conjunction with Whangarei District Council. It was based on a single question asking respondents their agreement level with fluoride being added to the district's water supply. The survey included a short introduction to provide context for the question. The exact question is shown in italics to the right.

The Director General of Health has directed Whangarei District Council and 14 other councils nationwide to add fluoride to their water supply to improve dental health across the country.

Thinking about the Ministry of Health directive, which of the following describes your level of agreement or disagreement about fluoride being added to the Whangarei and Bream Bay water supplies? Would you say that you...

- *Strongly Disagree*
- *Disagree*
- *Are neutral*
- *Agree*
- *Strongly Agree*

Half of the respondents were presented with the scale in reverse order: half read the scale as strongly disagree, disagree, neutral, agree, or strongly agree, while half read the scale as strongly agree, agree, neutral, disagree, or strongly disagree. This function was included to reduce order bias in responding.

A copy of the survey is included at the end of this document.

²Based on 2018 Census counts of residents aged 18+.

Sample Profile

The demographic profile of the final sample is shown below.

Chart 1: Age of respondents (unweighted)

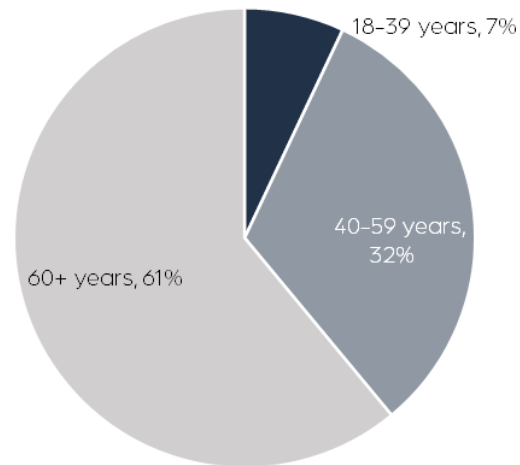


Chart 2: Gender of respondents (unweighted)

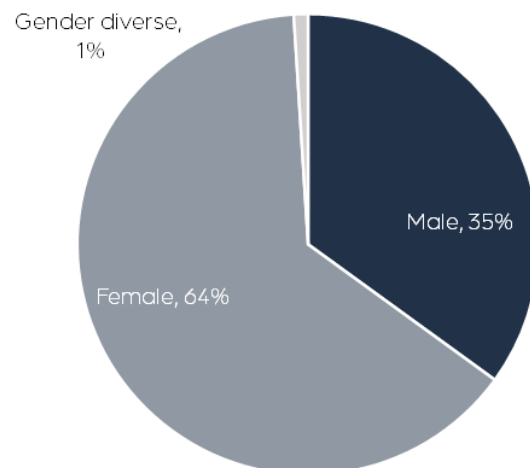
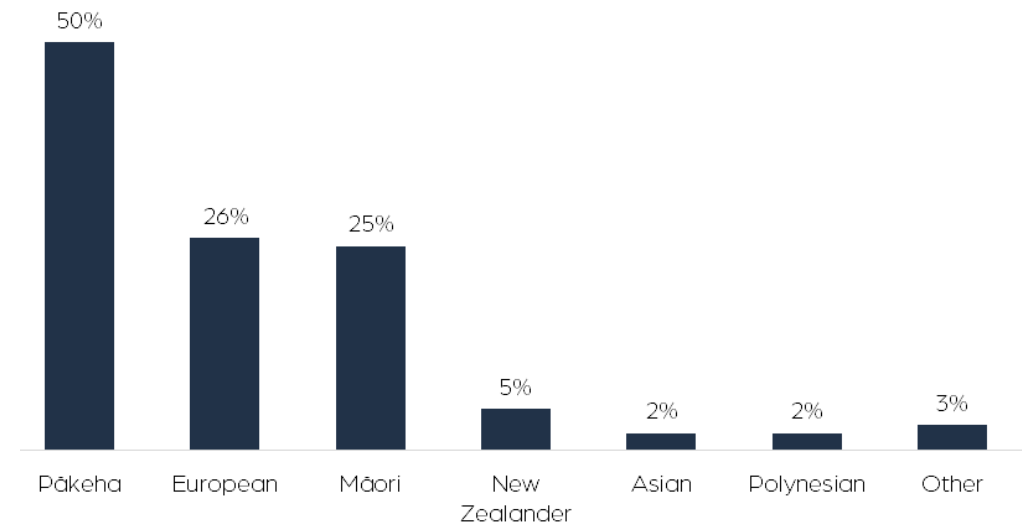


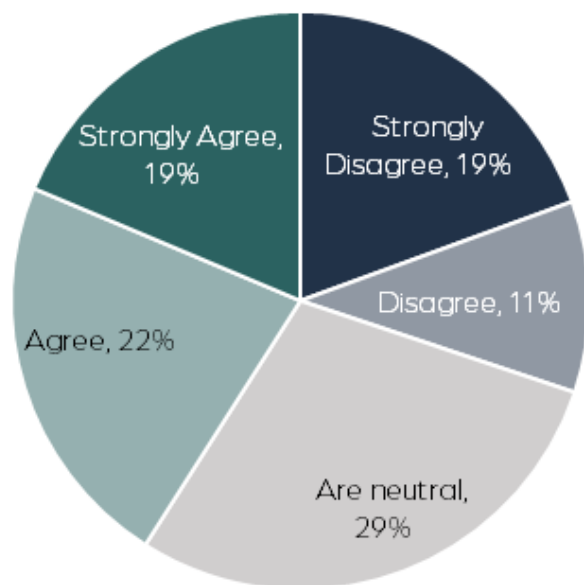
Chart 3: Ethnicity of respondents (unweighted)



Survey Results

The result of the fluoride question is shown in the chart below.

Chart 4: Agreement with adding fluoride to Whangarei and Bream Bay water supplies



The data shows that 41% of respondents either agree (22%) or strongly agree (19%) with adding fluoride to the water supply, 30% disagree (11%) or strongly disagree (19%), and 29% neither agree nor disagree, providing a neutral response.

The table below shows the results by ward.

Table 3: Agreement with adding fluoride to Whangarei and Bream Bay water supplies BY WARD

	Mangakahia – Maungatapere	Hikurangi – Coastal	Whangarei Heads	Bream Bay	Whangarei Urban
<i>Base size</i>	30	55	36	55	230
Strongly Disagree	17%	17%	17%	27%	19%
Disagree	24%	8%	10%	11%	10%
Are neutral	24%	40%	17%	40%	26%
Agree	22%	23%	14%	9%	26%
Strongly Agree	13%	12%	42%	13%	19%
NET AGREE	35%	35%	56%	22%	45%
NET DISAGREE	41%	25%	27%	38%	29%

The highest agreement was observed in Whangarei Heads (56% of respondents either agree or strongly agree), and the lowest agreement was observed in Bream Bay (22% of respondents either agree or strongly agree). The highest levels of disagreement were observed in Mangakahia-Maungatapere (41% of respondents either disagree or strongly disagree) and Bream Bay (38% of respondents either disagree or strongly disagree). The highest proportion of neutral responses were observed in the Hikurangi-Coastal and Bream Bay areas (40% each).

Survey Results

The charts below and overleaf show the question result by different demographic variables.

The highest agreement is seen amongst older respondents (52% agree or strongly agree) and respondents who are not Māori (46% agree or strongly agree). The greatest disagreement is observed amongst respondents who are Māori (38% disagree or strongly disagree). The highest proportion of neutral responses is observed amongst respondents aged 18 – 39 years (41%).

Chart 5: Agreement with adding fluoride to Whangarei and Bream Bay water supplies BY AGE

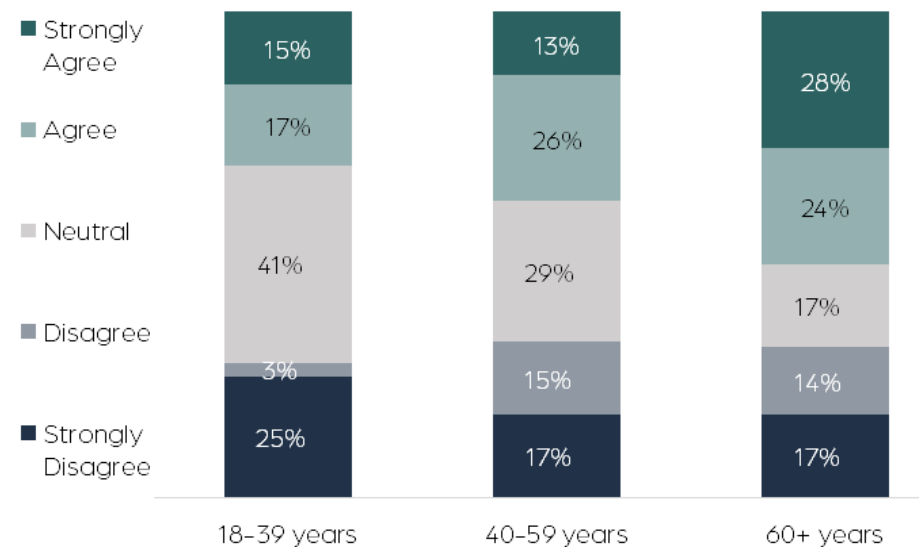
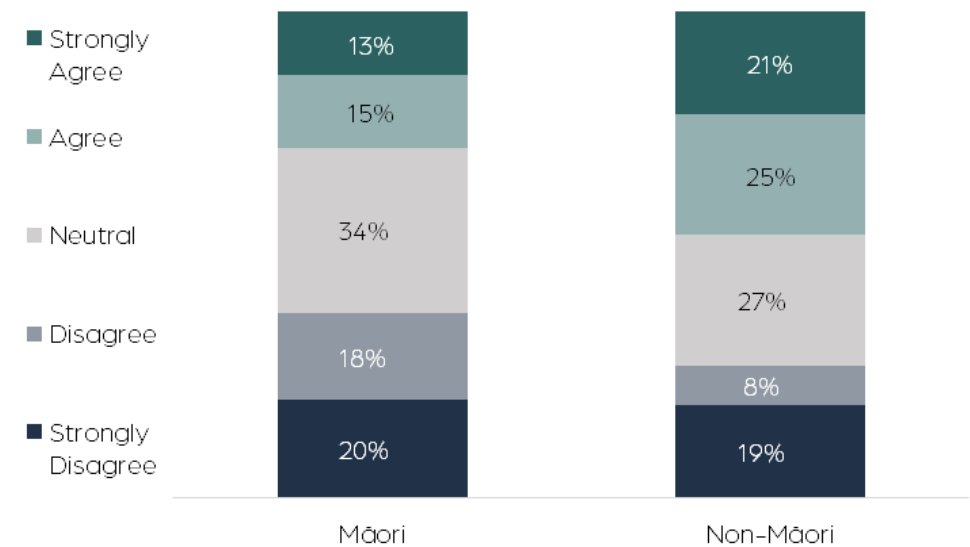


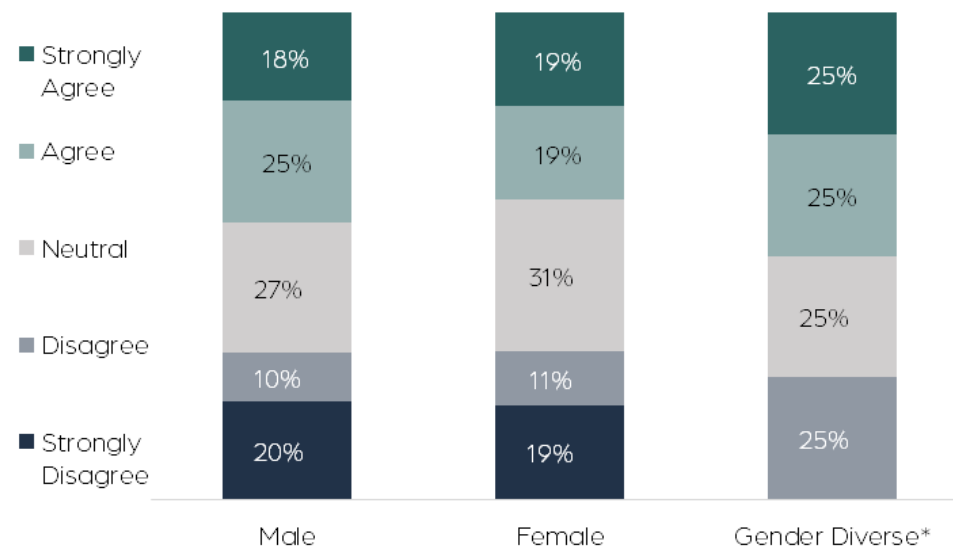
Chart 6: Agreement with adding fluoride to Whangarei and Bream Bay water supplies BY ETHNICITY



Survey Results

The level of agreement with fluoridation in the water supply was fairly consistent across genders.

Chart 7: Agreement with adding fluoride to Whangarei and Bream Bay water supplies BY GENDER



²Small number of responses, results are indicative only.

Questionnaire

Introduction

Hello, my name is [NAME] and I'm calling on behalf of Whangarei District Council. We are carrying out a short survey about adding fluoride to the district's water supply. The survey should take about 2 minutes. Can I please ask you a few questions?

1. IF YES: CONTINUE
2. IF NO: Could I call you back at a more suitable time?
3. IF NO: Thank and Close

SCREENER: Can you please confirm that you live in the Whangarei District?

1. IF YES: CONTINUE
2. IF NO: Thank you but for this project we only need to include the views of the district's residents.

SCREENER: Can I please check if you or anyone in your household works for, or contracts to Whangarei District Council?

1. IF NO: CONTINUE
2. IF YES: Thank you but for this project we need to include the views of residents who do not work for or contract to the council.

Survey

Q1: The Director General of Health has directed Whangarei District Council and 14 other councils nationwide to add fluoride to their water supply to improve dental health across the country.

Thinking about the Ministry of Health directive, which of the following describes your level of agreement or disagreement about fluoride being added to the Whangarei and Bream Bay water supplies? Would you say that you...

READ OUT, SELECT ONE, REVERSE SCALE ORDER FOR HALF OF RESPONDENTS

- Strongly Disagree
- Disagree
- Are neutral
- Agree
- Strongly Agree

Q2: I just have a couple of questions to ensure we get a good cross-section of residents. Which of the following areas do you live in?

READ OUT, SELECT ONE

1. Mangakahia – Maungatapere
2. Hikurangi – Coastal
3. Whangarei Heads
4. Bream Bay
5. Whangarei Urban

Questionnaire

Q3: Are you aged...

READ OUT, SELECT ONE.

1. 18–39 years
2. 40–59 years
3. 60+ years
4. Prefer not to say (do not read out)

Q4: Do you identify as...

READ OUT OPTIONS, SELECT ONE.

1. Male
2. Female
3. Gender diverse
4. Prefer not to say (do not read out)

Q5: Lastly which of the following do you identify as...

READ OUT OPTIONS, SELECT ALL THAT APPLY

1. Māori
2. Pākehā
3. Polynesian
4. European
5. Asian
6. Indian
7. Other, please specify (do not read out):
8. Prefer not to say (do not read out)

Close

Thank you for your time today, your response is very important to us. In case you missed it my name is [NAME] and I'm calling from Symphony Research on behalf of Whangarei District Council.

RESOLUTION TO EXCLUDE THE PUBLIC

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

The general subject 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(1) 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(1) for passing this resolution
1.1	Confidential Minutes Whangarei District Council 28 March 2024	Good reason to withhold information exists under Section 7 Local Government Official Information and Meetings Act 1987	Section 48(1)(a)
1.2	2023-24 Bad Debt to Write Off		
1.3	Contract Award – Three Mile Bush Reservoir Physical Works		

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public, are as follows:

Item	Grounds	Section
1.1	For the reasons as stated in the open minutes	
1.2	To protect the privacy of natural persons	Section 7(2)(a)
1.3	To enable Council to carry on without prejudice or disadvantage negotiations (including commercial and industrial negotiations)	Section 7(2)(i)

Resolution to allow members of the public to remain

If the council/committee wishes members of the public to remain during discussion of confidential items the following additional recommendation will need to be passed:

Move/Second

“That _____ be permitted to remain at this meeting, after the public has been excluded, because of his/her/their knowledge of Item_____.

This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because_____.

Note: Every resolution to exclude the public shall be put at a time when the meeting is open to the public.