



**The Ordinary Meeting of the
Kawerau District Council will be held
on Wednesday 24 April 2024
in the Council Chambers
commencing at 9.00am**

A G E N D A

GUIDELINES FOR PUBLIC FORUM AT MEETINGS

1. A period of thirty minutes is set aside for a public forum at the start of each Ordinary Council or Standing Committee meeting, which is open to the public. This period may be extended on by a vote by members.
2. Speakers may address meetings on any subject. However, issues raised must not include those subject to legal consideration, or be issues, which are confidential, personal, or the subject of a formal hearing.
3. Each speaker during the public forum is permitted to speak for a maximum of three minutes. However, the Chairperson has the discretion to extend the speaking time.
4. Standing Orders are suspended for the duration of the public forum.
5. Council and Committees, at the conclusion of the public forum, may decide to take appropriate action on any of the issues raised.
6. With the permission of the Chairperson, members may ask questions of speakers during the period reserved for public forum. Questions by members are to be confined to obtaining information or clarification on matters raised by the speaker.

**The Ordinary Meeting of the Kawerau District Council
will be held on Wednesday 24 April 2024
in the Council Chambers commencing at 9.00am**

A G E N D A

Opening Prayer

Apologies

Leave of Absence

Public Forum

Declarations of Conflict of Interest

1 CONFIRMATION OF COUNCIL MINUTES

1.1 Ordinary Council – 27 March 2024

Pgs. 1 - 5

Recommendation

That the minutes of the Ordinary Council Meeting held on 27 March 2024 be confirmed as a true and accurate record.

1.2 Extraordinary Council Meeting – 10 April 2024

Pgs. 6 - 7

Recommendation

That the Minutes of the Extraordinary Council meeting held on 10 April 2024 be confirmed as a true and accurate record.

2 RECEIPT OF COMMITTEE MINUTES

2.1 Audit and Risk Committee Meeting – 8 April 2024

Pgs. 8 - 9

Recommendation

That the Minutes of the Audit and Risk Committee meeting held on 8 April 2024 be confirmed as a true and accurate record.

2.2 Regulatory and Services Committee Meeting – 10 April 2024

Pgs. 10 - 13

Recommendation

That the Minutes of the Regulatory and Services Committee meeting held on 10 April 2024 be confirmed as a true and accurate record.

3 Action Schedule (101120)

Pgs. 14 - 19

Recommendation

That the updated Action Schedule of resolutions/actions requested by Council be received.

4 Her Worship the Mayor's Report (101400)

Pgs. 20 - 26

Recommendation

That Her Worship the Mayor's report for the period Thursday 21 March 2024 to Wednesday 17 April 2024 is received.

5 Request to Extend the Deadline to Fluoridate (Chief Executive Officer) (404000)

Pgs. 27 - 29

Attached is a report for the Request to Extend the Deadline to Fluoridate.

Recommendations

- 1. That the report "Request to Extend the Deadline to Fluoridate" be received.*
- 2. That Council support the Chief Executive Officer to write to the Director-General of Health seeking an extension to the deadline to fluoridate.*

6 Electoral Process Update: Local Government (Electoral Legislation and Māori Wards and Constituencies) Amendment Bill 2024 (Communications and Engagement Manager) (101200)

Pgs. 30 - 33

Attached is a report on the Electoral Processes Update: Local Government (Electoral Legislations and Māori Wards and Constituencies) Amendment Bill 2024.

Recommendations

- 1. That the report "Electoral Processes Update: Local Government (Electoral Legislations and Māori Wards and Constituencies) Amendment Bill 2024" be received.*
- 2. That Council resolve to update the community regarding this Bill and the representation arrangements review alongside the Annual Plan 2024 / 2025.*

7 Kawerau District Council Bylaw Reviews (Group Manager, Regulatory and Planning) (320000)

Pgs. 34 - 38

Attached is a report on the Kawerau District Council Bylaw Reviews.

Recommendations

- 1. That the report "Kawerau District Council Bylaw Reviews" be received.*

8 Asset Update – Ron Hardie Recreation Centre (Group Manager, Operations and Services) (408500)

Pgs. 39 - 42

Attached is a report on the Asset Update – Ron Hardie Recreation Centre.

Recommendations

1. *That the report “Kawerau District Council Bylaw Reviews” be received.*
2. *That Council approves the strategy of realignment of the ‘out of sync’ roof maintenance as well as the allocation of the FY23 / 24 budgeted \$60,000 for the completion of this re-alignment task.*
3. *That Council approves the strategy of a subsequent professional assessment, by suitably qualified civil engineers in order to confirm where in the assets’ life cycle it currently sits, which in turn will form the nucleus of a robust and Asset Management Plan.*

9 Dog Registration Fees 2024 / 25 (Group Manager, Finance and Corporate Services, and Group Manager, Regulatory and Planning) (213100)

Pgs. 43 - 47

Attached is a report on the Dog Registration Fees for 2024 / 25.

Recommendations

1. *That the report “Dog Registration Fees for 2024 / 25” be received.*
2. *That Council sets the Dog Registration fees for 2024/25 as follows (4.7%):*

<i>Neutered Dog</i>	<i>\$42.00</i>
<i>Entire Dog</i>	<i>\$84.00</i>
<i>Late payment penalty-applied 2 August 2024</i>	<i>50% addition to the fee charged</i>
<i>Seizure Fee (at the Dog Control Officer’s discretion)</i>	<i>\$95.00</i>
<i>Fee for first impounding</i>	<i>\$95.00</i>
<i>Fee for second impounding</i>	<i>\$130.00</i>
<i>Third and subsequent impounding</i>	<i>\$168.00</i>
<i>Sustenance Fee (Daily)</i>	<i>\$13.00</i>
<i>Microchipping Fee</i>	<i>\$18.00</i>
<i>Replacement Tag Fee</i>	<i>\$6.50</i>
<i>Rehoming Fee</i>	<i>\$13.00</i>

10 Activity Review for the Stormwater Service (Group Manager, Operations and Services) (201200)

Pgs. 48 - 53

Attached is a report on the Activity Review for the Stormwater Service.

Recommendations

1. *That the report “Activity Review for the Stormwater Service” be received.*
2. *That Council adopt the S17A Stormwater Service as proposed.*

11 Activity Review for the Roothing and Footpaths Services (Group Manager, Operations and Services) (401000)

Pgs. 54 - 60

Attached is a report on the Activity Review for the Roothing and Footpaths Services.

Recommendations

1. *That the report "Activity Review for the Roothing and Footpaths Services" be received.*
2. *That Council adopt the S17A Roothing and Footpaths Services as proposed.*

12 Activity Review for Environmental Services (Group Manager, Regulatory and Planning) (103015)

Pgs. 61 - 72

Attached is a report on the Activity Review for Environmental Services.

Recommendations

1. *That the report "Activity Review for Activity Review for Environmental Services" be received.*
2. *That Council adopt the Environmental Services delivery as proposed in the report and Appendix A.*
3. *That Council approves the recommendation to amend current performance targets, being response to noise complaints – 95% within 30 minutes.*
4. *That Council acknowledges the approved recommendation will be actioned and consulted on, as part of the Long Term Plan 2025 / 2034.*

13 Activity Review for Dog Control Services (Group Manager, Regulatory and Planning) (103015)

Pgs. 73 - 87

Attached is a report on the Activity Review for Dog Control Services.

Recommendations

1. *That the report "Activity Review for Dog Control Services" be received.*
2. *That Council adopt the Dog Control Services delivery as proposed in this report and contained in Appendix A.*
3. *That Council approves the recommendation to amend current performance targets to option 3, being that attendance of service requests are within required timeframes –*
 - *Priority Jobs - 95% within 30mins*
 - *Other Jobs – 100% within 24 hours*
4. *That Council acknowledges the approved recommendation will be actioned and consulted on, as part of the Long Term Plan 2025-2034.*

14 Exclusion of the Public

Recommendation

That the public is excluded from the following part of the proceedings of this meeting, namely:

1. **Minutes for Confidential Meeting Held on 10 April 2024**

The general subject of the matter to be considered while the public is excluded; the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Information & Meetings Act 1987 for the passing of this resolution is as follows:

General Subject of the matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
<i>1. Minutes from Confidential Meeting held on 10 April 2024.</i>	<i>Maintain the effective conduct of public affairs through the free and frank expression of opinions.</i>	<i>That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48 (1) (a) (i)</i>

This resolution is made in reliance on Section 48(1) (a) of the Local Government Official Information & Meetings Act 1987 and the particular interest or interests protected by Section 7 (2) (b) (i) of that Act.

M Godfery
Chief Executive Officer

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**Minutes of the Ordinary Meeting of the Kawerau District Council
held on Wednesday 27 March 2024
in the Council Chamber commencing at 9.00am**

Present: Her Worship the Mayor F K N Tunui
Deputy Mayor A Rangihika
Councillor C J Ion
Councillor B Julian
Councillor R G K Savage
Councillor Godfery
Councillor Kingi
Councillor J Ross
Councillor R Andrews

In Attendance: Chief Executive Officer (M Godfery)
Group Manager, Operations and Services (D Lye)
Acting Group Manager, Operations and Services (R Nel)
Group Manager, Finance and Corporate Services (L Butler)
Group Manager, Regulatory and Planning (M Glaspey)
Economic and Community Development Manager (L Barton)
Administration Officer (T Barnett)

Opening Prayer

Pastor Mark Kingi opened the meeting with a prayer.

Apologies

No apologies were received.

Leave of Absence

Resolved **Deputy Mayor Rangihika / Councillor Ross**

A Leave of Absence was received from Councillor Ion from Tuesday 21 May 2024 to Tuesday 28 May 2024.

Public Forum

Skarlett Starr

Referred to Section 10 of the Local Government Act, compelling Council to act in the best interest of the Community regarding the proposed introduction of fluoride in the water, and advised that legal action could be taken against Council by the public if they allow the proposed introduction of fluoride to take place.

Sue Grey

Sue Grey is a political figure and environmental lawyer in Nelson, and spoke in public forum regarding the failure by the government to consider the Bill of Rights in their decision to mandate the proposed introduction of fluoride.

Encouraged Council to write to the Director General of Health and seek an extension on the mandate.

Derek Speirs

Mr. Speirs spoke of his concerns using sodium hydroxide in lieu of lime used to descale the water pipes and has concerns of the long term effects of its use.

Glen Allan

Asked the Council where their heart is in the proposed introduction to fluoride, is it with the people, or with the government?

Recess was called from 9.44am to 9.45am while members of the public forum exited to meeting.

Declarations of Conflict of Interest

No declarations of conflict of interest were received.

1 CONFIRMATION OF COUNCIL MINUTES**1.1 Ordinary Council – 28 February 2024****CORRECTION:**

- Page 4 – Item 5 – Recommendation 3 – Include date that Council appointed Morgan Godfery a director of BOPLASS Ltd (28 February 2024) on behalf of the Kawerau District Council.

Resolved**Councillors Ross / Savage**

That the minutes of the Ordinary Council Meeting held on 28 February 2024 be confirmed as a true and accurate record.

1.2 Extraordinary Council – 20 March 2024**Resolved****Councillors Kingi / Andrews**

That the minutes of the Ordinary Council Meeting held on 20 March 2024 be confirmed as a true and accurate record

2 RECEIPT OF COMMITTEE MINUTES

2.1 Regulatory and Services Committee Meeting – 13 March 2024

Resolved

Councillors Ion / Savage

That the Minutes of the Regulatory and Services Committee meeting held on 13 March 2024 be confirmed as a true and accurate record.

3 Action Schedule (101120)

Action Item:

Include the invite to BOPLASS into the Action Schedule

Resolved

Councillors Savage / Kingi

That the updated Action Schedule of resolutions/actions requested by Council is received.

4 Her Worship the Mayor's Report (101400)

Resolved

Her Worship the Mayor / Councillor Ion

That Her Worship the Mayor's report for the period Thursday 22 February 2024 to Wednesday 20 March 2024 is received.

5 Activity Review for Museum Services (Group Manager, Finance and Corporate Services) (508100)

Council discussed the report Activity Review for Museum Services.

Resolved

Deputy Mayor Rangihika / Councillor Savage

1. *That the report "Activity Review for Museum Services" be received.*
2. *That Council adopt the Museum Services 17a review as proposed in the report and Appendix A.*

6 Activity Review for Library Services (Group Manager, Finance and Corporate Services) (103015)

Council discussed the report Activity Review for Library Services.

Resolved

Councillors Ion / Kingi

1. *That the report "Activity Review for Library Services" be received.*
2. *That Council adopt the Library Services 17a review as proposed in the report and Appendix A.*

Councillor Godfery left the meeting at 10.23am
Councillor Godfery returned to the meeting at 10.26am

7 Activity Review for the Water Supply Service (Group Manager, Operations and Services) (404410)

Council discussed the report on the Activity Review for the Water Supply Service.

Resolved **Councillor Savage / Deputy Mayor Rangihika**

1. *That the report "Activity Review for the Water Supply Service" be received.*
2. *That Council adopt the Water Supply Service as proposed.*

8 Activity Review for the Waste Water Service (Group Manager, Operations and Services) (406000)

Council discussed the report on the Activity Review for Waste Water Service.

Resolved **Councillor Ion / Deputy Mayor Rangihika**

1. *That the report "Activity Review for the Waste Water Service" be received.*
2. *That Council adopts the Waste Water Service as proposed.*

9 Exclusion of the Public – 10.34am

Resolved **Councillors Ross / Kingi**

That the public is excluded from the following part of the proceedings of this meeting, namely:

- 1. Minutes for Confidential Meeting Held on 28 February 2024**
- 2. Kawerau Bowling Club – Rent / Rate Review**

The general subject of the matter to be considered while the public is excluded; the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Information & Meetings Act 1987 for the passing of this resolution is as follows:

General Subject of the matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
<i>1. Minutes from Confidential Meeting held on 28 February 2024</i>	<i>Maintain the effective conduct of public affairs through the free and frank expression of opinions.</i>	<i>That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of</i>

<p>2. <i>Kawerau Bowling Club – Rent / Rate Review.</i></p>		<p><i>information for which good reason for withholding exists. Section 48 (1) (a) (i)</i></p>
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This resolution is made in reliance on Section 48(1) (a) of the Local Government Official Information & Meetings Act 1987 and the particular interest or interests protected by Section 7 (2) (b) (i) of that Act.

Meeting closed 1.26pm

F K N Tunui

Mayor

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**Minutes of the Extraordinary Meeting of the Kawerau District Council
held on Wednesday 10 April 2024
commencing at 1.22pm**

Present: Her Worship the Mayor F K N Tunui
Deputy Mayor Rangihika (via Zoom)
Councillor W Godfery
Councillor B Julian
Councillor C J Ion
Councillor R G K Savage
Councillor S Kingi
Councillor R Andrews
Councillor J Ross

In Attendance: Group Manager, Finance and Corporate Services (L Butler)
Group Manager, Regulatory and Planning (M Glaspey)
Group Manager, Operations and Services (Dean Lye)
Acting Group Manager, Operations and Services (R Nel)
Communications and Engagement Manager (T Humberstone)
Economic and Community Development Manager (L Barton)
Administration Officer (T Barnett)

Apologies

Resolved

Councillors Ion / Ross

Apologies from Deputy Mayor Rangihika for lateness were received.

Leave of Absence

No Leave of Absence were received.

Declarations of Conflict of Interest

No conflicts of interest were declared.

Public Forum

No Public Forum was heard.

1 Adoption of Consultation Document for the Proposed Kawerau District Council Annual Plan 2024 / 25 (Group Manager, Finance and Corporate Services) (110400)

Council considered report from the Group Manager, Finance and Corporate Services on the Adoption of Consultation Document for the Proposed Kawerau District Council Annual Plan 2024 / 25.

Resolved

Councillors Ross / Savage

1. *That the report "Adoption of Consultation Document for the Proposed Kawerau District Council Annual Plan 2024 / 25" be received.*
2. *That the Council adopt the draft 2024 / 25 budget and the proposed rates for the Consultation Document; and*
3. *That Council adopts the Consultation Document for the Annual Plan 2024 / 25, as presented for commencement of the special consultative*

procedure from 12 April 2024, with submissions closing at 5.00pm on Tuesday 14 May 2024.

2 **Exclusion of the Public – 1.29pm**

Resolved

Councillors Ion / Kingi

That the public is excluded from the following part of the proceedings of this meeting, namely:

1. **Business Proposal.**

The general subject of the matter to be considered while the public is excluded; the reason for passing this resolution in relation to the matter, and the specific grounds under Section 48(1) of the Local Government Information & Meetings Act 1987 for the passing of this resolution is as follows:

General Subject of the matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48(1) for the passing of this resolution
1. <i>Business Proposal.</i>	<i>Maintain the effective conduct of public affairs through the free and frank expression of opinions.</i>	<i>That the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists. Section 48 (1) (a) (i)</i>

This resolution is made in reliance on Section 48(1) (a) of the Local Government Official Information & Meetings Act 1987 and the particular interest or interests protected by Section 7 (2) (b) (i) of that Act.

Meeting closed at 2.03pm

F K N Tunui

Mayor

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**Kawerau District Council Minutes of an
Audit and Risk Committee held on 8 April 2024
commencing at 1.00pm**

Present: Philip Jones – P J Associates (Chair)
Her Worship the Mayor – F K N Tunui
Deputy Mayor – A Rangihika
Councillor C Ion
Councillor B J Julian

In Attendance: Chief Executive Officer (M Godfery)
Group Manager, Finance and Corporate Services (L Butler)
Group Manager, Regulatory and Planning (M Glaspey)
Group Manager, Operations and Services (D Lye)
Customer Service Officer (L Kerei)

Apologies

No apologies were received.

Declarations of Conflict of Interest

No conflicts of interest were received.

1 CONFIRMATION OF AUDIT AND RISK COMMITTEE MINUTES

1.1 Audit and Risk Committee – 12 February 2024

Resolved **Councillor Julian / Deputy Mayor Rangihika**

That the minutes of the Audit and Risk Committee Meeting held on 12 February 2024 be confirmed as a true and accurate record.

2 Health, Safety and Wellbeing Report for Period 1 February 2024 – 31 March 2024 (Group Manager, Regulatory and Planning (509500))

Attached is the report from the Group Manager, Regulatory and Planning covering Health, Safety and Wellbeing report for period 1 February 2024 – 31 March 2024.

Resolved **Councillor Ion / Her Worship the Mayor**

That the report “Health, Safety and Wellbeing report for period 1 February 2024 – 31 March 2024” be received.

3 Treasury Report to 31 December 2023 and to 31 January 2024 (Group Manager, Finance and Corporate Services) (110551)

Attached is a report on the Treasury Report to 31 December 2023 and to 31 January 2024.

Resolved

That the report “Treasury Report to 31 December 2023 and to 31 January 2024” be received.

4 Treasury Report to 29 February 2024 (Group Manager, Finance and Corporate Services) (110551)

Attached is a report on the Treasury Report to 29 February 2024.

Resolved

Deputy Mayor Rangihika / Councillor Julian

That the report "Treasury Report to 29 February 2024" be received.

5 Annual Plan Performance for the Six Months Ended 31 December 2023 (Group Manager, Finance and Corporate Services) (110400)

The Committee received the Annual Plan Performance for the Six Months Ended 31 December 2023.

Resolved

Her Worship the Mayor / Councillor Ion

That the report "Annual Plan Performance for the Six Months Ended 31 December 2023" be received.

6 Audit and Risk Review Timetable for 2024 (Group Manager, Finance and Corporate Services) (101300)

The Committee received a report for Audit and Risk Review Timetable for 2024.

Resolved

Chair Jones / Her Worship the Mayor

That the report "Audit and Risk Review Timetable for 2024" be received.

7 Annual Plan 2024 / 25 Updated Timetable (Group Manager, Finance and Corporate Services) (110400)

The Committee received the report for the Financial Contributions Policy Review

Resolved

Councillor Ion / Councillor Julian

That the report "Annual Plan 2024 / 25 Updated Timetable" be received.

8 Kawerau District Council Bylaw Review (Group Manager, Finance and Corporate Services) (320000)

The Committee received the report for the Review of Councils Investment Policy and Liability Management Policy.

Resolved

Her Worship the Mayor / Chair Jones

That the report "Kawerau District Council Bylaw Review" be received.

Meeting closed 1.40pm

P Jones

Chairperson

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**Minutes of the Regulatory & Services Committee
held on Wednesday 10 April 2024
commencing at 9.00am**

Present: Councillor C J Ion (Chairperson)
Her Worship the Mayor F K N Tunui
Deputy Mayor A Rangihika (via Zoom)
Councillor B Julian
Councillor S Kingi
Councillor W Godfery
Councillor J Ross
Councillor R G K Savage
Councillor R Andrews

In Attendance: Chief Executive Officer (M Godfery)
Group Manager, Finance and Corporate Services (L Butler)
Group Manager, Operations and Services (D Lye)
Group Manager, Regulatory and Planning (M Glaspey)
Communications Manager (T Humberstone)
Economic and Community Development Manager (L Barton)
Administration Officer (T Barnett)

Chair Ion acknowledged the members of the community who were there for Public Forum.

Apologies

No Apologies were received.

Leave of Absence

No Leave of Absence were received.

Declarations of Conflict of Interest

No Declarations of Conflict of Interest were received.

Formal introductions were made for our new Group Manager, Operations and Services Manager, Dean Lye, and Dog Control and Compliance Team Leader Dale Anderson.

Public Forum

Jan Meredith

Queried why Council have not applied for an extension regarding the proposed fluoride mandate from Central Government.

Christine Larsen

Asked Council to supply figures on the installation of the equipment needed for the proposed introduction of fluoride, and would like annual costs on the proposed fluoride introduction made available to the public.

Derek Spiers

Requested relevant information regarding the directive from Central Government around the proposed introduction of fluoride into the water to be posted on Councils Facebook page.

Jonette Nead

Has concerns regarding the proposed introduction of fluoride into the water system, and mentioned when living in Australia, the local Council gave out fluoride tablets, giving people the option.

Mark Valk

Supports the proposed introduction of fluoride, and given the choice, he would choose fluoride over chlorine.

Skarlett Starr

Mentioned the injunction recently sought by Hastings Council regarding the proposed introduction of fluoride into the water, and said all the Community is asking for at this stage is that an injunction is sought for the Kawerau District.

Mieke Byerley

Spoke representing her family against the proposed introduction of fluoride into the water, and questioned why people do not have the choice whether to have it in their water.

Phil Shoemac

Spoke detailing the directive issued to all Councils around the proposed introduction of fluoride into the water.

Chief Executive Officer Morgan Godfery

CE Godfery gave an update in regards to the proposed introduction of fluoride into the water, and the Councils position regarding this.

Chair Ion adjourned the open meeting at 9.24am**Chair Ion resumed an open meeting at 9.32am**

CE Godfery went on to explain that we do not have the power to take on Central Government, and encouraged the public to take their fight to Wellington.

Her Worship the Mayor

Her Worship gave an update regarding meeting with the Councils that have asked for the deferment from Central Government regarding the proposed introduction of fluoride into the water in Wellington on the 11 and 12 April 2024.

Opening Prayer

Pastor Mark Kingi opened the meeting with a prayer.

PART A – REGULATORY

1 Monthly Report - Regulatory and Planning Services (340000)

The Committee discussed a report covering Regulatory and Planning activities for the month of March 2024.

Correction:

Page 5 – Item 8.3 – last paragraph – Group Manager, Regulatory and Planning Services to update Iwi title to Ngāti Tūwharetoa.

Resolved

Councillors Savage / Kingi

That the report on Regulatory and Planning Services activities for the month of March 2024 is received.

PART B – NON REGULATORY

2 Monthly Report - Finance and Corporate Services (211000)

The Committee discussed a report from the Group Manager, Finance and Corporate Services covering activities for the month of March 2024.

Resolved

Councillors Godfery / Ross

That the report from the Group Manager, Finance and Corporate Services for the month of March 2024 is received.

Councillor Ross left the meeting at 10.04am

3 Monthly Report - Operations and Services (440000)

The Committee discussed a report from the Acting Group Manager, Operations and Services covering activities for the month of March 2024.

Action Items:

Group Manager, Operations and Services to update Elected Members on the status of the Resource Consent for water supply.

Page 18 – Group Manager, Operations and Services to confirm that activities that have been completed and change the report to reflect this.

Resolved

Councillors Savage / Kingi

That the report from the Acting Group Manager, Operations and Services for the month of March 2024 is received.

4 Monthly Report - Economic and Community Development (Economic and Community Development Manager) (309005)

The Committee discussed a report from the Economic and Community Development Manager covering economic and community activities for the month of March 2024.

Action Items:

Economic and Community Development Manager to update Economic Profile and email to Elected Members.

Economic and Community Development Manager to provide an update on when a decision will be likely made regarding the boundary Change.

Resolved

Her Worship the Mayor / Councillor Julian

That the report from the Economic and Community Development Manager for the month of March 2024 is received.

Chief Executive Officer Godfery left the meeting at 10.17am

5 Monthly Report – Communications and Engagement (Communications and Engagement Manager) (340100)

The Committee discussed a report from the Communications and Engagement Manager covering communications and engagement activities for the month of March 2024.

Resolved

Councillors Savage / Ion

That the report from the Communications and Engagement Manager for the month of March 2024 is received.

Meeting closed at 10.30am

C J Ion

Chairperson

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Action Schedule						
Meeting Date	Resolution / Action Requested	Action	Status	Comments	Estimated Date	
A&R 04.02.20	Council's Risk Maturity Improvement Programme Arrange KPMG to review Council's Risk Management Maturity profile once the tasks in progress / underway are completed.	GM F&CS	Completed In Progress	<p>Council has completed all areas recommended for improvement and will be engaging a consultant to further assess Council's risk maturity.</p> <p>The risk register that was developed is reviewed regularly by the Audit and Risk Committee.</p> <p>A potential provider was identified during July; however, the cost would be significant and more than budgeted for the 2023/24 financial year. Staff are investigating to see if there is a cost-effective option and approach.</p> <p>Completion of a risk assessment should include key input from a Governance and Senior Leadership Team perspective. With the change in CEO and soon to be Group Manager Operations, the recommendation is to do this review in September 2024, when the new roles in the Senior Leadership team are well established. This will also provide further time for staff to find a cost-effective option.</p>	September 2024	
Council 28.06.22	His Worship the Mayor's Report Elected Members agreed to move the cemetery records from the toilet block area to another area of the cemetery.	GM O&S	In Progress	A solution was developed, costed and presented to Elected Members at the May Workshop. A further Workshop was held following the June Regulatory & Services Committee Meeting. A revised plan will be presented to Council.		

Meeting Date	Resolution / Action Requested	Action	Status	Comments	Estimated Date
Council 28.06.22	<p>His Worship the Mayor's Report continued</p> <p><u>22.02.23 Council</u> Staff to communicate to public regarding the relocation of the cemetery records.</p>	C&EM	Pending	<p>Part of the Mayor's Message in the December 2022 newsletter</p> <p>As a new solution is being re-worked, and approved, we will advise the Community.</p>	Community advised once installation is completed
	<p><u>04.10.23 Hui</u></p> <p>Hui in Council Chambers with Mayor, Councillors, Kaumātua, Chief Executive, Dawn Hill, other community members and Council Staff. All agreed that names of loved ones needed to be moved away from the toilet block, onto a stand-alone display area, with a shelter. Kaumātua Tomai Fox and Te Haukākawa Te Rire recommended a simple design to provide a practical and functional area. Design to allow for current and additional names. Seating was also considered.</p>	GM O&S	Complete	<p>Meeting actions included: Group Manager Operations and Services, Hanno van der Merwe and team Steve Houia (both present at the meeting) were tasked with completing further work on possible designs. There was a discussion about a similar names' board at a Napier Cemetery.</p> <p>The next step once plans are drafted, is for the group to meet up at the Kawerau Cemetery to decide and agree on the most suitable placement.</p>	
	<p><u>19.12.24 Site Visit</u></p> <p>The group met at the Kawerau Cemetery to decide and agree on the most suitable location of the signage board and finalise the design of the shelter.</p>	GM O&S	In Progress	<p>The design of the shelter was approved and will be installed in March 2024. The location was being finalised.</p>	
	<p><u>18.03.24 Iwi Liaison Hui</u></p> <p>A hui was held with Mayor, Deputy Mayor and Council's Cultural Advisor and Kaumātua, Te Haukākawa Te Rire</p>			<p>Two location options were considered and are being explored by GM Operations and Services, Dean Lye.</p>	April 2024

Meeting Date	Resolution / Action Requested	Action	Status	Comments	Estimated Date
R&S 12.07.22	<p>Monthly Report - Regulatory and Planning Services</p> <p>Iwi consultation for the Spatial Plan.</p>	GM R&P	In Progress	<p>The Eastern Bay of Plenty Spatial Plan (Our Spaces) is being developed in partnership with central government and Iwi from Whakatane, Opotiki and Kawerau. Tūwharetoa Settlement Trust has been invited to join, but declined as they do not believe they speak for all the Iwi. Tūwharetoa Kaumatua, Te Haukākawa (Boycie) Te Rire has agreed to sit at the Governance level (once established) and will liaise with Tūwharetoa Kaumātua on who may be the appropriate person to sit at the leadership level.</p> <p><u>Update – 27 April 2023</u> Meeting with Ngāti Tūwharetoa (Bay of Plenty) Settlement Trust re: Stoneham Park Residential Development covered the Spatial and raised involvement of NTST engagement, particularly, with regard to the vision and aspirations for their whanau.</p> <p><u>Update – 22 May 2023</u> Hui was scheduled for 22 May with our Iwi Kaumātua (who unfortunately was ill) but attended by Mayor Faylene Tunui, Deputy Mayor Aaron Rangihika, Cr Warwick Godfery, CEO Russell George and C&EM Tania Humberstone who had invited Eastern BOP Spatial Plan Iwi Facilitators Tipene Wilson and Te Riria Potiki to give an understanding of their role within the project to assist Council and Iwi engagement; and to establish next steps in the engagement process with Council and Ngāti Tūwharetoa (Bay of Plenty) Settlement Trust.</p>	Ongoing

Meeting Date	Resolution / Action Requested	Action	Status	Comments	Estimated Date
R&S 12.07.22	Monthly Report – Regulatory and Planning Iwi consultation for the Spatial Plan continued	GM R&P	In Progress	<p><u>Update – 24 May 2023</u> Raised at the hui with Tūwharetoa ki Kawerau Hauora, comprising various Māori Land Trust members. Request to return and present specifically on the Spatial Plan, Stoneham Park update and potential partnering opportunities.</p> <p><u>Update – 24 July 2023</u> Met with Tūwharetoa ki Kawerau Kaumatua (Hahuru), Ngāti Tūwharetoa (BOP) Settlement Trust and Tūwharetoa ki Kawerau Hauora to seek guidance on Iwi representation on Spatial Plan Committees.</p> <p>Our Places – eastern bay spatial plan Iwi liaison team (Tipene Wilson and Te Riria Potiki) have offered hui dates to discuss directly with Iwi and Tangata Whenua. Iwi liaison can carry this out independently of Council as part of their role to support Iwi involvement.</p> <p><u>Update 17 October 2023</u> Letter sent to Tūwharetoa requesting feedback and introducing the availability of Spatial Plan Iwi Facilitators Tipene Wilson and Te Riria Potiki, to help them understand the process and be able to answer any questions they may have. Council has received no response to date.</p> <p>The Iwi Liaison Committee were looking to re-engage with Tūwharetoa ki Kawerau Kaumatua (Hahuru), Ngāti Tūwharetoa (BOP) Settlement Trust and Tūwharetoa ki Kawerau Hauora to seek guidance on Iwi representation on Spatial Plan Committees.</p>	

Meeting Date	Resolution / Action Requested	Action	Status	Comments	Estimated Date
EC 22.11.23	2025 Triennial Elections Council resolved to establish one or more Māori wards for the Kawerau District in the 2025 and 2028 triennial elections.	C&EM	In Progress	Council will work through the review of representation arrangements. Consultation with Tangata Whenua and Iwi (meeting) and the community (via a survey) will take place.	Ongoing March to September 2024
R&S 14.02.24	Monthly Report - Operations and Services Staff to confirm the date that the SPCA left the building on Spencer Avenue Staff to confirm the date of when the Elected Members site visit to the SPCA and Dog Pound was carried out.	GM O&S	In Progress	An update will be provided at the next Regulatory & Services Committee meeting.	April 2024
R&S 13.03.24	Monthly Report - Economic & Community Development Staff were asked to:- Arrange a meeting with the developers of the Off Highway Road to discuss plans moving forward. Arrange a meeting with ISK (Industrial Symbiosis Kawerau) to discuss future endeavours for the Kawerau District.	ECDM	In Progress	OHR investor has been sent a request from ECDM to update Council. No date confirmed as yet. ISK Board meet on April 10. A request to ISK Chair has been sent to consider a change of date to allow KDC CEO to attend (due to a Council meeting day). Waiting a reply, depending on response, an invite will be extended to ISK to meet and update Council on future ISK plans. <u>Update – 18 April 2024</u> ISK meeting rescheduled for Thursday 9 May. CEO due to attend	April 2024

Meeting Date	Resolution / Action Requested	Action	Status	Comments	Estimated Date
R&S 10.04.24	<p>Monthly Report – Operations and Services</p> <p>Staff to update on the status of the Resource Consent for water supply.</p> <p>Re: Page 18 – staff to confirm the completed activities and update the report to reflect those changes.</p>	GM O&S	In Progress	An update will be provided at the next Regulatory & Services Committee meeting.	

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OC: Ordinary Council EC: Extraordinary Council A&R: Audit & Risk Committee R&S: Regulatory & Services Committee
 GMF&CS: GM, Finance & Corporate Services GMR&P: GM, Regulatory & Planning
 C&EM: Communication & Engagement Manager ECDM: Economic & Community Development Manager

Completed Items

R&S 13.12.23	<p>Monthly Report – Operations and Services</p> <p>Staff were asked to include in the Community newsletter, the distinction between the two public water outlets at New World carpark and at the pump house at Pat Baker Reserve.</p>			Information about the two drinking water outlets is periodically advised via the newsletter and also on social media (15/11/23) with regards to the New World carpark drinking water tap having the chlorine removed via a filter, and the River Road Pumphouse outlet only being UV treated (pre-chlorination). Further updates will continue to be made in the coming issues of the newsletter.	
Council 28.02.24	<p>Appointment of CEO to BOPLASS</p> <p>Elected Members resolved to invite BOPLASS CEO Stephen Boyle to present to Council on what the directorship involves.</p>			Stephen Boyle, CEO of BOPLASS presented to the Council Workshop on Wednesday, 17 April.	
R&S 10.04.24	<p>Monthly Report – Economic & Community Development</p> <p>Staff were asked to:- Update Economic Profile and email to Elected Members. Update on when a decision will be likely made regarding the Boundary Change.</p>			Infometrics Regional Economic Profile was emailed to Elected Members on 10.04.24 The Local Government Commission provided Council with the final decision on 11.04.24. Full support for Council's proposal. Transition Body to be formed, with intended transfer date 1.07.24	

Meeting Council

Meeting Date: 24 April 2024

Subject: Her Worship the Mayor's Report

File No. 101400

1 **Purpose**

The purpose of this report is to outline meetings, functions and events that I have hosted, attended and/or participated in for the period Thursday, 21 March to Wednesday 17 April 2024. This report also includes Mayoral correspondence for the same period.

March

- Thurs 21 • Attended LGNZ Zone 3 Meeting with Opotiki Mayor David Moore, held at Midway Surf Rescue Community Hub, Gisborne
[Spotlight on Tairāwhiti for local government meeting | Gisborne District Council \(www.gdc.govt.nz\)](https://www.gdc.govt.nz)
- Fri 22 • Meeting with Mayors Taskforce for Jobs Coordinator Amy Hayes re: MTFJ and MSD Contracts for Rangatahi into employment, held in Mayor's Office
- Mon 25 • Meeting with GM Operations & Services Dean Lye and Economic & Community Development Manager Lee Barton re: Tarawera River Walkway, held in Mayor's Office
- Tues 26 • Hui with Cultural Advisor Te Haukakawa (Boycie) Te Rire re: Re-Opening of Rangi Delamere Centre, upcoming Citizenship Ceremony and relocation of Te Marukaa rock, held in Mayor's Office
- Hui with Kawerau A8D Trustees Leigh Bason, Shirley Stevenson, Advisory Trustee Jeenero Leef and Trustee Liaison Lau Lasike re: Boundary Change – from Whakatane district to Kawerau district.
- Wed 27 • March 2024 Council Meeting Day, held in Council Chamber
[Council Agenda 2024.03.27.pdf \(www.kaweraudc.govt.nz\)](https://www.kaweraudc.govt.nz)
- Thurs 28 • Opening of Putauaki Trust Office, Te Whare Ohaaki, held on Tamaoho Drive, Kawerau (Programme attached)

April

- Wed 3 • Elected Member Workshop re: review of Councillor Committees, held in Council Chamber.
- Citizenship Ceremony for Kaamila James and Edna Peehikuru, held in Council Chamber
- Hui with Paul Delamere and Cultural Advisor Te Haukakawa (Boycie) Te Rire re: Re-opening of Rangi Delamere Centre, held in Mayor's Office.
- Thurs 4 • Meeting with Council's Building Team re: Tūwharetoa ki Kawerau Hauora Whanau Day – Te Rā o Matatu
- Meeting with GM Operations & Services Dean Lye and Engineering Manager Riaan Nel re: Asset Preventative Maintenance Programme and Walkway repair solutions
- Meeting with Essity General Manager Peter Hockley and Technical Manager Ian Shepherd re: Tarawera Awa Tree Planting Project.

- Thurs 4
- Civil Defence Emergency Management Group Joint Committee Chair pre-agenda discussion in preparation for Friday 5 April meeting, held via Zoom
- Fri 5
- Civil Defence Emergency Management Group Joint Committee Members Meet and Greet with Minister for Emergency Management and Recovery, Hon Mark Mitchell, held at BOP Regional Council, Tauranga
 - Civil Defence Emergency Management Group Joint Committee Meeting, held at BOP Regional Council, Tauranga
[Agenda of Bay of Plenty Civil Defence Emergency Management Group Joint Committee - Friday, 5 April 2024 \(www.boprc.govt.nz\)](http://www.boprc.govt.nz)
 - Meeting with Jacob Kajavala of ISK re: apologies for not attending Annual Plan consultation with ISK due to attending LGNZ Combined Sector and Rural & Provincial meetings.
 - Phone Interview with Paora Manuel of Radio 1XX re: enhanced Annual Plan transitional decision and proposed 15.1% rates hike.
- Mon 8
- Audit & Risk Committee Meeting, held in Council Chamber.
[Audit & Risk Committee Meeting \(www.kaweraudc.govt.nz\)](http://www.kaweraudc.govt.nz)
- Wed 10
- Regulatory & Services Committee Meeting, held in Council Chamber
[Regulatory & Services Committee Meeting \(www.kaweraudc.govt.nz\)](http://www.kaweraudc.govt.nz)
 - Extraordinary Council Meeting, held in Council Chamber
[Extraordinary Council Meeting \(www.kaweraudc.govt.nz\)](http://www.kaweraudc.govt.nz)
 - Meeting with Creative Communities Scheme Senior Adviser Rebecca Kunin and Rena Silpa re: Creative Communities Committee Training, held in Committee Room
 - Guest Speaker at Global Women in Leadership, held at BOP Regional Council, Whakatane
- Thurs 11
- LGNZ Combined Sector Meeting, held at Wellington
 - LGNZ's Work Programme
 - Working together on Tourism and funding tools for Local Government
 - Addressing New Zealand's 30 year Infrastructure needs
 - Fast track consenting – what it means for Councils and their communities
 - Meeting with Nelson Deputy Mayor Rohan O'Neill-Stevens re: an extension to fluoridation.
 - Meeting with Waitaki Mayor Gary Kircher re: an extension to fluoridation.
- Fri 12
- LGNZ Rural & Provincial Sector Meeting, held at Wellington
 - Rural Communities and the Environment
 - LGNZ Transport Forum
 - Perspectives on the Government's Fast Track Approvals Bill
 - Update from Mayors Taskforce for Jobs
- Sat 13
- Re-Opening Ceremony for the Rangi Delamere Centre, held at the Rangi Delamere Centre, Plunket Street, Kawerau (Programme attached)

- Mon 15
- Monthly Tangata Whenua Iwi Liaison Hui, held in Mayor's Office
 - Kawerau Cemetery Board Shelter Update
 - Signage / Plaque for Tiwhatiwha, Piripiri and Te Marukaa
 - Bilingual position titles
 - Te Reo Māori lessons and cultural awareness training for staff and Elected Members.
 - Residential Development Update
 - Representation Review
 - Eastern BOP Spatial Plan Governance Group
 - Boundary Change – from Whakatane district to Kawerau district.
 - Rangi Delamere Centre
 - Long Term Plan 2024-2034 Iwi Engagement
 - Meeting with Kawerau Hotel Owner Ken Lu re: accommodation options in Kawerau
- Tues 16
- Mahere ā tau | Proposed Annual Plan 2024-2025 - Public Consultation held at Rangi Delamere Centre
 - Eastern BOP Mayors catch-up re: Eastern BOP Economic Development, Roading and Policing.
- Wed 17
- Council Workshop Day, held in Council Chamber
 - Fluoride Update
 - Boundary Change – from Whakatane district to Kawerau district.
 - Hardie Ave NZTA subsidy application
 - Presentation from Stephen Boyle of BOP Local Authority Shared Services
 - Ron Hardie Rec Centre Update
 - Rangi Delamere Centre

2 Mayoral Correspondence

- Thurs 28/3 Request received from Whakatane Mayor Victor Luca, to co-sign letter to Minister of Police Hon Mark Mitchell and East Coast MP Dana Kirkpatrick requesting increased road policing in the Eastern BOP.
- Thurs 4/4 Letter from Minister of Local Government, Hon Simeon Brown re: Reinstatement of the pre-2021 binding poll provisions for Maori Wards.
- Tues 16/4 As Chair of BOP Civil Defence Emergency Management, an invitation was sent to Central Government Elected Officials inviting them to a briefing and an overview of the BOP Civil Defence Emergency Management.

3 RECOMMENDATION

That Her Worship the Mayor's report for the period Thursday, 21 March to Wednesday 17 April 2024 be received.



Faylene Tunui
Kahika | Mayor



Putauaki Trust

Putauaki Trust New Office Opening

Te Whare Ohaaki



Thursday 28 March 2024 | Tamaoho Drive, Kawerau

Programme

11am - 12pm

*Whakatau, Speeches, Cutting of Ribbon,
Walk through Office*

12pm - 1pm

Lunch, Refreshments

The Trustees of Putauaki Trust

*Kiriwaitangi Rei, Charles Ohaaki Elliott, Tiaki Hunia, Eric Titi Eruera,
Cathy Marewa Burgess and Rex O'Brien
thank you for being part of this special occasion and in particular
wish to thank our architects and consultants DD2 of Whakatane
and our builders GF Builders Ltd of Whakatane and
the many sub contractors.*

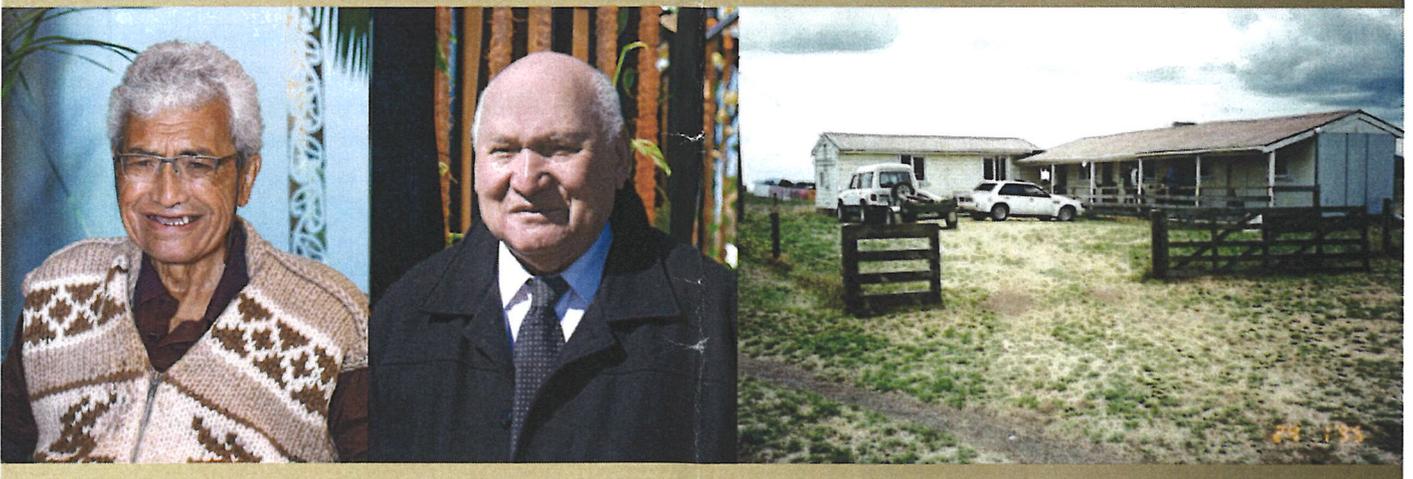
Ngā mihi nui ki a koutou katoa.

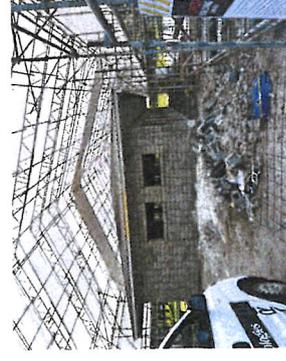
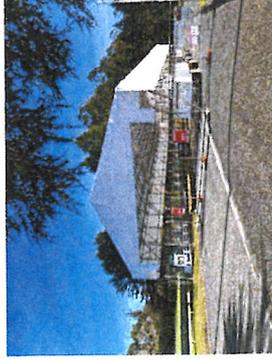
Inaugural Trustees who have recently passed

*Tamaoho Waaka Vercoe
and Anaru Rangiheuea*

Putauaki Trusts First Office

The Shearers quarters





Nga Mihi Thank You

On behalf of the Kawerau District Council and the whanau of Rangi Delamere, we want to thank you all for joining us to celebrate this auspicious occasion for Kawerau.

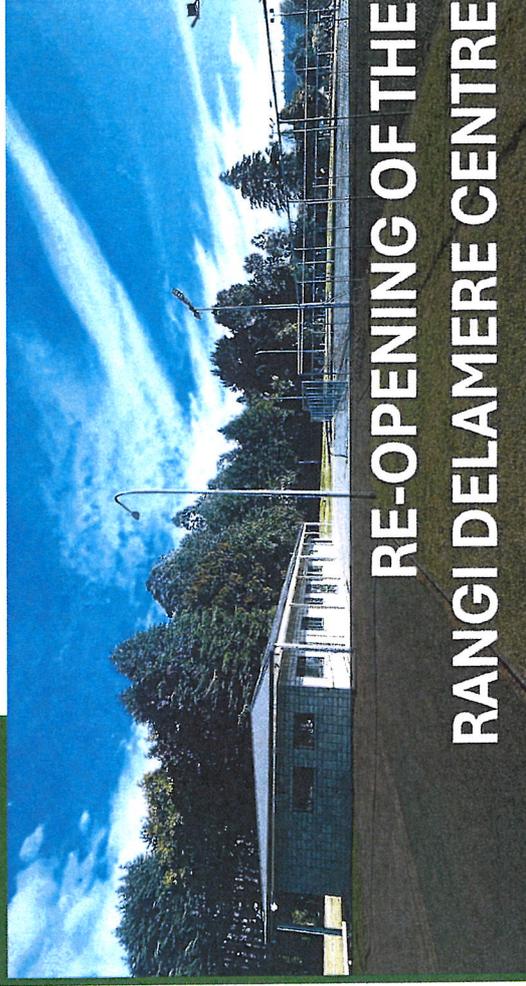
We also acknowledge the community for your patience and support

Thank you to:-

- NZ Community Trust
- Simon Wren Building
- Flamecut Profile Kawerau
- Heke Collier, Carver
- Hammer Hardware, Kawerau
- Tuwharetoa ki Kawerau Kaumatua
- Te Haukākawa Te Rire



Nau Mai, Haere Mai Welcome



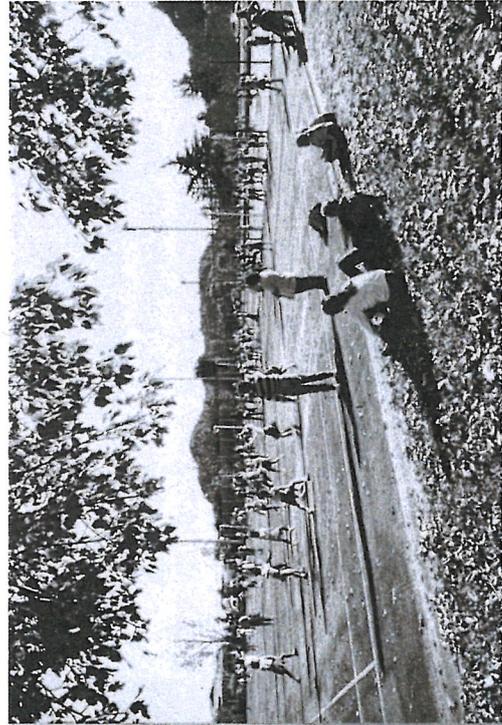
Saturday 13th April Commencing at 10am

Unveiling & Blessing

Opening Karakia
 Hetaraka Chris Hall of St Gerard's Catholic Church
 Her Worship the Mayor Faylene Tunui
 Karakia by Hetaraka Chris Hall

Unveiling of Carving
 Te Haukaka Te Rire
 Karakia by Hetaraka Chris Hall

Everyone to move inside
Unveiling of Photo & Plaque
 Kim Delamere Westrup
 Karakia by Hetaraka Chris Hall



Kawerau GAZETTE
 Vol. 10
 No. 79
 Wednesday, 14th October, 1984.

KINDERGARTEN NEWSLETTER

NEW TENNIS - BASKETBALL PAVILION

THE NEW SPORTS PAVILION to serve the tennis courts on Fricisauz Park. The contractors in spite of recent vandalism hope to have the building completed in approx. 3 weeks.

Mihi & Speeches

Mihi Whakatau | Informal Welcome
 Tuwharetoa ki Kawerau Kaumatua, Te Haukaka Te Rire
 Whaikorero by Manuhiri—Visitors
 Rautahi Community Marae Chairman, Te Waraki Te Ruki

Speeches
 Her Worship the Mayor Faylene Tunui
 Rangi Delamere Whanau
 Netball Waikato, BOP Representative Aimee Te Whata
 Richard Collier on behalf of Kawerau Tennis Assoc.

Open Floor Speeches
Closing Karakia

Cutting of the Cake followed by Morning Tea
 Tutawake Kapa Haka Performance

Meeting: Council meeting

Meeting Date: 24 April 2024

Subject: Request to Extend the Deadline to Fluoridate

File No.: 404000

1 **Background**

In July 2022, the Director-General of Health (DGoH) issued a directive under s 116E of the Health Act 1956 instructing fourteen territorial authorities across New Zealand to fluoridate their drinking water supplies. Kawerau District Council was among the fourteen territorial authorities in receipt of the directive with the DGoH fixing a deadline of 30 June 2024 for Council to comply. If Council fails to comply, the DGoH can levy an initial fine of \$200,000 with an additional fine of \$10,000 for every day of non-compliance after 1 July.

But in November 2023 New Health Inc undertook judicial review proceedings in the High Court arguing that the DGoH made an error of law in failing to consider the Bill of Rights Act 1993 (BORA) in his analysis of whether to exercise his powers under the Health Act 1956. The High Court agreed finding that the DGoH made a procedural error in failing to consider BORA. Under that Act the DGoH must balance s 11 – the right to refuse medical treatment – against s 5 – justified limitations. Under s 5 decision-makers exercising public powers can limit a right or rights contained in BORA if there is a justified reason for doing so.

Importantly, the High Court left the original directive in place. That means the directive to fluoridate by 30 June 2024 remains in place. The Judge was clear that – consistent with the foundational rule of judicial review – the Court will scrutinise the decision-making process but not the decision itself. Therefore, the High Court made a procedural rather than substantive finding thus leaving the directive in force.

That means the DGoH must reconsider the directive in light of BORA.

On 22 February 2024, the DGoH wrote to Council confirming that she is currently reconsidering the directive in light of BORA. However, in her letter there was no indication as to how quickly that reconsideration might take place. Council is working under significant uncertainty with, first, the deadline to fluoridate looming and, second, no clear timeline on the DGoH's reconsideration.

2 **Options for consideration**

On 22 February 2024, the DGoH agreed to extend Nelson City Council's deadline to fluoridate their water supply. The Nelson City Council made the deadline extension request given the significant uncertainty following the High Court's decision in November 2023.

Kawerau District Council is operating under the same uncertainty. The options open to the DGoH are significant. Those options include:

- Reconfirming the original directive to the fourteen territorial authorities with the original deadlines in place;
- Reconfirming the original directive with extended deadlines;
- Cancelling one, some or all of the fourteen directives;
- Issuing bespoke directives for one, some or all of the fourteen territorial authorities.

This leaves Council with two options:

1. Continue work to fluoridate the water supply according to the deadline of 30 June 2024; or
2. Support the Chief Executive Officer to write to the DGoH seeking an extension to the deadline contained in the original directive.

Given the significant uncertainty, the recommendation is that Council direct the Chief Executive to seek an extension. If an extension is sought and approved Council are in a better position to await the reconfirmation, cancellation or otherwise of the original directive. Council can also observe and respond accordingly to any further judicial decisions.

3 Policy and Plan Considerations

As part of the DGoH's original directive the Ministry of Health undertook to assist in covering the cost of the capital works, territorial authorities would need to undertake to fluoridate their water supplies. The recommendation to seek an extension would not impact the capital works programme which is near completion.

4 Financial and Legal Considerations

If Council fails to comply with the directive as it stands the DGoH can levy significant fines. This would represent unplanned, unbudgeted expenditure. Requesting an extension to fluoridate would help reduce the risk of failing to meet the deadline while the DGoH reconsiders the original directive.

5 Significance and Engagement

Council acknowledges the petition of 723 signatures opposing the directive to fluoridate. Although Council cannot consult on the directive – that power is for the Ministry of Health and the Director-General of Health to exercise – Council is mindful that members of the community take a firm view on the merits or otherwise of the DGOH's directive and the issue of fluoridation. Council also acknowledges that the request to seek an extension was made in writing and in public forums.

6 RECOMMENDATIONS

1. That the report Request to Extend the Deadline to Fluoridate be received.
2. That Council support the Chief Executive Officer to write to the Director-General of Health seeking an extension to the deadline to fluoridate.



Morgan Godfery

Chief Executive OfficerZ:\KDC Taxonomy\Governance\Democratic Services\Meetings\Council\Reports\April 2024\IR-Request to Extend the Deadline to Fluoridate.docx

Meeting: Council

Meeting Date: 24 April 2024

Subject: **Electoral Processes Update: Local Government (Electoral Legislation and Māori Wards and Constituencies) Amendment Bill 2024**

File No.: 101200

1 Background

In 2023, elected members decided to retain the First Past the Post (FPP) voting system and to introduce Māori representation through Māori wards. Therefore, Kawerau District Council is compelled to undertake a representation review and seek feedback from Tangata Whenua and Iwi, and the community regarding the arrangement of the seats around the Council table with the introduction of Māori wards alongside General wards.

Council has been progressing through this third and final step of the electoral decision-making process, which must demonstrate engagement with Tangata Whenua and Iwi and the community. From March to April 2024, Council staff have been gathering feedback to inform the first Representation Review proposal that will entail a formal consultation process.

On 4 April 2024, the Coalition Government's Local Government Minister Hon. Simeon Brown announced the Local Government (Electoral Legislation and Māori Wards and Constituencies) Amendment Bill 2024. Kawerau is affected by the bill as it is one of 13 councils that voted to introduce Māori representation through Māori wards in 2023, to take effect for the 2025 and 2028 elections.

The report is accompanied by a presentation from the Department of Internal Affairs, which is working with the Local Government Commission to assist local government with this legislation that is likely to be introduced in May 2024, and enacted in late July 2024.

Following the enactment of the Local Government (Electoral Legislation and Māori Wards and Constituencies) Amendment Bill 2024, Kawerau District Council will have options to choose with regard to the 2025 election.

Following the Extraordinary Meeting on 22 November 2023, Council resolved to establish one or more Māori wards. How this will be effected for the council, will form part of the representation arrangements review.

2 Options Considered

This workshop is an additional workshop in the Representation Review series to specifically table the announcement of the Local Government (Electoral Legislation and Māori Wards and Constituencies) Amendment Bill 2024.

Kawerau is one of 13 Territorial Authorities impacted by this legislative change having resolved to introduce Māori representation in 2023 for the upcoming two elections. There are an additional 22 councils affected having introduced Māori wards at earlier stages.

As per the timeline in the presentation, the government plans to introduce the Bill in May. It would not be available for public comment or submissions at the draft Bill stage, but at the point of going to the Select Committee (where the submission process would be available). The plan is for the Bill to be enacted by late July 2024. After this Bill is enacted as legislation, Council will have two options:

- Rescind the introduction of Māori representation through Māori wards (in August); and complete a shorter representation review (with further details yet to be available) by the September timeline;
- Council could then choose to carry out a binding referendum regarding the re-introduction of Māori representation through Māori wards at the 2025 election, to take effect in 2028 and 2031.

OR

- Continue with the introduction of Māori representation through Māori wards for the 2025 election (with Māori seats, General seats and/or a combination model of representation);
- This will require Council to undertake a binding referendum at the 2025 election asking the community if they wish to retain Māori wards or not;
- The result of that referendum/poll will take effect from the 2028 election and will remain in place for the 2031 election.

The Department of Internal Affairs and the Local Government Commission will be providing further information to Councils.

3 Policy and Plan Considerations

The representation arrangements review is legislated by the Local Electoral Act 2001 and the subsequent review and amendments in 2023. Amendments to this Act in 2024 could considerably affect Council's decision to introduce Māori representation through Māori wards.

The Local Government (Electoral Legislation and Māori Wards and Constituencies) Amendment Bill 2024, when enacted will supersede and in effect rescind the earlier amendments to the legislation by the former government.

4 Risks

Council must complete the legal requirements for engagement throughout the representation review. There was sufficient time for a thorough and robust process to be completed.

The amended Bill will provide an additional workload and requirements for Council and creates uncertainty for the community.

The reintroduction of the option for the community to call for a poll, means at a future date, a 5% minority of voters or 256 people of the 5,125 electors (as at 2022) can force Council into reviewing the decision for Māori representation. Exact details of whether a binding referendum in favour of Māori representation would supersede any later request via a 5% poll for a further referendum is not yet clear.

5 Financial Considerations

Funding has been set aside in the Annual Plan budgets for 2023-2025 and 2024-2025 election in 2025. There is likely to be an additional cost to conduct a referendum to undertake the representation review and also the local government 2025 triennial elections, however, aligning with the elections will minimise this cost.

6 Legal Considerations

Representation reviews are a statutory process prescribed in the Local Electoral Act 2001. Election Services Electoral Officer Dale Ofoske is the subject matter expert and will be guiding council to ensure that we meet all our legal obligations as part of the Local Electoral Act 2001 and the Local Electoral Amendment Act 2024.

7 Significance and Engagement

When making decisions, Council will consult Tangata Whenua, Kaumātua and Iwi. Council will ensure it meets its obligations with regard to the principles relating to local authorities contained in s14 of the Local Government Act, Te Tiriti o Waitangi and the Council's Significance and Engagement Policy.

8 Conclusion

This is an additional report in the planned series with the representation review to support council through the process of the representation review.

There is a workshop planned in May with Election Services to table the early feedback gathered from the community regarding the Representation Review. Any further information available from the Coalition Government regarding the Local Government (Electoral Legislation and Māori Wards and Constituencies) Amendment Bill 2024 will be discussed and tabled then with a new timeline developed for the decision-making processes required by Council.

9 **RECOMMENDATIONS**

1. That the report Local Government (Electoral Legislation and Māori Wards and Constituencies) Amendment Bill 2024 – be received.
2. That Council resolve to update the community regarding this Bill and the representation arrangements review alongside the Annual Plan 2024-2025.



Tania Humberstone

Manager Communications and Engagement

Z:\KDC Taxonomy\Governance\Democratic Services\Meetings\Council\Reports\April 2024\R-Electoral Amend Bill Rep Review 24 04 24.docx

Meeting: Council

Meeting Date: 24 April 2024

Subject: Kawerau District Council Bylaw Reviews

File No: 320000

1 Purpose

The purpose of this report is to outline the requirements around Council Bylaws and to provide an update on the status of Council Bylaws and the steps being undertaken to address the bylaws requiring urgent renewal.

2 Background

Council has bylaws to help manage public nuisances, promote public health and safety, minimise the potential for offensive behaviour, protect public infrastructure and regulating activities in public places.

Council has the power to make bylaws under s145 of the Local Government Act 2002 ('LGA'). Other Acts also enable Council to make bylaws such as the Dog Control Act 1996 and Sale and Supply of Alcohol Act 2012.

Under the LGA, all bylaws must be reviewed 5 years after first implemented and every 10 years after that. Where a bylaw has not been reviewed within the required timeframe, it will automatically expire and become revoked two years after the last date in which it should have been reviewed.

Council previously employed a Policy Analyst/Strategic Planner who was responsible for reviewing the existing Bylaws, Policies and assisting with Annual Plans, among other things. This position was not replaced upon the employee's resignation. It is believed this was due to the work being intermittent and did not require a part/full time permanent position. As a result, the oversight of the Bylaws and Policies was to be managed by the Group Manager for the area in which the Bylaw/Policies related.

A review of the current KDC bylaws under the LGA requirements has been undertaken and the details outlined below. However, it must be noted, that in some circumstances, legislation addressing the specific bylaw subject matter, may also influence review timeframes. For example, the Dog Control Act 1996 requires a Bylaw to be implemented within 6 months of any new Dog Control Policy. This report provides an overview and does not cover the specific legislation in regards to each individual bylaw.

3 Situation

Kawerau District Council has a total of seventeen bylaws. This a split between a consolidated bylaw and individual bylaws. Twelve bylaws have past their review dates and become revoked two years after their last review date. Essentially, twelve bylaws require urgent review and one is currently under review and should

be completed prior to the final review date. This information has been broken down below for your information.

Currently Council has a consolidated Bylaw with 11 parts. The following parts have not been reviewed and are now revoked or will become revoked in April 2024:

- General Bylaw Part 1 – Introductory 2009
- General Bylaw Part 3 – Trading in Public Places 2009
- General Bylaw Part 5 – Advertising Signs 2013 (too late to be reviewed - revoked June 2025)
- General Bylaw – Part 8 – Wastewater Drainage 2010
- General Bylaw Part 9 – On-site Wastewater Disposal 2010
- General Bylaw Part 10 – Trade Waste 2010
- General Bylaw Part 11 – Solid Waste 2010
- General Bylaw Part 12 – Cemetery 2012
- General Bylaw Part 13 – Leisure and Recreation Facilities 2010

There are two parts of the consolidated bylaw that do not currently require reviewing.

- General Bylaw Part 2 – Public Places 2013 (review due September 2029)
- General Bylaw – Control of Stock, Poultry and Bees 2019 (review due January 2029)

It will be recommended that Council revoke the consolidated bylaw, which will require these two parts to also be reviewed (discussed at 4.1 Bylaw format).

In addition to the consolidated bylaw, Council has 6 standalone bylaws of which the following are revoked:

- Speed Limits Bylaw 2011
- Traffic and Parking Bylaw 2011
- Water Supply Bylaw 2009

One bylaw is currently under review and should be completed within the required timeframe:

- Freedom Camping Bylaw 2019 - (currently under review)

The final bylaws do not require review, and for easy reference I have outlined their required review dates:

- Dog Control Bylaw 2019 - (Review due September 2027)
- Alcohol Control Bylaw 2022 - (Review due February 2029)

Initial conversations and quotes have been obtained from three different service providers in the policy space. There is significant cost involved in engaging external staff to provide this service.

4 Discussions

4.1 Bylaw Consolidation or Not

Our bylaws are a mix of a consolidated bylaw and individual bylaws. The benefit of a consolidated bylaw is that the information relevant to more than one bylaw

(such as definitions) can be placed in part one as the introduction and it does not need to be repeated in each bylaw.

The disadvantage is that all relevant information could be contained in more than one document. In today's world, our community does not want to be downloading multiple documents to find out what they need to know and understand about any one topic.

Given we need to review so much of the consolidated bylaw and we already have existing individual bylaws, it is recommended we move away from our consolidated bylaw and make all bylaws individual standalone documents that are easy to understand and hold all the required information on those topics.

This approach will require the early review of two parts, as the consolidated bylaw would no longer be operational.

4.2 Bylaw Workload

This is a significant piece of work, due to the number of bylaws requiring review, and the process that is required. Bylaws must follow the special consultative process as outlined briefly below:

- Prepare and adopt a statement of proposal and draft bylaw.
- Publically notify statement of proposal and draft bylaw, provide public consultation meetings and allow at least one month for the community to provide feedback.
- Consolidate community feedback and present to Council and submitters.
- Provide public hearing for community to present their views in person.
- Consider community feedback.
- Pass resolution to adopt bylaw with or without amendments.

Given the large amount of public consultation upcoming, it is recommended we try to minimise consultation through grouping the bylaw reviews, into two groups.

4.3 Budget

Initial conversations and quotes/estimates have been sought from three different service providers in the policy space. Each of the service providers were recommended by other Councils that have used their services.

Consultant 1 – estimated \$15,675 (plus GST) for an initial report outlining options, priorities, and key issues. Hourly rates \$150 to \$245 depending on who was doing the work. Senior staff will be reviewing all work. This does not include conducting the bylaw reviews.

Consultant 2 – Did not have a capacity to take on the work, however estimated each bylaw would take approximately 190hrs. They offered a template pack including 12 documents for \$5,000 (plus GST) and hourly consultation for advice at \$160 (plus GST).

Consultant 3 – Hourly rate of \$150 (plus GST), 10 hours weekly for 8 months equalled \$48,000 plus expenses. This was not an estimate of hours required, just of the hours available, with the option to extend where required.

A breakdown of the hours estimated for each bylaw as provided by Consultant 2, although initially thinking it was excessive, this incorporated all steps including consultation and it is believed to be a reasonable estimate.

Council does not have a budget for this work.

To minimise costs, the Chief Executive has agreed to fund the \$5,000 document package and work with Consultant 2 to provide advice, while internal staff undertake the bylaw reviews.

4.4 Timeline

The following timeframes and groupings are proposed. Please note some flexibility will be required due to competing priorities.

Review Programme	
<u>Phase 1</u> : Completed by August	<u>Phase 2</u> : Completed by December
<ul style="list-style-type: none"> • Traffic and Parking Bylaw 2011 • Speed Limits Bylaw 2011 • Water Supply Bylaw 2009 • General Bylaw – Part 8 Wastewater Drainage 2010 • General Bylaw Part 9 On-site Wastewater Disposal 2010 • General Bylaw Part 10 Trade Waste 2010 • General Bylaw Part 11 Solid Waste 2010 	<ul style="list-style-type: none"> • General Bylaw Part 1 – Introductory 2009 • General Bylaw Part 2 – Public Places 2013 • General Bylaw Part 3 – Trading in Public Places 2009 • General Bylaw Part 5 – Advertising Signs 2013 • General Bylaw Part 13 – Leisure and Recreation Facilities 2010 • General Bylaw Part 12 – Cemetery 2012 • General Bylaw – Control of Stock, Poultry and Bees 2019

This timeline allows 5 months to complete the process for Phase one and four months for Phase two. These timelines are very tight and present the best intentions. This project will be undertaken and overseen by the Group Manager of Regulatory and Planning, with input from the Group Manager of Operations and Services, the Manager Communications and Engagement and their teams.

Key timelines are in the process of being drawn up while we await the templates that have been ordered and are being updated to our requirements.

4.5 Consultation

Given the large amount of work and consultation that is currently being undertaken, it is recommended that early communication goes out to the community letting them know of the pieces of work coming up so they can be prepared.

5 **RECOMMENDATIONS**

1. That the report “Kawerau District Council Bylaw Reviews” be received.



Michaela Glaspey

Group Manager, Regulatory and Planning

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Bylaw Review Dates

Bylaw Name	Last Enacted	Last Reviewed	Next Review Date	Reason
Water Supply Bylaw 2009	1/06/2009	Apr-09	Jun-19 – Now Revoked	10 Year Review
Speed Limits Bylaw 2011	1/07/2011	Jun-11	Jul-21 – Now Revoked	10 Year Review
Traffic and Parking Bylaw 2011	1/11/2011	Oct-11	Nov-21- Now Revoked	10 Year Review
General Bylaw Part 1 - Introductory 2009 (2012 Amendment)	24/11/2009	Apr-12	Apr-22 –Revoked in April	10 Year Review
General Bylaw Part 3 - Trading in Public Places 2009	1/12/2009	Apr-12	Apr-22 – Revoked in April	10 Year Review
General Bylaw Part 8 - Wastewater Drainage 2010	29/06/2010	Apr-12	Apr-22 – Revoked in April	10 Year Review
General Bylaw Part 9 - On-site Wastewater Disposal 2010	29/06/2010	Apr-12	Apr-22 – Revoked in April	10 Year Review
General Bylaw Part 10 - Trade Waste 2010	1/09/2010	Apr-12	Apr-22 – Revoked in April	10 Year Review
General Bylaw Part 11 - Solid Waste 2010	29/06/2010	Apr-12	Apr-22 – Revoked in April	10 Year Review
General Bylaw Part 12 - Cemetery 2010	1/09/2010	Apr-12	Apr-22 – Revoked in April	10 Year Review
General Bylaw Part 13 - Leisure and Recreation Facilities 2010	1/09/2010	Apr-12	Apr-22 – Revoked in April	10 Year Review
General Bylaw Part 5 - Advertising Signs 2013	1/06/2013	May-13	Jun-23 – Revoked in 2025	10 Year Review
Freedom Camping Bylaw 2019	1/10/2019		Oct-24 - Under review	5 Year Review
General Bylaw: Control of Stock, Poultry and Bees 2019	1/01/2019	Dec-18	Jan-29	10 Year Review
Dog Control Bylaw 2019	1/03/2019	Feb-19	Feb-29	10 Year Review
General Bylaw Part 2 - Public Places 2013 (2019 Amendment)	1/06/2013	Sep-19	Sep-29	10 Year Review
Alcohol Control Bylaw 2022	22/09/2022	Sept -22	Sept - 27	5 Year Review

<u>Meeting:</u>	Council Workshop
<u>Meeting Date:</u>	17 April 2024
<u>Subject:</u>	Asset Update – Ron Hardie Recreation Centre
<u>File No.:</u>	408500

1 Purpose

The Local Government Act requires that a local authority must review the cost-effectiveness of current arrangements for meeting the needs of communities within its district or region for good-quality local infrastructure, local public services, and performance of regulatory functions.

This review of the Ron Hardie Recreation Centre which is specific in its nature, ensures alignment to the more comprehensive and consolidated Public Facilities Service review and yet must still consider the governance, funding, and delivery of services, and requires specified options to be considered. Governance relates to how decisions are made about a service, Finance relates to how funding is provided to the service, and Delivery is how the service is operated.

This activity review is also undertaken as part of the development of Council's 2025-34 the Long-Term plan as well as, and more specifically speaking, the completion of the Asset Management Plan (AMP) for the Recreation Centre.

2 Activity Goals

The activity's primary goal is to provide public halls and facilities in the District in order to meet the social, cultural, and environmental requirements of our community.

This requires providing access to and maintaining the Ron Hardie Recreation Centre in a safe and compliant manner whilst ensuring alignment to an appropriate maintenance program.

3 Service and Scope

- Asset management plan development, reconciliation of public usage to sustainable maintenance programming for the Recreation Centre.
- Initial Maintenance Plan re-alignment for the Recreation Centre.

4 Current Governance and Service Delivery

Council governs the Recreation Centre Service whilst providing all relevant services to the Kawerau residents and public.

5 Current Performance Measures for Level of Service

The current levels of service, performance measures, current performance, targets, and sources of information is attached to this review, which relates to all halls and facilities.

6 Current cost of Service – Rec Centre

The cost of the service is funded through rates, fees and the charges for FY23/24 are as follows:

- \$163,085 (includes fees of \$4,000)

External funding is applied for when applicable and made available for specific projects as appropriate.

The Roof maintenance has a budgetary spend already accounted for in the FY23/24 budget to the amount of \$60,000, which in turn was made available from the depreciation reserves.

We have received two quotes to execute the (out-of-sync) maintenance task and both quotes fall within the budgeted parameter figure – that's inclusive of contingency planning costs.

7 Analyses of the Service

Need of the Service

The public halls and facility service, of which the Rec Centre is part of, is highly appreciated by ratepayers. The 2023 Triennial Residents survey achieved an approval rating of 83% and 79% (67% NZ benchmark) for public halls and toilets respectively.

Whilst the Ron Hardie Recreational Centre is currently underutilised, and used by a relatively small group of residents, with a subsequent re-alignment of some preventative maintenance tasks – namely the mis-aligned roof maintenance which has fallen out of sync with the forecasted accomplishment period - this utilisation is forecasted to increase.

Historical usage data:

Financial Year	Annual hours occupied (hrs)	Weekly average (hrs)*	Occupancy rate (%)
2015-2016	607	12	14%
2016-2017	985	19	23%
2017-2018	623	12	14%
2018-2019	1008	19	23%
2019-2020**	647	12	15%
2020-2021	COVID / Community Based Assessments tests		
2021-2022	1128	22	26%
2022-2023	1047	20	24%

* Rounded to the nearest whole number

** Data only available from 1/07/2019 – 20/12/2019, COVID impact in 2020

Bulk users (current)

- Taekwondo (3 days p/w – 6 hrs) – no charge
- Mr Goldsmith (irregular usage) - no charge
- Margaret Norris-Starr (1 day p/w – 1 hr) - \$12

Casual users (examples from previous years) which are anticipated to form part of the forecasted increase in usage – refer “Analyses of Services” section above.

- Rāranga wānanga
- Primary School Kapa Haka competition
- Numerous youth events
- Motorhome rally’s
- Wet weather contingency for events at the Circus Paddock
- Charitable boxing tournament
- Woodskills
- National Taekwondo tournament
- ANZAC Ceremony wet weather contingency
- Prize Giving venue for large sport tournaments (Tai Mitchell)

Improvements of the Service for the Ron Hardie Recreation Centre

The following future improvement initiative has been identified. This will need further investigation if Elected Members are interested in exploring an extended asset life.

The Ron Hardie Recreation Centre is believed to be coming to the end of its structural building life and may require significant repairs and replacements. This has not yet been quantified by professional engineers and considered for inclusion into a sustainable Asset Management Plan (AMP).

Council staff members are currently evaluating the cost for the professional assessment of where in the asset lifecycle the Ron Hardie Recreation Centre currently sits. This process will involve the engagement of suitably qualified civil engineers to provide inputs into the framework and structure of the new AMP. The cost to realign the roof maintenance to the current maintenance program is the only known quantity at this point. Points of interest could include, if not exclusively.

- Life cycle modelling for the building.
- GNS Reporting on Sulphur stability forecasting.
- The latest and most sustainable repair materials and strategies.
- Future use with the forecasted increased population.
- Preservation of CBD as a community hub

Constraints of the service

There are currently no constraints to this service.

Risks of the service

The Ron Hardie Recreation Centre is positioned on top of a high sulphur area and requires gas alarms to ensure it is safe to use.

Health & Safety Implications

The risks associated with not performing this proposed maintenance reset, and those that could have serious repercussions as a PCBU, are as follows:

- The leaks, if not rectified, could potentially create unforeseeable hazards for the end-users' safe operations of the facility.
- We as the PCBU would be liable for any subsequent H&S incident if the roof leaks are not addressed.
- If the H&S risk profile is ultimately suboptimal, as a result of not rectifying the immediate maintenance need (roofing repairs), then the facility would need to be closed indefinitely.

RECOMMENDATIONS

1. That the report "Asset Update – Ron Hardie Recreation Centre" be received.
2. That Council approves the strategy of realignment of the 'out of sync' roof maintenance as well as the allocation of the FY23/24 budgeted \$60,000 for the completion of this re-alignment task.
3. That Council approves the strategy of a subsequent professional assessment, by suitably qualified civil engineers in order to confirm where in the assets' life cycle it currently sits, which in turn will form the nucleus of a robust and Asset Management Plan.



Riaan Nel

Group Manager, Operations & Services

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Performance Measures and Targets

Levels of Service	Measures	Current performance target	Status	Data source
Council provides public halls and facilities which meet community needs	Community satisfaction with public halls User satisfaction with public halls Community satisfaction with public toilets User satisfaction with public toilets	>80%	Met 83% for Halls Not met 79% for toilets	Community survey (3 yearly)
Community Halls are available for hire	Number of weeks public halls are available for hire	At least 50 weeks	Met	Council records
Clean public toilets are provided in the central business district.	Number of days public toilets are open	At least 360 days a year	Met	Council records

Meeting: Council
Meeting Date: 24 April 2024
Subject: Dog Registration Fees 2024/25
File No.: 213100

1 **Purpose**

The purpose of this report is to set the dog registration fees for the 2024/25 financial year in accordance with Council's policy.

2 **Background**

The proposed expenditure and revenue for dog control and dog registration activities for 2024/25:

Dog Control Activity – direct costs	\$317,197
Overheads (including pound costs)	<u>\$169,120</u> \$486,317
Dog registration – direct costs	\$43,613
Overheads	<u>\$22,760</u> \$66,373
Total cost Dog Control Activity	\$552,690
Revenue	
Registration Fees	\$70,000
Infringements	\$10,000
Rates	<u>\$472,690</u>
Total Income Dog Control Activity	\$552,690

Dog owners funded 14.4% of total costs while ratepayers funded the balance 85.6%.

Some ratepayers (particularly those that don't own dogs) feel that a greater percentage of these costs should be paid for by owners and not ratepayers as dog owners cause the need for this activity (they are exacerbators). Also, if fees were higher this may reduce the number of dogs in the district and consequently costs.

The following are the dog registration fees for 2023/24 (including GST):

Neutered Dog	\$40.00
Entire Dog	\$80.00
Late payment penalty	50% addition to the fee charged
Seizure Fee (when dog is removed from the owner's property)	\$90.00
Fee for first impounding	\$90.00
Fee for second impounding	\$125.00
Third and subsequent impounding	\$160.00
Sustenance Fee (Daily)	\$12.00
Microchipping Fee	\$17.00
Replacement Tag Fee	\$6.00
Rehoming Fee	\$12.00

Previously, it had been Council's policy to keep the dog fees low to make the cost of registration affordable and encourage all dog owners to register their dogs.

Council in 2022 decided that it would increase the fees and charges annually by inflation to avoid significant increases in one year. The annual inflation rate to 31 December 2023 is 4.7%. Inflation has impacted Council's expenditure including personnel costs since 1 July 2022.

If Council was to increase the fees by the annual inflation rate to 31 December 2023 (4.7%), the fees would be:

Neutered Dog	\$42.00
Entire Dog	\$84.00
Late payment penalty	50% addition to the fee charged
Seizure Fee (when dog is removed from the owner's property)	\$95.00
Fee for first impounding	\$95.00
Fee for second impounding	\$130.00
Third and subsequent impounding	\$168.00
Sustenance Fee (Daily)	\$13.00
Microchipping Fee	\$18.00
Replacement Tag Fee	\$6.50
Rehoming Fee	\$13.00

Alternatively, Council could increase the dog registration fees by a greater amount to recognise that dog owners should pay more towards the costs of the dog control activity and also registration fees are lower than all neighbouring councils.

Council is required to adopt the 2024/25 dog fees and charges prior to the commencement of the year, as well as advertise the fees and charges in June.

The following table lists the dog fees and charges for other Bay of Plenty councils for 2023/24:

Councils	Opotiki	Whakatane	Rotorua	Tauranga	WBOP	Taupo
Neutered	\$58.00	\$63.00	\$100.00	\$100.00 Normal	\$100.00	\$84.00
Entire	\$120.00	\$90.00	\$110.00	\$150.00 Dangerous	\$150.00	\$95.00
Seizure fee (2nd seizure)	\$100.00	No Fee	\$57.75	\$106.00	1 st \$120.00 2 nd \$220.00	No Fee
Microchipping	\$25.00	\$17.00	\$30.00	\$30.00	\$35.00	\$25.00
Impound Fees						
– First	\$60.00	\$65.00	\$60.40	\$98.00*	\$130.00*	\$80.00
-Second	\$100.00	\$97.00	\$181.65	\$141.00	\$220.00*	\$155.00
-Third	\$150.00	\$130.00	\$204.75	**\$202.00	\$220.00	\$155.00
Sustenance	\$12.50	\$8.00	\$15.75	\$12.00	\$17.50	\$17.00

*Lower fee if dog registered ** Fourth and subsequent = \$281.00

NB Some of these councils also have a reduced fee for working and/or rural dogs.

3 Options for 2024/25

The following are possible options for the 2024/25 dog fees and charges:

- 3.1 Keep the fees and charges for 2024/25 the same as 2023/24. This option would result in revenue from registration fees of around \$70,000.
- 3.2 Increase the current dog registration fees by 4.7% (annual inflation to 31 December 2023). This would result in a further \$3,290 of fee revenue and a corresponding reduction in general rates.

	Fees 2023/24	Proposed 2024/25
Neutered Dog	\$40.00	\$42.00
Entire Dog	\$80.00	\$84.00
Late payment penalty – Applied 2 August 2024 – 50% addition to the fee charged		
Seizure Fee (at the Dog Control Officer's discretion)	\$90.00	\$95.00
Fee for first impounding	\$90.00	\$95.00
Fee for second impounding	\$125.00	\$130.00
Third and subsequent impounding	\$160.00	\$168.00
Sustenance Fee (Daily)	\$12.00	\$13.00
Microchipping Fee	\$17.00	\$18.00
Replacement Tag Fee	\$6.00	\$6.50
Rehoming Fee	\$12.00	\$13.00

Kawerau's dog registration fees are currently lower than all other councils in the Bay of Plenty, but any increase in fees will be a disincentive for dog owners to register their dogs.

For the 2024/25 budget the projected revenue for the dog registration activity has been based on the fees and charges being the same as 2023/24.

4 Policy and Plan Considerations

The Revenue and Financing Policy states all dog registration activity costs (100%) and 10% of the dog control activity costs are recovered from users by way of fees and charges. The revenue recovered from users is lower than the percentages per the Revenue and Financing Policy. To comply the registration fees income would need to increase a further \$35k. These percentages of user funding will be considered as part of Long Term Plan review for 2025-2034.

5 Financial Considerations

If Council adopts option 3.2, the additional revenue will reduce rates by \$3,290 to fund the Dog Control activity (when compared with the current fees and charges).

6 Legal Considerations

There are no known legal obligations that would prevent Council from adopting the recommendation. The fees recommended below are in accordance with the Dog Control Act 1996.

7 RECOMMENDATIONS

1. That the report "Dog Registration Fees 2024/25" be received.

2. That Council sets the Dog Registration fees for 2024/25 as follows (4.7%):

Neutered Dog	\$42.00
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Entire Dog	\$84.00
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Late payment penalty-applied 2 August 2024 50% addition to the fee charged

Seizure Fee (at the Dog Control Officer's discretion)	\$95.00
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Fee for first impounding	\$95.00
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Fee for second impounding	\$130.00
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Third and subsequent impounding	\$168.00
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Sustenance Fee (Daily)	\$13.00
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Microchipping Fee	\$18.00
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Replacement Tag Fee	\$6.50
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Rehoming Fee	\$13.00
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Lee-Anne Butler CA, BMS
Group Manager, Finance & Corporate Services



Michaela Glaspey
Group Manager, Regulatory & Planning

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Meeting: Council

Meeting Date: 17 April 2024

Subject: **Activity Review for the Stormwater Service**

File No.: 401200

1 Purpose

The Local Government Act requires, that a local authority must review the cost-effectiveness of current arrangements for meeting the needs of communities within its district or region for good-quality local infrastructure, local public services, and performance of regulatory functions.

This review of the Stormwater Service must consider the governance, funding and delivery of services, and requires specified options to be considered (see Appendix A). Governance relates to how decisions are made about a service, Finance relates to how funding is provided to the service, and Delivery is how the service is operated.

2 Activity Goals

The activity goal is to dispose of stormwater from the roading network in an environmentally acceptable manner that minimises impacts on the community, environment and other infrastructure and services in the District.

This requires managing and maintaining stormwater infrastructure, adhering to all consent, cultural, environmental and safety requirements in a sustainable way.

3 Service and Scope

This Service provides a collection network of cesspits, manholes and pipes to collect stormwater from all roads and transport it to a natural water course.

The current services are delivered:

- Collection and removal of stormwater.
- Management and maintenance of stormwater assets and monitoring disposal compliance.
- Repairing or replacing cesspits, pipes, manholes and outlets.
- Planning to meet future requirements and improve operations.

4 Current Governance and Service Delivery

Council governs the Stormwater Service.

Council staff provide the stormwater services and infrastructure provision and maintenance of the system.

Council utilises in-house Asset Management and Project Management Offices to provide and maintain all infrastructure.

Consultants and contractors provide specific specialist engineering services as needed.

Large infrastructure upgrades, replacements and installations are contracted to external contractors.

5 Current Performance Measures for Level of Service

The Stormwater Service have the following Levels of Service:

- **Community is satisfied with the Water Supply Service.**
Customer satisfaction is measured through a Triennial Residents survey. The 2023 Triennial Residents survey achieved an approval rating of 70% (56% NZ benchmark).
- **Total number of complaints received.**
Complaints are registered in the Request for Service database.
 - No complaints received.
- **System adequacy.**
Council stormwater system can deal with normal operational requirements. This is measured by the number of flooding events that occur and the impact they have.
 - No flooding events that impacted residences.
- **Flooding response times.**
The time it takes to attend a request for service for flooding is recorded in the Request for Service database.
 - Call out attendance less than 1 hour.
- **Environmental effects.**
Stormwater is treated and disposed under resource consents.
 - Compliance with all consent conditions.
 - No notices, orders or convictions.

6 Current cost of Service

The Stormwater Service is provided at an annual operational cost of \$99,000. A capital renewals budget of \$380,000 is planned for the current financial year (FY23/24).

Plant and Material	\$ 2,000
Maintenance	\$ 24,000
Depreciation	\$ 254,000
Depreciation not funded	\$ (190,000)
Overheads	\$ 9,000

The cost of the service is funded through rates. External funding is applied for projects when applicable and available.

7 Analyses of the Service

Need of the Service

Kawerau District Council is the only provider of stormwater services in the District. This service is closely linked with the roading service. There are no other potential suppliers.

Efficiency and Effectiveness of the Service

The service is efficient utilising local staff.

The service is cost effective and fees and charges are the lowest in the region.

Improvements of the Service

The Stormwater Service is heavily regulated and there are limited opportunities to improve the service.

Council may consider adding the removal of sub-surface water from berms and reserves where it causes damage to public or private properties.

Constraints of the service

The Stormwater Service is closely linked to the Roothing Service.

Future resource consent requirements may constrain the expansion or operation of the stormwater system.

Risks of the service

The Stormwater Service is legislated to be included in the currently planned or a future water reform and may be removed as a council service.

8 Delivery Options of the Service

The Stormwater Service was legislated in 2023 to be included in the planned water reform. This legislation was repealed in 2024 and it is expected that the Stormwater Service will remain a Council function for the next six years. This S17a review will be reviewed if there is any change to the legislation before the next review is due in 2030.

Current arrangement

The service is governed, funded and delivered by Council.

Governance

There are no other governance options.

Funding

The service is funded through rates.

Delivery

The service is delivered by Council staff and all infrastructure is developed and maintained by Council.

There are no other identified external agencies or contractors that could be considered to provide this service.

RECOMMENDATIONS

1. That the Report “Activity Review for the Stormwater Service” be received.
2. That Council adopt the Stormwater Service as proposed.



Riaan Nel

Group Manager, Operations & Services

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PART I: PRESENT ARRANGEMENTS	
<i>Name of the service and scope</i>	<u><i>Stormwater Service</i></u> <i>To provide a quality stormwater service and maintain stormwater infrastructure for the Kawerau District.</i>
<i>Rationale for service provision</i>	<i>Council is the only supplier of stormwater services in the District. There are no other stormwater providers in the District.</i>
<i>Present arrangements</i>	<i>The service is governed by Council.</i> <i>All operations, management and maintenance of the service are provided by Council staff and long-term contractors.</i> <i>The service is funded through rates, fees and charges.</i>
<i>Last review</i>	<i>July 2017</i>
<i>Performance</i>	<i>Performance is currently measured by:</i> <i>Community satisfaction surveys conducted every three years.</i> <i>Number of complaints received.</i> <i>Availability of the stormwater service.</i> <i>Reliability of the stormwater service.</i> <i>Compliance with resource consents.</i>
<i>Cost</i>	<i>\$99,000</i>
PART II: DECISION TO REVIEW	
<i>Why is a review considered?</i>	<i>It has been 6 years since the previous full review and a full review is required.</i>
<i>Are there any exceptions to undertake this review?</i>	<i>There are no exceptions that may be considered to undertake this review.</i>
<i>Is a full or a partial review required</i>	<i>It has been 6 years since the previous full review and a full review is required.</i>

PART III: ANALYSES OF OPTIONS	
<i>Governance options</i>	<p><i>Council is the only supplier of stormwater services in the District. There are no other stormwater providers in the District.</i></p>
<i>Funding options</i>	<p><i>The service is funded by rates as determined by Council's Revenue & Financing Policy..</i></p> <p><i>There is no option to develop fees and charges.</i></p> <p><i>External funding may be available for expansions or enhancements and are applied for when available.</i></p>
<i>Operational options</i>	<p><i>The service is managed, maintained and operated by Council staff. This is highly cost effective and gives direct control of the service to Council.</i></p> <p><i>There are no shared services with other Councils or organisations that can manage, maintain or operate this service.</i></p> <p><i>There are no other entities identified that may manage, maintain or operate the service.</i></p>

Meeting: Council

Meeting Date: 17 April 2024

Subject: **Activity Review for the Roding and Footpaths Service**

File No.: 401000

1 Purpose

The Local Government Act requires, that a local authority must review the cost-effectiveness of current arrangements for meeting the needs of communities within its district or region for good-quality local infrastructure, local public services, and performance of regulatory functions.

This review of the Roding and Footpaths Service must consider the governance, funding and delivery of services, and requires specified options to be considered (see Appendix A). Governance relates to how decisions are made about a service, Finance relates to how funding is provided to the service, and Delivery is how the service is operated.

2 Activity Goals

The activity's primary goal is to provide and maintain a system of roads and footpaths for the safe and comfortable passage of vehicles and pedestrians, cyclists and other vulnerable road users (e.g. mobility scooters and wheelchairs) in and through the District.

This requires providing sealed roads and footpaths, berms, kerbs and channelling, as well as intersections, pedestrian crossings and road calming measures, culverts and bridges, signs, markings, carparks and street lighting, while considering all consent, cultural, environmental and safety requirements and ensuring continued operation of all infrastructure in a sustainable way.

3 Service and Scope

This Service provides a transportation network consisting of:

- 43 km of sealed roads
- 70 km of footpaths, berms, kerbs and channelling
- Intersections and pedestrian crossings
- culverts and bridges
- carparks and street parking
- street lighting and all other signs and markings.

4 **Current Governance and Service Delivery**

Council governs the Roothing and Footpaths Service. However, activities funded by the NZ Transport Agency require agreement with them.

Council staff provide the Roothing and Footpaths services, infrastructure provision and maintenance of the system.

Council utilises in-house Asset Management and Project Management Offices to provide and maintain all infrastructure. WSP is used to support Asset Management (RAMM) services.

Consultants and contractors provide specific specialist engineering services as needed.

Large infrastructure upgrades, replacements and installations are contracted to external contractors. Small and minor works are performed by council staff.

Intergroup is used for road sweeping and Horizon is used to maintain Streetlights.

The Whakatane District Council provides Community Road Safety Initiatives.

5 **Current Performance Measures for Level of Service**

The Roothing and Footpaths Service have the following Levels of Service:

- **Community is satisfied with the Roothing and Footpaths Service.**
Customer satisfaction is measured through a Triennial Residents survey.
- **A safe network of roads is provided.**
There is no increase in the number of fatalities or serious crashes as reported by the police.
- **A quality network of roads is provided.**
The average quality of ride exceeds 95% of smooth travel exposure as measured by an annual independent survey.
- **The road network is well maintained.**
At least 5% of the road network is resurfaced every year as recorded in the Council records.
- **The road network is available.**
90% of potholes and streetlights are repaired within 14 days, with 100% repair activity and statistical measurement being achieved within 28 days.
- **A quality network of footpaths is provided.**
The average condition of footpaths exceeds 95% of the level of service as measured by an annual independent survey
- **The footpath network is available.**
All service requests to repair footpaths are responded to within 14 days.

6 Current cost of Service

The Transportation Service is divided into activities co-funded (subsidised) by the NZ Transport Agency and Council (75%) and Council (25%) only.

The subsidised activities have an operational budget of \$240,000 per year and a capital works budget of up to \$900,000 per year.

The non-subsidised activities have an operational budget of \$450,000 per year and a capital works budget of \$80,000 per year.

The overall cost of the service is funded through rates, NZ Transport Agency subsidies and central government fuel levies.

7 Analyses of the Service

Need of the Service

Under the Land Transport Act 1998 and the Local Government Act 2002, Council is a Road Controlling Authority, responsible for the transportation network inside the district with the exception of any State Highways or private roads.

Efficiency and Effectiveness of the Service

The service is delivered in-house (asset management, project management, small works) and through contractors (large works and maintenance).

Asset and Project management elements of the comprehensive roading service are relatively minor in the most part and are appropriately managed by staff with assistance from consultants as needed.

Improvements of the Service

The following improvements have been identified:

- **Shared Services**

During previous funding trienniums, Council signed shared contracts for street lighting renewals with Whakatane and Opotiki Councils. Evaluation of the contracts indicated no increase in cost-effectiveness or efficiency, with an added layer of management complexity.

Shared Services are evaluated by staff on an ad-hoc basis.

- **Increase Footpath width – Share use paths**

Increasing footpath width from 1,2 m to 1,8 m could accommodate shared pedestrian and cyclist use. This work was briefly scoped with the NZ Transport Agency in 2020.

Widening footpaths to allow shared use would increase the current footpath cost by 30% and will take 20 years to complete.

Footpaths is a NZ Transport Agency funded activity and opportunities to increase footpath width is negotiated with NZTA.

Constraints of the service

The service is significantly dependent on the NZ Transport Agency subsidies and changes to the subsidy rate will affect the affordability of the service. Indications are that the subsidy rate will not change during the next triennium.

The service is currently further constrained by its' small overhead allocation which limits allocating staff resources specific to the transportation service.

Risks of the service

The transportation network in general and roading specifically are hazardous activities. The risks are managed with speed management reviews and collaboration with NZ Police to police public use of the infrastructure.

The transportation network is also at risk of natural events that may damage the infrastructure and make it unsafe. Council is managing this risk by upgrading and maintaining stormwater and sub-surface water draining systems.

8 Delivery Options of the Service

Current arrangement

The service is governed and delivered by Council.

Governance

Under the Land Transport Act 1998 and the Local Government Act 2002, Council is a Road Controlling Authority, responsible for the transportation network inside the district with the exception of any State Highways or private roads. There are no other governance options.

Funding

The cost of the service is funded through rates, Waka Kotahi / NZ Transport Agency subsidies and central government fuel levies. There are no other funding options.

Delivery

The service is delivered by Council staff and all infrastructure is developed and maintained by Council.

There are no other identified external agencies or contractors that could be considered to provide this service.

3 RECOMMENDATION

1. That the report "S17A – Roding and Footpaths Service" be received.
2. That Council adopt the S17A Roding and Footpaths Service as proposed.



Riaan Nel

Group Manager, Operations & Services

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PART I: PRESENT ARRANGEMENTS	
<i>Name of the service and scope</i>	<p><u><i>Roading and Footpath Service</i></u></p> <p><i>To provide a quality roading and footpath service which provides 43 km of sealed roads and 70 km of footpaths, berms, kerbs and channeling, as well as intersections, pedestrian crossings and road calming measures, culverts and bridges, signs, markings, carparks and street lighting.</i></p>
<i>Rationale for service provision</i>	<p><i>Under the Land Transport Act 1998 and the Local Government Act 2002, Council is a Road Controlling Authority, responsible for the transportation network inside the district with the exception of any State Highways or private roads.</i></p>
<i>Present arrangements</i>	<p><i>The Roading and Footpaths service is governed by Council.</i></p> <p><i>All roading and footpath infrastructure services in the District are provided and maintained by Council.</i></p> <p><i>Council utilises in-house Asset Management and Project Management to deliver the service. Small and minor works are performed by staff.</i></p> <p><i>WSP is used to support Asset Management (RAMM) services.</i></p> <p><i>Intergroup is used for road sweeping.</i></p> <p><i>Horizon is used to maintain Streetlights.</i></p> <p><i>Large and Major works are done by contractors through quotes and tenders.</i></p> <p><i>Community Road Safety Initiatives are provided by Whakatane DC.</i></p>
<i>Last review</i>	<p><i>July 2017</i></p>
<i>Performance</i>	<p><i>Performance is currently measured by:</i></p> <p><i>Community satisfaction surveys conducted every three years.</i></p> <p><i>The safety of the roading and footpath network.</i></p> <p><i>The availability of the roading and footpath network.</i></p> <p><i>The quality of the roading and footpath network.</i></p> <p><i>The maintenance of the roading and footpath network.</i></p>

<p><i>Cost</i></p>	<p><i>The Roding activity is divided into activities funded by NZTA - Council (75% - 25%) and Council only.</i></p> <p><u><i>Subsidised annual cost:</i></u></p> <p><i>OPEX - \$240,000</i></p> <p><i>CAPEX - \$900,000</i></p> <p><i>Depreciation - \$280,000</i></p> <p><u><i>Non-Subsidised annual cost:</i></u></p> <p><i>OPEX - \$450,000</i></p> <p><i>CAPEX - \$80,000</i></p> <p><i>Depreciation - \$100,000</i></p>
<p>PART II: DECISION TO REVIEW</p>	
<p><i>Why is a review considered?</i></p>	<p><i>It has been 6 years since the previous full review and a full review is required.</i></p>
<p><i>Are there any exceptions to undertake this review?</i></p>	<p><i>There are no exceptions that may be considered to undertake this review.</i></p>
<p><i>Is a full or a partial review required</i></p>	<p><i>It has been 6 years since the previous full review and a full review is required.</i></p>
<p>PART III: ANALYSES OF OPTIONS</p>	
<p><i>Governance options</i></p>	<p><i>Under the Land Transport Act 1998 and the Local Government Act 2002, Council is a Road Controlling Authority and there are no other governance options.</i></p> <p><i>However, activities funded by NZTA require agreement with them.</i></p>
<p><i>Funding options</i></p>	<p><i>The subsidised service is co-funded by NZTA as determined by Central Government.</i></p> <p><i>The non-subsidised service is funded by rates as determined by the Council's Revenue & Financing Policy.</i></p> <p><i>There is no option to develop fees and charges.</i></p>

<p><i>Operational options</i></p>	<p><i>The service is delivered in-house (asset management, project management, small works) and through contractors (large works and maintenance).</i></p> <p><i>Asset and Project management of the roading service is relatively small and is appropriately managed by staff with assistance from consultants as needed.</i></p> <p><i>Kawerau DC and the Roding service are not large enough to have any Council Controlled Organisations.</i></p> <p><i>There are no shared services with other Councils or organisations that can manage, maintain, or operate this service.</i></p> <p><i>There are no other entities identified that may manage, maintain or operate the service.</i></p>
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Meeting: Council

Meeting Date: 24 April 2024

Subject: **Activity Review for Environmental Services**

File No.: 103015

1 Purpose

The Local Government Act requires that a local authority must review the cost-effectiveness of current arrangements for meeting the needs of communities within its district or region for good-quality local infrastructure, local public services, and performance of regulatory functions.

This review must consider the governance, funding and delivery of services, and requires specified options to be considered. Governance relates to how decisions are made about a service, Finance relates to how funding is provided to the service, and Delivery is how the service is operated.

This activity review is for the Environmental Services and is also undertaken as part of the development of Council's 2025-34 the Long-Term plan.

2 Activity Goal

The overall goal of all the environmental services, is to promote the sustainable development of the District and the health, safety and well-being of its residents.

Although no specific goal is identified, generally, Council wishes to provide for the safe and suitable delivery of food, alcohol and gambling venues ensuring compliance with required standards so as to reduce any significant risk to the community's health and safety, and social, and environmental wellbeing.

3 Service and Scope

Environmental Services cover a range of responsibilities set out in a differing legislation including the Health Act 1956, Food Act 2014, Resource Management Act 1991 (noise control), Litter Act 1979, Freedom Camping Act 2011, the Sale and Supply of Alcohol Act 2012, the Local Government Act 2002 (power to make and enforcement of bylaws) and any associated regulations.

Council has a duty under the Health Act 1956 to improve, promote and protect public health within its district through:

- Appoint an Environmental Health Officer
- Undertake inspections for nuisances or conditions likely to injure health or be offensive
- Abate or remove anything identified

- Enforce various regulations (e.g. hairdressers and notifiable and infectious diseases)

Under the Food Act 2014, Council has a duty to ensure operators provide safe and suitable food including:

- Maintain a register of food venues
- Approve and monitor food control plans and national programmes
- Complete verifications/audits and issue any improvement notices required
- Investigate complaints and take required follow up activities

Council is also responsible for the operation of the Sale and Supply of Alcohol Act 2012, including:

- Establishment of a District Licensing Committee, which is responsible for the issuing of venue licences, managers certificates, renewals and suspensions
- Receiving and managing applications including liaising with the Ministry of Health and Police
- Implementing a Local Alcohol Policy
- Compliance with venue licences issues
- Reporting to the Alcohol Regulatory & Licensing Authority

Under the Resource Management Act 1991, Council is responsible for noise control including:

- Identification of excessive noise and taking the appropriate enforcement action.

Council is also responsible for the introduction and enforcement of relevant Bylaws.

4 Current Governance and Service Delivery

Environmental services are currently governed by Council.

Service delivery is undertaken with a combination of in-house staff and contracted service.

From July 2016 to July 2023, Council has contracted some service delivery to Whakatāne District Council. From 1 August 2023, this contracted service has been transferred to Ōpōtiki District Council. The contracted services include the regulatory functions of the Food Act 2014, the Health Act 1956 and the Sale and Supply of Alcohol Act 2012. The administration of these roles remain in house.

These roles:

- Food Act 2014 and Health Act 1956
 - Management of food control plans, including approving food control plans, completing verifications/audits and issuing of improvement notices.

- Venue inspections and the management of complaints regarding any licenced premises (food venues, hairdressers, funeral home).
 - Other inspections where an Environmental Health or Food Safety Officer's opinion and/or guidance is required.
- Sale and Supply of Alcohol Act 2012
 - Management of applications for licences and certificates under the Sale and Supply of Alcohol Act 2012 and providing reports to the District Licensing Committee (DLC).
 - Venue inspections and follow up for all alcohol premises.

The District Licensing Committee, which has responsibility for making decisions on alcohol licensing applications, is operated as a shared service across the three Eastern Bay Councils: Kawerau, Ōpōtiki and Whakatāne.

Council also engages a private contractor responsible for being on-call 24/7 to respond to noise complaints and/or requests for service issued by the Council.

Council staff are responsible for overseeing the contracted parties, monitoring and enforcement for stock permits, litter control, abandoned cars, parking and freedom camping offences, various bylaw matters. In addition, they undertake all administration duties for food and alcohol requirements.

These arrangements have generally delivered on expectations and contractual KPIs.

5 Current Performance Measures for Level of Service

The environmental services activity is measured on the following level of service:

Levels of Service	Measures	Target 2023/24
Service users consider Council's Building Control Activity to be effective	Audit of Food premises operating Food Control Plans	100%
	Inspection of registered premises for compliance with relevant standards	100%
Premises licenced under the Sale and Supply of Alcohol Act 2012 comply with licence conditions	Inspection of licenced premises for compliance	100%
Council respond to complaints and service requests for environmental health conditions (noise complaints, nuisance conditions/health risks)	Respond to noise complaints	80% within 20 minutes 98% within 30 minutes
	Response to other environmental health service request/complaints	100% within one working day

Previous years allowed for the response to a service request received while the officer/contractor is responding to another callout may be delayed for up to 2hrs. This provision was removed at the end of the 2021/22 year.

Environmental services were not measured through the monthly satisfaction survey or as part of the Triennial Residents survey.

This year's results were similar to previous years except for noise control. Council achieved the targets for audits and inspections of food and alcohol premises with 100% completed.

Responses to environmental health services requests did not achieve as one service request was missed and attended the following day.

Noise complaints were not achieved with 60% attended within 20 minutes and 74% within 30 minutes. This was down from 84.7% and 92% for the previous year.

6 Current Service Delivery Costs

The Environmental Services Activity has a budget of \$234,532 per year and is funded through rates (\$208,532) and fees and charges (\$26,000).

Service availability costs are considered to be 100% public benefit and are entirely funded by rates. Service use costs are considered to be 50% public benefit and 50% private benefit and rating is targeted towards this.

Fees for the various categories were comprehensively reviewed for the 2017/18 year and have been increased within inflation for the 2022/23 and 2023/24.

A review of the activity, indicates the fees for food safety were set prior to understanding the full implications of the three year transition period after the Food Act 2014 was introduced. A full review of fees was set for the 2020/21 year, to ensure they aligned with the cost of service, however this was not undertaken at that time due to Covid and since fallen of the radar. Although the fees appear reasonable, this should be reviewed in line with the costs, prior to the long term plan/next annual plan.

7 Analyses of the Service

Need for the Service

Council is required by the Acts, set out at point 3, to perform the environmental services within its district.

However, there are different options for delivering the services which include in-house; a council-owned organisation; a jointly-owned organisation; another council or an external provider (person, business or organisation).

The important factors to consider in the delivery is the ability to maintain and deliver a consistent, quality service that is controllable, achievable and cost-effective.

Efficiency and Effectiveness of the Service

Kawerau District Council has provided an efficient and effective service in most areas, achieving the required KPIs. The one exception is noise control where attendance has not met the required standards.

The new contracted service provider for food services is up and running and things are progressing nicely. A review of existing food premises has been undertaken, and inspections have commenced. They are also assisting with setting up better ways of managing and processing these services.

Targets for noise control have not been achieved for the past five years, however generally performance standards are high.

- 2022/23 – 60% within 20 minutes and 74% within 30 minutes
- 2021/22 - 84.7% within 20 minutes and 92% within 30 minutes
- 2020/21 - 62.8% within 20 minutes and 92.6% within 30 minutes
- 2019/20 - 75.4% within 20 minutes and 94.2% within 30 minutes
- 2018/19 - 82.5% within 20 minutes and 93.4% within 30 minutes

Explanation sought and received from the contractor related the downturn in service being due to the additional service they were providing Council to help cover staff shortage. It is also noted, the contractor took on additional work with neighbouring Council in December, which is around the same time we noted a decline in the service received. Contractor denied this being a contributing factor.

- 1 July 2022 to 31 November 2022 – 11 failures (5 months)
- 1 December 2022 to 30 June 2023 – 86 failures (7 months)

There is an option to change the level of service provided, given this has not been achieved in the past 5 years. In saying this, I believe a significant change is not required.

I have reviewed the service levels provided by nearby Councils as shown below.

Council	Service Delivery Measurement
Opotiki District Council	No service delivery measurement in annual report (Operational - Attendance within 24hrs)
Whakatane District Council	Percentage responded to promptly – (meaning Area 1 (Ōhope, Whakatāne, Tāneatua, Coastlands, Awakeri, Thornton Road to Golf Links Road): <u>less than 60 minutes</u> , Area 2 (Edgecumbe, Matatā, Otamarakau, Otakiri, Onepū, Te Teko, Te Mahoe and Wainui to the Ōpōtiki intersection): <u>less than 100 minutes</u> , Area 3: (Murupara, Galatea, and environs): <u>less than 120 minutes</u>)
Tauranga District Council	Percentage of complaints attended and resolved (Operational – unknown to date)
Rotorua Lakes Council	Percentage of complainants very/fairly satisfied with the complaint handling (operational – unknown to date)

Based on the information available, I would recommend removing the 20mins, so jobs are required to be attended within 30mins and lowering the target to 95%. Although our district is compact, where you are dealing with another matter it is often difficult to quickly leave and when on call (evening), you have

to get prepared (wake up and get dressed) before leaving the house and this all quickly eats into 20 minutes.

Aligning with the other Eastern Bay Councils may be an option, however when it comes to noise, the best evidence is being on site, as soon as reasonably possible to hear the disturbance in person. Failure to attend within a reasonable timeframe will complicate the ability to take further action. Evidence of an offence is required, and our community is sometimes reluctant to provide statements due to the fear of retribution. So without attendance, and where supporting statements are not forthcoming, it often results in one person's word against another. With lack of evidence staff will be unable to take positive action and complainants become dissatisfied quickly.

The combined in-house service and contractor arrangement has provided reasonably efficient and effective local service to our community.

Improvements or Additional Services

No improvements or additions to services have been identified.

No reduction in services have been identified that may significantly improve the cost effectiveness or efficiency of the service.

Constraints of Service

The main constraint of the noise control function is the reliance on contracted services to provide the level of service as per agreements. This requires contractors to have staff based in Kawerau 24/7, or they will be unable to meet the required targets.

Although we are able to put out a tender for a new contractor based on our service delivery requirements, there is no guarantee there will be alternative service providers willing and able to take over this contract. I have been able to contact one company that may be interested in further details.

Risks of the service

The main risks to the current operating structure is the loss of staff or a contractor's service in this space.

The loss of our current contract provider in the food space would reduce the service availability over the short term. Due to the small number of venues and complaints, this would have limited impact, until another provider could be located.

The loss of our current contract provider in the noise control would reduce the service availability until another service provider was found.

8 Service Delivery Options

There are only a few service delivery options available, which I have outlined for consideration.

Shared Services

A shared service arrangement could be delivered for food safety, enforcement investigations and alcohol regulation services, on both statutory and community expectations. The requirement for Council to appoint Environmental Health Officer(s) to carry out its duties under the Health Act can be dealt with by way of delegation to another authorised authority. The District Licensing Committee is already operated as a shared service across the Eastern Bay of Plenty.

However, a shared service may not be as responsive to noise and stock complaints, which require attendance within 20 or 30 minutes. Although when based in Kawerau, these timeframes can be achievable, assuming they are not otherwise engaged on authorised business, these KPI's would not be able to be achieved where a shared service is undertaken.

It is considered important to have Inspectors and Enforcement Officers stationed within the district, and that response times reflect the ability to attend expeditiously on a 24/7 basis. A shared service for response functions is likely to create location and response difficulties with the overall effect of reducing the current service levels.

Contracted Service

We are currently using contracted services for some roles, which enables Council to maintain control over its regulatory functions.

The option of contracting out compliance monitoring, complaint or incident response and enforcement functions to a private delivery agent may be an achievable delivery option.

Noise control functions are currently undertaken by an external contractor. Approximately 70% of noise complaints are after-hours and with 45% being over the weekend. These have previously been effectively managed by properly trained contractors with appropriate response KPIs.

With approximately 30% of all noise control jobs occurring during business hours, it is unlikely to be more efficient to train in-house resources for business hours responses, than maintaining a 24/7 noise control contract.

For food safety and higher level enforcement investigations and alcohol regulation services, a contract arrangement can deliver on both statutory and community expectations. Council has been operating these services under contract since 2016, which has generally delivered on expectations and contractual KPI's.

In-house Delivery

An in-house service will enable Council to maintain full control over its regulatory functions.

The employment of an Environmental Health Officer to carry out all technical functions related to food and other premises, health risk and nuisance conditions, general regulatory and bylaw functions, noise investigations and alcohol regulation is an option¹. In saying this, the noise control element would

¹ The Environmental Health Officer position was reviewed in July 2016 and a decision made to disestablish the position and to re-allocate the duties to a combination of in-house and contract arrangements.

be difficult to combine with any in house role given the unpredictability of the role and the 24/7 requirement.

In-house services would need to also be considered alongside the contracted services for after-hours dog control. Where providing an after-hours dog control service the addition of noise control is effective for both Council and Contractors, where provided by the same contracted service provider.

Cost Comparisons for Options

Current service delivery costs are set out above. The contract for noise control expired in November 2023. The contract has been rolled over to enable the tender process to be completed. (Tender process could not be completed until confirmation of the Long Term Plan process) This pricing structure is based on the number of jobs attended and whether it requires attendance by two staff. The contractor has indicated wanting an increase of 15% due to cost of living, minimum wage increases etc. This could amount to an additional \$4,500 based on the budget.

9 Other Matters

On 10 April 2024, Council resolved to prepare and adopt an annual plan for 2024/25 year. As a result, significant service level changes should not be implemented under the annual plan for 2024/25. Any significant service level changes, resulting from the s17A review, will be implemented and consulted on under the Long Term Plan for 2025 – 2034.

10 RECOMMENDATIONS

1. That the report “Activity Review for Environmental Services” be received.
2. That Council adopt the Environmental Services delivery as proposed in the report and Appendix A.
3. That Council approves the recommendation to amend current performance targets, being response to noise complaints - 95% within 30mins
4. That Council acknowledges the approved recommendation will be actioned and consulted on, as part of the Long Term Plan 2025-2034.



Michaela Glaspey

Group Manager Regulatory and Planning

PART I: PRESENT ARRANGEMENTS	
<i>Name of the service and scope</i>	<i>The provision of Environmental Services, is to provide for the safe and suitable delivery of food, alcohol and gambling venues, ensuring compliance with required standards so as to reduce any significant risk to the community's health and safety, and meet their social, cultural, economic and environmental wellbeing needs.</i>
<i>Rationale for service provision</i>	<p><i>Council is responsible for the delivery of environmental services under a variety of legislation.</i></p> <p><i>The key services provided under Environmental Services are:</i></p> <ul style="list-style-type: none"> <i>• Health Act 1956 – promote, improve and protect public health within the district by attending complaints regarding nuisances or conditions likely to injure health or be offensive and enforcing regulations such as hairdressers and notifiable incident or infectious diseases.</i> <i>• Food Act 2014 – duty to ensure operators provide safe and suitable food through maintaining register of food venues, monitoring food control plans and national programs, undertaking verifications and investigating complaints.</i> <i>• Sale and Supply of Alcohol 2012 – duty to process alcohol licenses, establish a District Licensing Committee responsible for issuing venue licenses, managers certificates, renewals and suspensions, monitoring compliance with license conditions and reporting to the Alcohol Regulatory & Licensing Authority. Where considered appropriate implement a Local Alcohol Policy.</i> <i>• Resource Management Act 1991 – duty to monitor and respond to noise control complaints.</i> <i>• Local Government Act 2002 – where appropriate introduce and manage the enforcement of local bylaws.</i>
<i>Present arrangements</i>	<p><i>Environmental services are currently governed by Council.</i></p> <p><i>Service delivery is undertaken with a combination of in-house staff and two contracted services.</i></p>

	<p><i>One contracted service provider undertakes the regulatory functions for the Food Act 2014, the Health Act 1956 and the Sale and Supply of Alcohol Act 2012. The administration of these roles remain in house.</i></p> <p><i>The second contracted service provider undertakes the Noise Control functions under the Resource Management Act 1991. The administration of this role remain in house along with some industrial noise complaints.</i></p> <p><i>In addition to this, the District Licensing Committee, is operated as a shared service across the three Eastern Bay Councils: Kawerau, Ōpōtiki and Whakatāne.</i></p> <p><i>Council staff are responsible for overseeing the contracted parties, monitoring and enforcement for stock permits, litter control, abandoned cars, parking and freedom camping offences, various bylaw matters. In addition, they undertake all administration duties for food and alcohol requirements.</i></p> <p><i>The service is funded primarily through the general rate. There is a contribution from Environmental services fees and charges (\$26,000).</i></p> <p><i>These arrangements have generally delivered on expectations and contractual KPIs.</i></p>
<i>Last review</i>	July 2017
<i>Performance</i>	<p><i>Performance is currently measured by:</i></p> <ul style="list-style-type: none"> <i>• Audit of Food premises operating Food Control Plans – 100%</i> <i>• Inspections of registered premises for compliance with relevant standards – 100%</i> <i>• Inspection of Licensed premises for compliance – 100%</i> <i>• Response to Noise complaints – 80% within 20mins and 98% within 30mins</i> <i>• Response to other environmental health service requests – 100% within 1 working day</i>
<i>Cost</i>	<p><i>The Environmental Services are provided at an annual cost of \$234,532 (2023/24 financial year).</i></p>
PART II: DECISION TO REVIEW	
<i>Why is a review considered?</i>	<p><i>It has been 6 years since the previous full review and a full review is required.</i></p>

<i>Are there any exceptions to undertake this review?</i>	<i>There are no exceptions that may be considered to undertake this review.</i>
<i>Is a full or a partial review required</i>	<i>It has been 6 years since the previous full review and a full review is required.</i>
PART III: ANALYSES OF OPTIONS	
<i>Governance options</i>	<p><i>Environmental Services are governed by Council.</i></p> <p><i>Council is responsible for the delivery of environmental services under a variety of legislation, including the Health Act 1956, the Food Act 2014, the Resource Management Act 1991 (noise control), the Litter Act 1979, the Freedom Camping Act 2011, the Sale and Supply of Alcohol Act 2012, the Local Government Act 2002 (power to make and enforcement of bylaws) and any associated regulations.</i></p>
<i>Funding options</i>	<p><i>Environmental services are funded by the general rate and supported by fees and charges.</i></p> <p><i>External funding is not available for operational costs.</i></p> <p><i>A review of the fees and charges is currently underway, to help ensure those using the services are contributing to the cost of the service they receive.</i></p>
<i>Operational options</i>	<p><i>Environmental Services are managed by Council and are delivered through a combination of in-house staff and contracted services.</i></p> <p><i>Council provide the Management and administration functions for Environmental Services. This enables Council to maintain control of the regulatory functions, while contracting out the compliance roles for cost efficiencies.</i></p> <p><i>Contracted services include noise control, environmental health and food safety. Due to the 24/7 nature of noise control and the speciality nature of these environmental health and food safety roles and the low number of venues/complaints, a contracted service enables efficiency and effective management of the regulatory functions, without additional staff requirements.</i></p> <p><i>Our District Licensing Committee, is operated as a shared service across the three Eastern Bay Councils: Kawerau, Ōpōtiki and Whakatāne. While this may be able to be extended to other services, this is not necessarily cost effective and</i></p>

	<p><i>will likely impact on our levels of service.</i></p> <p><i>The advantages of the current service delivery model is that Council has the ability to manage the regulatory functions and set the levels of service based on community need.</i></p> <p><i>It is recommended the performance measures for noise control are amended to</i></p> <ul style="list-style-type: none"><i>• Response to Noise complaints – 95% within 30mins</i> <p><i>This is based on the past five years in which the targets have not been achieved and the difficulty to attend jobs within 20 minutes even when within the District. This is due to the difficulty to leaving a current complaint to attend new complaint and the ability to quickly raise in the middle of the night.</i></p> <p><i>Where the service level amendment is approved, this will be processed and consulted on as part of the Long Term Plan 2025 - 2034.</i></p>
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Meeting: Council

Meeting Date: 24 April 2024

Subject: **Activity Review for Dog Control Services**

File No.: 103015

1 Purpose

The Local Government Act requires that a local authority must review the cost-effectiveness of current arrangements for meeting the needs of communities within its district or region for good-quality local infrastructure, local public services, and performance of regulatory functions.

This review of the Dog Control Services must consider the governance, funding and delivery of services, and requires specified options to be considered. Governance relates to how decisions are made about a service, Finance relates to how funding is provided to the service, and Delivery is how the service is operated.

This activity review is also undertaken as part of the development of Council's 2025-34 the Long-Term plan.

2 Activity Goal

The overall goal of all the environmental services, is to promote the sustainable development of the district and the health, safety and well-being of its residents.

Although there is currently no specific goal identified for Dog Control, the following is suggested - Council provides dog control services that encourages the prevention of nuisance and harm through responsible dog ownership and implementation of regulations, to protect community safety, and their social, cultural and environmental wellbeing.

3 Service and Scope

Dog Control Services covers the responsibilities under the Dog Control Act 1996 and associated related Council Policies and Bylaws.

Council has a duty under the Dog Control Act 1996 to perform various functions and duties set out in the Act. These include:

- Keep a register of all registered dogs in the District (feed into the National Dog Database)
- Appoint a dog control officer and dog rangers to carry out dog control functions.
- Have a dog pound and make provision for the proper custody, care and exercise of impounded dogs.

- Have a policy on dogs and give effect to the policy by making bylaws.

Council's policy must have regard to:

- minimising danger, distress, and nuisance to the community generally; and
- avoiding the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children; and
- 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
- the exercise and recreational needs of dogs and their owners.

4 Current Governance and Service Delivery

Dog Control Service is currently governed by Council.

Since March 2008, service delivery is undertaken with a combination of in-house staff and contracted service.

Under the current contract, Council engages a contractor to undertake the after-hours dog control functions to a private security company. Work undertaken during this time is as follows:

- Dog Control Duties:
 - Respond to any after-hours dog control or animal complaints (environmental service) within set timeframes.
 - Undertake evening patrol around Kawerau.
 - Impound dogs where required.
 - Gather initial information and statements/evidence to enable in-house dog rangers to follow up and take any enforcement action.
 - Provide timely and accurate reports regarding incidents attended.
- Pound Functions:
 - Feed animals and clean pound enclosure twice a day
 - Exercise dogs while pens are being cleaned.
 - Provide feedback on any observations while undertaking duties.

After hours includes weekends (5pm on Friday to 8am Monday), week days (5pm to 8am) and public holidays. The contract also enables the use of security guards to cover leave for in-house staff.

All administration duties are undertaken in-house except for the requirement of security staff to prove paperwork associated with jobs attended.

Council in-house staff undertake all dog control functions between 8am to 5pm weekdays. Functions are aimed primarily at minimising danger, distress, and nuisance to the community. These include responding to callouts for roaming dogs, attacks or rushes, investigating breaches of the Act, Policy and Bylaws and undertaking any monitoring required to enforce requirements.

These arrangements have generally provided good service to our community, however service delivery expectations and key performance indicators have not been met on a year to year basis.

5 Current Performance Measures for Level of Service

The dog control activity is measured on the following level of service:

Levels of Service	Measures	Target
Service requests about public nuisance and intimidation by uncontrolled dogs are actioned.	Adherence to complaint response process to respond, investigate and record the complaint and advise complainant of progress or the outcome within 24 hours.	80% within 20 minutes and 98% within 30 minutes.
Council maintains community satisfaction levels for the dog control service	Community satisfaction with Dog Control Service	>77%

Previous years allowed for the response to a service request received, while the officer/contractor is responding to another callout, may be delayed for up to 2hrs. This provision was removed in the 2021/22 year.

The community satisfaction for dog control is measured through the Triennial Residents survey. The 2023 Triennial Residents survey achieved an approval rating of 34% (63% NZ benchmark). The Triennial residents survey indicates the low level of customer satisfaction relates to the ongoing concerns with roaming dogs and the feeling of being unsafe.

Although lower than expected, these results are similar to that of Whakatāne District Council whose result was marginally better at 38%. It is worth noting, Whakatāne District Council response times are significantly different as detailed below.

Dog control service levels were not achieved with 68% attended within 20 minutes and 78% within 30 minutes. This was down from 84.9% and 94.4% for the previous year.

The failure to achieve the service levels are addressed under the efficiency and effectiveness of the service.

6 Current Service Delivery Costs

The Dog Control Services Activity has a budget of \$494,337 per year and is funded through rates (\$416,337) and fees and charges (\$68,000) and infringements (\$10,000).

Dog registration is considered to be 100% private benefit and is entirely funded by fees.

Dog control service availability costs are considered to be 100% public benefit and are funded by a combination of rates plus any balance remaining from the difference in the costs of the registration activity and income generated by registration fees.

Registration fees were comprehensively reviewed for the 2019/20 year and have been increased with inflation for the 2022/23 and 2023/24 years.

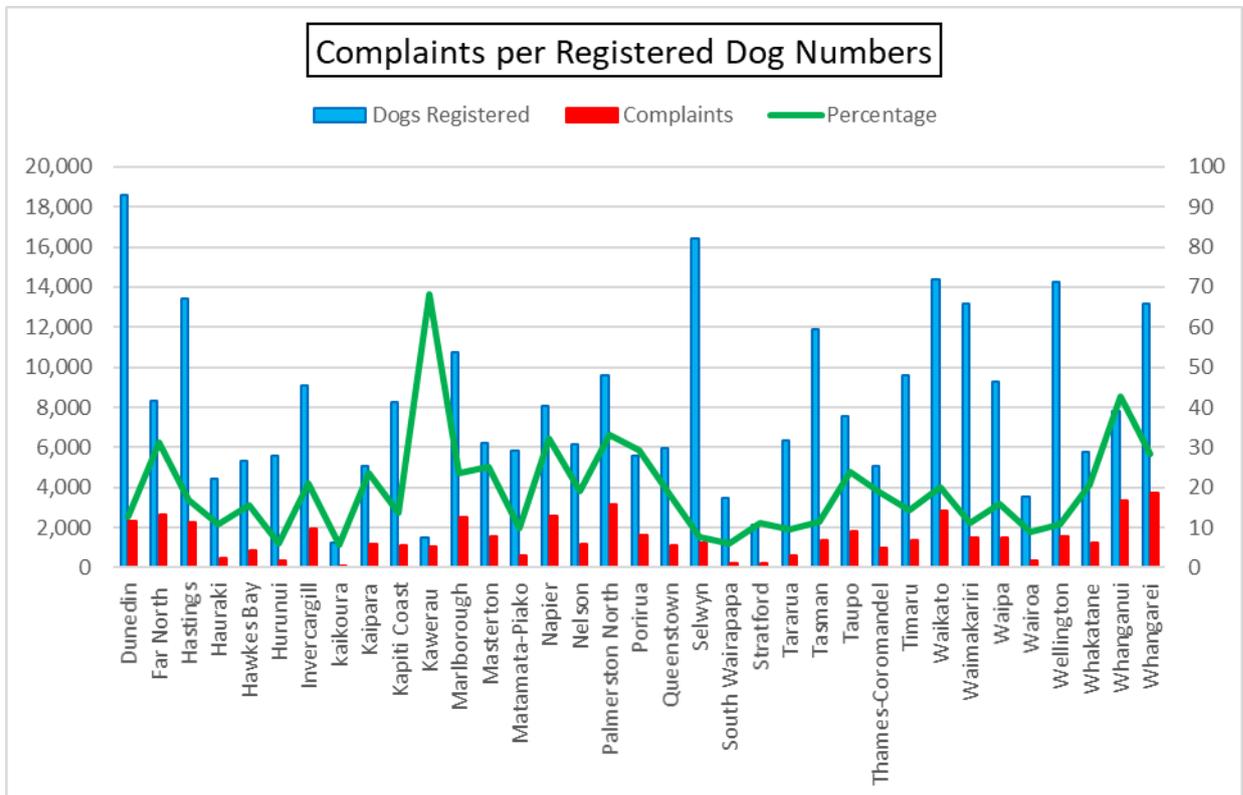
7 Analyses of the Service

Need for the Service

Council is required to provide the services as set out under the Acts, Policy and Bylaw. However, there are different options for delivering the services which include in-house; shared services, contracted services or a combination.

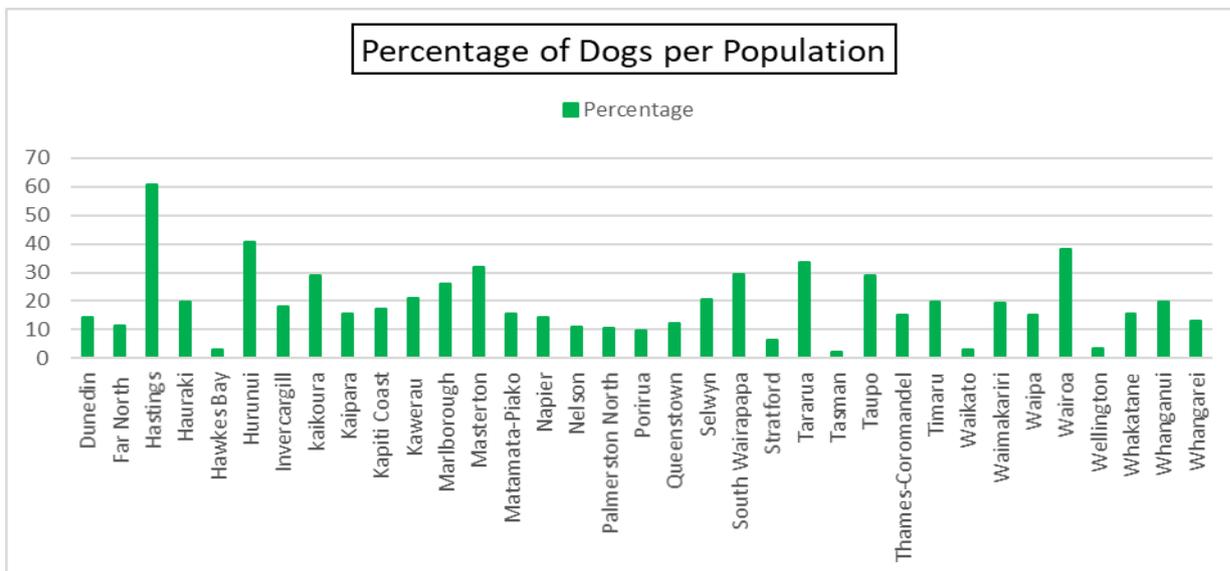
The important factors to consider in the delivery is the ability to maintain and deliver a consistent, quality service that is controllable, achievable and cost-effective.

In the 2021/22 year, of the information easily available, Kawerau District Council received the highest number of complaints per dog registrations.



Notes: Councils included based on easily available information for 2021/22 covering complaints, dog numbers and population numbers.

The percentage of dogs per population places Kawerau District Council as tenth equal (from councils with information easily available). There is insufficient information to find a correlation between population and dog ownerships that translates to number of complaints received.



Note: Of the 35 District, Kawerau is in the top 10 for the highest percentage of registered dogs per population

Kawerau is a small, localised and mostly urban community. However, we receive a large number of complaints, even though providing a higher level of service delivery than many other Councils. This shows an ongoing need for the dog control service within our community and the need to be innovative in how this is achieved.

Efficiency and Effectiveness of the Service

It is difficult to state Council has provided an efficient and effective service, when the community survey clearly suggests otherwise. In saying this, Council's service delivery has not been totally ineffective. Council did not meet its required KPI's for 2022/23, which were significantly lower than previous years.

- 2022/23 - 68% within 20 minutes and 78% within 30 minutes.
- 2021/22 - 84.9% within 20 minutes and 94.4% within 30 minutes.
- 2020/21 - 73.4% within 20 minutes and 93.4% within 30 minutes.
- 2019/20 - 84.7% within 20 minutes and 97.5% within 30 minutes.
- 2018/19 - 90% within 20 minutes and 99.1 within 30 minutes

It is worth noting, that targets for dog control have only been achieved once in the last five years, being 2018/19. Although not meeting service level targets, Council has generally provided what should be considered as a high level of service.

It is also important to note there has been a slight change in reporting over the last two years. Previous reporting allowed for situations where non-attendance within timeframes, was due to reasonable situations – e.g. attendance was not possible due to being at another job. Now, these jobs are included as not achieved. Explanation should then be provided, where reasons exist.

This year, a total of 175 complaints were not attended within the required timeframes, of these 64 were in-house and 111 were the contractors.

During 2022/23, Council was under staffed for a significant period, with essentially, only 1 fully operational dog ranger for the majority of the year.

In addition to this, our contractor took on additional work with a neighbouring Council in December. This was around the same time we noted a decline in the service received. The contractor has denied this being a contributing factor.

- 1 July 2022 to 31 November 2022 – 23 failures in 5 months. Of which only 8 related to the contractor responses (34.8%) and 15 to in-house responses (65.2%)
- 1 December 2022 to 30 June 2023 – 152 failures in 7 months. Of which 103 related to contractor responses (67.8%) and 49 to in-house responses (32.2%).

Explanation sought and received from the contractor related to the downturn in service being due to the additional services provided to Council to cover staff shortages. Council does not accept this. The majority of hours provided were in September and October (when service delivery was good), and they maintain that Kawerau staff are not being used to cover Whakatāne, yet on 42 occasions (40.8%) the contractors response time was over 1 hour.

Although, this year has not be overly successful, the model has served the Council well over the last five years.

There were 444 roaming dog complaints in 2022/23 year. Of these, approximately 140 resulted in some form of action (approximately 31.5%). This is a reasonable percentage given that even if dog rangers attend within 20 minutes, the dog could be long gone or even returned home. Dogs move quickly and are notoriously hard to locate, so without a positive identification of the roaming animal Council is unable to take any action.



100% of known dogs were registered at the end of the financial year. The following services were also achieved:

- 1052 service requests attended (10.5% increase on previous year)
- 252 dogs were impounded (25% increase on previous year).
- 48 dogs rehomed (26% increase on previous year)
- 156 infringements (7.5% down since last year)
- 294 notices, warning and letters issued (3.5% increase on previous year)

The combined in-house service and contractor arrangement can provide reasonably efficient and effective local service to our community.

There is an option to change the level of service provided. In saying this, any priority jobs should still have tight timeframes to ensure urgent attendance.

A comparison of performance measure for nearby Councils is shown below.

Council	Service Delivery Measurement
Ōpōtiki District Council	Dog control complaints of an aggressive or threatening nature responded to within 2 hours. Two patrols per day, five days a week No further service delivery measurement is in the annual report (Operational - Attendance within 24hrs if not aggressive or threatening)
Whakatāne District Council	90% of aggressive/threatening dogs and roaming stock complaints responded to within one hour – Please note roaming dogs, unless aggressive are not included in this.
Tauranga District Council	All known dogs are registered, or appropriate enforcement action taken. All urgent dog requests are responded to within 60 minutes (increased from 30 minutes in the previous year) where there is an ongoing risk to safety.
Rotorua Lakes Council	Percentage (100%) of known dogs registered or served with a notice to register by 30 June annually.

Based on the information available, most Councils have a graduated attendance measurement or focus solely on aggressive or threatening complaints. The logic around this is there is no urgency in attendance, where there is no imminent threat or it will not prevent further harm. All events will still require attendance, but this allows staff to prioritise workloads and can also reduce costs for after-hours services. It may also encourage the community to call at the time of the incident.

A dog attack or rush event is often not urgent. Some rushes involve dogs that are behind their own gate, this dog is not going anywhere, where the unknown, offending dog/dogs have been removed and the risk to public safety is not imminent; or, when the incident is reported hours or weeks later. Dog rangers should not be failing their performance levels, where an owner has not reported an incident until two weeks after the event. These events need attending, but this can be done by appointment when the victim, witnesses etc have time to discuss and make a statement.

Twenty minutes to attend a job, is often not realistic. We are a small community but if required to drive from one end of town to another it can still take 10 -15 minutes. Dog rangers may be attending another job, taking statements etc. To be able to stop everything and leave creates inefficiencies and is sometimes difficult to do quickly, without appearing rude or uninterested.

Simple changes may be able to be implemented to our current performance measures, to ensure they are fit for purpose. Outlined are a couple of options:

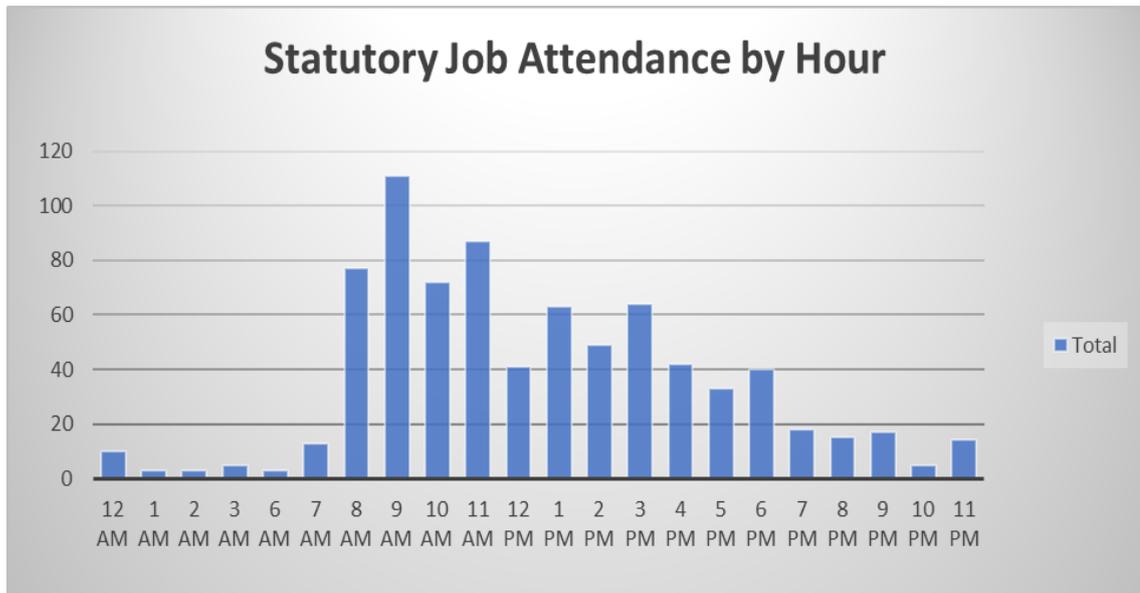
	Levels of Service	Measures	Target
Current	Service requests about uncontrolled dogs are actioned	Adherence to complaint response process to respond, investigate and record the complaint and advise complainant of progress or the outcome within 24 hours.	80% within 20 minutes and 98% within 30 minutes
Option 1	Service requests regarding all dog control matters are attended and uncontrolled dogs are minimised.	Attendance of service requests are within required timeframes	75% within 20 minutes and 95% within 30 minutes
Option 2	Service requests regarding all dog control matters are attended and uncontrolled dogs are minimised.	Attendance of service requests are within required timeframes	95% within 30 minutes
Option 3	Service requests regarding all dog control matters are attended and uncontrolled dogs are minimised.	Attendance of service requests are within required timeframes	Priority jobs - 95% within 30 minutes Other incidents – 100% within 18 hours

*Priority jobs would need to be defined if any changes were made. It is suggested these relate to all jobs where there is an ongoing threat to public safety. Offending dogs are still at large, dogs acting aggressively, uncontrolled dogs. Given the feedback from the community, it is reasonable to include all roaming dogs as priority jobs. Although some other Councils do not have this as an attendance priority, and the changes of finding or catching a roaming dog is limited, an unquantified risk, is still a risk.

Improvements or Additional Services

A number of possible improvements have been identified, but these largely rely on staffing levels.

- Property inspections for all registered dog owners may enable early identification of insecure properties. However, currently there is no legal authority to undertake inspections of this nature. The only means to enabling this would be through a change in Policy/Bylaw. Our community is unlikely to support this due to a breach of their liberty.
- Community Education Programme – pamphlet drops (not undertaken to date due to being short staffed)
- Education in schools (beyond books) - (not investigated to date due to being short staffed)
- Encourage instant reporting. Posts on Facebook indicate many community members avoid calling Council, with a preference to return the dog to its owner. Although we appreciate the community looking out for the owners, it makes it difficult to achieve our goals without community support.
- Antenno will enable complainants to take photos and instantly report.
- Extend in-house hours through split shifts 7am to 4pm and 9am to 6pm (Indications suggest roaming dogs occur often first thing in the morning and when people come home from work (Facebook))



It is difficult to determine any improvement these actions may resolve. However just removing one dangerous dog from our community is a benefit.

No reduction in services have been identified that may significantly improve the cost effectiveness or efficiency of the service.

Constraints of Service

The main constraint of the dog control function is the reliance on external contractors to provide the level of service as per agreements. This requires contractors to have staff based in Kawerau 24/7, or they will be unable to meet the required targets.

Council has limited control over contractor staffing and corrective action where external contractors do not meet their targets. It can be difficult to improve services across the board or address specific monitoring issues with external contractors and although our current provider has been willing to work with us in some circumstances, this is not always possible.

Although we are able to put out a tender for a new contractor based on our service delivery requirements, there is no guarantee there will be alternative service providers willing and able to take over this contract. Although two companies have indicated an interest, these organisations do not currently operate in the area and will need to set up new staff etc, so service delivery would be unknown.

Risks of the service

The main risks to the current operating structure is the loss of staff or the contractor's service in this space. The dog ranger roles have proven hard to fill.

The loss of our current contractor service would reduce the service availability. The ability to replace an external contractor in a short timeframe is limited as there are no other contractors operating locally.

8 Service Delivery Options

An important factor when analysing the delivery options is the ability of each option to deliver consistent, quality service. It has also been important for Council that customers can rely on a 24/7 animal control service so that incidents can be attended and resolved as quickly as possible. There are only a few service delivery options available, which I have outlined for consideration.

Shared Services

Kawerau is a relatively small, well defined area comprised essentially of urban development.

The ability for rangers to attend call-outs, often within 10-15 minutes of notification and despatch (assuming they are not otherwise engaged on authorised business) is key to the way in which Council focuses its response KPIs.

Other territorial authorities with substantial rural areas take a significantly different approach to both the time for response and the manner of the response. Depending on the nature of the incident reported, it could be up to 24 hours before a physical response is made.

This would make it difficult to engage shared services without dog rangers being stationed within our community so we can maintain a higher level of service.

A shared service for response functions, is likely to create response difficulties.

Contracted Service

We are currently using contracted services for the after-hours responsibilities of this role, which enables Council to maintain control over its regulatory functions.

The option of contracting out complaint and incident response functions to an external contractor may be an achievable delivery option.

Council would still be required to manage enforcement (issuing letters/infringements etc), registration and administration.

The advantage and disadvantages are outlined below:

Advantages of 24/7 contracted services

- Service must be provided regardless of contractor staffing issues – Council would not have to provide cover for these services.
- The cost for a 24/7 contractor service may have an improved cost structure than the after-hours service.
- The contractor could be required to provide a vehicle as part of the contract.
- A 24/7 response to all callout can be achieved.

Disadvantages of 24/7 contractor services

- Council would not retain full control over the allocation of staff duties.
- Staff would only be available in accordance with their response and monitoring roles, as set per the contract.

- Responsive monitoring and enforcement would be more difficult and will limit possible improvements.
- Documentation quality and timeliness may be experienced (based on current experience).
- Further training required if they were to undertake investigations.
- Service delivery KPI's may slip over time.

In-house Delivery

An in-house service, will enable Council to maintain full control over its regulatory functions.

There are significant benefits from having the service provided in-house, however this needs to be balanced against the negatives.

Advantages of in-house service

- Council would retain better control over the staff enabling better allocation of duties where required.
- Enables staff to be in the field more of the time.
- Enables better direction around current and changing monitoring requirements.
- KPI's can be better managed.
- Enables better management around the quality and timeliness of documents.
- Enables greater flexibility in monitoring and enforcement actions.

Disadvantages of in-house services

- Council may still need contractors to cover leave (sickness, annual etc) and also while we are short staffed during vacancies.
- Vacancies will automatically result in a drop in service levels, which may result in non-compliance with required KPIs.
- Difficulty in recruiting for after-hours dog rangers to cover after hour services.
- Council may still need to use contractors for after- hours services.
- The cost of contractor services for after-hours and cover may be higher than for a 24/7 service

Currently 65% of all dog control jobs are attended during the working week. Although this is a significant portion, there is 35% of all jobs attended afterhours.

Compliance monitoring and response functions can be undertaken by in-house resources but for Council to meet the KPIs this will necessitate contractors to be on standby for staff leave and recruitment periods.

In-house services provided alongside external contractors, has provided good service over the last few years and there is no reason this cannot be maintained.

Cost Comparisons for Options

Current service delivery costs are set out above. The contract for dog control expires in November. This pricing structure is based on the number of jobs attended and whether it requires attendance by one or two staff.

The contractor has indicated, they would like an increase of 15% due to cost of living, minimum wage increases etc. This could amount to an additional \$4,500 based on the budgeted costs.

Where council indicate an interest in changing the method of service, further investigation can be undertaken around cost indications. I have added some estimates only below:

Shared service	Contracted privately	In-house plus contract support
n/a	\$141,000 - 24/7 fieldwork contract (includes 15%) \$90,000 administrative and follow up investigations \$22,000 pound duties \$2,000 wandering stock	\$170,000 staff \$25,000 after-hours services (contract includes 15%) \$22,000 pound duties (contract includes 15%)
	\$30,000 sundry expenses (includes feeding & medical & grants)	\$30,000 sundry expenses (includes feeding & medical & grants)
Vehicle costs at specified rate per km	Included in estimated contract cost	10,000 vehicle costs
	Total: \$285,000 (estimates only)	\$257,000 approximate

9 Other Matters

On 10 April 2024, Council resolved to prepare and adopt an annual plan for 2024/25 year. As a result, significant service level changes should not be implemented under the annual plan for 2024/25. Any significant service level changes, resulting from the s17A review, will be implemented and consulted on under the Long Term Plan for 2025 – 2034.

10 RECOMMENDATIONS

1. That the report “Activity Review for Dog Control Services” be received.
2. That Council adopt the Dog Control Services delivery as proposed in this report and contained in Appendix A.
3. That Council approves the recommendation to amend current performance targets to option 3, being that attendance of service requests are within required timeframes –
 - Priority Jobs - 95% within 30mins
 - Other Jobs – 100% within 24 hours
4. That Council acknowledges the approved recommendation will be actioned and consulted on, as part of the Long Term Plan 2025-2034.

Michaela Glaspey
Group Manager Regulatory and Planning

PART I: PRESENT ARRANGEMENTS	
<i>Name of the service and scope</i>	<i>Council provide Dog Control Services to encourage the prevention of nuisance and harm through responsible dog ownership and implementation of regulations, to protect community safety, and their social, cultural and environmental wellbeing.</i>
<i>Rationale for service provision</i>	<p><i>Council is responsible for the delivery of Dog Control Services based on the responsibilities set out under the Dog Control Act 1996 and associated related Council Policies and Bylaws.</i></p> <p><i>The key services and duties under the Dog Control Act 1996 include:</i></p> <ul style="list-style-type: none"> <i>• Keep a register of all registered dogs in the District (feed into the National Dog Database)</i> <i>• Appoint a dog control officer and dog rangers to carry out dog control functions.</i> <i>• Have a dog pound and make provision for the proper custody, care and exercise of impounded dogs.</i> <i>• Have a policy on dogs and give effect to the policy by making bylaws.</i> <p><i>Council's responsibilities under our Dog Control Policy is to have regard to:</i></p> <ul style="list-style-type: none"> <i>• minimising danger, distress, and nuisance to the community generally; and</i> <i>• avoiding the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children; and</i> <i>• 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</i> <i>• the exercise and recreational needs of dogs and their owners.</i>
<i>Present arrangements</i>	<p><i>Dog Control Services are currently governed by Council.</i></p> <p><i>Service delivery is undertaken with a combination of in-house staff and contracted services.</i></p> <p><i>The contracted service provider undertakes the afterhours regulatory functions for the Dog Control Act 1996 and also the cleaning of the dog pound and feeding of all impounded animals. The contract also enables the use of</i></p>

	<p><i>security guards to cover leave for in-house staff.</i></p> <p><i>Council staff manage the provision of all dog control functions between 8am to 5pm weekdays. This includes all administration functions including maintaining an up to date register of dogs and responding to all dog related incidents.</i></p> <p><i>The service is funded primarily through the general rate. There is a contribution from Dog Control fees and charges (\$68,000) and infringements (\$10,000).</i></p> <p><i>These arrangements have generally provided good service to our community, however service delivery expectations and key performance indicators have not been meet on a year to year basis.</i></p>
<i>Last review</i>	<i>July 2017</i>
<i>Performance</i>	<p><i>Performance is currently measured by:</i></p> <ul style="list-style-type: none"> <i>• Service requests about uncontrolled dogs are actioned – 80% within 20minutes and 98% within 30 minutes.</i> <i>• Community satisfaction with Dog Control Services - >77%</i>
<i>Cost</i>	<i>The service is provided at an annual cost of \$494,337 (2023/24 financial year)</i>
PART II: DECISION TO REVIEW	
<i>Why is a review considered?</i>	<i>It has been 6 years since the previous full review and a full review is required.</i>
<i>Are there any exceptions to undertake this review?</i>	<i>There are no exceptions that may be considered to undertake this review.</i>
<i>Is a full or a partial review required</i>	<i>It has been 6 years since the previous full review and a full review is required.</i>
PART III: ANALYSES OF OPTIONS	
<i>Governance options</i>	<p><i>Dog Control Services are governed by Council.</i></p> <p><i>Council is responsible for the delivery of all dog control services under the Dog Control Act 1996 and associated regulations. Council is also responsible for implementation and enforcement of related dog control policies and bylaws.</i></p>
<i>Funding options</i>	<p><i>Dog Control services are funded by the general rate and supported by fees and charges.</i></p> <p><i>External funding is not available for operational costs.</i></p>

	<p><i>Fees and charges are reviewed yearly prior to the new registration year.</i></p>
<p><i>Operational options</i></p>	<p><i>Dog Control Services are managed by Council and are delivered through a combination of in-house staff and contracted services.</i></p> <p><i>Council provide the management and administration functions for the Dog Control Services. This enables Council to maintain control of the regulatory functions, while contracting out the after-hours services for cost efficiencies.</i></p> <p><i>Contracted services include afterhours regulatory functions, pound cleaning and feeding of animals. Due to the 24/7 nature of dog control, a contracted service enables efficiency and effective management of the regulatory functions, without additional staff requirements.</i></p> <p><i>There are currently no shared services with other Councils available. While this may be possible, Council would not be able to achieve the existing level of service, unless staff are based within Kawerau District.</i></p> <p><i>The advantages of the current service delivery model is that Council has the ability to manage the regulatory functions and set the levels of service based on community need. This is considered the most cost efficient method to manage existing regulatory functions.</i></p> <p><i>It is recommended the performance measures for dog control are amended to reflect option 3 as outlined in the report:</i></p> <ul style="list-style-type: none"> <i>• Attendance of service requests are within required timeframes –</i> <ul style="list-style-type: none"> <i>○ Priority Jobs - 95% within 30mins –</i> <i>○ Other Jobs – 100% within 24 hours</i> <p><i>This is based on the past five years in which the targets have only been achieved once (with different allowances), the inability to achieve KPIs when reported via email afterhours and reporting of jobs sometimes hours or weeks after the incident occur, when there is no longer a risk of harm.</i></p> <p><i>Where the service level amendment is approved, this will not be introduced until, processed and consulted on as part of the Long Term Plan 2025 - 2034.</i></p>