

MASTERTON DISTRICT COUNCIL

COUNCIL AGENDA

EXTRAORDINARY COUNCIL MEETING

THURSDAY 20 MAY 2021
3.00 PM

MEMBERSHIP

Her Worship (Chairperson)

Cr G Caffell
Cr D Holmes
Cr G McClymont
Cr T Nelson
Cr C Peterson

Cr B Gare
Cr B Johnson
Cr F Mailman
Cr T Nixon
Cr S Ryan

Notice is given that a meeting of the Masterton District Council will be held at 3.00pm on Thursday 20 May at Waiata House, 27 Lincoln Rd, Masterton.

17 May 2021



Values

1. **Public interest:** members will serve the best interests of the people within the Masterton district and discharge their duties conscientiously, to the best of their ability.
2. **Public trust:** members, in order to foster community confidence and trust in their Council, will work together constructively and uphold the values of honesty, integrity, accountability and transparency.
3. **Ethical behaviour:** members will not place themselves in situations where their honesty and integrity may be questioned, will not behave improperly and will avoid the appearance of any such behaviour.
4. **Objectivity:** members will make decisions on merit; including appointments, awarding contracts, and recommending individuals for rewards or benefits.
5. **Respect for others:** will treat people, including other members, with respect and courtesy, regardless of their ethnicity, age, religion, gender, sexual orientation, or disability. Members will respect the impartiality and integrity of Council staff.
6. **Duty to uphold the law:** members will comply with all legislative requirements applying to their role, abide by this Code, and act in accordance with the trust placed in them by the public.
7. **Equitable contribution:** members will take all reasonable steps to ensure they fulfil the duties and responsibilities of office, including attending meetings and workshops, preparing for meetings, attending civic events, and participating in relevant training seminars.
8. **Leadership:** members will actively promote and support these principles and ensure they are reflected in the way in which MDC operates, including a regular review and assessment of MDC's collective performance.

These values complement, and work in conjunction with, the principles of section 14 of the LGA 2002; the governance principles of section 39 of the LGA 2002; and our MDC governance principles:

Whakamana Tangata	Respecting the mandate of each member, and ensuring the integrity of the committee as a whole by acknowledging the principle of collective responsibility and decision-making.
Manaakitanga	Recognising and embracing the mana of others.
Rangatiratanga	Demonstrating effective leadership with integrity, humility, honesty and transparency.
Whanaungatanga	Building and sustaining effective and efficient relationships.
Kotahitanga	Working collectively.

AGENDA

1. Karakia
2. Conflicts of Interest (Members to declare conflicts, if any)
3. Apologies
4. Late Items
5. Items to be considered under Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987
6. Public Forum
 - Amber Craig, Rangitāne o Wairarapa
 - Jo Hayes, Rangitāne Tū Mai Rā Trust
 - Nelson Rangi

FOR DECISION

7. **ESTABLISHMENT OF MĀORI WARDS** (092/21) Pages 121-130
8. **EXPRESSION OF INTEREST IN TRACTOR AND BULLDOZER FOR REFURBISHMENT**
(093/21) Pages 131-135
9. **AMENDMENTS TO THE WAIRARAPA CONSOLIDATED BYLAW, PART 10: TRAFFIC
BYLAW SCHEDULE** (094/21) Pages 136-140
10. **ADOPTION OF DOG REGISTRATION AND ASSOCIATED FEES 2021/22** (095/21)
Pages 141-153
11. **SUPPORT FOR THE I CAN'T WAIT CAMPAIGN** (096/21) Pages 154-157

KATH ROSS - CHIEF EXECUTIVE

To:	Your Worship and Elected Members
From:	Angela Jane, Manager Strategic Planning
Endorsed By:	Kathryn Ross, Chief Executive
Date:	20 May 2021
Subject:	Establishment of Māori Wards
DECISION	
Recommendation: That Council: <ul style="list-style-type: none"> a) Receives the Establishment of Māori Wards Report (092/21); and b) Approves the establishment of Māori Wards for the 2022 local government elections. 	

Purpose

The purpose of this report is to seek a decision on establishing Māori Wards for the 2022 local government elections prior to the new legislative deadline of 21 May 2021.

Context

New electoral legislative environment

What has changed?

On 1 March 2021 amendments to the Local Electoral Act 2001 (the Act) to change the process for Councils establishing Māori wards received royal assent. Specifically, the Act was amended to:

- remove electors' ability to demand a binding poll on establishing Māori wards;
- remove the ability for Council to resolve to conduct a binding poll; and
- provide for a 'transition period' for Councils to consider or reconsider establishing Māori Wards for the 2022 local elections.

The policy objectives of the Bill were to:

- align the treatment of Māori wards and Māori constituencies with the treatment of general wards and general constituencies as much as possible; and
- remove all mechanisms for binding polls to be held on whether Māori wards or Māori constituencies will be established; and
- provide local authorities with an opportunity to make decisions on Māori wards and Māori constituencies, in light of these changes, in time for the 2022 local elections.

The former legislation provided that if a local authority resolved to establish wards or constituencies for electors on the Māori electoral roll, a local referendum (a poll) on whether Māori wards or Māori constituencies should be established must be held if at least 5% of the electors of the city, district, or region demanded one. These polls have proven to be an almost insurmountable barrier to improving Māori representation in local government and, in some cases, a deterrent to local authorities considering establishing Māori wards or Māori constituencies. This poll mechanism has been described by the Minister of Local Government Hon Nanaia Mahuta as “an almost insurmountable barrier to Councils trying to improve the democratic representation of Māori interests”. All such polls, bar one, have rejected Māori wards.

The former legislation had no equivalent provision for elector-demanded polls in the process for creating general wards and general constituencies. The Bill noted therefore, that the removal of the poll provision was consistent with the Crown’s obligations under te Tiriti o Waitangi/the Treaty of Waitangi and aimed to strengthen the Māori–Crown relationship at a local level by removing barriers to Māori participation in local elections.

The Government indicated further legislative changes would be introduced at a later date to change the way Māori wards work more broadly, and that this initial amendment was primarily to allow Councils to make decisions ahead of the 2022 local elections. At this stage, there are no details of what the further legislative changes might entail.

Timing

Under the amended Act, Council **may** resolve to establish Māori Wards for the 2022 local elections at any time before **21 May 2021**. The change in legislation extended the period for Councils to consider this decision; it did not make it a mandatory decision that must be taken.

Any resolution to establish Māori wards applies for at least the next two general triennial elections (e.g. 2022, 2025). After that, Council would continue to have Māori Wards unless the Council resolved to disestablish them.

If the Council does resolve to establish Māori Wards, then we must subsequently conduct a representation review to create at least one general ward (currently all councillors are elected ‘at large’). The Council last undertook a representation review in 2018 and as a result of the review the rural ward was removed with all councillors elected ‘at large’. When a representation review results in a change to the representation arrangements then the change stay in place for two elections (2019 and 2022 elections). The transition arrangements in the recently amended legislation enable the Council to undertake a representation review ahead of the 2022 local election if a decision is made to establish Māori Wards. If the Council decides not to establish Māori Wards then the earliest opportunity to undertake another representation review will be ahead of the 2025 elections.

Direction to progress this work

Since establishing Māori Wards is a discretionary decision by the Council, Officers sought direction from the Mayor and Councillors, on whether to develop a Council report and undertake any engagement. The Mayor, using the powers under Section 41A of the Local Government Act 2002, with the support of the majority present, requested that a Council report be developed and that governance meetings with the district’s Iwi organisations be organised to seek their feedback on a proposal to establish Māori Wards.

Representation through the electoral system

Wards are a way of dividing up the district for elections to enable communities of interest to elect representatives. A key legal requirement when considering representation is to provide effective representation of communities of interest within the district.

Masterton District Council had wards up until the 2019 election. In 2019 there were no wards, councillors were elected by all electors, also called 'at large' voting or voting by the whole.

A Māori ward is one way Council may choose to define a community of interest. Instead of grouping electors by geographic location like previous wards, all electors who are on the Māori electoral roll vote in Māori wards, all electors on the general electoral roll vote for the general wards. All electors, Māori or non-Māori would vote for councillors standing 'at large'.

Formulas and calculations

The number of Councillors elected by a Māori Ward or Wards is set by a formula in the Act. A ratio is calculated from the 'Māori electoral population' and the total population of the district, this is then multiplied by the number of Councillors (excluding the Mayor). The resulting number (rounded) is the number of Councillors that can be elected in Māori wards (result must reach 0.5). The Māori electoral population is determined by adding together those on the Māori electoral roll and a portion of non-enrolled Māori including children. The general electoral population is the total population minus the Māori electoral population.

The full calculation is:

$$\frac{\text{Māori electoral population}}{(\text{Māori electoral population} + \text{general electoral population})} \times \text{Number of Councillors excluding Mayor and Councillors elected at large} = \text{Number of Māori ward members}$$

Any official calculation will be determined from population estimates provided by the Local Government Commission. The most recent estimates show that Masterton district has a Māori electoral population of 3,360 and a general electoral population of 24,200. If the number of Councillors remained the same as it is currently (10 councillors) and none were elected 'at large' (for example¹) then this would allow for one of the 10 councillors to be elected from a Māori Ward (ratio is above 1 but below 1.5).

$$\frac{3,360}{(3,360 + 24,200)} \times 10 = 1.219$$

With the current statistics, Masterton can have one or two members elected from a Māori Ward. One member would be possible with the minimum number of councillors (6) and up to 12 councillors. Two members are possible if the Council had 13 or more councillors. The total number of councillors to accommodate two Māori Ward councillors could change in the future if the Māori

¹ Please note that whether Councillors are elected at large would be determined through the representation review.

electoral population increases through demographic shifts or more Māori choose to be on the Māori electoral roll. The Māori electoral roll is currently at 12% of the total electoral roll and our Māori population makes up approximately 21.3% of the total population (2018 census results - Statistics NZ).

If a council has Māori wards or constituencies, then:

- voters on the Māori electoral roll will vote for a candidate contesting a Māori ward or constituency rather than candidates contesting a general ward or constituency;
- Māori ward candidates do not need to be on the Māori electoral roll;
- voters on the general electoral roll will continue to vote for candidates contesting general wards and constituencies; and
- everyone can vote for the mayor, at-large councillors (if any), and community board members (if any).

Representation Review

If Council does resolve to establish Māori wards, then it must subsequently conduct a representation review. In a representation review the Council would be required to determine:

- The total number of Councillors.
- Whether all Councillors will be elected from wards, or from a mixture of wards and at large.
- The names and boundaries of any wards.
- The number of Councillors elected in each ward, and the number elected at large (if any).

Notably, the representation review is not an opportunity to revisit the question of Māori wards. Any proposal and consultation would be on the basis that Māori wards have been established.

If Māori wards have been established, then within the representation review Council cannot propose to elect all Councillors at large. It can propose to have some Councillors elected at large but there must be at least one Māori ward and one general ward.

Legislative timeframes for this representation review are set by the Local Electoral Act:

Date/timeframe	Action
31 August 2021	Deadline for Council to resolve an initial proposal.
8 September 2021	Deadline for public notification of initial proposal.
8 September 2021 – 8 October 2021	Submissions open (minimum period).
8 October – 19 November 2021	Consider submissions and amend proposal if required (within six weeks of the close of submissions).
19 November 2021	Deadline for public notification of proposal.
20 December 2021	Deadline for appeals and objections to the proposal.
15 January 2022	Deadline for appeals and objections to be forwarded to the Local Government Commission.
11 April 2022	Deadline for Local Government Commission to make determination if any appeals or objections are received.

Excerpt from amended Local Electoral Act 2001

Schedule 1 Transitional, savings, and related provisions

Part 1 Provisions relating to Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021

2 Territorial authority or regional council may resolve during transition period to establish Māori wards or Māori constituencies for next triennial general election

(1) Any territorial authority may resolve at any time during the transition period that the district be divided into 1 or more Māori wards for electoral purposes.

What are other Councils doing?

Nine Councils resolved last year to establish Māori wards (however Tauranga is currently reconsidering this decision as part of a substantial wider representation review). All nine engaged with their key iwi/ Māori partners and stakeholders on that decision.

Of the nine Councils that had already resolved in November to establish Māori wards only Gisborne District Council undertook wider consultation in addition to engaging its key Māori stakeholders. It received 275 written responses to a survey of which, 68.4% saw value in establishing Māori wards in Tairāwhiti, with 67.6% confirming they would like to see Māori wards established.

A number of Councils are considering this matter outside of their normal representation review processes. Some have declined to revisit decisions already made recently in 2020 not to have Māori wards (Hamilton City Council noted in their decision that the rushed timeline made the decision too difficult at this time and it would be considered with their scheduled representation review next term). Others (like Wellington City Council) have voted in principle to establish a Māori Ward for the next triennium pending further engagement with Māori. Kāpiti Coast District Council recently confirmed their October 2020 resolution not to establish a Māori Ward for the 2022 term of Council on the advice of their iwi partners.

Analysis and Advice

Engagement feedback

Over the last month the Mayor, with support from the Chief Executive and staff, has engaged with the governance members of the four local iwi entities (Kahungunu ki Wairarapa, Kahungunu ki Wairarapa Tāmaki Nui ā Rua Trust, Rangitāne o Wairarapa, and Rangitāne Tū Mai Rā Trust) to gauge whether Iwi support the Council establishing Māori Wards. Meetings (mix of in person and virtual) were held with the senior staff of all the Iwi entities and the opportunity for the Boards to have meetings with each of the Boards was provided.

The Iwi members were provided with background information on the recent legislative change and timeframe available to councils wishing to consider establishing Māori Wards; a summary of the rules within the Local Electoral Act that apply to candidates for Māori Wards; the rules for calculating numbers of Māori Ward members and the overall number of councillors and other matters that would be determined as part of the representation review that would follow if the Council established Māori Wards.

All four Iwi indicated in the meetings or in correspondence their support for Council establishing Māori Wards. Iwi have also showed an interest in being involved in the representation review.

Prior to the Council's engagement with Iwi, the Council had also heard two advocates for Council establishing Māori Wards at the Public Forum of the 17 February 2021 Council meeting.

Other forms of representation on Council

Councils across the country have looked at alternative means to provide Māori and Iwi with more opportunities to contribute to Council decision-making. Appointments to Committees, Iwi Liaison Standing Committees and forums are some examples being utilised elsewhere in the country.

Masterton District Council has already recognised the need for greater representation in Council decision-making by appointing iwi representatives onto Council, albeit with only speaking rights at Council meetings (not legally allowed to give voting rights) but with voting rights at Committee meetings. These appointments were made in May 2016 following the 2015-25 Long Term Plan which noted that appointments to standing committees was to be considered by the Council.

Iwi representation and Māori Wards

Māori wards and alternative representation models such as our Iwi appointments can operate together – they are not mutually exclusive.

The member elected from a Māori Ward does not necessarily have to be affiliated to our local Iwi or any Iwi and does not have to be enrolled on the Māori electoral roll. Once elected they will have the same duties as all other elected members – to act in the best interests of the district.

The Iwi appointments represent each Iwi and act as a conduit for Iwi and Council as a means of honouring the growing partnership.

Options available

Option:	Advantages:	Disadvantages:
Option 1: Establish a Māori Ward for the 2022 local government elections	<p>Māori wards are a mechanism through which councils can both achieve better representation of Māori members of their communities in council decision-making, and ensure Māori issues are much more visible within council thinking and processes.</p> <p>Council would be honouring the advice sought from our Iwi partners.</p>	<p>Public could perceive that a Māori Ward provides fair representation for Māori when the current legislative calculation relies heavily on the Māori electoral roll numbers, not population.</p> <p>A representation review would need to be brought forward from next term to create a general ward – this will bring forward some consultancy and engagement costs.</p>

	Establishing Māori Wards could incentivise more Māori to enrol on the electoral roll which in future years could allow fairer representation that better reflects the ethnic diversity of the district on a representative basis.	
Option 2: Do not establish a Māori Ward for the 2022 local government elections	Representation review is not triggered and associated costs do not have to be brought forward.	Without Māori elected members, iwi and Māori are limited to participation, engagement and consultation interests with only the appointed Iwi representatives having some decision-making at Committee meetings and speaking rights at Council meetings. Council decision would oppose advice from Iwi partners which would risk our relationship and level of trust going forward.

Conclusion

Option 1 (establish a Māori Ward for the 2022 local government elections) is recommended to honour the advice sought from our Iwi partners and to achieve alignment with current Council strategies.

Supporting Information

Strategic, Policy and Legislative Implications

He Hiringa Tangata, He Hiringa Whenua, Council's Wellbeing Strategy, clearly articulates the Council's desire to strengthen relationships and improve opportunities for participation of Māori and Iwi in Council decision-making and to integrate tangata whenua values, culture and language into the business of Council. Establishing Māori Wards would be another positive step to enabling Council to fulfil this strategy for its community and show we value the place and role of tangata whenua. The relevant extracts from *He Hiringa Tangata, He Hiringa Whenua* are below:

'Where we want to be' section:

MDC want to build on all things occurring in our community that are reflected in our 'cultural snapshot'. We want Masterton/Whakaoriori having a sense of pride in our culture and heritage, and

valuing the role and place of tangata whenua within our district. We acknowledge the contribution of tangata whenua values and knowledge to our overall cultural wellbeing. We also want to focus on our organisation having a more bicultural focus.

Cultural Development Strategic directions section

- *Strengthen and maintain opportunities for greater decision-making between Council and Iwi*
- *Support Iwi, Hapū and Māori communities in the long-term sustainability and wellbeing of local Marae*
- *Integrate tangata whenua values, culture and language into the business of Council*

Strengthen and maintain opportunities for greater decision-making between Council and Iwi

Council are committed to engaging more effectively with Iwi and Māori communities to ensure they have opportunities to contribute to MDC decision-making processes

The Council is required to provide opportunities for Māori to contribute to local government decision-making processes. This is set out in key legislation, such as the Local Government Act and the Resource Management Act 1991 (RMA) – the key section from the Local Government Act is below:

Local Government Act 2002

81 Contributions to decision-making processes by Māori

- (1) *A local authority must—*
 - (a) *establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; and*
 - (b) *consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and*
 - (c) *provide relevant information to Māori for the purposes of paragraphs (a) and (b).*
- (2) *A local authority, in exercising its responsibility to make judgments about the manner in which subsection (1) is to be complied with, must have regard to—*
 - (a) *the role of the local authority, as set out in [section 11](#); and*
 - (b) *such other matters as the local authority considers on reasonable grounds to be relevant to those judgments.*

Māori representation is also reflected in the Act, which enables the Council to establish Māori wards for the purpose of electing members.

Significance, Engagement and Consultation

The Act does not provide any specific consultation requirements for establishing Māori wards. Therefore, the general decision-making requirements under the Local Government Act 2002 and the Council's Significance and Engagement Policy are relevant to determining what level of engagement is appropriate.

The Local Government Act 2002 requires Council to analyse different options for achieving an objective, and its costs and benefits. The Council must be satisfied that consideration has been given

to the views and preferences of persons likely to be affected or have an interest in the matter. This does not of itself require any consultation process or procedure to be undertaken.

Compliance with these requirements is a matter of discretion for the Council. The primary factor informing what sufficient compliance looks like is the significance of the matter, and the Council's Significance and Engagement Policy. Also relevant are the s14 local government principles, Council resourcing, the nature of the decision and the circumstances, and any applicable legislative framework with decision-making requirements.

S14 1 (d): a local authority should provide opportunities for Māori to contribute to its decision-making processes

Undertaking targeted engagement with Māori and mana whenua in Masterton was seen as the most appropriate way to engage with those affected by the proposal to establish Māori wards. This would also ensure that Council met its obligations under the Local Government Act to provide opportunities for Māori to contribute to decision-making and meet the Council's obligations under the Memorandum of Partnership held with the mandated Iwi authorities.

The Government has allowed a short opportunity in time for councils to consider establishing Māori Wards for the 2022 election without the possibility of the decision being overturned through the abolished poll provisions. Broad engagement would have been challenging especially as staffing resources were already committed to the Long Term Plan engagement and deliberations process.

Financial Considerations

A representation review will be required in 2021 if Council decides to establish Māori Wards and this will bring forward costs budgeted for the next term of Council. A small consultancy cost and engagement costs for publicity and communications will be required; a budget for 2021/22 can be accommodated through the upcoming Long Term Plan deliberations process.

Appropriate resource will be required from within the Council to support the member(s) elected from a Māori Ward. The existing resource available to our Iwi appointments and councillors will be able to provide this support with little additional cost.

The member(s) elected from a Māori Ward are inclusive of the total number of councillors and the total remuneration for councillors remains the same regardless of the number of councillors i.e. there is a pool of funds set by the Remuneration Authority which is allocated across the councillors for their salaries. Other incidental expenses associated with elected members' travel and communication allowances/technology are determined by the number of total councillors determined through the representation review.

Treaty Considerations/Implications for Māori

The legislative requirements noted above are derived from the principles of Te Tiriti o Waitangi ('the Treaty'). The Treaty recognises Māori as a partner to the Crown, and as such, a significant community of interest in New Zealand. Local authorities are required to take account of the Treaty's principles when making decisions.

Establishing Māori Wards would be a significant step towards honouring the Treaty and would be seen as significant to Māori in establishing fairer representation.

Communications/Engagement Plan

Engagement has taken place with the district's Iwi entities and support for establishing Māori Wards has been endorsed. A plan for communicating the Council's decision on establishing Māori Wards has been prepared and includes provision of prepared media releases (for either decision) and frequently asked questions for elected members, staff and the media to utilise.

Environmental/Climate Change Impact and Considerations

No implications specific to the Environment/Climate Change have been identified. Having a Māori Ward should increase the presence at the Council table with a Māori view of the world and enable Council to better perform its environmental objectives and responsibilities.

To:	Your Worship and Elected Members
From:	Phil Evans, Senior Advisor Compliance and Projects
Endorsed by:	Kathryn Ross, Chief Executive
Date:	20 May 2021
Subject:	Friends of the Park – Acceptance of Expression of Interest in Tractor and Bulldozer for refurbishment

DECISION

Recommendation:

That Council:

- a. Notes that one Expression of Interest (from Friends of the Park) to take the tractor and bulldozer equipment for refurbishment was received
- b. Notes that the Expression of Interest from Friends of the Park states that all labour will be voluntary and that all material being used on the repairs will be initially donated to the project but that Friends of the Park intend to reimburse the donors, if required, proportionately upon completion of the project up to \$10,000
- c. Notes that the worksite for the refurbishment is within the Masterton District
- d. Accepts the Expression of Interest from Friends of the Park to take the tractor and bulldozer equipment to refurbish it
- e. Agrees to transfer possession and ownership of the tractor and bulldozer until such time that the bulldozer and tractor have passed an audit to confirm compliance with the relevant NZ Standard for playground safety and are returned to council owned land, where upon ownership will revert in Council.
- f. Agrees that all work undertaken by Friends of the Park or their employees, contractors or volunteers while the tractor and bulldozer is in their ownership or possession on their site is done at their risk and is not as a contractor or volunteer to the Council
- g. Agrees that Council will pay for one audit to confirm compliance with the relevant NZ Standard for playground safety.
- h. Agrees that Council will pay for the transport of the tractor and bulldozer to a location within the Masterton District and the return of the tractor and bulldozer from that location to Council land if the audit of the work on tractor and bulldozer confirms compliance with the relevant NZ Standard for playground safety
- i. Delegates to the Chief Executive to pay money to the Friends of the Park to complete the refurbishment of the tractor and bulldozer up to a maximum of \$10,000 (exclusive of the cost of the audit and transport provided for in f and g above) for the following expenses:
 - i. advice to Friends of the Park from the auditor to enable achievement of the relevant NZ Standard for playground safety upon production of invoices for that advice from the auditor

- | |
|--|
| <ul style="list-style-type: none"> ii. materials upon production of a report from Friends of the Park that confirms the requirement by the donor for reimbursement for the materials “donated” and the cost of those materials iii. other services or costs incurred by Friends of the Park upon the production of invoices. |
|--|

Purpose

The purpose of this report is to obtain a **decision** from Council on whether to accept the proposal from Friends of the Park to refurbish the tractor and bulldozer removed from QE Park last year.

Executive Summary

The Kids Own Playground at Queen Elizabeth Park had two pieces of old agricultural machinery, a bulldozer and tractor, as playground equipment. The machinery was removed from the site at the end of last year due to safety concerns. They are currently stored at the Council’s Bentley Street yard.

Council has requested that staff seek Expressions of Interest (EOI) from any party who wishes to take the equipment to refurbish it, with the goal that the equipment be returned to QE Park in a safe play state. As part of that, Council allocated a sum of \$10,000 to be paid to the successful party, subject to the equipment being brought up to the standard required to enable the equipment to be reinstated in the park.

Following a public EOI process, only one registration from Friends of the Park was received. A small number of other enquires and comments were received but did not constitute Expressions of Interest.

Staff are recommending that the items be provided to Friends of the Park.

Context

Council last considered the tractor and bulldozer at the Infrastructure and Services Committee meeting in March 2021. This resulted in a Council resolution directing staff to seek Expressions of Interest from the public for taking the items for the strict purpose of refurbishing the items and having them reinstated in the park in a safe state. The same resolution offered a sum of \$10,000 to the successful party after the equipment passed an independent audit to allow Council to return them to the park, and that the items would not be accepted back to any Council land until the audit had occurred.

This request for public EOI was notified via public notice, the Council website, and directly to interest groups who had previously been in touch with Council. This resulted in one EOI being received. The EOI is attached (Attachment 1).

The single EOI that was received (Friends of the Park) was missing a number of key pieces of information requested as part of the registration process. This included information as to how the

work will be carried out, where the items were to be delivered and timeframes for when the work would be completed. Staff have subsequently sought this information from Friends of the Park.

Councillors will note that the proposal does not ask for any funds up front for the purchase of materials or advice. Staff consider that while this is admirable it may not be realistic. Therefore, if the decision is made to proceed with this proposal, then it is recommended that the Chief Executive has the delegation to provide funding to the group, upon request and with supporting documentation, before the items are reinstated to facilitate the requested auditor support, provided that the total payment made is up to the Friends of the Park upon completion of the work does not exceed the maximum amount confirmed by Council of \$10,000.

The Council should also note that we have been contacted by a representative of the original donor family, who wish to be consulted on the future of the items if no suitable EOI was received. If the Council does not wish to accept the proposal, then it should consider alternatives, including engaging with the representatives of the original donor family.

Recommended Option

In this instance, the Council has two options:

1. To accept the proposal, including agreement to pay a sum of up to \$10,000 upon the successful completion of the work.
2. To not accept the proposal and consult with the original donor family of the bulldozer and tractor as to the next steps.

Option 1 is recommended, as a proposal has been received.

Summary of Considerations

Strategic, Policy and Legislative Implications

Option 1 is in alignment with the purpose of local government as stated in the LGA, which includes promoting the social, economic, environmental, and cultural well-being of communities in the present and for the future. Option 1 also aligns with the 2018-28 Long-Term Plan, Community Outcomes and our wellbeing strategy *He Hiringa Tangata, He Hiringa Whenua*. This option ensures that the items will not be returned to a Council site until brought up to a suitable standard.

Significance and Engagement

The decision to refurbish the equipment is likely to generate significant community interest and possibly controversy and, on that basis, can be significant. Additionally, it will not be possible to reverse the decision once work has commenced.

Financial Considerations

Budget has not been specifically allocated for the endorsement and any funds will have to be taken from existing budgets.

Implications for Māori

There are no aspects of this decision that would have a particular impact on Māori.

Environmental/Climate Change Impact and Considerations

There are no direct climate change impacts from the decision.

Next Steps

If the decision is made to accept the proposal, then Council officers will liaise with Friends of the Park to have the items delivered to their workshop as soon as possible.



The Friends of Queen Elizabeth Park (FOP) wish to take possession of the two pieces of old farm equipment which have been removed from the playground at Queen Elizabeth Park.

The FOP engineers/mechanics have inspected the Bulldozer & Tractor at the Masterton District Council (MDC) Bentley Street yard in the company of Phil Evans, MDC Senior Advisor Wastewater and Compliance Projects and in possession of the Playground and Safety Report on the machines.

Our engineers/mechanics are confident they can repair/modify the machines in accordance with the report prepared by Park Central, Park and Playground Solutions Limited sufficiently to bring them up to the safety standards quoted in the report while maintaining their integrity as a bulldozer and tractor, modified to meet the safety standards.

Location;

FOP has a location with a suitably equipped workshop at which to carry out the repairs. FOP wishes to keep the name and location of the property confidential to FOP, any transport operators required and the safety auditor or their representatives on an as required basis. Suffice to say it is on private land within the Masterton District and in easy reach of Masterton.

Health & Safety;

The engineers/mechanics are developing a health and safety plan appropriate to worksite which will be implemented during the contract. All the manual work to be done on the machines to be done on a voluntary basis by or under the supervision of suitably qualified engineers and mechanics. Therefore there is no budget for labour and no timeline for the work to be completed. Because of the public interest FOP aim to have the project finished as soon as possible. A Covid19 visitor register will be maintained.

Materials:

All materials being used on the repairs will be initially donated to the project. FOP will keep a record of such donations with a view to being able to reimburse the donors, if required proportionally, upon completion of the project and reimbursement by the MDC under the terms of the motion moved by Councillor Johnson & Seconded by Councillor F Mailman (carried) up to \$10,000.

Therefore there is no budget of materials required.

FOP wish to have a line of communication established with the safety auditor(s) by cellphone so that as work progresses, the auditor can comment on the suitability of the work towards the final goal and any adjustments can be made as the project moves along.

Signed:

Diana Abraham
Chair Friends of Queen Elizabeth Park.

Graham Dick
Sec/Treasurer Friends of Queen Elizabeth Park

To:	Her Worship the Mayor and Councillors		
From:	Natasha Tomic, Senior Policy Advisor Climate Change and Environment Nerissa Aramakutu, Policy Manager		
Endorsed by:	Kathryn Ross, Chief Executive		
Date:	20 May 2021		
Subject:	Amendments to the Wairarapa Consolidated Bylaw, Part 10: Traffic Bylaw Schedule		
DECISION			
Recommendation:			
That Council adopts temporary amendments to Wairarapa Consolidated Bylaw, Part 10: Traffic Bylaw Schedule (Traffic Bylaw Schedules) as specified below:			
<ul style="list-style-type: none">• Addition of Schedule 2Q: Temporary restriction on use of council owned car parking spaces at the Library and the former Departmental Building carpark.			
Schedule 2Q: Temporary restriction on use of parking spaces			
Location	Description	Parking restriction	Date of Restriction
Library and the former Departmental Building (Car park)	31 parking spaces as per signage. The car park situated on • Pt. 76 Town of Masterton (Library and former Departmental Building Carpark)	Allocated to the COVID-19 vaccination clinic visitors.	21 May 2021 – 31 March 2022

Purpose

The purpose of this report is to seek Council adoption of proposed temporary amendments to the Wairarapa Consolidated Bylaw, Part 10: Traffic Bylaw Schedule.

Context

The Wairarapa District Health Board (Wairarapa DHB) is setting up a COVID-19 vaccination clinic on Level 2 of the Departmental Building at 39 Chapel Street. Masterton District Council has received a request from Wairarapa DHB to allow a number of the carparks next to the Departmental Building to be set aside for sole use of the COVID-19 vaccination clinic visitors. Having designated carparks for the sole use of the COVID-19 clinic visitors will allow an easier and immediate access to the COVID-19 vaccination clinic. The COVID-19 vaccination clinic is planned to start on 24 May 2021, and it is expected to run for at least until the end of the year. At this stage, Wairarapa DHB is uncertain about how long the COVID-19 vaccination clinic will run for.

Masterton District Council owns a total of 42 parking spaces at the carpark next to the Departmental Building. This total includes 11 parking spaces close to the Library (10 + 1 mobility parking space). Those parking spaces are restricted to continuous parking of a maximum of 120 minutes. The remaining parking spaces in that area are private carparks that belong to either the Departmental Building or to the businesses on the southern side of the carpark (refer to the aerial photo of the carpark at the end of this report – Attachment 1).

Analysis and Advice

Wairarapa DHB has requested 30 car parking spaces for the sole use of the COVID-19 vaccination clinic. The intent is to make access to vaccination as easy as possible and to remove any potential barriers such as lack of parking spaces with easy access to the COVID-19 vaccination clinic.

The COVID-19 vaccination clinic will operate at the Departmental Building at least until the end of the year. Wairarapa DHB has advised that it is difficult to estimate how long and how busy the COVID-19 vaccination clinic is going to be while located at the Departmental Building.

Officers recommend that the change to the restricted parking areas at the Departmental Building carpark stay in place until March 2022. If the vaccination programme is completed earlier, the proposed restriction can be reverted to the current restriction of a maximum of 120 minutes through another Council resolution.

Allocating the parking spaces to the COVID-19 vaccination clinic will be a temporary change to the number of publicly available parking spaces at the Departmental Building carpark.

The Council is cognisant that 31 parking spaces allocated for sole use of the COVID-19 vaccination clinic will impact on the availability of public parking at that carpark. The remaining 10 (+1 mobility) parking spaces next to the Library will still be available for public use. There are also three other carparks (approximately 5 minutes walk to the Library): the Woolshed parking (43 carparks), Dixon Street/Southey (24 carparks) and the Farriers/Horseshoe (67 carparks).

This temporary change will benefit the whole community and the Council hopes that the public will be supportive. The Council will promote the change to the parking restrictions and will inform the nearby businesses about this temporary change.

The Council can enable car parking for the COVID-19 vaccination clinic by amending the Traffic Bylaw Schedule. Even though the Part 10: Traffic Bylaw is part of the wider Wairarapa Consolidated Bylaws, each of the three Wairarapa District Councils maintains schedules of the traffic control measures in their respective districts.

Once the amendment to the Traffic Bylaw Schedules is in place, the allocated parking spaces will be clearly marked with visible signage to direct the users of the COVID-19 vaccination clinic to the designated parking spaces.

Officers advise that the parking restriction will not be enforced by the Masterton District Council but rather the signage informs the users about the consequences of misuse of the COVID-19 vaccination clinic designated parking spaces (eg vehicles towed away at owners expense).

Making this temporary change the Council is supporting the efforts of 'the team of 5 million' and our Wairarapa community by assisting an easier access to the vaccination programme roll out.

Options

A summary of the options considered is included in the table below.

Option		Advantages	Disadvantages
1	Designate 31 Council owned parking spaces for the COVID-19 vaccination clinic	Meets clinic's highest peak expectations. Ample parking for the clinic. Supporting the effort of the team of 5 million.	Only 10+1 parking spaces available to public. Other businesses disadvantaged. Library patrons disadvantaged.
2	Designate 13 Council owned parking spaces (middle row) for the COVID-19 vaccination clinic	Ample public parking space remains. The clinic has a number of allocated parking.	Limited parking spaces for the clinic, may not meet the demand.
3	Designate all of the Council owned parking spaces for the COVID-19 vaccination clinic	Meets clinic's highest peak expectations. Ample parking for the clinic.	No public carparking available. Disadvantage to other businesses and Library.

Recommended Option

We recommend Option 1, allowing 31 parking spaces to be allocated to the COVID-19 vaccination clinic. This ensures that the COVID-19 vaccination clinic has an ample number of parking spaces for its visitors to use and reduces the barriers to New Zealanders receiving protection from contracting COVID-19.

Officers also recommend that the COVID-19 vaccination clinic parking spaces are not monitored and enforced by the Masterton District Council.

Summary of Considerations

Strategic, Policy and Legislative Implications

The Wairarapa Consolidated Bylaws include provision to apply parking restrictions by Council resolution publicly notified, in accordance with the Local Government Act 2002 (LGA). Even though the Part 10: Traffic Bylaw is part of the wider Wairarapa Consolidated Bylaws, each of the three Wairarapa District Councils maintains schedules of the traffic control measures in their respective districts.

Significance, Engagement and Consultation

The proposed change has been assessed against Council's Significance and Engagement Policy and the assessment concluded that it is not significant given that the change is only for six to nine months and there is ample public parking nearby.

Communications/Engagement

The community will be notified of the changes to the Traffic Schedules by public notice as is required under the Local Government Act 2002, section 157. Businesses in the area will also be advised and new signage will help to support the purpose for the change. Our Communications Team will liaise with the District Health Board on promotion to clinic visitors and the wider community.

Financial Considerations

There will be costs associated with parking signage to sign post the designated parking for users of the COVID-19 vaccination clinic.

Implications for Māori

No implications specific to Māori have been identified in this decision.

Environmental/Climate Change Impact and Considerations

No environmental/climate change impacts have been identified in relation to this decision.

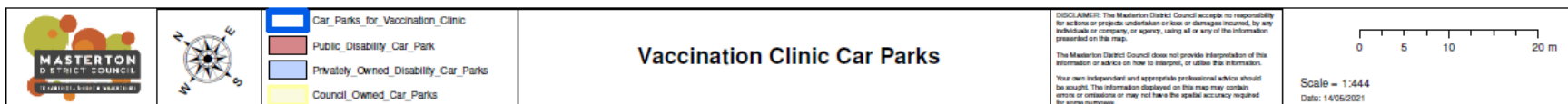
Next Steps

Following the approval to amend Traffic Bylaw Schedules, a new Schedule 2Q: Temporary restriction on use of parking spaces will be added.

The temporary change will be publicly notified in the local papers and promoted on social media. Nearby businesses will be informed about the change.

The designated parking spaces will be marked, and the signage will be erected.

The Schedule 2Q will be removed once the COVID-19 vaccination clinic at the Departmental Building and the vaccination programme is concluded.



D:\GIS\as\PROJECTS\2021\Vaccination Clinic\Vaccination Clinic Car Parks.mxd

To:	Mayor and Councillors
From:	Terri Mulligan, Environmental Services Manager Angela Jane, Strategic Planning Manager
Endorsed by:	Kathryn Ross, Chief Executive
Date:	20 May 2021
Subject:	Adoption of Dog Registration and Associated Fees 2021/22
DECISION	
Recommendation: That Council: <ol style="list-style-type: none"> receives the 'Dog Registration and Associated Fees 2021/22' report (Report 095/21); adopts the Dog Registration Fees, and associated Animal Services activity fees, for 2021/22 as specified in Attachment 4 to Report 095/21. 	

Purpose

The purpose of this report is to seek Council approval of the Dog Registration and associated fees within for Council's Animal Control activity for the 2021/22 financial year.

Background

Animal Services activity

Section 37 of the Dog Control Act 1996 (the Act) gives local authorities the power to set charges for dog registration and other dog control activities.

- Section 37(4) requires the territorial authority to have regard to the relative costs of the registration and control of dogs in the various categories.
- Section 37(3) also gives council the authority to fix an additional fee by the way of penalty of up to 50% if registration payment has not been made by the due date.
- Section 37(8) states any increase in fees can only take effect at the commencement of that year.

The Council's Animal services activity includes the maintenance of dog registration database, monitoring of the Act and associated regulations, responses to complaints, enforcement actions, proactive and preventive patrols, formal enforcement actions, care for impounded dogs and education. Fees also cover the servicing of the dog poo bins throughout the district.

Fees must be set by no later than 30 May each year to meet dog registration deadlines (fees must be advertised the month preceding the invoicing). To meet this timeframe the deliberations for the dog fees and charges has been brought forward from the scheduled Long Term Plan deliberations which

are timed for early June.

There are 6,224 known dogs within the Masterton District (both registered and unregistered). Approximately 98 % (or 6,105 dogs) are registered. There are 85 unregistered dogs that are known to Council. A number of these dogs may have left the Masterton district without notification from owners. The 85 unregistered dogs is a reduction, compared to the 150 unregistered dogs for the same time last year. There are 3,154- rural dogs compared to 3,070 urban dogs in the district.

Responsible Dog Owners

The Council has operated the Responsible Dog Owner (RDO) policy since March 2018. Applicants who apply and are assessed as meeting the criteria receive a 25% discount on registration fees for the duration of their dog/s life provided they continue to meet the criteria. The proposed fee in the Long Term Plan for RDO is \$77. There is a one-off application fee of \$20 per property to apply for RDO status. Applications for RDO status for the 2020/21 year have now closed. As at 3 May 2021 there are 198 individual owners with 261 dogs that have RDO status. This is an increase from 159 dog owners with 212 dogs on 6 May 2020.

Schedule payment plan

Council continues to offer the option to dog owners to make scheduled payments for their dog registration fees to assist in helping people meet their obligations under the Dog Control Act 1996, by having their registration paid in full by 31 July each year. There will be further promotion on this service this year. This option for paying off registration is proving to be more popular every year. Staff find it great tool to remove some of the barriers to non-payment.

Fee increase proposal

Council had proposed to increase fees in the Statement of Proposal for fees and charges to accommodate an increase in costs that reflected:

- inflation adjustments
- borrowing costs for the replacement of the animal shelter facility
- the level of work involved with impounded animals
- the inflationary adjustments that were not passed on last year when Council chose not to increase dog registration fees as part of our COVID-19 response (the cost was funded by reserves).

The proposed increase in fees would have met 85% of the projected costs as per the Council's Revenue & Financing Policy which outlines the cost recovery proportion from users, ratepayers and any other funding sources.

Constraints on cost recovery

There are constraints on Council recovering costs from the users of the service as they cannot always be identified or they are not a dog owner. The monitoring of regulations and bylaws, roaming dogs that are not located, the collection and care for a dog that is impounded whose owner cannot be identified, the delivery and collection of dog traps for people who have reported dog incidents on their properties but no dog captured or identified, school education on how to approach a dog, are all examples where the immediate user of the service either cannot be identified or is not a dog owner.

Animal Shelter costs

The construction of a new Animal Shelter will ensure we meet current standards for animal welfare providing a safer and more comfortable facility for both animals and staff. It will have an increased number of kennels and office space that will enable us to offer a better level of service to dog owners. Funding of \$1.5 million has been allowed for in Year 1 of the Long Term Plan for this project.

Shared Services

There have been ongoing discussions with the other Wairarapa Councils about shared services for the animal shelter function. The Long Term Plan projections have assumed that Masterton's activity is standalone as we have not received any indication that our Council's offer of a shared service for the new animal shelter will be accepted. Should our offer be accepted in the future we will consider the funding proportions and adjust the budgets and fees accordingly.

Comparisons to other Councils

Rural

The proposed changes will still see rural dog owners with 2 to 5 dogs with the lowest registration in the Wairarapa region. Last year Council's rural dog registration fees, if 2 dogs are owned (and not neutered), was \$36 cheaper than Carterton District Council and \$28 cheaper than South Wairarapa District Council. These margins reduce to \$9 and \$1 respectively if the proposed fee increases are adopted.

Total fees	1 rural dog	2 rural dogs	3 rural dogs	4 rural dogs	5 rural dogs
Masterton	\$103	\$131	\$159	\$187	\$215
Carterton	\$70	\$140	\$176	\$212	\$248
South Wairarapa	\$66	\$132	\$198	\$215	\$215

Urban

If the proposed dog registration fees are adopted then Masterton dog owners will pay \$26 more to register an urban neutered dog and \$59 more to register an urban entire dog. Full details of the comparisons can be seen on Attachment 3.

Dog registration revenue

The 2020/21 dog registration revenue, was projected to raise \$360,000 (excluding GST). The proposed fee increase for 2021/22 would have increased revenue to \$460,000 (excluding GST) an increase of \$100,000. The increased revenue is required to maintain the 85% user fees funding for the Animal Services activity, in line with the Council's Revenue and Financing Policy. The rates funding component for this activity is also increasing to cover costs.

One of the drivers for increased costs is the associated funding costs for the construction of the new animal shelter. The full debt and depreciation costs of the new shelter will be in place by 2022/23. The table below shows the projected fee increases for the next two years. By Year 3 of the new Long Term Plan the costs are projected to rise by inflation with no new costs identified.

Projected fees in Statement of Proposal

Fee type	2020/21	Projected for 2021/22		Projected for 2022/23	
	Fee	Fee	Increase	Fee	Increase
Urban entire	\$136.00	\$169.00	\$33.00	\$189.00	\$20.00
Urban neutered	\$82.00	\$103.00	\$21.00	\$115.00	\$12.00
Responsible Owner (estimate 15%)	\$61.50	\$77.00	\$15.50	\$85.75	\$8.75
Rural 1st dog, incl working	\$82.00	\$103.00	\$21.00	\$116.00	\$13.00
Rural 2nd & subsequent incl working	\$22.00	\$28.00	\$6.00	\$31.00	\$3.00
Permit holder	\$82.00	\$103.00	\$21.00	\$121.00	\$18.00
Dangerous	\$126.00	\$158.00	\$32.00	\$176.50	\$18.50
Seeing eye dogs	Nil	Nil	Nil	Nil	Nil

Discussion and Options

New financial information

The forecast for the 2020/21 year-end position indicates an underspend of \$10,000 which can be applied to 2021/22 as a carry forward funding line and reduce the revenue required. This would reduce the fee increases by \$2 per dog (23% increase rather than 26%).

LTP feed back

Submissions

Council received 24 submissions commenting on the proposed increases to the animal services fees and charges, with animal services receiving the most responses across all of the fees and charges areas that Council consulted on. All but one response related directly to dogs. The outlier response was related to the cost of cat trap hire and seeking introduction of trap hire for rats, possums and other pests.

Feedback received were based on the following areas:

Proposed fee increases

The majority of responses were either 'opposing' and 'strongly opposing' dog registration fee increases, stating that the proposed increase penalises the responsible dog owners and is a disincentive to paying the dog registration fees.

There was also a general sentiment that responsible dog owners end up having to subsidise irresponsible dog owners.

One submitter did not understand how there could be inflation increases for animal services fees and charges.

How we pay for a new animal shelter and animal service council services

Several submitters expressed that the responsible dog owners should not be subsidising the new animal shelter.

Two submitters stated that the animal shelter should be paid through general rates and one

submitter opposed funding the animal service through general rates.

Federated Farmers recommend that Council investigate and utilise alternative ways to fund the dog control service which are fairer and more equitable. In addition to this, they consider that the use of Uniform Annual General Charges or general rate should be considered as this service benefits all residents.

Support for increasing impounding fees

Several submitters commented that the impounding fees should be higher especially the third impounding fee, and that the owners of impounded dogs should bare the stricter consequences if the dog is not registered or has been impounded on multiple occasions.

One submitter stated they would prefer to see dog fees go towards a dog park or dog waste bins.

Rural v Urban Dog Fees

Federated Farmers oppose the increase in Rural Dog Fees and consider that rural dogs do not impact the Council services as much as the urban dogs. They also state that it is inequitable that the rural dog owners do not receive the responsible owners discount as the urban dog owners and that more revenue is collected from urban dog registrations. Federated Farmers recommend that Council reduces the Rural Dogs fees to \$28 as a flat fee and that the differential this creates with Urban Dog fees be preserved in future years.

Social media

The Wairarapa Times Age posted the following on 20 April 2021: *“Dog registration fees in Masterton are proposed to increase an average of 26 per cent”*

The post generated 112 reactions, 189 comments, and 8 shares. Of the 112 reactions, the majority (79 or approx. 70 per cent) reacted ‘angry’.

The sentiment of the 189 comments reflected:

- Belief that this is a revenue gathering exercise.
- Feeling that residents don’t get anything for their money.
- Why should good dog owners have to pay more when the rise is to fund the animal shelter, primarily used by people who are not looking after their dogs.

The most ‘highly liked’ comments were focused on wanting to know what dog registration fees pay for, increasing fees for those who use the animal shelter (e.g. roaming dogs, impounded dogs), the sentiment that responsible dog owners (who don’t require council services) are being penalised for the fee increase.

Staff advice on registration fees

There is an option for dog owners to pay off their dog registration fee in instalments, but this needs to be an agreed arrangement between the owner and Council and must be completed by 31 July in a given year.

The Dog Control Act 1996 requires that all dogs over 3 months must be registered. There is a 50% penalty for non-registration of a dog commencing 1 August in a given year. Any owners that are identified as having non-registered dogs are given 10 days to register before an infringement is issued, with the non-registered dog still being required to be registered.

Staff advice on increasing impounding fees

The impounding fees are proposed to rise by inflation. There were themes of feedback that these fees should also increase at a greater rate than dog registration fees. While this is possible, forecasting the cost recovery would be a risk as impounding of a dog does not always result in the collection of the dog by an owner and this could result in more costs for the care of dog while in Council custody.

Staff advice on more ratepayer funding

Applying more ratepayer funding to the Animal Services activity would enable lower fees to be set but would be inconsistent with the Council's Revenue and Financing Policy. Under Section 80 of the Local Government Act 2002 the Council can make a decision that is inconsistent with a policy so long as the decision identifies the decision as inconsistent, the decisions includes the reasons for the inconsistency and the Council considers whether the policy should be amended to accommodate the decision.

The Council will be continuing its review of the Revenue and Financing Policy in July 2021.

Section 80 - Identification of inconsistent decisions

- (1) *If a decision of a local authority is significantly inconsistent with, or is anticipated to have consequences that will be significantly inconsistent with, any policy adopted by the local authority or any plan required by this Act or any other enactment, the local authority must, when making the decision, clearly identify—*
 - (a) *the inconsistency; and*
 - (b) *the reasons for the inconsistency; and*
 - (c) *any intention of the local authority to amend the policy or plan to accommodate the decision.*
- (2) *Subsection (1) does not derogate from any other provision of this Act or of any other enactment.*

Table below shows the current fee for 2020/21, the proposed fee within the Statement of Proposal and a revised fee which utilises the underspend in 2020/21 and the associated increase from 2020/21.

Fee type	2020/21 Fee	SOP Fee	Revised 2021/22 Fee	Increase
Urban entire	\$136.00	\$169.00	\$168.00	\$32.00
Urban neutered	\$82.00	\$103.00	\$101.00	\$19.00
Responsible Owner (estimate 15%)	\$61.50	\$77.00	\$75.50	\$14.00
Rural 1st dog, incl working	\$82.00	\$103.00	\$101.00	\$19.00

Fee type	2020/21 Fee	SOP Fee	Revised 2021/22 Fee	Increase
Rural 2nd & subsequent incl working	\$22.00	\$28.00	\$27.00	\$5.00
Permit holder	\$82.00	\$103.00	\$101.00	\$19.00
Dangerous	\$126.00	\$158.00	\$151.50	\$25.50
Seeing eye dogs	Nil	Nil	Nil	Nil

Options

Option	Advantages	Disadvantages
1 Increase the Animal Services fees to recover costs in line with the Revenue and Financing Policy	<p>Will cover the costs required to effectively deliver the current service.</p> <p>Will not require a higher rates contribution to enable services to be delivered.</p> <p>Aligns to the current Revenue and Financing Policy for user recoveries.</p>	<p>May result in fewer dogs being registered by the due date which will either reduce revenue or incur more staff resource in following up on payment.</p> <p>May result in fewer dogs being collected by owners from Council impounding- resulting in higher care costs and longer dog stays in Council's care.</p>
2 Increase the contribution from rates to reduce the total increase in fees	Avoids negative feedback from dog owners about the increase in registration fees.	<p>The decision would be inconsistent with the Revenue and Financing Policy.</p> <p>Ratepayers would be subsidizing the service more which could draw negative criticism.</p>
3 Spread the proposed increases for the next two years across four years.	Smaller increments may be easier for some dog owners to absorb.	<p>Deferring the full cost will increase the overall cost to dog owners as the deficit years will incur interest costs.</p> <p>Extending the increases over four years would increase the frequency of Council giving bad news and receiving negative feedback from dog owners.</p>

Conclusion

Option 1 is recommended which aligns with the Council's Revenue and Financing Policy.

Supporting Information

Strategic, Policy and Legislative Implications

As noted, Section 37 of the Dog Control Act 1996 gives local authorities the power to set charges for dog registration and other dog control activities. Section 37(4) requires the territorial authority to have regard to the relative costs of the registration and control of dogs in the various categories. Section 37(8) states any increase in fees can only take effect at the commencement of that year. Fees must be advertised at least once in the newspaper during the month preceding the start of every registration year.

The Council will recommence its review of the Revenue and Financing Policy in July 2021. Changes to the split between user pays and general rating may result from the review. Any changes can only be applied the following year following an appropriate consultation process (which may involve an amendment to the Long Term Plan if considered significant).

Significance, Engagement and Consultation

The proposed fee changes were assessed against Council's Significance and Engagement Policy and the assessment concluded that the decision was significant. Consultation was deemed appropriate for the proposed increase in fees and was carried out as part of the Long Term Plan 2021-31 process through the Statement of Proposal on Fees and charges.

Financial Considerations

The financial considerations in setting the fees were included in the discussion section of the report.

Treaty Considerations/Implications for Māori

No implications specific to Māori have been identified in this decision.

Communications/Engagement Plan

Promotion of the consultation to dog owners included utilising the dog registration contact details held on file and a media release that attracted front page news in the Wairarapa Times Age.

Dog owners will be informed of the final fees and fee schedules will be updated on Council's website.

Environmental/Climate Change Impact and Considerations

No environmental/climate change impacts have been identified in relation to this decision.

Excerpt from Dog Control Act 1996:

37 Territorial authority to set fees

- (1) The dog control fees payable to a territorial authority shall be those reasonable fees prescribed by resolution of that authority for the registration and control of dogs under this Act.
- (2) Any resolution made under subsection (1) may—
 - (a) fix fees for neutered dogs that are lower than the fee for dogs that have not been neutered:
 - (b) fix fees for working dogs that are lower than the fee for any other dog, and may limit the number of working dogs owned by any person which qualify for lower fees under this section:
 - (c) fix different fees for the various classes of working dogs:
 - (d) fix fees for dogs under a specified age (not exceeding 12 months) that are lower than the fee that would otherwise be payable for those dogs:
 - (e) fix, for any dog that is registered by any person who demonstrates to the satisfaction of any dog control officer that that person has a specified level of competency in terms of responsible dog ownership, a fee that is lower than the fee that would otherwise be payable for that dog:
 - (f) fix by way of penalty, subject to subsection (3), an additional fee, for the registration on or after the first day of the second month of the registration year or such later date as the authority may fix, of any dog that was required to be registered on the first day of that registration year:
 - (g) fix a fee for the issue of a replacement registration label or disc for any dog.
- (3) Any additional fee by way of penalty fixed under subsection (2)(f) shall not exceed 50% of the fee that would have been payable if the dog had been registered on the first day of the registration year.
- (4) In prescribing fees under this section, the territorial authority shall have regard to the relative costs of the registration and control of dogs in the various categories described in paragraphs (a) to (e) of subsection (2), and such other matters as the territorial authority considers relevant.
- (5) Where any 2 or more territorial authorities have formed a joint standing or joint special committee in accordance with [section 7](#), the resolution of that committee under subsection (1) may fix different fees in respect of dogs kept in the different districts, having regard to the costs of registration and dog control in the districts concerned.
- (6) The territorial authority shall, at least once during the month preceding the start of every registration year, publicly notify in a newspaper circulating in its district the dog control fees fixed for the registration year.
- (7) Failure by the territorial authority to give the public notice required by subsection (6), or the occurrence of any error or misdescription in such public notice, shall not affect the liability of any person to comply with this Act or to pay any fee that is prescribed by the territorial authority under subsection (1).
- (8) No increase in the dog control fees for any year shall come into effect other than at the commencement of that year.
- (9) This section shall come into force on the day on which this Act receives the Royal assent

42 Offence of failing to register dog

- (1) Every person commits an offence and is liable on conviction to a fine not exceeding \$3,000 who is the owner of a dog of a greater age than 3 months unless the dog is registered under this Act for the current registration year.

- (2) If a territorial authority has reasonable grounds to believe that a person has failed to comply with subsection (1), a dog control officer or dog ranger may—
 - (a) seize and impound the dog; and
 - (b) for the purposes of paragraph (a), enter, at any reasonable time, any land or premises (except a dwellinghouse) occupied by the owner of the dog.
- (3) This section does not apply to any person operating a pound or facility, or having custody of an unregistered dog for the purposes of—
 - (a) impounding the dog under this Act; or
 - (b) confining the dog in a transitional facility or containment facility approved under [section 39](#) of the Biosecurity Act 1993; or
 - (c) keeping the dog in the custody of a society established to prevent cruelty to animals pending the dog's—
 - (i) recovery by its owner; or
 - (ii) disposal to a new owner.
- (4) However,—
 - (a) a person to whom subsection (3)(a) applies must not dispose of a dog other than in accordance with [section 69A](#); and
 - (b) a person to whom subsection (3)(b) or subsection (3)(c) applies must not dispose of a dog (other than by destroying it), unless the dog is first registered under this Act.

Proposed Dog Fees for 2021/22 in Consultation Document

Dog Control Fees	2020/21 Fees	Proposed Fees 2021/22 for Statement of Proposal
Responsible owner	25% discount	25% discount
Urban Neutered	\$82.00	\$103.00
Urban Entire	\$136.00	\$169.00
Permit Breeder	\$82.00	\$103.00
Rural 1 st Dog	\$82.00	\$103.00
Rural 2nd and Subsequent	\$22.00	\$28.00
Dangerous Neutered	\$126.00	\$158.00 (150% of urban neutered)

Dog Control Charges		2020/21 Fees (incl. GST)	Proposed Fees for 2021/22 (incl GST) Statement of Proposal
Sustenance fee (per day)		\$15.00	\$15.00
Pound Fee:	First impounding	\$70.00	\$75.00
	Second impounding	\$125.00	\$130.00
	Third and subsequent impounding	\$160.00	\$180.00
Surrender a dog for euthanasia		Actual cost plus 15%	Actual cost plus 15%
Microchipping of Masterton registered dog		\$20.00	\$20.00
Permit application to keep more than two dogs in urban area including breeder		\$55.00	\$60.00
Re-homing fee for impounded dog		No charge	No charge
Replacement registration tag		\$5.00	\$5.00
Collars		Actual cost plus 15%	Actual cost plus 15%
Costs and expenses relating to impounding and securing impounded dog		Actual cost plus 15%	Actual cost plus 15%

[illegible]

Proposed Final Dog Control Fees and associated fees for 2021/22

Dog Control Fees	2020/21 Fees	Proposed Fees 2021/22 for Statement of Proposal	Recommended Option 1 Approximately 13% increase
Responsible owner	25% discount	25% discount	25% discount
Urban Neutered	\$82.00	\$103.00	\$101.00
Urban Entire	\$136.00	\$169.00	\$168.00
Permit Breeder	\$82.00	\$103.00	\$101.00
Rural 1 st Dog	\$82.00	\$103.00	\$101.00
Rural 2nd and Subsequent	\$22.00	\$28.00	\$27.00
Dangerous Neutered	\$126.00	\$158.00	\$151.50

Dog Control Charges		2020/21 Fees (incl. GST)	Proposed Fees 2021/22 (incl GST) for Final Annual Plan
Sustenance fee (per day)		\$15.00	\$15.00
Pound Fee:	First impounding	\$70.00	\$75.00
	Second impounding	\$125.00	\$130.00
	Third and subsequent impounding	\$160.00	\$180.00
Surrender a dog for euthanasia		Actual cost plus 15%	Actual cost plus 15%
Microchipping of Masterton registered dog		\$20.00	\$20.00
Permit application to keep more than two dogs in urban area including breeder		\$55.00	\$60.00
Re-homing fee for impounded dog		No charge	No charge
Replacement registration tag		\$5.00	\$5.00
Collars		Actual cost plus 15%	Actual cost plus 15%
Costs and expenses relating to impounding and securing impounded dog		Actual cost plus 15%	Actual cost plus 15%

To:	Your Worship and Elected Members
From:	Kathryn Ross, Chief Executive
Date:	20 May 2021
Subject:	Support for the I Can't Wait campaign
DECISION	
<p>Recommendations:</p> <p>That Council:</p> <ol style="list-style-type: none"> Agrees to support the I Can't Wait Campaign described in Report 096/21 and use its networks to promote campaign Requests staff to promote the I Can't Wait Campaign to local Masterton businesses and liaise further with Business Wairarapa (as part of our contract for service with them) on promoting the I Can't Wait Campaign to their members and local businesses Requests staff to review access to non-public toilets at Council offices and sites (that are open to the public) with a view to granting toilet access to those with medical conditions who may need one urgently. 	

Purpose

The purpose of this report is to seek Council support for the I Can't Wait Campaign.

Context

Dealing with inflammatory bowel disease (IBD) can be extremely challenging.

On the 9th of December 2020, Mayor Campbell Barry, the Hutt City Council, and the Hutt Valley Chamber of Commerce endorsed and launched the campaign, of 16 year old Nicole Thornton to ask businesses to place a sticker in their windows acknowledging that they will grant toilet access to those with medical conditions who may need one urgently. The campaign and its background are outlined in this Radio NZ article that was published and the attached media advisory:

<https://www.rnz.co.nz/news/national/432545/teens-campaign-for-i-can-t-wait-toilet-stickers?fbclid=IwAR1kCLTrd8TwVung88YGOagXpuTuoOwLfeHh9s71BA1fs2UAJE8clgIA4M>

To sign up the business sends an email to us on info@crohnsandcolitis.org.nz which includes a contact person and email, and their physical and postal addresses. Once done the Crohn's & Colitis NZ Charitable Trust add the businesses information to their webpage and link in the business' website address. They also publicise their support through our social media pages.

Councillor Brent Gare and the Mayor have requested this report as they wish Council to support

the campaign. In drafting this report I note that I have an aunt that lives in Southland that is affected by Crohn's and that Councillor Brent Gare has a child affected by the disease. Other staff and the family members of staff and elected members are also affected by IBD.

Advice and Analysis

Council effectively has two options, to support the campaign or not. I recommend supporting the campaign as it is in line with Council's Wellbeing Strategy *He Hiringa Tangata, He Hiringa Whenua* and community outcomes, especially those relating to community empowerment and equity. I have let Business Wairarapa know that depending on Council's decision that we may want to work with them to promote the campaign, although they could choose to promote the campaign themselves regardless of Council's decision.

If Council supports the campaign staff will review our publicly accessible sites with a view to granting toilet access to those with medical conditions who may need one urgently.

The Trust itself is a not-for-profit, volunteer driven charity "that receives no government funding, CCNZ relies on donations, community fundraising activities, sponsorship, business partnerships and our numerous volunteers to continue our important work." It provides information, resources and support for those with the disease, their families and those that want to help. It also runs events such as Camp Purple Live, which provides an opportunity where young "campers can interact with other kids facing similar challenges and are not made to feel different because of their disease."

Collateral is attached in Attachment 1 to give elected and iwi members an overview of the material.

Summary of Considerations

Strategic, Policy and Legislative Implications

The recommendation aligns with Council's Wellbeing Strategy *He Hiringa Tangata, He Hiringa Whenua* and community outcomes.

Significance, Engagement and Consultation

The decision is not significant.

Communications/Engagement

If the Council supports the campaign, most of the communications and engagement will be done by the Trust, with some publicity on Council's website, social media pages and via its business partners.

Financial Considerations

No material impact on operational budgets to support the campaign and review our sites for accessibility and where possible provide access to card holders.

Implications for Māori

Stickers and information for people and businesses related to the campaign are available in Te Reo Māori. No specific implications for Māori have been identified, however health outcomes for Māori are known to be worse than for non- Māori.

Environmental/Climate Change Impact and Considerations

No negative impacts on the environment.

Attachment 1 – collateral



WELCOME TO THE "I CAN'T WAIT" PROGRAM

Crohn's & Colitis New Zealand invites retailers, business owners and venue operators to show their support for people with the medical condition Crohn's disease and ulcerative colitis, collectively known as inflammatory bowel disease (IBD), by displaying a window sticker recognising the 'I Can't Wait' card in their premises.

By recognising this card retailers, business owners and venue operators allow people with IBD access to their toilets when needed.



This community service will assist with raising awareness and empathy for all people living with IBD. We are inviting retailers, venue operators and businesses to support the "I Can't Wait" program by recognising our card in their venue, and enable the card holders to undertake normal day-to-day activities with confidence.

We will advertise your premises with our cardholders, this will definitely encourage them to shop somewhere based on feeling confident they will have access to the toilets if required.

For more information please email us.



W: www.crohnsandcolitis.org.nz