



**Far North  
District Council**



Te Kaunihera o Te Hiku o te Ika

# **AGENDA**

## **Ordinary Te Kūkupa Committee for Strategy, Policy and Regulation Meeting**


**Wednesday, 13 May 2026**

**Time: 10:00 am**  
**Location: Council Chamber**  
**Memorial Ave**  
**Kaikohe**

**Membership:**

Chairperson Kelly Stratford - Chairperson  
Deputy Chairperson Ann Court  
Cr Rachel Baucke  
Cr Felicity Foy  
Cr Hilda Halkyard-Harawira  
Cr Davina Smolders  
Cr Arohanui Allen  
Kohepū Chicky Rudkin  
(Ex-officio Member) Kahika - Mayor Moko Tepania



	<b>Authorising Body</b>	Mayor/Council
	<b>Status</b>	Standing Committee
<b>COUNCIL COMMITTEE</b>	<b>Title</b>	Te Kūkupa Committee for Strategy, Policy and Regulation
	<b>Terms of Reference Adoption</b>	11 December 2025
	<b>Responsible Officer</b>	General Manager Planning and Policy

### **Kaupapa / Purpose**

Te Kūkupa – Strategy, Policy and Regulation Committee is established to provide governance oversight, leadership, and direction on the development, review, and monitoring of the Far North District Council's strategies, policies, bylaws, and regulatory frameworks. The Committee ensures that Council's strategic objectives are advanced through robust policy development and effective regulatory practice.

### **Ngā Huānga / Membership**

The Council will determine the membership of the Committee.

Te Kūkupa Committee for Strategy, Policy and Regulation will comprise of at least six elected members (one of which will be the chairperson).

Kahika / Mayor Moko Tepania is an ex-officio member of all Committees.

### **Membership is as follows:**

- Cr Kelly Stratford - Chairperson
- Cr Ann Court - Deputy Chairperson
- Kohepu – Deputy Mayor Chicky Rudkin
- Cr Felicity Foy
- Cr Davina Smolders
- Cr Hilda Halkyard Harawira
- Cr Rachel Baucke
- Cr Arohanui Allen

### **Kōrama / Quorum**

The quorum at a meeting of Te Kūkupa Committee for Strategy, Policy and Regulation is 4 members.

### **Ngā Hui / Frequency of Meetings**

The Committee shall meet 4 weekly.

### **Ngā Apatono / Power to Delegate**

The responsibilities, duties and powers of the Committee are subject to the prohibition on delegation of powers under Clause 32(1), Schedule 7, Local Government Act 2002, and any other restrictions on delegation under any other relevant legislation.

Te Kūkupa Committee for Strategy Policy and Regulation may not delegate any of its responsibilities, duties or powers however it may establish working groups to consider issues within the committee's areas of responsibilities noting that working groups have no decision-making powers.

## **Ngā Herenga Paetae / Responsibilities**

The Committee's responsibilities include, but are not limited to:

- Leading the development, review, and recommendation of Council strategies, policies, and bylaws.
- Overseeing the preparation and review of the Long Term Plan, Annual Plan, and associated consultation processes.
- Monitoring the implementation and effectiveness of adopted strategies and policies.
- Provide Governance level insight on Council's approach to regulatory matters - having regard to the separation of regulatory and non-regulatory decision-making functions as between the Chief Executive and Governance (section 42(3)(a) LGA02).
- Have input into submissions on central government policy, legislation, and regulatory proposals relevant to Council's functions.
- Considering and recommending to Council on matters relating to:
  - District Plan and Resource Management Act functions,
  - Environmental policy and planning,
  - Economic development strategies,
  - Social and community wellbeing policies,
  - Climate change adaptation and mitigation policy,
  - Regulatory fees and charges,
  - Other strategic or regulatory matters as delegated by Council.

The Committee has delegated authority to:

- Approve for consultation draft strategies, policies, and bylaws.
- Hear and consider submissions, including oral submissions on strategies, policies, and bylaws, and recommend adoption to Council.
- Have Governance level oversight of regulatory and policy matters as specifically delegated by Council - subject to Clause 32(1), Schedule 7, Local Government Act 2002 and section 43(3)(a) of the LGA02.
- Request reports and briefings from staff on matters within its scope.

The Committee does NOT have the authority to:

- Adopt final strategies, policies, or bylaws (unless specifically delegated by Council).
- Make decisions that are the responsibility of the full Council or another committee.

## **Ngā Ture / Rules and Procedures**

Council's Standing Orders and Elected Member Code of Conduct apply to all meetings.

## **Reporting and Review of Committee Terms of Reference**

In December of each year, the Responsible Officer alongside Democracy Services will submit a report to Council. The report will summarise the activities of the Committee and how it has contributed to the Council's governance and strategic objectives. This will look at whether the Council are meeting the full requirements of the Committee Terms of Reference and whether any amendments are required to the Committees terms of reference to increase efficient and effective decision making.

The terms of reference of the Committee will be reviewed as part of this report but can be amended by Council at any point throughout the term.

## Integrated Work Programme 2026 - Committee Meetings and Monthly Operational Briefings (MOBs)

Date	Forum	Key Programme / Topic	Purpose	Details to be reported on	Te Kūkupa Role / Outcome
18 March 2026	Committee	Work Programme	Adoption of the Work Programme (this document)	Adoption of Te Kūkupa work programme 2026	Approval
19 March 2026	MOB – Full Council	Planning and Policy Group – Monthly Operational Briefing	Operational awareness and progress updates	Narrative update on progress on planned works, highlights, what is planned next.  Status of Submissions  Confirm metrics	Note and participate as part of full Council
15 April 2026	Committee	District Plan update	Governance direction on next statutory stage	Status of District Plan, next phases, key dates and upcoming decisions	Governance assurance
15 April 2026	Committee – Workshop	LGNZ Remit topics and planning	To workshop what FNDC wants to submit on and plan any submissions or support of submissions	<ul style="list-style-type: none"> <li>Remits identified and scheduled approval by Council in alignment Zone meetings.</li> </ul>	Oversight and Approval
16 April 2026	MOB – Full Council	Planning and Policy Group – Monthly Operational Briefing	Operational awareness and progress updates	Narrative update on progress on planned works, highlights, what is planned next.  Status of Submissions  Confirm metrics	Note and participate as part of full Council

Date	Forum	Key Programme / Topic	Purpose	Details to be reported on	Te Kūkupa Role / Outcome
13 May 2026	Committee	Strategies and policies – Adoption and Implementation - Six monthly update	Monitoring and reporting on the implementation of adopted strategies and policies	<ul style="list-style-type: none"> <li>• Implementation progress of adopted strategies and policies</li> <li>• Performance against intended outcomes</li> <li>• Risks and issues</li> <li>• Delivery constraints and issues</li> </ul> <p><i>Dashboard style report, narrative on what is off track and recommended corrective actions</i></p>	Governance assurance
10 June 2026	Committee	Bylaw Review Programme – Annual Status Report	Annual governance oversight of bylaw review programme	<ul style="list-style-type: none"> <li>• Statutory review schedule and timeframes</li> <li>• Expiry risks and legislative triggers</li> <li>• Compliance and enforcement trends by bylaw</li> <li>• Revenue versus cost (where applicable)</li> <li>• Recommended review priorities</li> </ul>	Confirm priorities and sequencing
10 June 2026	Committee	Status update on the master plan for Kerikeri-Waipapa	Resolution passed at the 15 April Te Kūkupa meeting	<ul style="list-style-type: none"> <li>•</li> </ul>	

Date	Forum	Key Programme / Topic	Purpose	Details to be reported on	Te Kūkupa Role / Outcome
08 July 2026	Committee	Regulatory Performance Dashboard	Six monthly governance oversight of regulatory system performance	<ul style="list-style-type: none"> <li>• Building Consent Authority performance and accreditation</li> <li>• Resource consent statutory compliance and trends</li> <li>• Compliance and enforcement activity</li> <li>• Environmental monitoring trends</li> <li>• Backlogs</li> <li>• Contractor performance (where applicable)</li> <li>• Emerging risks and issues</li> </ul> <p><i>Dashboard style report – 3 to 5 pages</i></p>	Governance assurance and risk oversight
08 July 2026	Committee	District Plan status report	Status report on District Plan post Council decision to adopt	<ul style="list-style-type: none"> <li>• Summary of Decisions</li> <li>• What is implemented</li> <li>• Next Steps</li> </ul>	Note performance and provide governance direction
12 August 2026	Committee	Climate Adaptation Programme – Strategy Implementation Report	Six-monthly governance assurance on implementation	<ul style="list-style-type: none"> <li>• Progress against agreed milestones and action plan</li> <li>• Budget tracking against allocated funding</li> <li>• Key performance indicators and outcome measures</li> <li>• Risks, constraints and interdependencies</li> <li>• Areas of slippage or reprioritisation</li> <li>• Forward look to next period</li> </ul>	Note performance and provide governance direction

Date	Forum	Key Programme / Topic	Purpose	Details to be reported on	Te Kūkupa Role / Outcome
09 September 2028	Committee	Spatial Planning, Reserves and Placemaking – development and implementation	Six-monthly governance assurance of spatial plan development and implementation	<ul style="list-style-type: none"> <li>• Progress against agreed milestones and action plan</li> <li>• Budget tracking against allocated funding</li> <li>• Key performance indicators and outcome measures</li> <li>• Risks, constraints and interdependencies</li> <li>• Areas of slippage or reprioritisation</li> <li>• Forward look to next period</li> </ul>	Note performance and provide governance direction
07 October 2026	Committee	Governance review of selected regulatory policies and bylaws	Review effectiveness of regulatory frameworks	<ul style="list-style-type: none"> <li>• Effectiveness of current regulatory settings</li> <li>• Compliance and enforcement trends</li> <li>• Revenue versus cost (where applicable)</li> <li>• Identified gaps or issues</li> <li>• Potential review triggers</li> </ul>	Direction on review priorities
03 December 2026	Committee	Strategies and policies – Adoption and Implementation - Six monthly	Monitoring and reporting on the implementation of adopted strategies and policies	<ul style="list-style-type: none"> <li>• Implementation progress of adopted strategies and policies</li> <li>• Performance against intended outcomes</li> <li>• Risks and issues</li> <li>• Delivery constraints and issues</li> </ul> <p><i>Dashboard style report, narrative on what is off track and recommended corrective actions</i></p>	Governance assurance

Date	Foru	Key Programme / Topic	Purpose	Details to be reported on	Te Kūkupa Role / Outcome
03 December 2026	Committee	Regulatory Performance Dashboard	Six monthly governance oversight of regulatory system performance	<ul style="list-style-type: none"> <li>• Building Consent Authority performance and accreditation</li> <li>• Resource consent statutory compliance and trends</li> <li>• Compliance and enforcement activity</li> <li>• Environmental monitoring trends</li> <li>• Backlogs</li> <li>• Contractor performance (where applicable)</li> <li>• Emerging risks and issues</li> </ul> <p><i>Dashboard style report – 3 to 5 pages</i></p>	Governance assurance and risk oversight
<i>Monthly (to be scheduled)</i>	<i>MOB – Full Council</i>	<i>Planning and Policy Group – Monthly Operational Briefing</i>	<i>Operational awareness and progress updates</i>	<p><i>Narrative update on progress on planned works, highlights, what is planned next.</i></p> <p><i>Status of Submissions</i></p> <ul style="list-style-type: none"> <li>• <i>Confirm metrics</i></li> </ul>	<i>For noting only</i>



**Far North District Council**  
**Ordinary Te Kūkupa Committee for Strategy, Policy and Regulation Meeting**  
**will be held in the Council Chamber, Memorial Ave, Kaikohe on:**  
**Wednesday 13 May 2026 at 10:00 am**

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**Te Paeroa Mahi / Order of Business**

<b>1</b>	<b>Karakia Tīmatanga / Opening Prayer.....</b>	<b>13</b>
<b>2</b>	<b>Ngā Whakapāha Me Ngā Pānga Mema / Apologies and Declarations of Interest .....</b>	<b>13</b>
<b>3</b>	<b>Ngā Tono Kōrero / Deputation .....</b>	<b>13</b>
<b>4</b>	<b>Te Whakaaetanga o Ngā Meneti o Mua / Confirmation of Previous Minutes .....</b>	<b>14</b>
	4.1 Confirmation of Previous Minutes.....	14
<b>5</b>	<b>Ngā Pūrongo / Reports.....</b>	<b>21</b>
	5.1 Utu Whakawhanake Development Contributions Policy 2025 Proposed Amendment Approval for Consultation .....	21
	5.2 Review of Dog Management Bylaw and Policy .....	55
<b>6</b>	<b>Karakia Whakamutunga / Closing Prayer .....</b>	<b>115</b>
<b>7</b>	<b>Te Kapinga Hui / Meeting Close.....</b>	<b>115</b>



## **1 KARAKIA TĪMATANGA / OPENING PRAYER**

## **2 NGĀ WHAKAPĀHA ME NGĀ PĀNGA MEMA / APOLOGIES AND DECLARATIONS OF INTEREST**

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Committee and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting or of the relevant item of business and refrain from participating in the discussion or voting on that item. If a Member thinks they may have a conflict of interest, they can seek advice from the Chief Executive Officer or the Manager - Democracy Services (preferably before the meeting).

It is noted that while members can seek advice the final decision as to whether a conflict exists rests with the member.

## **3 NGĀ TONO KŌRERO / DEPUTATION**

No requests for deputations were received at the time of the Agenda going to print.

## 4 TE WHAKAAETANGA O NGĀ MENETI O MUA / CONFIRMATION OF PREVIOUS MINUTES

### 4.1 CONFIRMATION OF PREVIOUS MINUTES

**File Number:** A5740199

**Author:** Imrie Dunn, Democracy Advisor

**Authoriser:** Aisha Huriwai, Manager - Democracy Services

#### TAKE PŪRONGO / PURPOSE OF THE REPORT

The minutes are attached to allow the Committee to confirm that the minutes are a true and correct record of previous meetings.

#### TŪTOHUNGA / RECOMMENDATION

That Te Kūkupa Committee for Strategy, Policy and Regulation confirm the minutes of the meeting held 15 April 2026 are true and correct.

#### 1) TĀHUHU KŌRERO / BACKGROUND

Local Government Act 2002 Schedule 7 Section 28 states that a local authority must keep minutes of its proceedings. The minutes of these proceedings duly entered and authenticated as prescribed by a local authority are prima facie evidence of those meetings.

#### 2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

The minutes of the meetings are attached.

Far North District Council Standing Orders Section 27.3 states that no discussion shall arise on the substance of the minutes in any succeeding meeting, except as to their correctness.

#### TAKE TŪTOHUNGA / REASON FOR THE RECOMMENDATION

The reason for the recommendation is to confirm the minutes are a true and correct record of the previous meetings.

#### 3) PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or the need for budgetary provision as a result of this report.

#### ATTACHMENTS

1. 2026-04-15 Te Kūkupa Committee for Strategy Policy and Regulation Minutes - A5675651  

## Hōtaka Take Ōkawa / Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
  - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
  - b) Assess the options in terms of their advantages and disadvantages; and
  - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

<b>He Take Ōkawa / Compliance Requirement</b>	<b>Aromatawai Kaimahi / Staff Assessment</b>
State the level of significance (high or low) of the issue or proposal as determined by the <a href="#">Council's Significance and Engagement Policy</a>	This is a matter of low significance.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	This report complies with the Local Government Act 2002 Schedule 7 Section 28.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	It is the responsibility of each meeting to confirm their minutes therefore the views of another meeting are not relevant.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	There are no implications for Māori in confirming minutes from a previous meeting. Any implications on Māori arising from matters included in meeting minutes should be considered as part of the relevant report.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example, youth, the aged and those with disabilities).	This report is asking for minutes to be confirmed as true and correct record, any interests that affect other people should be considered as part of the individual reports.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications or the need for budgetary provision arising from this report.
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.

**UNCONFIRMED**

Ordinary Te Kūkupa Committee for Strategy, Policy and Regulation Meeting  
Minutes

15 April 2026

**MINUTES OF FAR NORTH DISTRICT COUNCIL  
ORDINARY TE KŪKUPA COMMITTEE FOR STRATEGY, POLICY AND REGULATION  
MEETING  
HELD AT THE COUNCIL CHAMBER, MEMORIAL AVE, KAIKOHE  
ON WEDNESDAY, 15 APRIL 2026 AT 10:29 AM.**

**PRESENT:** Chairperson Kelly Stratford, Deputy Chairperson Ann Court, Cr Rachel Baucke, Cr Felicity Foy, Cr Hilda Halkyard-Harawira, Cr Davina Smolders, (Ex-officio Member) Kahika - Mayor Moko Tepania, Kohepū - Deputy Mayor Chicky Rudkin

**IN ATTENDANCE:** Cr John Vujcich, Bay of Islands-Whangaroa Community Board Chairperson Belinda Ward, Kaikohe-Hokianga Community Board Chairperson Jessie McVeagh

**STAFF PRESENT:** Kate Ivicheva (Group Manager - Planning & Policy), Virginia Smith (Policy Advisor), Hillary Sumpter (Group Manager - Delivery and Operations), Tammy Wooster (Manager – Integrated Planning) , Giles Dodson (Senior Strategic Planner) , Shayne Storey (Team Leader – Policy and Bylaws), Ken Macdonald (Chief Financial Officer), Steve Ryland (Senior Policy Advisor), Imrie Dunn (Democracy Advisor)

**1 KARAKIA TIMATANGA / OPENING PRAYER**

At 10:29 am, Chairperson Kelly Stratford opened the meeting.

At 10:30 am, meeting was adjourned and resumed at 10:48 am.

**2 NGĀ WHAKAPĀHA ME NGĀ PĀNGA MEMA / APOLOGIES AND DECLARATIONS OF INTEREST T**

It was noted that Cr Foy may enter and leave the meeting during proceedings.

**3 NGĀ TONO KŌRERO / DEPUTATION**

There were no deputations.

**4 TE WHAKAAETANGA O NGĀ MENETI O MUA / CONFIRMATION OF PREVIOUS MINUTES**

**4.1 CONFIRMATION OF PREVIOUS MINUTES**

Agenda item 4.1 document number A5640564, pages 14 - 18 refers.

**RESOLUTION 2026/12**

Moved: Chairperson Kelly Stratford  
Seconded: Deputy Chairperson Ann Court

**That Te Kūkupa Committee for Strategy, Policy and Regulation confirm the minutes of the meeting held 18 March 2026 are true and correct.**

**CARRIED**

At 10:50 am, Hilda Halkyard-Harawira joined the meeting.

At 10:51 am, (Ex-officio Member) Kahika - Mayor Moko Tepania joined the meeting.

**UNCONFIRMED**

At 10:54 am, (Ex-officio Member) Kahika - Mayor Moko Tepania left the meeting..

## **5 NGĀ PŪRONGO / REPORTS**

### **5.1 PSYCHOACTIVE SUBSTANCES LOCAL APPROVED PRODUCTS POLICY REVIEW**

Agenda item 5.1 document number A5585710, pages 19 - 31 refers.

#### **RESOLUTION 2026/13**

Moved: Deputy Chairperson Ann Court

Seconded: Chairperson Kelly Stratford

**That Te Kūkupa Committee for Strategy, Policy and Regulation recommend that Council:**

- a) **Agree that the Psychoactive Substances Local Approved Policy has been reviewed.**
- b) **Agree that the Psychoactive Substance Local Approved Policy 2014 should continue without amendment.**

Against: Cr Davina Smolders

**CARRIED**

At 10:59 am, (Ex-officio Member) Kahika - Mayor Moko Tepania returned to the meeting.

### **5.2 REVENUE AND FINANCING POLICY AMENDMENT ADOPTION**

Agenda item 5.2 document number A5571901, pages 32 - 75 refers.

#### **MOTION**

Moved: Deputy Chairperson Ann Court

Seconded: Chairperson Kelly Stratford

That Te Kūkupa Committee for Strategy, Policy and Regulation recommend that Council:

- a) Receive the Revenue and Financing Policy 2024 Amendment – Submissions Analysis Report in Attachment 1.
  - b) Adopt the amendment to the Revenue and Financing Policy 2024 as set out in Attachment 2.
  - c) Resolve that the amended Revenue and Financing Policy 2024 takes effect from ~~17 April 2026~~.
- Altered at later stage during the meeting under S/O 23.5**
- d) Authorises the Chief Executive to make any necessary minor drafting or presentation amendments to the Revenue and Financing Policy 2024 to correct errors or omissions, or to reflect the decisions made by Council prior to final publication and public release.

Against: Cr Davina Smolders

*Secretarial Note: the date in point c) was altered later in the meeting under Standing Orders 23.5 – refer to item 5.4 in these minutes.*

**UNCONFIRMED**

**5.3 SUBMISSIONS ON GOVERNMENT REFORMS AND BILLS - DECISION MAKING PROCESSES**

Agenda item 5.3 document number A5637597, pages 76 - 84 refers.

**RESOLUTION 2026/14**

Moved: Cr Rachel Baucke

Seconded: (Ex-officio Member) Kahika - Mayor Moko Tepania

**That Te Kūkupa recommend that Council approve the Submissions on Government Reforms – Decision Making and Approval Process 2026 as set out in the attachment with amendment to the below:**

- a) **The process for Political Submissions (where more than 20 working days are available):**
  - I. **A mandatory early workshop with all available elected members prior to drafting the submission; and**
  - II. **That key submission positions and direction be agreed by elected members before staff prepare the draft submission.**
- b) **That for Political Submissions where 20 working days or less are available:**
  - I. **All elected members are provided the draft submission as early as practicable; and**
  - II. **Elected members are given a short timeframe to provide feedback prior to submission; and**
  - III. **That feedback is considered where practicable before final sign-off.**

**CARRIED**

**5.4 REVOCATION OR ALTERATION BY RESOLUTION AT THE SAME MEETING**

**RESOLUTION 2026/15**

Moved: Chairperson Kelly Stratford

Seconded: Deputy Chairperson Ann Court

**That Te Kūkupa Committee for Strategy, Policy and Regulation, under Standing Orders 23.5, alter the date on point c of substantive motion in item 5.2 from 17 April to 1 May 2026**

**CARRIED**

**RESOLUTION 2026/16**

Moved: Chairperson Kelly Stratford

Seconded: Deputy Chairperson Ann Court

**That Te Kūkupa Committee for Strategy, Policy and Regulation recommend that Council:**

- a) **Receive the Revenue and Financing Policy 2024 Amendment – Submissions Analysis Report in Attachment 1.**
- b) **Adopt the amendment to the Revenue and Financing Policy 2024 as set out in Attachment 2.**
- c) **Resolve that the amended Revenue and Financing Policy 2024 takes effect from 1 May 2026.**

**UNCONFIRMED**

**d) Authorises the Chief Executive to make any necessary minor drafting or presentation amendments to the Revenue and Financing Policy 2024 to correct errors or omissions, or to reflect the decisions made by Council prior to final publication and public release.**

Against: Cr Davina Smolders

**CARRIED**

**5.5 BROADWAY KAIKOHE PLACEMAKING PLAN**

Agenda item 5.4 document number A5655955, pages 85 - 168 refers.

**RESOLUTION 2026/17**

Moved: (Ex-officio Member) Kahika - Mayor Moko Tepania  
Seconded: Deputy Chairperson Ann Court

**That Te Kūkupa Committee for Strategy, Policy and Regulation:**

- a) endorse the Broadway Kaikohe Placemaking Plan, and**
- b) recommend that Council also endorse the Broadway Kaikohe Placemaking Plan.**

**CARRIED**

*Note: The Committee noted comments from the Chair of the Kaikohe-Hokianga Community Board that circumstances have changed since the previous Board decision, and that there is support for the Rūnanga's aspirations for the site, including the proposed farmers market and associated development.*

**5.6 KERIKERI URBAN DESIGN FRAMEWORK AND DESIGN GUIDE PROJECT**

Supplementary Agenda item 5.5 document number A5630784, pages 4 - 28 refers.

**RESOLUTION 2026/18**

Moved: (Ex-officio Member) Kahika - Mayor Moko Tepania  
Seconded: Cr Felicity Foy

**That Te Kūkupa Committee for Strategy, Policy and Regulation receives this report, and:**

- a) approve the recommendation to narrow the focus of the Kerikeri-Waipapa Urban Design Framework project to Kerikeri alone.**
- b) request that a status update on the master plan be provided in June 2026.**

**CARRIED**

*Note: It was noted that the staff report referred to options development at Stage 3. Clarification was provided that the correct terminology is idea development, and that any reporting to Te Kūkupa will focus on the ideas generated by the project, rather than options for decision-making.*

**UNCONFIRMED**

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**6 NGĀ PŪRONGO TAIPITOPITO / INFORMATION REPORTS**

**6.1 PROPOSED FAR NORTH DISTRICT PLAN STATUS UPDATE**

Agenda item 6. document number A5654303, pages 169 - 171 refers.

**RESOLUTION 2026/19**

Moved: Chairperson Kelly Stratford

Seconded: Cr Davina Smolders

**That Te Kūkupa Committee for Strategy, Policy and Regulation receive the report Proposed Far North District Plan Status Update.**

**CARRIED**

*Secretarial Note: Questions were raised regarding the publicly communicated dates for the release and whether these had been updated and notified publicly. It was confirmed that the anticipated timeframe had changed from late May due to challenges, and that the website had been updated the previous week.*

**7 MEETING CLOSE**

The meeting closed at 12:40pm.

The minutes of this meeting will be confirmed at the Ordinary Te Kūkupa Committee for Strategy, Policy and Regulation Meeting held on 13 May 2026.

.....  
**CHAIRPERSON**

## 5 NGĀ PŪRONGO / REPORTS

### 5.1 UTU WHAKAWHANAKE DEVELOPMENT CONTRIBUTIONS POLICY 2025 PROPOSED AMENDMENT APPROVAL FOR CONSULTATION

**File Number:** A5641020

**Author:** Virginia Smith, Policy Advisor

**Authoriser:** Kate Ivicheva, Group Manager - Planning & Policy

#### TAKE PŪRONGO / PURPOSE OF THE REPORT

To seek approval to consult on the proposed amendments to the Utu Whakawhanake Development Contributions Policy 2025, and to approve a modified consultation period under section 82(1)(d) of the Local Government Act 2002.

#### WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- On 7 October 2025<sup>1</sup> (resolution 2025/136 refers), Council adopted the Utu Whakawhanake Development Contributions Policy (Policy), scheduled to commence in May 2026.
- On 1 April 2026, at the Council Meeting, the commencement date of the Policy was changed to 1 July 2026 in response to a Policy operational implementation update report.<sup>2</sup>
- The supporting report (**Attachment 1**) identifies four amendment themes: making the reconsideration process workable, improving equity and clarity in credit provisions, correcting terminology and cross-references, as well as making technical drafting corrections
- The amendments are considered non-material in Policy effect because they do not change the underlying charging methodology, schedules of fees, or the rights to seek reconsideration or objection
- The current reconsideration pathway is not considered workable because section 199A timeframes require reconsiderations to be determined within 15-working days, while public Council Meeting cycles would often exceed that period
- Proposed amendments to clauses 17 and 18 in the Policy are intended to improve fairness and consistency, including recognising section 224(c) Resource Management Act 1991 certificates, and where title registration delay sit outside an applicant's control
- A three-week consultation process under section 82 of the Local Government Act 2002 is proposed between 18 May 2026 and 8 June 2026 on the basis that the changes are primarily procedural and technical and are assessed as not significant under Council's Significance and Engagement Policy.

#### TŪTOHUNGA / RECOMMENDATION

**That Te Kūkupa Committee:**

- Receive the Utu Whakawhanake Development Contributions Policy 2025 Amendment – Supporting Report in Attachment 1.**
- Endorse the proposed amendments to the Utu Whakawhanake Development Contributions Policy 2025 found in Attachment 2.**

<sup>1</sup> Far North District Council. (7 October 2025). Extraordinary Council Meeting: *Utu Whakawhanake Development Contributions Policy – Analysis of Submissions – Adoption of Policy* [Agenda Report 6.2]. 7 October 2025. [Infocouncil](#).

<sup>2</sup> Far North District Council. (1 April 2026). Council Meeting: *Development Contributions – Operational Implementation Status Update and Go-Live Timing*. [Agenda Report 6.5]. 1 April 2026. [Infocouncil](#).

- c) **Adopt the Consultation Document in Attachment 4 to be released for public consultation to meet the requirements of section 82 of the Local Government Act 2002**
- d) **Approve the period for making written submissions on the proposal to be three weeks commencing on 18 May 2026 and ending on 8 June 2026.**
- e) **Delegate authority to the Te Kūkupa Committee Chairperson to decide on the date of any oral presentation/s of submissions**
- f) **Authorise the Chief Executive to make any necessary minor drafting or presentation amendments to the attached supporting documents to correct errors or omissions, or to reflect the decision made by the Te Kūkupa Committee prior to final publication and public release.**

## 1) TĀHUHU KŌRERO / BACKGROUND

Date/Period	Action/Status
7 October 2025	Council adopted the Utu Whakawhanake Development Contributions Policy 2025 and resolved to delay commencement until May 2026. (Resolution 2025/136 refers).
24 November 2025	Implementation work began, covering process design, governance, communications, and system requirements. This work later identified Policy-level issues affecting implementation and operational readiness.
1 April 2026	Council resolved to change the commencement date from 29 May 2026 to 1 July 2026. <sup>3</sup>
April 2026	<ul style="list-style-type: none"> <li>• Staff update the current Policy to reflect Council's decision to change the commencement date of the Policy</li> <li>• Communication is developed to inform public of Council's 1 April 2026 Policy commencement decision.</li> <li>• Staff prepared a supporting report and consultation document compliant with section 82 Local Government Act 1991 requirements that propose the changes to the Policy to resolve inconsistencies, improve statutory workability, and correct drafting issues to ensure the least amount of disruption between Policy commencement and Policy amendment adoption.</li> </ul>

The attached Supporting Report (**Attachment 1**) explains that the original Policy established a funding mechanism for growth-related infrastructure and that the proposed amendments is intended to refine implementation settings rather than reopen the Policy's core financial model.

This is important because section 102(4)(b) of the Local Government Act 1991 (LGA) allows for amendment of funding and financial policies, provided Council first consults in a manner that gives effect to section 82 LGA.

In strategic terms, Far North 2100 is intended to guide land-use, infrastructure and service planning, and to support the Long-Term Plan and Infrastructure Strategy. The proposed amendments sit within that planning framework by improving the reliability of a financial policy tool used to help fund growth-related infrastructure.

## 2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

### a) **Legislative Framework to enable Amendments**

Section 102(4)(b) LGA allows Council to amend a development contributions policy at any time, subject to consultation that 'gives effect to the requirements of section 82' LGA. This means Council must decide the form and extent of consultation appropriate to the circumstances. Council

<sup>3</sup> Far North District Council. (April 2026). Council Meeting: *Development Contributions – Operational Implementation Status Update and Go-Live-Timing* [Agenda Report 6.5]. 1 April 2026. [Infocouncil](#).

must also ensure that the reconsideration framework remains consistent with the statutory requirements in sections 199A to 199D and with the broader development contributions principles in section 197AA and 197AB LGA.

The proposed changes do not amend the underlying charging methodology or schedule of fees, instead they refine administrative process, credit provisions and rectify drafting errors. This distinction supports the analysis findings (**Attachment 1**) of the amendments being non-material, and the proposed timeframe for public consultation.

#### b) **Strategic Alignment**

Far North 2100 states that it guides the direction for land-use, infrastructure and service planning and supports the District Plan, Long-Term Plan and infrastructure Strategy. It also emphasises resilient economic growth, future ready infrastructure connections, and a planning approach that responds to climate and growth pressures over the long term.

The proposed Policy amendments are broadly aligned with those strategic directions because they improve operational integrity of a growth-funding tool without changing the substantive funding setting already consulted on. The amendments also support the Long-Term Plan 2024-27 context, where Council is managing constrained resources and prioritising the effective use of funding and infrastructure planning after significant weather event impacts.

From a policy coherence perspective, there is a strong combined effect with Far North 2100's emphasis on clear long-term planning and on supporting infrastructure and service planning through consistent decision-making frameworks.

#### c) **Implementation and equity issues**

The supporting analysis report (**Attachment 1**) identifies that clause 28.3 is not workable in its current form because reconsiderations must be resolved within 15-working days, which will likely result in an increase of Extraordinary Council meetings to meet the statutory timeframe. Replacing the Council Meeting pathway with a delegated officer panel, who will have the ability to refer significant matters to a commissioner, is intended to improve legal compliance, service timeliness, and decision consistency while retaining written reasons and objection rights.

The proposed credit amendments in clauses 17.8, 18.1, and 18.8 are directed at fairness and clarity. In particular, recognition of section 224(c) RMA certificates issues by Council before 1 July 2026. The change addresses inequity where applicants have completed the Council approval route, but title registration is delayed by Land Information New Zealand, which sits outside of Council's and the developer's control.

This equity amendment focus is consistent with the transparency and fairness principles under the LGA.

#### d) **Significance, engagement and implications for Māori**

The Significance and Engagement Policy (SEP) explains that significance relates to the likely impact on district wellbeing, affected people, Council's ability to perform its role, and associated financial and other costs. The SEP also states that if a proposal is of low significance, Council may choose limited engagement, while consult-level engagement is generally appropriate where draft decisions are being tested with the community.

Based on the analysis in the supporting report (**Attachment 1**), the proposed amendments are considered low significance because they are predominately administrative and procedural, and do not change payments, or who pays them. A three-week section 82 consultation process is therefore a proportionate consultation period that still gives interested parties a reasonable opportunity to present their views on the proposed amendments.

The SEP also requires Council reports to identify the impacts on Māori and to engage early where Māori rights and interests may be affected. The amendments do not involve a significant decision in relation to land or a body of water, and as stated above, these amendments are non-material restricted to fix specific procedural and technical aspects of the Policy.

## OPTIONS

Option	Advantages	Disadvantages
<b>1:</b> Adopt the proposed Consultation Document (Attachment 4) for consultation	Resolves statutory workability issues Improves fairness in the credit provisions Aligns dates with Council's 1 April decision Reduces avoidable disputes Ensures statutory compliance can be consistently achieved	Public could <i>perceive</i> this as a Policy change
<b>2:</b> Retain the current Policy wording and proceed without amendment.	Avoids resourcing immediate consultation	Leaves an unworkable reconsideration pathway Perpetuates drafting inconsistencies Increases risk of inequitable credit assessments and legal challenge.
<b>3.</b> Delay amendments and review the Policy later as part of the LTP cycle.	Allows wider review of Policy settings in one exercise	Defers resolution of known statutory and operational issues Increases the risk to service delivery and compliance

Staff recommend **Option 1** because it addresses identified risks without reopening the broader charging model that Council has already consulted on and adopted. It also supports transparent administration and practical implementation of the Policy.

### TAKE TŪTOHUNGA / REASON FOR THE RECOMMENDATION

The recommended option resolves the identified issues in the Policy wording before it increases implementation, legal and reputational risks for Council. The proposed amendments preserve the policy settings and intent, which have been consulted on and adopted, while improving the statutory compliance, equity, and the ability of staff to administer reconsiderations within the legislated timeframes.





Proceeding with a proportionate section 82 consultation process is therefore both procedurally sound and strategically consistent.

### 3) PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There will be minor administrative costs associated with consultation, communications, officer time, and finalising amendments. These costs will be met from existing operational budgets.

If the recommended option is not endorsed, Council faces a greater risk of processing inefficiencies, reconsideration disputes, objections, and potential legal exposure arising from ambiguous or unworkable Policy provisions. While the supporting report (Attachment 1) does not quantify this risk, the likely effect would be increased staff time, delayed decision-making, and potentially unbudgeted legal or administrative costs.

## ĀPITIHANGA / ATTACHMENTS

1. **Attachment 1 Supporting Report for Utu Whakawhanake Development Contributions Policy 2025 Amendment - A5726055** [↓](#) 
2. **Attachment 2 Relevant pages in track changes for proposed amendments to the UWDC Policy 2025 - A5726059** [↓](#) 
3. **Attachment 3 Relevant pages Clean for proposed amendment to the Utu-Whakawhanake Development Contributions Policy 2025 - A5726057** [↓](#) 
4. **Attachment 4 Consultation Document - Proposal to amend the Utu Whakawhanake Development Contributions Policy 2025 - A5726061** [↓](#) 

## Hōtaka Take Ōkawa / Compliance Schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
  - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
  - b) Assess the options in terms of their advantages and disadvantages; and
  - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

<b>He Take Ōkawa / Compliance Requirement</b>	<b>Aromatawai Kaimahi / Staff Assessment</b>
State the level of significance (high or low) of the issue or proposal as determined by the <a href="#">Council's Significance and Engagement Policy</a>	<b>Low significance:</b> The proposed amendments are primarily administrative, technical and procedural. They do not alter the decision of Council to use development contributions, and do not materially change who pays or how much is payable. This also does not provide submitters a high level of influence to change the wording used in the amendments.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	LGA RMA Far North 2100 Far North District Council Delegations Register
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	The proposal has district-wide relevance because the Policy applies across relevant catchments and affects district wide policy administration rather than a single local area. Community Board views are not essential to the decision-making at this stage, but Community Boards may be informed through the consultation process and governance reporting channels.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.  State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.	The proposal is procedural, technical and does not involve a decision around natural resources. Māori may still be affected as landowners, developers and tangata whenua and consultation material will be made available through Council's usual communication channels.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	Interested persons will include developers, landowners, applicants for resource, building and service connection consents, infrastructure users, ratepayers, Iwi and Hapū, and professional advisors involved in subdivision and development processes. The proposed three-week consultation period is intended to provide those groups

	with a reasonable opportunity to comment on the limited scope of the proposed amendments.
State the financial implications and where budgetary provisions have been made to support this decision.	The proposed amendments do not change the Policy's fee schedule or funding settings. The consultation and implementation costs will be met from existing operational budgets.
Chief Financial Officer review.	The CFO has reviewed this report

# Utu Whakawhanake Development Contributions Policy 2025 – Proposed Amendments

## Supporting Report

## Attachment 1

### Executive Summary

This report recommends a focused package of amendments to the Utu Whakawhanake Development Contributions Policy 2025 (Policy) to resolve implementation issues, improve clarity, and address minor drafting errors. Through the implementation planning phases, that included internal and external enquiries and general feedback five main areas for Policy change have been identified:

- Making the reconsideration process workable within the statutory 15-working day timeframe
- Improving equity and clarity in the credit provisions
- Correcting minor terminology and cross-reference issues, and
- Technical amendments (grammar, spelling, typographical, and format errors).

Amendments to clause 28.3 replace the current public Council Meeting pathway with a delegated officer panel (that can refer significant matters to a commissioner). This amendment ensures that reconsiderations can be determined efficiently and within the legal timeframe and while preserving written reasons for transparency and objection rights.

Changes to clauses 17.8, 18.1, and 18.8 separate HUE calculation from credit allocation, harmonise terminology, recognising 224(c) Resource Management Act 1991 (RMA) certificates to avoid inequity from LINZ title delays, and strengthen cross-referencing between calculation and credit provisions for both residential and non-residential development. Technical corrections across headings, definitions and clause references improve readability and ensure the operative Policy, schedules, and explanatory material form a coherent framework without altering the underlying charging methodology or funding settings already consulted on and adopted.

Overall, the amendments are low-risk, high-value changes that enhance clarity, operational workability, Council decision and statutory alignment without changing who pays or how much. Staff propose a proportionate three week consultation process, under section 82 of the Local Government Act 2002 that is consistent with Council's Significance and Engagement Policy and the procedural and technical nature of the changes.

If adopted after consultation, the amendments will support a more reliable administration of the Policy, improve assessment consistency, reduce the likelihood of reconsideration requests and objections, and enhance transparency, useability, and certainty for all Policy users.

## 1. Purpose

To provide the statutory and policy rationale for amending the Policy to address inconsistencies, implementation issues, and minor drafting errors. The amendments are intended to improve clarity, administrative efficiency, and fairness in the application of development contributions, and credits.

## 2. Context and Situation

On 7 October at an Extraordinary Meeting, Council adopted its Utu Whakawhanake Development Contributions Policy 2025 and resolved to delay commencement until May 2026 (resolution ref 2025/136). The Policy consulted on under the Local Government Act 2002 (LGA) provides a fair transparent mechanism for funding growth-related infrastructure in the Far North District.

At its adoption, Council decided to commence the Policy in May 2026 to align with anticipated Proposed District Plan decisions, which are now expected in mid to late June 2026.

In combination of the anticipated decisions for the Proposed District Plan being delayed, and after considering a report presented to Council at its meeting held on 1 April 2026, Council have now decided to extend the May Policy commencement date to 1 July 2026. The Policy has been updated to reflect this decision.

The Policy applies to resource consent, building consents and service connection requests lodged on or after the operative date within the catchment areas.

Implementation work in preparation of operationalising the Policy began on 24 November 2025, supported by a structured programme covering process design, governance, communications, and system requirements. Public inquiries, internal feedback, and operational testing have together indicated the following areas of the Policy that require amendment:

- **Statutory compliance:** clause 28.3(b) which covers the reconsideration process is not workable within the 15-working day reconsideration timeframe.
- **Equity and implementation:** the current credit wording may disadvantage applicants whose titles are delayed by Land Information New Zealand (LINZ) after Council approval.
- **Technical corrections:** minor typographical and cross-reference issues require correction.

## 3. Statutory Requirements for amending the Utu Whakawhanake Development Contributions Policy 2025

The proposed amendments are limited to non-material drafting changes, grammatical corrections, and wording updates to better align the Policy with the LGA. They do not alter the policy intent, charging methodology, schedule of contributions fee, or underlying right to seek reconsideration or objection.

**Table 1** sets out the relevant LGA requirements Council must satisfy to lawfully amend the Policy.

**Table 1:** Applicable LGA requirements for amending the Utu Whakawhanake Development Contributions Policy 2025.

LGA Section	Title / Content	Requirement for Policy Amendment
s102(4)(b)	Amending funding and financial policies	Enables Council to amend its financial policies adopted under section 101(2) LGA. Council may amend its development contributions policy at any time, provided it first consults using a process that gives effect to section 82 LGA
s82 as directed by s103(4)(b)	Consultation requirements	Enables Council's discretion to ensure efficient use of Council resources. Considerations when using discretion: <ul style="list-style-type: none"><li>• known community views,</li><li>• ability for public to provide their views</li><li>• prudent use of Council resources</li></ul>

		<ul style="list-style-type: none"> <li>• significance of decision in alignment with its significance and engagement policy</li> <li>• engagement material is clear about the scope of the consultation and feedback sought</li> </ul>
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## 4. Proposed Policy Amendments

### a. Reconsideration process

#### Issue identified:

Clause 28.3, (**Table 2**) in its current form, is not operationally feasible because reconsiderations must be determined within 15-working days under the Act.

**Table 2: Proposed Reconsideration Process Amendment**

Affected clause	Current wording	Proposed amendment
28.3	<p>Council will take the following steps:</p> <ol style="list-style-type: none"> <li>Council will review the original assessment and prepare a report that will include, but is not limited to, consideration of the following matters: <ol style="list-style-type: none"> <li>the grounds on which the request for reconsideration was made, including any new information provided;</li> <li>the purpose and principles of development contributions under ss197AA and 197AB LGA;</li> <li>the provisions of the Policy;</li> <li>any other relevant matters.</li> </ol> </li> <li>the reconsideration request and report will be provided as part of an agenda report for a public meeting of the Council with the relevant delegations and Terms of Reference to consider the request.</li> <li>Council will consider the information provided and will make a decision.</li> <li>the Council will, in accordance with s199B LGA, notify the person of the outcome of the reconsideration within 15-working days after the day it receives all required information in relation to the request.</li> </ol>	<p><u>Where a person requests a reconsideration under clause 28.1:</u></p> <ol style="list-style-type: none"> <li><u>Council will review the development contribution requirement in accordance with clause 28.2;</u></li> <li><u>the reconsideration request will be determined by a panel of 3 suitably delegated officers that may or may not include the Chief Executive in accordance with Council's Delegations Register;</u></li> <li><u>In making a determination under clause 28.3.b, the panel will have regard to the information provided by the requester, the original assessment, the requirements of this Policy, and any relevant technical or legal advice;</u></li> <li><u>Council will notify the person who requested the review in writing of its decision within 15-working days of receiving the request, unless clause (e) applies, including reasons for the decision and information on the right to object under clause 29; and</u></li> <li><u>The panel may, at its discretion, refer any reconsideration to a commissioner, for determination if the matter raises significant policy interpretation, precedent, or public interest issues.</u></li> </ol>

#### Rationale for proposed amendment:

The current requirement for reconsiderations to be determined by Council at a public Council meeting is not workable within the 15-working day statutory timeframe under section 199A LGA. Council meetings are usually held monthly. Public notice, agenda preparation, and meeting schedule would often exceed

the statutory reconsideration decision deadline. This exposes Council to legal risk and poor service delivery.

The amended approach:

- Delegates routine reconsideration decisions to a qualified panel of delegated officers, which may or may not include the Chief Executive. This provides flexibility to resource the process, and meet statutory timeframes.
- Strengthens transparency and accountability through independent decision-making. This improves Council's legal position and may reduce resource intensive objections.
- Supports statutory compliance
- Provides written reasons and preserves an objection right under clause 29 of the Policy
- Aligns with standard administrative practice for technical assessment decisions.

**Amendment impact:**

The amendments would streamline the process by removing unnecessary procedural steps and setting out a clear delegated officer panel pathway. This should make the process more workable for staff, improve consistency in decision-making, and help Council meet the 15-working day notification timeframe more reliably.

The amendments also preserve the integrity of the Policy, by allowing the delegated officer panel to refer matters with significant policy, precedent, or public interest implications to a commissioner for independent and impartial determination.

Overall, the changes improve clarity, accountability, and statutory alignment without changing the underlying right to seek a reconsideration.

## 5. Equity and Implementation

### a. Clause 17.8.a.iv - Residential Subdivision Credits

**Issue identified:**

Clause 17.8.a.iv (**Table 3**) currently creates structural inconsistency. It places credit criteria within the HUE calculation methodology section, which duplicates and may conflict with the credit framework in Clause 18.

**Table 3: Proposed Equity and Implementation Amendments**

Affected clause	Current wording	Proposed amendment
17.8.a.iv	iv. The first single dwelling unit built on a vacant lot with a registered title in existence prior to 1 July 2026 will be assessed as having a credit of one HUE.	iv. The first single dwelling unit built on a <u>an allotment with a registered title, or for which a certificate under section 224(c) of the RMA has been issued</u> , prior to 1 July 2026, <u>development contributions will be calculated in accordance with the credit provisions in clause 18.8.a.i, which provides one HUE credit per Activity for undeveloped lots.</u>

**Rationale for proposed amendment:**

- Separates HUE calculation methodology (Clause 17) from credit assessment framework (Clause 18), creating clear functional boundaries and a single source of truth for credit determinations.
- Eliminates duplication between clause 17.8.a.iv and 18.8.a.i, ensuring consistent application of the credit section across all residential development scenarios.

- Addresses termination consistency. Replaces ‘vacant lot’ with ‘allotment’ (defined in clause 12.1 and consistent with RMA s218(2)) and uses “undeveloped allotments’ consistently with clause 18.8.a.i.
- Recognises s224(c) RMA certificates issued prior to 1 July 2026 to ensure equity for developers who have completed the Council approval pathway, but whose titles have not yet been registered by Land Information New Zealand (LINZ). This prevents credit entitlement being lost due to title registration timing beyond the developer’s control.
- Improves statutory alignment by clearly articulating the relationship between calculation and credit provisions
- Provides clear cross-referencing that reduces assessment errors and potential grounds for reconsideration (s199A LGA) or objection (s199D LGA)

#### Amendment impact

The amendment maintains the Policy’s intent with the outcome remaining unchanged. Pre-existing titled allotments and allotments issued with s224(c) RMA certificates issued prior to 1 July 2026 receive one HUE credit per Activity for the first dwelling. This ensures equitable treatment regardless of LINZ registration timing.

The amendment also supports the objection and reconsideration framework by creating clearer cross-referencing between calculation methodology (clause 17) and credit provisions (clause 18). The amendment also reduces potential grounds for objections under 199D(1)(a) LGA (incorrect calculation or assessment) by making the Policy more transparent and internally consistent.

### b. Clause 18.1.b - Credits Framework

#### Issue identified:

Clause 18.1.b (**Table 4**) uses inconsistent terminology (‘vacant land’) and lacks clear cross-referencing to the detailed provisions in clauses 18.8.a.i and 18.8.b.i, creating potential ambiguity about application of historical credits.

**Table 4: Proposed Credits Framework Amendment**

Affected clause	Current wording	Proposed amendment
18.1.b	b. historical credits of one HUE per Activity on vacant land with a registered title at 1 July 2026	b. historical credits of one HUE per Activity on <del>vacant land with a registered title as at 1 July 2026 undeveloped allotments with a registered title, or for which a certificate under section 224(c) of the RMA was issued prior to 1 July 2026,</del> <u>as detailed in clauses 18.8.a.i and 18.8.b.i</u>

#### Rationale for proposed amendment:

- Rectifies inconsistent terminology by replacing ‘vacant land’ with ‘undeveloped allotments’ to align with terminology used throughout clauses 18.8.a and 18.8.b, ensuring consistent interpretation
- Adds cross-references to clauses 18.8.a.i and 18.8.b.i, guiding Policy users to the detailed provisions that operationalise historical credits for both residential and non-residential development
- Recognises s224(c) RMA certificates issued prior to 1 July 2026 to ensuring developers who have complete subdivision approval processes are not disadvantaged by LINZ title registration delays beyond their control. This promotes equity and removes an arbitrary distinction based on administrative timing
- Improves transparency and policy comprehension
- Provides clear cross-referencing to reduce the potential for incorrect assessment errors, lowering the likelihood of reconsideration requests.

## c. Clause 18.8.a - Residential Credits

### Issue identified:

Clause 18.8.a.i (**Table 5**) uses inconsistent terminology ('existing lot'), has unclear exception ('unable to be built on'), and clause 18.8.a.i appears truncated in the Policy.

**Table 5: Proposed Residential Credits Amendment**

Affected clause	Current wording	Proposed amendment
18.8	<p><b>a. Residential</b></p> <p>i. Any undeveloped existing lot with a registered title as at 1 July 2026 is deemed to have one HUE credit per Activity for which a development contribution would otherwise be required, except for:</p> <ul style="list-style-type: none"> <li>• small road severances; or</li> <li>• titles that are unable to be built on.</li> </ul> <p>ii. Where a cross lease or unit title is converted into 'Fee Simple' title, no additional development contributions will be required if the conversion does not increase demand for Council infrastructure.</p>	<p><b>a. Residential</b></p> <p>i. Any undeveloped <del>allotment existing lot</del> with a registered title, <u>or for which a certificate under section 224(c) RMA was issued prior to <del>as at</del> 1 July 2026,</u> is deemed to have one HUE credit per Activity for which a development contribution would otherwise be required, except for:</p> <ul style="list-style-type: none"> <li>• small road severances <u>that are not intended for development;</u> or</li> <li>• <del>titles-allotments that cannot be lawfully that are unable to be built on</del> <u>due to physical constraints, legal restrictions, or planning provisions.</u></li> </ul> <p>ii. Where a cross lease or unit title is converted into 'Fee Simple' title, no additional development contributions <del>will be</del> required <u>provided if</u> the conversion does not <u>create additional residential capacity beyond what was lawfully established prior to 1 July 2026.</u> <del>increase demand for Council infrastructure.</del></p>

### Rationale for proposed amendment:

- Rectifies inconsistent terminology by replacing 'undeveloped existing lot' with 'undeveloped allotment' to align with terminology used throughout clauses 18.8.a and 18.8.b, ensuring consistent interpretation
- Recognises s224(c) RMA certificates issued prior to 1 July 2026 to ensure developers who have complete subdivision approval processes are not disadvantaged by LINZ title registration delays beyond their control. This promotes equity and removes an arbitrary distinction based on administrative timing
- Expands the exceptions to clearly define what constitutes an allotment that cannot be built on, including:
  - Physical constraints (e.g., steep slopes, flooding, contamination)
  - Legal restrictions (e.g., covenants, easements)
  - Planning provisions (e.g., zoning, minimum lot size requirements)
- Clarifies Cross Lease/Unit Titles by explaining that conversions without additional capacity do not trigger development contributions and brings the clause in alignment with the fundamental principle that credits reflect existing lawful use.
- Enhances fairness and equity by clearly articulating when credits apply, and defining when exceptions prevent credit recognition
- Assists with administering the Policy by providing clear exceptions to reduce the need for case-by-case interpretation and minimise reconsideration requests.

## d. Clause 18.8.b – Non-Residential Credits

### Issue identified:

Clause 18.8.b.i (**Table 6**) contains the same terminology and clarity issues identified above in clause 18.8.a.i and does not provide sufficient guidance for crediting partially developed non-residential allotments creating risk of inconsistent and inequitable application.

**Table 6: Proposed Non-Residential Credits Amendment**

Affected clause	Current wording	Proposed amendment
18.8.b	<p><b>b. Non-residential</b></p> <p>i. Any undeveloped lot with a registered title as at 1 July 2026 is deemed to have one HUE credit per Activity for which a development contribution would otherwise have been required, except for:</p> <ul style="list-style-type: none"> <li>• small road severances; or</li> <li>• titles that are unable to be built on.</li> </ul> <p>ii. For developments involving extensions or demolition and rebuilding at the same or higher intensity, credits will be assessed based on the pre-existing development 25 26</p> <p>iii. Sites where buildings were demolished or destroyed prior to 1 July 2026 will be treated as vacant lots for the purpose of credit allocation.</p>	<p><b>b. Non-residential</b></p> <p>i. Any undeveloped <del>lot</del><u>allotment</u> with a registered title, <u>or for which a certificate under section 224(c) RMA was issued prior to as at</u> 1 July 2026, is deemed to have one HUE credit per Activity for which a development contribution would otherwise have been required, except for:</p> <ul style="list-style-type: none"> <li>• small road severances <u>that are not intended for development;</u></li> <li>or</li> <li>• <del>titles—</del><u>allotments</u> that <u>cannot lawfully be built on due to physical constraints, legal restrictions, or planning provisions.</u></li> </ul> <p>ii. For <u>the purpose of clause 18.8.b.i “undeveloped allotment” means an allotment with no existing non-residential buildings or lawfully established non-residential activity prior to 1 July 2026. developments involving extensions or demolition and rebuilding at the same or higher intensity, credits will be assessed based on the pre-existing development 25-26</u></p> <p>iii. <u>Credits for non-residential development are calculated based on GFA of existing lawful non-residential buildings on the allotment as at 1 July 2026, using the demand factors in Tables 1-4 (clause 20).</u></p> <p>Sites where buildings were demolished or destroyed prior to 1 July 2026 will be treated as vacant lots for the purpose of credit allocation.</p>

### Rationale for proposed amendment:

- Aligns non-residential credit provisions with the improved residential provisions in 18.8.a, ensuring consistency across development types as required by s197AB(d) LGA (fairness principle)
- Uses “undeveloped allotment” consistently with residential provisions and policy wide usage

- Provides identical exception framework to residential credit, ensuring equitable treatment and reducing administrative complexity
- Adds an explicit definition of 'undeveloped allotment' for non-residential purposes, addressing potential ambiguity about partially developed sites
- Adds a new provision clarifying how credits are calculated for allotments with existing non-residential building, filling a gap in the current Policy and ensuring consistency with clause 17.8.e (non-residential land use assessment).
- Links credit calculation to the demand factor tables in clause 20, ensuring transparency and consistency between new development assessment and credit recognition
- Enhances compliance with Schedule 13, clause 2(2) of the LGA (units of demand) by clarifying how existing non-residential demand is measured for credit purposes
- Reduces ambiguity in assessing partially developed non-residential sites, minimising disputes and reconsideration requests.

### Amendment Impact

The proposed amendments will improve assessment consistency, reduce interpretation disputes, and support more transparent and equitable decision-making. They also give Council staff a clearer basis for calculating credits by linking the provision to the demand factor tables and defining the treatment of undeveloped allotments more precisely.

## 6. Technical Corrections

### Issues Identified:

Minor errors that do not alter the operative intent or effect of the Policy (grammar, 'typos', and cross-reference mistakes) have been identified (**Table 7**) and should be corrected to ensure consistency across the Policy's form.

**Table 7: Proposed Technical Corrections Amendments**

Affected clause / location	Current wording	Proposed amendment	Effect
14.1 Heading text	"Activities for which a development contributions fees are charged"	Activities for which a development contribution fees <del>are</del> <u>is</u> charged	Corrects grammar. No change in meaning
19 Heading	Development Contributions Fees Schedule	Development Contributions Fees <del>S</del> Schedule	Aligns heading with usage. No operative effect
Definition – Capital Expenditure	...constriction costs of eligible infrastructure	constru <u>ct</u> ion costs of eligible infrastructure'	Corrects spelling. No change to scope of capex.
Definition – Dwelling unit	A Dwelling Unity may be part of a larger building...	A Dwelling Unity <del>y</del> may be part of a larger building...	Typo only
Definition – Retail activity	...ancillary activity to the retain activity...	...ancillary activity to the retail <del>n</del> activity...	Typo only
17.8.b.iii	...as per clause 17.8.b.ii17.8.b.ii above.	...as per clause 17.8.b.ii <del>17.8.b.ii</del> above.	Fixes duplicated cross-reference
17.8.c.ii	...charges for non-residential land use (clause 17.8.d.i18.8.b).	...charges for non-residential land use (clauses <u>s</u> 17.8. <del>ed-i and</del> 18.8.b).	Correct cross-reference to the actual non-residential clauses. No change to intent

#### Rationale for proposed amendments:

- Improves clarity and transparency so the Policy is easier for the public and staff to understand and apply
- Reduces ambiguity and the risk of inconsistent interpretation or application
- Ensures the operative clauses, fees schedule, methodology, and explanatory notes all align
- Supports sound administration and helps protect the Council's position if decisions are challenged
- Keeps the published Policy accurate

#### Amendment Impact:

These technical amendments are low-risk, high-value changes. Their main impact is to improve clarity, consistency, and transparency so the Policy is easier to apply correctly by staff and easier to understand by developers and public Policy users.

In practical terms, they align the operative clauses, fee schedule, methodology, and explanatory notes so the Policy reads as one coherent framework, which reduces ambiguity and the risk of inconsistent interpretation or avoidable disputes. They also strengthen legal defensibility and protect the public record by correcting obvious drafting errors without changing the Policy's underlying charging intent.

## 7. Proposed Policy Amendments Consistency Analysis

The following tables (**Tables 8 and 9**) are designed to provide a clear quick reference audit trail of each proposed clause amendment (discussed previously in this report) to ensure consistency, and policy coherence. The tables demonstrate, in a single place, how the proposed amendments align related provisions, remove duplication, and harmonise terminology across the Policy, so that Council and Policy users can see the cumulative effect of the changes at a glance.

**Table 8: Cross Clause Consistency**

Clause	Cross-reference to	Consistency Improvement
17.8.a.iv	Cross-reference to 18.8.a.i	Eliminates duplication, creates single source of truth
18.1.b	Enhanced cross – referencing	Provides clear navigation to detailed provisions
18.8.a.i	Terminology harmonisation	Aligns with 18.8.b.i and RMA definitions
18.8.b.i – 18.8.b.iii	Parallel structure to 18.8.a	Ensures equitable treatment across development types

**Table 9: Statutory Alignment**

LGA Provision	Policy Requirement	Amendment Compliance
s197AB(c)	Transparency	Enhanced cross-referencing and clear exceptions
s197AB(d)	Fairness and equity	Parallel treatment of residential and non-residential
s106(2)	Methodology clarity	Separation of HUE calculation from credit assessment
s199A	Reconsideration grounds	Reduced ambiguity minimises incorrect assessments
Schedule 13, Clause 2	Units of demand	Clear linkage between credits and demand factors

## 8. Overall Impact Assessment of proposed amendments

Table 10 below provides the advantages and disadvantages of making the proposed amendments to the Policy.

**Table 10: Advantages and Disadvantages Evaluation**

Advantages	Disadvantages
<b>Improved clarity:</b> Users can clearly understand credit entitlements and exceptions without cross-referencing multiple conflicting provisions.	<b>Public perception of change:</b> Even if intended as clarification, some developers or public may <i>perceive</i> the amendments as a Policy shift. This could affect Council's reputation as being undecided. However, this will be mitigated through clear communication and public consultation.
<b>Administrative efficiency:</b> Council staff have a clear, consistent framework for assessing credits, reducing assessment time and errors.	
<b>Reduced disputes:</b> Clear provisions minimise grounds for reconsideration and objection, reducing administrative burden and resourcing.	
<b>Enhanced transparency:</b> Compliance with s197AB(c) LGA strengthens Policy defensibility and public confidence.	
<b>Fairness:</b> Parallel treatment of residential and non-residential development ensures equitable application of credit provisions.	

## 9. Consultation approach and timeframe

Sections 102(4)(b) of the LGA allows Council to amend the Policy at any time, provided it has first consulted on the proposed amendments in a manner that *gives effect* to the requirements of section 82 LGA. The proposed amendments are primarily procedural and technical in nature (the reconsideration process, clarification of credits and terminology, and minor drafting corrections). These changes do not alter the decision to use development contributions, the underlying methodology, schedule of assets or contributions fee previously consulted on and adopted. The proposed amendments have been assessed as not significant under Council's Significance and Engagement Policy as their impacts are predominately administrative rather than financial or strategic.

A three week consultation period is recommended as an appropriate, time-bound process that is proportionate to the level and scope of change. It strikes a reasonable balance between enabling affected stakeholders to understand and comment on the proposed amendments, and Council's obligation to use its resources efficiently.

On this basis, a concise section 82 LGA consultation is sufficient to provide people who are interested with a reasonable opportunity to present their views, without the additional cost and delay of a longer process that is unlikely to generate substantively different feedback.

Council has recently consulted on, and adopted, both the Utu Whakawhanake Development Contributions Policy 2025 and the related Revenue and Financing Policy amendments, so community views on the use of development contributions as a funding tool are already well understood and known to elected members. The current amendments are intended to ensure statutory workability (for reconsiderations), improve clarity and internal consistency (credits and terminology), and reduce ambiguity and disputes, rather than to introduce new charges or materially change who pays or how much.

Due to programme and meeting constraints, the proposed consultation will be undertaken as a standalone, time-limited process, rather than being aligned with the Annual Plan process. Proceeding now avoids further delay in implementing the amendments needed to manage the reconsideration requests within legislated timeframes and to remove inconsistencies. Consultation will use Council's usual communication channels and platforms, including the website, and social media to clearly describe the scope of the proposed amendments and the feedback sought, in a manner consistent with section 82 of the LGA.

## 10. Risk and Mitigation Analysis

Endorsing and implementing the proposed amendments involves both actual and perceived risks. These include the risk of:

- legal challenge if the LGA process is not correctly followed,
- reputational risk if stakeholders perceive Council as applying the Policy inconsistently or being non-compliant.

There are also operational risks associated with not resolving the identified reconsideration process issues before the Policy becomes operative.

These risks are mitigated by:

- designing and documenting a clear consultation process that gives effect to sections 82 and 102 (4)(b) of the LGA
- ensuring that consultation material is explicit about the limited scope and intent of the amendments
- aligning the final wording with legal advice and best practise.

Clarifying credit provisions in reconsideration processes will:

- reduce administrative ambiguity
- support more consistent decisions
- lower the likelihood of reconsideration requests and objections, thereby decreasing ongoing legal and reputational exposure.

Regular internal review of related policies, and clear ownership for Policy coherence, will further:

- reduce the risk of misalignment between policies,
- avoid conflicting signals to the development community.

## 11. Conclusion

Overall, the proposed amendments are low-risk, high-value changes that improve clarity, operational workability, and statutory compliance without changing the fundamental policy settings that Council has already consulted on and adopted. They make the reconsideration process more practical within the legislated time frame, align credit provisions with the principles and sections 197AA and 197AB of the LGA, and correct minor drafting errors so the Policy reads and operates as a coherent framework.

Using a section 82 LGA compliant process, staff are recommending a three-week consultation period. This timeframe is considered proportionate to the nature and significance of the decision Council will be asked to consider and is consistent with Council's Significant and Engagement Policy.

If adopted following consultation, the amendments would support the implementation of the Utu Whakawhanake Development Contributions Policy 2025, reduce the risks of dispute and legal challenge, and enhance transparency and clarity for both developers and existing ratepayers.

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Attachment 2

# Proposed Amendments to the Utu Whakawhanake- Development Contributions Policy 2025 - Track Changes version

**NOTE:** For convenience only pages affected by the proposed amendments have been included. For the full version of the Policy including the track changed version please refer to Council's Current Consultations Page: [www.fndc.govt.nz/Whats-new/Have-your-say](http://www.fndc.govt.nz/Whats-new/Have-your-say)

<b>Capital Expenditure</b>	Has the same meaning as defined in s197 of the LGA and includes any funding provided by the responsible levy authority to contribute to the construction costs of eligible infrastructure that has been, or intended to be, transferred to the authority under s90 of the Infrastructure Funding and Financing Act 2020.
<b>Dwelling Unit</b>	For the purposes of this Policy, a Dwelling Unit means any building, group of buildings, or part of a building that is used or designed to be used as a self-contained residential space. A Dwelling Unit must include, within its exclusive occupancy, facilities for sleeping, cooking, bathing, and toilet use. A Dwelling Unit may be part of a larger building (such as an apartment or granny flat) or stand-alone building (such as a detached house). (Non-exclusive self-contained residential space for one household.)
<b>Retail activity</b>	This means activities selling, exposing, displaying or offering: of goods, merchandise or equipment for sale or direct hire to the public. It includes any ancillary activity to the <del>retain-retail</del> activity (for example administrative or head offices)

#### 14. Activities for which a development contribution fees ~~are~~is charged ss199, 106(2)(d)

#### 17. Determining Household Unit Equivalents (HUEs)

Schedule 13 cl 2

17.8. This clause of the Policy identifies typical developments and assessment considerations.

##### a. Residential subdivision

- iv. The first single dwelling unit built on an ~~vacant lot/allotment~~ with a registered title, ~~or for which a certificate under section 224(c) of the RMA has been issued, in existence prior to 29 May 1 July 2026, development contributions will be calculated in accordance with the credit provisions in clause 18.8.a.i, for which on HUE credit per Activity for undeveloped lots, will be assessed as having a credit of one HUE.~~

##### b. Second/subsequent dwellings and multi-unit developments

- i. Additional dwellings after the first dwelling on a lot will attract development contributions at the rate of one HUE per dwelling. Dwellings for the purposes of this Part in the Policy include but are not limited to integrated, attached, and detached units, sleep outs and minor dwellings.
- ii. If an additional dwelling is 70 m<sup>2</sup> of gross floor area (GFA) or less and in, the Council's opinion, is likely to generate less demand than an average dwelling, Council may apply a pro-rata m<sup>2</sup> rate reduction in development contributions.
- iii. Any pro-rata reduction applied as per clause 17.8.b.ii ~~17.8.b.ii~~ above will not be less than 40% of a HUE. This is to reflect that smaller than average dwellings will still be occupied, and it is occupancy rather than floor space alone that generates demand.
- iv. Where a pro-rata reduction has been applied in accordance with clause 17.8.b.ii above and a subsequent application is then made to expand that dwelling, the development contribution required will be assessed accordingly.

- v. For multi-unit developments, Council may apply a pro-rata m<sup>2</sup> reduction in a development contribution, where it can be demonstrated that one or more units will generate lower demand than an average dwelling.

**c. Home - based commercial activities**

- i. Home-based businesses, and residential dwellings converted to commercial use will be assessed for additional demand greater than the existing residential use. If development contributions are required, these will be required in accordance with the charges for non-residential land use (clauses ~~17.8.d.e.i~~ and 18.8.b).

## 18. Credits

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**18.1.** Credits may be recognised by Council, for previously paid development contributions, financial contributions under the RMA, or historical impact. Credits are calculated in HUEs and reflect the existing or historical (i.e., pre-development) level of demand associated with a site, including but not limited to:

- a. existing residential dwelling units on site;
- b. historical credits of one HUE per Activity on ~~vacant undeveloped allotments land~~ with a registered title, or for which a certificate under section 224(c) of the RMA has been issued, prior to at 29 May 1 July 2026, as detailed in clauses 18.8.a.i and 18.8.b.i;
- c. GFA of existing non-residential buildings on the site;
- d. previous lawfully established activities or consented buildings on a site.

**18.8.** The following clauses detail the specific approaches for determining credits for residential and non-residential developments.

**a. Residential**

- i. Any undeveloped ~~existing lot/allotment~~ with a registered title, or for which a certificate under section 224(c) of the RMA was issued prior to as at 29 May 1 July 2026, is deemed to have one HUE credit per Activity for which a development contribution would otherwise be required, except for:

- small road severances that are not intended for development; or
- ~~titles/allotments that are unable to~~ cannot be lawfully be built on due to physical constraints, legal restrictions, or planning provisions.

- ii. Where a cross lease or unit title is converted into 'Fee Simple' title, no additional development contributions ~~will are be~~ required if provided the conversion does not ~~increase demand for Council infrastructure~~ create additional residential capacity beyond what was lawfully established prior to 1 July 2026.

**b. Non-residential**

- i. Any undeveloped ~~lot/allotment~~ with a registered title, or for which a certificate under section 224(c) RMA was issued prior to as at 1 July 2026, is deemed to have one HUE credit per Activity for which a development contribution would otherwise have been required, except for:

- small road severances that are not intended for development; or
- ~~titles/allotments that are unable to~~ cannot lawfully be built on due to physical constraints, legal restrictions, or planning provisions.

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- ii. ~~For developments involving extensions or demolition and rebuilding at the same or higher intensity, credits will be assessed based on the pre-existing development~~the purpose of clause 18.8.b.i 'undeveloped allotment' means an allotment with no existing non-residential activity prior to 1 July 2026
- iii. Credits for non-residential development are calculated based on GFA of existing lawful non-residential buildings on the allotment as at 1 July 2026, using the demand factors in Tables 1-4 (Clause 20). Sites where buildings were demolished or destroyed prior to ~~29 May~~1 July 2026 will be treated as vacant lots for the purpose of credit allocation.

## Part E: Reconsiderations, and objections

### 28. Reconsiderations

ss199A, 202A(2)

~~28.3. Council will take the following steps~~Where a person requests a reconsideration under clause 28.1:

- a. Council will review the ~~original assessment and prepare a report that will include, but is not limited to, consideration of the following matters~~development contribution requirement in accordance with clause 28.2:
  - i. ~~the grounds on which the request for reconsideration was made, including any new information provided;~~
  - ii. ~~the purpose and principles of development contributions under ss197AA and 197AB LGA;~~
  - iii. ~~the provisions of the Policy;~~
  - iv. ~~any other relevant matters.~~
- b. ~~the reconsideration request and report will be provided as part of an agenda report for a public meeting of the Council with the relevant delegations and Terms of Reference to consider the request.~~will be determined by a panel of 3 suitably delegated officers that may or may not include the Chief Executive in accordance with Council's Delegations Register;
- c. ~~Council will consider the information provided and will make a decision.~~In making a determination under clause 28.3.b, the panel will have regard to the information provided by the requester, the original assessment, the requirements of this Policy, and any relevant technical or legal advice.;
- d. ~~the Council will~~notify the person who requested the review in writing of its decision within 15 working days of receiving the request, unless clause 28.3.e applies, including reasons for the decision and information on the right to object under clause 29; and
- ~~d.e.~~The panel may, at its discretion, refer any reconsideration to a commissioner, for determination if the matter raises significant Policy interpretation, precedent, or public interest issues. in accordance with s199B LGA, notify the person of the outcome of the reconsideration within 15 working days after the day it receives all required information in relation to the request.

# Proposed Amendments to the Utu Whakawhanake- Development Contributions Policy 2025 - Clean version

**NOTE:** For convenience only pages affected by the proposed amendments have been included. For the full version of the Policy including the track changed version please refer to Council's Current Consultations Page: [www.fndc.govt.nz/Whats-new/Have-your-say](http://www.fndc.govt.nz/Whats-new/Have-your-say)

<b>Capital Expenditure</b>	Has the same meaning as defined in s197 of the LGA and includes any funding provided by the responsible levy authority to contribute to the construction costs of eligible infrastructure that has been, or intended to be, transferred to the authority under s90 of the Infrastructure Funding and Financing Act 2020.
<b>Dwelling Unit</b>	For the purposes of this Policy, a Dwelling Unit means any building, group of buildings, or part of a building that is used or designed to be used as a self-contained residential space. A Dwelling Unit must include, within its exclusive occupancy, facilities for sleeping, cooking, bathing, and toilet use. A Dwelling Unit may be part of a larger building (such as an apartment or granny flat) or stand-alone building (such as a detached house). (Non-exclusive self-contained residential space for one household.)
<b>Retail activity</b>	This means activities selling, exposing, displaying or offering: of goods, merchandise or equipment for sale or direct hire to the public. It includes any ancillary activity to the retail activity (for example administrative or head offices)

#### 14. Activities for which a development contribution fee is charged ss199, 106(2)(d)

#### 17. Determining Household Unit Equivalent (HUEs) Schedule 13 cl 2

17.8. This clause of the Policy identifies typical developments and assessment considerations.

##### a. Residential subdivision

- iv. The first single dwelling unit built on an allotment with a registered title, or for which a certificate under section 224(c) of the RMA has been issued prior to 1 July 2026, development contributions will be calculated in accordance with the credit provisions in clause 18.8.a.i, for which one HUE credit per Activity for undeveloped lots.

##### b. Second/subsequent dwellings and multi-unit developments

- i. Additional dwellings after the first dwelling on a lot will attract development contributions at the rate of one HUE per dwelling. Dwellings for the purposes of this Part in the Policy include but are not limited to integrated, attached, and detached units, sleep outs and minor dwellings.
- ii. If an additional dwelling is 70 m<sup>2</sup> of gross floor area (GFA) or less and in, the Council's opinion, is likely to generate less demand than an average dwelling, Council may apply a pro-rata m<sup>2</sup> rate reduction in development contributions.
- iii. Any pro-rata reduction applied as per clause 17.8.b.ii above will not be less than 40% of a HUE. This is to reflect that smaller than average dwellings will still be occupied, and it is occupancy rather than floor space alone that generates demand.
- iv. Where a pro-rata reduction has been applied in accordance with clause 17.8.b.ii above and a subsequent application is then made to expand that dwelling, the development contribution required will be assessed accordingly.

- v. For multi-unit developments, Council may apply a pro-rata m<sup>2</sup> reduction in a development contribution, where it can be demonstrated that one or more units will generate lower demand than an average dwelling.

**c. Home - based commercial activities**

- i. Home-based businesses, and residential dwellings converted to commercial use will be assessed for additional demand greater than the existing residential use. If development contributions are required, these will be required in accordance with the charges for non-residential land use (clauses 17.8.e and 18.8.b).

## 18. Credits

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**18.1.** Credits may be recognised by Council, for previously paid development contributions, financial contributions under the RMA, or historical impact. Credits are calculated in HUEs and reflect the existing or historical (i.e., pre-development) level of demand associated with a site, including but not limited to:

- a. existing residential dwelling units on site;
- b. historical credits of one HUE per Activity on undeveloped allotments with a registered title, or for which a certificate under section 224(c) of the RMA has been issued prior to 1 July 2026, as detailed in clauses 18.8.a.i and 18.8.b.i.
- c. GFA of existing non-residential buildings on the site;
- d. previous lawfully established activities or consented buildings on a site.

**18.8.** The following clauses detail the specific approaches for determining credits for residential and non-residential developments.

**a. Residential**

- i. Any undeveloped allotments with a registered title, or for which a certificate under section 224(c) of the RMA has been issued prior to 1 July 2026, is deemed to have one HUE credit per Activity for which a development contribution would otherwise be required, except for:
  - small road severances that are not intended for development; or
  - allotments that cannot lawfully be built on due to physical constraints, legal restrictions, or planning provisions.
- ii. Where a cross lease or unit title is converted into 'Fee Simple' title, no additional development contributions are required provided the conversion does not create additional residential capacity beyond what was lawfully established prior to 1 July 2026.

**b. Non-residential**

- i. Any undeveloped allotment with a registered title, or for which a certificate under section 224(c) of the RMA has been issued prior to 1 July 2026 is deemed to have one HUE credit per Activity for which a development contribution would otherwise have been required, except for:
  - small road severances that are not intended for development; or
  - allotments that cannot lawfully be built on due to physical constraints, legal restrictions, or planning provisions.
- ii. For the purpose of clause 18.8.b.i undeveloped allotment means an allotment with no existing non-residential activity prior to 1 July 2026.

iii. Credits for non-residential development are calculated on GFA of existing lawful non-residential buildings on the allotment as at 1 July 2026, using the demand factors in Tables 1-4 (Clause 20). Sites where buildings were demolished or destroyed prior to 1 July 2026 will be treated as vacant lots for the purpose of credit allocation.

## Part E: Reconsiderations, and objections

### 28. Reconsiderations

ss199A, 202A(2)

**28.3.** Where a person requests a reconsideration under clause 28.1:

- a. Council will review the development contribution requirement in accordance with clause 28.2;
- b. the reconsideration request will be determined by a panel of 3 suitably delegated officers that may or may not include the Chief Executive in accordance with Council Delegations Register;
- c. in making a determination under clause 28.3.b, the panel will have regard to the information provided by the requester, the original assessment, the requirements of this Policy, and any relevant technical or legal advice;
- d. Council will notify the person who requested the review in writing of its decision within 15 working days of receiving the request, unless clause 28.3.e applies, including reasons for the decision and information on the right to object under clause 29; and
- e. ~~The panel may, at its discretion, refer any reconsideration to a commissioner, for determination if the matter raises significant Policy interpretation, precedent, or public interest issues.~~

## Consultation Document – Proposal to amend the Utu Whakawhanke Development Contributions Policy 2025

### Introduction

The Far North District Council (**Council**) is proposing some changes to its Utu Whakawhanake Development Contributions Policy 2025 (**Policy**). These changes are about how the Policy will work in practice by tidying up wording, fixing minor errors, and adjusting some processes. This consultation document explains the proposed changes and asks for your views before Council makes a final decision.

### Scope of consultation

This consultation is only about a specific set of technical amendments to the Policy. These include the start date for the Policy, how requests for reconsideration are handled, how development contribution credits are described, and some minor wording and formatting corrections. Council is interested in whether you think these changes are easy to understand, practical to apply, fair, and whether they could have any unintended impacts.

The consultation does not revisit Council's earlier decision to use development contributions as a way of funding growth-related infrastructure, or the core approach and levels of development contribution charges. Feedback received that is not directly related to the proposed amendments may still be noted, but it will be treated as 'out of scope' for the formal analysis of submissions and reporting back to Council.

This consultation document has been prepared in accordance with section 82 of the Local Government Act 2002 (**LGA**) to inform the community about the proposed amendments and invite feedback before Council makes its final decision.

### What is Council proposing?

Council proposes to amend parts of the Policy to ensure it is workable, fair, and internally consistent with the decision of Council to change the commencement date.

The proposed amendments would:

- Replace the current reconsideration process with a delegated Officer panel process that can meet the statutory 15 working day decision timeframe.
- Clarify how historical credits apply to residential and non-residential allotments, including where a section 224(c) Resource Management Act 1991 certificate has been issued before the commencement date, but title registration is delayed.

- Correct minor typographical, grammar, and cross-reference errors so the Policy reads as one coherent framework.

### Benefits of the Amendment

- **Clarity:** Makes the policy easier for developers, landowners, and Council staff to understand and apply
- **Statutory compliance:** Helps ensure reconsideration requests can be determined within the timeframe required by the LGA
- **Administrative efficiency:** Reduces avoidable interpretation issues, rework, and post-implementation disputes
- **Fairness:** Improves the treatment of credits where subdivision approval has been completed but title registration is delayed for reasons outside an applicant's control
- **Implementation readiness:** Allows more time for system testing, process confirmation, and alignment with the start of the rating and financial year
- **Transparency:** Improves cross-referencing and consistency across the Policy.

### Disadvantages

- **Perception of change:** Even if intended as clarification, some developers or public may perceive the amendments as a policy shift.

### What decision does Council need to make?

After considering submissions, Council will decide whether to:

- adopt the proposed amendments to the Policy, as presented; or
- adopt the proposed amendment with modifications in response to submissions; or
- not proceed with some or all the proposed amendment.

### Council's Decision-making Process

**Table 2:** Council's decision-making process for the Utu Whakawhanake Development Contributions Policy 2024 Amendment

Date	Decision
<b>7 October 2025</b>	Council adopts the Policy, with commencement delayed to 29 May 2026 (Resolution 2025/136) <sup>1</sup> .
<b>24 November 2025</b>	The implementation programme for Policy began.
<b>1 April 2026</b>	Council determines to delay the commencement of the Utu Whakawhanake Development Contributions Policy 2025 from 29 May 2026 to 1 July 2026.
<b>13 May 2026</b>	Council resolution made under delegation by the Te Kūkupa Committee for Strategy, Policy and Regulation ( <b>Te Kūkupa</b> ) to adopt public consultation material and endorse public consultation process
<b>Current stage</b>	Public consultation on the proposed amendments to the Policy using a section 82 LGA process
<b>Following consultation</b>	Council will consider submissions and make final decision on whether to amend the Policy.
<b>8 July 2026</b>	Recommendation to Council
<b>22 July 2026</b>	Council determines whether to amend the or not.

<sup>1</sup>

27 July 2026	If the amendment is adopted, the amended policy will come into effect on the 27 July 2026
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## Context and Situation

### Background

The Policy was adopted following public consultation and was intended to provide a fair and transparent mechanism for funding growth-related infrastructure in the Far North District.

During implementation planning, operational testing, public enquiries and internal feedback, areas where the Policy would benefit from amendment were identified.

The key issues related to commencement timing, the practicality of the reconsideration process, the clarity and equity of credit provisions, and minor technical corrections. The proposed amendments are limited to non-material drafting changes, grammatical corrections, and wording updates. They do not alter the intent, charging methodology, schedule of development contributions fee, or underlying right to seek reconsideration or objection of the Policy.

This proposal is the result of Te Kūkupa resolution made the Te Kūkupa meeting held on 13 May 2026, where Te Kūkupa chose **Option 1 (Table 1)**. This option best achieves fairness, financial stability, and compliance with legislative requirements.

### Reasonably practicable options

**Table 1:** Reasonably practicable options considered

Option	Benefits	Cost
<p><b>1.</b> Endorse the proposed amendments to the Policy (<b>Attachment 2</b>) and adopt the consultation plan and material to consult on the draft Policy (<b>Attachment 4</b>) using the section 82 LGA public consultation process.</p>	<ul style="list-style-type: none"> <li>Improves clarity for Policy users</li> <li>Supports statutory compliance</li> <li>Addresses identified fairness issues in the credit provisions</li> </ul>	<ul style="list-style-type: none"> <li>None identified</li> </ul>
<p><b>2.</b> Status quo. Do not endorse the proposed amendment to the RFP.</p>	<ul style="list-style-type: none"> <li>None identified</li> </ul>	<ul style="list-style-type: none"> <li>Ambiguity will remain around credit entitlements and exceptions</li> <li>Will increase the number of extraordinary Council meetings to decide all reconsideration applications due to the statutory timeframe of 15 working days to remain compliant with the LGA</li> <li>Does not reflect prudent use of Council resources.</li> </ul>

## Why is the amendment necessary?

### Reconsideration Process

Clause 28.3 currently requires “reconsideration requests” to be reported to and decided by Council at a public meeting. Staff have identified that this is not workable within the statutory 15 working day timeframe for “reconsiderations” under the LGA, because Council meetings are generally held monthly and required agenda lead in times.

Council therefore proposes (**Table 2**) to replace the current clause 28.3 process with a delegated officer panel process.

**Table 2:** Proposed Changes to “Reconsideration” Process

Affected clause	Current wording	Proposed amendment
28.3	<p>Council will take the following steps:</p> <ul style="list-style-type: none"> <li>a. Council will review the original assessment and prepare a report that will include, but is not limited to, consideration of the following matters: <ul style="list-style-type: none"> <li>i. the grounds on which the request for reconsideration was made, including any new information provided;</li> <li>ii. the purpose and principles of development contributions under ss197AA and 197AB LGA;</li> <li>iii. the provisions of the Policy;</li> <li>iv. any other relevant matters.</li> </ul> </li> <li>b. the reconsideration request and report will be provided as part of an agenda report for a public meeting of the Council with the relevant delegations and Terms of Reference to consider the request.</li> <li>c. Council will consider the information provided and will make a decision.</li> <li>d. the Council will, in accordance with s199B LGA, notify the person of the outcome of the reconsideration within 15 working days after the day it receives all required information in relation to the request.</li> </ul>	<p>Where a person requests a reconsideration under clause 28.1:</p> <ul style="list-style-type: none"> <li>a. Council will review the development contribution requirement in accordance with clause 28.2;</li> <li>b. the reconsideration request will be determined by a panel of 3 suitably delegated officers that may or may not include the Chief Executive in accordance with Council’s Delegations Register;</li> <li>c. In making a determination under clause 28.3.b, the panel will have regard to the information provided by the requester, the original assessment, the requirements of this Policy, and any relevant technical or legal advice;</li> <li>d. Council will notify the person who requested the review in writing of its decision within 15 working days of receiving the request, unless clause (e) applies, including reasons for the decision and information on the right to object under clause 29; and</li> <li>e. The panel may, at its discretion, refer any reconsideration to a commissioner, for determination if the matter raises significant policy interpretation, precedent, or public interest issues.</li> </ul>

This amendment is intended to preserve the right to seek reconsideration while making the process practical, timely, and legally robust.

## Credits and equity

Council is proposing amendments (**Table 3**) to improve the wording and operation of historical credit provisions in clauses 17.8 and 18.

These changes would use consistent terminology, remove duplication, and recognise situations where a certificate under section 224(c) of the Resource Management Act 1991 has been issued before commencement but title registration is delayed by Land Information New Zealand.

**Table 3: Proposed Changes to Address Equity and Implementation Issues**

Affected clause	Current wording	Proposed amendment
17.8.a.iv	iv. The first single dwelling unit built on a vacant lot with a registered title in existence prior to 29 May 2026 will be assessed as having a credit of one HUE.	iv. The first single dwelling unit built on an allotment with a registered title, or for which a certificate under section 224(c) of the RMA was issued prior to 1 July 2026, development contributions will be calculated in accordance with the credit provisions in clause 18.8.a.i, which provides one HUE credit per Activity for undeveloped lots.
18.1.b	b. historical credits of one HUE per Activity on vacant land with a registered title at 29 May 2026	b. historical credits of one HUE per Activity on undeveloped allotments with a registered title, or for which a certificate under section 224(c) of the RMA was issued prior to 1 July 2026, as detailed in clauses 18.8.a.i and 18.8.b.i.
18.8	<p><b>a. Residential</b></p> <p>i. Any undeveloped existing lot with a registered title as at 29 May 2026 is deemed to have one HUE credit per Activity for which a development contribution would otherwise be required, except for:</p> <ul style="list-style-type: none"> <li>• small road severances; or</li> <li>• titles that are unable to be built on.</li> </ul> <p>ii. Where a cross lease or unit title is converted into 'Fee Simple' title, no additional development contributions will be required if the conversion does not increase demand for Council infrastructure.</p>	<p><b>a. Residential</b></p> <p>i. Any undeveloped allotment with a registered title, or for which a certificate under section 224(c) RMA was issued prior to 1 July 2026, is deemed to have one HUE credit per Activity for which a development contribution would otherwise be required, except for:</p> <ul style="list-style-type: none"> <li>• small road severances that are not intended for development; or</li> <li>• allotments that cannot be lawfully be built on due to physical constraints, legal restrictions, or planning provisions.</li> </ul> <p>ii. Where a cross lease or unit title is converted into 'Fee Simple' title, no additional development contributions are required provided the conversion does not create additional residential capacity beyond what was lawfully established prior to 1 July 2026.</p>
18.8.b	<p><b>b. Non-residential</b></p> <p>i. Any undeveloped lot with a registered title as at 29 May 2026 is deemed to have one HUE credit per Activity for</p>	<p><b>b. Non-residential</b></p> <p>i. Any undeveloped allotment with a registered title, or for which a certificate under section 224(c) RMA was issued prior</p>

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	<p>which a development contribution would otherwise have been required, except for:</p> <ul style="list-style-type: none"> <li>• small road severances; or</li> <li>• titles that are unable to be built on.</li> </ul> <p>ii. For developments involving extensions or demolition and rebuilding at the same or higher intensity, credits will be assessed based on the pre-existing development 25 26</p> <p>iii. Sites where buildings were demolished or destroyed prior to 29 May 2026 will be treated as vacant lots for the purpose of credit allocation.</p>	<p>to 1 July 2026, is deemed to have one HUE credit per Activity for which a development contribution would otherwise have been required, except for:</p> <ul style="list-style-type: none"> <li>• small road severances that are not intended for development; or</li> <li>• allotments that cannot lawfully be built on due to physical constraints, legal restrictions, or planning provisions.</li> </ul> <p>ii. For the purpose of clause 18.8.b.i “undeveloped allotment” means an allotment with no existing non-residential buildings or lawfully established non-residential activity prior to 1 July 2026.</p> <p>iii. Credits for non-residential development are calculated based on GFA of existing lawful non-residential buildings on the allotment as at 1 July 2026, using the demand factors in Tables 1-4 (clause 20). Sites where buildings were demolished or destroyed prior to 29 May 2026 will be treated as vacant lots for the purpose of credit allocation.</p>
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These amendments are intended to improve fairness, reduce ambiguity, and support more consistent assessments.

### Technical Corrections

A few technical corrections are also proposed (**Table 4**) to address grammar, typographical errors, spelling mistakes, duplicated wording, and incorrect cross-references.

These corrections do not change the underlying intent or effect of the Policy, but they would improve clarity, legal readability, and consistency across the document.

**Table 4: Proposed Technical Changes**

Affected clause / location	Current wording	Proposed amendment	Effect
14.1 Heading text	"Activities for which a development contributions fees are charged"	Activities for which a development contribution fee is charged	Corrects grammar. No change in meaning
19 Heading	Development Contributions Fees Schedule	Development Contributions Fee Schedule	Aligns heading with usage. No operative effect
Definition – Capital Expenditure	...construction costs of eligible infrastructure	construction costs of eligible infrastructure'	Corrects spelling. No change to scope of capex.
Definition – Dwelling unit	A Dwelling Unity may be part of a larger building...	A Dwelling Unit may be part of a larger building...	Typo only
Definition – Retail activity	...ancillary activity to the retain activity...	...ancillary activity to the retail activity...	Typo only
17.8.b.iii	...as per clause 17.8.b.ii17.8.b.ii above.	...as per clause 17.8.b.ii above.	Fixes duplicated cross-reference
17.8.c.i	...charges for non-residential land use (clause 17.8.d.i18.8.b).	...charges for non-residential land use (clauses 17.8.e and 18.8.b).	Correct cross-reference to the actual non-residential clauses. No change to intent

## Consultation Procedure (Section 82 LGA)

Council is required to consult on any amendment to its development contributions policy using a process that gives effect to section 82 of the LGA.

The Amendment Supporting Report assesses the proposed changes as limited in scope, primarily procedural or technical, and not significant under Council's Significance and Engagement Policy. On that basis, a time-bound consultation process is considered appropriate and proportionate.

A three-week consultation period was determined as justified because it provides affected parties with a reasonable opportunity to understand the changes and make submissions, while also ensuring efficient use of Council resources.

The Council encourages any person or organisation affected by or having an interest in the proposed amendments to send their views to the Council by making a submission between **18 May 2026** and **8 June 2026**.

## How to give your views on the proposal

**You can make a submission by using any of the following methods:**

1. online at the Council's website [www.fndc.govt.nz/have-your-say](http://www.fndc.govt.nz/have-your-say)
2. email your submission to [submissions@fndc.govt.nz](mailto:submissions@fndc.govt.nz)
3. drop-off your submission at any Council service centre or library, details of their locations and opening times are listed at <https://www.fndc.govt.nz/Council/Contact-council> or you can get that information by phoning the Council on 0800 920 029
4. post your submission to: Communications and Engagement Team, Far North District Council, Private Bag 752, Kaikohe 0440

**Please include your full name and email address or postal address in your submission if you want:**

1. the Council to acknowledge receipt of your submission
2. to make a verbal submission – you will be contacted to confirm your attendance and speaking time closer to the date.

Any submissions that are out of scope, offensive, inappropriate, or late may not be accepted by the Council. You will be notified if your submission is not accepted and, where appropriate, invited to resubmit.

**Privacy statement** – Please be aware, any submissions that are made on the proposed amendment to the Utu Whakawhanake Development Contributions Policy 2025, become part of the public consultation process. As such, all submissions, any summaries of submissions, and any documents provided with your submission, are copied and made available to the Council's governing body as well as the public. Any personal information included with a submission such as your name is treated as part of the submission and will also be released publicly. Your submission and any personal information that you supply such as your name will not be treated as confidential unless you specifically request it in your submission.

## 5.2 REVIEW OF DOG MANAGEMENT BYLAW AND POLICY

**File Number:** A5672995

**Author:** Donald Sheppard, Team Leader - Policy and Bylaws Group

**Authoriser:** Ken Macdonald, Chief Financial Officer

### TAKE PŪRONGO / PURPOSE OF THE REPORT

To recommend to Council that the [Dog Management Bylaw 2018](#) (the Bylaw) and the [Dog Management Policy 2018](#) (the Policy) have been reviewed and should continue with amendment.

### WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

#### Overview

On 15 June 2016 Council completed the statutory review of the Dog Control Bylaw 2006 and agreed that the 2006 Bylaw and Policy should continue with amendment.

On 13 December 2018, after two years of public engagement and consultation, the Council adopted an amended Bylaw and Policy, re-named as the Dog Management Bylaw 2018 (Bylaw) and the Dog Management Policy 2018 (Policy). The Bylaw is due for statutory review by 15 June 2026. This review will trigger a review of the Policy.

Both the Bylaw and Policy address serious problems caused by uncontrolled dogs. These include:

- danger, distress and harm to humans, livestock and wildlife
- nuisances such as roaming dogs, incessant barking, and fouling.

The previous review of the Policy and Bylaw between 2016 and 2018 attracted significant community interest, a high number of submissions, and legal challenges. This history demonstrates the need for the current review to be carefully planned, well-evidenced, and supported by appropriate legal and engagement processes. The proposed timeframe in the paper below reflects the sensitivity of the subject matter and is intended to support a robust process, reduce procedural risk, and maintain public confidence.

#### The Policy

- Under the Dog Control Act 1996 (Act), Council must adopt a dog policy.
- The Policy outlines Council's overall stance on managing the problems and opportunities relating to dogs in the district
- The Policy could be amended to ensure it meets its objectives, Act requirements, is clearer, and better addresses identified problems.
- In addition, the Council could update and refresh the tone and style of the Policy to make it more engaging, more friendly and helpful, and to portray the Council as more positive, forward thinking, and supportive of dog owners.

#### The Bylaw

- A bylaw is the most appropriate way to address the problem because Council must make a dog control bylaw to enforce the Policy
- The form of the Bylaw is mostly appropriate; however, it could be amended to improve clarity and better address the identified problems
- The current Bylaw has Bill of Rights implications that are justified as reasonable limits on the rights listed in the New Zealand Bill of Rights Act 1990.

Council staff recommend continuing both the Bylaw and Policy, with amendment. If Council agrees that these policy instruments should be amended, staff will engage with the community to draft revised documents for subsequent public consultation.

### TŪTOHUNGA / RECOMMENDATION

**That Te Kūkupa Committee for Strategy, Policy and Regulation recommends that Council:**

- a) determine, under section 155(1) of the Local Government Act 2002, that a bylaw is still the most appropriate way of addressing dog-related problems in the Far North District;
- b) determine, under section 155(2) of the Local Government Act 2002, that the current form of the Dog Management Bylaw 2018 is not the most appropriate form;
- c) determine, under section 155(3) of the Local Government Act 2002, that the current Dog Management Bylaw 2018 gives rise to implications under the New Zealand Bill of Rights Act 1990 that are justified as reasonable limitations on these rights;
- d) agree that the statutory review of the Dog Management Bylaw 2018 has been completed by making the determinations in a) to c) above;
- e) approve the Dog Management Bylaw 2018 continuing with amendment;
- f) determine that the current form of the Dog Management Policy 2018 is not the most appropriate form;
- g) approve the Dog Management Policy 2018 continuing with amendment.

## 1) TĀHUHU KŌRERO / BACKGROUND

### Nature of a dog policy

Under section 10(1) of the Dog Control Act 1996 (Act), Council must adopt a dog policy. Section 10(4) of the Act states that a dog policy must have regard to:

- minimising danger, distress, and nuisance to the community
- avoiding the danger of allowing dogs uncontrolled access to public places frequented by children
- enabling the public, where possible, to use streets and public amenities without fear of attack or intimidation by dogs
- the exercise and recreational needs of dogs and their owners.

### Nature of a dog control bylaw

A dog control bylaw gives effect to a dog policy by stating the rules that dog owners must follow.

### Relationship between the Policy and the Bylaw

Section 10(7) of the Act requires that the Bylaw is consistent with the Policy.

### History of the Bylaw and Policy

On 15 June 2016 (Resolution for agenda item 7.1, pages 31-38, refers), the Council completed the statutory review of the Dog Control Bylaw 2006 and agreed that the 2006 Bylaw and Policy should continue with amendment.

On 13 December 2018 (Resolution 2018/60, refers), after two years of public engagement and consultation, the Council adopted an amended Bylaw and Policy, re-named as the Dog Management Bylaw 2018 and the Dog Management Policy 2018.

Reviewing the Policy and Bylaw from 2016 to 2018 was contentious with divided views in the community around dog access to locations such as beaches. Council's approach was the subject of legal challenge and over 1,200 submissions were received from the public on the matter. Consequently, there is a reputational risk to the Council if the review is not managed well. Assuming the Council decides that the Policy and Bylaw should be amended, strong engagement and good communication with the public will be required to mitigate this risk.

## Current Review of the Bylaw and Policy

Section 20(4) of the Act requires dog control bylaws to be reviewed in accordance with the [Local Government Act 2002](#) (LGA02). Under section 159 of LGA02, the Bylaw must undergo its statutory 10-year review by 15 June 2026.

The statutory review of the Bylaw is completed once the Council has determined the matters stated in section 155 of LGA02:

- whether the Bylaw is the most appropriate way of addressing the perceived problem/s
- whether the Bylaw is the most appropriate form of bylaw
- whether the Bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

Section 10AA(3)(a) of the Act requires Council to review the Policy if it considers the associated Bylaw should be amended. This is to ensure consistency between the two documents and that the Bylaw adequately 'gives effect' to the Policy.

Unlike reviewing the Bylaw, the Act does not state a process for reviewing the Policy, however, the following questions are relevant to the Policy review:

- is a policy the most appropriate way of addressing the problem?
- is the form of the Policy appropriate?
- should the style and tone of the Policy be updated?

NB. A Bill of Rights assessment is not required when reviewing the Policy.

## Key Legislation

The Dog Control Act 1996 is the primary authority for the dog policy and dog control bylaw. It specifies the content of these policy instruments and directs local councils to adopt and review their dog control bylaws in accordance with the bylaw making provisions of LGA02.

Other relevant legislation includes the Animal Welfare Act 1999, the Code of Welfare: Dogs 2018, the Animal Welfare (Care and Procedures) Regulations 2018, the Health Act 1956, the Conservation Act 1987, the Wildlife Act 1953, and the Reserves Act 1977.

## Dog-related Benefits and Problems in the District

Dog ownership brings many well-researched benefits for dog owners.

Most dog owners act responsibly, and most interactions with dogs are positive. However, problems arise when dogs are not properly controlled. These include:

- danger, distress and harm to humans, livestock and wildlife caused by aggressive dogs or dog attacks
- nuisances such as roaming dogs, incessant barking, and fouling.

A survey conducted by the Council in August/September 2025 identified the following main concerns of the public regarding dogs:

<b>Roaming dogs</b>	78%
<b>Aggressive/dangerous dogs</b>	62%
<b>Lack of enforcement</b>	48%
<b>Unregistered dogs</b>	39%
<b>Barking/nuisance dogs</b>	32%
<b>Poor public education</b>	27%
<b>Other</b>	18%

Media reports describe people living in fear of dog attacks from roaming/straying dogs, and dogs killing livestock and wildlife.

Reports of roaming/straying dogs (+17%) and ACC claims for dog-related injuries (+49%) have increased since the last review in 2016, while complaints about dogs barking (-14%) and reported dog attacks (-27%) are at a lower level

The research results indicate that serious dog-related problems continue to exist in the district.

## 2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

### Research report

An in-depth research report regarding the review of the Bylaw and Policy is in Attachment One. This report was prepared with input from the following teams at the Council: Animal Management, Policy and Bylaws, Resource Consents, Data Analytics, Integrated Planning, Communication and Engagement, and Legal. A summary of the report is provided below.

### Summary of the Statutory Review of the Bylaw

The Bylaw is due for statutory review by 15 June 2026. This requires the Council to meet the requirements of section 155 of the Local Government Act 2002 by determining:

1. *Whether a bylaw is the most appropriate way to address the problem?*

See section 18.1 of the Research Report (Attachment One)

A bylaw is the most appropriate way of addressing the problem because the Act is the primary legislation for the care and control of dogs in New Zealand and requires Council to make a dog control bylaw to enforce its dog policy.

2. *Whether the current Bylaw is the most appropriate form of bylaw?*

See section 18.2 of the Research Report (Attachment One)

The Bylaw includes all the discretionary purposes stated in the Act, is enforceable, is consistent with relevant laws and legislation including the Act and the Animal Welfare Act 1956, and its benefits outweigh its costs.

The Act limits Council's ability to make extensive changes to the Bylaw. However, there are potential opportunities to fine-tune the Bylaw to better address the identified problems:

Identified problems	Potential opportunities to improve the Bylaw
Roaming/straying dogs	Include a broader requirement to confine dogs on properties – “as necessary”, not just at night-time. Extend the confinement rules for female dogs in season and diseased dogs to include confinement when these dogs are being transported.
Barking/nuisance dogs	Add a dedicated barking clause rather than relying on general nuisance provisions and define “persistent/loud barking”.
Too many dogs per property/ uncontrolled breeding	Potentially set a limit for the permitted number of dogs on properties in urban areas with exceptions for working dogs. This <u>may</u> be an option, however, on balance, this is not recommended.
Animal welfare, neglect, and cruelty	Potentially remove section six of the Bylaw which largely duplicates section 5 of the Act and the standards in the Code of Welfare: Dogs 2018. Add some or all of the dog welfare provisions listed in section 10.7 of the Research Report subject to these not repeating existing legislation.
Lack of enforcement	Consider triggering compulsory neutering of nuisance/ uncontrolled dogs after fewer “out of control” events e.g. on “more than one occasion” rather than “more than twice”.

Also, the Bylaw could be made more certain (clearer) for instance by modernising and simplifying the language, using Plain English legal drafting standards, and avoiding long sentences.

In summary, the form of the Bylaw is mostly appropriate, however, it could be amended to ensure it more fully addresses the identified problems and is clearer.

3. *Whether the Bylaw gives rise to implications under the New Zealand Bill of Rights Act 1990?*

See section 18.3 of the Research Report (Attachment One)

The current Bylaw has Bill of Rights implications that are justified as reasonable limits on the human rights listed in the Bill of Rights Act. Depending on future Council decisions, any amended Bylaw will require a further Bill of Rights assessment before adoption.

### Summary of the Initial Review of the Policy

Unlike reviewing the Bylaw, a Bill of Rights assessment is not required for the Policy. The Act does not state a process for reviewing the Policy however, the following questions are relevant to the Policy review:

1. *Is a policy an appropriate response to the problem?*

See section 19.1 of the Research Report (Attachment One)

Yes, under the Act the Council must adopt a dog policy. Having a dog policy means that Council's overall stance on managing the problems and opportunities relating to dogs in the district is made clear to all stakeholders.

2. *Is the form of the Policy appropriate?*

See section 19.2 of the Research Report (Attachment One)

The form of the Policy is not appropriate:

- Its objectives are poorly framed and need re-designing to allow tracking of performance
- The Policy could better address the identified problems:

Identified problems	Potential opportunities to improve the Policy
Irresponsible dog ownership	Develop a Responsible Dog Owner incentive scheme, as responsible dog ownership is referred to in the Policy as a core element of Council's approach to dog management
Barking/nuisance dogs	Define common nuisances (barking, roaming, fouling) Strengthen treatment of persistent/loud barking
Animal welfare, neglect, and cruelty	Introduce an Animal Welfare policy referring to: <ul style="list-style-type: none"> <li>• the <i>Animal Welfare Act</i> and <i>Code of Welfare: Dogs 2018</i></li> <li>• FNDC's role in promoting dog welfare information</li> <li>• FNDC's relationship with SPCA, vets, and other agencies.</li> </ul>
Perceptions of poor education of dog owners by the Council	Describe owner education initiatives and requirements
Access to locations	As required by the Act in section 10(3)(e), Council <u>must</u> list dog exercise areas.  Potentially expand access rules to cover cemeteries, jetties/wharves, boat ramps, town centres, and events.  Add a provision allowing temporary changes to access rules where new sensitive habitats, wildlife risks, or changes in use patterns are identified.
Perceived lack of enforcement	Outline the Council's general approach to enforcement escalation.

- The Policy could be clearer in some areas, for example by avoiding long sentences and repetitive headings. The Policy is generally consistent with relevant laws and legislation. However, dog exercise areas should be listed in the Policy as required by the Act.
- Overall, the benefits of the Policy outweigh the costs.

In summary, the Policy could be amended to ensure it more fully meets its objectives, complies with the Act by listing dog exercise areas, is clearer, and its content more fully deals with the identified problems.

3. *Should the style of the Policy be updated?*

See section 19.3 of the Research Report (Attachment One)

The current Policy reads as a legal compliance document; structured and technical, with minimal explanation. It includes all the mandatory content of a Policy required by the Act, except for listing dog exercise areas. As such, it is a minimal technical document and could continue in this current style.

If the Council decides that the Policy should be amended, the tone and style could be amended to make it more engaging, more friendly and helpful, and to portray the Council as more positive, forward thinking, and supportive of dog owners.

### OPTIONS FOR THE BYLAW

There are three practicable options for the Bylaw:

- 1) to continue the Bylaw without amendment
- 2) to continue the Bylaw with amendment
- 3) do nothing (allow the Bylaw to revoke – this would occur two years after the due date, on 15 June 2028).

Advantages and disadvantages of these Options are outlined below:

Options	Advantages	Disadvantages
1. Continue the Bylaw without amendment	Bylaw will continue to give effect to the Policy	Bylaw will not be as certain (clear) as it could be  Bylaw content will not fully address dog-related problems in the district
2. Continue the Bylaw with amendment  <b><i>Recommended Option</i></b>	Bylaw will be more certain (clearer)  Bylaw content will more fully address dog-related problems in the district	None identified
3. Do nothing (allow the Bylaw to revoke in two years after the due date)	Bylaw will continue to give effect to the Policy but only for two years	Need to make a new dog control bylaw to give effect to the Policy  More resources are required to make a new bylaw compared with amending an existing bylaw

### TAKE TŪTOHUNGA / REASON FOR THE RECOMMENDATION REGARDING THE BYLAW

A bylaw is still the most appropriate way of addressing dog-related problems in the District and the Bylaw should continue. Amendments to the form of the Bylaw will make it more certain (clearer) and will ensure its content more fully addresses these problems, as allowed by the Act.

### OPTIONS FOR THE POLICY

There are two practicable options for the Policy:

- 1) to continue the Policy without amendment
- 2) to continue the Policy with amendment

NB. Not continuing with the Policy is not a viable Option. Under the Act, the Council must have a dog policy.

Advantages and disadvantages of these Options are outlined below:

Options	Advantages	Disadvantages
1. Continue the Policy without amendment	Policy will continue to state Council's position regarding managing the problems and opportunities relating to dogs in the District	<p>Policy will not be as certain (clear) as it could be</p> <p>Policy content will not fully address dog-related problems and opportunities in the district</p> <p>Policy will not be legally compliant (it does not list dog exercise areas in the district as required by the Act)</p> <p>Opportunity will be missed to update and refresh the tone and style of the Policy</p>
2. Continue the Policy with amendment  <b><i>Recommended Option</i></b>	<p>Policy will be as certain (clear) as it could be</p> <p>Policy will be more legally compliant (it will list dog exercise areas in the district)</p> <p>Policy content will more fully address dog-related problems and opportunities in the district</p> <p>The tone and style of the Policy can be updated and refreshed to portray the Council as more positive, forward thinking, and supportive of dog owners.</p>	None identified

### TAKE TŪTOHUNGA / REASON FOR THE RECOMMENDATION REGARDING THE POLICY

Amending the form of the Policy will make it more certain (clearer) and will ensure its content more fully addresses identified problems and is legally compliant. Updating the tone and style of the Policy will make it more engaging and helpful and will potentially portray the Council more positively.

### NEXT STEPS: AMENDING THE BYLAW AND POLICY

Assuming Council agrees to progress amendments to the Policy and Bylaw, the review will be managed as a significant project following the Project Management Framework.

This will involve four stages:

#### 1. Design

- staff will draft the amended Policy and Bylaw based on engagement with Community Boards, key stakeholders, and the wider community
- engagement will include face to face meetings, survey/s and workshops
- legal advice will be sought on the final draft Policy and Bylaw
- a Statement of Proposal will be prepared

#### 2. Consult

- the Te Kūkupa Committee will approve the draft revised Bylaw and Policy and the Statement of Proposal for consultation
- consultation will follow the Special Consultative Procedure required by section 83 of LGA02
- analysis of public feedback will occur followed by preparation of final documents

#### 3. Adoption

- presentation of final documents to the Community Boards and Te Kūkupa for recommendations to Council to adopt

4. *Activation*

- implementation including communicating changes to the public.

**Timeframe**

The indicative timeframe reflects the complexity of the issues involved and the need to provide sufficient time for internal and external engagement and consultation.

If amendments are adopted, implementation planning will need to be confirmed as part of the next stage of work.

	2026							2027													
	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec		
<b>Design</b>	█																				
<b>Consult</b>											█										
<b>Adoption</b>																█					
<b>Activate</b>																				>2028	

**3) PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION**

Costs to amend the Policy and Bylaw (if agreed by the Council) will cover:

- Staff time
- Public meetings and associated engagement costs
- Legal advice

These costs will come from existing budgets, subject to normal budget oversight.

Potential implementation requirements may include items such as signage, education initiatives, potentially developing a Responsible Dog Owner incentive scheme or other operational changes required to support the practical application of the Policy and Bylaw. These costs will be identified in the Design Stage.

Any implementation costs or additional initiatives that cannot be managed within existing budgets will need to be identified and considered through the appropriate budgeting and planning processes.

**ĀPITI HANGA / ATTACHMENTS**

1. **Research Report - Review of Dog Management - A5709158** [↓](#) 

## Hōtaka Take Ōkawa / Compliance Schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
  - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
  - b) Assess the options in terms of their advantages and disadvantages; and
  - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

<b>He Take Ōkawa / Compliance Requirement</b>	<b>Aromatawai Kaimahi / Staff Assessment</b>
<p>State the level of significance (high or low) of the issue or proposal as determined by the <a href="#">Council's Significance and Engagement Policy</a></p>	<p>The report has a high degree of significance as significant dog-related problems exist in the district that are a threat to public safety. In addition, there is strong public interest in the management of dogs.</p> <p>Considerable engagement with the public and interested stakeholder groups will be required to ensure a successful outcome.</p> <p>Consultation will require using the Special Consultative Procedure specified in section 83 of LGA02</p>
<p>State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.</p>	<p>The Dog Control Act 1996 is the primary authority for the Bylaw and Policy.</p> <p>Other relevant legislation includes the Local Government Act 2002, the Bill of Rights Act 1990, the Animal Welfare Act 1999, the Code of Welfare: Dogs 2018, Animal Welfare (Care and Procedures) Regulations 2018, the Conservation Act 1987, the Wildlife Act 1953, the Health Act 1956, and the Reserves Act 1977.</p> <p>Relevant Council plans and policy instruments include Te Pae Tata – Three Year Long-Term Plan 2024-27, reserves-related bylaws and reserve management plans, public places/urban environment bylaws, the Nuisances Bylaw 1990, and Biodiversity/protected wildlife policies in the District Plan.</p>
<p>State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.</p>	<p>Broad areas of the Bylaw and Policy have district-wide relevance and will not require Community Board recommendations.</p> <p>However, regulation of dog access to locations in the district directly impacts on individual communities and will be a matter that will require Community Board involvement and recommendations.</p>
<p>State the possible implications for Māori and how Māori have been provided with</p>	<p>The decision in this report does not relate to land and / or body of water. As part of the consultation process,</p>

<p>an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.</p> <p>State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.</p>	<p>local iwi and hapū will be given an opportunity to present their views and preferences regarding the Bylaw and Policy, including dog access to specific locations e.g. beaches and other public places.</p>
<p>Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).</p>	<p>The general public and dog owners are affected by how dogs are managed in the district. Surveys of these groups will be undertaken to understand their preferences (bearing in mind Council's resourcing to manage the identified problems).</p> <p>A wide range of organisations and stakeholder groups are also interested in the management of dogs. These groups will also be engaged with and consulted regarding an amended Bylaw and Policy</p>
<p>State the financial implications and where budgetary provisions have been made to support this decision.</p>	<p>Costs to amend the Policy and Bylaw (if agreed by the Council) will cover staff time, meetings (venue hire and refreshments), legal advice etc.</p> <p>These costs will come from existing budgets.</p> <p>It is too early to state costs for implementation such as new signage. These costs may need to be budgeted for through the Annual Plan process.</p> <p>Other potential initiatives (e.g. new education initiatives and potentially developing a Responsible Dog Owner incentive scheme) will be presented separately.</p>
<p>Chief Financial Officer review.</p>	<p><a href="#">Type here</a></p>

# Research Report

## Review of the Dog Management Bylaw 2018 and the Dog Management Policy 2018

April 2026



**RESEARCH REPORT – REVIEW OF THE DOG MANAGEMENT POLICY & BYLAW**

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# 1 Executive summary

## Introduction

Council’s Dog Management Policy 2018 (the Policy) and Dog Management Bylaw 2018 (the Bylaw) are due for review.

### Problems that the Policy and Bylaw address

The district has serious problems caused by uncontrolled dogs. These include:

- danger, distress and harm to humans, livestock and wildlife caused by aggressive dogs and dog attacks
- nuisances such as roaming dogs, incessant barking, and fouling.

Recent fatalities from dog attacks are the tip of the iceberg for many underlying problems caused by a minority of irresponsible dog owners not managing or controlling their dogs. A public survey conducted by the Council identified their main concerns relate to roaming dogs, aggressive/attacking dogs, lack of enforcement by the Council, unregistered dogs, and barking/nuisance dogs. Media reports describe people living in fear of dog attacks from roaming/straying dogs, and dogs killing livestock and wildlife.

Reports of roaming/straying dogs and dog injuries involving ACC claims have increased since the last review in 2015/16, while complaints re dogs barking and reported dog attacks are at a lower level.

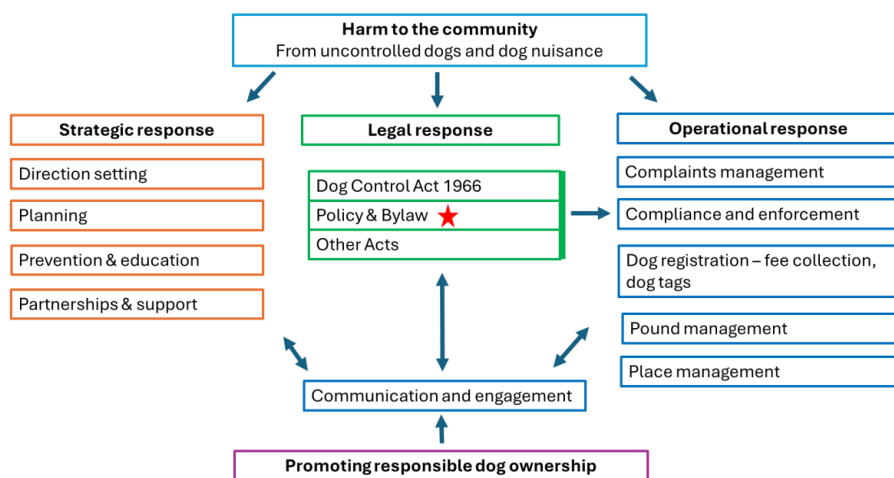
**Table 1: Scale of dog-related problems**

	Year ending 30/06/16	Year ending 31/03/26	% change
Reports of straying/roaming dogs	522	611	+17%
Reports of dog attacks	284	207	-27%
Complaints of dogs barking	341	294	-14%
ACC claims for dog injuries	333	496 <sup>1</sup>	+49%

### Council’s response to these problems

The Council plays several roles, with the Policy and Bylaw being part of its legal response:

**Diagram 1: Council’s response to dog-related problems**

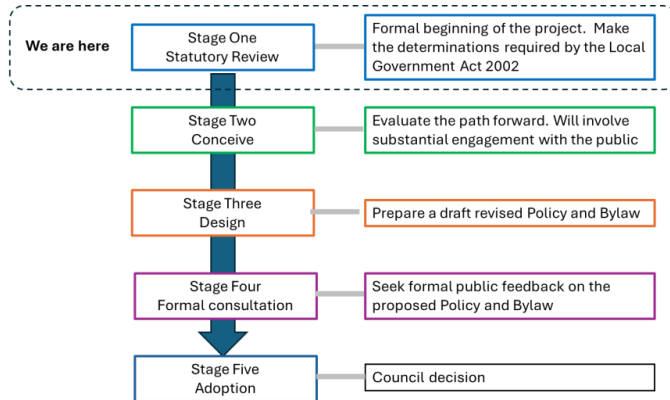


Because the identified problems are significant, the review should sit within a wider review of the Council’s overall approach to dog management touching on all the roles above.

Assuming the Council decides the Bylaw and Policy should be amended, the project will involve the following stages:

<sup>1</sup> ACC claims are for the year ending June 2025

**Diagram 2: Stages of the review**



**Stage 1A - Statutory Review of the Bylaw**

The Bylaw is due for statutory review by 15 June 2026. This requires the Council to meet the requirements of section 155 of the Local Government Act 2002 by determining:

**1. Whether a bylaw is the most appropriate way to address the problem?**

A bylaw is the most appropriate regulatory tool to address the problem because the Dog Control Act 1996 (the Act) is the primary legislation for the care and control of dogs in New Zealand and requires Council to adopt a dog policy and make a dog control bylaw to enforce this policy.

**2. Whether the current Bylaw is the most appropriate form of bylaw?**

The form of the Bylaw is mostly appropriate, however, it could be amended to improve clarity and better address the identified problems (see section 8 of this report):

Evaluating the form of the Bylaw	
Meets the objectives it is intended to achieve	●
Is certain (clear)	●
Deals with the identified problems	●
Is enforceable and able to be implemented and administered effectively and efficiently	●
Complies with all relevant laws and legislation	●
Benefits outweigh the costs	●

**KEY:** ● yes ● in part ● no

**3. Whether the Bylaw gives rise to implications under the New Zealand Bill of Rights Act 1990?**

The report identified that the current Bylaw has Bill of Rights implications that are justified as reasonable limits on the human rights listed in the Bill of Rights Act (see section 12 of the report). Depending on future Council decisions, any amended Bylaw will require a further Bill of Rights assessment before adoption.

**Stage 1B - Reviewing the Policy**

The Act does not state a process for reviewing the Policy however, the following questions are relevant to the Policy review:

**1. Is a policy the most appropriate way of addressing the problem?**

Yes, under the Act the Council must adopt a dog policy. Having a dog policy means that the Council’s overall stance on managing the problems and opportunities relating to dogs in the district is made clear to all stakeholders.

**2. Is the form of the Policy appropriate?**

As discussed in section 19.2, the Policy could be amended to ensure it more fully meets its objectives, it lists dog exercise areas, is more certain (clear) and its content more fully deals with the identified problems:

Key criteria to evaluate the form of the Policy	
Meets the objectives it is intended to achieve	●
Is certain (clear)	●
Deals with identified problems	●
Complies with all relevant laws and legislation	●
Benefits outweigh the costs	●

**KEY:** ● yes ● in part ● no

**3. Should the style of the Policy be updated?**

The current Policy reads as a legal compliance document: structured and technical, with minimal explanation. It includes all the mandatory content of a Policy required by the Act, except for listing dog exercise areas. It prescribes what dog owners should do and is very compliance focused. As such, it is a minimal technical document and could continue in this current style.

If the Council decides that the Policy should be amended, in the following Conceive stage of the review project, the Council could update and refresh the tone and style of the Policy to make it more engaging, more friendly and helpful, and to portray the Council as more positive, forward thinking, and supportive of dog owners.

## DETAILED REPORT

### 2 Purpose of the report

To provide Elected Members with the findings of research to inform the review of the [Dog Management Bylaw 2018](#) (the Bylaw) and the [Dog Management Policy 2018](#) (the Policy).

### 3 Context

#### 3.1 Numbers of dogs in the district

In the 2024/25 year, Far North District Council (the Council) recorded 9,368 active dogs in the Far North District, with 8,177 registered dogs<sup>2</sup>. By contrast, in 2015/16 when the Bylaw and Policy were last reviewed there were 9,797 registered dogs, 17% more than the number recorded in 2024/25. Treat this comparison with caution because in 2024/25 staff cleaned up the registration data, including removing deceased dogs and changing ownership/district details.

NB. The actual number of dogs in the district may be up to twice the number recorded by the Council.

#### 3.2 Benefits of dog ownership

Dog ownership brings many well-researched positive benefits for dog owners, including:

- helping owners feel connected and needed<sup>3</sup>
- reducing stress levels<sup>4</sup>
- providing routine, responsibility, a sense of purpose, and greater neighbourhood connection<sup>5</sup>
- physical health benefits associated with higher levels of walking and physical activity<sup>6</sup>.

#### 3.3 Problems arising from uncontrolled dogs

Most dog owners act responsibly, and most interactions with dogs are positive. However, problems arise when dogs are not properly controlled. These include:

- danger, distress and harm to humans, livestock and wildlife caused by aggressive dogs or dog attacks
- nuisances such as roaming dogs, incessant barking, and fouling.

To manage these problems, the Council amended the Policy and Bylaw in 2018. The Bylaw is due for statutory review by 15 June 2026. Completing the statutory Bylaw review will trigger a review of the Policy.

#### 3.4 Review of the Bylaw

Section 20(4) of the Act requires dog bylaws to be reviewed in accordance with the Local Government Act 2002 (LGA02). Under section 159 of LGA02, the Bylaw must undergo its statutory 10-year review by 15 June 2026.

The statutory Bylaw review is completed once the Council has determined the matters stated in section 155 of the LGA02:

- whether the Bylaw is the most appropriate way of addressing the perceived problem/s
- whether the Bylaw is the most appropriate form of bylaw
- whether the Bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

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<sup>2</sup> *Annual Report Dog Control Policy and Practice: 2024/25*. Report to the Department of Internal Affairs

<sup>3</sup> Studies show that new dog owners report lower levels of loneliness and higher perceived social support than non-owners. During the COVID-19 pandemic, dog owners reported greater social support and lower depression scores than people who wanted a dog but did not own one – Martin F, Bachert K, et al. *Depression, anxiety, and happiness in dog owners and potential dog owners during the COVID-19 pandemic in the United States* [PLOS, 5 November 2019]

<sup>4</sup> Handlin, L, Nilsson, A, et al., *Oxytocin and cortisol levels in dog owners and their dogs are associated with behavioural patterns* [Frontiers in Psychology, 2017]

<sup>5</sup> Merkouri A, Graham T, et al., *Dogs and the Good Life: A Cross-Sectional Study of the Association Between the Dog–Owner Relationship and Owner Mental Wellbeing* [Frontiers in Psychology, 18 July 2022]

<sup>6</sup> Christian et al., *Dog ownership and physical activity: A review of the evidence* [American Journal of Public Health, 2013]

### 3.5 Review of the Policy

Section 10AA(3)(a) of the Act requires Council to review the Policy if the Council considers the associated Bylaw should be amended. This is to ensure consistency between the two documents and that the Bylaw adequately 'gives effect' to the Policy.

Unlike reviewing the Bylaw, the Act does not state a process for reviewing the Policy, however, the following questions are relevant to the Policy review:

- is a policy the most appropriate way of addressing the problem?
- Is the form of the Policy appropriate?
- should the style and tone of the Policy be updated?

NB. A Bill of Rights assessment is not required when reviewing the Policy.

### 3.6 Timeline for the Bylaw and Policy

The following timeline outlines the history of the Bylaw and Policy:

**Table 2: Timeline of the Bylaw and Policy**

Date	Action
September 2006	The Dog Control Policy 2006 was adopted, and the Dog Control Bylaw 2006 was made
15 June 2016	Review of the Dog Control Bylaw was formally completed when Council made the section 155 LGA02 determinations. Direction was given by the Council that the review process to amend the Bylaw should proceed with Community Board consultation.
2016	First draft amended Dog Control Bylaw 2016, and Dog Control Policy 2016 were released for public consultation. Initial proposals sparked significant protest from dog owners, especially over off-leash restrictions. This led to the Council directing staff to start the Bylaw and Policy development process over again.
2016 – 2017	Staff undertook extensive community consultation and stakeholder events to address issues raised from the first public consultation. This informed further amendments to both the Bylaw and Policy.
28 June 2018	The Council approved the proposed Dog Management Bylaw and Policy 2018 for public consultation using the special consultative process as prescribed in section 83 LGA02.
October 2018	Hearings were held in Kaitaia, Kaikohe and Kerikeri
November 2018	Deliberations took place
13 December 2018	Council resolved, pursuant to sections 10 and 20 of the Act, to adopt the amended Dog Management Policy 2018 and the amended Dog Management Bylaw 2018, both to come into effect on 4 February 2019.
4 February 2019	The amendments to the Bylaw and Policy came into effect. Key changes included seasonal beach-restrictions, new off-leash areas, removal of the two dog per property limit in urban areas, an on-leash default for reserves, and a new section on responsible dog ownership in the Policy.
September 2024	An independent review of Council's animal management practices and procedures was undertaken. It found Council performed well overall but recommended more prosecutions. It also highlighted roaming dogs as a serious public safety issue. <sup>7</sup>
15 June 2026	Due date for the review of the Dog Management Bylaw 2018, ten years after the last review.

### 3.7 Relevant legislation

The following legislation is most relevant to the design and review of the Policy and Bylaw:

- The [Dog Control Act 1996](#) (the Act) – **The primary Authority.**

Administered by the Department of Internal Affairs (DIA), the Act specifies the required content of a dog control policy and enables Councils to make a dog control bylaw to give effect to that policy. The Act also directs Councils to adopt and review their dog control bylaw in accordance with the bylaw making provisions of LGA02

- The [Local Government Act 2002](#) (LGA02) – **Bylaw making framework and review process.**

The Dog Control Act requires Councils to follow the bylaw making provisions of LGA02 when adopting or reviewing a dog control bylaw. This includes requirements to determine the section 155 requirements of LGA02 and undertake the required consultation and review process.

- The [Bill of Rights Act 1990](#) (BORA) – **Direct relevance to bylaw review.**

<sup>7</sup> Rice Speir (2024). [Independent review of Animal Management practices and procedures](#), report prepared for Far North District Council. Accessed via Far North District Council website 6/3/2026.

When making or reviewing a bylaw, Councils must consider whether the bylaw is consistent with the rights and freedoms affirmed in BORA. The Council must identify any limitations to those rights and be satisfied they are reasonable and demonstrably justifiable.

- The [Animal Welfare Act 1999](#) – **Indirect relevance. Supports animal care and standards.**

Administered by the Ministry for Primary Industries (MPI), the Animal Welfare Act establishes general obligations for owners and persons in charge of animals to provide proper and sufficient food, water, shelter, and care to prevent unnecessary or unreasonable pain or distress. While enforcement is primarily undertaken by MPI and the SPCA, the legislation is relevant to Council's approach to responsible dog ownership within the district

- The [Code of Welfare: Dogs 2018](#) – Issued under the Animal Welfare Act, the Code sets minimum standards and recommended best practice for the care and management of dogs.
- [Animal Welfare \(Care and Procedures\) Regulations 2018](#) – Contains enforceable requirements relevant to dog ownership, including guidance on muzzling of dogs, providing shelter, dogs left in vehicles, and dogs in moving motor vehicles. While enforcement of these regulations sits outside of Council's remit, it does provide guidance on setting expectations for dog owners in the district.

- The [Conservation Act 1987](#) – **Direct relevance regarding dog access areas.**

Promotes the conservation of New Zealand's natural and historic resources and generally prohibits dogs on conservation land unless permission is granted.

- The [Wildlife Act 1953](#) – **Direct relevance.**

Makes it an offence to kill or disturb wildlife. Relevant to the Council's management of dog access near sensitive habitats and wildlife areas.

- The [Health Act 1956](#) – **Direct relevance.**

Includes the definition of nuisances referred to in both the Policy and Bylaw.

- The [Reserves Act 1977](#) – **Indirect relevance.**

Enables the Council to regulate dog access to Council-controlled reserves.

### 3.8 Relevant Council policy instruments

Relevant instruments include:

**Te Pae Tata – Three Year Long-Term Plan 2024-27.** A key community outcome in the Long-Term Plan is *Communities that are healthy, safe, connected and sustainable*.

**Reserves-related bylaws and reserve management plans** (Parks and Reserves Bylaw 2023, Pou Herenga Tai – Twin Coast Cycle Trail Bylaw 2016, and various Reserve Management Plans).

Dog access provisions are applied over Council reserves and beaches. Changes to the Bylaw may require amendments to the Parks and Reserves Bylaw and Reserve Management Plans.

**Public places/urban environment bylaws** (Cemeteries and Crematoria Bylaw 1990, Maritime Facilities Bylaw 2025, and Parking Bylaw 2022). Dog access and control requirements will need to operate alongside these public place bylaws.

#### **Keeping of Animals Bylaw 2025**

Keeping of Animals Bylaw does not cover dogs because they are controlled separately under the Policy and Bylaw. Any changes to either document must keep the boundary clear for regulatory consistency.

#### **Nuisances Bylaw 1990**

The Nuisances Bylaw specifically regulates against dog kennels being a nuisance e.g. causing an offensive odour.

#### **Biodiversity/protected wildlife policies**

The Policy has an objective to 'minimise potential danger or distress to protected wildlife' and refers to significant habitats of indigenous fauna. The Bylaw and Policy should align with the Council's District Plan overlays to ensure consistency.

### 3.9 Content of a dog policy specified in the Act

Under section 10(4) of the Act, a dog policy must have regard to:

- minimising danger, distress, and nuisance to the community
- avoiding the danger of allowing dogs uncontrolled access to public places frequented by children
- enabling the public, where possible, to use streets and public amenities without fear of attack or intimidation by dogs
- the exercise and recreational needs of dogs and their owners.

The content of a dog policy is specified in section 10(3) of the Act. This includes mandatory and discretionary provisions:

**Table 3: Specified content of a dog policy**

Mandatory provisions
1. The nature and application of any associated bylaw
2. Identification of: <ul style="list-style-type: none"> <li>• Public places in which dogs are prohibited under the bylaw</li> <li>• Places in which dogs (other than working dogs) are to be controlled on a leash under the bylaw</li> <li>• Places where dogs are <u>not</u> prohibited or <u>not</u> required to be controlled on a leash</li> <li>• Places designated as dog exercise areas.</li> </ul>
3. Requirements re neutering of menacing dogs
Discretionary provisions (included if the Council sees fit). The Council can add to this list if it wants.
4. Details of the following areas: <ul style="list-style-type: none"> <li>• fees or proposed fees</li> <li>• owner education programmes</li> <li>• dog obedience courses</li> <li>• the classification of owners</li> <li>• the disqualification of owners</li> <li>• the issuing of infringement notices</li> <li>• other (included if the Council “thinks fit”).</li> </ul>

### 3.10 Purposes of a dog control bylaw stated in the Act

Section 20(1) of the Act states that the purposes of a dog control bylaw may include the following:

**Table 4: Purposes that may be covered in a dog control bylaw**

Purposes of a dog control bylaw
Prohibiting dogs, whether under control or not, from specified public places
Requiring dogs, other than working dogs, to be controlled on a leash in specified public places, or in public places in specified areas or parts of the district
Regulating and controlling dogs in any other public place
Designating specified areas as dog exercise areas
Prescribing minimum standards for the accommodation of dogs
Limiting the number of dogs that may be kept on any land or premises
Requiring dogs in the district to be tied up or otherwise confined during a specified period commencing not earlier than half an hour after sunset, and ending not later than half an hour before sunrise:
Requiring the owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner to immediately remove the faeces
Requiring any bitch to be confined but adequately exercised while in season
Providing for the impounding of dogs that are found at large
Requiring the owner to neuter a dog that on a number of occasions has not been kept under control

Section 20(1) also allows the Council to include other purposes in a bylaw that, in the opinion of the Council, are necessary or desirable to further the control of dogs. These other purposes must align with the objects of the Act

(see section 3.4), which emphasise public safety, responsible ownership, and proportionate control of dangerous and menacing dogs rather than punitive or blanket measures.

### 3.11 Enforcement powers and penalties provided for in a dog control bylaw

Under the Act, a dog control bylaw provides broad enforcement powers to Council’s Animal Control officers:

- *Power of entry* – officers may enter premises (excluding dwellings) to inspect or seize a dog in specific circumstances (sections 14, 52A, 55-57)
- *Power to feed and shelter dogs* – officers may provide food, water, and shelter to a dog if necessary for its welfare (section 15)
- *Power to request information* – officers may require any person to provide information about the dog’s owner or about the dog itself (sections 19 and 19A)
- *Power to seize and impound dogs* – dogs may be seized and impounded if they are attacking, threatening safety, unregistered, uncontrolled, or otherwise in breach of the Act (sections 57 (5-6), 57A(3), and 52 (4-7))
- *Power to recover costs* – the Council may recover costs related to seizure, custody, sustenance, and transport of dogs. See sections 15(5), 17(3), 68, 69, and 71A(4-5).

Anyone who breaches the Bylaw commits an offence. Penalties range from a \$300 infringement fee to a maximum \$20,000 court fine and up to three years in prison for the owner of a dog causing serious injury.

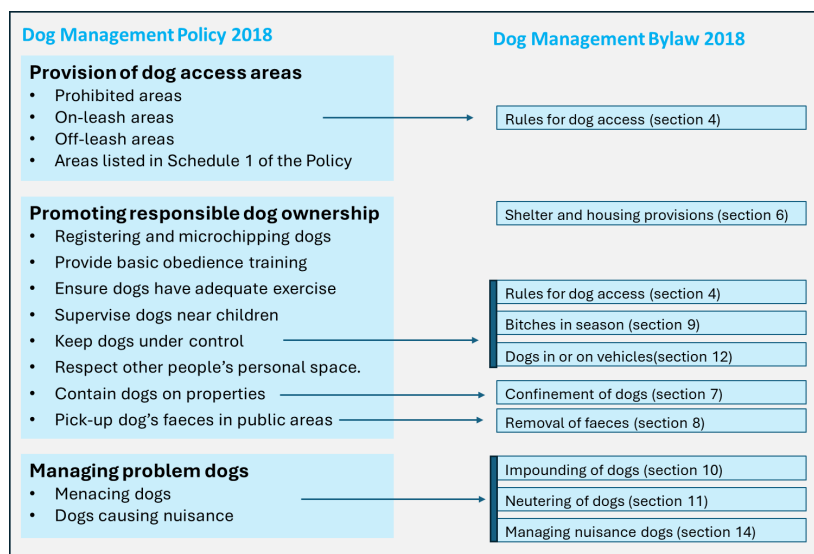
As discussed in section 8.12 of the report, a very large proportion of infringement notices are issued under the general provisions in the Act, rather than under the Bylaw.

### 3.12 Relationship between the Policy and the Bylaw

The Policy sets the objectives and Council’s direction for dog management. By contrast, the Bylaw gives effect to the Policy by stating rules that the Council can enforce. In other words, the Policy explains what the Council *wants to achieve and its expectations of dog owners*, while the Bylaw outlines what *dog owners must do*.

Section 10 (7) of the Act requires that the Bylaw is consistent with the Policy. The relationship between the current Policy and Bylaw is illustrated in the following diagram:

**Diagram 3: Relationship between the Policy and the Bylaw**



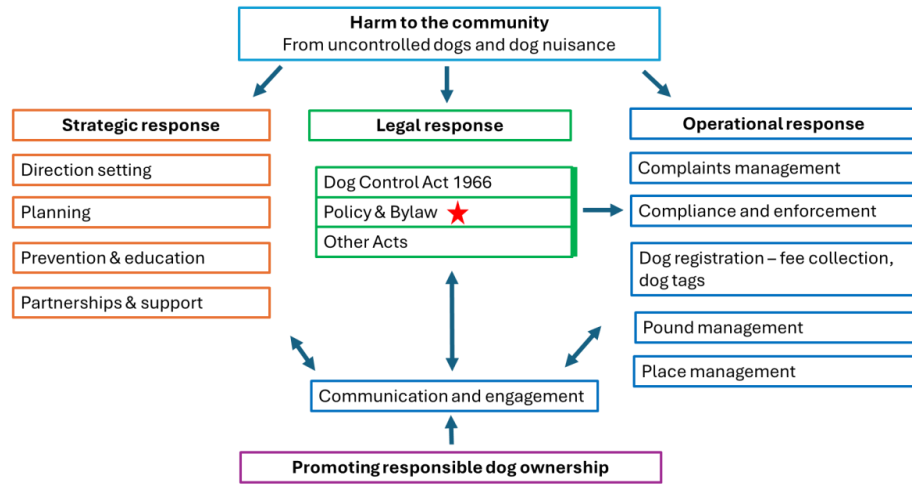
As the above diagram shows, most provisions in the Bylaw clearly give effect to corresponding provisions in the Policy. One notable exception is section 6 of the Bylaw (shelter and housing provisions), a requirement that is not currently stated in the Policy. Adding a clear reference to suitable housing and shelter within the Policy’s responsible ownership provisions would improve clarity for dog owners and the public. However, the research indicates that the shelter and housing provisions could be removed from the Bylaw, as these are covered in the Animal Welfare Act 1999 and the associated Code of Welfare: Dogs 2018 and it is best practice not to repeat legislative provisions in a bylaw (see section 10.7 of the report). Even if these provisions are removed from the

Bylaw, the Council may wish to refer to providing suitable housing and shelter in the Policy as an aspect of responsible dog ownership.

#### 4 Council’s key roles relating to dog management

As discussed in section 8, dog-related problems are serious and significantly affect Far North communities. Addressing these issues requires multiple responses. The Council’s key roles are shown in the following diagram.

**Diagram 4: Council’s key roles in response to dog management**



The above diagram illustrates that the Bylaw and Policy represent only one part of Council’s response to the problem.

Council’s key roles are discussed further below.

##### 1. Strategic response to the problem

- **Direction setting and planning** – the Council should set high-level outcomes and priorities for dog management e.g. public safety, nuisance reduction, wildlife protection, dog welfare, etc. Policy staff recommend that the Council develops an overarching strategic plan for dog management
- **Prevention and education** – as many of the problems relating to dogs are associated with irresponsible or ignorant dog owners, educating dog owners and the public about responsible ownership and safe dog behaviour should be a core role of the Council.

A social media campaign promoting dog registration and responsible dog ownership was launched in June 2025. This campaign focused on Storm and her journey to a loving family. The campaign also ran on the council’s social media channels to give residents plenty of notice of the payment period starting on 1 July. This campaign was continued with an information insert ‘Kuri Karere Doggo Digest’ included with dog registration reminder notices.



In this regard, Auckland Council has developed a behaviour change campaign “[For you, your dog and your neighbours](#)” featuring several hard-hitting videos about roaming dogs. Auckland Council is happy for the Council to use these videos to assist Council’s education goals. Links to these videos are as follows:

- [Roaming Dogs – Kuia](#)
- [Roaming Dogs – Shelter](#)
- [Roaming Dogs – Dog Owner](#)
- **Partnerships and shared initiatives.** FNDC partners with SPCA to provide affordable desexing across the district. Other partnerships could be established e.g. with veterinarians, DOC, rescue organisations, community groups etc. to support education, welfare, obedience training, microchipping, desexing, rehoming, and wildlife protection initiatives.

### 2. Legal response

- **Adopting and reviewing the Dog Management Policy and Bylaw** – this is the topic of the current report.
- **Use of relevant legislation and regulations** such as the Dog Control Act 1996, the Health Act 1956, the Animal Welfare Act 1999, the Code of Welfare: Dogs 2018, etc.

### 3. Operational response

- **Complaints management** involves receiving and responding to requests and complaints by the public. The Animal Management team aims to respond to Urgent RFS (attack and public safety concerns) within 1.5 hours and Non-Urgent RFS (administrative or general dog queries etc) within 3 days.
- **Compliance and enforcement** – the Animal Management team enforces the Bylaw and relevant national legislation. In late April 2026 this team had nine members, with another Animal Management Officer due to be appointed.
- **Managing dog registration** – Dog registration fees are relatively cheap compared with other New Zealand local authorities. Working dogs/pig dogs are the cheapest to register, followed by pet dogs, with dogs classified as dangerous being the most expensive. Discounts apply for prompt payment and for neutered dogs etc.
- **Managing pound operations** in Kaikohe and Kaitāia.
- **Place management.** This involves three main activities:
  - a) **Parks and reserves management.** Section 12 of the Council’s [Parks and Reserves Bylaw 2023](#) covers dog access to parks and reserves and states that dogs are only permitted in parks and reserves if they are on a leash or in designated off-leash or dog exercise areas; dogs must be controlled in accordance with posted signage; dogs are not allowed in parks and reserves that are identified as prohibited areas in the Dog Management Policy.
  - b) **Issuing resource consents in sensitive wildlife areas.** Under the Resource Management Act, the Council manages the presence of dogs through the resource consent process, mainly when assessing subdivision applications in areas requiring protection from dogs in areas where sensitive wildlife values are present. Decisions are guided by a Practice Note developed with input from the Department of Conservation. Depending on the site location, particularly where it is identified as a ‘Kiwi Present’ or ‘High Kiwi’ area,

consent notices may be applied to new titles. These notices may prohibit dogs or impose conditions such as confinement or other control measures to reduce risks to wildlife. Exemptions apply for working dogs, and in some cases a grandfather clause may be used for dogs already residing on the property at the time of application.

- c) *Managing dog access areas listed in Schedule One of the Policy.* This role is the responsibility of the Property and Facilities Management team and includes developing and maintaining dog exercise areas.

#### 4. Communication and engagement

- **Fostering community engagement** — effective dog management depends heavily on clear communication and engagement to ensure informed and responsible owner behaviour. Providing accessible, up-to-date information can help build confidence that dog rules are fair, consistent and evidence-based. Several Councils across New Zealand have implemented public campaigns around respecting and showing kindness to Council staff<sup>8</sup>.
- **Erecting and maintaining signage** to inform the public of dog access rules in particular locations. If access rules change in the Policy, signage will need to be changed as well.

## 5 Role of other agencies

Dog management at the national level is supported by the following government agencies with their own statutory responsibilities:

- **Department of Internal Affairs (DIA)** is responsible for national-level oversight, data collection, and regulatory settings for dog control. DIA administers the Dog Control Act 1996, maintains the national dog database, and provides enforcement guidelines and statistics on dog control.
- **Department of Conservation (DOC)** Jurisdiction, powers and responsibilities come mainly from the Conservation Act 1987 and apply to conservation land in the Far North District. These powers enable DOC to restrict access to conservation land for dogs, take actions against feral dog packs and prosecute owners for dog related offences under the Conservation Act, Wildlife Act and in limited situations, the Dog Control Act where protected wildlife has been killed.
- **Ministry for Primary Industries (MPI)** administers and enforces the Animal Welfare Act 1999, oversees animal welfare policy, and works with SPCA to ensure compliance with dog welfare regulations.
- **NZ Police.** Police involvement is usually limited to public safety situations and criminal investigations involving dogs. Police may assist Council officers in situations where dog incidents overlap with criminal offending, such as dog attacks involving serious injury (where criminal charges may apply) and situations where dangerous or uncontrolled dogs (or their owners) pose an immediate threat to public safety. Police also assist Animal Management Officers to execute warrants to uplift offending dogs from dwellings.
- **Society for the Prevention of Cruelty to Animals (SPCA)** is an animal-welfare not-for-profit charity, and incorporated society. It is recognised as an ‘approved organisation’<sup>9</sup> with inspectors appointed by the Ministry for Primary Industries. Under the Animal Welfare Act 1999, the SPCA enforces animal welfare obligations that apply to dog owners and works alongside Councils and Police.

**Other organisations do not have formal statutory roles but have informal roles supporting and advocating for dog welfare, wildlife protection, working dogs, and so on.** Following are some examples of organisations in the Far North. This is not an exhaustive list:

*Dog welfare organisations* include Saving Hope Foundation, Bay of Islands Animal Rescue, Bay of Islands Watchdogs, and Donna Doolittle’s Animal Rescue.

*Wildlife protection organisations* include Forest & Bird (Far North branch), Bay of Islands Living Waters, Kiwi Coast, Save the Kiwi, Living Streets, Puketi Forest Trust, and the Russell Landcare Trust.

*Organisations with an interest in working dogs* include Federated Farmers, Working Dogs NZ, New Zealand Deerstalkers Association – Northland Branch, New Zealand Pig Hunting Association, and Blind Low Vision NZ.

<sup>8</sup> For example, campaigns by Gisborne District Council (“Our people ARE people”), Auckland Council (“No excuse for abuse”), Waikato District Council (“Respect our staff”), and Kaipara District Council (“Our Council, Our Community”)

<sup>9</sup> Section 121 Animal Welfare Act 1999

*Other organisations include:*

- Sport Northland who have an interest in school children being able to walk to school
- Disability support groups such as Accessibility Action Group (Far North) and NorthAble
- New Zealand Veterinary Association (Northland Regional Network) etc.

## 6 Research objectives and scope of the research report

### *In scope*

- To understand:
  - legislation that applies to reviewing dog policies and dog control bylaws
  - the role of various organisations and agencies, including the Council, in managing and controlling dogs
  - problems and opportunities relating to the care and control of dogs in the district that are a function of the Council to address
  - whether the Policy and Bylaw:
    - a) meet their objectives
    - b) comply with the Act
    - c) fully address the problems and opportunities relating to dogs in the Far North
  - statutory review requirements for the Bylaw - whether a bylaw is the most appropriate way to address the perceived problems relating to the control of dogs in the district. If so, whether the current Bylaw is the most appropriate form of bylaw, and does the Bylaw give rise to any implications under the New Zealand Bill of Rights Act 1990.

### *Out of scope*

- The management and control of animals other than dogs
  - Reviewing resource consent requirements applying to dogs
  - In-depth analysis of problems or issues that are managed or regulated by other agencies e.g. DOC or SPCA
  - Matters that are provided for directly in the Act or other Acts – these are the government’s responsibility
- In-depth discussion of non-regulatory measures the Council could consider adopting to address or mitigate the problems identified. This discussion will occur in the following Conceive Stage of the review, assuming the Council decides that the Bylaw and Policy should be amended.

## 7 Sources of evidence

### *Sources include:*

- Annual reports to DIA by the Council and the DIA National Dog Database (which includes ACC claims data)
- Analysis of Requests for Service (RFS) and other internal data relating to dogs
- National Public Health Services Surveillance (Northern) | Intelligence unit – for data on ED visits
- A scan of media coverage of dog issues in the district from 2022 to 2026
- A survey of public attitudes to the management of dogs conducted by the Council in August/September 2025. With 665 responses, the maximum margin of error for these results is +/-4% at the 95% confidence level suggesting very reliable results
- Analysis of the dog policies and bylaws of Local Councils in New Zealand. Seventeen representative dog control bylaws and policies were analysed, including the FNDC Policy and Bylaw. This investigation focused on policies and bylaws from:
  - *Northland* – Far North, Kaipara, and Whangārei districts
  - *Other provincial districts* – Thames-Coromandel, Waitomo, Rotorua Lakes, Gisborne, Wairoa, Hastings, Whanganui, Tasman, Selwyn, and Southland districts
  - *Large metropolitan areas* – Auckland, Wellington, and Christchurch.
- An independent review of Council’s Animal Management practices conducted by the law firm, Rice Speir in 2025
- Feedback from the following teams at the Council: Animal Management, Policy and Bylaws, Resource Consents, Data Analytics, Integrated Planning, Finance, Communication and Engagement, and Legal. Services.

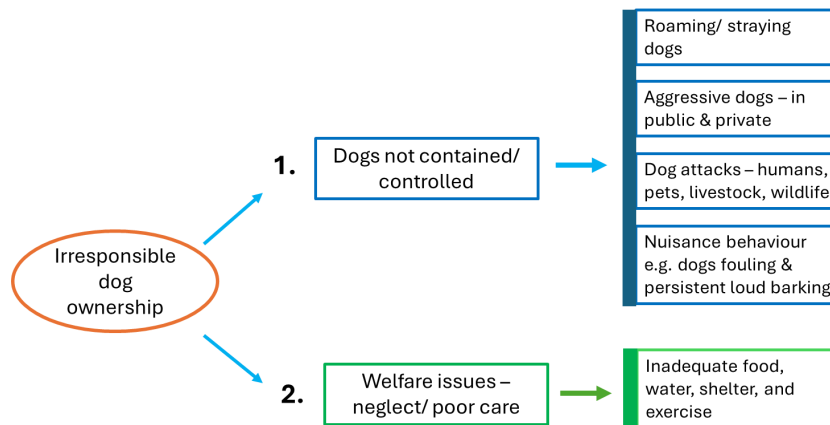
## Research Findings Part One – Problem Identification

### 8 Dog-related problems in the district

#### 8.1 Overview of dog-related problems

Dog-related problems that are a function of the Policy and Bylaw to address (as specified in the Act) are summarised in the following diagram. These problems fall into two main areas, both stemming from irresponsible dog ownership: 1) dogs not contained or controlled, and 2) dogs neglected or not properly cared for. The emphasis of the Act for dog policies and dog control bylaws is on dogs not contained or controlled, however the Act does touch on dog welfare issues.

Diagram 5: Dog-related problems in the district



#### 8.2 Historical problems

Statistics from the 2015/16 year when the last review happened indicate some of the main problems occurring at the time. NB. Council records in the following three sections of the report only show incidents that were formally reported:

Table 5: Dog management key statistics 2015/16

	Year ending 30/06/16
Dogs classified as menacing/dangerous	145
RFS reports	
Straying/roaming dogs	522
Dog attacks/rushing	284
Barking	341

The scale of the problems in 2015/16 was large, with some serious public safety and public nuisance issues identified including 284 reported dog attacks, 341 complaints about barking dogs, and 522 reports of dogs roaming or straying.

### 8.3 Do the problems with dogs identified in 2015/16 still exist?

The problems recorded in 2015/16 still exist, as shown in the next table.

**Table 6: Dog management key statistics y/e June 2016 vs. y/e March 2026**

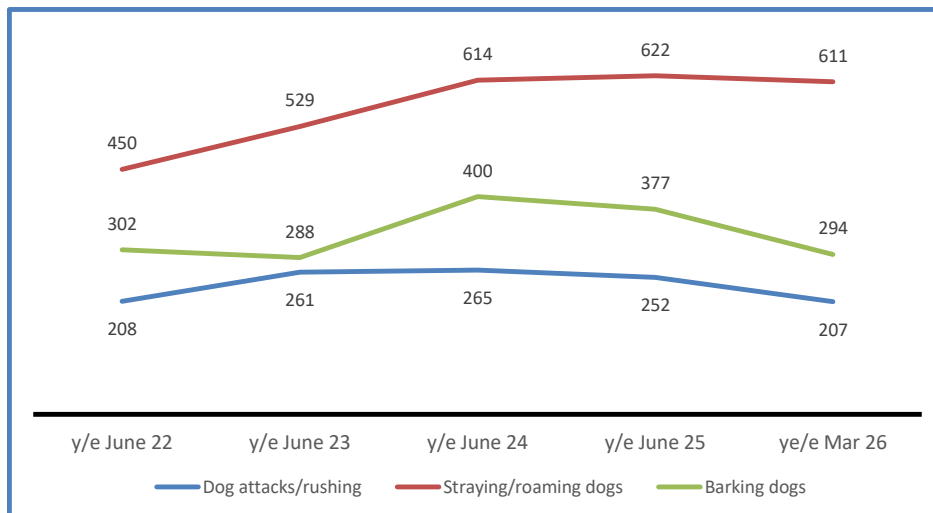
	Year ending 30/06/16	Year ending 31/03/26	% change
Dogs classified as menacing/dangerous	145	168	+16%
RFS reports			
Straying/roaming dogs	522	611	+17%
Dog attacks/rushing	284	207	-27%
Barking	341	294	-14%

Compared with 2015/16, the number of dogs classified as menacing or dangerous has increased by 16%, while reports of roaming/straying dogs have increased by 17%. Reports of dog attacks/rushing have declined by 27% and complaints re barking dogs have decreased by 14%.

### 8.4 Recorded problems over the last five years

The chart below shows recorded problems from RFS reports and complaints over the last five years.

**Diagram 6: Recorded problems over the last five years**



As the chart shows:

- reports of straying or roaming dogs are at a similar level over the last three years, after climbing rapidly from 2022 to 2024
- complaints regarding barking dogs have declined over the last two years and are now at a similar level to 2022
- reports of dog attacks/rushing are also at a similar level to 2002, with a strong decline in the last year.

### 8.5 Other relevant statistics for 2024/25

The following tables show other relevant statistics recorded by the Council, where comparisons with 2015/16 were not available.

**Table 7: Other RFS statistics y/e March 2026**

	Year ending 31/03/26
Aggressive dogs	223
Dog welfare reports	65

**Table 8: Impounding statistics year ending June 2025**

	2024/25
Number of dogs impounded	630
What occurred with impounded dogs:	
Number and percent returned to their owners	169 (27%)
Number and percent sent to dog rescue organisations	62 (10%)
Number and percent rehomed directly	27 (4%)
Number and percent destroyed (euthanised)	376 (60%)

The above data indicates:

- High levels of roaming and straying dogs with an average of 12 reports per week
- An average of 4 reports per week of dog attacks on people, domestic pets, poultry, livestock, and wildlife
- An average of 6 complaints re barking dogs per week.
- In addition, owners not properly caring for their dogs leads to around one dog welfare report per week.
- Around 12 dogs per week are impounded - mainly straying or surrendered dogs. Animal Management Officers assess the suitability of dogs to be re-homed (dogs may fail this test if they are aggressive). Re-homing may happen directly from the pound or via rescue organisations. Dogs that cannot be re-homed will be euthanised. This practice can place significant professional and personal pressure on Officers and often attracts criticism of the Council. Published euthanasiation rates for impounded dogs around New Zealand include the following, with the Far North relatively high on the list:

**Table 9: Published dog euthanasiation rates for a range of New Zealand Councils 2023 to 2025<sup>10</sup>**

Opotiki	74%
Auckland	60%
<b>Far North</b>	<b>60%</b>
Kawerau	52%
Rotorua	50%
Gisborne	47%
Waikato	46%
Kaipara	45%
Tauranga	25%
Christchurch	5%
Dunedin	4%

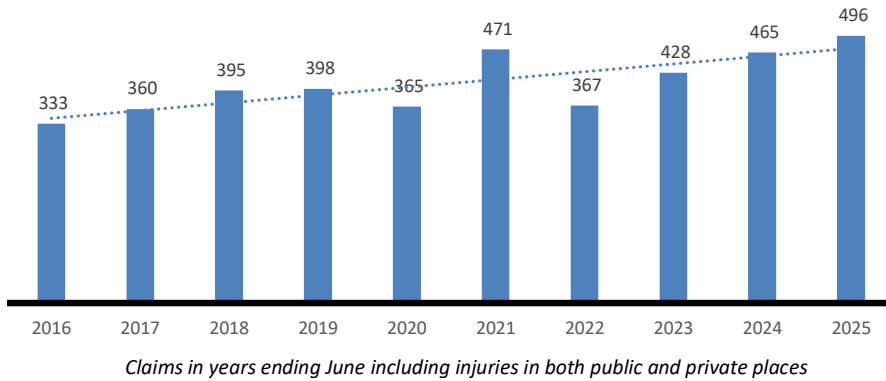
### 8.6

<sup>10</sup> Source: Search of the Internet for published reports conducted April 2026

### 8.7 ACC claims information<sup>11</sup>

The chart below shows the number of Accident Compensation Commission (ACC) claims relating to dog injuries in the district from 2016/17 to 2024/25:

**Diagram 7: Number of ACC claims for dog-related injuries per year in the Far North**



In the year ending June 2025, there were 496 ACC claims for dog-related injuries. This is 49% higher than the number of claims recorded in 2016 when the Bylaw and Policy were last reviewed. Many of these injuries may have occurred on private properties but this is still under the jurisdiction of the Animal Management team.

In 2025 there was one ACC claim for dog-related injury per 149 residents<sup>12</sup> in the district, placing the Far North in the fourth worst position for these claims amongst local councils in New Zealand. By comparison, Kaipara District had one claim per 319 residents, in 28<sup>th</sup> place (around half the level recorded in the Far North), while Whangārei District had one claim per 238 residents, in 11<sup>th</sup> place (37% less than the Far North).

The number of claims in the district per head of population has increased from one per 195 residents in 2016 to one per 149 residents in 2025. To put this in perspective, while the resident population in the district increased by 14% from 2016 to 2025, ACC claims for dog injuries increased by 49%.

### 8.8 Fatalities 2022 to 2026

Two fatal dog attacks have occurred in the Far North since 2022, illustrating how different circumstances can result in very different legal outcomes for dog owners:

- A 69-year-old man died in 2022 after he was attacked by dogs he was housing for a friend on his Panguru property. The owner was prosecuted for manslaughter and in 2025 was sentenced to three and a half years imprisonment. This was the first dog attack manslaughter case in New Zealand.
- A 78-year-old woman died in a dog attack at her Mōerewa property in October 2023. The dog was confirmed by Police as belonging to the property. The dog was shot by a neighbour before Police could arrive. No charges were laid.

In February 2026 a 62-year-old woman, was killed by dogs while visiting a private rural property in Kaihu, in the neighbouring Kaipara District. Kaipara District Council confirmed it had received complaints about the dogs and had visited the property four times (including the day before the attack) but were unable to uplift the dogs.<sup>13</sup>

In response, Local Government Minister Simon Watts set up a working group to review and refresh enforcement guidelines. These revised guidelines are expected mid-2026. While the Minister has indicated that legislative reform is unlikely this parliamentary term, any future policy or regulatory changes at the national level could affect the design of a revised Policy or Bylaw.

<sup>11</sup> Data from the DIA National Dog Database published November 2025. Injuries include lacerations, puncture wounds, crush injuries, etc., with these injuries requiring healthcare input.

<sup>12</sup> Population estimate source: Stats NZ - *Estimated Resident Population for Territorial Authority Areas at 30 June (1996+)*

<sup>13</sup> [Multiple complaints before woman mauled to death by dogs at house in Kaihu, Northland](#) RNZ, 17 February 2026

In March 2026, SPCA received almost \$500,000 from the Lottery Minister’s Discretionary Fund to deliver a targeted 12-month dog desexing programme aimed at reducing roaming dogs, uncontrolled breeding, and community harm across Auckland and Northland.

### 8.9 Public perceptions of dog-related issues and problems

A survey conducted in August/September 2025 by the Council provides insights into public perceptions of dog issues and concerns:

**Table 10: Biggest concerns of the public re dog-related issues (from a prompted list)**

Roaming dogs	78%
Aggressive/dangerous dogs	62%
Lack of enforcement	48%
Unregistered dogs	39%
Barking/nuisance dogs	32%
Poor public education	27%
Other	18%

Thematic analysis of the comments from survey participants revealed the following eleven main perceived problems. This list is not exhaustive, and further issues may emerge and be addressed by the Council at later stages of the review.

#### Main themes identified

##### 1. Irresponsible ownership

Respondents frequently describe owner behaviour as the core issue rather than the dogs themselves:

*“It’s the owner, not the dog – people just don’t take responsibility”* (Peria resident)

*“Owners don’t care about rules and have no intention of following them”* (Rawene resident)

*“Lack of understanding of what responsible dog ownership actually means”* (Haruru resident)

##### 2. Roaming/straying dogs

Survey participants said they felt unsafe walking in their neighbourhoods, on beaches, and on local tracks due to uncontrolled or aggressive roaming dogs. Some said that the Council relies too heavily on the public to self-police - a problem that requires active enforcement. Typical quotes included:

*“It is unsafe to walk certain beach parts”* (Taipā resident)

*“It’s sad we can’t enjoy our town without watching our backs... I’ve had to leave due to roaming dogs”* (Kaitiāia resident)

*“My biggest single concern is the extremely high numbers of roaming dogs... Reporting them is pointless... I would like to see active patrols picking them up”* (Kaitiāia resident)

*“The worst of the worst dogs are let off to wander the village – it’s no longer safe to walk home at night”* (Ahipara resident)

##### 3. Aggressive/dangerous dogs

Many respondents describe being chased, bitten by, or having their pets attacked by aggressive dogs. They said that fear of serious injury or death significantly affects their daily lives. Verbatim quotes included:

*“A large, muzzled off-leash dog, charged me and my small dog, picked my dog up. I got bruised by the force of the impact. No owner.”* (Russell resident)

*“We had two dogs enter our paddock... the dogs attacked our two cows”* (Kawakawa resident)

*“I was attacked by two vicious dogs being walked by their owner... my dog was attacked on our property”* (Kaitiāia resident)

*"We see many victims of horrific dog attacks at our clinic – often owners don't report because nothing happens"* (Kaitiāia veterinarian).

#### 4. Unregistered dogs

Around four out of ten (39%) mentioned unregistered dogs as a key issue. Some noted that irresponsible owners who don't register their dogs face no penalties, meaning the problem keeps repeating. People associated unregistered dogs with roaming, dog attacks, and nuisance behaviour. Representative quotations included:

*"There are numerous roaming unregistered dogs here, some of which are dangerous"* (Matauri Bay resident)

*"People who fail to register dogs over a number of years need to be penalised with a hefty fine"* (Kaeo resident)

*"Many dog owners are not even bothering to get their dogs registered"* (Paihia resident)

*"The dogs which roam and/or bark are often not registered or neutered"* (Totara North resident)

#### 5. Barking/nuisance dogs

Persistent barking and nuisance behaviour is described as stressful, disruptive, and often unresolved.

*"Barking dogs are a constant problem and nothing seems to change"* (Kerikeri resident)

*"The inability to resolve ongoing barking is frustrating and feels like it's not taken seriously"* (Coopers Beach resident)

#### 6. Too many dogs per property/uncontrolled breeding

Some people mentioned properties with large numbers of dogs, often unmanaged and breeding.

*"Some properties have way over twenty dogs and are still breeding them"* (Pukenui resident)

*"Too many dogs per property – no one needs more than two unless they're working dogs"* (Okaihau resident)

#### 7. Animal welfare, neglect, and cruelty

Respondents also highlighted concern for the welfare of dogs:

*"Chained, starving dogs is disgusting"* (Ahipara resident)

*"Far North has a serious problem with dogs chained up as guard dogs, lack of care and abuse"* (Houhora resident)

*"There are puppies and starving chained up dogs everywhere"* (Doubtless Bay resident)

#### 8. Poor education of dog owners

Just over a quarter (27%) of survey participants felt that poor education was a key issue. Comments included:

*"Educate more, discipline less. Owners should know their animal's safety levels and apply appropriate actions when in public spaces"* (Taipā resident)

*"Poor public education and lack of support for dog training endeavours"* (Kerikeri resident)

*"I'd like an initiative to educate children to stop the cycle of animal abuse"* (Haruru resident)

#### 9. Dog and owner access issues

Some survey respondents said that they would like more off-leash areas to exercise their dogs, while others wanted to tighten off-leash controls:

*"More off-lead areas to properly exercise our dogs"* (Kerikeri resident)

*"I would like access to an off-leash area for exercising and socialising dogs in South Hokianga"* (Omapere resident)

*"If dogs are off leash on beaches it needs to be before 9am and after 6pm. Even better would just be always on leash as then they would never be out of control"* (Cable Bay resident)

*"Some access signs remain outdated or misleading"* (Kerikeri resident).

## 10. Council lacks the resource to manage dog problems

Several respondents noted that the Animal Control team is small and needs more resource.

*"I feel the dog control officers would hugely benefit from more staff on their team"* (Kerikeri resident)

*"A huge 'clean up' of the Far North is required. This will take several months and involve a massive effort to impound stray dogs. It may require extra staffing"* (Kerikeri resident)

*"We have huge numbers of roaming dogs in the Far Far North, far too many attacks by dogs - public safety needs more investment"* (Whatuwhiwhi resident)

*"We need a faster response to complaints. Our area is prone to sheep worrying, injuring and killing. As far as I know Council has never done anything to help us"* (rural Kaeo resident).

## 11. Lack of consistent enforcement

Respondents perceived a lack of consistent enforcement by the Council. Some reported calling the Council multiple times, receiving no follow-up, or waiting days for action. Many say the same roaming or aggressive dogs continue to cause issues because their owners face little to no penalties. Residents feel they are expected to capture or contain dangerous or roaming dogs themselves because enforcement officers don't arrive<sup>14</sup>. Others said that they rarely see Officers proactively patrolling, particularly in high-risk areas. Some typical quotes follow:

*"I complained about dog aggression. No feedback. Nothing was done"* (Ahipara resident)

*"We were told to catch the nuisance dogs and tie them up until someone could get here. We explained that the dogs were threatening... but to no avail"* (Mangonui husband and wife)

*"Lack of support and no action on six dogs who killed our sheep"* (from wider Kaikohe area)

*"Getting hold of Animal Management staff outside business hours is impossible"* (Kerikeri resident).

### 8.10 Media coverage of dog-related issues in the Far North

Media coverage of dog-related issues in the Far North was analysed based on a scan of prominent media articles<sup>15</sup> published from 2022 to early 2026.

This coverage is consistently negative, with roaming/poorly controlled dogs portrayed as a high and escalating public safety risk. A recurring media narrative is that Far North communities see dog harm as preventable, and that the Council is often portrayed as reactive, under-resourced, or ineffective.

Below are the main themes that were identified with illustrative quotes:

#### *Fatalities and life-altering serious harm keep re-igniting community alarm*

Media reports repeatedly refer to fatal attacks in the Far North, including the deaths in Panguru (August 2022) and Moerewa (October 2023) amid calls for a clampdown on roaming/dangerous dogs described in the previous section. Members of the public commented that tragedy is only a matter of time if the situation does not improve - "I'm just scared that the worst-case scenario... is... one of our tamariki or our kaumātua".

#### *"Living in fear"*

Residents describe day-to-day life shaped by fear (avoiding walks, children not walking to school, carrying sticks) with repeated calls for tougher action and law reform. An RNZ article described residents becoming "prisoners" of their own neighbourhoods because of roaming dogs - "people now walk around our community with weapons, with sticks... parents don't let them walk or ride to school because of fear of these dogs".

<sup>14</sup> This is reflected in pound data with the main source of dogs for the pound being members of the public handing in roaming dogs.

<sup>15</sup> The selection of media reports included:

[Northland dog attack: Police say household pet killed elderly woman](#) RNZ 13 October 2023

[Frustrated Far North mayor tells people to 'bloody look after' their dogs](#) RNZ 17 September 2024

[DOC urges dog owners to act after nine kiwi killed](#) DOC March 2025

[Roaming dogs in Northland: 'People have had enough'](#) RNZ 19 November 2025

[Far North community residents arm themselves with sticks in fear of roaming dogs](#) RNZ 10 February 2026

[Northland farmer has hundreds of sheep killed by roaming dogs](#) RNZ 20 February 2026.

#### *Roaming dogs are seen as a core problem*

Dog roaming is repeatedly identified in the media as a core problem, with residents and dog welfare advocates arguing current rules produce ineffective outcomes. In one RNZ account, a resident said a known aggressive dog kept being returned: “every time it was picked up, the Council was required to give it back.”

#### *Killing of livestock and farm economic distress*

Reporting includes accounts of dogs killing livestock, with farmers describing the toll on animals and on viability of farming. RNZ in February 2026 reported a Far North farmer saying “more than 250” sheep had been killed on his property - “It’s pretty disgusting to walk out there and see sheep half chewed on, still alive...” The same farmer described both helplessness and legal frustration: “We’re at a dead end. We don’t know what to do... because the laws aren’t in anyone’s favour here.” Paddy Gower also reported on an incident where “a pack kill[ed] 37 lambs and 25 ewes in one go... none eaten”.

#### *Wildlife predation*

In a 2025 press release DOC reported nine kiwi found dead in the Wharengaere area, saying most showed trauma consistent with dog attacks. “This situation needs urgent action... Dog owners and all organisations involved must take their responsibilities seriously.”

#### *Social drivers of dog problems*

Multiple reports link roaming dogs and dog attacks to poverty, not just “bad dogs.” RNZ quoted a Bay of Islands dog welfare advocate saying, “As the economy worsens and people get poorer... people don’t have the money to fence... [or] feed their dogs properly... It’s a very complicated issue.”

#### *Calls for reform: mandatory desexing, tougher penalties, and political pressure*

The public frequently pushes for law and enforcement changes including calls for mandatory desexing, higher fines/stronger powers, and pressure on the government and the Council to act.

#### *Blame and scrutiny is directed at Far North District Council*

In several reports residents criticised Council’s responsiveness. An Ahipara resident was quoted, “Council know and haven’t done anything”, a “reactive approach”. A Moerewa dog welfare group said the local Council has a “history of poor animal control.”

### **8.11 Petitions and deputations to the Council from concerned community groups**

Reflecting the level of concern about dogs in the community, the Council has received petitions and deputations from concerned community groups in recent years. Two examples are given below:

#### *a) Petition from the Ahipara Community – 5 March 2026*

A petition, signed by 428 people, was presented to the Council by members of the Ahipara Community on 5 March 2026. It stated that Ahipara has faced ongoing issues with roaming, uncontrolled, and aggressive dogs, despite repeated reports to the Council. Residents and visitors, especially tamariki, feel unsafe, and serious harm has already occurred. Roaming dogs also threaten native wildlife such as kiwi and other ground-nesting birds. The community believes the current Council response is inconsistent, too slow, and ineffective.

The petition asked the Council to:

- Actively and consistently enforce existing dog control bylaws, with priority given to roaming and aggressive dogs.
- Increase monitoring and follow-up, treating repeated reports as ongoing patterns rather than isolated incidents.
- Review and strengthen rules on multiple-dog ownership in residential areas, especially where owners cannot demonstrate adequate containment.
- Improve animal control response times when roaming or aggressive dogs are reported.
- Require clearer containment, supervision, and accountability from dog owners to prevent further incidents.

On 01 April 2026, Animal Management staff responded to this petition in a report to the Council<sup>16</sup>.

#### *b) Deputation from Bay of Islands Animal Rescue and Bay of Islands Watchdogs – 16 November 2023*

The following points were made that are relevant to the Bylaw and Policy review (other points about management of the dog pound and the conduct of Council officers are outside the scope of the Bylaw and Policy review):

- Dangerous dogs are unhappy, chained, and neglected dogs – 70% of dog bites occur in the home

<sup>16</sup> See Report to Council - [Response to “Protect our Community and Tamariki”](#)

- The Act provides many powers for Council Officers to address dangerous dogs including prosecuting their owners and destroying the dogs
- More dangerous dogs should be desexed
- Fines should be increased for not registering dogs
- The Council should consult and partner with dog welfare groups
- Section 6 of the Act says the Council can develop, support, and promote services and programmes that encourage responsible dog ownership and dog welfare. Section 6 also says the Council can give grants to organisations or groups that work to support dog care, training, welfare, or public education.
- Education is not just about safety or compliance – it’s also about responsible dog ownership
- Euthanasia rates at the two pounds in the district are high. By comparison in Victoria, Australia, rates are around 10%.

### 8.12 Animal Management Team perceptions of dog-related issues

The Animal Management Team described the following main issues that closely align with the views of the public:

#### *Roaming and aggressive/dangerous dogs*

Roaming and aggressive dogs are seen as the biggest problem facing the community. “In recent months, there has been a concerning number of complaints of dogs in parks, playgrounds and schools”.

#### *Irresponsible owners*

The team noted that a minority of dog owners fail to contain, microchip, register and/or desex their dogs. These owners repeatedly ignore rules, signs and warnings. Fines and infringements do not change behaviour for this group, and this creates frustration for staff and the wider community.

#### *Dog “ownership” is often difficult to identify and manage*

An Officer pointed out that an irresponsible owner may be banned from owning dogs but may “give” the dog to another family member on the same property. While this is not legally allowed, it can be difficult to prove.

#### *Socio-economic factors*

High levels of deprivation in the district mean that dog registration, training, paying infringements and pound fees, erecting appropriate fencing and dog shelter, paying for vaccinations, desexing, and purchasing dog food, are difficult for some dog owners to afford.

#### *Reactivity*

Officers acknowledge that most Council effort is spent reacting to complaints rather than stopping problems before they happen.

#### *The team generally relies on the Act, rather than the Bylaw to issue infringement notices*

As the table below shows, in 2024/25 only 28 infringement notices (4% of the total) related to dog owners failing to comply with the Bylaw, compared with 644 infringement notices (96%) issued under provisions in the Act.

**Table 11: Infringement types 2024/25**

Infringements issued under the Act	y/e June 25	Totals
Failure to register dogs (s.42)	466	644 (96%)
Failure to keep dog under control (s.53(1))	153	
Failure to control or confine dogs (s.52A)	11	
Other	14	
<b>Infringements issued under the Bylaw</b>	28	28 (4%)

#### *Enforcement challenges*

Officers recognise the need for stronger enforcement of the rules. However, they described a range of challenges to effective and efficient enforcement:

- Poor awareness and compliance with obligations under the Act and the Bylaw by some owners
- A slow and unproductive process is involved to disqualify owners - “it should be easier to deem an owner irresponsible and incapable of owning dogs”
- There is not enough enforcement power in the Act to discourage owners reoffending
- To classify dogs as menacing or dangerous, prosecute owners, or seize animals, Officers must meet court-ready evidence standards. This makes enforcement slow, resource-intensive, and difficult in rural or remote areas where witnesses, video, or real-time observation are hard to obtain.

- Far North District Council has only 10 Animal Management Officers (split into two teams) responsible for a large district (over 7000 km<sup>2</sup>). This severely limits proactive enforcement and timely response.
- Determining whether a dog is causing a nuisance can be a challenge as the Health Act 1956 which governs nuisances does not provide clear objective guidance
- Mandatory desexing is only enforceable for certain breeds classified as menacing under the Act. Entire dogs are more susceptible to roaming incidents as they explore to seek a mate or protect perceived territory
- The district is large and contains remote rural areas where owners may keep large numbers of working or hunting dogs
- Geographically dispersed communities in the district mean long travel distances and extended response times for AMOs to attend to problems
- Council budgetary constraints and the extent of dog-related problems mean the team is very stretched.

#### *The number of dogs in the district*

Uncontrolled breeding and large numbers of dogs on some properties are driving many other problems, including roaming, welfare issues and repeat complaints. There are many “backyard breeders”, meaning that “dogs are easy to come by and are often free”

#### *Desexing*

The Animal Management team is aware there is strong public support for desexing but noted that current legislation limits what can be required of owners.

#### *Public education*

Education is recognised by Animal Management Officers as important but insufficient on its own. Existing messaging does not appear to reach or influence habitual non-compliers. Messages need to be harder hitting to help shift attitudes. Staff are realistic that education alone will not reach everyone and there is a need for tougher enforcement with repeat offenders.

#### *Impounded and rescue dogs are being re-homed to unsuitable owners*

Some rehomed dogs are going to properties where dogs are not allowed due to tenancy agreements or the owners themselves are incapable of caring for the dog properly i.e. no fencing, no money to buy dog food etc. Agencies responsible for rehoming are not conducting sufficient suitability checks of new owners with staff having to re-confiscate dogs due to tenants breaching tenancy agreements (especially Kāinga Ora tenants in properties where dogs are not allowed).

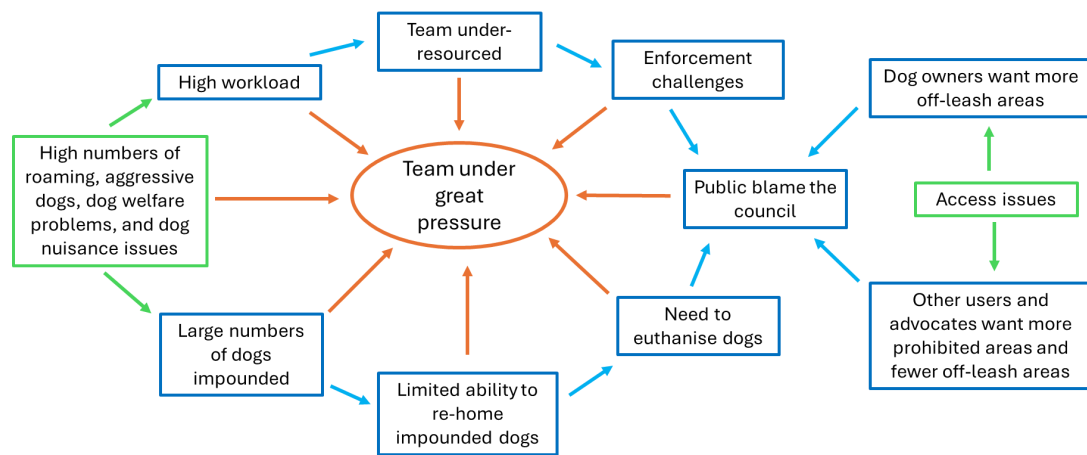
#### *Community attitudes to Animal Management Officers (AMOs)*

Enforcement activity and the need to euthanise impounded dogs that cannot be rehomed can make AMOs unpopular. This can be very difficult in small communities, as the AMOs often live in these communities and are well-known to residents.

#### *Summary of issues facing the Animal Management Team*

Given the situation described above, the AM team is working in a high demand, emotionally charged environment with strong public expectations of performance. They face limited resources, and enforcement challenges, leading to operational strain, public criticism, and competing expectations about dog and dog owner access. These issues are illustrated in the next diagram:

**Diagram 8: Key issues facing the Animal Management Team**



Cont'd...

## Research Findings Part Two – Content of the Bylaw

### 9 Does the Bylaw meet its objectives?

The Bylaw does not state objectives or a purpose. In the absence of a Purpose statement, the objectives default to the purposes stated in the Act. NB. It is best practice to include a Purpose statement in a bylaw, and Council staff suggest a statement along the lines, “The purposes of the Bylaw reflect the purposes stated in section 20(1) of the Dog Control Act, 1996”

Section 20(1) of the Act states the purposes that a dog control bylaw may address. These purposes are listed below with analysis that shows that the Bylaw in general covers these purposes. The purposes are not compulsory to cover and in 2018 the Council decided not to include a general rule restricting the number of dogs that can be kept on urban properties, but instead to only apply this rule to owners of dogs causing nuisance, disturbance or being injurious to health. This area is discussed in more depth in section 10.9 of this report.

**Table 12: Does the Bylaw cover the optional purposes stated in the Act?**

Purposes that <u>may</u> be covered in a dog control bylaw	Purposes covered in the Bylaw
Prohibiting dogs, whether under control or not, from specified public places	●
Requiring dogs, other than working dogs, to be controlled on a leash in specified public places, or in public places in specified areas or parts of the district	●
Regulating and controlling dogs in any other public place	●
Designating specified areas as dog exercise areas	●
Prescribing minimum standards for the accommodation of dogs	●
Limiting the number of dogs that may be kept on any land or premises	● (for owners of dogs causing nuisance, disturbance, or injuries to health only)
Requiring dogs in its district to be tied up or otherwise confined during a specified period commencing not earlier than half an hour after sunset, and ending not later than half an hour before sunrise:	●
Requiring the owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner to immediately remove the faeces	●
Requiring female dogs in season to be confined but adequately exercised	●
Providing for the impounding of dogs that are found at large	●
Requiring the owner to neuter a dog that on a number of occasions has not been kept under control	●
Any other purpose that, in the opinion of the Council, is necessary or desirable to further the control of dogs	● <ul style="list-style-type: none"> <li>• neutering of dogs owned by probationary owners</li> <li>• control of dogs in or on vehicles</li> <li>• control of dogs causing nuisance</li> <li>• control of dogs with contagious diseases</li> </ul>

**KEY:** ● covered ● partly covered ● not covered

### Limitations on the measures allowed in a bylaw

The Act limits the use of blanket, punitive measures in a dog control bylaw, as illustrated in the examples in the following table.

**Table 13: Examples of limitations on the measures allowed in a bylaw**

Common blanket “solutions” to dog problems	Statutory limitations
Desex all dogs	Section 20(1)(k) of the Act allows a bylaw to require neutering only for a dog that, on multiple occasions, has not been kept under control. Sections 32 and 33EB have desexing requirements for dogs formally classified as ‘dangerous’ or ‘menacing’. <b>These are case specific, behaviour-based powers, not population-wide powers</b>
Destroy or euthanise any aggressive dogs	Destruction of dogs is governed by specific statutory powers, primarily in response to immediate danger or following formal classification and procedural steps. For example: <ul style="list-style-type: none"> <li>Dogs may be destroyed if they are attacking or causing serious injury in circumstances set out in Part 7 of the Act</li> <li>The destruction of ‘dangerous dogs’ requires classification, notice to the owner, and involves rights of objection or appeal (sections 31 to 33).</li> </ul> <b>A bylaw that requires automatic euthanasia of roaming or aggressive dogs would bypass the Act’s safeguards and therefore lack statutory authority. Where the dog owner doesn’t willingly surrender their dog, the only way that Officers can issue a destruction order is if it goes through to prosecution.</b>
Destroy all roaming dogs	The Act provides for impounding of dogs found at large (s 20(1)(j)), not summary destruction. While constables or authorised officers may act to stop an immediate threat, this is an operational power under the Act, not a matter that can be included in a bylaw. <b>A bylaw authorising routine or automatic destruction of roaming dogs would be inconsistent with the Act’s emphasis on control rather than punishment.</b>

## 10 Does the Bylaw address the problems identified?

### 10.1 Broad assessment

The following section considers whether the Bylaw appropriately addresses the main problems identified in section 8 of the report and whether there are opportunities for improvement. The table below shows that the Bylaw generally addresses the two main identified problems described in section 8.1 of the report.

**Table 14: How specific Bylaw provisions address the main problems identified**

Main problems ident	Specific Bylaw provisions
Dogs not under good control in public places	Rules for dog access areas (listed in the Policy) (section 4)
	Confining dogs in general (section 7)
	Confining female dogs in season (section 9)
	Confinement of diseased dogs (section 13)
	Picking up and removing faeces (section 8)
	Impounding rules (section 10)
	Neutering of dogs owned by Probationary Owners and dogs impounded more than twice (section 11)
	Dogs in or on vehicles (section 12)
	Nuisance dogs (section 14)
Dogs without access to proper and sufficient food, water, shelter and exercise	Shelter and housing requirements (section 6)
	Impounding rules for dogs not receiving proper care (section 10)
	Care/confinement of diseased contagious dogs (section 13)

The following sub-sections analyse in more depth how the Bylaw addresses the individual problems discussed in section 8 of the report compared with how they are addressed by a representative sample<sup>17</sup> of other New Zealand dog control bylaws and suggests opportunities to improve the Bylaw.

<sup>17</sup> This sample is described in section 7 of the report.

## 10.2 Addressing dogs roaming/straying in the Bylaw

### The problem

Evidence that roaming/straying dogs are a problem in the district comes from:

- public survey participants (78% stated this is a concerning issue)
- RFS records, with 611 reports of roaming/straying dogs in the year ending March 2026 compared with 522 complaints in the year ending June 2016, a 17% increase
- media reports
- a petition to the Council from concerned Ahipara residents
- Animal Management Team feedback.

### What the Act states

Section 20(1) of the Act states that a dog control bylaw may include controls to prevent dogs roaming or straying for the following purposes:

- requiring dogs to be controlled on a leash in specified public places
- requiring dogs to be tied up or confined at night-time
- requiring dogs “found at large” to be impounded.

### How the Bylaw addresses the problem of dogs roaming/straying

The Bylaw includes the optional controls specified in the Act:

- requiring dogs to be controlled on a leash in specified public places, as listed in schedule 1 of the Policy
- requiring dogs to be tied up or confined at night. The Bylaw states:  
“From half an hour after sunset until half an hour before sunrise, the person in charge of a dog must keep the dog tied up or otherwise confined, unless the dog is on a leash or under continuous control”
- requiring female dogs in season to be confined (but adequately exercised) on private land, as well as dogs with contagious diseases
- describing circumstances when roaming or straying dogs can be impounded:
  - dogs that are unattended in a public place that are causing a nuisance, disturbance or distress
  - dogs straying in a public place or onto private property
  - dogs that are not under the immediate control of their owner
- if a dog causes nuisance, disturbance or is injurious to health, the owner may be required to confine the dog during specified periods.

### What other NZ bylaws commonly do

Most bylaws have similar provisions to the FNDC Bylaw.

However, FNDC is one of only a small number of Councils including Wairoa, Kaipara, and Selwyn, who impose a general night-time confinement rule, even though this purpose is explicitly stated in the Act (section 20(1)(g)). A more modern requirement, adopted by several Councils, is to focus less on compulsory confinement at night, and more on effective containment “as necessary” and targeted orders for problem dogs (Southland, Whangārei, Wellington, Christchurch, Selwyn).

Some other Councils extend their confinement rules for female dogs in season and diseased contagious dogs to include confinement when transporting these dogs e.g. confined in a vehicle or cage when going to the veterinarian (Whangārei and Southland).

### Gap/opportunity for FNDC

In general, the Bylaw addresses the problem of roaming/straying dog as specified in the Act.

However, the Council could potentially fine-tune the Bylaw by including a requirement to confine dogs on properties “as necessary”, not just at night-time.

The Council could also consider extending the confinement rules for female dogs in season and diseased dogs to include confinement when these dogs are being transported,

Stricter rules in the Bylaw to address the problem of roaming/straying dogs are outside Council’s jurisdiction and would require amendments to the Act.

### 10.3 Addressing aggressive and dangerous/menacing dogs in the Bylaw

#### The problem

Evidence that aggressive and dangerous/menacing dogs are a problem comes from:

- public survey participants (62% stated this is a concerning issue)
- RFS records, with 223 reports of aggressive dogs and 207 reports of dog attacks on people, domestic pets, poultry, livestock, and wildlife in the year to March 2026
- at the end of March 2026, Council had classified 168 dogs as menacing or dangerous
- media reports regularly highlight extreme situations involving aggressive dogs
- the petition from Ahipara residents (see section 8.9 of the report)
- ACC claims for dog injuries with 496 claims made in the year ending June 2025.

#### What the Act states

There are two types of regulations in the Act that are relevant to dog control bylaws:

##### 1) General rules relating to aggressive dogs

The Act enables Councils to include rules in a bylaw on leashing (section 20(1)(b)), confinement (20(1)(g)), and other controls (20(1)(l)) to manage risks to public safety posed by aggressive dogs.

##### 2) Rules relating to dogs classified as 'dangerous' or 'menacing'

Sections 31 to 33F of the Act include rules relating to the classification of dogs as '*dangerous*' or '*menacing*':

**Dangerous dogs:** under section 31 of the Act, a local Council must classify a dog as *dangerous* if there is evidence a) that the dog poses a threat to people, animals or protected wildlife, or b) if the owner has been convicted of an offence involving the dog rushing at a person, animal or vehicle, or c) if the owner admits the dog is a threat. This classification is based on behaviour, applies regardless of breed, and triggers controls such as muzzling, secure containment, leashing in public, neutering of the dog unless a veterinary certificate is obtained, and higher registration fees.

**Menacing dogs:** under section 33A, a dog may be classified as *menacing* if its behaviour indicates a risk to public safety, even if it has not caused serious harm. Dogs are also automatically classified as menacing under section 33C and Schedule 4 of the Act based on breed. Menacing classification results in mandatory controls such as muzzling in public. Section 33F states that a local authority may require a menacing dog to be neutered.

In general, Councils can enforce the rules regarding *dangerous* and *menacing* dogs (e.g. muzzling these dogs) through the Act, rather than relying on a dog control bylaw – the exception is rules around neutering *menacing* dogs where Councils have discretion to impose these rules or not. *Dangerous* dogs must be neutered unless a veterinary certificate is obtained.

#### How the FNDC Bylaw addresses this problem

The Bylaw addresses general dog aggression and public safety through control and enforcement measures:

- **Control of aggressive behaviour:**  
Owners must not allow a dog to become unmanageable or aggressive. This is an explicit requirement under the nuisance provisions in section 14.1 of the Bylaw.
- **Confinement and accommodation measures:**  
If a dog poses a nuisance or risk, the Council may require the owner to confine, tie up, or improve the accommodation for that dog to prevent further incidents (section 14.4 of the Bylaw).

#### Approach of other Councils

Other Councils follow a very similar approach to dog aggression and public safety as followed by the Council.

#### Gap/opportunity for FNDC

Because of what the Act allows, there is limited opportunity for the Council to strengthen provisions in the Bylaw relating to aggressive dogs

#### 10.4 Addressing the issue of unregistered dogs in the Bylaw

##### **The problem**

Anecdotally, there are many unregistered dogs in the district, and 39% of public survey participants considered this a key problem. In 2024/25, the Council issued 466 infringement notices requiring dog owners to pay their annual registration fees. In part, this problem reflects low average incomes<sup>18</sup> in the district and steep increases in the cost of living which mean that increasing numbers of dog owners are struggling to pay for dog registration.

##### **What the Act states**

Section 42 of the Act requires all dogs aged three months or more to be registered. Failure to register a dog is an offence subject to a \$300 infringement fee under Schedule 1 of the Act, or a fine of up to \$3,000 on conviction. Territorial authorities are empowered under section 9 of the Act to set dog registration fees.

##### **How the Bylaw addresses this issue**

The Bylaw does not state that dog registration is required, as this is covered in the Act.

##### **Gap/opportunity for FNDC**

Dog registration cannot be covered in the Bylaw.

#### 10.5 Addressing nuisances including barking dogs in the Bylaw

##### **The problem**

Around a third of public survey respondents (32%) considered barking/nuisance dogs to be a key issue and the Council received 294 complaints regarding loud and persistent barking in the year ending March 2026. This is 14% less than in 2015/16.

##### **What the Act states**

Section 10 (4)(a) of the Act requires local authorities to have regard to the need to minimise danger, distress, and nuisance to the community in their dog policies. This is relevant in that dog control bylaws give effect to dog policies.

However, the Act does not provide explicit guidance on what constitutes a nuisance.

##### **How the FNDC Bylaw addresses nuisances**

The Bylaw refers to nuisances generally, and quite comprehensively, relying on the definition in section 29(k) of the Health Act 1956. It provides that:

- dogs that are causing a nuisance may be impounded (clause 10.1)
- dogs must not be kept if they are causing a nuisance (cl. 14.2)
- dog faeces on public land or land not occupied by the owner must be removed and disposed of in an appropriate container (cl. 8.1)
- if a dog causes a nuisance, a disturbance, or is injurious to health an Officer may require the owner to:
  - reduce the number of dogs on the premises
  - improve the dog's kennel or accommodation
  - tie up or confine the dog at specified times
  - take action to resolve the nuisance. (cl. 14.4).

##### **How other NZ bylaws treat nuisances**

Most bylaws are like the FNDC Bylaw in that nuisances are covered broadly. However, the Whanganui Dog Control Bylaw provides more detail and lists different types of nuisances, namely:

- obstructing people in public places
- rushing at, chasing, frightening, or intimidating people
- destroying or interfering with refuse containers or property
- chasing, frightening or distressing stock, poultry, domestic animals, or wildlife
- rushing at vehicles
- dogs barking, howling and/or whining in a persistent and loud manner.

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<sup>18</sup> In the 2023 Census the median annual personal income of the district's residents aged 15 or more was \$29,700 compared with \$41,500 nationally (28% lower).

### Gap/opportunity for the FNDC Bylaw

In summary, the FNDC Bylaw treats nuisances thoroughly. However, to provide clarity for the public the Council could consider following the Whanganui example by listing different types of nuisances, possibly in an explanatory text box.

#### 10.6 Addressing too many dogs per property/uncontrolled breeding in the Bylaw

##### The problem

Several sources identify instances of too many dogs per property/uncontrolled breeding as an issue in the district:

- comments recorded in the public survey
- media reports
- the petition from Ahipara residents
- Animal Management Team feedback.

How many dogs is “too many” is difficult to define, as for example, an owner may have only one dog that is causing serious issues compared with another owner who may have ten dogs that are all well-behaved and causing no issues.

Restricting the number of dogs typically focuses on urban areas, where barking dogs may cause problems for close neighbours, rather than rural areas where farmers and pig hunters may have many working dogs on their property and barking is likely to be less of an issue for neighbours.

##### What the Act states

###### a) Re the number of dogs per property

Section 20 (1)(f) of the Act allows a local authority to include rules in a dog control bylaw for the purpose of limiting the number of dogs that may be kept on any land or premises.

The Act does not:

- specify a maximum number of dogs per property or prohibit large numbers of dogs – this is up to the local authority
- regulate dog breeding generally
- restrict the number of litters or breeding frequency.

###### b) Re neutering of dogs

There is no provision in the Act, to allow the Council to require the universal neutering of dogs.

Under section 20(1)(k) of the Act, a bylaw may require problem dogs that repeatedly have not been kept under control to be neutered.

The Council may also require the mandatory neutering of ‘menacing dogs’ in the Policy, not the Bylaw (section 10(3)(ea and eb)).

The Act states that ‘dangerous dogs’ must be neutered (this decision is not up to the Council to make, and it is not necessary to state this in the Bylaw).

##### How the FNDC Bylaw addresses these issues

###### a) Number of dogs per property

The Bylaw does not universally limit the number of dogs allowed per property. However, it allows an Officer to require an owner to reduce dog numbers where a dog causes nuisance, disturbance, or injury to health (clause 14.4).

The previous Dog Control Bylaw 2006 required owners to obtain a permit for more than two dogs per property. This provision was removed from the Bylaw during the 2018 review despite 56% of submitters at the time supporting it. The table below indicates the advantages and disadvantages of restricting dog numbers per property:

**Table 15: Advantages and disadvantages of restricting dog numbers per property**

Advantages	Disadvantages
<p>Restricting dog numbers could address the problem of too many dogs in the district. This would apply in urban areas with exceptions for those with a licence to have more dogs, for dog breeders and for working dogs etc.</p> <p>Where existing owners with more than the allowed number of dogs are involved, they could apply for a licence based on “existing user rights” for the dogs they currently have.</p> <p>The limit on dog numbers could be extended for example to five on a property to capture more extreme situations</p>	<p>Any dog can cause nuisance, injure a person or protected wildlife, despite any set number limit at a property.</p> <p>A responsible dog owner may have several dogs that are properly controlled and cared for and causing no problems</p> <p>It is uncommon for complaints to be received regarding multiple dog ownership with the much more common complaint being about barking dogs (a nuisance issue)</p> <p>Licences to have more dogs on a property would require additional resource to assess, and paperwork to process.</p> <p>Mapping would be required for the urban areas involved e.g. in the 2006 Bylaw 52 areas were mapped where dog numbers were restricted.</p> <p>Problems arising from excessive dog numbers (such as barking, or inadequate care of the dogs) can be addressed through other provisions in the Bylaw regarding public nuisance and through provisions in the Dog Control Act and Animal Welfare Act etc.</p>

In the opinion of Council staff the disadvantages of restricting dog numbers via the Bylaw outweigh the advantages, and staff suggest that the status quo is maintained i.e. no restrictions on dog numbers. Aside from the Council decision in 2018, there is a more recent precedent for this suggestion – when Whangārei District Council reviewed their Dog Management Bylaw in November 2023, they decided not to include any limits on dog numbers per property, largely due to enforcement considerations.

**b) Neutering of dogs**

Neutering of dogs is required where a dog has been impounded on more than two occasions – presumably this designation indicates dogs that “that repeatedly have not been kept under control” under section 20(1)(k) of the Act.

Neutering is also required in section 11 of the Bylaw if a dog is owned by a Probationary Owner – this is included under section 20(1)(l) of the Act which allows the Council to include provisions involving ‘other purposes’ that are necessary or desirable in a bylaw.

**c) Dog breeding is not addressed in the FNDC Bylaw or other Council bylaws**

Neither the FNDC Bylaw nor other local councils’ bylaws regulate dog breeding. This reflects the Act, which does not include breeding within the purposes of dog control bylaws. Breeding welfare is addressed by the Animal Welfare Act, administered by MPI and SPCA, not by Councils, and this Act does not give bylaw-making powers to local authorities.

**Gap/opportunity for the FNDC Bylaw**

The Council could consider re-introducing a numeric limit on the number of dogs per property although this is not recommended by Council staff.

**10.7 Addressing dog welfare, neglect, and cruelty in the Bylaw**

**The problem**

Neglect of dogs is captured as a problem in the comments recorded in the public survey and in RFS data, where there were 65 reports by the public of dog welfare issues in the year ending March 2026. AMOs also encounter cases of dog welfare, neglect, and cruelty.

**What the Act states**

Section 20(1) of the Act states that the Council may include welfare provisions in a dog control bylaw, including:

- designating specified locations in the district as dog exercise areas (s. 20(1)(d))
- prescribing minimum standards for the accommodation of dogs (s. 20(1)(e)).

### How the FNDC Bylaw addresses dog welfare

Section 4 of the Bylaw states that owners may exercise their dogs off-leash and under control in areas identified in Schedule 1 of the Policy.

Section 6 of the Bylaw sets minimum standards for dog shelter and housing. These provisions largely duplicate section 5 of the Act and the standards in the Code of Welfare: Dogs 2018. Best practice is not to repeat legislative provisions in a bylaw. Therefore, this section should be removed from the Bylaw.

### Welfare provisions included in some NZ bylaws but not the FNDC Bylaw

Examples include:

- mandatory provision of adequate food (Rotorua Lakes, Taupō, Wairoa)
- weather-related rules e.g. protection from cold, dampness, and wind (Rotorua Lakes and Wairoa)
- sanitary kennel standards beyond faeces removal e.g. requiring clean, sanitary kennels (Rotorua Lakes and Taupō)
- restrictions on tethering (Rotorua Lakes and Kaipara).
- limits on number of dogs per property for welfare reasons (Hastings, Wairoa, Auckland)
- references to dog mental wellbeing. The Whanganui Policy prohibits keeping dogs in distressing, harassment-causing, or unsafe situations
- limits on dogs left unattended in public (Whanganui)
- Wellington City Council require licences for dog daycares, kennels, and grooming businesses to make sure they meet welfare standards.

If the Council wishes to include any of these provisions in the Bylaw they should be checked against the Dog Welfare Act and the Code of Welfare: Dogs 2018 to ensure that they are not covered by this legislation. It is best practice not to include provisions in a bylaw if they are already covered by legislation.

### Gap/opportunity for the FNDC Bylaw

Potentially remove section 6 of the Bylaw (shelter and housing) which largely duplicates section 5 of the Act and the standards in the Code of Welfare: Dogs 2018. When Whangārei District Council reviewed their Dog Management Bylaw in November 2023, they decided to remove provisions re dog housing and shelter as they are already covered by legislation.

## 11 Is the Bylaw certain (clear)?

Some of the language used in the Bylaw is outdated and inconsistent with modern legislative drafting styles.

For example:

- the Bylaw lacks a stated purpose – a statement of purpose is normally included in a bylaw and adding this would improve clarity and transparency.
- the Bylaw uses the outdated term "shall" throughout, whereas a clearer and more certain modern term is "must"
- several clauses contain long sentences and legalistic phrasing, especially related to shelter and housing, confinement, and impounding. These sentences could be shortened for readability e.g.

Current text	Suggested text
Ensure that the dog has access at all times to water	Dogs must have access to clean water
Ensure that the dog is secured in a way that prevents it from falling off or hanging off the open deck or open trailer (for example, by using a tether or a cage)	Dogs must be secured on vehicles to prevent falling
The person in charge of a dog that defecates in a public place or on land other than that occupied by the owner must immediately remove the faeces	Those in charge of a dog must remove dog waste immediately from land other than the owner's property

- some expressions (e.g. "therein specified") can be simplified without losing meaning (i.e. change to "specified")
- terms could be modernised for clarity and consistency e.g.
  - *"bitch in season"* may be updated to *"female dog in season"* or *"female dog on heat"*
  - *"faeces"* may be changed to *"dog waste"* or *"dog poo"*

- most defined terms are used in the Bylaw; however, the word “park” is not referred to in the body of the Bylaw and could be removed
- there is no need to repeat definitions that are already included in the Act e.g. “Disability Assist Dog”, “Working Dog”, and “Menacing Dog”
- it may be appropriate in some places to include 'related information boxes' to provide context to the rules in the Bylaw. Other local Councils (Christchurch, Gisborne, Thames-Coromandel) use explanatory information boxes to explain:
  - Off-leash requirements
  - Heat stress risks in vehicles
  - Why female dogs in season are restricted
  - How neutering requirements work.

In summary, the Bylaw could be amended to make it clearer and more certain.

## 12 Does the Bylaw have implications under the New Zealand Bill of Rights Act 1990?

The current Bylaw may give rise to implications under the New Zealand Bill of Rights Act 1990 (BORA), however as discussed below, any restrictions on human rights are lawful and reasonable.

Based on the Bylaw's current content, the amended Bylaw may give rise to implications for:

### *(a) the right to freedom of movement.*

The Bylaw may affect this right indirectly, by prohibiting dogs from certain public places, requiring dogs to be leashed in specified areas, or limiting access to public spaces for people accompanied by dogs. These restrictions are permitted under section 20 of the Act and are not unreasonable as they are designed to protect wildlife and other users of these places. While access to some public spaces may be prohibited for dogs due to environmental protection and safety for children and to minimise the harms from dogs, there are many places within the district where dogs are allowed.

### *(b) the right to be secure against unreasonable search or seizure.*

The Bylaw gives the Council powers to enter private land, to inspect a dog and the conditions in which the dog is kept, and to seize dogs. These powers are authorised in the Act by section 14 (power of entry), section 52 (power to seize dogs not under control), and section 57 (power to seize dogs attacking persons or animals).

Section 5 of BORA allows rights and freedoms to be subject to reasonable limits prescribed by law that can be justified in a free and democratic society. The above limits on human rights are prescribed by the Act and are reasonable limits on these rights.

A full assessment of Bill of Rights implications under the New Zealand Bill of Rights Act 1990 (BORA) is not possible, because if Council decides that an amended Bylaw should be developed, the Bylaw is not in its final amended form.

## Research Findings Part Three – Content of the Policy

### 13 Does the Policy meet its objectives?

How the Policy meets its five objectives is assessed in the next table. This assessment is somewhat difficult to make as these objectives are generally not SMART objectives (Specific, Measurable, Achievable, Relevant, and Time-bound):

**Table 16: Is the Policy meeting its objectives?**

Policy Objectives	Are these objectives being met?	Comment
1. Prevent injury, distress and nuisance from dogs	●	<p><b>What the Policy says</b>  <u>Injury and distress</u> from dogs is indirectly covered by the access rules in Schedule 1 and some of the Responsible Dog Owner characteristics in policy 2 (care and control around people, being particularly vigilant near children and closely supervise interactions).                      Policy 4 says that <u>nuisance</u> is covered in the Bylaw.</p> <p><b>Performance since 2016</b>                      ACC claims for dog inflicted injuries have increased by 49% since 2015/16                      Data for nuisance from dogs is mixed:</p> <ul style="list-style-type: none"> <li>• Annual reports of roaming/straying dogs increased by 17% over this period</li> <li>• Reports of barking dogs declined by 14%</li> </ul>
2. Identify dog access areas	●	<p><b>What the Policy says</b>                      Policy 1 states Council will provide for dog access areas and Schedule 1 lists these areas</p> <p><b>Nature of the objective</b>                      This objective does not provide any context such as “to achieve a balance between the exercise needs of dog owners and dogs and the protection of other users and wildlife”. As such it is not a measurable objective and should be amended.</p>
3. Provide for the neutering of menacing dogs	●	Policy 3 – explicit reference to neutering menacing dogs
4. Minimise potential danger or distress to protected wildlife	?	<p><b>What the Policy says</b>                      Policy 2 refers to the care and control of dogs around protected wildlife. Schedule 1 lists Access Areas which take into account the protection of wildlife.</p> <p><b>Performance since 2016</b>                      No measures have been identified to assess performance against this objective</p>
5. Promote responsible dog ownership	●	<p><b>What the Policy says</b>                      Policy 2 and the associated description of what it means to be a responsible dog owner cover this area.</p> <p><b>Performance since 2016</b>                      Council does promote responsible dog ownership via school visits, and social media posts etc</p> <p><b>Nature of the objective</b>                      Some other Councils include “how we will achieve this” sections under their policy goals, to facilitate measurable objectives</p>

**KEY:** ● yes ● in part ● no

**In summary**

Overall, the Policy objectives are poorly designed, with limited context, measurability, or clear links to outcomes. This makes it difficult to assess whether the Policy is achieving its objectives.

**Gap/opportunity for FNDC**

Review the stated objectives with the aim to make them more specific and measurable to enable tracking of performance.

Potentially include “how we will achieve this” comments after each objective. Otherwise, they are aspirational but not grounded in specific actions.

**14 Does the Policy comply with the Act?**

The content of a dog policy is specified in section 10(3) of the Act.

As shown below, the Policy includes most of the required mandatory controls except for listing dog exercise areas, possibly due to confusion that these areas are the same as “off-leash areas”.

The discretionary supporting provisions stated in the Act are not included in the Policy.

**Table 17: Does the Policy comply with the requirements of the Act?**

Content of a dog policy specified in the Act	Content included in the current Policy	Relevant clause/ section
<b>Mandatory controls</b>		
1. The nature and application of any associated bylaw	●	Policy 4 refers to the Bylaw
2. Identification of: <ul style="list-style-type: none"> <li>• Public places in which dogs are prohibited under the bylaw</li> <li>• Places in which dogs (other than working dogs) are to be controlled on a leash under the bylaw</li> <li>• Places where dogs are <u>not</u> prohibited or <u>not</u> to be controlled on a leash</li> <li>• Places designated as dog exercise areas.</li> <li>• Places where dogs are controlled by DOC under the Conservation Act.</li> </ul>	●	Schedule 1 lists all required areas except for places designated as dog exercise areas
3. Requirements re neutering of menacing dogs	●	Policy 3 refers to neutering dogs
<b>Discretionary supporting provisions (included if the Council thinks fit)</b>		
4. Details of the following areas: <ul style="list-style-type: none"> <li>• fees or proposed fees</li> <li>• owner education programmes</li> <li>• dog obedience courses</li> <li>• the classification of owners</li> <li>• the disqualification of owners</li> <li>• the issuing of infringement notices</li> <li>• other (included if the Council “thinks fit”).</li> </ul>	●	No mention of these discretionary areas, except for Responsible Dog Ownership (Policy 2) which is included as an “other” provision.

**KEY:** ● included ● included in part ● not included

The Council should list dog exercise areas in the Policy. Also, not including detail of the supporting provisions means that the Policy is not as clear as it could be. The wording of these discretionary provisions can be relatively succinct and descriptive of Council practice as in the [Kaipara District Council Policy on Dogs 2019](#) summarised in the next diagram:

**Diagram 9: Kaipara District Council Policy on Dogs - Discretionary Details**

<b>Kaipara District Council Policy on Dogs 2019 – Discretionary Details of Dog Management</b>	
<i>Fees or proposed fees</i>	
<ul style="list-style-type: none"> <li>Fees are reviewed annually and included in the Schedule of Fees and Charges</li> </ul>	
<i>Classification of owners</i>	
<ul style="list-style-type: none"> <li>Includes conditions to classify dog owners as probationary</li> </ul>	
<i>Owner education programmes and dog obedience courses</i>	
<ul style="list-style-type: none"> <li>Probationary owners are required to attend a dog owner education programme and/or a dog obedience course</li> </ul>	
<i>Disqualification of owners</i>	
<ul style="list-style-type: none"> <li>This occurs if the owner commits 3+ infringements within 24 months or is convicted of an offence against the Dog Control Act or other relevant Acts e.g. Animal Welfare Act</li> </ul>	
<i>Issuing of infringement notices</i>	
<ul style="list-style-type: none"> <li>These notices are issued by Authorised Officers where they have reasonable cause to believe that a person has committed an infringement offence under the Act.</li> </ul>	

### 15 Does the Policy address the problems identified?

The following section considers whether the current Policy appropriately addresses the main problems identified, and whether there are opportunities for improvement.

#### 15.1 Does the Policy appropriately deal with the identified problems?

The table below shows that the current Policy generally addresses the two main identified problems.

**Table 18: Does the Policy appropriately deal with the identified problems?**

<b>Problems addressed</b>	<b>Specific provisions in the Policy</b>
Dogs not under good control in public places	Defined dog access areas (listed in Schedules One and Two)
	Responsible owner characteristics (policy 2): <ul style="list-style-type: none"> <li>Teaching your dog basic obedience</li> <li>Knowing the best locations where you are allowed to exercise your dog</li> <li>Being vigilant near children and closely supervising interaction.</li> <li>If your dog ignores commands: putting your dog on-leash, shortening the leash, or avoiding the area altogether</li> <li>Respecting other people’s personal space.</li> <li>Ensuring your dog cannot leave your property by itself.</li> <li>Knowing when your dog must be on a leash, and always carry a leash.</li> <li>Picking up after your dog and carry the means (e.g. a bag) to pick-up your dog’s faeces.</li> </ul>
Dogs without access to proper and sufficient food, water, shelter and exercise	Neutering of menacing dogs (policy 3) Responsible owner characteristics (policy 2): <ul style="list-style-type: none"> <li>Ensuring dogs receive sufficient exercise</li> </ul> Impounding rules for dogs not receiving proper care (section 10) Care/confinement of diseased dogs (section 13)

The following sub-sections consider how the Policy could go further to address the specific problems identified in section 8 of the report.

## 15.2 Addressing irresponsible dog ownership in the Policy

### What the Act requires

The Act does not specifically require the Policy to address irresponsible dog ownership. However, section 10(3)(f) of the Act allows Councils to include additional matters in a dog policy other than those listed in the Act, such as what it means to be a responsible dog owner.

### How the FNDC Policy addresses this problem

The Policy includes an objective to promote responsible dog ownership and explains what this involves in policy 2 including registration, microchipping, obedience, adequate exercise, supervision of dogs around children, and preventing dogs roaming.

### What other NZ policies commonly do

Ten of sixteen representative dog policies analysed of councils other than FNDC have a dedicated section or objective related to responsible dog ownership. Most cover similar matters to the FNDC Policy.

### Responsible dog owner schemes

Some other Councils (Wellington, Christchurch, Whanganui, Auckland, Hastings) include Responsible Dog Owner schemes that offer registration discounts to qualifying dog owners.

In the August/September 2025 survey of public attitudes to dog management, 85% of participants supported the idea of a Responsible Dog Owner Licence. Some comments about this idea included:

*"I believe that responsible dog ownership should be acknowledged and rewarded"* (Moerewa resident)

*"Offer cheaper rego for responsible owners"* (Kaeo resident)

*"Owner license is a good idea"* (Kaikohe resident).

### Gap/opportunity for FNDC

The Council could investigate developing a Responsible Dog Owner incentive scheme with discounted registration. This would mean developing a Responsible Dog Owner Guide which can be the focus of public education with a requirement for dog owners to pass a test based on this Guide to qualify as a Responsible Dog Owner.

### Diagram 10: Auckland Council Responsible Owner Scheme

#### Example: Auckland Council Responsible Owner Scheme

##### Standard (non-responsible owner) registration fees:

- \$177 for a standard dog
- \$127 for a desexed dog

##### Responsible Dog Owner Licence fees:

- \$89 for a standard dog
- \$127 for a desexed dog

##### The size of the discount is intentionally large to act as a behaviour changing incentive, not a token reward.

##### Key Requirements to Qualify

- *Registration History:* Must be a registered dog owner in NZ for at least 12 months.
- *No Infringements:* No abatements, fines, or seizures under the Dog Control Act 1996 in the last 12 months.
- *Clean Complaint History:* No substantiated complaints or impoundments in the last 12 months.
- *Property Requirements:* The property must be fully fenced, have a secure gate, and proper shelter.
- *Test:* Must pass a written test based on the Council's guide to responsible dog ownership

## 15.3 Addressing dogs roaming/straying and aggressive/dangerous dogs in the Policy

### What the Act states

Section 10 of the Act states that a dog control policy must have regard to:

- the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children
- enabling the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs.

### **How the FNDC Policy addresses the problem**

The Policy states that responsible dog ownership includes ensuring dogs cannot leave a property on their own and using a leash when a dog does not respond to commands.

### **Gap/opportunity for FNDC**

Educating dog owners on dog confinement and control requirements could be part of a Responsible Dog Owner incentive scheme. Otherwise, this is a compliance and enforcement matter which is covered in the Act.

#### **15.4 Addressing unregistered dogs in the Policy**

### **What the Act states**

Section 42 of the Act requires all dogs aged three months or more to be registered. Failure to register a dog is an offence subject to a \$300 infringement fee under Schedule 1 of the Act, or a fine of up to \$3,000 on conviction. Territorial authorities are empowered under section 9 of the Act to set dog registration fees.

### **How the FNDC Policy addresses this issue**

The Policy does not refer directly to dog registration although this is an optional area to include if the Council sees fit.

### **Gap/opportunity for FNDC**

In the survey of attitudes to dog management conducted in August/September 2025, 24% of respondents supported introducing payment plans for registration fees. If the Council adopts payment plans for dog registration and incentive schemes based on being a Responsible Dog Owner, these should be referred to in the Policy.

#### **15.5 Addressing nuisances including barking dogs in the Policy**

### **What the Act states**

Section 10(4)(a) of the Act requires local authorities to have regard to the need to minimise danger, distress, and nuisance to the community.

Section 5(1)(e) requires owners to take all reasonable steps to ensure that their dog does not cause a nuisance by persistent and loud barking or howling or by any other means. However, the Act does not define what persistent and loud barking means, which creates frustration between complainants and Officers whose definitions may be entirely different.

### **How the FNDC Policy addresses nuisances**

The Policy includes a broad objective to prevent nuisance, using the Health Act 1956 definition.

It specifically refers to removing dog faeces as part of responsible dog ownership *“Pick up after your dog and carry the means (e.g. a bag) to pick-up your dog’s faeces”*

However, the Policy does not explicitly mention persistent barking or other nuisances.

### **What other NZ policies commonly do**

Some policies link nuisance history to loss of responsible owner status or a licence to keep multiple dogs (Whanganui, Hastings, Wellington, Christchurch).

Of the 17 representative policies studied, 13 (including FNDC) have general provisions about “nuisance” without providing more detail on barking or other specific nuisances. However, four policies (Wellington, Gisborne, Southland, and Whanganui) address barking in more detail. The Whanganui Dog Control Policy is the most detailed and:

- states barking is natural but becomes a nuisance when persistent/loud
- defines “persistent” and “loud” barking
- describes triggers for Council intervention (a complaint is received, a nuisance is being created, and barking is persistent and loud)
- outlines owner obligations and enforcement under sections 55 and 56 of the Act.

### **Gap/opportunity for the FNDC Policy**

The Policy could address nuisance management in more detail by:

- defining common nuisances such as barking, roaming, and fouling
- describing FNDC’s escalation response and how repeated non-compliance may affect owner status if a Responsible Owner incentive scheme is adopted

- o providing more detailed coverage of persistent/loud barking following the Whanganui Dog Control Policy approach.

### 15.6 Addressing too many dogs per property/uncontrolled breeding in the Policy

#### What the Act states regarding dog control bylaws

Section 10(3)(ea) states that a dog policy must state whether dogs classified by the Council as menacing dogs under section 33A or 33C are required to be neutered.

#### How the FNDC Policy refers to neutering menacing dogs

As required by the Act, policy 3 of the Policy requires neutering of all dogs classified as menacing, regardless of which territorial authority made the classification.

#### How other local Council policies refer to neutering menacing dogs

Most Councils have similar provisions to FNDC.

#### Gap/opportunity for the FNDC Bylaw

Policy staff recommend not re-introducing a limit on the number of dogs per property (see the discussion in section 10.6 of the report).

### 15.7 Addressing the problem of animal welfare, neglect, and cruelty

#### What the Act states

Clause 10(4)(d) of the Act requires Councils to have regard to the exercise and recreational needs of dogs and their owners when making a dog policy. The Act states no other dog welfare requirements for dog policies.

#### How the FNDC Policy addresses the exercise and recreational needs of dogs and their owners

The Policy states that dogs having adequate exercise and dog owners knowing where they are allowed to exercise their dogs is part of responsible dog ownership (policy 2).

#### How other NZ Councils address animal welfare in their policies

Common welfare matters include:

- ensuring adequate food, water, shelter, and exercise.
- preventing ill treatment through tethering or poor living conditions.
- protecting dogs from harm (e.g. dogs in or on vehicles).

Several policies more explicitly integrate animal welfare by

- referencing the *Animal Welfare Act 1999* and the *Code of Welfare: Dogs 2018* (Whangārei, Thames Coromandel, Wellington, Gisborne, Southland).
- stating minimum welfare standards for food, water, shelter, exercise, safe housing/transport
- noting partnership roles with SPCA and veterinarians.

#### Gap/opportunity for the FNDC Policy

The Policy could include an Animal Welfare policy that:

- refers to the *Animal Welfare Act* and *Code of Welfare: Dogs 2018*
- notes FNDC's role in promoting dog welfare information
- clarifies FNDC's relationships with SPCA, veterinarians, and other agencies to support dog welfare.

### 15.8 Addressing the perceived problem of poor education of owners in the Policy

#### What the Act states

Clause 10(3)(f) of the Act allows local authorities to include details of owner education programmes in their dog policies if they choose.

#### The FNDC Policy does not address owner education

As with other discretionary provisions in a dog policy listed in the Act, owner education is not referred to in the Policy.

#### How other NZ Councils address owner education in their policies

Five of the seventeen representative dog policies analysed (Gisborne, Kaipara, Whanganui, Waitomo, Auckland) refer to owner education, including general initiatives (for schools, community groups, and the general public) and targeted owner education programmes (around responsible ownership, safety, welfare, obedience training, and bite prevention).

Some Councils encourage owners to become educated while other Councils require this e.g. Auckland Council requires owners to pass a test before they can register as responsible dog owners, while Kaipara requires probationary owners to undertake a dog owner education programme and/or obedience course.

#### **Gap/opportunity for the FNDC Policy**

Potentially the Policy could describe dog owner education initiatives and requirements, alongside Council goals (“how will we achieve this”).

#### **15.9 Addressing access to locations by dogs and their owners in the Policy**

##### **What relevant legislation states**

Clauses 10 (3) (b to e) of the Act requires Councils to identify dog access areas (where dogs are prohibited, controlled on a leash, specific exercise areas within the on-leash areas where dogs may be exercised “at large” (not under leash control), and areas where no dog access rules apply. Access can apply either generally or at specific times.

These rules are intended to balance the safe use of public spaces, dog welfare needs (including adequate exercise opportunities for dogs), and environmental concerns such as wildlife protection.

Section 10(3)(b to e) of the Act requires these areas to be identified in a dog policy.

Further, under section 63 of the Wildlife Act 1953 it is an offence to kill or disturb wildlife. As such, dog access rules established by local authorities must consider protecting wildlife and in particular vulnerable species.

##### **How the FNDC Policy addresses dog access**

The Policy sets out comprehensive dog access provisions in Schedule One, identifying:

- *Prohibited areas*, such as playgrounds, public swimming pools, and identified special character or environmentally sensitive areas
- *On-leash (under control) areas*, including reserves, roads, footpaths, the Twin Coast Cycle Trail, Council-owned sportsgrounds during games, and other public places
- *Off-leash (under control) areas*, including most beaches (with seasonal or time-of-day restrictions at popular locations), parks and Council-owned sportsgrounds outside game times, and designated off-leash reserves.

The Policy does not list designated dog exercise areas where dogs are the priority users as required by section 10(3) (e) of the Act. Designated dog exercise areas have clearly visible boundaries on the ground through fencing, vegetation or topography. This type of designation is different from general off-leash areas where dogs may be under control off-leash and share the space with other users.

Wildlife protection is also addressed through access restrictions, and the Policy includes an objective to minimise danger or distress to protected wildlife. Schedule One sets out *Special Character Rules* for areas with high conservation and/or cultural values, while Schedule Two identifies Department of Conservation land and other sensitive areas where dog access is restricted or subject to specific conditions largely relating to protecting wildlife such as nesting birds.

##### **What other NZ policies commonly do**

Other dog policies generally mention the need to balance the enjoyment of dogs and their owners with the needs of other public space users (families, sports groups, beach users).

As required by the Act, other dog policies list prohibited areas, off-leash and on-leash areas, and dedicated exercise areas. Seasonal/time-based restrictions may be applied in these areas (commonly on beaches).

Some go further with specific rules for cemeteries, boat ramps, wharves, jetties, shopping areas, town centres, and events (Auckland, Wellington, Christchurch, Whangārei, Rotorua, Hastings, Taupō, Gisborne).

Wildlife protection is commonly addressed through dog-free zones, on-leash requirements, or conditional access in conservation areas, wetlands, dunes, and reserves.

Two Councils (Auckland and Thames-Coromandel) include policy provisions allowing for reviewing or adjusting dog-access rules where new sensitive habitats, wildlife risks, or changes in patterns of use are identified.

Some Councils include highly detailed maps with a rationale for each zone e.g. bird habitat protection (Southland, Tasman).

#### **Gap/opportunity for the FNDC Policy**

The Council should clearly delineate dog exercise areas from general off-leash areas in Schedule 1.

Council could consider including access rules to cover cemeteries, jetties/wharves, boat ramps, town centres, and events.

Council could also consider adding a provision allowing changes to access rules where new sensitive habitats, wildlife risks, or changes in use patterns are identified.

#### 15.10 Addressing the perceived problem of lack of enforcement of the rules in the Policy

##### **What the Act states**

The Act does not state enforcement requirements for dog policies.

##### **Policies do not include rules that must be enforced**

The Policy is about the overall direction of dog management, not about enforcing rules.

##### **Some other Councils' policies describe their general approach to escalating enforcement**

Some Council policies describe enforcement response pathways following the VADE approach<sup>19</sup> (education → warnings → abatement orders → infringements → possible seizure) e.g. Wairoa, Whanganui, Waitomo, Gisborne, Southland, Hastings, Auckland, Wellington.

##### **Diagram 11: Auckland Council Escalation of Enforcement Process**

###### **Example – Auckland Council Escalation of Enforcement**

**Education** – Council informs owners and the public

**Warnings** – Officers may provide verbal warnings

**Abatement notices** – Formal written notices

**Infringement notices** – When owners are fined

**Seizure of dogs** – Seizing and holding dogs may be needed to protect public safety.

##### **Gap/opportunity for FNDC**

Potentially describe the Council's enforcement escalation pathway in the Policy.

## 16 Is the Policy certain (clear)?

Overall, the Policy is clear, with straightforward rules about dog access, neutering of menacing dogs, and owner responsibilities. Key areas (e.g. prohibited/on-leash/off-leash zones) are described consistently with no archaic language. However, some of the wording could be more concise or direct, bearing in mind that the wording does not need to be excessively legalistic:

- e.g. the Policy defines “beach” as “*the foreshore and any adjacent area that can reasonably be considered part of the beach environment including areas of sand, pebbles, shingle, dunes or coastal vegetation.*” This could be re-worded as: “*Beach means the foreshore and adjoining coastal areas*”. This conveys the same meaning without excessive detail.
- some sections include dense repetitive wording:  
e.g. The seasonal beach access rule in Schedule 1 is repeated across multiple beaches with similar phrasing: “*From 15 Dec–31 Jan and public holidays: On-leash 10am–5pm; otherwise off-leash and under control.*” This could be simplified by grouping all beaches with these seasonal rules together, with just one simplified heading
- terms defined in the interpretation section (e.g. *playground, reserve, sportsground*) are sometimes described again in the text. Best practice is to only define terms once in a policy

<sup>19</sup> VADE stands for Voluntary, Assisted, Directed and Enforced compliance. It is a graduated approach based on the principle that most people want to do the right thing when they understand what is required. The model focuses first on advice and early intervention to encourage compliance, while reserving formal enforcement action for the small minority of persistent or serious offenders who do not respond to earlier steps.

- the definition for “All Other Public Places” is unnecessary as this term does not appear in the body of the Policy
- the need for suitable shelter and housing for dogs is covered in the Bylaw but not mentioned in the Policy. Referring to suitable housing and shelter in the Policy would improve clarity for dog owners and the public (see section 3.13 of the report). NB. This finding may be moot, as the report recommends removing the provisions around dog housing and shelter from the Bylaw
- the Policy objectives are generally vague and not measurable – measurable objectives should be included to measure future performance against.

In summary, while the Policy is clearer than the Bylaw, the Policy wording could also be amended to make it clearer and more certain.

## 17 The style of the Policy

Compared with the 17 representative dog policies analysed, the FNDC Policy is one of the more prescriptive, rules-rich, and operationally detailed policies. It reads as a legal compliance document: structured and technical, with minimal explanation. As mentioned in the previous section, it does not include the discretionary provisions mentioned in the Act (describing fees, classification of owners, owner education programmes etc.).

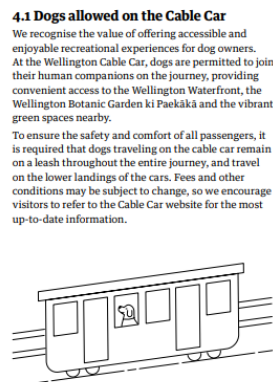
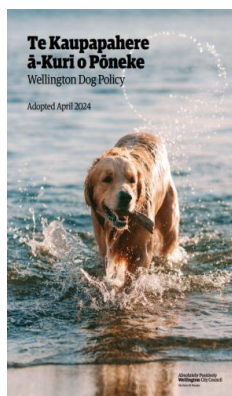
As such, the Policy tone is not very engaging or educative and does not portray the Council as forward-thinking or particularly helpful.

Nine of the other Councils’ policies (Christchurch, Auckland, Rotorua Lakes, Southland, Thames-Coromandel, Kaipara, Hastings, Wairoa, Taupō) have a similar tone – clear, structured, and technical. However, most include more explanatory material than FNDC.

By contrast, some other Councils’ policies, while still covering the essentials, have a friendlier tone and provide more explanations. Some examples include:

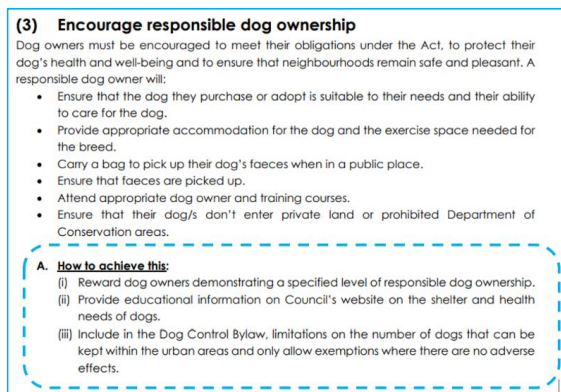
- The [Wellington Dog Policy 2024](#) which includes purpose statements, criteria, and explanations of why access areas are set as they are. It also features artwork, photos and diagrams to lift its visual impact.

**Diagram 12: Examples of graphic design in the Wellington Dog Policy**



- The [Gisborne Dog Control Policy 2023](#) provides explicit “how to achieve this” steps and includes clear explanations e.g. stating that off-leash status considers “the presence of a playground with no effective built or natural barrier” and risks to “protected wildlife vulnerable to dogs”.

Diagram 13: Example of a “how to achieve this” section in the Gisborne Dog Policy



- The [Whanganui Dog Control Policy 2021](#) provides a detailed explanation of dog nuisance e.g. defining “persistent” and “loud” barking and clarifying when Council will intervene.
- The [Waitomo Dog Control Policy 2025](#) has many plain English explanations e.g. it notes that dogs “need to be trained and socialised so they learn how to behave in a public environment” and describes how Council will enhance the skills and knowledge of owners and children. This Policy gives a helpful reason for neutering dogs - “there is evidence that neutering reduces a dog’s desire to roam and may reduce possible aggression”.

#### Gap/opportunity for FNDC

If the Council decides that the Policy should be amended, there is an opportunity to re-word it to be friendlier, more explanatory, and more visually engaging.

## Discussion

### 18 Re the Bylaw

#### 18.1 Is a bylaw the most appropriate way of addressing the problem?

Under section 155 (1) of LGA02, the first step of the statutory review is for the Council to determine whether a bylaw is the most appropriate way of addressing the perceived problem of dog control and management.

A bylaw is the most appropriate way of addressing the problems because:

- The Act is the primary legislation for the care and control of dogs in New Zealand and requires Council to adopt a policy and to make a bylaw to enforce it
- There is no other way to regulate the problem, set rules for controlling dogs, and apply enforcement provisions.

#### 18.2 Is the Bylaw the most appropriate form of bylaw?

Under section 155 (2)(a) of LGA02, if the Council determines that a bylaw is the most appropriate way of addressing the problem, it must determine whether the Bylaw is the most appropriate form of bylaw.

The form of a bylaw is about its content and how it is drafted. The form of a bylaw will be appropriate if it:

- 1) meets the objectives it is intended to achieve
- 2) deals with the identified problems
- 3) is certain, i.e. it uses clear wording so people will understand what they are required to do
- 4) is enforceable and able to be implemented and administered effectively and efficiently
- 5) considers the relationship of Māori to land, water, sites, wāhi tapu, valued flora and fauna and other taonga
- 6) complies with all relevant laws and legislation
- 7) the benefits of the bylaw outweigh the costs

These considerations are discussed below.

*1) Does the Bylaw meet the objectives (purposes) in the Act?*

As discussed in section 7.2 of the report, the Bylaw does cover the discretionary purposes stated in the Act except for not including a blanket rule on the number of dogs allowed per urban property.

*2) Does the Bylaw deal with the identified problems?*

Section 10 of the report analyses how the Bylaw deals with the identified problems compared with other Councils' dog control bylaws. This indicated some gaps and opportunities to potentially improve how the Bylaw deals with these problems, as follows:

Identified problems	Potential opportunities to improve the Bylaw
Roaming/straying dogs	Include a broader requirement to confine dogs on properties – “as necessary”, not just at night-time Extend the confinement rules for female dogs in season and diseased dogs to include confinement when these dogs are being transported
Barking/nuisance dogs	Add a dedicated barking clause and define “persistent/loud barking”.
Too many dogs per property/uncontrolled breeding	Setting a limit for the permitted number of dogs in urban areas with exceptions for working and hunting dogs etc. <u>may</u> be an option, however, on balance, this not recommended (see discussion in section 10.6 of the report)
Animal welfare, neglect, and cruelty	Potentially remove section 6 of the Bylaw which largely duplicates section 5 of the Act and the standards in the Code of Welfare: Dogs 2018. Add some or all the welfare provisions listed in section 10.10 of the report subject to these not repeating existing legislation
Lack of enforcement	Trigger compulsory neutering for nuisance/uncontrolled dogs after fewer “out of control” events e.g. on “more than one occasion” rather than “more than twice”

*3) Is the Bylaw certain, i.e. it uses clear wording so people will understand what they are required to do?*

The Bylaw is not as certain (clear) as it could be as discussed in section 13.1 of the report. Improvements could be achieved:

- by modernising and simplifying the language
- by using Plain English legal drafting standards
- by avoiding long sentences
- removing definitions of terms that are not referred to in the body of the Bylaw
- stating the purposes of the Bylaw
- possibly including some 'related information boxes' to provide context to the rules in the Bylaw.

*4) Is the Bylaw enforceable and able to be implemented and administered effectively and efficiently?*

The Bylaw is enforceable with the Animal Management Team able to issue infringement notices for dog owners who breach its provisions. An efficient process exists to administer these notices. The fact that only 4% of infringement notices (28 in total) were issued under the Bylaw in 2024/25 does not indicate revoking the Bylaw, as it serves other purposes such as empowering the dog access rules listed in the Policy.

*5) Does the Bylaw comply with all relevant laws and legislation?*

The Bylaw is consistent with relevant laws and legislation including the Dog Control Act 1996 and the Animal Welfare Act 1956.

*6) Do the benefits of the Bylaw outweigh the costs?*

The key benefits and costs of the Bylaw are as follows:

Benefits	Costs (in a broad sense)
<p>Improves public safety by reducing dog attacks, intimidation, and nuisance in public places</p> <p>Protects children and vulnerable users of streets, parks, and reserves</p> <p>Reduces public health and ACC costs by reducing injuries from dog bites</p> <p>Safeguards wildlife, stock, and other animals from harm or disturbance</p> <p>Reduces costs for farmers due to reduced livestock attacks</p> <p>Provides clear, locally tailored rules for responsible dog ownership</p> <p>Enables consistent and enforceable responses to roaming, nuisance, or dangerous dogs</p> <p>Balances dog exercise needs with the rights of others to use public spaces safely</p> <p>Improves the amenity of neighbourhoods by removing roaming and stray dogs</p>	<p>Compliance impacts on dog owners (e.g. to ensure adequate shelter and fencing, to pay infringement fees, to neuter menacing dogs etc.)</p> <p>Administrative and enforcement costs for Council (education, signage, monitoring, complaints handling, registration etc.)</p> <p>Potential community tension or dissatisfaction arising from restrictions and enforcement.</p>

Overall, the benefits of the Bylaw outweigh the costs. The Bylaw delivers clear public safety, health, environmental, and community benefits by reducing the harm and nuisance from dogs and providing consistent, enforceable rules. While it creates compliance obligations for dog owners and administration and enforcement costs for the Council, these are proportionate and justified by the scale and seriousness of the problems the Bylaw addresses.

#### 7) Summary – is the form of the Bylaw appropriate?

As the table below shows, in general the form of the Bylaw is appropriate, however, it could be amended to ensure it is more certain (clear) and its content more fully addresses the identified problems:

**Table 19: Summary – is the form of the Bylaw appropriate?**

Key criteria	
Meets the objectives it is intended to achieve	●
Deals with the identified problems	●
Is certain (clear)	●
Is enforceable and able to be implemented and administered effectively and efficiently	●
Complies with all relevant laws and legislation	●
Benefits outweigh the costs	●

**KEY:** ● yes ● in part ● no

#### 18.3 Does the Bylaw give rise to any implications under the New Zealand Bill of Rights Act 1990?

As discussed in section 12 of the report, the current Bylaw may give rise to implications under the New Zealand Bill of Rights Act 1990 (BORA), however the restrictions on human rights imposed by the Bylaw are lawful and reasonable.

## 19 Discussion regarding the Policy

### 19.1 Is a policy the best response to the problem?

The Council has no choice whether to adopt a dog policy or not, as adopting a dog policy is a statutory requirement stated in section 10(1) of the Act. Having a dog policy means that the Council's overall stance on managing the problems and opportunities relating to dogs in the district is made clear to all stakeholders.

### 19.2 Is the form of the Policy appropriate?

To evaluate whether the form of the Policy is appropriate, similar criteria to evaluating the Bylaw are relevant except for enforceability. This is because the Policy sets the general direction for managing dog-related issues and does not set enforceable rules (the Bylaw enforces the Policy). The form of the Policy will be appropriate if it:

- 1) meets the objectives it is intended to achieve
- 2) deals with the identified problems
- 3) is certain, i.e. it uses clear wording so people will understand what they are required to do
- 4) complies with all relevant laws and legislation
- 5) the benefits of the Policy outweigh the costs.

These considerations are discussed below.

#### 1) Is the Policy meeting the objectives it is intended to achieve?

The Policy lists five objectives, however these are not framed as SMART objectives (Specific, Measurable, Achievable, Relevant, and Time-bound). This makes it difficult to assess whether the objectives are being met. Staff recommend re-framing these objectives so that performance can be tracked over time.

#### 2) Does the Policy deal with the identified problems?

Section 10 of the report analyses how the Policy deals with the identified problems compared with other Councils' dog policies. This indicated some gaps and opportunities, as follows:

Identified problems	Potential opportunities to improve the Policy
Irresponsible dog ownership	Develop a Responsible Dog Owner incentive scheme referred to in the Policy as a core element of Council's approach to dog management
Roaming/straying dogs	None identified (improvement opportunities relate to the Bylaw)
Aggressive/dangerous dogs	
Unregistered dogs	
Barking/nuisance dogs	Define common nuisances (barking, roaming, fouling) Strengthen treatment of persistent/loud barking
Too many dogs per property/uncontrolled breeding	None identified (improvement opportunities relate to the Bylaw)
Animal welfare, neglect, and cruelty	Introduce an Animal Welfare policy referring to: <ul style="list-style-type: none"> <li>• the <i>Animal Welfare Act</i> and <i>Code of Welfare: Dogs 2018</i></li> <li>• FNDC's role in promoting dog welfare information</li> <li>• FNDC's relationship with SPCA, vets, and other agencies.</li> </ul>
Perceptions of poor education of dog owners by the Council	Describe owner education initiatives and requirements
Access to locations	List dog exercise areas as required by the Act in section 10(3)(e). Council must do this. Expand access rules to cover cemeteries, jetties/wharves, boat ramps, town centres, and events. Add a provision allowing changes to access rules where new sensitive habitats, wildlife risks, or changes in use patterns are identified.
Perceived lack of enforcement	Outline the Council's general approach to enforcement escalation

3)

4) *Is the Policy certain, i.e. it uses clear wording so people will understand what they are required to do?*

In general, the Policy is clearer than the Bylaw. However, section 16 of this report discusses how the Policy could be clearer in some areas, for example:

- avoiding long sentences
- avoiding repetitive headings e.g. regarding seasonal beach access rules
- only defining terms once (in the Definitions section)
- removing definitions of terms that are not referred to in the body of the Policy.

5) *Does the Policy comply with all relevant laws and legislation?*

The Policy is generally consistent with relevant laws and legislation. However, dog exercise areas are not listed in the Policy as required by the Act.

6) *Do the benefits of the Policy outweigh the costs?*

Key benefits and costs of the Policy are as follows:

Benefits	Costs (in a broad sense)
Provides a clear and transparent statement of the Council's approach to dog management.	Requires staff time and resources to develop, review, and consult on the Policy.
Promotes responsible dog ownership and safe use of public spaces.	May create community disagreement where policy direction does not align with individual preferences.
Balances public safety, dog welfare, access to public places, and protection of wildlife.	
Supports consistent and lawful decision-making under the Act.	
Guides the development and application of the Dog Control Bylaw and enforcement actions.	
Helps the public understand the Council's expectations around dog ownership and access rules.	

Overall, the benefits of the Policy outweigh the costs as the Policy provides a clear and consistent framework for promoting responsible dog ownership, protecting public safety, and balancing dog and dog owner access for exercise and recreational purposes with the needs of the wider community and the environment. While there are administrative and consultation costs associated with developing and maintaining the Policy, these are proportionate and justified by its role in supporting effective, lawful decision-making and informing the Bylaw.

7) *Summary – is the form of the Policy appropriate?*

The next table summarises the findings regarding the form of the Policy:

**Table 20: Summary – is the form of the Policy appropriate?**

Key criteria	
Meets the objectives it is intended to achieve (objectives need re-designing)	?
Deals with the identified problems	●
Is certain (clear)	●
Complies with all relevant laws and legislation	●
Benefits outweigh the costs	●

KEY: ● yes ● in part ● no

19.3 *Should the style of the Policy be updated?*

The current Policy reads as a legal compliance document: structured and technical, with minimal explanation. It includes all the mandatory content of a Policy required by the Act, and no more. It prescribes what dog owners should do and is very compliance focused. As such, it is a minimal, technical document and could continue in this current style.

However, another way to look at the Policy is to consider what it does not include:

- it does not include the discretionary provisions mentioned in the Act (describing fees, classification of owners, owner education programmes, dog obedience courses, registration, and infringements)
- it states what dog owners should do, but does not state what the Council will do to support this
- its tone is not very engaging or educative and does not portray the Council as forward-thinking or particularly helpful
- it does not explain *why* various provisions are put in place
- it is not visually appealing
- it does not have a friendly tone.

If the Council decides that the Policy should be amended, in the following Conceive stage of the review project, the Council could update and refresh the tone and style of the Policy.

## 20 Conclusion

### a) Bylaw

A bylaw is the most appropriate way to address the identified problems as it is the mechanism described in the Act to give effect to the Policy by setting enforceable rules for controlling dogs in the district.

The Bylaw's form could be improved by amending it to make it more certain (clearer) and including more provisions to give better effect to the policy and deal more appropriately with identified issues.

The current Bylaw does contain Bill of Rights implications that are justified. Dependant on future Council decisions an amended Bylaw will require a new assessment prior to adoption.

### b) Policy

A dog policy is a statutory requirement of the Act.

This report has identified that the form of the Policy could be improved by making it more certain (clear) and including more content to deal with the problems identified.

The style of the Policy could also be updated and refreshed to make it more engaging, friendlier, and more helpful and to portray the Council as more positive, forward thinking, and supportive of dog owners.

**6 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER**

**7 TE KAPINGA HUI / MEETING CLOSE**