

Regulatory Committee

OPEN AGENDA

Meeting Date: **Wednesday 30 August 2017**
Time: **Following the Strategy and
Infrastructure Committee meeting**
Venue: **Taradale Town Hall
Lee Road
Taradale**

Council Members	Councillor Jeffery (In the Chair), the Mayor, Councillors Boag, Brosnan, Dallimore, Hague, McGrath, Price, Tapine, Wise and Wright
Officer Responsible	Director City Strategy
Administrator	Governance Team

Next Regulatory Committee Meeting
Wednesday 11 October 2017

ORDER OF BUSINESS

APOLOGIES

Deputy Mayor Faye White and Councillor Taylor

CONFLICTS OF INTEREST

PUBLIC FORUM

Nil

ANNOUNCEMENTS BY THE MAYOR

ANNOUNCEMENTS BY THE CHAIRPERSON

ANNOUNCEMENTS BY THE MANAGEMENT

CONFIRMATION OF MINUTES

That the Minutes of the Regulatory Committee meeting held on Wednesday, 19 July 2017 be taken as a true and accurate record of the meeting (*page 33 refers*).

NOTIFICATION AND JUSTIFICATION OF MATTERS OF EXTRAORDINARY BUSINESS

(Strictly for information and/or referral purposes only).

AGENDA ITEMS

1	Freedom Camping Working Group Recommendations	3
2	Set Time Restrictions for Riverside Park Parking	10
3	Annual Dog Control Report 2016/17	14
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PUBLIC EXCLUDED

Nil

AGENDA ITEMS

1. FREEDOM CAMPING WORKING GROUP RECOMMENDATIONS

Type of Report:	<i>Legal and Operational</i>
Legal Reference:	<i>Local Government Act 2002</i>
Document ID:	<i>382371</i>
Reporting Officer/s & Unit:	<i>Kim Anstey, Planner Policy/Analyst Paulina Wilhelm, Manager City Development</i>

1.1 Purpose of Report

The purpose of this report is to recommend that Council adopt the Napier City Council Freedom Camping Working Group recommendations to manage freedom camping in Napier.

Officer's Recommendation

That the Council

- a. Adopt the following working group recommendations:
 - i. That the current provision of freedom camping sites for self-contained vehicles be confirmed.
 - ii. That the foreshore reserve site for non-self-contained vehicles be reduced from 35 spaces to 8 clearly marked spaces from 1 November 2017.
 - iii. That officers report back to Council on the monitoring outcomes for the foreshore reserve non-self-contained site by May 2018.
- b. That the revised programme of non-regulatory and regulatory methods and tools to manage freedom camping over the coming summer be undertaken and monitored.

CHAIRPERSON'S RECOMMENDATION

That the Council resolve that the officer's recommendation be adopted.

1.2 Background Summary

Napier first introduced a Freedom Camping bylaw in December 2014. Due to ongoing and evolving issues, the bylaw was reviewed in 2015 and again in 2016. At the last review, Council identified that the issues surrounding freedom camping in Napier are complex, and proposed to create a working group to take a long-term strategic look at the provision of freedom camping in Napier. It was realised that an integrated, cross sector approach would be the best way to ensure that the activity of freedom camping meets the needs of both residents and visitors.

1.3 Working Group

The working group mandate was to examine the issues and options and assess these against the needs of all stakeholders and users. In particular was a request that the working group consider the impact of freedom camping on Napier residents. Council adopted the Terms of Reference for the working group at the Council meeting on 17 May 2017. Membership of the working group included representatives from:

Napier City Council
 Taradale Residents Association
 Westshore Residents Association
 Te Taiwhenua O Whanganui a Orotu Inc
 Maungaharuru-Tangitū Trust
 Hastings District Council
 Department of Conservation
 Hawke's Bay Tourism
 Napier i-SITE
 NZTA
 Police
 NZ Motor Caravan Association
 Backpacker Accommodation Rep
 Holiday Parks Association of NZ

The working group had four meetings over a period of four months. Council staff presented the group with the following:

- a. Information on the history of the Napier freedom camping bylaw, including details of the issues that led to previous bylaw reviews
- b. Details of Napier's overall supply of camping options
- c. How Napier City Council manages the demand. i.e enforcement programmes and tools for monitoring freedom camping
- d. The national situational analysis report and other relevant reports were made available to members.

Robust discussions were held on freedom camping issues at a national and regional level, and from the perspective of the organisations represented. Attachment A is the guiding principles the working group developed to assist in their decision-making and the formulation of the recommendations.

1.4 Community Engagement

In order to examine the issues in detail, Council staff facilitated a programme of community engagement. The purpose of the community engagement was to speak directly with those affected by freedom camping. People identified as affected were Campground and Backpacker owners, communities in close proximity to the current freedom camping sites and the freedom campers themselves. Hawke's Bay Tourism and Napier Business Inc were identified as

organisations with valuable perspectives. The following community engagement was undertaken:

Method	Group
Focus Group	Napier Backpacker Owner/Operators
	Napier Campground Owners/Operators
Community Meeting	Te Awa Ave residents (even numbers)
	Quayside Apartment Residents
Informal door to door survey	The Esplanade, Westshore
Interviews	Annie Dundas – HB Tourism
	Zoe Barnes – Napier Business Inc.
Surveys	Freedom Campers (33 self-contained and 27 non-self-contained)

Item 1

Data gathered from the community engagement exercise was presented to the working group at the second meeting. This information enabled the group to understand the issues attributed to freedom camping and assess these against the benefits that freedom camping brings to Napier and the region. It also enabled the group to develop appropriate responses to mitigate the issues raised.

The group also spent time exploring ideas on how Council may be able to partner with the private sector to provide either freedom camping and/or low-cost camping. Possible ideas included conversations with hapu groups, Council marketing of campgrounds that provide a low-cost option and offering Council support for any public entity that wished to set something up on private land.

1.5 Issues and Responses

1.5.1 Westshore

Background

The 2017 review of the freedom camping bylaw resulted in changes to freedom camping at the Westshore Beach Reserve. The esplanade reserve carpark at Westshore that was previously fully available for freedom camping was reduced to allow freedom camping at four sites only, with the spaces moved north to be opposite the end of Domain Road and not immediately in front of houses. The remaining section of the carpark previously used for freedom camping reverted back to full public access and the remainder of the reserve became prohibited for freedom camping. A further restriction was introduced that closes the site over the peak summer period, 25 December to 7 February.

Issues

The community engagement exercise and email complaints to council indicate that a proportion of Westshore residents continue to dislike freedom camping on the reserve, despite the changes that came into effect on 1 February 2017. These concerns are a perceived lack of monitoring and enforcement to ensure vehicles adhere to the four spaces only rule, the perceived amenity effects from the presence of campervans on the landscape and a general assertion that freedom camping should not be allowed in front of their properties.

Response

The majority view of the working group was that freedom camping should continue to be made available at Westshore Beach Reserve. The perceived harms experienced by the Westshore residents can be mitigated through improvements to signage and camper education. Moving the sites so they are not directly in front of houses has mitigated some of the concerns regarding the obstruction of views and amenity effects. It was also discussed that by closing the freedom camping sites at Westshore the perceived issues will not be avoided. The foreshore reserve is a public carpark area where any vehicle, including a caravan, motorhome or car are allowed to park in the reserve during the day. The Westshore Beach and Reserve are one of Napier's most valuable assets for residents and tourist and therefore needs to be managed for everyone to enjoy now and in the future.

1.5.2 Perfume Point

Background

The 2017 review of the freedom camping bylaw also resulted in changes to freedom camping at the Perfume Point carpark. Congestion issues were occurring as a result of large converted buses and a number of vehicles parking all day, restricting access for other users of this carpark. The 2017 bylaw amended the restrictions at this site to four vehicles only. Signage was improved with instructions to freedom campers on using the four marked spaces only and that the site is not suitable for vehicles longer than 7m.

Issues

Residents at Perfume Point submitted on the 2017 bylaw review to express their concern on the congestion issues. Subsequently, a meeting was held with Perfume Point residents as part of the community engagement process. Residents reported that the change to four vehicles only was a vast improvement to freedom camping at this site and no other significant issues were reported. Residents did comment that signage at the entrance could be improved and suggested parking officers visit this carpark to monitor that campervan vehicles using this site during the day were keeping within formed parking spaces.

Response

As a result of this feedback from the residents, the working group recommend no changes to the Perfume Point carpark for freedom camping

1.5.3 Pump Track

The pump track carpark has been available for freedom camping since the bylaw was introduced in 2014. The site has 12 large spaces marked for self-contained campervans and no restrictions on the number of vehicles. The site also has a dump station and water supply. Council have received no complaints on the activity of freedom camping at this site, other than it is sometimes frequented by non-self-contained vehicles. Responses from campers surveyed included an appreciation of the convenient location and views of our coastal sites for freedom camping.

1.5.4 Foreshore Reserve Site for non-self-contained.

Issues

The foreshore site for non-self-contained vehicles allows for up to 35 vehicles. The site is very popular and is generally full by 3pm in the summer months. Council have received a number of complaints relating to health and safety at this site and nearby residents raised a number of issues at the Te Awa Ave community meeting.

The congestion at this site has led to the following health and safety concerns:

1. The high ratio of campers to toilets when the site is full
2. The frequent emptying of the toilets holding tank in the summer months and the smell this emanates.
3. Antisocial behaviour of both tourists and locals
4. The traffic dangers from entering and exiting on a main road.

In addition to these health and safety issues is the concern that freedom camping at this site has led to a loss of public space as freedom camping has effectively taken over the carpark. The scale of the freedom camping activity at this site has led to an increase in concern over community and public safety.

Responses

The working group have assessed the costs and benefits of providing for non-self-contained tourists and recommend that Napier continues to provide a limited number of sites for non-self-contained vehicles. The working group recommend that the spaces available at the Foreshore Reserve site be reduced to 8 vehicle spaces only, located directly behind the toilet block. The working group also recommend that other non-regulatory tools are introduced alongside regulatory tools to effectively manage non-self-contained vehicles in Napier. The working group carefully considered the effect of fully closing the site. The purpose of reducing the numbers available is to mitigate the health and safety concerns raised above and offering a small number of sites provides the opportunity to actively guide the overflow to appropriate locations. This would include promoting Napier's paid accommodation options and improving signage.

1.6 Implications

Financial

The working groups recommendations will result in no increases to the current operational costs for providing freedom camping

Social & Policy

There are social and policy implications if Council chose not to adopt the working recommendations. Any other changes to the provision of freedom camping in Napier in addition to what is recommended by the working group may require a review of the bylaw. Amending or reviewing a bylaw under the Freedom Camping Act 2011 can be expensive, time consuming and will require further community engagement through submissions and a hearing. The Act determines the criteria for making and amending a bylaw, which includes:

- a. to protect an area
- b. to protect the health and safety of people who may visit the area
- c. to protect access to the area

Issues relating to freedom camping outside of these criteria are considered out of scope, thus limiting the legal justification for closing a site. It also needs to be considered if a bylaw review is the most appropriate and proportionate way of dealing with a perceived problem. Other non-regulatory management tools may be sufficient to deal with certain issues.

Council officers will inform Council of the success of managing the demand for freedom camping at the Foreshore Reserve and Westshore over the coming summer. Operational changes will be made in response to issues as they arise.

1.7 Options

The options available to Council are as follows:

1. To not adopt the working group recommendations
2. To adopt the working group recommendations

1.8 Development of Preferred Option

The working group considered the issues and options for managing freedom camping in detail. The process involved a programme of community engagement and robust discussion on the issues and options from the perspective of the organisations represented. The information provided to the group enabled the group to understand the issues and assess these against the benefits that freedom camping brings to Napier and the region. It also enabled the group to develop appropriate responses to mitigate the issues raised. Considering due process has been followed, Officers recommend that Council adopt the working group recommendations

1.4 Attachments

- A Freedom Camping Working Group Principles [↓](#)



Freedom Camping Principles

Kaitiakitanga | Guardianship

We demonstrate guardianship of our district by encouraging visitors to respect our natural, historical and cultural environment.

Rangatiratanga | Transparent Decision Making

We promote collective decision making through consultation with key stakeholders, communities and businesses regarding current and future provision of freedom camping.

Manaakitanga | Hospitality

We promote reciprocal hospitality and mutual respect by making visitors feel welcome safe and comfortable.

Mana Whenua | Safe Clean Spaces

We provide safe and clean physical spaces for freedom camping, balanced with the recreational needs of local residents and visitors.

Whakaaro Rangatira | Innovative Solutions

Continued provision of Freedom Camping spaces relies upon shared and innovative solutions between Council, community and our visitors, with benefits for the region.

2. SET TIME RESTRICTIONS FOR RIVERSIDE PARK PARKING

Type of Report:	<i>Legal and Operational</i>
Legal Reference:	<i>Traffic Regulations</i>
Document ID:	<i>380071</i>
Reporting Officer/s & Unit:	<i>Hayleigh Brereton, Manager Regulatory Solutions</i>

2.1 Purpose of Report

To consider enforcing P120 time restriction for parking at the recreational facilities at Riverside Park.

Officer's Recommendation

- a. That a P120 time restriction apply to the Riverside Park parking area accessed from Gloucester Street.

CHAIRPERSON'S RECOMMENDATION

That the officer's recommendation be adopted.

2.2 Background Summary

Riverside Park was established in 1975, with road access from both Gloucester Street and Murphy Road. The Park has a number of amenities frequented by the community, including a children's playground, picnic areas and toilet facilities. In September 2015 the Napier Dog Park was opened in Riverside Park, offering a fully fenced dog exercise area with a dog agility track.

The increasing popularity of both the park and the Eastern Institute of Technology has added stress to the available parking at the park. The parking is being utilised by all day parkers, preventing Riverside Park users accessing the recreational facilities. The parking area is intended to allow users of the park to utilise the park for a time limited period.

In response to complaints, Council installed P120 signs at the area to act as a deterrent to all day parkers, however complaints have continued to be received. Complaints were received regarding cars parking over the footpath entrance to the Napier Dog Park. Barriers have been installed to prevent this and allow mobility users to access the park.

2.3 Issues

These current mechanisms have not adequately mitigated the issues as there is no enforcement of the p120 parking time restriction. A council resolution is required to allow enforcement of the P120 hour parking restriction.

2.4 Significance and Consultation

N/A

2.5 Implications

Financial

There will be costs associated with enforcement and installing signage. These are considered to be minor and can be incorporated within existing operational budgets.

Social & Policy

The carparks at Riverside Park are all designed to allow easy and convenient access to the reserve facilities. There is a social benefit of expanding the P120 restricted parking in line with this philosophy. It will provide flexibility for the community to park alongside the facilities they are visiting, but will also limit the duration of the stay to allow opportunities for other visitors to access the facility and prevent parks being occupied all day.

Risk

There is risk that increasing frustrations by users will escalate if enforcement action is not taken.

2.6 Options

The options available to Council are as follows:

1. To use the mitigation measures in place to manage the parking without enforcement.
2. That a P120 time restriction apply to the Riverside Park car parking accessed from Gloucester Street.

2.7 Development of Preferred Option

Mitigation measures have been implemented since the opening of the Napier Dog Park in September 2015, this includes P120 signage, barriers to prevent parking over the footpath and frequent visual inspections but the parking team. This has had little effect on the use and availability of parking facilities for Riverside Park users. Enforcement is the logical next step.

2.8 Attachments

- A Riverside Park Location Map [↓](#)
- B Napier Dog Park Entrance [↓](#)





3. ANNUAL DOG CONTROL REPORT 2016/17

Type of Report:	<i>Legal</i>
Legal Reference:	<i>Dog Control Act 1996</i>
Document ID:	<i>380169</i>
Reporting Officer/s & Unit:	<i>Hayleigh Brereton, Manager Regulatory Solutions</i>

3.1 Purpose of Report

To present the territorial authority report on dog control policies and practices for the dog control registration year 1 July 2016 – 30 June 2017, for adoption by Council as required under Section 10A of the Dog Control Act 1996, prior to being submitted to the Secretary for Local Government and being made publically available.

Officer's Recommendation

- a. That the Napier City Council Annual Dog Control Report 2016/17 be adopted by Council, submitted to the Secretary for Local Government, and published in accordance with the Dog Control Act 1996.

CHAIRPERSON'S RECOMMENDATION

That the Council resolve that the officer's recommendation be adopted.

3.2 Background Summary

Section 10A of the Dog Control Act 1996 requires territorial authorities to report on their dog control policy and activities annually.

The law requires that:

- the report be adopted by Council and made publically available each year (subsection 1);
- notice of adoption of the report be published in a daily paper or other newspaper that has an equivalent circulation within the district, or by any other means the territorial authority thinks is desirable (subsection 3); and
- within one month of adoption, a copy of the report must also be submitted to the Secretary for Local Government (subsection 4).

3.3 Issues

The Napier City Council Annual Dog Control report 2016/17 is shown at Attachment A. In summary:

- Napier City Council has 7,462 dogs registered.
- 2,244 complaints relating to dog control were received over the year.
- A total of 9 dogs were assessed as dangerous and 218 as menacing.
- 26 infringements were issued. There was one prosecutions.

3.4 Significance and Consultation

Council officers have prepared the attached report in accordance with the Section 10A reporting requirements provided by the Department of Internal Affairs. No consultation is required for this report as it is a legislative requirement.

3.5 Implications

Financial

N/A

Social & Policy

N/A

Risk

Failure to adopt the report and make it available to the public would put Napier City Council in breach of the Dog Control Act 1996.

3.6 Options

The option available to Council is as follows:

1. To meet its legislative requirements under the Dog Control Act 1996 and adopt the report, submit it to the Secretary for Local Government, and publish it so that the information is publicly available.

3.7 Development of Preferred Option

N/A

3.8 Attachments

- A Annual Dog Control Report 2016/17 [↓](#)



1. Introduction

The Napier City Council, as a territorial authority, is required to manage and enforce provisions pursuant to the Dog Control Act 1996 (the Act) and subsequent amendments in 2003, 2004, 2006 and 2010. Section 10A of the Act requires the Council to report annually to the Secretary of Local Government on its Dog Control Policy and practices.

This report fulfils this statutory requirement for the dog registration years:

- 1 July 2016 to 30 June 2017.

2. The Council's Dog Control Policy and Practices

2.1 Policy objectives

The council adopted the Dog Control Policy in 2014.

The objectives of the policy are to:

- provide clear guidance to the public and staff in the administration of the Dog Control Act 1996,
- provide a safe and healthy environment for citizens and visitors,
- minimise dog attacks by appropriate enforcement of the policy, bylaw and Act, and
- ensure dogs kept under human care are well cared for.

The Council adopted the Napier City Council Animal Control Bylaw in 2014. The objectives of the bylaw are to:

- enhance the safety of the public and children by minimising the distress, nuisance and intimidation caused by dogs to the community
- avoid the inherent danger of uncontrolled dogs in public places

3. Dog Control Statistics

The information provided below sets out the statistical information required by Section 10(A)(2) of the Act.

Number of Registered Dogs

Category	2015/16	2016/17
Number of dogs registered by council	7,905	7,462

Dangerous and Menacing Dogs Number of dogs classified as dangerous (Section 31)

Category	2015/16	2016/17
Dangerous by owner conviction S31(1)(a)	1	1
Dangerous by sworn evidence S31(1)(b)	6	6
Dangerous by owner admitting in writing S31(1)(c)	2	6
Total Dangerous Dogs	9	13

Number of dogs classified as menacing (Section 33A and 33C)

Category	2015/16	2016/17
Menacing by behaviour S33A(1)(b)(i)	62	57
Menacing by breed characteristics S33A(1)(b)(ii)	7	6
Menacing by Schedule 4 breed or type S33C(1)	129	155
Total Menacing Dogs	198	218

Infringements Number of infringement notices issued:

Category	2015/16	2016/17
Infringement notices issued	23*	26

* The reduction in infringements has occurred due to a change of procedure, working with owners to comply with the Act and allowing owners 14 days to register dogs. This approach has reduced the number of infringements and increased the number of dogs registered.

Classification of Dog Owners Number of classified dog owners

Category	2015/16	2016/17
Probationary Owners	13	6
Disqualified Owners	2	0

Prosecutions**Number of prosecutions taken for offences under the Dog Control Act 1996**

Category	2015/16	2016/17
Prosecutions	0	1

Complaints**Number and nature of dog complaints received**

Category	2015/16	2016/17
Roaming	638	704
Impounding or Returned to owner	495	457
Requests for Information	451	139
Barking Dogs	429	390
General Enquiries	272	274
Lost Dogs	173	112
Attacks on Animals or Poultry	69	74
Rushing or Chasing	61	41
Other Stock	53	37
Attacks on people	29	41
Worrying Stock	24	7
Property Visit Requests	17	8
Fouling	7	9
Total	2718	2293

Impounding and Rehoming

Category	2015/16	2016/17
Total Dogs Impounded	495	468
Dogs returned to owner	328	303
Dogs rehomed	50	52
Dogs surrendered to SPCA	38	24
Dogs euthanised	78	85
Other (death by natural causes etc)	1	4

4. CITY STRATEGY REGULATORY ACTIVITY REPORTS

Type of Report:	<i>Information</i>
Legal Reference:	<i>N/A</i>
Document ID:	<i>374549</i>
Reporting Officer/s & Unit:	<i>Hayleigh Brereton, Manager Regulatory Solutions Malcolm Smith, Manager Building Consents Paul O'Shaughnessy, Team Leader Resource Consents</i>

4.1 Purpose of Report

To provide an information update on regulatory activity in the city in each quarter. The attached reports covers cover the quarters from 1 January until 31 March 2017 and 1 April until 30 June 2017.

Officer's Recommendation

That Council

- a. Receive the Quarterly City Strategy Regulatory Activity Report for the period 1 January 2017 to 31 March 2017.
- b. Receive the Quarterly City Strategy Regulatory Activity Report for the period 1 April 2017 to 30 June 2017.

MAYOR'S/CHAIRPERSON'S RECOMMENDATION

That the Council resolve that the officer's recommendation be adopted.

4.2 Background Summary

The City Strategy Regulatory activity reports provide a planning and regulatory activity overview for information purposes. The reports covers activity in building control, resource consents, environmental health, animal control, noise, parking and liquor licensing.

4.3 Issues

Quarterly City Strategy Regulatory Activity Report for the period 1 January 2017 to 31 March 2017 is provided as attachment A.

Quarterly City Strategy Regulatory Activity Report for the period 1 April 2017 to 30 June 2017 is provided as attachment B.

Highlights over the period 1 January 2017 – 31 March 2017 include:

- Over \$24 million dollars' worth of building consents issued.
- Building consents issued for 40 new dwellings.
- Over 6,600 freedom campers recorded in the city
- 49 Special liquor licenses received, an increase of 50% on the same period in 2016.
- 101 Land Information Memorandums issued.

- 7341 dogs are registered
- Operation Underdog program commenced.

Highlights over the period 1 April 2017 – 30 June 2017

- Over \$35 million dollars' worth of building consents issued.
- 81 building consents issued for new dwellings.
- 40 resource consents for subdivisions.
- 51 freedom campers per night on average in April
- 46 Special liquor licences received, highlighting the number of events in the city.
- 105 Land Information Memorandums issued.
- 26 dogs neutered under Operation Underdog.

4.4 Significance and Consultation

N/A

4.5 Implications

Financial

N/A

Social & Policy

N/A

Risk

N/A

4.6 Options

The option available to Council is as follows:

1. To receive the Quarterly City Strategy Regulatory Activity Reports for January to March 2017 and April to June 2017 for information purposes.

4.7 Development of Preferred Option

N/A

4.8 Attachments

- A City Strategy Regulatory Activity Report - January - March 2017 [↓](#)
- B City Strategy Regulatory Activity Report - April - June 2017 [↓](#)

Quarterly City Strategy Regulatory Activity Report

1 January 2017 - 31 March 2017

Building Consents

Building consents activity for the January – March 2017 saw a total of 221 building consents issued with a total estimated value of \$24,282,385 and included 40 new dwelling units.

Resource Consents

In the first quarter of 2017 1 January - 31 March Council processed a total 43 Resource Consents (23 land use and 20 subdivision). 95% of these applications processed/approved within statutory time frames.

Food Act 2014

The Food Act came into force on the 1 March 2016. It applies to new food businesses as they open and is transitional for businesses already operating under the existing legislation. The Food Act uses risk based measures to manage food safety ensuring food brought and sold is safe and suitable to eat.

The first transitional deadline was the 31 March 2017. This included on-licenses premises, early childcare premises and producers of non-shelf stable foods e.g. soups, dips or dressings. 100% of businesses required to transition have completed the transition.

The implementation of the Act is a learning process for MPI, Council and businesses, as the impact is understood. Napier City Council has been proactively assisting businesses to transition communicating early and often and working individually with business to assist them through this change.

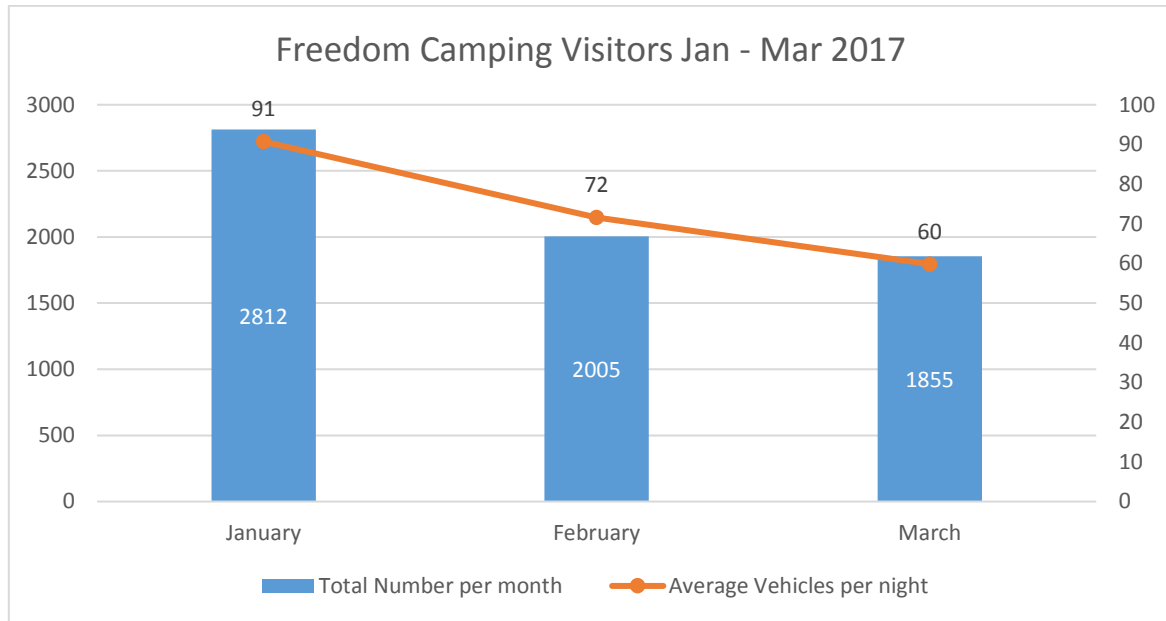
Requests for Service Environmental Health

There were 164 request for service, 44 of these were for freedom camping and 39 were animal nuisance related requests e.g. bees nests or vermin, 21 relating to bylaws, 19 regarding fire hazards and the remainder relating to nuisances.

Freedom Camping

The success of freedom camping is demonstrated in Napier through heavy demand over the summer months. A total of 6672 freedom camping vehicles were recorded over the three months.

The implementation of the new bylaw from 1 February 2017 has seen a reduction in the number of vehicles in the city, coupled with seasonality. January 2017 averaged 91 vehicles per night, this reduced to 72 in February and 60 in March.



The implementation of the new Bylaw has taken some time, including educating freedom campers on the new restrictions, particularly at Perfume Point and Westshore. Education and improvement of signage has had a noticeable impact on freedom camping compliance.

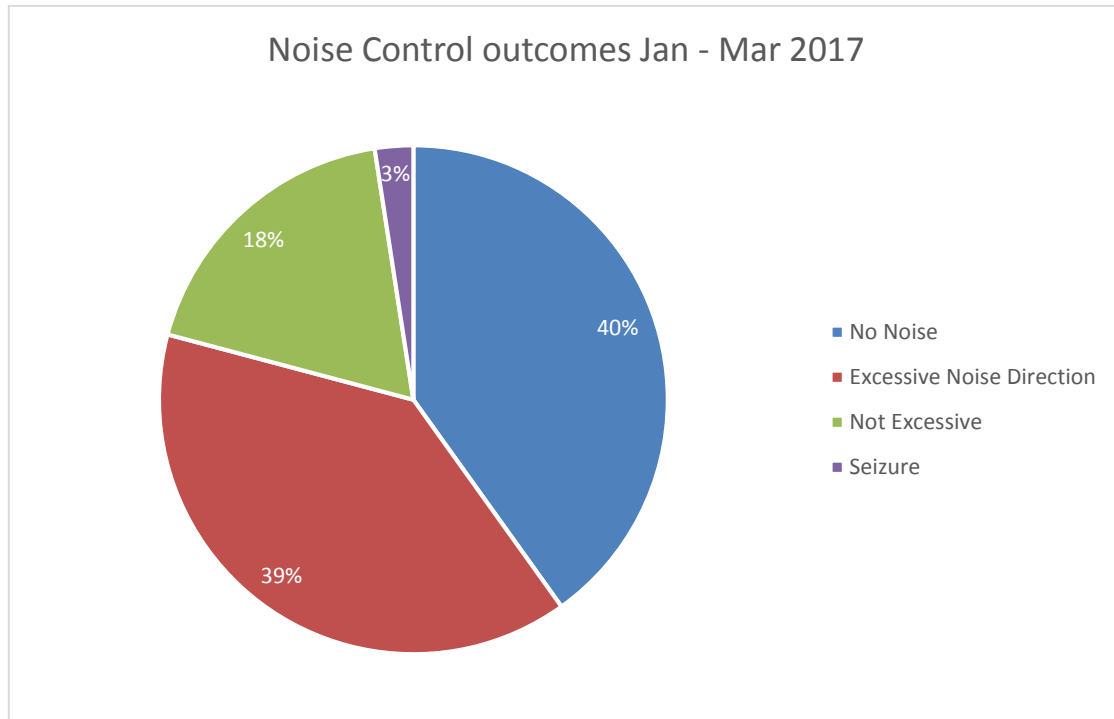
Monitoring of the sites occurs twice daily helps to educate and encourage compliance. A nightly inspection of each site occurs to ensure vehicles are complying with the bylaw and moving those who are not complying to correct locations. The officer is then stationed at the Foreshore Reserve site from 9pm until midnight to ensure the site does not become overcrowded and to deter any anti-social behavior. Morning monitoring includes enforcement.

Infringement action was reduced in February to aid the implementation of the bylaw and allow time for appropriate signage and freedom camping road marking to be installed. Education was undertaken to aid users understanding of the rules.

188 infringement notices were issued during the first quarter. The majority of infringements were issued for non-self-contained vehicles parked in an incorrect location.

Noise Control

380 noise complaints were received in the first quarter compared to 487 for the same period in 2016. 144 (39%) calls resulted in Excessive Noise Direction Notices. 9 calls resulted in a seizure of some equipment. 5 infringement notices have been issued for noise related offences.



Liquor Licensing

The volume of liquor licensing is similar to previous years with a total of 121 licenses issued.

There has been an increase in the number of special licenses issued, 49 were received between January and March 2017 compared to 32 in the same period in 2016, highlighting the increase of events held in Napier.

The District Licensing Committee convened a public hearing to determine 3 applications.

Parking

4,430 infringement notices were issued for the first quarter. 2,225 (50%) have been paid. This is down on the yearly overall average of 70% of infringement notices paid.

467 (10.5%) notices have been cancelled, in line with yearly averages.

Most common offence is parking over the time limit less than 30 minutes. Most offences were issued on Marine Parade or Dickens Street.

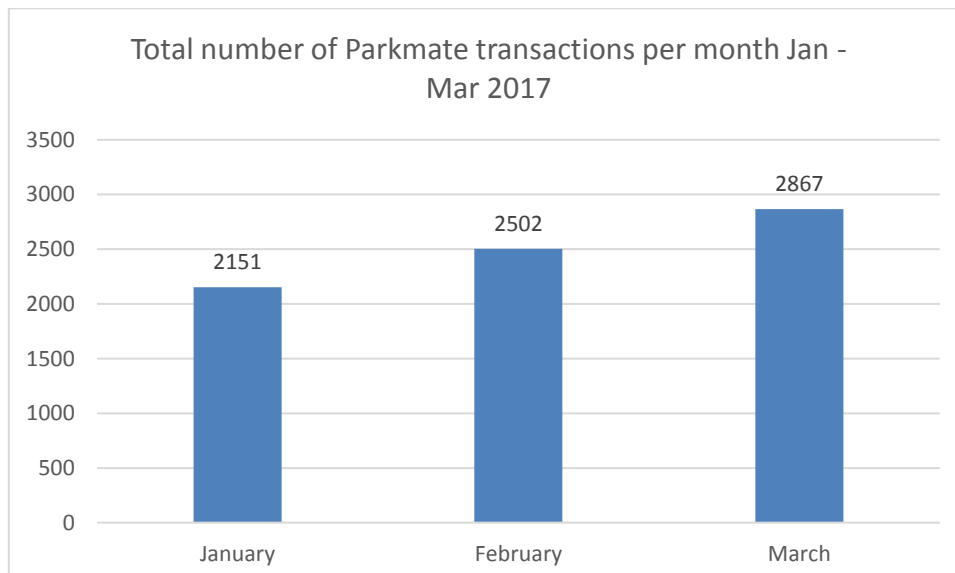
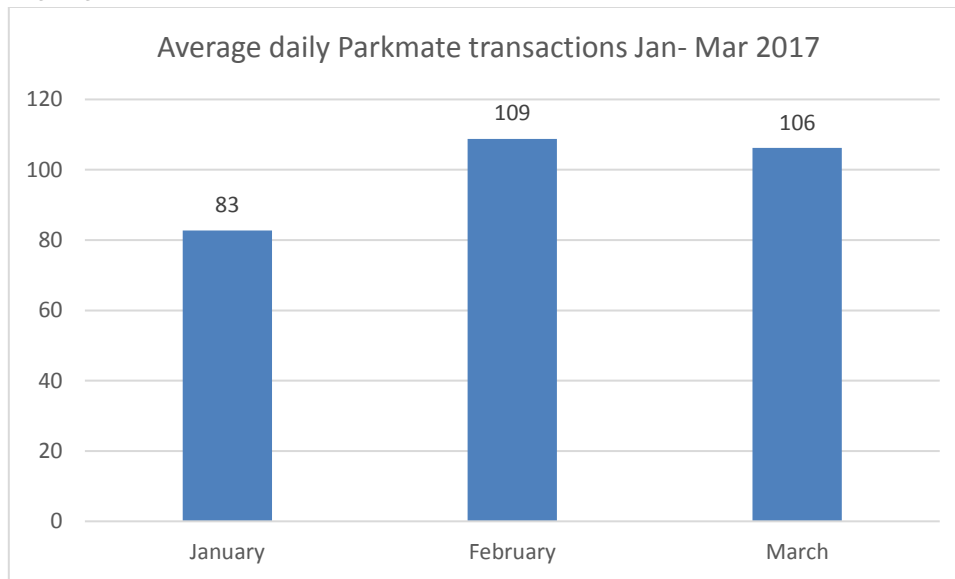
Parking received 173 requests for service, 51 (29%) of these were for abandoned vehicles. There has been an increase in abandoned vehicles as the price of scrap metal has reduced. Every effort is made to investigate and locate owners. 46 (26%) requests were for incorrect or inconsiderate parking.

Park mate

Parkmate was popular with parking users. The most popular car park was the Tiffen parking building, with nearly 1,400 transaction for the quarter, followed by Dickens Street East car park and Lee Road carpark.

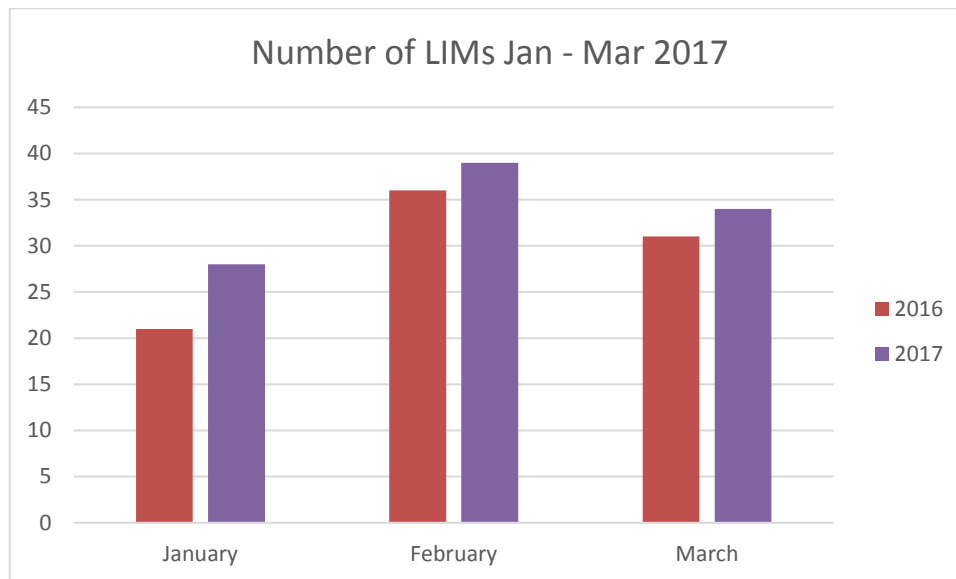
There was a noticeable increase in Parkmate daily transactions between January and February and this may have been due to the holiday period.

Total transactions per month have been increasing as the popularity of Parkmate grows. Signage has been added to Pay and Display meters around the city to promote the app.



Land Information Memorandum (LIM) and Property File Views

101 LIMs have been issued for the first quarter; this is up on the same period last year with 88 LIMs issued.



1,000 property files have been viewed in the first quarter, this is down on the same period in 2016, of 1411. This may be due to the reduction in supply of properties and the reduction in the number of days to sell properties.

Animal Control

At the end of March 2017, 7341 dogs registered and 693 remain unregistered of dogs that were previously registered.

From January until March 2017 475 service requests were received. The majority of these requests were for dogs roaming at 146 (31%). 97 (20%) requests were received for barking dogs and 91 (19%) requests for collection of found dogs, the remainder if the requests were related to information requests and a small number (16) relating to dog behavior e.g. dog rushing.

There were 14 reports of dog attacks on humans, 19 reports of dog attacks on other animals, and 1 report of dog attacks on poultry. Each of these reports were investigated and appropriate action was taken.

Four infringement notices were issued, 2 for failure to comply with effects of classification of dog as menacing dog, 1 for failing to register dog and 1 for failure to keep dog under control.

116 dogs were impounded. Of these dogs 61 were unregistered. 70 dogs returned to owner, 14 dogs were rehomed, 7 dogs were given to the SPCA, 25 dogs were euthanized and 1 dog was returned to Hastings District Council.

Operation Underdog commenced in March, offering owners of dogs classified as menacing under the Dog Control Act free neutering, microchipping and registration. Four dogs have been neutered under the program funded by Department of Internal Affairs.

Quarterly City Strategy Regulatory Activity Report

1 April 2017 – 30 June 2017

Building Consents

Building consents activity for the 2nd quarter of the calendar year saw a total of 352 building consents issued with a total estimated value of \$34,990,646 which also included 81 new dwelling units.

Resource Consents

1 April - 30 June 2017 saw a total of 69 Resource Consents (40 subdivision & 29 land use) approved, with 100% of these applications being processed within statutory time frames

Total Resource Consents numbers for the first half of 2017 were thus 112 made up of 60 subdivisions & 52 land use consents.

Food Act 2014

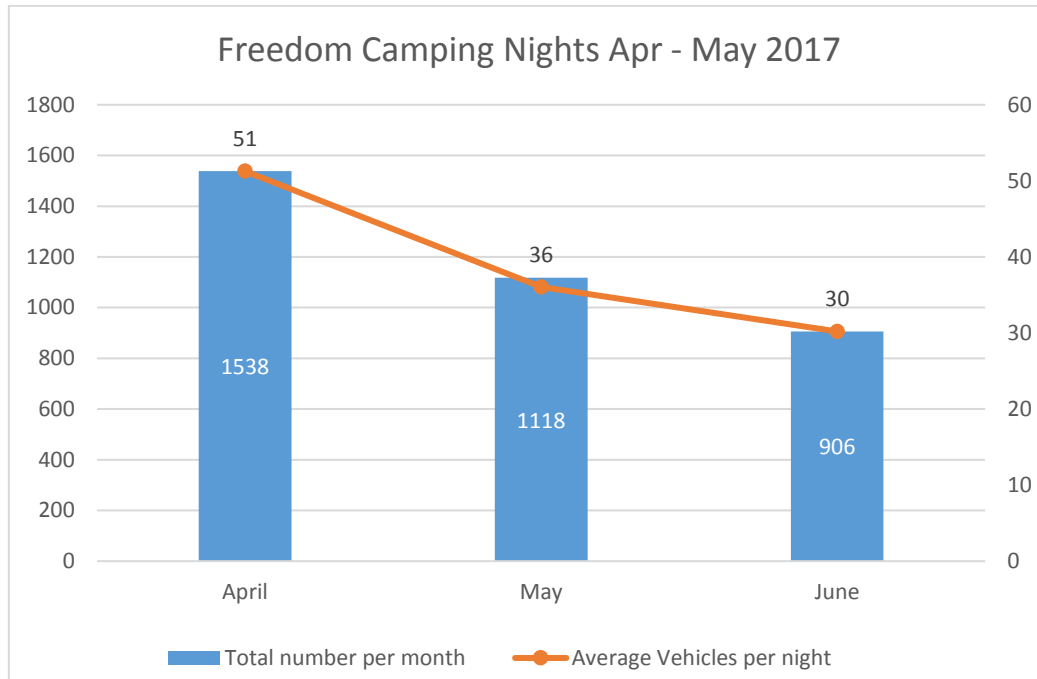
Implementation of the Food Act 2014 continues with all new businesses and those who wished to transition early. 95 businesses did so in the period 1 April to 30 June 2017. This can be attributed to a proactive approach towards assisting businesses.

Requests for Service Environmental Health

120 requests were received for environmental health related activities. 23 requests were for bylaw related requests, 21 were for animal nuisance related requests and 19 were related to nuisance requests.

Freedom Camping

Freedom camping has still proven to be popular as we approach the winter season. A total of 3562 freedom camping vehicles were recorded over the three months. There was a noticeable reduction in vehicles in May compared to April, which may have been attributed to the public holidays in April and the cooling weather.

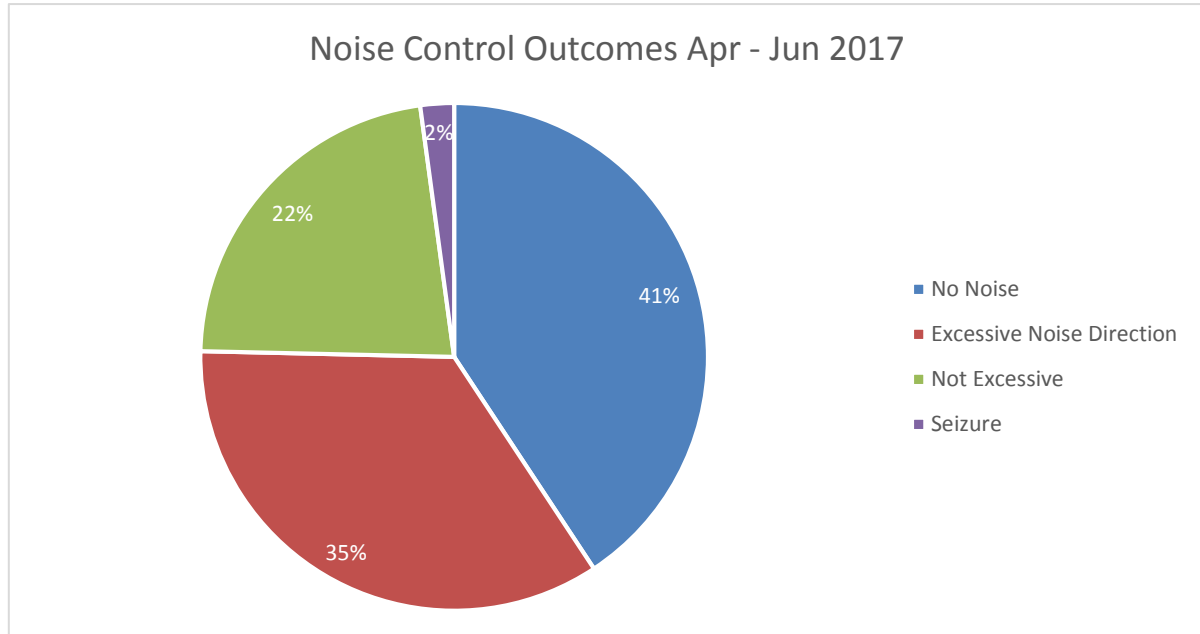


Monitoring of the sites occurs twice daily to educate and encourage compliance. A nightly round to each site to ensure vehicles are complying with the bylaw and moving those on to correct locations. The late number monitoring of the foreshore reserve has been reduced to Thursday – Saturday nights as the numbers at the site have reduced. Morning monitoring includes enforcement.

132 infringement notices were issued during the quarter 1 April to 30 June. The majority of infringements were issued for non-self-contained vehicles parked in an incorrect location. 8 infringement notices were issued for freedom camping more than 10 nights in any 30 day period.

Noise Control

294 noise complaints were received between April and June 2017 compared to 305 for the same period in 2016. 35% of calls resulted in Excessive Noise Directions (END). 6 calls resulted in seizures. 3 infringement notices have been issued for noise related offences.



Liquor Licensing

The volume of liquor licensing is similar to previous years with a total of 126 licenses received.

Again there was a noticeable increase in the number of special licenses, 46 were received compared to 30 in the same period in 2016. A number of the applications were for Winter FAWC and the Winter Art Deco festival.

Parking

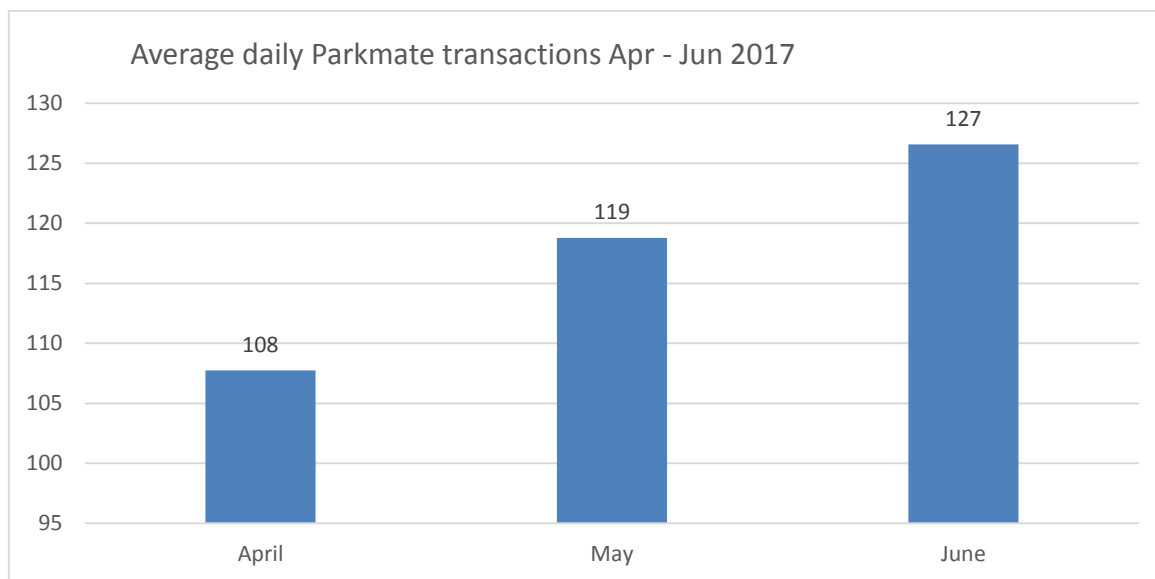
4,713 infringement notices issued for the first quarter. 3,187 (68%) have been paid. This is in line with yearly overall average of 70% of infringement notices paid.

444 (9.5%) notices have been cancelled, in line with the year on year trend.

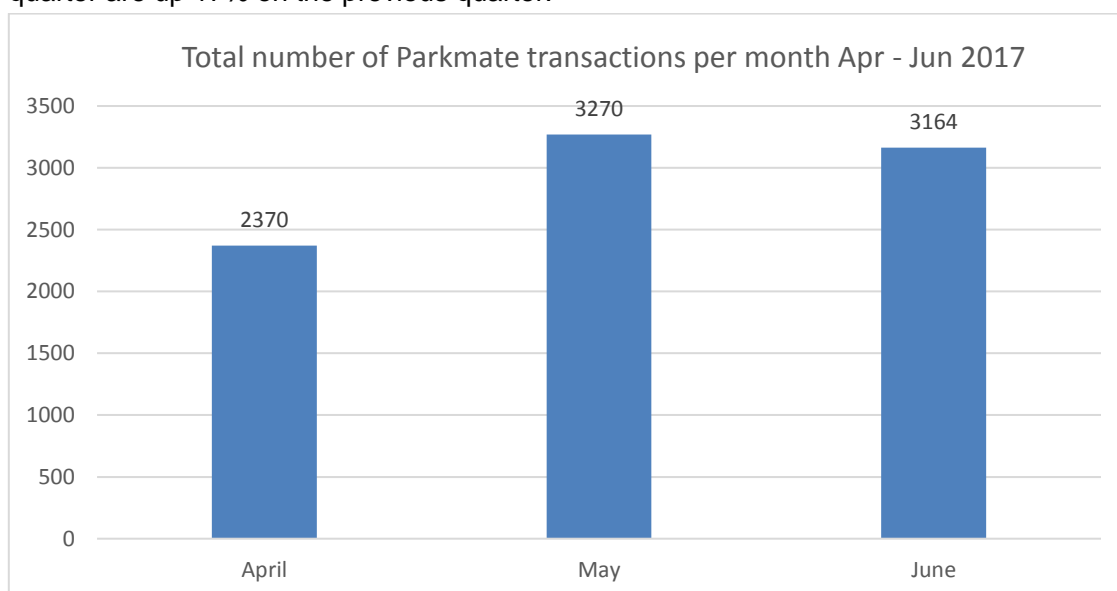
The most common offence is parking on an expired meter for greater than 30 minutes. Most offences were issued on Marine Parade or Dickens Street.

Park mate

Parkmate was increasingly popular over the April – June quarter. The most popular car park was Tiffen parking building, with just over 2,000 transactions for the quarter, followed by the three Dickens Street car parks.

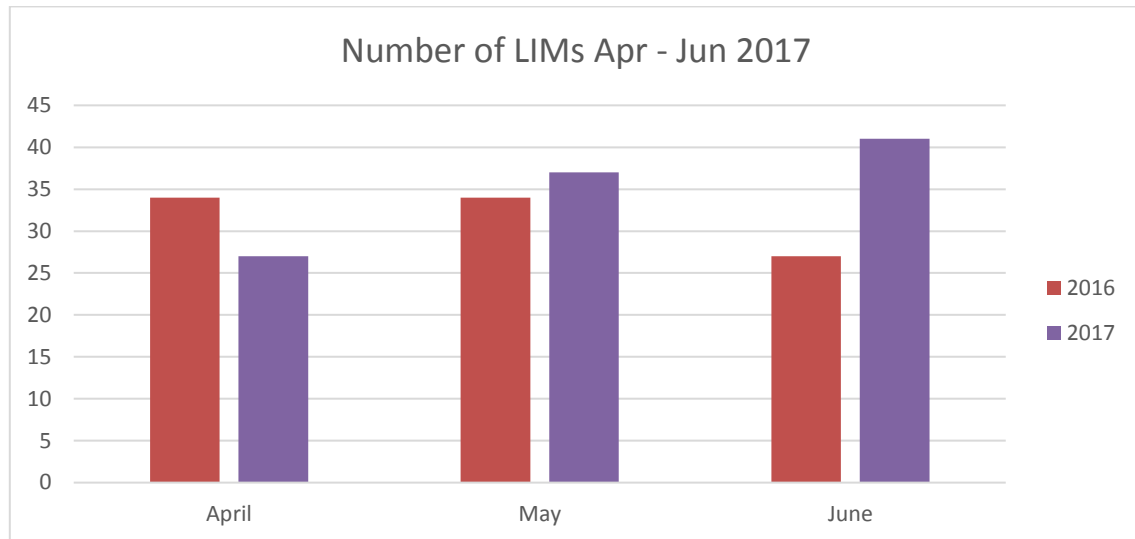


Parkmate total transactions saw 40% increase from April to May. Total transactions for the quarter are up 17% on the previous quarter.



Land Information Memorandum (LIM) and Property File Views

105 LIMs have been issued for the first quarter; this is up on the same period last year with 95 LIMs issued.



970 property files have been viewed in the first quarter, this is down on the same period in 2016, with 1,418 files being viewed.

Animal Control

At the end of the Animal control 2016 registration year a total of 7462 dogs were registered. 647 dogs remain unregistered that were registered in previous years.

From April until June 2017, 574 service requests were received. 197 requests were for dogs roaming. 97 requests were received for barking dogs and 105 requests for collection of found dogs. The remainder if the requests were related to information requests and a small number (12) relating to dog behavior.

There were 7 reports of dog attacks on humans, 23 reports of dog attacks on other animals, and 3 reports of dog attacks on poultry. Each of these reports were investigated and appropriate action was taken.

Four infringement notices were issued, 2 for failure to keep dog controlled or confined, 1 for failure to keep dog under control and 1 for failure to comply with effects of classification of dog as menacing dog.

170 dogs were impounded and of these dogs 62 were unregistered. 99 dogs were returned to owner, 16 dogs were rehomed, 5 dogs were given to the SPCA, 15 dogs were euthanized and 1 dog was returned to Hastings District Council.

26 menacing dogs have been neutered under the Operation Underdog program funded by Department of Internal Affairs, 19 of these dogs have received free registration. The program including free registration was completed on the 31 May 2017. The free neutering and microchipping will continue until the allocated funds have been exhausted.

Regulatory Committee

OPEN MINUTES

Meeting Date: **Wednesday 19 July 2017**
Time: **1.30pm – 2.34pm, 3.37pm – 3.38pm**
Venue: **Taradale Town Hall
Lee Road
Napier**

Present: Councillor Jeffery (In the Chair), the Mayor, Councillors Boag, Brosnan, Dallimore, Hague, McGrath, Price, Tapine, Taylor, White, Wise and Wright

In Attendance: Chief Executive
Director City Strategy, Director Infrastructure Services, Director Corporate Services, Director Community Services, Director City Services, Manager Communications and Marketing
Manager Regulatory Solutions, Manager City Strategy, Manager Community Services, Team Leader Resource Consents, Team Leader Policy Planning, Policy Planner, Senior Advisor Policy, Communications Specialist

Administration: Governance Team

APOLOGIES

Nil

CONFLICTS OF INTEREST

Nil

PUBLIC FORUM

Nil

ANNOUNCEMENTS BY THE MAYOR

Borough Council anniversary.

ANNOUNCEMENTS BY THE CHAIRPERSON

ANNOUNCEMENTS BY THE MANAGEMENT

Nil

CONFIRMATION OF MINUTES

Councillors Brosnan / Wise

That the Minutes of the meeting held on 31 May 2017 were taken as a true and accurate record of the meeting.

CARRIED

HEARING OF SUBMISSIONS – GAMBLING POLICY

New Zealand Community Trust – Tanya Piejus

The Trust spoke in support of the policy, making the following points:

- Gaming operates within a very strict legal framework in New Zealand.
- Statistics show that sinking lid policies do not address problem gambling and affect community funding levels. A cap is a good balanced approach.
- Relocation of machines is positive for both businesses and the community.
- It is good that clause 3.2 has been brought in line with the legislation around numbers of machines able to be relocated.
- Multiple harm minimisation measures are undertaken across the country, funded by part of the proceeds from gambling.
- Approximately 80% of the Trust's funds go into community sports; this equates to about \$1Million coming back into the community every month.

New Zealand Racing Board – Jarrod True

The Board spoke in support of the policy, making the following points:

- The current cap and the relocation clauses are seen as appropriate.
- Funding from gaming machines is a reliable source of income back into the community.
- No reliable links have been found between levels of problem gambling and machine numbers.

- It has been shown that problem gamblers are highly adaptive, and if a venue closes or moves others will be found. Of particular concern is the rise of online gaming, which has none of the safe guards of a venue (such as trained staff, maximum bet limits, and cash only payments) and no return to the community.

In response to questions from Councillors it was clarified that the total amount spent in Napier over the last year was \$17Million. Of this, a minimum of 40% goes back into the community through grants, a third goes in taxes and levies, and the balance goes to licensing fees, paying the venues and so on.

Infinity Foundation – Rick McLaren

The Foundation spoke in support for the policy, making the following points:

- It is unlikely that there will be a large increase in venues as the costs to start up a business are significant. Regulatory requirements and the levels of contribution back in to the community are rising.
- Local venues are considered more desirable as they are more personal and staff are more in touch with their patrons. Moving venues into the CBD creates more of a 'faceless; experience.
- There is no need to create a cap in Taradale as most businesses actually cannot make it work in this area.
- The Foundation guarantees that 90% of the funds raised stay within the Hawke's Bay.

In response to questions from Councillors it was clarified that several districts set their cap by population level, for example Rangiora, Tauranga and Lyttleton all take this approach.

Te Rangihaeata Oranga Trust – Shelley Burne-Field

The Trust spoke against the policy, making the following points:

- Gambling has a very real impact on society, and there is a need to actively minimise gambling harm in our communities.
- \$4Million leaves the district via gambling every 3 months.
- Research suggests that "increased opportunity" contributes to problem gambling, which includes machine numbers.
- Social gamblers actually affect more harm in the community than problem gamblers through negative impacts on relationships and household income.
- The Trust advocates for a sinking lid policy and for there to be no relocation of machines without a social impact analysis.

In response to questions from councillors it was clarified that:

- There are differences seen in numbers of problem gambling between Napier and Hastings.
- There are areas of high deprivation in or near the CBD, meaning some of the most needy people in the city are living near to where new venues are being pushed to open.
- Online gambling is very problematic but this does not mean that machine gambling should be treated as being 'ok'.
- Relocation could be viewed on a case by case basis, for example where a building is required to be strengthened under earthquake legislation.

Hawke's Bay District Health Board – Lisa Pohatu, Population Health Team

The Health Board spoke against the policy, making the following points:

- The District Health Board has a role and focus in reducing inequities and gambling does create harm within communities.
- A recent report by Auckland University has assessed gambling as significantly more harmful than drug use disorders and diabetes.
- The board supports a sinking lid approach but this is a long term solution and more aggressive short term measures are required.
- Relocation only shifts the issue, it does not address it. Machines must absolutely be kept out of high deprivation areas.

In response to a question from councillors, officers advised that only a vendor can request relocation; this cannot come from Council.

Napier City Business Inc – Zoe Barnes

The Business Inc. spoke against the policy, making the following points:

- They support a sinking lid policy.
- Napier has a very high proportion of machines per capita compared to Hastings and national numbers.
- The location of the venues is very important to consider – currently six separate venues operate within less than one square kilometre in the CBD.
- Those canvassed in the tourism sector have suggested that the machines are not particularly important as a drawcard. Only Australian cruise tourists tend to play and the cruise season is only five months of the year.
- Although not included in the written submission, it was proposed that Council should have a clause stating that venues could not operate within 100m of each other.

In response to questions from Councillors it was clarified that the membership was canvassed but there were not high response levels to the survey. There has also been feedback gleaned through speaking one-on-one with people.

It was noted by councillors that a better comparison for machines per capita might be other tourist cities rather than Hastings.

Safer Napier Strategic Group – Wi Ormsby

The Group spoke against the policy, making the following points:

- A key priority for the Group is to reduce community harm from gambling.
- It is preferable that a sinking lid policy be adopted and restrictions be increased to stop new venues being established in vulnerable areas.
- The number of machines in Napier is comparatively very high and should be reduced.
- It is proposed that the levy to address problem gambling be increased and that Council advocate to increase the level of contribution directly back into Napier.

In response to questions from councillors it was clarified that the Safer Napier Strategic Group is an accredited member of the Safer Communities international programme.

It is possible that continuing accreditation may be affected by the impacts of this policy.

It was noted by councillors that the current levels of machines had not affected accreditation being achieved.

The hearing of submissions closed at 2.25pm.

DELIBERATIONS TO BE TAKEN IN PUBLIC EXCLUDED

COMMITTEE'S RECOMMENDATION

Councillors Jeffery / White

That the deliberations of the Gambling Policy Hearing be moved into the public excluded section of the Regulatory Committee.

CARRIED

AGENDA ITEMS

1. GAMBLING VENUES POLICY - HEARING REPORT

Type of Report:	<i>Legal</i>
Legal Reference:	<i>Gambling Act 2003</i>
Document ID:	<i>356506</i>
Reporting Officer/s & Unit:	<i>Kim Anstey, Planner Policy/Analyst</i>

1.1 Purpose of Report

This report provides an analysis of submissions received on the Gambling Venues Policy review and outlines the officer's recommendations on these submissions.

At the Meeting

Deliberations on the Gambling Policy submissions were taken in committee.

As per the decision of the Committee, the record of the deliberations and the Decision of Council is recorded in the open minutes below.

DELIBERATIONS ON SUBMISSIONS – GAMBLING POLICY

The following key points were considered during the deliberations:

- A 'cap' versus a 'sinking lid' approach
- The relocation of machines
- The impacts on community funding.

It was noted that the point raised by the Napier Business Inc. (regarding venues not being able to operate within 100m of each other) could not be discussed today as it had not been included in any written submission. It was noted that this matter had been previously considered during a workshop with Council and discounted at that time.

During discussions the following was noted:

- Although the impacts of problem gambling were clearly outlined by some submitters, it was noted that most people use gambling machines responsibly. The percentage of problem gamblers is very low, and is even lower when only class 4 gambling machines are considered.
- No submission touches on personal responsibility for behaviours. Research suggests that a predilection towards gambling may hinge on a significant early life event. Council cannot manage these events through policy. What it can do is attempt to strike a good balanced approach to the matter.
- The cap approach is believed to be appropriate, and almost becomes self-policing.
- Accessibility and number of venues appears to be key according to international research, as opposed to literal numbers of machines.
- Online gaming is on the rise, and no contributions at all towards communities or addressing problem gambling are made from the spend in these platforms.
- Under the policy, relocations and new venues are essentially treated the same in that they must be within or to specified zones.
- There is the potential for all venues to relocate into the CBD but this is seen as highly unlikely.

- The recent change in legislation to allow up to 18 existing machines to be relocated has been reflected in the change to the policy (where previously only nine machines were able to be relocated).
- As the cap has been reached in Taradale there is no option to relocate into the area or for a new venue to open. However an existing venue in Taradale could move to another location in Taradale (for example if there were issues with the present building).
- Social impact reports were undertaken in 2012 and 2013, as required when a relocation clause is included in a gambling policy. A new impact report is not required if the existing relocation policy is being rolled over.
- There was some expectation from cruise tourists that they would be able to use class 4 machines while on land.

The general consensus was that the policy strikes an appropriate and balanced approach to the matter of class 4 gambling machines.

COMMITTEE'S RECOMMENDATION

Councillors Jeffery / Brosnan

That Council

- a. Hear the submissions on the Gambling Venues Policy and determine whether any changes are required to the proposed policy.

CARRIED

COMMITTEE'S RECOMMENDATION

Councillors Wright / Brosnan

That a **DECISION OF COUNCIL** is required as a Hearing is not subject to double debate.

CARRIED

COMMITTEE'S RECOMMENDATION

Councillors Taylor / Wright

That, in terms of Section 82(3) of the Local Government Act 2002, the principles set out in that section have been observed in such a manner that the Napier City Council considers, in its discretion, it is appropriate to make decisions on the recommendation.

CARRIED

**COUNCIL
RESOLUTION**

Councillors Brosnan/ Wright

That Council

Adopt the intent of the policy as proposed (cap on venues and machines) with the following changes to the relocation clause (N.B. strikethrough indicates those items proposed to be removed):

- 3.1 A Class 4 or TAB gambling licence holder who holds consent from Council to operate in the Napier District may apply for consent to relocate.**
- 3.2 *Consent to relocate is subject to the conditions provided in the policy and in accordance with section 97A of the Gambling Act.***
- ~~3.2 For any site to which an existing Class 4 venue licence operator wishes to relocate, the maximum number of machines approved shall be 9.~~**
- ~~3.3 If the venue from which the licence is relocated operates fewer than 9 machines, then the maximum of machines at the newly licenced site shall be the same as the Class 4 venue prior to being relocated.~~**
- ~~3.4 The initial licence operated under must be surrendered prior to approval of an application for relocation.~~**
- ~~3.5 Applications to relocate an existing Class 4 or TAB venue must meet all the necessary requirements of the policy, as if it was a new application for consent.~~**

CARRIED

2. SET PARKING FEES AND CHARGES - 292 HASTINGS STREET

Type of Report:	<i>Operational</i>
Legal Reference:	<i>Traffic Regulations, Parking Control Bylaw 2008</i>
Document ID:	<i>374136</i>
Reporting Officer/s & Unit:	<i>Hayleigh Brereton, Manager Regulatory Solutions</i>

2.1 Purpose of Report

To seek Council's approval for establishing parking fees for a property at 292 Hastings Street, Napier, which has recently been acquired by Council to bolster the supply of parking options in the city.

At the Meeting

In response to queries from councillors it was clarified that:

- The Bylaw offers the opportunity for multiple payment options. It will be confirmed prior to the council meeting whether there is a specific requirement to accept cash as payment.

- As this is a relatively small carpark it can be used as a trial for the Parkmate app without too much difficulty, and it was anticipated that a standard payment machine could be installed if the app became problematic (people not having the right type of phone, being comfortable with the technology etc)
- The proposed set up may in fact be useful to those attending the adjacent Courthouse as a receipt is necessary for those doing jury service to claim back their expenses.
- Parkmate is also used in Hastings and by the DHB so there is some consistency across the region with people being able to use the app for multiple sites.
- Education in downloading and using the app will be important.

COMMITTEE'S RECOMMENDATION

Councillors Wright / White

That Council

- a. Establish the property at 292 Hastings Street, Napier, as an all-day casual car park.
- b. Agree that the parking fees be set at \$1 per hour with an all-day rate of \$5 per day
- c. Agree that the car park be trialled as a technology only payment system, with payment made by car parking App Parkmate.

CARRIED

3. FUNDING APPLICATION FOR ELITE ROAD NATIONAL CYCLING CHAMPS

Type of Report:	<i>Operational</i>
Legal Reference:	<i>N/A</i>
Document ID:	<i>374244</i>
Reporting Officer/s & Unit:	<i>Kevin Murphy, Event Manager</i>

3.1 Purpose of Report

To seek approval for the Marketing Department to apply for external funding to support the Elite Road National Cycling Champs to be held in Napier 5-8 January 2018

At the Meeting

The event has been very successful over the last two years and brings in good levels of revenue to the city.

Other sponsorship is received on top of this grant as well as contributions in kind.

COMMITTEE'S RECOMMENDATION

Mayor Dalton / Councillor Taylor

That Council

- a. Approve an application for funding being made to the Lion Foundation for \$50,000 to assist with costs to manage the Elite Road national Cycling Champs in January 2018.

CARRIED

ADJOURNMENT OF MEETING

COMMITTEE'S RECOMMENDATION

Councillors Taylor / Brosnan

That the public excluded part of the Regulatory Committee meeting adjourn until after the Strategy and Infrastructure Committee meeting this afternoon.

CARRIED

The meeting adjourned at 2.34pm.

The meeting reconvened at 3.37pm.

PUBLIC EXCLUDED ITEMS

Councillors Brosnan / Wright

That the public be excluded from the following parts of the proceedings of this meeting, namely:

1. Street Naming-150 Guppy Road

CARRIED

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

GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER	GROUND(S) UNDER SECTION 48(1) TO THE PASSING OF THIS RESOLUTION
1. Street Naming-150 Guppy Road	7(2)(a) Protect the privacy of natural persons, including that of a deceased person	48(1)A That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the

		disclosure of information for which good reason for withholding would exist: (i) Where the local authority is named or specified in Schedule 1 of this Act, under Section 6 or 7 (except 7(2)(f)(i)) of the Local Government Official Information and Meetings Act 1987.
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The meeting moved into committee at 3.38pm

**APPROVED AND ADOPTED AS A TRUE AND ACCURATE RECORD OF THE
MEETING**

CHAIRPERSON:_____

DATE OF APPROVAL:_____