



NAPIER
CITY COUNCIL
Te Kaunihera o Ahuriri

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FUTURE NAPIER COMMITTEE

Open Agenda

Meeting Date: Thursday 24 March 2022

Time: Following the Sustainable Napier Committee

Venue: Via Zoom (Audiovisual Link)

Livestreamed via Council's Facebook site

Committee Members **Chair:** Deputy Mayor Brosnan

Members: Mayor Wise, Councillors Boag, Browne, Chrystal, Crown, Mawson, McGrath, Price, Simpson, Tapine, Taylor and Wright

Officer Responsible Director City Strategy

Administration Governance Team

Next Future Napier Committee Meeting
Thursday 5 May 2022

ORDER OF BUSINESS

Karakia

Apologies

Nil

Conflicts of interest

Public forum

Nil

Announcements by the Mayor

Announcements by the Chairperson including notification of minor matters not on the agenda

Note: re minor matters only - refer LGOIMA s46A(7A) and Standing Orders s9.13

A meeting may discuss an item that is not on the agenda only if it is a minor matter relating to the general business of the meeting and the Chairperson explains at the beginning of the public part of the meeting that the item will be discussed. However, the meeting may not make a resolution, decision or recommendation about the item, except to refer it to a subsequent meeting for further discussion.

Announcements by the management

Confirmation of minutes

That the Minutes of the Future Napier Committee meeting held on Thursday, 10 February 2022 be taken as a true and accurate record of the meeting.39

Agenda items

- 1 Resource Consent Activity Update.....3
- 2 Dog Control Bylaw and Policy Statement of Proposal6

Minor matters not on the agenda – discussion (if any)

Public Excluded

Nil

AGENDA ITEMS

1. RESOURCE CONSENT ACTIVITY UPDATE

<i>Type of Report:</i>	Enter Significance of Report
<i>Legal Reference:</i>	Enter Legal Reference
<i>Document ID:</i>	1438421
<i>Reporting Officer/s & Unit:</i>	Luke Johnson, Team Leader Planning and Compliance

1.1 Purpose of Report

This report provides an update on recent resource consenting activity. The report is provided for information purposes only, so that there is visibility of major projects and an opportunity for Elected Members to understand the process.

Applications are assessed by delegation through the Resource Management Act (RMA); it is not intended to have application outcome discussions as part of this paper.

This report only contains information which is lodged with Council and is publicly available

Officer's Recommendation

The Future Napier Committee:

- a) **Note** the resource consent activity update for period 18 January 2022 to 27 February 2022.
- b) **Note** the change to a Key Account Manager (KAM) model for managing significant consenting projects.

1.2 Background Summary

The following is an outline of recent activity regarding applications received by Council for consenting pursuant to the Resource Management Act.

Since the February update, the submission of applications to the Resource Consenting team have continued to remain steady however have declined in comparison to the same period 12 months ago down to 34 from 42. Whilst there has been a minor decrease in the number of resource consent applications received, the resource consenting team has taken this opportunity to focus on the processing of current applications and responding to planning related customer enquiries.

As can be seen from the summary table below, Council has not received any new applications that could be considered noteworthy.

Summary Table

Address	Proposal	Current Status	Update
115 Carlyle Street, Napier	Expansion of the Existing Car Sales Operation	Further information requested	Previously reported to Future Napier Committee. No further update
2 Darwin Crescent, Maraenui	Koha Shed and Recreational Activities	Under Assessment	Further information provided below
200 Waitangi Road, Awatoto	Earthworks and Disturbance of Soil in HAIL area (NESCS)	Decision Notified	Approved
113 Fryer Road, Napier	One Lot into Two Lot Subdivision	S357 Objection to Decision	Objection under assessment
16 and 38 Willowbank Avenue, Meeanee	Proposed lifestyle village	Appeal process	Previously reported to Future Napier Committee. No further update
Kāinga Ora - Construction and Innovation			
19 Dinwiddie Avenue, Maraenui	Three Lot into Five Lot Subdivision and Multi Unit Development	Further information requested	Previously reported to Future Napier Committee. No further update
4 Lamb Terrace, Onekawa	One Lot into Two Lot Subdivision and Multi Unit Development	Under Assessment	Previously reported to Future Napier Committee. No further update

1.3 Key Account Manager Team

The Key Account Managers Team has been formed through the identification of a need to provide improved integrated cross-Council advice and guidance to major developers. The team is made up of five members including Georgina King (Team Leader City Design and Urban Renewal), Retha du Preez (Team Leader Development and Standards), Sophie Elliott (Major Development Lead), Fleur Lincoln (Strategic Planning Lead) and Luke Johnson (Team Leader Planning and Compliance). The responsibility of this group is to provide end-to-end management through the Council regulatory system, including assembling and co-ordinating project teams, providing a primary point of contact for the external stakeholder and to ensure that all internal stakeholders are informed of progress of respective projects, all whilst providing a high standard of customer service and strategic alignment.

A core function of this team is to provide a strong focus on identifying and resolving issues ahead of application lodgement and removing unnecessary delays throughout Council's processing framework.

It is expected that each Resource Consent Activity Report will include an update on the Key Account Manager Team projects.

Kāinga Ora

Recent discussions with Kāinga Ora have allowed Council's Key Account Manager Team to gain an insight into their proposed work programme for the near future. The collaboration between Kāinga Ora and Napier City Council allows for an open line of communication between each organisation that amongst other things, aims to assist in the resource consenting process whilst enabling positive development for the community. The hui occurs each month and supports the forward planning of both organisations and further, allows for the appropriate management of Council resources throughout the respective resource consent processing stages.

Riverbend Road – Fast Track Consenting

In December 2021, the Ministry for the Environment granted the authorised consortium of Tawanui Development Limited; K3 Properties Limited; and Mana Ahuriri Holdings Limited permission to take The Riverbend Residential Development through the Covid-19 Recovery (Fast-track Consenting) Act 2020 process. This process allows developers of approved developments to avoid the standard application and assessment process undertaken by Local Authorities, and instead to apply to an Expert Consenting Panel, supported by the Environmental Protection Agency. This has been established to process any resource consent applications and notices of requirement directly (i.e. missing out the Council's consenting process). Council effectively becomes a submitter in the process, but still must operate and maintain any infrastructure vested in Council.

The Riverbend Residential Development relates to a 23.2ha rural zoned land area adjacent to Pukemokimoki Marae and accessed from Riverbend Road. It is proposed the development will consist of approximately 670 residential units, public open spaces, commercial premises, and associated infrastructure. The Riverbend Residential Development consortium have appointed a team of consultants to design the development, including urban designers, engineers and planners. This consultant team are currently working closely with Council's Key Account Manager team to ensure the design is appropriate for the site and will not cause problems with the surrounding environs and infrastructure. Tasks currently being completed include:

- Agreement on urban design matters (the layout of streets, walkways, typology of housing etc)
- Agreement of size, location, and purpose of green open spaces
- Agreed briefs to undertake stormwater and wastewater modelling
- Initial discussions about transportation infrastructure needs
- Agreed information that can be provided to the public about the development (to be provided by the developers)

Further updates will focus primarily on any changes to the tasks being undertaken and progress made.

1.3 Attachments

Nil

2. DOG CONTROL BYLAW AND POLICY STATEMENT OF PROPOSAL

Type of Report:	Legal and Operational
Legal Reference:	Local Government Act 2002
Document ID:	1439107
Reporting Officer/s & Unit:	Paulina Wilhelm, Manager City Development

2.1 Purpose of Report

The purpose of this report is to:

1. Present a revised Dog Control Bylaw and Policy, including associated Statement of Proposal (**the proposal**); and
2. Recommend that the Napier City Council (**the Council**) commence public consultation in accordance with sections 83 and 156(1)(b) of the Local Government Act 2002 in respect of the proposal.

Officer's Recommendation

The Future Napier Committee:

- a. **Confirm** that pursuant to sections 155(2)(b) and 155(3) of the Local Government Act 2002 (LGA), the proposed bylaw and policy are not inconsistent with the New Zealand Bill of Rights Act 1990 (NZBORA).
- b. **Adopt** the Statement of Proposal and Proposed Dog Control Bylaw and Policy for the purposes of public consultation.
- c. **Authorise** public consultation in respect of the proposal in accordance with sections 83 and 156(1)(b) of the LGA.
- d. **Note** the timeframe for consultation release to be in the next twelve months at the discretion of the Chief Executive Officer to allow flexibility in working with the existing consultation schedule.

2.2 Background Summary

The Proposal

Napier City Council proposes to revoke its existing Dog Control Bylaw and Dog Control Policy (2014) and adopt a new Dog Control Bylaw and Policy 2022. A copy of the full proposal can be found in the attached Statement of Proposal.

The Review Process

The LGA establishes the statutory process that the Council must follow in order to review a bylaw. Broadly speaking, this involves two key steps:

- i. The Council must make the determinations required by s155 of the LGA; and
- ii. The Council must consult with the public and affected parties in the manner prescribed by the LGA.

Additionally s10AA of the Dog Control Act 1996 specifies Council must review its dog control policy if its dog control bylaw is being reviewed. Council gives effect to its dog control policy by making a complimentary dog control bylaw.

In adopting a Dog Control Policy, Council must have regard to-

- (a) the need to minimise danger, distress, and nuisance to the community generally;
 - (b) the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults;
 - (c) the importance of enabling, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
 - (d) the exercise and recreational needs of dogs and their owners. Council started the process with a thorough review of both its dog control bylaw and policy.
- iii. Officers have undertaken a thorough review of the existing dog control bylaw and policy including –
- (a) an analysis of Council's dog control statistics including complaints and service requests; and
 - (b) gathering feedback from key stakeholders including DOC, Hastings District Council Animal Control, Napier Port, NCC Parks and Reserves, NCC Animal Control and from participants on Council's 'People Panel' by way of survey.
- iv. General consensus from the initial review was that the dog control bylaw and policy was in need of a refresh to make them fit for current needs. Officers have drafted the proposed dog control bylaw and policy with the aim to:
- (a) further simplify aspects of the bylaw and policy to improve clarity and consistency;
 - (b) strive for consistency with Hastings dog control bylaw and policy;
 - (c) balance the needs of dog owners with non dog owners; and
 - (d) endeavour to be a 'dog friendly' city, as far as possible.
- v. The key findings from the review, including proposed changes to the bylaw and policy, were workshopped with Council on 2 December 2021. Where appropriate Councillors ideas and comments have been incorporated in the documents presented today.

Key Changes Proposed in the Dog Control Bylaw/Policy 2022

Along with a general tidy up of the existing bylaw and policy, officers have addressed the following key issues within the proposed bylaw and policy.

1. Retained the maximum number of dogs allowed to be kept on a property to two (2).
2. Strengthened the 'nuisance' section of the bylaw to allow Council the necessary tools to manage the usual nuisance type situations caused by dogs and how they are kept.
3. Revised the Dog Access Areas:
 - To reduce the number and type of dog access areas from four to three i.e. Prohibited, Controlled (on-lead) and Exercise Areas

- If you're walking your dog within a public place that is neither a 'prohibited area' or a 'dog exercise area' i.e. 'controlled area', the dog/s must be on a lead. Previously it was ambiguous between the policy/bylaw whether owners could walk dogs 'off lead' in a 'controlled area' or not
 - To amend the various public dog access areas to include new suitable areas to exercise dogs, better defined access areas within certain public spaces and parks to ensure compatibility of uses, protect children's play areas and protect other users or wildlife.
4. Redrafted the bylaw and policy to simplify remove sections that are no longer required or already covered within the Dog Control Act.

Determination whether the bylaw is appropriate (section 155), the most appropriate form and consistent with the New Zealand Bill of Rights

Pursuant to s155(1) of the LGA, Council must first decide whether the bylaw is the best way of addressing the problem. Then, s155(2) requires the Council to decide whether the proposed bylaw is the most appropriate form of bylaw along and whether it gives rise to any implications under NZBORA.

Officers have assessed the proposed bylaw against these requirements using standard bylaw making assessment tools. This assessment includes examining all reasonably practicable options, including considering the advantages and disadvantages of each option. This analysis is contained within the attached Statement of Proposal.

Having undertaken these assessments, officers are satisfied the proposed bylaw is appropriate and necessary, in the appropriate form and does not give rise to any unjustified limitations on any rights under the NZBORA.

Public Consultation

Public consultation on Council bylaws is regulated by section 83 of the LGA. This requires the Council to follow the special consultative procedure prescribed by legislation as a minimum standard during the consultation period. The section requires a number of steps to be followed such as the publishing of a statement of proposal, providing the opportunity for hearings and widely advertising the opportunity to make a submission.

Consultation on the proposed Dog Control Policy and Bylaw will run from 27 May to 27 June. Submissions will be able to be made both online and in hard copy with the opportunity for hearings in late July 2022. During the consultation period there will be several events and opportunities for the public to provide feedback and have questions about the bylaw and policy answered. All dog owners will be notified of the consultation period during the annual dog registration process. This will be supported by a comprehensive communications and marketing campaign.

A high level engagement plan for this project is attached to this report.

2.3 Issues

No issues identified. This is a review of an existing bylaw.

2.4 Significance and Engagement

Officers have undertaken an assessment of the proposed bylaw against the Napier City Significance and Engagement Policy and determined that the bylaw is one of moderate significance. The special consultative procedure is being followed as required by legislation in order to update the policy and bylaw. Early engagement with a number of key stakeholders and mana whenua has already occurred as discussed earlier in this report.

2.5 Implications

Financial

Current budgets are sufficient to make and implement the Bylaw and Policy.

Social & Policy

N/A

Risk

There is unlikely to be any significant risk to the bylaw process or to the public as the proposed bylaw contains relatively minor changes.

2.6 Options

A full assessment of the options are included in the Statement of Proposal.

2.7 Development of Preferred Option

That the Council resolves to consult with the public in accordance with s83 of the LGA on the proposal to make a revised Dog Control Bylaw and Policy.

2.8 Attachments

- 1 Proposed Dog Control Bylaw 2022 (Doc Id 1441426) [↓](#)
- 2 Proposed Dog Control Policy 2022 (Doc Id 1441423) [↓](#)
- 3 Statement of Proposal - Napier City Council Proposed Animal Control Bylaw and Policy 2022 (Doc Id 1441425) [↓](#)
- 4 High Level Engagement Plan (Doc Id 1441424) [↓](#)



DOG CONTROL *Bylaw*

2022



NAPIER
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Te Kaunihera o Ahuriri

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Contents

Napier City Dog Control Bylaw 2022

1. Title	page 1
2. Commencement	page 1
3. Repeal	page 1
4. Introduction	page 1
5. Purpose	page 1
6. Interpretation	page 1
7. Nuisances	page 3
8. Dog Faeces	page 3
9. Limitation on Number of Dogs	page 3
10. Prohibition of Dogs in Public Places	page 3
11. Dogs in Designated Dog Exercise Area	page 4
12. Control of Dogs on a Leash in Public Places	page 4
13. Non-compliance with this Bylaw	page 4
14. Date Bylaw Made	page 4
Schedule 1: Prohibited Areas	page 5
Schedule 2: Dog Exercise Areas	page 5
Schedule 3: On-Lead Areas	page 6
Map 1: Te Whanga a Orotu (The Ahuriri Estuary) Prohibited Area	page 7
Map 2: Port West Beach Prohibited Area	page 8
Map 3: Westshore Prohibited Area	page 9
Map 4: Ahuriri Reserve Dog Exercise Area	page 10
Map 5: Dolbel Reserve Dog Exercise Area	page 11

1. Title

- 1.1** This Bylaw is the Napier City Council Dog Control Bylaw 2022.

2. Commencement

- 2.1** This Bylaw comes into force on 1st of July 2022.

3. Repeal

- 3.1** The Napier City Dog Control Bylaw 2004 is repealed on the commencement date of the Napier Council Dog Control Bylaw 2022.

4. Introduction

- 4.1** The Napier City Council, under section 20 of the Dog Control Act 1996, makes this Bylaw for the control of dogs in the Napier City.

5. Purpose

- 5.1** The purpose of this Bylaw is to give effect to the Dog Control Policy by:
- a) Regulating dogs to prevent nuisance;
 - b) Prohibiting dogs, whether under control or not, from specified public places;
 - c) Requiring dogs to be controlled on-leash in any specified public place;
 - d) Regulating and controlling dogs in any other public place;
 - e) Ensuring the number of dogs kept on a premise is suitable; and
 - f) 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.

6. Interpretation

- 6.1** In this bylaw, unless the context otherwise requires:

ACT means the Dog Control Act 1996.

ANIMAL CONTROL OFFICER includes a Dog Control Officer appointed under section 11 of the Act and a Dog Ranger appointed under section 12 of the Act.

AT LARGE means that the dog is off leash and kept under control at all times.

AUTHORISED OFFICER means a warranted Dog Control Officer or Dog Ranger or a person so warranted pursuant to the Local Government Act 2002.

BYLAW means the Napier City Council Dog Control Bylaw 2022.

CHILDREN'S PLAYING AREA means any public place or play area designed and equipped with facilities for recreational use by children, including and not limited to playgrounds, bike parks, skate parks and sport parks.

CITY means the area designated as the Napier City.

COUNCIL means the Napier City Council.

DOG EXERCISE AREA means a public place identified in the Bylaw as an area, including all walkways and tracks within the exercise area, where dogs may be exercised providing the dog is kept under control at all times.

DOG ON LEASH means that the dog must be on a leash and kept under control at all times by the owner or person in charge of the dog.

DOG ON LEASH AREA means an area identified in this Bylaw where dogs must be on a leash and kept under control at all times.

KEPT UNDER CONTROL means the dog is not causing a nuisance or danger; and that the person in charge of the dog has the dog under continuous surveillance and is able to obtain the desired response from the dog by use of a leash and, when not on a leash, the dog is obedient and responsive to the dog owner's commands without hesitation.

LEASH means a lead which is capable of restraining the dog.

NEUTERED DOG means a dog that has been spayed or castrated; and does not include a dog that has been vasectomised.

OWNER, in relation to any dog, means every person who:

- a) Owns the dog; or
- b) Has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or

c) the parent or guardian of a person under the age of 16 years who:

- i) Is the owner of the dog pursuant to paragraph (a) or paragraph (b); and
- ii) Is a member of the parent or guardian's household living with and dependent on the parent or guardian;

but does not include any person who has seized or taken custody of the dog under this Act or the Animal Welfare Act 1999 or the National Parks Act 1980 or the Te Urewera Act 2014 or the Conservation Act 1987 or any order made under this Act or the Animal Welfare Act 1999.

POLICY means the Napier City Council Dog Control Policy 2022.

PROHIBITED PUBLIC PLACE means a public place identified in this Bylaw as a place where dogs are prohibited, except as provided for in this Bylaw or the Act.

PUBLIC PLACE

- a) Means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and
- b) Includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

WORKING DOG has the same meaning as that provided in section 2 of the Act.

6.2 Any undefined words, phrases or expressions used in this Bylaw have the same meaning as in the Act unless the context plainly requires a different meaning.

6.3 Any ambiguity in the wording of this Bylaw should be, as far as practicable, interpreted accordance with the intent and provisions of the Interpretation Act 2019.

7. Nuisances

- 7.1** The owner or occupier of any premises where any dog or dogs are customarily kept shall take all necessary steps to prevent the keeping of the dogs from becoming a nuisance or injurious to health.
- 7.2** If in the opinion of an authorized officer the keeping of dogs referred to in clause 7.1 become or are likely to become a nuisance or injurious to health, the authorized officer may, by notice, require the owner or occupier of the premises to do all or any of the following:
- To reduce the number of dogs kept on the premises;
 - To take such action as stipulated in the notice so as to remove and mitigate the nuisance or injury to health, or likelihood of nuisance or injury that exists;
- Any person who fails to comply with a notice under this clause within the time specified commits an offence against the Act.
- 7.3** The owner of every dog shall ensure that the dog does not create a nuisance including, without limitation, by:
- Obstructing the lawful passage of any person in a public place or on private property.
 - Rushing at, chasing, frightening, intimidating or causing any person in a public place or lawfully on private property to suffer injury or distress.
 - Destroying, tearing or otherwise interfering with any refuse container, whether the container is on private property or in a public place.
 - Interfering with any person's property, whether on private property (other than the owners) or in a public place.
 - Rushing at, chasing, frightening, obstructing or causing injury or distress to any stock, poultry, domestic animal or protected wildlife, whether on private property (other than the owners) or in a public place.
 - Barking, howling and/or whining in a persistent and loud manner.
 - Rushing at any vehicle.

8. Dog Faeces

- 8.1** When in a public place dog owners must ensure the immediate removal and disposal of their dog's faeces. This must be done in a way that does not cause a nuisance.
- 8.2** Clause 8.1 does not apply to any dog herding or driving stock on a road where the dog is kept solely or principally for the purposes of herding or driving stock.

9. Limitation on Number of Dogs

- 9.1** No occupier of any property in an urban area may allow or cause to remain or keep on the property, more than two (2) dogs, over the age of three months (whether or not such dogs are registered) unless the occupier has obtained a permit from Council.
- 9.2** A permit may be issued upon or subject to such terms, conditions or restrictions as Council may consider necessary and any breach of such terms, conditions or restrictions shall result in revocation of the licence.

10. Prohibition of Dogs in Public Places

- 10.1** The owner of any dog must ensure their dog does not enter or remain in any public place specified as a '**prohibited**' area as set out in the First Schedule of this Bylaw.
- 10.2** Clause 10.1 does not apply in the following cases:
- Any working dog accompanying and assisting a person or accompanying a person engaged in the dog's training; or
 - Where the only pedestrian access to either the owners residence or a veterinary surgery is through a prohibited public place provided that:
 - The owner takes the most direct route through the prohibited public place; and
 - The dog is under control on a leash.
 - where a dog is:
 - Wholly contained within a vehicle; or
 - In the case of a ute or truck, securely tethered to the flat deck so that the dog is unable to reach the side or rear of the flat deck and a person in a public place is able to walk past a vehicle without fear of attack or intimidation.

11. Dogs in designated Dog Exercise Area

- 11.1** The owner of any dog may cause, permit or allow the dog to enter or remain, off leashed, in a designated dog exercise area, as provided for in the Second Schedule of this Bylaw, provided the dog is kept under control at all times.

12. Control of Dogs on a Leash in Public Places

- 12.1** The owner of any dog must ensure that the dog is under control on a leash in any public place specified in the Third Schedule of this Bylaw.
- 12.2** Clause 12.1 does not apply to:
- a) Any dog confined in a vehicle or cage; or
 - b) Any working dog accompanying and assisting a person or accompanying a person engaged in the dog's training.

13. Non-Compliance with this Bylaw

- 13.1** The Council may use its powers under the Act and the Local Government Act 2002 to enforce this Bylaw.
- 13.2** A person who fails to comply with any control, restriction, limitation or prohibitions contained within or made pursuant to this Bylaw commits an offence under the Act and/or the Local Government Act 2002 and is liable to the penalties under the Act and/or the Local Government Act 2002.

14. Date Bylaw Made

This bylaw was made by the Napier City Council at a meeting of the Council on **DATE TBA**.

Sealed with the Common Seal of the Napier City Council in the presence of:

Mayor:

Chief Executive:

Date: **TBA**

Schedule 1 - Prohibited Areas (Clause 10)

- a) City of Napier Civic Building
Public Libraries
Public Swimming Pools
Kennedy Park Resort
McLean Park
Nelson Park.
- b) Children's playing areas under the control of the Council.
- c) Within the boundaries of all playing areas under the control of the Council set aside and patently prepared for organised games or sports and all other areas zoned as Sports Parks in the City of Napier District Plan including:
 - McLean Park
 - Nelson Park
 - Whitmore Park
 - Marewa Park
 - Taradale Park
 - Bledisloe Park
 - Maraenui Park
 - Park Island
 - Onekawa Park
 - Petane Domain
 - Taraha Recreation Reserve
 - Taraha Park
 - Park Island North
 - Tremain field
 - Bluewater Stadium
 - Hawke's Bay Hockey.
- d) Te Whanganui a Orotu (The Ahuriri Estuary) including the whole
 - of the Westshore Wildlife Reserve, the Ahuriri Estuary Wildlife Refuge Park area below the MHWS (Mean High Water Springs) mark and Department of Conservation land area. This includes from the boundary of the mowed grass area to the MHWS mark and all of the boardwalk and all formed tracks within, and, all of the Humber Street City Council reserve and associated beach area to the MHWS.

Note: See Map 1 attached to this bylaw for further clarification.
- e) Watchman Road Reserve.
- f) Port Beach West

Note: See Map 2 attached to this bylaw for further clarification.

Schedule 2 - Dog Exercise Areas (Clause 11)

- a) The Reserve running between Taradale and Kennedy Roads (beside Riverbend Road).
 - b) The continuation of the Taradale/Kennedy Road greenbelt between Latham Street, Nash Street and Willowbank Avenue, and the continuation of this greenbelt to and including Te Awa Park, Nash Street Reserve, Latham Street Reserve and Riverbend Road Reserve.
 - c) The Plantation Reserve running from Henry Hill School to Taradale Road.
 - d) The Drainage Reserve running around Westminster Avenue.
 - e) Riverside Park behind the Pettigrew-Green Arena.
 - f) Karitoki Whare (Sturms Gully Reserve).
 - g) The area in Anderson Park on the northern side of the ponds and waterways bounded by York Avenue and Freyberg Avenue, including the strip of green belt from Taradale Road alongside Islington Place to Freyberg Avenue.
 - h) Alexander Park from Taradale Road to Te Awa Park.
 - i) All that area of beach and foreshore, known as Beach Domain on the seaward side of State Highway 2 from the Aquarium southward to the City boundary.
 - j) All that area of beach and foreshore on the seaward side of the Esplanade and the Napier/Gisborne railway line from the public toilets on The Esplanade foreshore northward to the City boundary during April to September only. During October to March, dogs must be exercised on leash.
- Note:** See Map 3 attached to this bylaw for further clarification.
- k) The land around the base of Western Hills and Park Island cemeteries bounded by the northern-most boundary of the soccer and cricket grounds, Clyde Jeffrey Drive and the waterways, including all the walkways therein.

- l) The reserve between the south side of Atherfold Crescent, Spriggs Crescent and Perry Crescent and north of the motorway culvert.

- m) Ahuriri Reserve

Note: See Map 4 attached to this bylaw for further clarification.

- n) All of the Taipo Stream Reserve from Willow Drive through to Balmoral Street, Osier Road and Church Road.

- o) Dolbel Reserve

Note: See Map 5 attached to this bylaw for further clarification.

Schedule 3 - On-Lead Areas (Clause 12)

All those public places that are not designated either a Prohibited Area (First Schedule) or Exercise Area (Second Schedule) are considered On-lead Areas for the purposes of clause 12 of this Bylaw.

Map 1: Te Whanganui a Orotu (The Ahuriri Estuary) Prohibited Area (First Schedule (d))



Map 2: Port Beach West Prohibited Area (First Schedule (f))



Map 3: Westshore (Second Schedule (j))



Map 4: Ahuriri Reserve Dog Exercise Area (Second Schedule (m))



Map 5: Dolbel Reserve Dog Exercise Area (Second Schedule (o))



PUBLIC POLICY



Proposed Dog Control Policy 2022			
Adopted By	TBA		
Department	City Strategy and City Services		
Original Adoption Date	1 May 2014	Review Adoption Date	
Next Review Deadline		Document ID	
Relevant Legislation	Dog Control Act 1996		
NCC Docs Referenced			
NCC Docs Referenced			

Strategic Context and Background

- 1.1. This Policy is adopted under section 10 of the Dog Control Act 1996 (the Act), which requires the Council to adopt a policy in respect of dogs in the Napier City.
- 1.2. The Act requires this Policy to be made having regard to:
 - a) The need to minimise danger, distress, or nuisance to the community;
 - b) The need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults;
 - c) The importance of enabling, as far as practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
 - d) The exercise and recreational needs of dogs and owners.
- 1.3. Council has adopted this Policy and associated Bylaw with the intended outcome of providing a safe and healthy environment for citizens and visitors in Napier. The focus of implementing this policy is to prioritise safe interactions between dogs, people and their environment; reduce nuisance situations, minimise the possibility of dog attacks and promote the welfare of dogs generally.
- 1.4. Council has concurrently reviewed and adopted this Policy and its Dog Control Bylaw ("Bylaw") to ensure the Bylaw gives effect to and reflects the Policy.

Purpose

- 2.1. The purpose of this Policy is to outline how Council will administer the requirements of the Act, and to facilitate good dog behaviour and good dog ownership, including annual registration.
- 2.2. The Policy objectives are to:
 - a) fulfil the requirements of the Act;
 - b) adopt measures to minimise the problems caused by dogs;

- c) provide a safe environment for the community through active enforcement and the education of owners on appropriate dog ownership and care; and
- d) acknowledge and encourage good dog ownership and care.

Application and Scope

- 3.1. This Policy is made under section 10 of the Dog Control Act 1996; and
- 3.2. Applies to the Napier City.

How the Policy will be Implemented

- 4.1. Council will implement this Policy through:
 - a) the Bylaw;
 - b) enforcement of the Bylaw and Act; and
 - c) non-regulatory methods including education and a structured fee schedule that rewards and promotes good dog ownership and behaviour.

Fees

- 5.1. In prescribing fees the Council shall have regard to the relative cost of the registration and control of dogs in the various categories described in section 37 of the Act.
- 5.2. A reduced registration fee applies to owners of working dogs. Council may require an inspection to confirm working dog status.
- 5.3. A reduced registration fee applies to owners with the 'Responsible Dog Owner' classification.
- 5.4. All money received from registration fees or other charges (including infringement fines) under the Act is to be applied for dog control purposes in the city. Good care and management of dogs in the district provides a public benefit. However, the Council also seeks to achieve a high level of cost recovery from infringement offences so that the cost to ratepayers in dealing with dogs which are irresponsibly cared for is minimised. In addition, the Council will manage the pound as far as possible on a user pays basis.

Dog Faeces

- 6.1. Dog faeces can harbour bacterial disease and parasitic infection, which can cause illness particularly in young children who play on the ground in our parks and playgrounds or even around homes.
- 6.2. It is an owner's responsibility to remove dog faeces from a public place immediately.
[Ref. NCC Proposed Dog Control Bylaw 2022 Clause 8]
- 6.3. Private land owners are also encouraged to collect and dispose of dog waste daily so that nuisance conditions such as odour and breeding of flies do not develop.
[Ref. NCC Proposed Dog Control Bylaw 2022 Clause 7]
- 6.4. Where possible (having regard to, among other things, budgetary constraints) the Council will provide bag dispensers and disposal containers in high use sites for dog faeces. The main focus will however continue to be the owner's personal responsibility to pick up after their dog by taking an appropriate bag with them.

Barking

- 7.1. Barking, or vocalisation, is a natural behaviour of every dog. It is not unlawful for an owner to allow his or her dog to bark. A dog barks for a variety of reasons such as:
- a) If there is an intruder in its territory;
 - b) When it is distressed; and
 - c) As a reaction to environmental sounds.
- 7.2. A dog is permitted to display natural patterns of behaviour, including barking as a vocal expression and its owner is obliged to ensure that such needs are met.
- 7.3. However, when the barking or howling becomes a nuisance, Council may intervene under section 55 of the Dog Control Act or its Bylaw.
[Ref. NCC Proposed Dog Control Bylaw 2022 Clause 7]
- 7.4. There are three elements to section 55 of the Act:
- a) A complaint has been made;
 - b) A nuisance is being created; and
 - c) The barking or howling is persistent and loud.
- 7.5. Council is likely to have reasonable grounds for believing that a nuisance is being created by the persistent and loud barking or howling of the dog; both of those elements must be present before the Council will take action.
- a) Persistent means:
 - i. Refusing to give up or let go;
 - ii. Insistently repetitive, continuous, constantly repeated;
 - iii. Existing or remaining in the same state for an indefinitely long time; and/or
 - iv. Enduring
 - b) Loud means:
 - i. Strongly audible;
 - ii. Striking forcibly on the sense of hearing.
- 7.6. In the event that the owner does not take all reasonable steps to prevent the dog from causing a nuisance by barking, enforcement action pursuant to the Act or Bylaw may be taken.
[Ref. NCC Proposed Dog Control Bylaw 2022 Clause 7]

Number of Dogs

- 8.1. Within an urban area, having multiple dogs on premise increases the likelihood of creating a nuisance to surrounding properties.
- 8.2. In order to limit the likelihood of nuisance, no more than two (2) dogs over the age of 3 months will be allowed to be kept on a premises within the urban area at any one time.
[Ref. NCC Proposed Dog Control Bylaw Clause 9]
- 8.3. Council may give approval for a person to keep three (3) or more dogs on a premises within the urban area where it is satisfied that any potential impacts on surrounding neighbours and activities can suitably be managed.
[Ref. NCC Proposed Dog Control Bylaw Clause 9 (2)]

Dog Access Areas

- 9.1. Dogs can form an integral part of family life and offer companionship to their owners, particularly to the elderly. The activity of exercising a dog also provides an important means of exercise for many owners and therefore contributes to health and wellbeing generally.
- 9.2. Council seeks to support the integration of properly socialised dogs into public places in a way that minimises nuisance and allows the community (including vulnerable persons) to use our public spaces.
- 9.3. This policy identifies the following types of dog access rules:
 - a) **Prohibited area** – a public place where dogs are not permitted to be, and other users have absolute priority. Council's Bylaw prohibits dogs entering and remaining in defined prohibited areas listed in its first schedule.
[Ref. NCC Proposed Dog Control Bylaw Clause 10 and First Schedule]
 - b) **Exercise Area (Off-leash)** – a public place shared with other users, where dogs (excluding dangerous dogs) may be off a leash but must still be under control at all times. Council's Bylaw allows dogs to enter and remain in specified public places that are designated Dog Exercise Areas.
[Ref. NCC Proposed Dog Control Bylaw Clause 11 and Second Schedule]
 - c) **Dog on Lead area** – a public place shared with other users, where dogs must be on a leash and under control at all times. Any public place that is not classified as a Prohibited area (First Schedule) or a Designated Exercise (Off-leash) area (Second Schedule) are default on-leash areas.
[Ref. NCC Proposed Dog Control Bylaw Clause 12]
- 9.4. Owners must carry a leash at all times in any public place as required by the Act. Owners must also carry a dog waste bag at all times in any public place to collect and properly dispose of dog faeces.

Release from the Pound

- 10.1. Dogs in breach of the Bylaw and Act that are impounded incur a cost to Council in catching, collecting, housing and feeding. The pound also creates opportunities for the public to adopt dogs which are suitable for re-homing. It is important that impounded dogs are returned to their owners as soon as possible, and that costs are recovered as far as practicable. Section 36A of the Dog Control Act requires that all unregistered, menacing and dangerous dogs, as well as dogs impounded for a second time, be microchipped (at the owner's expense) before release from the shelter.
- 10.2. Impounded dogs should only be released when proof of ownership has been established and upon payment of all fees including registration where applicable. In the case of a dog classified as a menacing dog, release to the owner shall only occur when the dog is provided with a suitable muzzle which must be worn in public areas. It shall be unlawful to remove any dog from the shelter or from a Council vehicle without the approval of a Council officer.
- 10.3. The adoption of any dog from the pound will be subject to:
 - a) the dog remaining unclaimed more than seven days after impounding;
 - b) the dog having a suitable temperament/potential for adoption and being healthy, neutered, vaccinated, wormed, flea treated, registered and micro-chipped;
 - c) approval of the new owner by Council;
 - d) payment of an adoption fee.

Classification of Menacing Dogs

- 11.1. The Council will require that all dogs classified by it as menacing under sections 33A or 33C of the Dog Control Act 1996 be neutered under section 33E(1)(b) of the Dog Control Act 1996.
- 11.2. The Council will require that dogs classified as menacing under section 33A or 33C of the Dog Control Act 1996 by any other territorial authority are required to be neutered under section 33EB(2) of the Dog Control Act 1996 if the dog registration is transferred to the Napier City.

Explanation Section 33A(1)(b) of the Dog Control Act 1996 allows Council to classify dogs as menacing if it considers the dog “may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of:

- i. Any observed or reported behaviour of the dog.
- ii. Characteristics typically associated with the dog’s breed or type.”

Section 33C of the Dog Control Act 1996 requires that Council must classify the breeds or types of dogs listed in Schedule 4 of the Dog Control Act 1996 as menacing. Currently those breeds or types are:

Breeds:

- Brazilian Fila
- Dogo Argentino
- Japanese Tosa
- Perro de Presa Canario

Type:

- American Pit Bull Terrier

Council believes it is appropriate that dogs classified as menacing be required to be neutered. Neutered dogs appear to feature less in reported dog bite statistics.

Working Dogs

- 12.1. It is generally recognised that working dogs pose few problems to the animal control unit. The animals’ general demeanour, their housing, location and their use as working animals ensure owner responsibility. It is also acknowledged that working dogs used for public duties and for assisting people with disabilities are unlikely to pose problems.
- 12.2. The registration fees for working dogs will generally be set to recover as near as practicable only the cost of the registration process. In recognition of the value of dogs trained for the public good or used by people with disabilities, the registration fee should be of a peppercorn nature. This includes registration for:
 - guide dogs;
 - hearing ear dogs;
 - companion dogs;
 - dogs kept by:
 - the Police;
 - the Customs Department;
 - the Ministry of Primary Industries
 - the Ministry of Defence;

- the Department of Conservation;
- the Department of Corrections;
- the Aviation Security Service;
- and dogs certified by the Director General of Civil Defence Emergency Management
- the Council may seek written statements or certificates of authority in relation to working dogs, which are used solely or principally for the purposes of herding or driving stock.

Infringement Notices

- 13.1. An infringement notice like a parking ticket is an instant fine and, if paid within a certain period of time, avoids court procedures.
- 13.2. An infringement notice is only able to be issued for an infringement offence. The offences and fixed fines are specified in the First Schedule of the Dog Control Act 1996.
- 13.3. Failure to comply with an infringement notice can lead to court proceedings.
- 13.4. The advantages of the infringement notice system is fixed fines, with the cost, time and uncertainty involved in seeking a judges' decisions removed. It also allows for the withdrawal of the notice at the discretion of the officer. Direct action with an offender cuts down on the use of legal advisors and all the infringement fees are retained by Council as opposed to only 90% of any fine issued by a court.
- 13.5. Council endorses the use of infringement notices as provided in the Dog Control Act 1996.

Wilful obstruction of dog control officer or dog ranger	\$750.00
Failure or refusal to supply correct information about a dog or wilfully providing false particulars	\$750.00
Failure to comply with any bylaw authorised by Section 20 of the Dog Control Act	\$300.00
Failure to undertake dog owner education programme or dog obedience course (or both)	\$300.00
Failure to comply with obligations of probationary owner	\$750.00
Failure to comply with effects of disqualification	\$750.00
Failure to comply with effects of classification of dangerous dog	\$300.00
Fraudulent sale or transfer of dangerous dog	\$500.00
Failure to comply with effects of classification of menacing dog	\$300.00
Failure to advise person of muzzle and leashing requirements	\$100.00
Failure to implant microchip transponder in dog	\$300.00
False statement relating to registration	\$750.00
Falsely notifying death of dog	\$750.00
Failure to register dog	\$300.00

Fraudulent attempt to procure replacement label or disc	\$500.00
Failure to advise change of ownership	\$100.00
Failure to advise change of address	\$100.00
Removal or swapping of labels or discs	\$500.00
Failure to keep dog under control or confined	\$200.00
Failure to provide proper care/food/water/shelter/exercise	\$300.00
Failure to use or carry leash in public place	\$100.00
Failure to comply with barking dog abatement notice	\$200.00
Allowing dogs known to be dangerous to be at large unmuzzled	\$300.00
Failure to advise of muzzle and leashing requirements	\$100.00
Releasing dog from custody	\$750.00

Policy Review

Document History

Version	Reviewer	Change Detail	Date
	[To be populated]		

Proposed Dog Control Policy and Bylaw 2022 - SOP



Statement of Proposal

Proposed Dog Control Policy and Bylaw 2022

For Public Consultation



Proposed Dog Control Policy and Bylaw 2022 - SOP

1. PROPOSAL

Napier City Council proposes to revoke its existing Dog Control Policy and Bylaw (2014) and adopt a new Dog Control Policy and Dog Control Bylaw 2022. This follows a thorough review process.

This statement of proposal is prepared under Sections 83, 83AA and 86 of the Local Government Act 2002. This document contains:

- A summary of the information contained in the statement of proposal;
- A copy of the draft policy and bylaw

2. SUMMARY OF INFORMATION

Napier City Council ("the Council") is seeking feedback on its revised Dog Control Policy and Dog Control Bylaw 2022. The proposed amendments to the revised Dog Control Policy and Bylaw are not considered major policy/regulatory changes but rather necessary amendments to further enhance dog ownership, management and enforcement in Napier.

Key changes within the proposed Dog Control Policy and Bylaw 2022 are:

- Redrafting of the Policy and Bylaw to improve clarity and to ensure the Policy and Bylaw are consistent with and give effect to each other;
- To ensure as far as practicable Napier's Dog Control Policy and Bylaw are consistent with Hastings' Bylaw/Policy;
- To retain the current limitation on the number of dogs allowed to be kept on any urban property to 'no more than two'.
- To amend the dog access descriptions to make them simpler to understand, comply with and enforce. The previous Policy had four 'dogs access definitions' – 'Prohibited Areas', 'Controlled Areas', 'Off-lead Areas' and 'Exercise Areas' with the revised Policy/Bylaw proposing three areas i.e. 'Prohibited Areas', 'On Leash Areas' and 'Dog Exercise Areas'.
- The 'Controlled Areas' in public places will now be 'On Leash Areas' with 'Off-lead Areas' being removed. Previously it was ambiguous between the Bylaw/Policy whether owners could walk dogs 'off lead' in the 'Controlled' area or not.
- Council has rationalised and amended the various public dog access areas to include new suitable areas to exercise dogs, better define access areas within certain public spaces (such as parks) to ensure compatibility of uses and to protect children play areas, and to redefine current access areas where other users or wildlife are better protected.
- To enhance the 'nuisances' section of the bylaw to increase Council's ability to control 'nuisance' situations caused by dogs in public areas, as well as where the dogs are kept.

Proposed Dog Control Policy and Bylaw 2022 - SOP

- To delete a number of sections from the Dog Control Policy and, to a lesser degree, the Dog Control Bylaw, which are either unnecessary or already adequately covered under the Dog Control Act 1996.

Council considers that the revised Policy and Bylaw is the most appropriate way to address the issues related to dog control within the Napier City; and the Bylaw is the most appropriate form of bylaw, and does not give rise to implications under the New Zealand Bill of Rights Act 1990.

The Council wants to hear what the community thinks of the proposed changes before making any final decisions on the proposed Policy/Bylaw. You can make a submission by going online at www.sayitnapier.nz or visiting the Napier City Council Customer Service Centre.

3. BACKGROUND AND REASONS FOR PROPOSAL

Council is required to adopt a policy on dogs and must make a bylaw to give effect to the policy.

Council's current Dog Control Policy and Bylaw were last reviewed and amended in 2014 and are due for further review and amendment.

In making or amending a policy on dogs, Council must have regard to the matters within s10(4)(a) of the Dog Control Act 1996, which can be summarised as the need to provide for public safety and comfort, and the needs of dog owners.

In reviewing the dog control Policy and Bylaw, feedback was sought from key stakeholders i.e. the Department of Conservation, Hastings District Council Animal Control, Napier Port, and Council's own Parks and Reserves and Animal Control teams. Council also sought feedback on dog control issues from participants on Council's 'People Panel' by way of a survey. Council also considered statistics and trends from its Animal Control activity, including complaints and enforcement statistics.

4. OPTIONS FOR CONSIDERATION

4.1 Limitation on the number of dogs (Bylaw)

The proposal is to retain the current limitation on the number of dogs allowed to be kept on any urban property to 'no more than two (2)', unless a permit has been granted by Council.

Generally speaking the more dogs kept on residential properties the more likelihood nuisance type situations develop such as barking/whining noises, unpleasant odours etc.

Option A1 – Retain the existing 'Limitation on the number of dogs' requirement (Status Quo and preferred).

Under this option Council would retain the existing limitation on the number of dogs allowed to be kept on any urban property to 'no more than two (2)'.

Comments

- Existing provision that Animal Control advises works well and is well understood;
- Has an associated Council permit option for good dog owners to keep more than two dogs should circumstances allow;

Proposed Dog Control Policy and Bylaw 2022 - SOP

- Is a useful regulatory 'tool' to control a number of nuisance situations caused by too many dogs contained within residential properties. Simple to understand and relatively easy to enforce.
- Forces a number of good dog owners with more than two dogs to go through a Council permit system.
- Is the same as Hastings District Council's Bylaw and assists with consistency in the region.

Option A2 – Amend the 'Limitation on the number of dogs' requirements from two (2) to three (3).

Under this option Council would retain a limitation on the number of dogs allowed to be kept on any urban property and increase it from two (2) to three (3).

Comments

- The limit of three (3) dogs is favoured by some Councils, although the majority favour two (2).
- Changing from a limit of two to three dogs would mean fewer dog owners are captured by the need to seek an exemption to keep more than two dogs, and result in less enforcement and permits being issued.
- Would result in inconsistency with Hastings District Council's Bylaw limit of two (2).

Option A3 – Remove the requirement from the Bylaw.

Comments

- Would result in owners being allowed to keep as many dogs on an urban property as they like. Council would no longer need to manage a permit system.
- Would result in more nuisance type situation and complaints.
- Would require Council to use its 'nuisance' abatement rules within the Bylaw to enforce situations where the number of dogs cause adverse effects.
- Results in inconsistencies with Hastings District Council's Bylaw limit of two (2).

4.2 Dog Access Areas

Dog walking provides an important means of exercise for many owners and their dogs and therefore contributes to health and wellbeing generally. However, dogs need to be socialised into public places in a way that minimises nuisance and allows the community (including vulnerable persons and wildlife) to use Napier's public spaces. In considering vulnerable persons, it is also important to note that a number of people actively avoid places where they are likely to encounter dogs.

In rationalising rules around dog access areas and where they might be best located, Council has considered dog access rules in a comprehensive manner, with an emphasis on consistent and easy to understand rules that comply with the following objectives:

Proposed Dog Control Policy and Bylaw 2022 - SOP

- Promote safe interaction between dogs and people using public places and private ways to ensure that dogs do not injure, endanger, intimidate or otherwise cause distress to any person, in particular, children and vulnerable adults;
- Integrate, where practicable, owners and their dogs with other users of public places;
- Manage the conflict between dogs and protected wildlife, stock, poultry, domestic animals, property and natural habitat;
- Recognise owners as legitimate users of public places and dog access as desirable for dog welfare;
- Ensure that areas with different dog access rules have clearly visible boundaries, which may be achieved through transition zones, vegetation, topography and fencing.

4.2.1 Dog Access Areas definition amendments (Bylaw and Policy)

The previous Policy had four 'dogs access definitions' – 'Prohibited Areas', 'Controlled Areas', 'Off-lead Areas' and 'Exercise Areas'. This has led to confusion around where dogs can be exercised in public areas 'off-lead' in Napier, resulting in a public understanding that dogs can be exercised generally in Napier 'off lead'.

It's now proposed that the 'Controlled Areas' in public places will now be 'On Leash Area' with 'Controlled Areas' and 'Off-lead Areas' being removed. Previously it was ambiguous between the Bylaw/Policy whether owners could walk dogs 'off lead' in this area or not.

Option B1 – Retain the existing Dog Exercise Areas definitions - 'Prohibited Areas', 'Controlled Areas', 'Off-lead Areas' and 'Exercise Areas'.

Comments

- Having 'Controlled Areas' and 'Off-lead Areas' creates confusion for dog owners and Council officers alike;
- Whilst its admirable to provide greater areas for dogs to be exercised, it's preferable that these areas are defined as 'Exercise Areas' rather than 'Off-lead Areas';
- The general public perception that dogs can be exercised in public areas of Napier whilst 'off lead' is dangerous, with the preferable option being dogs can be exercised 'on-lead' unless within a defined exercise area.

Option B2 – Change the Dog Exercise Areas definitions to - 'Prohibited Areas', 'On-leash Areas' and 'Exercise Areas' (Preferred Option).

Comments

- Simplifies classifications from four to three to promote consistent and easy to understand rules and compliance
- Allows for general exercise of dogs in public places as 'on-lead' rather than 'off-lead' to promote safe interaction between dogs and people.
- Assists with surveillance and enforcement.

Proposed Dog Control Policy and Bylaw 2022 - SOP

4.2.2 Dog Access Areas – proposed area amendments (Bylaw and Policy)

Council has conducted a critical review of its dog access areas as listed in the current Dog Control Bylaw/Policy and is proposing the following main amendments to the lists.

- Adding sports playing areas at Taraha Park, Park Island North, Tremain field, Bluewater Stadium, Hawkes Bay Hockey as defined Prohibited Areas. (new)
- Extending the prohibited area around the Ahuiriri Estuary to protect the endangered bird life and its habitat. This includes the Humber Street Reserve in Pandora Pond.
- Changing the Lagoon Farm area (controlled by Napier City Council) and the estuary stop banks from Prohibited Areas to On-leash Areas.
- Including Watchman Road Reserve and Port Beach West public spaces as Prohibited Areas.
- The Taradale/Kennedy Road greenbelt area better defined and classified an Exercise Area to improve connectivity between Exercise Areas.
- Widening the Exercise Area in Alexander Park to extend from Taradale Road to Te Awa Park.
- Introducing a seasonal restriction to the existing Esplanade foreshore Exercise Area to better protect nesting birds.
- Increasing the Exercise Area within the Taipo Stream Reserve.
- Introducing part of Dolbel Reserve as a new Exercise Area.

In reviewing these areas and making the proposed amendments, Council has consulted with various affected parties and stakeholders, looked at its activity statistics, and considered existing access areas to define clear boundaries based on use, vegetation, topography and fencing.

Council also looked at areas of new development where it will be advantageous to provide for new dog access areas.

Option C1 – Status Quo - Retain the existing Dog Access Areas

Comments

Having gone through an initial review process, including talking to key stakeholders, Council considers that some of these dog exercise areas are either no longer suitable or need amending, including new areas incorporated to better meet community needs, recent urban developments and better protect existing wildlife. For these reasons, to retain the status quo would be a missed opportunity to continuously improve and add dog exercise areas for dog and owner welfare.

Option C2 – Amended Dog Access Areas (Preferred)

Comments

It makes sense to continually review and upgrade Dog Access Areas to make them relevant for all.

The suggested amendments follow an extensive review involving stakeholder feedback and data analysis.

Proposed Dog Control Policy and Bylaw 2022 - SOP

4.2.3 Enhance the 'nuisance' section of the Bylaw

Option D1 - Status Quo

Comments

The current Bylaw contains generic 'nuisance' provisions relating to where dogs are kept (private property), including remedies Council officers can take to require dog owners to remedy those nuisance situations. This works well for nuisance situations on private properties however is silent on nuisance situations in public places.

Option D2 Enhanced amendment of 'nuisance' section of Bylaw (Preferred)

Comments

The proposed Bylaw retains the existing Bylaw's private property nuisance provisions as well as introducing clauses defining nuisance situations that dog owners must not create in a public place or on private property. This allows for a wider control of nuisance situations in public places.

The proposed new nuisance clauses includes the following situations –

- Obstructing lawful passage,
- Rushing, chasing, frightening and intimidating behaviour causing injury or distress,
- Destroying, tearing or interfering with refuse containers,
- Interfering with property,
- Rushing at, chasing, frightening, obstructing or causing injury or distress to stock, domestic animals, etc
- Barking, howling or whining,
- Rushing at vehicles.

5. DETERMINATION OF APPROPRIATENESS

In reviewing the Dog Control Policy and Bylaw, Council intends to provide a safe and healthy environment for citizens and visitors in Napier. The focus of implementing this Policy and Bylaw is to prioritise safe interactions between dogs, people and their environment; reduce nuisance situations, minimise the possibility of dog attacks and promote the welfare of dogs generally.

Council has taken care to ensure the revised documents are consistent with each other, as far as practicable in unison with Hastings District Council's Policy/Bylaw, easy to read and understand, and balance the needs of dog owners with non-dog owners.

The Dog Control Policy, enforced through the Dog Control Bylaw, is considered to be the most efficient and effective method of managing the issues related to dogs.

6. FORM OF BYLAW

The proposed Dog Control Bylaw 2022 is considered the most appropriate form of bylaw to address the issues and for the purpose of public consultation.

Proposed Dog Control Policy and Bylaw 2022 - SOP

7. NEW ZEALAND BILL OF RIGHTS ACT 1990

The Local Government Act requires the Council to determine whether there are any implications for the proposed bylaw under the New Zealand Bill of Rights Act 1990 i.e. no bylaw may be made that is inconsistent with that Act. In Council's opinion the proposed bylaw does not contain any provision that is in conflict with the New Zealand Bill of Rights Act 1990.

Following the prescribed special consultative procedure set out in section 83 of the Local Government Act 2002 (the LGA 2002), the Council will consider the final draft of the proposed bylaw and its New Zealand Bill of Rights Act 1990 implications, if any.

8. CONSULTATION AND SUBMISSION

In making, amending, or revoking the Policy and Bylaw, Council must use the Special Consultative Procedure set out in section 83 of the LGA 2002. Council has prepared and adopted the proposed Policy and Bylaw for public consultation. Any person can make a submission on the proposed Policy and Bylaw.

A copy of the Statement of Proposal, including the proposed Policy/Bylaw and information about making a submission can be obtained from the Council website

You can make a submission online at www.sayitnapier.nz or visiting the Napier City Council Customer Service Centre. Please indicate whether you would like to speak to your submission and include contact details. People who wish to be heard by Council will be given the opportunity to do so. The hearing of submissions is scheduled for July 2022.

For any queries please contact Paulina Wilhelm, Manager City Development on paulinaw@napier.govt.nz.

The period for making submissions is from 23 May 2022 to 22 June 2022.

9. ATTACHMENTS

Attachment 1 – Proposed Dog Control Policy 2022

Attachment 2 – Proposed Dog Control Bylaw 2022

Attachment 3 – High Level Engagement Plan



High Level Engagement Plan – Dog Control Policy and Bylaw

Background

The Dog Control Policy and Bylaw provides clear guidance to the public and Council staff on the rules and expectations around the keeping of dogs in Napier. These two documents set the regulatory framework through which the Council applies the Dog Control Act 1996. The current regime seeks to balance the need to provide a safe and healthy environment for residents and visitors to Napier with the general welfare of dogs and the companionship and enjoyment they provide to many residents.

The Napier City Council are embarking on a review of our Dog Control Policy and Bylaw framework. This review seeks to respond to some of the public inquiries and complaints we have received since the last review in 2014. The key changes being proposed at this stage involve amending the definitions around control of dogs and reviewing some of our dog exercise areas. The review will also test whether the balance the current policy strikes in terms of restrictions on dog owners remains correct and continues to achieve the aims of the policy and bylaw.

Significance and Engagement Policy

This matter is likely to be of interest to a large number of Napier residents who own dogs. Dog control is thought to be of moderate significance to the wider community and the approach to engagement will recognise that both non-dog owners and dog owners are affected by the review.

It is acknowledged that there are specific groups (such as dog walking groups, conservation groups and mana whenua) that will have an extra level of interest in these review and particular effort will be made to engage with these key stakeholders.

Amendments to bylaws require the Special Consultative Procedure set out in section 83 of the Local Government Act 2002 to be followed. As such, a Statement of Proposal will be prepared. This and the draft bylaw will be made publicly available for feedback during May and June 2022 with hearings to take place in July 2022.

Approach

A two stage approach to engagement will be used for this project. This will involve a pre-engagement period which will socialize the issues and gather ideas for the content of the policy and bylaw. This will be followed by a formal consultation period where a statement of proposal will be published and feedback on the draft bylaw and policy collected. There will also be an opportunity for hearings at this stage.

The two-stage approach will be undertaken as follows:

- **Early engagement** (November to March) – To educate the community on the current regime and gather their input on how Napier should balance public safety concerns with rights of responsible dog owners. This process will be underpinned by initiatives that focus on raising interest in the community and provide chances for people to say what is important for the policy/bylaw to pay attention to. It will offer an opportunity for

interested people to contribute ideas into the development of the revised policy and bylaw.

- **Consultation** (Late May - Late June) – To provide an opportunity for the community to identify their preferred options and give feedback to Council prior to it making a decision. The campaign will change to focus on specific initiatives being proposed under the policy and bylaw. People will also be encourage to voice their opinion and speak to their submission at the hearings in June.

Online submissions will be strongly encouraged, but hard copy documents of the statement of proposal and submission form will be available at Napier City Council Customer Services and Libraries and will be sent out by request.

Communication & Engagement Tools

Phase one – Early engagement (Nov 2021 – Mar 2022)

Focus: Knowledge building and policy shaping

- People's Panel Survey
- Advertising (digital)
- Exercise area mapping survey
- Dog park walk-alongs
- Stakeholder and interest group discussions

Phase two – Consultation (Late May 2022 - Late June 2022)

Focus: Call to action (SayIt / Kōrero Mai)

- Bark Island event
- Advertising (print/radio/digital)
- Media releases
- Direct emails to registered dog owners
- Community drop-ins
- Online and hard copy consultation

A detailed project plan will be implemented across the two phases.

FUTURE NAPIER COMMITTEE

Open Minutes

Meeting Date:	Thursday 10 February 2022
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Time:	9.54am-10.03am
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Venue	Via Zoom (Audio Visual Link)
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Livestreamed via Council's Facebook site

Present	Chair: Deputy Mayor Brosnan Members: Mayor Wise, Councillors Boag, Browne, Chrystal, Crown, Mawson, McGrath, Price, Simpson, Taylor and Wright
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In Attendance	Chief Executive (Steph Rotarangi) Director City Services (Lance Titter) Acting Director City Strategy (Rachel Horton) Director Community Services (Antoinette Campbell) Director Programme Delivery (Jon Kingsford) Acting Director Infrastructure Services (Debra Stewart) Manager Communications and Marketing (Julia Atkinson) Pou Whakarae (Mōrehu Te Tomo) Acting Director Corporate Services (Caroline Thomson) Manager Environmental Solutions (Cameron Burton) Team Leader Planning and Compliance (Luke Johnson)
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Administration	Governance Advisors (Carolyn Hunt and Anna Eady)
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Karakia

Apologies

Committee's recommendation

Councillors Mawson / Wright

That the apology from Councillor Tapine be accepted.

Carried

Conflicts of interest

Nil

Public forum

Nil

Announcements by the Mayor

Nil

Announcements by the Chairperson

Nil

Announcements by the management

Nil

Confirmation of minutes

Councillors Taylor / Boag

That the Minutes of the meeting held on 11 November 2021 were taken as a true and accurate record of the meeting.

Carried

AGENDA ITEMS

1. RESOURCE CONSENT ACTIVITY UPDATE

Type of Report:	Enter Significance of Report
Legal Reference:	Enter Legal Reference
Document ID:	1423713
Reporting Officer/s & Unit:	Luke Johnson, Team Leader Planning and Compliance

1.1 Purpose of Report

This report provides an update on recent resource consenting activity. The report is provided for information purposes only, so that there is visibility of major projects and an opportunity for Elected Members to understand the process.

Applications are assessed by delegation through the Resource Management Act (RMA); it is not intended to have application outcome discussions as part of this paper.

This report only contains information which is lodged with Council and is publicly available.

At the Meeting

The Team Leader Planning and Compliance, Mr Johnson spoke to the report, providing a brief overview and noted that since the November update, the submission of applications to the Resource Consenting team were steady with a 10% increase in submitted applications compared to the same period 12 months earlier (70 applications compared to 63).

In response to questions from Councillors it was clarified that:

- In respect to the sale of goods from the Koha Shed, the application submitted by the applicant indicated there maybe a market they wished to operate in the future and wished the opportunity to submit this as part of the application to ensure Council was aware of it.
- Whether or not the applicant goes ahead with a market at the Koha Shed would be a separate matter and would need to come back to Council to ensure such an operation would not require a resource consent.
- Final responses from the applicant yet to be received. Until all information was received the final assessment could not be completed.

Committee's recommendation

Councillors Brosnan / Price

The Future Napier Committee:

- a. Note the resource consent activity update for period 21 October 2021 to 18 January 2022

Carried

The meeting closed at 10.03am

Approved and adopted as a true and accurate record of the meeting.

Chairperson

Date of approval