



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

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002
<i>Document ID:</i>	1439107
<i>Reporting Officer/s & Unit:</i>	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) [↓](#)

FUTURE NAPIER COMMITTEE

Open Minutes

Meeting Date: Thursday 10 February 2022

Time: 9.54am-10.03am

Venue Via Zoom (Audio Visual Link)

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

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)

Administration Governance Advisors (Carolyn Hunt and Anna Eady)

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

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

1.1 Purpose of Report

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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