

Regulatory Committee

OPEN AGENDA

Meeting Date: Wednesday 8 March 2017

Time: Following the Strategy and Infrastructure Committee meeting

Venue: Main Committee Room
3rd floor Civic Building
231 Hastings Street
Napier

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

Officer Responsible Director City Strategy, Richard Munneke

Administrator Governance Team

Next Regulatory Committee Meeting
Wednesday 19 April 2017

ORDER OF BUSINESS

APOLOGIES

Nil

CONFLICTS OF INTEREST

PUBLIC FORUM

ANNOUNCEMENTS BY THE MAYOR

ANNOUNCEMENTS BY THE CHAIRPERSON

ANNOUNCEMENTS BY THE MANAGEMENT

CONFIRMATION OF MINUTES *(page 30 refers)*

That the Minutes of the Regulatory Committee meeting held on Friday, 27 January 2017 be taken as a true and accurate record of the meeting.

AGENDA ITEMS

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PUBLIC EXCLUDED

Nil

AGENDA ITEMS

1. GAMBLING VENUES POLICY REVIEW

<i>Type of Report:</i>	<i>Legal</i>
<i>Legal Reference:</i>	<i>Gambling Act 2003</i>
<i>Document ID:</i>	<i>338322</i>
<i>Reporting Officer/s & Unit:</i>	<i>Kim Anstey, Planner Policy/Analyst</i>

1.1 Purpose of Report

For Council to adopt the Statement of Proposal for the draft Gambling Venues Policy to enable public consultation to commence.

Officer's Recommendation

That Council approve the draft Gambling Venues Policy and Statement of Proposal and authorise officers to proceed with public notification through the special consultative procedure as prescribed in section 83 of the Local Government Act 2002.

CHAIRPERSON'S RECOMMENDATION

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

1.2 Background Summary

The Gambling Act 2003 requires each territorial authority to review their policy on Class 4 Gambling (pokie machines) and TAB venues every three years. The policy determines whether Class 4 and standalone TAB venues can be established in the district and, if so, where they can be located. Through these controls, the policy aims to minimise harm to the community caused by this type of gambling.

Currently the Napier District has consent for 19 venues, 304 machines and 2 TAB venues. After careful consideration, Council considers that its existing policy that caps the number of pokie machine venues at 19, machines at 320 and TAB venues at 2, strikes an appropriate balance between permitting responsible gambling and minimising harm to the community. As a result, the proposed policy provides for a continuation of the status quo in regards to the number of machines and venues allowed in the Napier District.

However, Council are proposing amendments to the policy as follows:

1. The clause relating to the location of venues has been strengthened to ensure no new venues can locate in suburban commercial zones.
2. A proposed new cap of three Class 4 venues in the Taradale Suburban Zone (the current number of venues in this zone)
3. There are minor amendments to the wording and layout of the policy to improve its readability.

1.3 Issues

During the policy review, it became apparent that the wording of the current policy needed strengthening. The current policy provides a cap on the number of venues. However, it is not clear on where new venues could be located, should numbers fall below the cap.

Council were presented with statistics that show the detrimental effect of locating Class 4 gambling venues in suburban commercial areas. As a result, Council decided to limit the location of new venues to the CBD, Fringe Commercial, Ahuriri Mixed Use, Main Industrial and West Quay waterfront zones in the District Plan. It was also proposed to cap the number of venues in Taradale to three (the number currently in operation in Taradale).

1.3 Significance and Consultation

The policy drafted for public consultation (shown at Attachment A) is a *proposed* policy and Council are required to consider all the submissions before making a final decision.

The legislative process for reviewing this policy is the special consultative procedure, as prescribed in the Local Government Act 2002. This process involves preparing a Statement of Proposal (see also Attachment A) that is made available to the public for at least one month.

The Statement of Proposal is required to contain reasons for the proposal, and an analysis of options that Council considered before coming up with the proposal. Council follows a clear process for special consultative procedures: the public will be invited to comment on the proposal through a public notice in the Napier Mail, a news item on our website, and through social media.

The public consultation period will run from April 8th to May 19th 2017.

The following organisations have expressed an interest in this particular policy review and so will be directly contacted to advise that the public consultation phase is underway:

- Problem Gambling Foundation of NZ
- Te Rangihaeata Oranga Trust (HB Gambling Harm)
- New Zealand Racing Board

The following organisations will also be directly notified as affected/interested parties:

- Iwi/hapu
- Trusts who operate gaming machines in Napier
- Venues who host gaming machines
- Napier Community Network email group

Notification will also be sent to all those who submitted on the last policy review.

1.4 Implications

Financial

The cost of the policy review can be met within existing operational budgets.

Social & Policy

The social impact of gambling must be considered at each review. In order to make an informed decision on a proposed policy for public consultation, Council were presented with the current gambling statistics for the Napier District. The proposal to continue with the status quo for machine and venue numbers while placing further restrictions on their location, reflects a desire to minimise harm from gambling while also ensuring that Napier's community groups continue to benefit from any gambling proceeds.

Previous reviews of this policy have demonstrated the contentious nature of gambling and the Class 4 community funding model. Past submissions reflect the divergent views of interested parties with submissions usually received from gambling harm services, the societies (or trusts) that operate the machines, and community organisations who benefit from the funding.

Risk

Council is obliged to review its Gambling Policy every three years and needs to consider submissions on their merits. The primary risks centre around not reviewing the policy as prescribed in the Gambling Act 2003.

1.5 Options

The options available to Council are as follows:

1. To confirm the statement of proposal and draft policy as suitable for public consultation under the special consultative procedure.
2. To amend the draft policy before approving it for public consultation.

1.6 Development of Preferred Option

In order to fully consider the impact of gambling on our communities, including factors such as machine numbers, the location of venues and the benefits of community funding, it is necessary to seek community input via public consultation.

Therefore, Officers recommend option 1 as this will allow the public and organisations to present their views to Council.

1.7 Attachments

- A Statement of Proposal and Draft Policy [↗](#)



Gambling Venues Policy Review 2017

Statement of Proposal

Background

In accordance with the Gambling Act 2003 and the Racing Act 2003, the Council is required to have a policy on Class 4 gambling and TAB venues. This combined policy is due for review every three years. The policy determines whether Class 4 and standalone TAB venues can be established in the district and, if so, where they can be located. Through these controls, the policy aims to minimise harm to the community caused by this type of gambling.

Class 4 gambling is defined as gambling that involves a gaming machine (also known as pokies). The machines are run by societies or clubs and a proportion of the net proceeds are required to be distributed to the community, or to a club's approved purposes.

TAB venues are legislated for under the Racing Act 2003. Council only has jurisdiction over numbers and locations of standalone TAB venues, not TAB outlets or agencies.

The Proposal

Council considers that its existing policy (a cap on the number of class 4 venues at 20, machines at 320 and TAB venues at 2) strikes an appropriate balance between permitting responsible gambling and minimising harm to the community. As a result, the proposed policy provides for a continuation of the status quo in regards to the number of machines and venues allowed in the Napier District. Currently Napier has consent for 19 venues, 304 machines and 2 TAB venues.

However, Council are proposing the following amendments to the policy:

1. The clause relating to the location of venues has been strengthened to ensure no new venues can locate in suburban commercial zones.
2. A proposed new cap of three Class 4 venues in the Taradale Suburban Zone (the current number of venues in this zone)
3. There are minor amendments to the title, wording and layout of the policy to improve its readability.

Have your say: Before making any final decisions on this policy, we'd like to have your input. Submissions may be lodged between 8 April and 19 May 2017. You can make a submission:

- Online submission: www.napier.govt.nz #GamblingVenuesPolicy;
- Post: Freepost 172273 Gambling Venues Policy Submission, Napier City Council, Private Bag 6010, Napier 4142; or

- Delivering your submission in person to the Civic Building Reception, Level 1, 232 Hastings Street, Napier.

If you would like to speak to your submission, please indicate this and provide your contact details. We will be in touch to let you know the date and time for verbal submissions.

Reasons for the proposal

Under a cap policy, there is provision for the consent of new venues once numbers fall below the cap. Council would like to control the location of these venues in order to minimise harm to the community. Research shows that accessibility increases opportunities to gamble and that low socio economic areas are disproportionately affected by the harmful effects of gambling. Therefore, Council would like to ensure that the location of these venues stays outside of neighbourhood centres, known as Suburban Commercial Zones in the District Plan. Instead, Council is in favour of locating them in the centre of town so that they are more accessible for visitors and tourists.

The Council are also proposing to cap the number of class 4 venues in Taradale to three. The reason for this is that Council would like to curb the potential growth of gambling in this area, which is becoming an increasingly popular community for families and family based activities.

Proposed changes to the wording have been marked in red in the draft policy that is included in this statement of proposal. Headings have been introduced to improve readability and some wording changes have occurred to provide consistency with the legislation.

Analysis of options

1. Number of Class 4 gaming machines

The Council, in consultation with the community, have the opportunity to influence gambling through restrictions on the number and locations of Class 4 and TAB venues. The Council considered the following options in relation to numbers of machines and venues:

Options	Benefits	Disadvantages
1. <i>Status quo - Retain the cap at 320 machines and 20 venues and 2 TAB venues</i>	Will provide no further opportunities for gambling from what currently exists	May not reduce gambling harm
2. <i>Lower the Cap amounts</i>	Could potentially reduce opportunities to gamble until lowered cap amount is reached, while still enabling existing venues to operate	May reduce proceeds returned to the community. May reduce opportunities for venues to align with the community causes supported by the societies that operate the gaming machines

3. <i>Remove the Cap (i.e no restrictions)</i>	May increase gambling proceeds returned to the community Opportunities to host gaming machines may encourage new hospitality venues to open	Will likely lead to an increase in the amount of venues and machines. Council will not be addressing gambling harm through reducing opportunities to gamble
4. <i>Adopt a sinking lid</i>	Reduces potential for problem gambling by reducing opportunities to gamble, while still enabling existing venues to operate. Will align policy with HDC	May reduce proceeds available to be returned to the community

5. Location of Class 4 and TAB Venues

The current policy is quiet on the location of new venues that may be granted consent when the number of venues and machines drops below the cap. This means that venues could potentially establish in small commercial shopping centres in low socio-economic areas. Council discussed the options for locations of new venues and are proposing restrict them to the CBD, Fringe Commercial, Ahuriri Mixed Use Zone, Main Industrial Zone and West Quay waterfront. These areas are considered less sensitive to the harmful effects associated with gambling as they are typically separate from residential areas, but are generally accessible to tourists and visitors. The options are to keep the status quo of no restrictions, or to introduce restrictions.

Options	Benefits	Disadvantages
1. <i>Status Quo – no restrictions on the location of new venues</i>	Less restrictions on the development of new venues	Does not assist with moving venues out of high deprivation areas
2. <i>Increase restrictions - no suburban commercial zones (with the exception of Taradale, max. 3 venues)</i>	Reduces the ability for new venues to be established in vulnerable areas	Reduces the options for where new venues can be established

3. Cap on venues in Taradale Suburban Commercial Zone

Council are conscious of the impact that any new venues may have on Taradale, which is increasing becoming a family orientated area. The options considered were:

Options	Benefits	Disadvantages
1. <i>Status quo - Retain the total cap at 320 machines and 20 Class 4 venues across the whole district</i>	Will provide hospitality business in the permitted zones (including Taradale) with the opportunity to host gaming machines if numbers fall below cap.	Potentially a number of venues could establish within a suburban commercial zone in the middle of residential activities. Council would be allowing for potential growth across the whole district in areas where it may not be suitable.
2. <i>Introduce a cap for Taradale Suburban Commercial zone.</i>	Will ensure no new opportunities for gambling will occur in the Taradale Suburban Commercial zone.	Reduces options for where new venues may be established.



Draft Gambling Venues Policy			
Approved By:	Council		
Department:	City Strategy		
Date Approved:			
Next Review Date:		DOC ID:	216767
Relevant Legislation:	Gambling Act 2003, Racing Act 2003		
NCC Documents Referenced:	Napier District Plan		

Purpose

The purpose of this policy is to:

- Address the cumulative effects that additional opportunities for gambling in the district could present to our community
- To curb the growth of gambling in the district
- To minimise the harm to the community caused by gambling
- Control the location of Class 4 gambling and TAB venues

Definitions

Class 4 Gambling means gambling that utilises or involves a gaming machine as defined in the Gambling Act 2003

Club means a voluntary association of persons combined for a purpose other than personal gain

Gaming Machine means a device whether totally or partly mechanically or electronically operated, that is adapted or designed and constructed for the use in gambling. Also commonly known as 'pokie machines'.

TAB Venue means the premises that are owned or leased by the NZ Racing Board where the main business carried on at the premises is providing racing or sports betting services.

Policy

1. Total number of venues and machines to be allowed

1.1. New Class 4 and TAB Board venues may be established, subject to the following conditions:

- The maximum number of gaming venues in the Napier does not exceed 20;
- The maximum number of Class 4 gaming venues in the Taradale Suburban Commercial zone does not exceed 3;
- The total number of Class 4 gaming machines in the Napier District does not exceed 320;
- The maximum number of TAB venues does not exceed 2.

2. Number of gaming machines allowed per venue

- 2.1. The maximum number of gaming machines for Class 4 venues, clubs and TABs shall be the same as allowed under section 92, 93 and 94 of the Gambling Act 2003 (unless otherwise authorised by way of a club merger):

Category	Number of Machines
Licensed on or before 17 October 2001	18
Licensed since 17 October 2001	9

3. Class 4 and TAB venue relocations

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

4. Club Mergers

- 4.1. Upon amalgamation of incorporated clubs operating a class 4 venue, the maximum number of machines of the new entity shall:
- Where the total number of machines operated by the clubs exceed 30, the maximum shall be 30 gaming machines, or such lesser number determined by resolution of Council.
 - Where the total number of gaming machines operated by the clubs is greater than 17 but less than 31, the maximum shall not exceed the amalgamated total.

5. Conditions for Consent

- 5.1. New or relocating venues may only be located within the following zones specified in the Napier City Council District Plan:

- Inner City Commercial Zone
- Art Deco Quarter

- iii) Fringe Commercial Zone
- iv) Ahuriri Mixed Used Zone
- v) Main Industrial Zone
- vi) West Quay Waterfront
- vii) Taradale Suburban Commercial Zone (Maximum of 3 Class 4 venues).

5.2. Applicants must meet all application, declaration and fee requirements.

Draft



Submission to the Napier City Council

Gambling Venues Policy

All submissions must be in writing. You may attach a more detailed submission if you wish.

Name:		
Organisation: (if on behalf of an organisation)		
Email:		
Daytime contact no:		
Postal address:		
		Postcode:

I wish to speak to my submission at the hearing (please tick): ☐ Yes ☐ No
If you wish to speak at the hearing, we will contact you to arrange a time.

Submission

[illegible]

I/we seek the following decision:

- Submissions must be in writing, by way of this form (plus supporting documents if required), or online by going to www.napier.govt.nz and entering keyword: #gamblingvenuespolicy
- Council will take into account all submissions made when making a decision on the proposed policy.
- There will be a Council hearing for submitters who may wish to speak in support of their submission. Please include a daytime phone number for us to arrange a time.
- You do not have to attend this meeting
- Please note that all written submissions will be made available to the public on the Council website and will be included in the agenda for the meeting, which is available to the public.

Return to:

Freepost 172273
Gambling Venues Policy
Napier City Council
Private Bag 6010
Napier 4142

Closing date for submissions is 12pm, Friday 19 May 2017

2. ESTABLISHMENT OF A FREEDOM CAMPING WORKING GROUP AND DRAFT TERMS OF REFERENCE

<i>Type of Report:</i>	<i>Operational</i>
<i>Legal Reference:</i>	<i>N/A</i>
<i>Document ID:</i>	<i>339045</i>
<i>Reporting Officer/s & Unit:</i>	<i>Paulina Wilhelm, Manager City Development Kim Anstey, Planner Policy/Analyst</i>

2.1 Purpose of Report

To provide Council with a draft Project Plan and Terms of Reference for a Freedom Camping Working Group, in order that Council may agree on the composition of the Working Group, including the appointment of a Chair, Council and community representatives.

Officer's Recommendation

That Council establish a Freedom Camping Working Group composed of key stakeholders, Councillors and Council officers to consider freedom camping issues and to report back to Council with recommendations on potential solutions.

CHAIRPERSON'S RECOMMENDATION

- a. That the Council resolve that the officer's recommendation be adopted; and
- b. That Council invites and appoints the following community representatives to the Working Group:
 - Chairperson of the Taradale Development Association to represent general residents; and
 - Chairperson of the Westshore Resident and Development Association to represent coastal residents; and
- c. That Council appoint Councillor Hague (as Chair) and Councillor Tapine to the Working Group.

2.2 Background Summary

Napier City Council introduced a Freedom Camping Bylaw in 2014. Due to ongoing and evolving issues, the Bylaw was reviewed in 2015 and again in 2016. At the last review, Council identified that the issues surrounding the provision of freedom camping are complex, and directed Officers to form a working party to look at the Freedom Camping Bylaw for the long term, along the lines of the Taupo model. It was agreed that an integrated, collaborative approach would be the best way to ensure provision of freedom camping opportunities meets the needs of the community and all interested parties.

2.3 Issues

Freedom camping has become a popular option for both international and domestic travellers in New Zealand, with numbers steadily increasing since the Freedom Camping Act was introduced in 2011. As a result, impacts associated with freedom camping are being experienced throughout the country, including Napier. A recent government-led working party identified that information gaps exist relating to freedom camping, limiting the opportunities and approaches available to manage the activity effectively.

Council have identified that a long-term view is required to adequately address the growing number of freedom campers in Napier; accordingly a draft Project Plan and Terms of Reference for a Freedom Camping Working Group has been drafted as directed by Council (shown at Attachment A).

The purpose of the proposed Working Group is to discuss and consider the benefits, issues and potential solutions for freedom camping in Napier. Some of the issues associated with freedom camping were highlighted during the Bylaw review in 2016, including:

- That the number of freedom campers is increasing, and attracting and embracing this market needs to be balanced with the wishes of local ratepayers and our obligations under freedom camping legislation;
- That the increasing amount of non-self-contained freedom campers at the Foreshore Reserve Carpark (and elsewhere in Napier) has resulted in negative impacts, including potential health and safety risks;
- That tensions exist between freedom campers and other users of the high profile sites currently available for camping at Perfume Point and Westshore;
- That there is resident opposition to freedom camping in or adjacent to some residential areas; and
- There is a current lack of information available with which to make informed decisions on the provision of freedom camping in Napier.

Current Actions

Increasing Council's monitoring and enforcement presence has addressed some of the issues listed above. Council Officers monitor sites between 7am and 10am in the morning, and Armourguard is contracted to monitor from 8pm to midnight and to respond to callouts.

The last Bylaw review reduced the provision of freedom camping sites at Perfume Point and Westshore Beach Reserve where freedom campers were negatively affecting public access to carparks at these popular sites.

Council staff have begun work to gather information from other accommodation providers as well as collate Council statistics on the numbers of freedom campers using our sites, as some of the issues around the supply and demand of both free and paid camping accommodation options in Napier are not well understood. This will provide an overall snapshot of Napier's camping options and capacity.

2.4 Significance and Consultation

Working Group Membership

A number of key stakeholders may be able to make significant contributions to understanding the issues the Freedom Camping Working Group is intended to address. While the proposed Working Group is based on the Taupo model, it needs to be recognised that freedom camping issues are regionally specific.

The composition of the Taupo Working Group included the following external agencies, some of which had approached the Council with their concerns:

- Taupo District Council staff
- Elected Members (x3)
- Department of Conservation (DOC)
- Police
- Destination Great Lake Taupo
- Lake Taupo Harbourmaster
- New Zealand Motor Caravan Association
- Holiday Parks Association Rep
- Iwi/Hapu
- New Zealand Transport Association
- Tourism Lake Taupo

Based on the level of interest during the last Bylaw review, Officers recommend that the core group of members for the Napier Freedom Camping Working Group include:

- Appointed Councillors (2)
- Council Staff (3)
 - Paulina Wilhelm (Manager City Development)
 - Kim Anstey (Policy Planner)
 - Hayleigh Brereton (Regulatory Solutions Manager)
- Napier i-SITE representative (1)

External stakeholders identified as potential Working Group members to be invited are:

- Resident Association Representatives (2)
- NZMCA
- Holiday Parks Association of New Zealand local representative
- Backpacker Accommodation provider representative
- Hawke's Bay Tourism
- Iwi/Hapu
- NZTA
- Police
- DOC
- Hastings District Council

Opportunity for Regional Approach

A region-wide approach to freedom camping could provide freedom campers with a clearer and more consistent message across the region and therefore improve visitor experiences. Hastings District Council do not currently have a Bylaw, and may find that a Bylaw is not necessary for managing freedom camping in the Hastings District. However, it would be beneficial to discuss how Hawke's Bay

markets itself to freedom campers, and whether there could be some improvements made in this area. The Department of Conservation could also be included in these discussions as they also provide camping options in the region.

The issue of an increasing amount of non-self-contained freedom campers in the region is one that may best be addressed with a regional approach. Converted people movers and vans have become a popular accommodation option for young overseas travelers on working holiday visas. Discussions and options on if, where, and how, Hawke's Bay as a region provides for these tourists would be best addressed by both Councils at a suitable time during the Working Group process.

2.5 Implications

Financial

Project management for the Working Group would be undertaken by Council officers and can therefore be met through existing operational budgets.

Social & Policy

The establishment of a Working Group should have a positive social impact. Previous bylaw reviews have been undertaken with limited public input at the formulation stage. It is well documented that complex and controversial issues where divergent opinions exist are best dealt with through collaborative processes. Appropriate representation of key stakeholders on a Working Group should ensure positive, long-lasting outcomes.

In addition, should the findings of the Working Group result in a Bylaw review, further public participation would then be required.

Risk

The following table outlines the risks in the working group proposal:

Risk	Action to address the risk
Including residents in the working group could result in instances of real or perceived bias.	Additional consultation will also occur with all residents via a survey to seek their views, which is then fed into to the Working Group.
Composition of the Working Group not being an equitable representation of community views.	Additional consultation will also occur with all residents via a survey to seek their views, which is then fed into to the Working Group.
Project timeframes are required to be extended in response to emerging issues or significant public involvement.	Both elected members and the community will be regularly updated on progress via a webpage, and on any emerging issues via a webpage in order to manage community expectations.
Council reputation – another review of the Bylaw could be perceived as Council having poor decision making powers.	A comprehensive engagement and consultation process will ensure community views are fully considered and the Working Group is working in the best interests of the wider community.

2.6 Options

Council have already directed officers to establish a Freedom Camping Working Group to consider freedom camping issues comprehensively and strategically. Unless this direction is withdrawn, there are no alternative options. It rests with Council to approve the proposed structure of the Working Group and agree on the Working Group members.

2.7 Attachments

- A Freedom Camping Working Group Draft Terms of Reference [↓](#)



Freedom Camping Working Group

Draft Project Plan and Terms of Reference

Introduction

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

Key issues

The 2016 bylaw review highlighted the following key issues:

- The numbers of freedom campers is increasing and that attracting and embracing this market needs to be balanced with the wishes of ratepayers, taking into consideration our obligations under freedom camping legislation.
- The increasing amount of non-self-contained freedom campers at the Foreshore Reserve Carpark (and elsewhere in Napier) is resulting in negative impacts, including potential health and safety risks.
- Tensions exist between freedom campers and users of the high profile sites currently available for camping at Perfume Point and Westshore.
- There is resident opposition to freedom camping in or adjacent to residential areas.
- A lack of information available to make informed decisions on the provision of freedom camping.

Purpose

The purpose of the working group is to discuss the benefits, consider the issues and to develop potential solutions to freedom camping in Napier. While the guiding principles will be confirmed and adopted by the group at its first meeting, the following is a draft of potential objectives:

- Develop a better understanding of the costs and benefits of accommodating freedom campers in Napier, both self-contained and non-self-contained
- Reinforce Napier as a popular and safe tourist destination

- Develop guiding principles on how freedom camping should be managed
- Facilitate engagement with the wider community, affected persons and other stakeholders on the provision of possible freedom camping sites
- Work with accommodation providers to ensure freedom camping compliments existing accommodation options

Financial Resources

The project management will be undertaken by Council staff and will therefore be met through existing operational budgets. Costs associated with possible consultation options will need to be considered, once these have been determined.

Membership

Potential membership could include the following key stakeholders:

Core Working Group

- Appointed Councillors (2)
- Council Staff (3)
 - Paulina Wilhelm (Manager City Development)
 - Kim Anstey (Policy Planner)
 - Hayleigh Brereton (Manager Regulatory Solutions)
- Napier i-SITE (1)

Potential members (to be invited)

- Holiday Parks Association of NZ representative
- Backpacker accommodation provider representative
- HB Tourism
- Iwi/Hapu
- NZTA
- DOC
- Police
- Resident Association Reps
- NZMCA
- Hastings District Council

A Regional Approach

A region wide approach to freedom camping could work to provide freedom campers with a clearer and consistent message across the region and therefore improve visitor experiences. Hastings District Council do not have a bylaw, and may find that a bylaw is not necessary for managing freedom camping in the Hastings District. However, it would be beneficial to discuss how Hawkes Bay as a whole is marketed to freedom campers and whether there could be some improvements made in this area. The Department of Conservation could also be included in these discussions as they also offer camping options in the region.

The issue of an increasing amount of non-self-contained freedom campers in the region is one that may benefit from a regional approach. Converted people movers and vans are becoming a popular mode of existence for young overseas travelers on working holiday visas. Discussions and options on if, where and how Hawke's Bay as a region provides for these tourists would be best addressed by both Councils at a suitable time during the working group process.

Project Plan

	Requirements	Timing
1.	Initial Working Group Workshop a. Outline expectations of the working group and confirm terms of reference/work programme b. Decide on future meeting dates c. Council staff present group with statistics on overall supply and demand of camping options in Napier d. Site visits e. Chair report back to Council on agreed terms of reference/work programme	End April
2.	Working Group Workshop a. Develop guiding principles and criteria for assessing potential new sites b. Assess all potential options for freedom camping sites against the criteria c. Confirm a list of preferred sites for bylaw pre-consultation with community	End May
3.	Community Engagement a. Council staff engage with community on potential sites developed by working group and request feedback	Early June
4.	Working Group Workshop a. Staff present community feedback to working group b. Working group develop and finalise recommendations for Council, potentially including a draft bylaw	End June
5.	Report to Council a. Seminar with Council to present community feedback and working group recommendations	Mid July
6.	Review Bylaw (if required) a. Council adopt draft bylaw for public consultation b. Submission period c. Hearing and decision made	August August – September Early October

Roles and Responsibilities

The primary role of the freedom camping working group is to assist Council to clearly understand the problem and consider the various options available to seek solutions. There is no expectation that consensus will be achieved. The working group has no decision-making powers and is only able to make recommendations to Council.

3. ANNUAL DOG CONTROL REPORT 2015/16

Type of Report:	<i>Legal</i>
Legal Reference:	<i>Dog Control Act 1996</i>
Document ID:	<i>334560</i>
Reporting Officer/s & Unit:	<i>Hayleigh Brereton, Manager Regulatory Solutions</i>

3.1 Purpose of Report

To present the territorial authority report on dog control policies and practices for the dog control registration year 1 July 2015 – 30 June 2016, for adoption by Council as required under Section 10A of the Dog Control Act 1996, prior to being submitted to the Secretary for Local Government and being made publically available.

Officer's Recommendation

- a. That the Napier City Council *Annual Dog Control Report 2015/16* be adopted by Council, submitted to the Secretary for Local Government, and published in accordance with the Dog Control Act 1996.

CHAIRPERSON'S RECOMMENDATION

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

3.2 Background Summary

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

The law requires that:

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

3.3 Issues

The Napier City Council Annual Dog Control report 2015/16 is shown at Attachment A. In summary:

- Napier City Council has 7,905 dogs registered.
- 2,718 complaints relating to dog control were received over the year.
- A total of 9 dogs were assessed as dangerous and 198 as menacing.
- 23 infringements were issued. There were no prosecutions.

3.4 Significance and Consultation

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

3.5 Implications

Financial

None

Social & Policy

None

Risk

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

3.6 Options

The options available to Council are as follows:

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

3.7 Development of Preferred Option

N/A

3.8 Attachments

A Annual Dog Control Report 2015/2016 [↓](#)



ANNUAL DOG CONTROL *report*

2015/2016



NAPIER
CITY COUNCIL
Te Kaunihera o Ahuriri



1. Introduction

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

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

- 1 July 2015 to 30 June 2016

2. The Council's Dog Control Policy and Practices

2.1 Policy objectives

The council adopted the Dog Control Policy in 2014.

The objectives of the policy are to;

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

The Council adopted the Napier City Council Animal Control Bylaw in 2014.

The objectives of the bylaw are to:

- Enhance the safety of the public and children by minimizing the distress, nuisance and intimidation caused by dogs to the community;
- Avoiding the inherent danger of uncontrolled dogs in public places

2.2 Fees

Dog registration fees, fines and impound fees contribute 100% of the cost of dog control in Napier City. Council provides a Dog Owner Licence for owners that demonstrate they are responsible owners; Certified owners receive a discounted registration. Dog registration fees are set by Council resolution.



3. Key Achievements

Dogs Registered for the 2015/16 year: 7905

Dogs Registered for the 2014/15: 7370

Dogs Registered for the 2013/14: 7791

Community Education has been a major focus for the Animal Control team. All Ears is a co-operative project between the Napier City Council Animal Control team and the Napier Library. Aimed at building confidence of young readers. The child reads to the dog once a week for a full school term – allowing the reader and the dog to get to know each other. It is also designed to educate the children about being safe around animals.

During the year visits were made to schools and early childhood centre's to educate children on how to successfully interact with dogs and be safe around animals.

On site Assistance for dog owners with obedience and behavioural issues or for dogs that are continually coming into contact with animal control. We take a proactive approach to helping people with issues and an Animal Control officer will provide advice onsite to assist dog owners.

Return to Owner. Napier City Council takes a proactive approach to returning dogs to owners, 328 dogs (66%) from the total of 495 impounded were returned to their owners.

Rehoming Policy. Napier City Council takes a proactive approach to rehoming dogs, in the 2015/16 we are proud to have rehomed 50 dogs (30% of unclaimed) to new owners. All dogs are put through an assessment process to ensure their suitability for rehoming. Dogs are made available through the internet and Councils Facebook page.

Community Presence. We realise the success of Animal Control requires the support of the community. During the year we have completed a number of initiatives to help increase the visibility of Animal control. Vehicles have been branded to ensure they are instantly recognisable and look friendly and approachable.

Animal Control Officers regularly get out and about and walk popular walking tracks around Napier. The team can often be seen in Pandora, Park Island and on the Rotary Pathway, stopping and chatting to dog owners, offering small complimentary bags of dog biscuits and answering any questions as they arise. This helps build relationships with the community and provides a recognisable friendly face that the community associates with Animal Control, helping to promote responsible dog ownership.

Microchipping. We offer free microchipping to dogs brought into the Animal Shelter. This helps increase the likelihood we can scan and identify the dog and reduces staff resource identifying dogs.



4. Dog Control Statistics

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

Dangerous and Menacing Dogs

Number of dogs classified as dangerous (Section 31)

Category	2014/15	2015/16
Dangerous by owner conviction S31(1)(a)		1
Dangerous by sworn evidence S31(1)(b)	11	6
Dangerous by owner admitting in writing S31(1)(c)		2
Total Dangerous Dogs	11	9

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

Category	2014/15	2015/16
Menacing by behaviour S33A(1)(b)(i)	51	62
Menacing by breed characteristics S33A(1)(b)(ii)	6	7
Menacing by Schedule 4 breed S33C(1)	67	129
Total Menacing Dogs	124	198

Infringements

Number of infringement notices issued:

Category	2014/15	2015/16
Infringement notices issued	411	23

The reduction in infringements has occurred due to a change of policy, working with owners to comply with the legislation and giving them 14 days to do so, this has reduced the number of infringements and increase the number of dogs registered.

Classification of Dog Owners

Number of classified dog owners

Category	2014/15	2015/16
Probationary Owners	14	13
Disqualified Owners	2	2

Prosecutions

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

Category	2014/15	2015/16
Prosecutions	4	0

Complaints

Number and nature of dog complaints received

Category	2014/15	2015/16
Roaming	463	638
Impounding or Returned to owner	544	495
Requests for Information	427	451
Barking Dogs	637	429
General Enquiries	439	272
Lost Dogs	233	173
Attacks on Animals or Poultry	77	69
Rushing or Chasing	71	61
Other Stock	64	53
Attacks on people	43	29
Worrying Stock	23	24
Property Visit Requests	47	17
Fouling	21	7
Total	3089	2718

Impounding and Rehoming

Category	2014/15	2015/16
Total Dogs Impounded	838	495
Dogs returned to owner	534	328
Dogs rehomed	31	50
Dogs surrendered to SPCA	85	38
Dogs euthanised	179	78
Other (death by natural causes etc)	9	1

Regulatory Committee

OPEN MINUTES

Meeting Date: **Friday 27 January 2017**
Time: **3:16pm – 3.18pm**
Venue: **Main Committee Room
3rd floor Civic Building
231 Hastings Street
Napier**

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

In Attendance: Chief Executive, Director Infrastructure Services, Director City Strategy, Director Community Services, Corporate Management Team, Team Leader Governance, Governance Advisor, Chief Financial Officer, Communication Specialist, Manager Regulatory Solutions, Strategic Planning Lead, Urban Design Lead

APOLOGIES

NIL

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

NIL

AGENDA ITEMS

1. APPLICATION FOR TEMPORARY LIQUOR BAN - MISSION CONCERT 2017

Type of Report:	<i>Legal and Operational</i>
Legal Reference:	<i>Local Government Act 2002</i>
Document ID:	<i>334452</i>
Reporting Officer/s & Unit:	<i>Hayleigh Brereton, Business Support Manager</i>

1.1 Purpose of Report

To consider the request from Napier Police for a temporary liquor ban on the roads adjacent to the Mission Estate Winery during the 2017 Mission Concert.

At the Meeting

Following feedback from Council on the initial application by Police, the area to be included in a temporary liquor ban was expanded by two streets.

It was also clarified that similar applications are processed for other events at the request

of the Police as they are the enforcement agent.

COMMITTEE'S RECOMMENDATION

Councillors White / Dallimore

- a. That pursuant to section 147 of the Local Government Act 2002 and the Napier City Council Public Places Liquor Control Bylaw 2014, Council approve the following areas as a "Specified Public Place" where the consumption, possession and bringing of liquor into is prohibited from 11.00 am to 12.00 midnight on Saturday 8 April 2017 and from 11.00 am to 12.00 midnight on Sunday 9 April 2017.

The area to be designated as a "Specified Public Place" are all those public places, reserves, roads and footpaths on both sides of the road within the area described as:

Church Road	from Wharerangi Road to Kent Terrace
Avenue Road	from Church Road to Avondale Road
Mission Road	from Church Road to Auckland Road
Montpelier Drive	full length
Tironui Drive	full length
Irene Moody Place	full length
Bishops Close	full length
Pukekura Place	full length
Ennor Place	full length.

CARRIED

The meeting was closed at 3.18pm.

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

CHAIRPERSON:_____ **DATE OF APPROVAL:**_____