



# AGENDA

**Ordinary meeting of the**

**Hearings Panel - Other**

**Wednesday 6 September 2017**

**Commencing at 9.30am**

**Council Chamber**

**Civic House**

**110 Trafalgar Street, Nelson**

Membership: Councillor Ian Barker and Councillor Brian McGurk (Chairperson)

Guidelines for councillors attending the meeting, who are not members of the Committee, as set out in Standing Order 12.1:

- All councillors, whether or not they are members of the Committee, may attend Committee meetings
- At the discretion of the Chair, councillors who are not Committee members may speak, or ask questions about a matter.
- Only Committee members may vote on any matter before the Committee

It is good practice for both Committee members and non-Committee members to declare any interests in items on the agenda. They should withdraw from the room for discussion and voting on any of these items.

**1. Apologies**

Nil

**2. Confirmation of Order of Business****3. Interests**

3.1 Updates to the Interests Register

3.2 Identify any conflicts of interest in the agenda

**4. Street Naming Application - Airport Estates Ltd 5 - 10**

Document number R8074

Recommendation

***That the Hearings Panel***

***Receives the report Street Naming Application - Airport Estates Ltd (R8074) and its attachments (A1793659 and A1793730); and***

***Approves the name of "Dayson Place" for the road to vest in Council shown as Lot 16 on Land Transfer Plan LT 498837.***

**5. Temporary Road Closure - Masked Parade and Port Nelson Street Races 11 - 18**

Document number R8086

Recommendation

***That the Hearings Panel***

***Receives the report Temporary Road Closure - Masked Parade and Port Nelson Street Races (R8086) and its attachments (A1815006 and A1815009); and***

**Approves the application for the temporary road closures for the Masked Parade and Port Nelson Street Races.**

**6. Objection to Disqualification as a Dog Owner –  
Jodie Maree LeFrantz**

**19 - 32**

Document number R8295

Recommendation

***That the Panel***

**Receives the report *Objection to Disqualification as a Dog Owner – Jodie Maree LeFrantz (R8295) and its attachments (A1820048, A1820051, A1820056, A1820057 and A1820060); and***

**Dismisses the objection of Jodie Maree LeFrantz;  
and**

**Confirms the disqualification of Jodie Maree LeFrantz from dog ownership from 9 June 2016 to 9 June 2021.**

---

**Street Naming Application - Airport Estates Ltd**

---

**1. Purpose of Report**

- 1.1 For the Hearings Panel to approve or decline an application for the naming of a road to vest in the Council.

**2. Recommendation**

***That the Hearings Panel***

***Receives the report Street Naming Application - Airport Estates Ltd (R8074) and its attachments (A1793659 and A1793730); and***

***Approves the name of "Dayson Place" for the road to vest in Council shown as Lot 16 on Land Transfer Plan LT 498837.***

**3. Background**

- 3.1 The applicant, Stoke Valley Holdings Ltd, has submitted the name of "Dayson Place" for the road to vest in Council shown as Lot 16 on Land Transfer Plan LT 498837. Lot 16 is located off Venice Place in the Airport Estates Subdivision, approved under RM065545V4.
- 3.2 The Council has the authority to name roads, pursuant to s.391 of the Local Government Act 1974.
- 3.3 Each proposed name is assessed according to the criteria in the Road Naming Policy, as follows:
- a) The name should not be the same as or similar to any other street in the Nelson/Tasman region.
  - b) Where appropriate, due regard should be given to historical associations within the district.
  - c) Where possible, the name should be consistent with other names in the area, or consistent with a theme in the area/subdivision.

- d) The name should not be likely to give offence.
- e) The name should not be commercially based.
- f) The length of the name should be appropriate to the length of the street (ie. short names for short streets - for mapping purposes).
- g) The name should not be likely to cause semantic difficulties, i.e. spelling, pronunciation, or general understanding.
- h) As a general rule, the proposed name should not be that of a living person, except in exceptional circumstances.

#### **4. Evaluation**

- 4.1 There are no similar road names in the Nelson Tasman area that are likely to cause confusion with this name. There is a "Dawson Way" in Mapua, but this is sufficiently different in sound as to not be likely to cause confusion.
  - 4.1.1 The name "Dayson" is a mixture of the names of people who have been associated with the Airport Estates subdivision, but it is not the actual name of any living person, so does not conflict with 3.3(h) above. The Council has accepted a name on this type before, being "Daelyn Drive", which is a combination of the names of people associated with the development.
  - 4.1.2 The other road names approved for this subdivision/general area include "Venice Place" which was named for its proximity to Monaco and surrounding creeks; and "Kidson Place" which was named after a former Council City Engineer.
  - 4.1.3 The proposed name does not conflict with the criteria of the Road Naming Policy.

#### **5. Options**

- 5.1 The Hearings Panel has two options:
  - To approve the name; or
  - To decline the name and to ask the applicant to submit alternative names

Kathy Mardon  
**Consents Administration Coordinator**

## Attachments

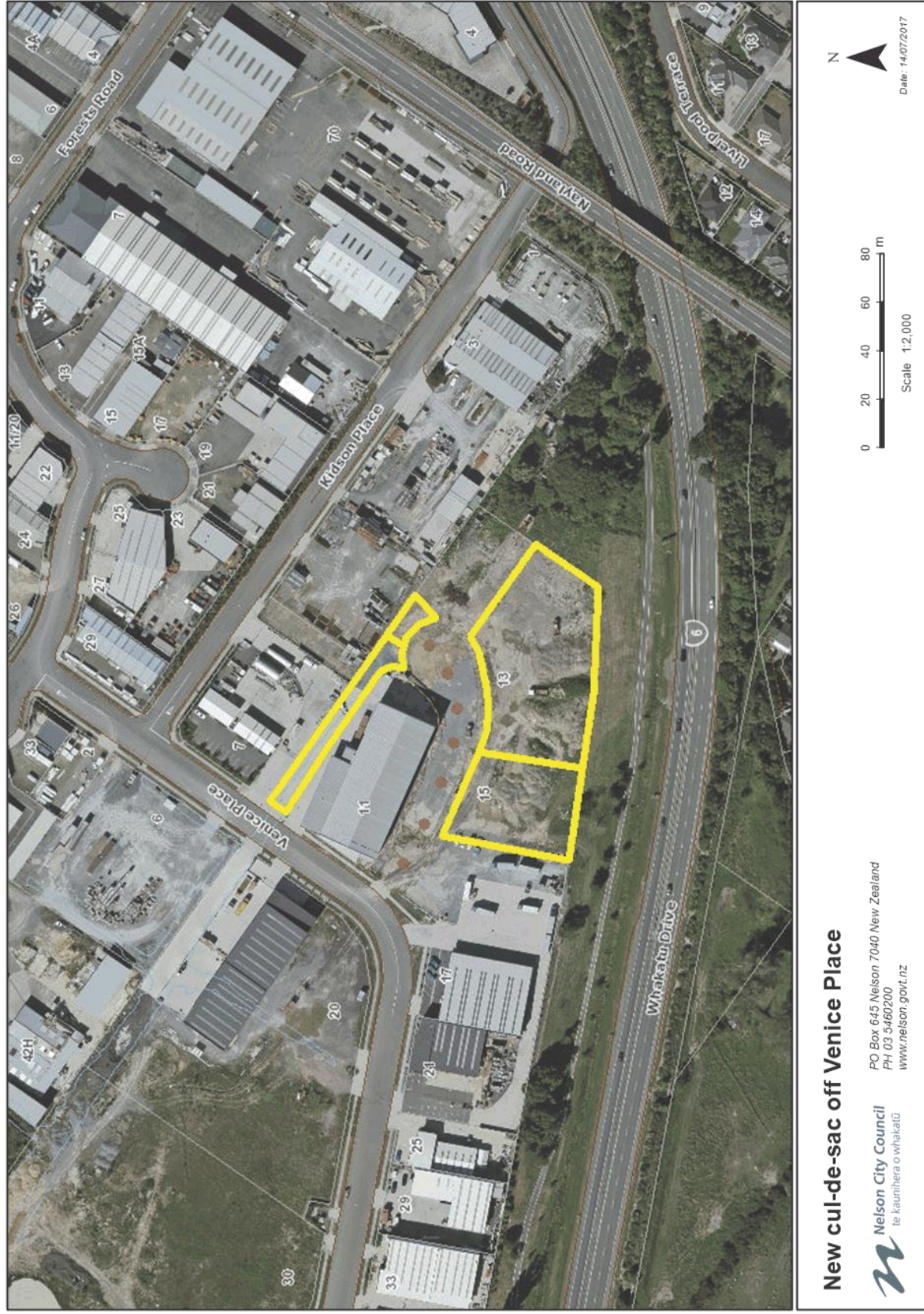
Attachment 1: A1793659 New cul de sac off Venice Place [↓](#)

Attachment 2: A1793730 - Land Transfer Plan LT 498837 [↓](#)

<b>Important considerations for decision making</b>	
<b>1. Fit with Purpose of Local Government</b>	The Council has the authority to name roads, pursuant to s.391 of the Local Government Act 1974.
<b>2. Consistency with Community Outcomes and Council Policy</b>	There are no relevant policies relating to the recommendations in this report.
<b>3. Risk</b>	Checks are carried out to ensure that the proposed name will not cause confusion to the public or to any emergency services.
<b>4. Financial impact</b>	No additional resources are required.
<b>5. Degree of significance and level of engagement</b>	The recommendations outlined in this report are not considered significant in terms of the Council's Significance and Engagement Policy.
<b>6. Inclusion of Māori in the decision making process</b>	Māori have not been consulted in this application for a road name.
<b>7. Delegations</b>	The Hearings Panel - Other has the power to name all features within the city requiring naming including roads, streets, service lanes, plazas, parking areas, parks, reserves, gardens and all public facilities or infrastructure.



6. Street Naming Application - Airport Estates Ltd - Attachment 1 - A1793659 New cul de sac off Venice Place



[illegible]

---

## **Temporary Road Closure - Masked Parade and Port Nelson Street Races**

---

### **1. Purpose of Report**

- 1.1 To approve/decline the temporary road closure application for the Masked Parade on 27 October and 28 October 2017.
- 1.2 To approve/decline the temporary road closure application for the Port Nelson Street Races on 2 January 2018.

### **2. Recommendation**

***That the Hearings Panel***

***Receives the report Temporary Road Closure - Masked Parade and Port Nelson Street Races (R8086) and its attachments (A1815006 and A1815009); and***

***Approves the application for the temporary road closures for the Masked Parade and Port Nelson Street Races.***

### **3. Background**

- 3.1 It is a requirement that temporary road closures made under Schedule 10 Clause 11(e) of the Local Government Act 1974 come to the Hearings Panel - Other for approval.

### **4. Discussion**

#### **Masked Parade**

- 4.1 On 15 August 2017, an application was received for temporary road closures for the Masked Parade and Carnival to be held from Friday 27 October until Saturday 28 October 2017.
- 4.2 This closure is detailed in Figure 1 of Attachment 1 (Details distributed to effected business). A map of the closure is Figure 2 of Attachment 1.

- 4.3 The Masked Parade is a long-running Nelson fixture. No complaints have been received about this event or the prohibition of parking leading up to the event in recent years.
- 4.4 Nelmac has implemented the traffic management for this event in past years, and they will do so again this year. They are very experienced at providing for this event.
- 4.5 Council officers placed an advertisement in the Nelson Mail on Saturday 19 August 2017 informing of the proposed closure and asking for written feedback by Tuesday 5 Sept 2017. (See Figure 1 of Attachment 1.) This advertisement was distributed to adjoining businesses. If any feedback is received this will be circulated at the meeting.
- 4.6 If it is raining on Friday 27 October, the event will take place on Sunday 29 October, but to a reduced scale.
- 4.7 A resource consent for noise associated with the event has been approved.
- 4.8 The applicant is working with Council on a Traffic Management Plan.
- 4.9 The Police have approved of the closure.
- 4.10 Council's public liability insurance will cover this event.
- 4.11 Emergency access to all areas of the closed roads will be provided at all times.
- 4.12 Council officers recommend that this application be approved.

#### **Port Nelson Street Races**

- 4.13 On 15 July 2017, an application was received for temporary road closures in the port area for the Port Nelson Street Races to be held on Tuesday 2 January 2018.
- 4.14 This closure is detailed in Figure 1 of Attachment 2 (Details distributed to effected business). A map of the closure is Figure 2 of Attachment 2.
- 4.15 These street races are a long-running Nelson fixture. Sporadic complaints have been received from the public about noise year by year, but these are not widespread.
- 4.16 Safe Traffic NZ Ltd will be implemented the traffic management for this event.
- 4.17 Council officers placed an advertisement in the Nelson Mail on Wednesday 16 August 2017 informing of the proposed closure and asking for written feedback by Tuesday 29 August 2017. (See Figure 1 of Attachment 2.) This advertisement was distributed to adjoining businesses. If any feedback is received this will be circulated at the meeting.



- 4.18 The applicant has a noise consent for this event.
- 4.19 The applicant is working with Council on a Traffic Management Plan.
- 4.20 The Police have approved of the closure.
- 4.21 Historically the applicant's public liability insurance certificate is received in December when they renew their insurance. It is expected that the same will happen this year.
- 4.22 Emergency access to all areas of the closed roads will be provided at all times.
- 4.23 Council officers recommend that this application be approved.

### **Options**

- 4.24 The Hearings Panel has two options, either to approve or decline the road closure applications.

Melissa Ramsay  
**Roading Network Coordinator**

### **Attachments**

Attachment 1: Masked Parade - A1815006 [↓](#)

Attachment 2: Port Nelson Street Races - A1815009 [↓](#)

<b>Important considerations for decision making</b>	
<b>1. Fit with Purpose of Local Government</b>	<ul style="list-style-type: none"> <li>• The Local Government Act 1974, Schedule 10, Temporary Prohibition of Traffic;</li> <li>• The Local Government Act 2002, Clause 78, Community Views in Relation to Decisions.</li> </ul>
<b>2. Consistency with Community Outcomes and Council Policy</b>	The recommendation is consistent with Council policy.
<b>3. Risk</b>	If this application is declined this may have adverse consequences on Council's reputation in regards to supporting community events.
<b>4. Financial impact</b>	Costs are covered by annual operating budgets for road closures.
<b>5. Degree of significance and level of engagement</b>	This matter is of low to medium significance because of the small number of people affected and the short duration of the event. Therefore a request for feedback was advertised in the Nelson Mail, on the Council's website and distributed to affected businesses for feedback.
<b>6. Inclusion of Māori in the decision making process</b>	Māori have not been consulted in this matter.
<b>7. Delegations</b>	The Hearings Panel - Other has the responsibility to consider and determine applications for temporary road closures made under Schedule 10 Clause 11(e) of the Local Government Act.



## PROPOSED TEMPORARY ROAD CLOSURE

### Masked Parade and Carnival

Pursuant to the Local Government Act 1974, notice is hereby given that Nelson City Council proposes to temporarily close the following central city roads to ordinary vehicle traffic. It will be an offence under this Act for any persons without an authorised permit to use the road for ordinary vehicle traffic during the period of closure. The roads to be closed:

*From 7am Fri 27 Oct until 3am Sat 28 Oct:*

- **Upper Trafalgar** from Selwyn Place to Hardy St

*From 9am Fri 27 Oct until 3am Sat 28 Oct:*

- **Hardy Street** from Trafalgar St to (but not Inc.) Church St

*From 2pm until 7pm Fri 27 Oct:*

- North half of **Montgomery Square Car Park** closed and no stopping cones to go into the parade route
- Entrance to Montgomery Square Car Park closed from Bridge St

*From 4pm until 7pm Friday 27 Oct*

- **Selwyn place** from Church St to Sussex St
- **Church St**
- **Hardy St** from Church St to Montgomery Square Carpark entrance
- **Bridge St** from Trafalgar St to Rutherford St
- **Haven Road** From Wakatu Lane to Bridge St

*From 4pm Fri 27 Oct until 3am Sat 28 Oct:*

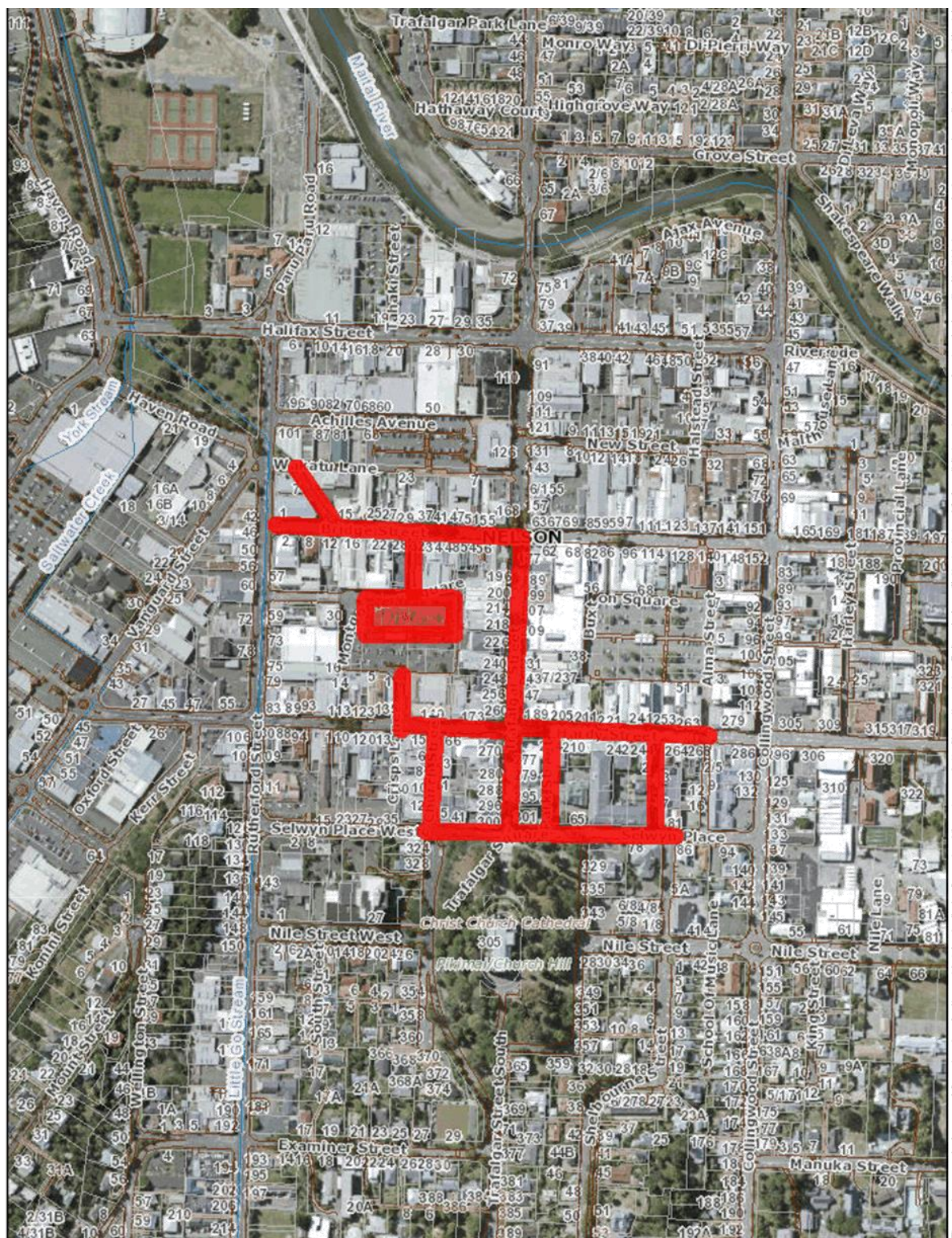
- **Park St**
- **Morrison Street** from Trafalgar St to Hope St (not inc)
- **Hardy Street** from Trafalgar St to Hope St(not inc.)
- **Trafalgar Street** from Bridge St to Hardy St
- **Selwyn Place** from Trafalgar St East to West (not inc.)

Wet weather alternative will be Sunday 29 Oct.

Any person wishing to give feedback about this proposal is requested to do so in writing by Tuesday 5 September 2017, attention Melissa Ramsay of Nelson City Council, PO Box 645, Nelson, or email [enquiries@ncc.govt.nz](mailto:enquiries@ncc.govt.nz). The decision of whether the roads will be closed will be advertised on Council's website at [www.nelson.govt.nz](http://www.nelson.govt.nz).

Nelson City Council thanks the public for its patience and understanding.

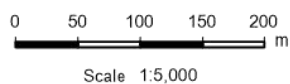




Attachment 1 - Figure 2 - Map



PO Box 645 Nelson 7040 New Zealand  
PH 03 5460200  
www.nelson.govt.nz







## PROPOSED TEMPORARY ROAD CLOSURE

### Port Nelson Street Races 2018

Pursuant to the Local Government Act 1974, notice is hereby given that Nelson Road Race Association proposes to temporarily close Wildman Ave, Vickerman Street, Rogers Street, Graham Street, Carteek Street and Low Street to ordinary vehicle traffic. It will be an offence under this Act for any persons without an authorised permit to use the road for ordinary vehicle traffic during the period of closure.

The roads to be closed:

**Wildman Avenue** from Low Street to Vickerman Street

**Vickerman Street** from Wildman Ave to Rogers Street

**Rogers Street** from Vickerman Street to Graham Street

**Graham Street** from Rogers Street to Carteek Street

**Carteek Street** from Grahams Street to Vickerman Street

**Low Street** from Wildman Ave to Carteek Street

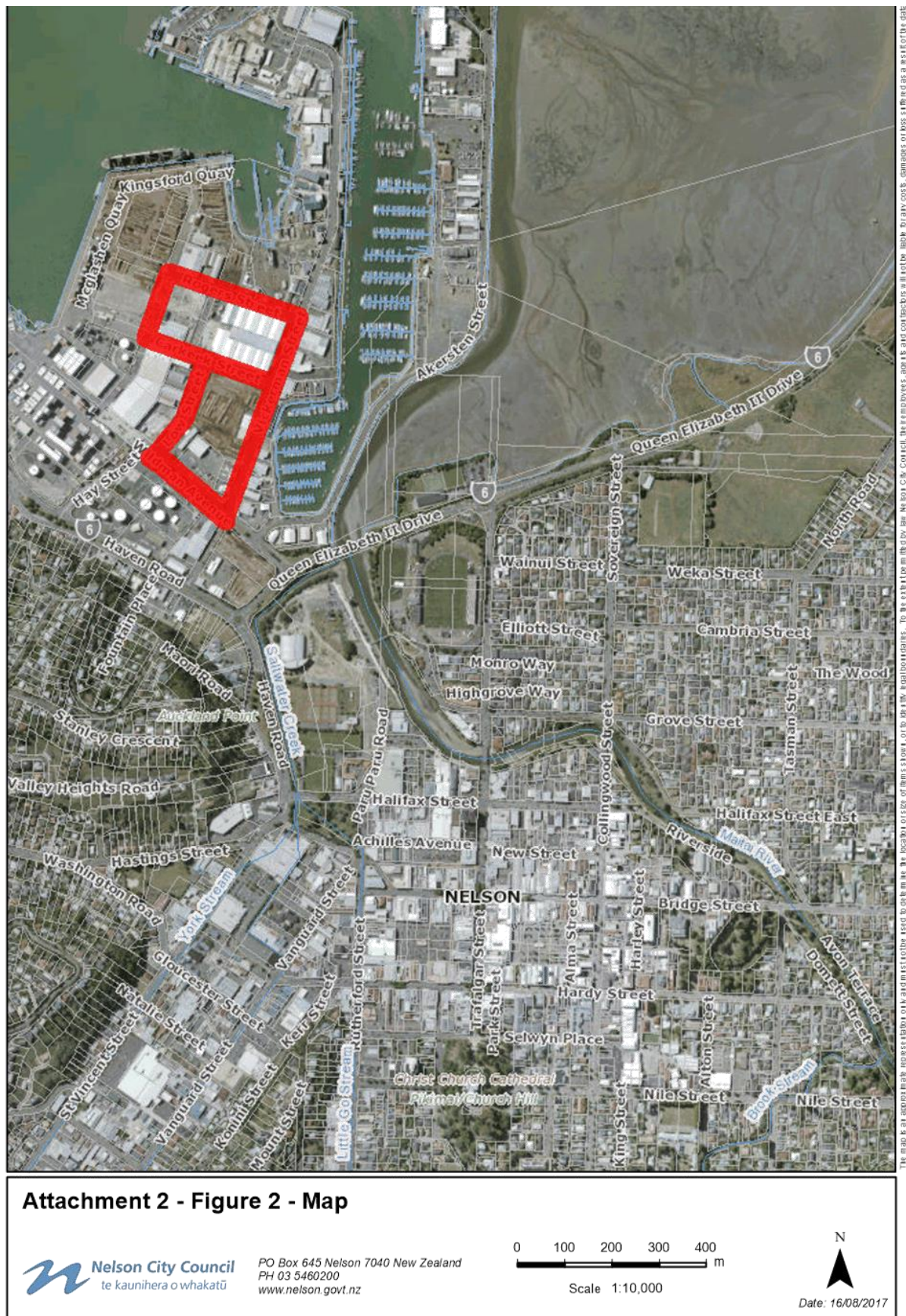
Date and time of closure:

Tuesday 2nd January 2018 at 4.00am until 6.00pm.

This closure is for Port Nelson Street Races 2018.

Any person wishing to give feedback about this proposal is requested to do so in writing by Tuesday 29th August 2017, attention Melissa Ramsay of Nelson City Council, PO Box 645, Nelson, or email [enquiries@ncc.govt.nz](mailto:enquiries@ncc.govt.nz). The decision of whether the roads will be closed will be advertised on Council's website at [www.nelson.govt.nz](http://www.nelson.govt.nz).

Nelson City Council thanks the public for its patience and understanding.



---

**Objection to Disqualification as a Dog Owner – Jodie Maree LeFrantz**

---

**1. Purpose of Report**

- 1.1 To decide on an objection to being disqualified as a dog owner for a period of five years pursuant to section 25 of the Dog Control Act 1996.

**2. Summary**

- 2.1 Section 25 of the Dog Control Act 1996 provides for a dog owner to be disqualified from dog ownership where three or more infringement offences are committed (not relating to a single incident or occasion) within a continuous period of twenty four months. Jodie Maree LeFrantz has committed four separate infringement offences over the eight month period from October 2015 to June 2016. All four notices have been processed by the Court and outstanding fines total \$1220.

**3. Recommendation**

***That the Panel***

***Receives the report Objection to Disqualification as a Dog Owner – Jodie Maree LeFrantz (R8295) and its attachments (A1820048, A1820051, A1820056, A1820057 and A1820060); and***

***Dismisses the objection of Jodie Maree LeFrantz; and***

***Confirms the disqualification of Jodie Maree LeFrantz from dog ownership from 9 June 2016 to 9 June 2021.***

**4. Background**

- 4.1 Jodie Maree LeFrantz is the owner of a four year old female Rottweiler dog named 'Poppy'. In May of 2015 Poppy was classified as a menacing dog due to two reports of the dog wandering and rushing aggressively at



pedestrians. In February 2016 Ms LeFrantz was issued an unregistered dog notice in respect of a second Rottweiler dog named 'Kiara' which she failed to register and a fine was subsequently issued.

- 4.2 In April of 2016 Poppy and Kiara were both classified as a Dangerous Dogs after being involved in an attack on a Police Officer visiting the owner's property. During the attack, an officer completely emptied a can of oleo-resin capsicum (pepper) spray on the dogs. Although he still received a bite wound, he believed that without having pepper sprayed the dogs he would likely have been seriously mauled at the very least.
- 4.3 Between the dates of 4th of October 2015 and 9th June 2016 the owner has been issued with four infringement notices in respect of breaches of the Dog Control Act 1996 as follow:
  - 04/10/15 s.33EC(1) Failure to comply with the effects of a Menacing Dog classification 'Poppy' (dog not muzzled in public);
  - 05/10/15 s.53(1) Failure to control a Dog 'Poppy' (wandering at large);
  - 29/02/16 s.42 Failure to Register a Dog 'Kiara'
  - 09/06/16 s.32(2) Failure to Comply with the effects of a Dangerous Dog classification 'Kiara' (fails to have the dog desexed).
- 4.4 Ms LeFrantz's whereabouts were unknown between September 2016 and June 2017. In March 2017 Nelson City Council received two complaints from Nikau Street residents regarding an aggressive Rottweiler dog wandering uncontrolled in the street. On the arrival of Dog Control staff, the dog exhibited territorially aggressive behaviours before being followed to an address which was later identified as a Housing New Zealand property occupied by Ms LeFrantz's daughter and the dog was identified as Poppy. The property was non-compliant in respect of both fencing and access to a doorway. The occupant stated that Ms LeFrantz had been staying at the address with the dog but that she was not present at that time.
- 4.5 When an attempt was made to seize the dog for a breach of the classification, an occupant secured the dog in a vehicle and fled. When the owner was contacted over the incident she denied living at the address and stated she was moving between several properties. She would not divulge any of the addresses but volunteered that none complied with the classification requirements.
- 4.6 On the 2nd June 2017 Ms LeFrantz was personally served with a notice of disqualification from dog ownership papers (see attachment 1). The notice advised her that she was being disqualified from dog ownership under section 25 of the Dog Control Act 1996 having committed three or more separate infringement offences within a continuous twenty four month period and that the disqualification period was from 9th June 2016 (the date of the last offence) until the 9th of June 2021. Attached

to the disqualification notice was a list of the effects of the disqualification and a statement advising of the right to object to the disqualification (see attachment 2).

## **5. Discussion**

### **Dog Control Act 1996 Provisions**

- 5.1 Section 25(1) of the Dog Control Act 1996 outlines that Council must disqualify a person from being an owner of a dog if—
- a) the person commits 3 or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months; or
  - b) the person is convicted of an offence (not being an infringement offence) against this Act; or
  - c) the person is convicted of an offence against Part 1 or Part 2 of the Animal Welfare Act 1999, section 26ZZP of the Conservation Act 1987, or section 56I of the National Parks Act 1980.
- 5.2 Section 25(1A) provides that: Subsection (1) does not apply if the territorial authority is satisfied that the circumstances of the offence or offences are such that—
- a) disqualification is not warranted; or
  - b) the territorial authority will instead classify the person as a probationary owner under section 21.
- 5.3 A probationary owner means they can keep their current dogs but not obtain ownership of any other dog up to a period of five years. Section 25(3) allows for the period of disqualification to be at the Territorial Authority's discretion but must not exceed a period of five years.
- 5.4 Under Section 26 of the Dog Control Act 1996, Ms LeFrantz had 14 days in which to object to the disqualification. If an objection is received within the allowable period the requirement to dispose of any dog is suspended until Nelson City Council has made a determination on the appeal. There is a further right to appeal to a District Court if the objector is not satisfied with the decision of Nelson City Council.
- 5.5 An objection against the disqualification was received from Ms LeFrantz on 9th June 2017 (see Attachment 3). It was supported by a brief letter from a Doctor (see attachment 4).
- 5.6 Section 28 of the Dog Control Act 1996 (attachment 5) outlines the effect of disqualification as a dog owner.
- 5.7 Section 26 of the Dog Control Act 1996 outlines a person's rights to object to the disqualification and their right to be heard in support of the

objection. It also requires that the territorial authority shall have regard to:

- (a) the circumstances and nature of the offence or offences in respect of which the person was disqualified;
- (b) the competency of the person objecting in terms of responsible dog ownership;
- (c) any steps taken by the owner to prevent further offences;
- (d) the matters advanced in support of the objection;
- (e) and any other relevant matters.

- 5.8 In determining any objection, the territorial authority may uphold, bring forward the date of termination, or immediately terminate the disqualification of any person and shall give written notice of its decision, the reasons for it, and the right of appeal under section 27 to the objector.

### **Assessment**

- 5.9 Ms LeFrantz has been on Nelson City Council dog ownership records since January 2001. She has had a high number of dealings with dog control staff who have gone to great lengths to fully inform her of all of the legal requirements associated with dog ownership in general and particularly in respect of the heightened responsibility associated with owning a classified dog. In spite of this, Ms LeFrantz continues to fail to meet the requirements, specifically in regards to notifying changes of address and in meeting the fencing and access requirements of the dangerous dog classification.
- 5.10 Nelson City Council records show that from 2001 this owner has owned three dogs and accrued:
- 14 wandering complaints;
  - 7 infringements (2 were withdrawn due to subsequent compliance);
  - 5 instances of failing to register a dog;
  - 2 impounds;
  - 2 seizures;
  - 1 menacing dog classification;
  - 2 dangerous dog classifications;
  - 1 rushing a person complaint;
  - an attack on a person involving 2 dogs;
  - 6 failing to comply with the effects of a dog classification breaches; and

- failures to advise a change of address (whereabouts were unknown from September 2016 until June 2017).

- 5.11 Ms LeFrantz has made little effort to keep territorial authorities informed of where the dog is domiciled. From September 2016 her and Poppy's whereabouts were unknown until Dog Control learned that she had taken up tenancy of a Housing New Zealand property in Nelson City where she was keeping the dog in breach of the tenancy conditions.
- 5.12 Most recently Ms LeFrantz has advised that Poppy is living on a Motueka Street property (she has also registered Poppy to this address). This property meets the classification requirements of dog-proof fencing and visitor access to the property. However Dog Control staff have subsequently undertaken multiple visits to the property never seen Poppy or Ms LeFrantz on the property. The whereabouts of Poppy is at this time unconfirmed.
- 5.13 Ms LeFrantz has submitted a letter objecting to the disqualification from dog ownership. The letter is supported by a document from Doctor Luis Manetto. The letter does not address any of the concerns held by Dog Control in respect of upholding the conditions of the dangerous dog classification applied to Poppy in the name of the public safety. The letter from Doctor Manetto refers rather simply to dog ownership being of benefit in respect of Ms LeFrantz's mental health issues.
- 5.14 A classification of a dog is applied primarily to prevent a reoccurrence of an attack or aggression incident and to protect the public at large as well as other animals from harm. The muzzling, fencing and property access requirements also serve to help to protect the dog owner from punitive action in the event of a further attack. However all of the conditions applied are only of benefit if the dog owner is vigilant and compliant.
- 5.15 The objector has a lengthy history of non-compliance and previous punitive enforcement measures have failed to encourage her to fulfil her legal obligations in respect of owning a dog classified as dangerous.
- 5.16 The owner's continued non-compliance with the classification conditions constitutes a very real threat to the safety of the public. Officers are of the view Ms LeFrantz has demonstrated incompetency as a dog owner and has not taken any steps to become a responsible dog owner.
- 5.17 Application of Section 21 (Classification of an owner as Probationary) is not considered to be appropriate in this instance as the current dogs are dangerous and pose a threat to the public as they are not appropriately controlled by the owner. Dog-proof fencing and visitor access cannot be sufficiently checked by dog control officers as the owner is not advising of changes of address.
- 5.18 Disqualification would require that the dogs be rehomed and as a dangerous dog, any new owner and the owner's property must have the approval of Nelson City Council.

## Options

- 5.19 The objection be dismissed (recommended option). This will result in the disqualification being upheld and reduce the public at large being subject to a future attack from these dogs.
- 5.20 The territorial authority classify Ms LeFrantz as a probationary owner. This allows the owner to keep her current dogs but cannot own any more dogs for a period not exceeding five years.
- 5.21 The objection be upheld. This will result in no additional requirements.

## 6. Conclusion

- 6.1 Ms LeFrantz has a history of non-compliance with the Dog Control Act and is not taking any steps to be a responsible dog owner. Her dogs are classified as dangerous and have proven to be a very real threat to the safety of the public.
- 6.2 It is recommended that the objection is dismissed and that Ms LeFrantz is disqualified from dog ownership for a period of five years pursuant to Section 25 of the Dog Control Act 2006.

Brent Edwards

**Manager Environmental Inspections**

## Attachments

- Attachment 1: A1820048 Notice of Disqualification from Dog Ownership ↴
- Attachment 2: A1820051 Effect of Disqualification notice to dog owner ↴
- Attachment 3: A1820056 Letter from Jodie LeFrantz ↴
- Attachment 4: A1820057 Letter from Doctor Luis Manetto ↴
- Attachment 5: A1820060 Section 28 Dog Control Act 1996 Full effects of disqualification ↴



<b>Important considerations for decision making</b>	
<b>1. Fit with Purpose of Local Government</b>	The regulatory functions are to be performed in a manner that is most cost-effective for households and businesses. The Dog Control Act 1996 provisions are being applied appropriately to minimise the public risk and cost in continued enforcement action.
<b>2. Consistency with Community Outcomes and Council Policy</b>	The recommendation aligns with Councils Dog Control Policy by having regard to the need to minimise danger, distress and nuisance to the community generally caused by dogs and/or by non-compliant owners
<b>3. Risk</b>	Council has obligations under the Dog Control Act 1996. Following correct legal process means there is minimal risk.
<b>4. Financial impact</b>	There is no additional cost to Council should the recommendation be approved. Continued serious offending by dog owners can result in a large legal costs where the appropriate level of enforcement is by way of a prosecution.
<b>5. Degree of significance and level of engagement</b>	The recommendations outlined in this report are not considered significant in terms of Council's Significance and Engagement Policy.
<b>6. Inclusion of Māori in the decision making process</b>	Maori have not been consulted on this matter.
<b>7. Delegations</b>	The Hearings Panel – Other has the power to hear and determine objections to the disqualification of dog owners and all other procedural matters for which a right of objection and hearing is provided for under the Dog Control Act, 1996; and to recommend changes to the Council's Dog Control Policy and Dog Control Bylaw.

**Attachment 1**

**Notice of disqualification from dog ownership**

*Section 25, Dog Control Act 1996*

To: Jodie Maree LeFRANTZ

Address: 32 Sovereign Street, Nelson

This is to notify you that you have been disqualified under section 25 of the Dog Control Act 1996 from owning any dog.

This follows—

- 3 or more infringement offences (not relating to a single incident or occasion) having been committed by you, within a continuous period of 24 months; or
- ~~your conviction [offences referred to in Section 25(1)(b) or (c)]~~ .....

This disqualification will apply **from 9 June 2016** [date of third or more infringement offences, or date of offence] **until 9 June 2021** [a period of five years].

A summary of the effect of the disqualification and your right to object is provided below.

  
.....  
Dog Control Officer for Nelson City Council

Date 2/6/17 .....

*Personally served 1332 hrs 2/6/17*

## **Attachment 2**

### **Effect of disqualification**

*Section 28, Dog Control Act 1996*

**You are required to dispose of every dog owned by you within 14 days of the date of this notice.**

However, you may not dispose of a dog—

- to a person who resides at the same address as you; or
- in a way that constitutes an offence against the Dog Control Act 1996 or any other Act.

You must not become the owner, even on a temporary basis, of any dog while you are disqualified. You may have possession of a dog only for the purpose of—

- preventing it from causing injury, damage, or distress; or
- returning, within 72 hours, a lost dog to a territorial authority for the purpose of restoring the dog to its owner.

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you—

- fail to dispose of every dog owned by you within 14 days of this notice; or
- at any time while disqualified, become the owner of any dog; or
- dispose of a dog owned by you—
  - to a person who resides at the same address as you; or
  - in a manner that constitutes an offence against the Dog Control Act 1996 or any other Act.

If you are convicted of the first or second of these offences, your period of disqualification may be further extended.

You will also commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you dispose or give custody or possession of a dog to a person knowing that person to be disqualified from ownership under section 25 of the Dog Control Act 1996.

Full details of the effect of disqualification are provided in the Dog Control Act 1996.

### **Right of objection to disqualification**

*Section 26, Dog Control Act 1996*

You may object to the disqualification by lodging a written objection with the Nelson City Council setting out the grounds on which you object. You are entitled to be heard in support of your objection and will be notified of the time and place when your objection will be heard. No objection can be lodged within 12 months of the hearing of any previous objection to the disqualification. If an objection is lodged within 14 days after the date of this notice, the requirement to dispose of every dog owned by you will be suspended until the Nelson City Council as determined the objection.

There is a further right of appeal to a District Court if you are dissatisfied with the decision of the Nelson City Council on your objection.

**Attachment 3**

Attn: Martin Vince

RECEIVED

09 JUN 2017

NELSON CITY COUNCIL

Customer Service

Objectives - Jodie LeFrantz is the owner of Poppy LeFrantz. I am getting charged by Nelson City Council that I'm in breach of the DOG CONTROL ACT 1996. These are my objectives to the above matter.

I rung Richmond Tasman Council, They had no problems with Poppy. He was very supportive in this would work out. And that now since I had moved to Nelson and I would have to sit down and talk about poppy, me, and anything that needed to be sorted out.

On the 16th May I went to Community law. I met with Tui. I asked him what he knew about the dangerous dog Act "1996". Tui knew not much, so we googled "Dangerous Dog".

Poppy is my whole life. Taking ownership off me seriously makes me feel like a failure, I haven't felt so passionate as I do about Poppy. She is a very obedient girl, always trying to please me. My grandson Liam absolutely loves poppy. Both me and my family adore the "Rotties". They are both the light in our lives.

Poppy was neutered about 2 years ago now. Her stomach intestines came thru her stitches and were dangling onto the floor in the kitchen. I screamed OMG Poppy!! Luckily my 2 friends were at my house. My friend grabbed a tea towel to hold Poppy's stomach in. It was like on a movie in slow motion. We made it to the nearest vet closest to me which was Victory vets. They saved Poppy's life. 42000 later.

So Poppy is lucky to be here with us all.

I'm not going to deny that poppy barks at the dog Rangers, but it's not because she was to bite anyone. She's scared. That's all.

Here a little bit of information from a study done in Auckland. The Journal is called Applied Animal Behaviour Science. With researchers questioning 6000 dog owners, had some surprising conclusions. The dog breed most likely to bite was not the Pit Bull, Rottweiler, or German Shepherd but wait for it... the Dachshund and second was the Chihuahua followed by the Jack Russell Terrier known as a Sausage dog or weiner dog.

Since I bought poppy almost 5 years ago now my life has been worth while getting up in the mornings. Please don't take her from me. I cry daily now thinking about what's going to happen. ~~Don't take her~~

I want to be able to come to an agreement ~~to~~ so I can keep Poppy.

Poppy has mellowed out lots since moving out of Hampden St. Living by herself with out Naila, and Kiara at home too. I can 100% say that poppy is under control with me. I would even be happy taking Poppy to an abediscence school.

I hope Nelson city Council can have the compassion to see how much I need Poppy in my life.

yours faithfully

Jodie Le Frantz

ph 020 406 05 819

**Attachment 4**

**Medical & Injury  
Centre**  
98 Waimea Road, Nelson  
Ph: 03 546 8881 Fax: 03 545 7059

06 Jun 2017

To whom it may concern

Re: Miss Jodie Maree Le Frantz  
Address: 2/233 Hampden Street Nelson South Nelson  
NHI: FSB0035  
DOB: 14 Sep 1978

Jodie has mental health issues. She finds that having her pet dog is very beneficial in improving her symptoms.

Yours sincerely

  
Dr Luis Manetto

## **Attachment 5**

### **28 Effect of disqualification**

- (1) Subject to this section, if a person is disqualified from owning a dog under section 25 the person must,—
- (a) within 14 days of the date on which notice of the decision is given to the person, dispose of every dog owned by the person; and
  - (b) not subsequently be in possession of a dog at any time, except for the purpose of—
    - (i) preventing a dog from causing injury, damage, or distress; or
    - (ii) returning, within 72 hours, a lost dog to the territorial authority for the purpose of restoring the dog to its owner.
- (2) Every dog disposed of under subsection (1)(a)—
- (a) shall be disposed of in a manner that does not constitute an offence against this or any other Act; and
  - (b) shall not be disposed of to any person who resides at the same address as the person disqualified.
- (3) Where any person has, within 14 days after the date on which the notice of disqualification under section 25(4) is given to that person, lodged an objection under section 26, subsection (1) of this section shall apply in relation to that person as if the reference in that subsection to section 25(4) were a reference to section 26(4).
- (4) Where any person has, within 14 days after the date on which the notice under section 26(4) is given to that person in respect of an objection to which subsection (3) of this section refers, lodged an appeal under section 27, subsection (1) of this section shall apply in relation to that person as if the reference in that subsection to the date on which the notice under section 25(4) was given to that person were a reference to the date of the decision of the District Court on that appeal.
- (5) Every person commits an offence and is liable on conviction to a fine not exceeding \$3,000 who—
- (a) fails to comply with subsection (1); or
  - (b) fails, in disposing of a dog under subsection (1), to comply with subsection (2); or
  - (c) at any time while disqualified under section 25, becomes the owner of any dog in terms of this Act; or
  - (d) disposes or gives custody or possession of any dog to any person, knowing that person to be disqualified under section 25.

(6) Where any person is convicted of an offence against paragraph (a) or paragraph (c) of subsection (5), the territorial authority may extend the period of disqualification of that person until a date not later than 5 years after the date on which the offence occurred.

(7) Where any person fails to comply with subsection (1), any dog control officer may seize any dog owned by that person and, for that purpose, may, at any reasonable time, with all persons he or she calls to his or her assistance, enter onto the land or premises, including any dwellinghouse, of the owner of the dog.