



AGENDA

Ordinary meeting of the

Hearings Panel - Other

**Tuesday 6 March 2018
Commencing at 9.00am
Council Chamber
Civic House
110 Trafalgar Street, Nelson**

Membership: Councillor Brian McGurk (Chairperson) Councillor Stuart Walker

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. Public Forum**5. Temporary Road Closures - Police Station Open Day and Tug of Peace****7 - 12**

Document number R8886

Recommendation

That the Hearings Panel - Other:

Receives the report Temporary Road Closures - Police Station Open Day and Tug of Peace (R8886) and its attachments (A1903172, A1903442); and

Approves the application for the temporary road closures for the Police Station Open Day and the Tug of Peace.

6. Street Naming Application - Principle Developments Ltd (Farleigh Street)**13 - 18**

Document number R8890

Recommendation

That the Hearings Panel:

Receives the report Street Naming Application - Principle Developments Ltd (Farleigh Street)

(R8890) and its attachments (A1899695 and A1899696); and

Approves the name of "Koura Road" for the roads to vest in Council shown as Roads 1 and 2 on the Scheme Plan for RMSH165005, in Attachment 1 (A1899695) to this report R8890; and

Notes the name of "Komako Way" for the private Right of Way shown as ROW 3 on the Scheme Plan for RMSH165005, in Attachment 1 (A1899695) to this report R8890.

7. Street Naming Application - Inhaus Developments Ltd - 10 Daelyn Drive 19 - 23

Document number R8893

Recommendation

That the Hearings Panel:

Receives the report Street Naming Application - Inhaus Developments Ltd - 10 Daelyn Drive (R8074) and its attachments (A1899796 and A1899794); and

Approves the name of "Kakano Lane" for the road to vest in Council shown as Lot 15 on the Scheme Plan for RM175200, in Attachment 1 (A1899796) to this report, R8893.

8. Street naming application - Brooklands Road subdivision 24 - 28

Document number R8943

Recommendation

That the Hearings Panel:

Receives the report Street naming application - Brooklands Road subdivision and its attachments (A1899877 and A1899879); and

Notes the name of "Chamerion Way" for the Private Right of Way servicing Lots 1 to 9 on the Scheme Plan for RM165329, in Attachment 1 (A1899877) to this report, R8943.

9. Application for naming of a Private Right of Way - 253, 255 and 255A Nayland Road 29 - 33

Document number R8966

Recommendation

That the Hearings Panel:

Receives the report Application for naming of a Private Right of Way 253, 255 and 255A Nayland Road, and its attachment (A1909837); and

Declines to note the name of "Rose Way" for the private Right of Way servicing lots 1 and 2 DP 8019, (255 and 255A Nayland Road), and Proposed Lots 1 to 4 on the Scheme Plan for Resource Consent RM175063 (253 Nayland Road) in Attachment 1 (A1909837) to this report R8966.

10. Objection to Bark Notice - Yuri Schokking and Leita McKellar - Dog named "Kobe" 34 - 59

Document number R8834

Recommendation

That the Hearings Panel - Other

Receives the report Objection to Bark Notice - Yuri Schokking and Leita McKellar - Dog named "Kobe" (R8834) and its attachments (A1912555, A1850872, A1912567, A1912569, A1912581, A1912611 and A1912621); and

Dismisses the objection of Yuri Schokking & Leita McKellar; and

Confirms the written notice (bark notice) served on 25 September 2017.

**11. Objection to Classification of a Dog as Dangerous -
Mr Robertus Schiefer and Ms Silvia Randma - Dog
named "Ebba"**

60 - 89

Document number R8833

Recommendation

That the Hearings Panel - Other

***Receives the report Objection to Classification of
a Dog as Dangerous - Mr Robertus Schiefer and Ms
Silvia Randma - Dog named "Ebba" (R8833) and
its attachments (A1913472, A1913478,
A1913491, A1876343 and A1878144); and***

***Dismisses the objection of Mr Robertus Schiefer
and Ms Silvia Randma; and***

Upholds the classification of "Ebba" as dangerous.

Temporary Road Closures - Police Station Open Day and Tug of Peace

1. Purpose of Report

1.1 To consider and decide on the temporary road closure applications for the following events:

1.2

- Police Station Open Day on Sunday 11 March 2018.
- Tug of Peace on the Thursday 5 April 2018.

2. Recommendation

That the Hearings Panel - Other:

Receives the report Temporary Road Closures - Police Station Open Day and Tug of Peace (R8886) and its attachments (A1903172, A1903442); and

Approves the application for the temporary road closures for the Police Station Open Day and the Tug of Peace.

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

Police Station Open Day

4.1 On 16 January 2018, the Police applied for the closure of Harley Street and St John Street for Sunday 11 March from 9am until 3pm for a Police Station Open Day.

Item 6: Temporary Road Closures - Police Station Open Day and Tug of Peace

- 4.2 The Open Day is an opportunity for the public to tour the Police headquarters, for children to access fingerprinting kits and see displays in the Police buildings and in their yards.
- 4.3 Council placed an advertisement in the Nelson Mail on Saturday 27 January 2018 to notify of the applicant's intention to close these roads, and asking the public for feedback by Thursday 15 February 2018. The advertisement was also delivered directly to affected businesses and residents. No feedback was received.
- 4.4 This event does not require a resource consent for noise.
- 4.5 The applicant has shown evidence of adequate public liability insurance.
- 4.6 Council officers are working with the applicant about the required traffic management.
- 4.7 Council officers recommend that this application be approved.

Tug of Peace

- 4.8 On 22 January 2018, Nelmac applied for the closure of the top of Trafalgar Street for Thursday 5 April from 1pm until 6pm for the Tug of Peace.
- 4.9 The Tug of Peace is a long-running Nelson fixture involving a tug of war between business teams. No complaints have been received about this event in recent years. This is a charity event to raise awareness for the Nelson Tasman Hospice.
- 4.10 Council officers placed an advertisement in the Nelson Mail on Saturday 27 January 2018 informing of the proposed closure and asking for written feedback by Thursday 15 February 2018. (See Attachment 2). The organiser distributed this advertisement to directly affected businesses. No feedback was received.
- 4.11 Noise generated by the event is not expected to exceed the noise limits specified in the Nelson Resource Management Plan, and therefore no resource consent is required.
- 4.12 The Police have approved the closure.
- 4.13 The applicant has shown evidence of adequate public liability insurance.
- 4.14 Emergency access to all areas of the closed road will be provided at all times.
- 4.15 Council officers will work with the applicant about the required traffic management plan closer to the time of the event.
- 4.16 Council officers recommend that this application be approved.

Item 6: Temporary Road Closures - Police Station Open Day and Tug of Peace

5. Options

- 5.1 The Hearings Panel has two options, either to approve or decline the temporary road closure applications. Officers recommend approving both temporary road closures.
- 5.2 It is recommended that both temporary road closures be approved.

Melissa Ramsay

Roading Network Coordinator

Attachments

Attachment 1: Police Station Open Day advertisement proof (A1903442) [↓](#)

Attachment 2: Tug of Peace advertisement (A1903172) [↓](#)

Important considerations for decision making	
1. Fit with Purpose of Local Government	<ul style="list-style-type: none">• The following are applicable:<ul style="list-style-type: none">• The Local Government Act 1974, Schedule 10, Temporary Prohibition of Traffic;• The Local Government Act 2002, Clause 78, Community Views in Relation to Decisions;• The temporary road closures fit with the purpose of local government.
2. Consistency with Community Outcomes and Council Policy	These events contribute to our community outcomes by assisting our community to celebrate their identity and community.
3. Risk	Enabling these events to proceed requires temporary road closures. If the temporary road closures are not approved, these community events are at risk of not going ahead.
4. Financial impact	There are no cost implications to Council for these events.
5. Degree of significance and level of engagement	This matter is of low to medium significance because of the small number of people affected and the short duration of the events. A request for feedback was advertised in the Nelson Mail, on the Council's website and distributed to affected businesses for feedback and no feedback was received.
6. Inclusion of Māori in the decision making process	Māori have not been consulted on this matter.
7. Delegations	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 1974.

Item 6: Temporary Road Closures - Police Station Open Day and Tug of Peace:
Attachment 1



advertisingproof

Please check your proof carefully and approve it or submit corrections by the Final Proof Alterations deadline.

You can now approve or submit changes to your ad within the ATOL system at a time that suits you. Just follow the link in your ad proof email to view your ad, then click the APPROVE or CORRECTIONS button right from there - no new emails required!

customer **NELSON CITY COUNCIL**
advert ID **CH-7959906AA (100%)**

publishing **27/01/18**
publication **NELSON MAIL**
section **NOTICES & SERVICES**

booked size **18.00 X 2.0**
dimensions **6.6X18**, cms width by height
proofed **24/01/2018 8:18:22 p.m.**



PROPOSED TEMPORARY ROAD CLOSURE

Harley Street and John Street

Pursuant to the Local Government Act 1974, notice is hereby given that Nelson Police proposes to temporarily close the following 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:

Harley Street from Bridge Street to Hardy Street

St John Street from Collingwood Street to Harley Street

Date and time of closure:
Sunday 11th March 2018 at 9am
until at 3pm

This closure is for the Nelson Police Station open day.

Any person wishing to give feedback about this proposal is requested to do so in writing by Thursday 15th February 2018, attention Melissa Ramsay of Nelson City Council, PO Box 645, Nelson, or email 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.

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

Pat Dougherty
Chief Executive

CH-7959906AA

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Item 6: Temporary Road Closures - Police Station Open Day and Tug of Peace: Attachment 2



PROPOSED TEMPORARY ROAD CLOSURE

Top of Trafalgar Street

Pursuant to the Local Government Act 1974, notice is hereby given that Nelson Tasman Hospice proposes to temporarily close **Trafalgar 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 road to be closed:

Trafalgar Street from Hardy Street to Selwyn Place.

Date and time of closure:

Thursday 5th April at 1pm until Day Date Month Year at 6pm.

This closure is for Tug of Peace.

Any person wishing to give feedback about this proposal is requested to do so in writing by Thursday 15th February, attention Melissa Ramsay of Nelson City Council, PO Box 645, Nelson, or email 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.

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

Pat Dougherty

Chief Executive

Internal Document ID: A1903172

Making Nelson an **even better** place

 **Nelson City Council**
te kaunihera o whakatū

**Street Naming Application - Principle Developments Ltd
(Farleigh Street)**

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, and to note the name of a Private Right of Way for inclusion in Council records.

2. Recommendation

That the Hearings Panel:

Receives the report Street Naming Application - Principle Developments Ltd (Farleigh Street) (R8890) and its attachments (A1899695 and A1899696); and

Approves the name of "Koura Road" for the roads to vest in Council shown as Roads 1 and 2 on the Scheme Plan for RMSH165005, in Attachment 1 (A1899695) to this report R8890; and

Notes the name of "Komako Way" for the private Right of Way shown as ROW 3 on the Scheme Plan for RMSH165005, in Attachment 1 (A1899695) to this report R8890.

3. Background

- 3.1 The applicant, Principle Developments Ltd, has submitted the name of "Koura Road" for the road to vest in Council shown as Roads 1 and 2 on the scheme plan attached to RMSH165005, Farleigh Street Development (Attachment 1). The location plan is attached as Attachment 2.
- 3.2 The applicant has submitted the name of "Komako Way" for the Private Right of Way shown as ROW 3 on the attached scheme plan (Attachment 1).

- 3.3 The Council has the authority to name roads, pursuant to Section 319(j) of the Local Government Act 1974.
- 3.4 In relation to private roads, the Council has no authority to approve under the Local Government Act 1974, but may note the name for inclusion in Council records.
- 3.5 Each proposed road name is assessed against the criteria in the Road Naming Guidelines, as follows:
 - 3.5.1 The name should not be the same as or similar to any other street in the Nelson/Tasman regions.
 - 3.5.2 Where appropriate, due regard should be given to historical associations within the City.
 - 3.5.3 Where possible, the name should be consistent with other names in the area, or consistent with a theme in the area/subdivision.
 - 3.5.4 The name should not be likely to give offence.
 - 3.5.5 The name should not be commercially based.
 - 3.5.6 The length of the name should be appropriate to the length of the street (ie. short names for short streets - for mapping purposes).
 - 3.5.7 The name should not be likely to cause semantic difficulties, i.e. spelling, pronunciation, or general understanding.
 - 3.5.8 As a general rule, the proposed name should not be that of a living person, except in exceptional circumstances.

4. Evaluation

- 4.1 "Koura Road"
 - 4.1.1 The choice of the name "Koura" is based on the fact that Koura (freshwater crays) are a dominant feature of the creek that runs through the development. The applicant has commented that this creek (unnamed) has become their focal point for the subdivision, as it encapsulates the environmental values of the subdivision and native regeneration process. The developers plan to plant over 3500 native plants in the creek reserve to improve eel and koura populations, as well as to provide a pleasant public space with a walkway. They believe that the name "Koura" provides a connection to the local area and it is unique and in keeping with the Maori tradition of giving names that are associated with local area.
 - 4.1.2 There are no similar road names in the Nelson or Tasman area that are likely to cause confusion with this name.

- 4.1.3 There are similar names in Nelson, ie “Koru Place”, “Kotua Place” (both in the Nayland Industrial estate) and “Kotuku Way”, but these are sufficiently different as to not cause confusion.
 - 4.1.4 The proposed name does not conflict with the criteria of the Road Naming Policy.
- 4.2 “Komako Way”
 - 4.2.1 The choice of name of “Komako” (Maori name for the Bellbird) is based on the presence of Bellbirds within this locality.
 - 4.2.2 There are no names within the Nelson or Tasman area that are likely to cause confusion with this name. There is a “Kokako Road” in Tapawera, but this is sufficiently different as to not be likely to cause confusion.
 - 4.2.3 The proposed name does not conflict with the criteria of the Road Naming Guidelines.

5. Options

- 5.1 The Hearings Panel has two options in relation to the naming of the public road as “Koura Road”:
 - 5.1.1 To approve the name; or
 - 5.1.2 To decline the name and to ask the applicant to submit alternative names.
- 5.2 The Hearings Panel has two options in relation to the naming of the Private Right of Way as “Komako Way”:
 - 5.2.1 To note the name for inclusion in Council records; or
 - 5.2.2 To decline to note the name for inclusion in Council records
- 5.3 The recommendation is to approve the name Koura Road and note Komako Way.

Kathy Mardon
Consents Administration Coordinator

Attachments

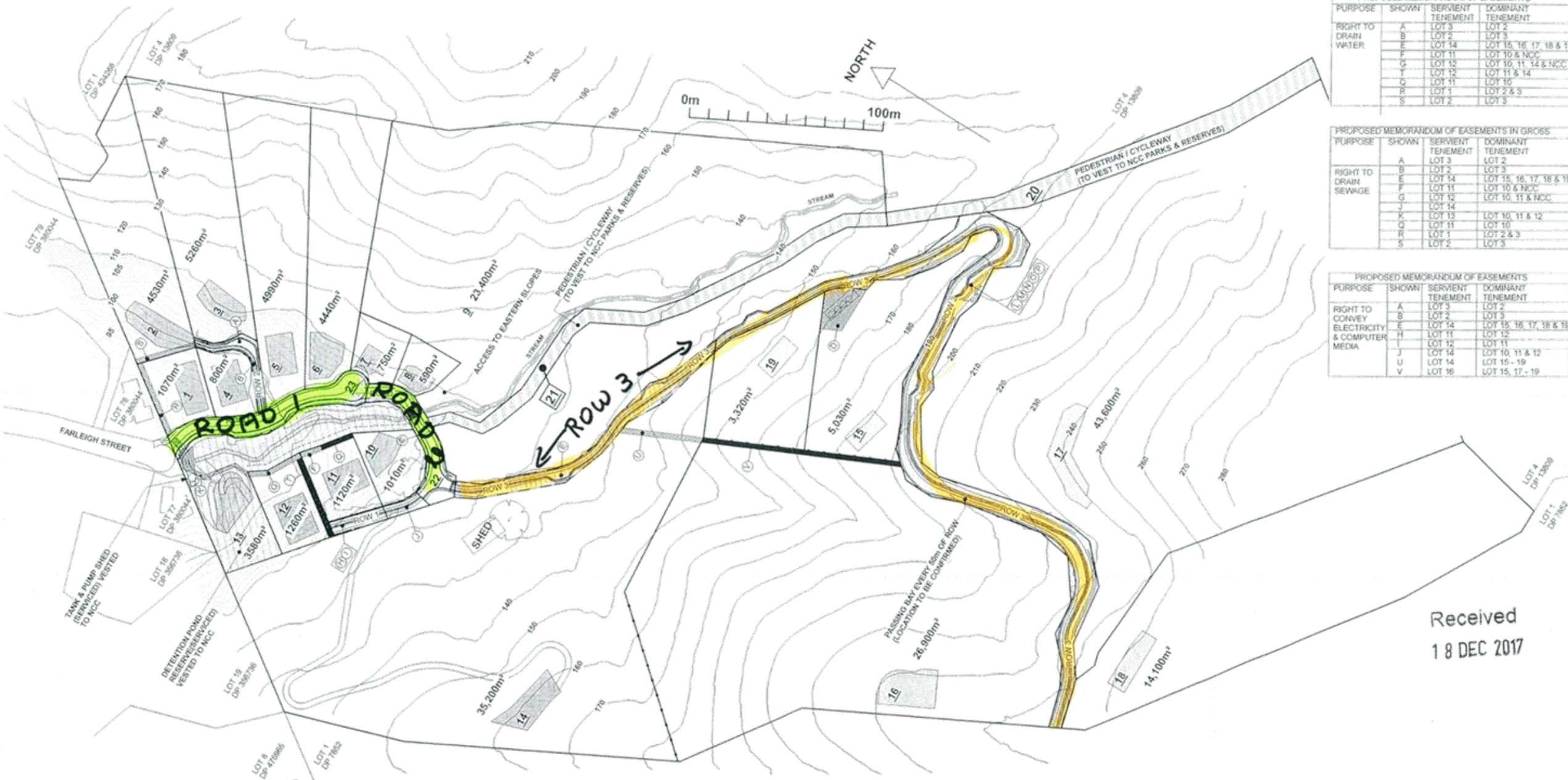
Attachment 1: A1899695 - RMSH165005 - Scheme Plan [↴](#)

Attachment 2: A1899696 - 35 Farleigh St - location of subdivision [↴](#)

Important considerations for decision making	
1. Fit with Purpose of Local Government	The Council has the authority to name roads, pursuant to s.391 of the Local Government Act 1974.
2. Consistency with Community Outcomes and Council Policy	There are no relevant policies relating to the recommendations in this report.
3. Risk	Checks are carried out to ensure that the proposed name will not cause confusion to the public or to any emergency services.
4. Financial impact	No additional resources are required.
5. Degree of significance and level of engagement	The recommendations outlined in this report are not considered significant in terms of the Council's Significance and Engagement Policy.
6. Inclusion of Māori in the decision making process	The applicants have liaised with Ngati Koata kaumatua, who have advised that they support the proposed names.
7. Delegations	<p>6.18.3 The Hearings Panel has the power to:</p> <ul style="list-style-type: none"> * 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; * and the power to provide advice to applicants on appropriate names for private roads, rights of way or other legal forms of private access to property

AMALGAMATION CONDITION:
THAT LOTS 9 & 14 BE HELD TOGETHER ON ONE CERTIFICATE OF TITLE ISSUED TO COMPRISE BOTH ALLOTMENTS
R.O.W. - AB, LMNOP & HI TO BE IN STRIPS

Scheme Plan RMSH165005



PROPOSED MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
ROW	A	LOT 3	LOT 2
	B	LOT 2	LOT 3
	E	LOT 14	LOT 15, 16, 17, 18 & 19
	J	LOT 14	LOT 11 & 12
	H	LOT 11	LOT 12
	I	LOT 12	LOT 11
	L	LOT 19	LOT 15, 16, 17, 18 & NCC
	M	LOT 15	LOT 16, 17, 18, 19 & NCC
	N	LOT 16	LOT 15, 17, 18, 19 & NCC
	O	LOT 18	LOT 15, 16, 17, 18 & NCC
	P	LOT 17	LOT 15, 16, 17, 18 & NCC

PROPOSED MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	GRANTEE	
RIGHT TO CONVEY WATER	A, B, D, E, H, I & J	NCC	

PROPOSED MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT TO DRAIN WATER	A	LOT 3	LOT 2
	B	LOT 2	LOT 3
	E	LOT 14	LOT 15, 16, 17, 18 & 19
	F	LOT 11	LOT 10 & NCC
	G	LOT 12	LOT 10, 11, 14 & NCC
	I	LOT 12	LOT 11 & 14
	O	LOT 11	LOT 10
	R	LOT 1	LOT 2 & 3
	S	LOT 2	LOT 3

PROPOSED MEMORANDUM OF EASEMENTS IN GROSS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT TO DRAIN SEWAGE	A	LOT 3	LOT 2
	B	LOT 2	LOT 3
	E	LOT 14	LOT 15, 16, 17, 18 & 19
	F	LOT 11	LOT 10 & NCC
	G	LOT 12	LOT 10, 11 & NCC
	J	LOT 14	LOT 10, 11 & 12
	K	LOT 13	LOT 10, 11 & 12
	O	LOT 11	LOT 10
	R	LOT 1	LOT 2 & 3
	S	LOT 2	LOT 3

PROPOSED MEMORANDUM OF EASEMENTS			
PURPOSE	SHOWN	SERVIENT TENEMENT	DOMINANT TENEMENT
RIGHT TO CONVEY ELECTRICITY & COMPUTER MEDIA	A	LOT 3	LOT 2
	B	LOT 2	LOT 3
	E	LOT 14	LOT 15, 16, 17, 18 & 19
	H	LOT 11	LOT 12
	I	LOT 12	LOT 11
	J	LOT 14	LOT 10, 11 & 12
	U	LOT 14	LOT 15 - 19
	V	LOT 16	LOT 15, 17 - 19

Received
18 DEC 2017

hybrid
128 TRAVAGAR STREET
PO BOX 1860 NELSON
03 548 9990
enquiries@hybridhomes.co.nz
www.hybridhomes.co.nz

LOTS 1-23 BEING A SUBDIVISION OF LOT 2
DP424268, 35 FARLEIGH ST, ATAWHAI
15-Dec-17

SITE PLAN
SCALE @ A3: 1:2000, 1:200

A1899695

1

Item 7: Street Naming Application - Principle Developments Ltd (Farleigh Street): Attachment 2



**Street Naming Application - Inhaus Developments Ltd -
10 Daelyn Drive**

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 - Inhaus Developments Ltd - 10 Daelyn Drive (R8074) and its attachments (A1899796 and A1899794); and

Approves the name of "Kakano Lane" for the road to vest in Council shown as Lot 15 on the Scheme Plan for RM175200, in Attachment 1 (A1899796) to this report, R8893.

3. Background

- 3.1 The applicant, Inhaus Developments Ltd, has submitted the name of "Kakano Lane" for the road to vest in Council shown as Lot 15 on the attached scheme plan (Attachment 1). Lot 15 is located in Daelyn Drive, between numbers 8 and 12. The location plan is attached as Attachment 2.
- 3.2 The Council has the authority to name roads, pursuant to Section 319(j) of the Local Government Act 1974.
- 3.3 Each proposed road name is assessed according to the criteria in the Road Naming Guidelines, as follows:
- 3.3.1 The name should not be the same as or similar to any other street in the Nelson and Tasman regions.
- 3.3.2 Where appropriate, due regard should be given to historical associations within the city.
- 3.3.3 Where possible, the name should be consistent with other names in the area, or consistent with a theme in the area/subdivision.

- 3.3.4 The name should not be likely to give offence.
- 3.3.5 The name should not be commercially based.
- 3.3.6 The length of the name should be appropriate to the length of the street (ie. short names for short streets - for mapping purposes).
- 3.3.7 The name should not be likely to cause semantic difficulties, i.e. spelling, pronunciation, or general understanding.
- 3.3.8 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 or Tasman regions that are likely to cause confusion with this name. There are 2 streets with similar names in Nelson, "Kaka Street" and "Kakenga Road" in Stoke, but these are sufficiently different in sound and spelling as to not be likely to cause confusion.
 - 4.1.1 The name "Kakano" has meanings of seed, kernel, pip, berry and grain. The developers have proposed this name because of its association with the land as the site was previously used as a berry farm.
 - 4.1.2 The other road names approved for this subdivision/general area include "Daelyn Place" and "Taranaki Place".
 - 4.1.3 The proposed name does not conflict with the criteria of the Road Naming Guidelines.

5. Options

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

Kathy Mardon
Consents Administration Coordinator

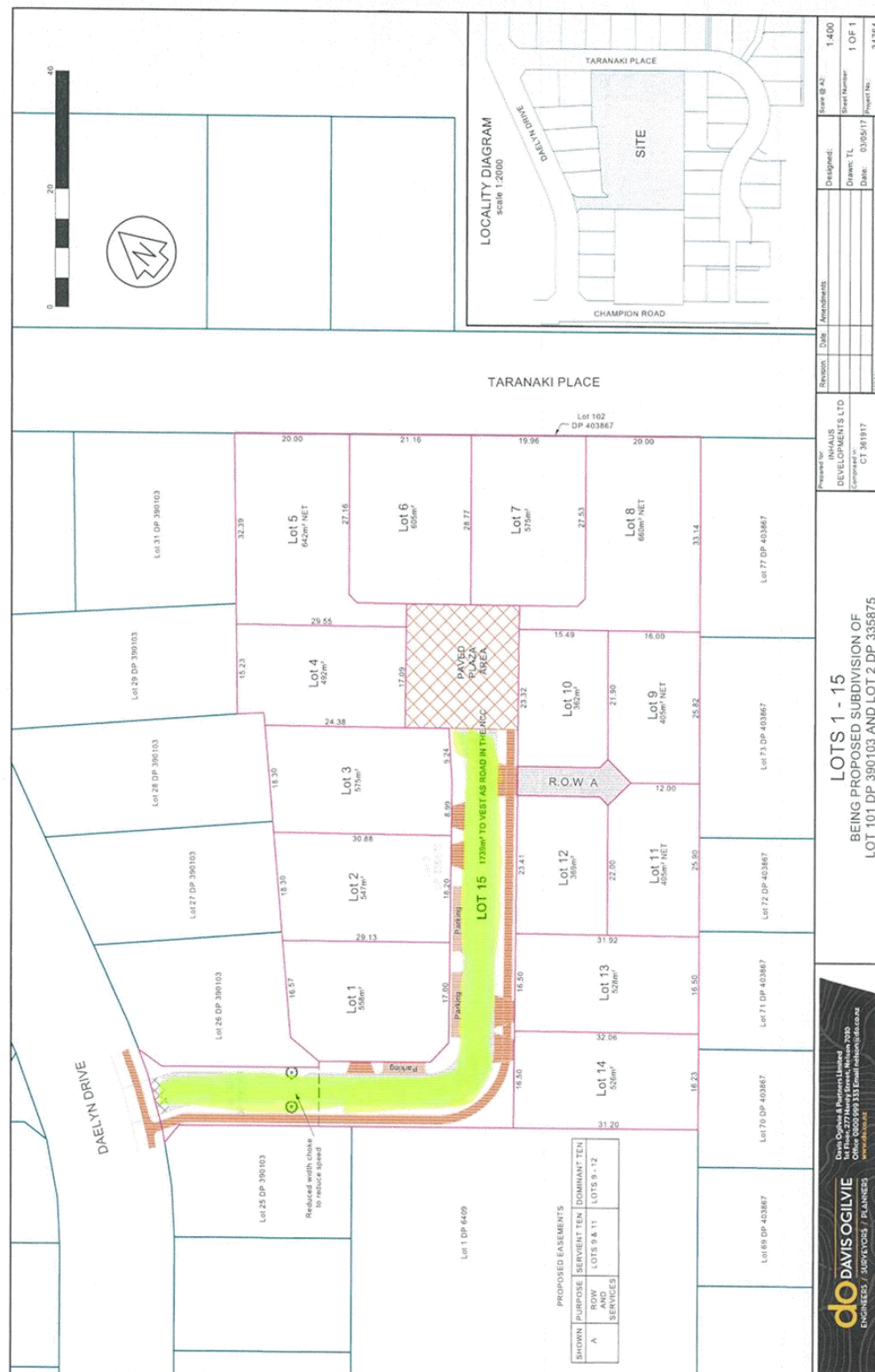
Attachments

Attachment 1: A1899796 - RM175200 - Scheme Plan [↓](#)

Attachment 2: A1899794 - 10 Daelyn Drive - Location of subdivision [↓](#)

Important considerations for decision making	
1. Fit with Purpose of Local Government	The Council has the authority to name roads, pursuant to s.391 of the Local Government Act 1974.
2. Consistency with Community Outcomes and Council Policy	There are no relevant policies relating to the recommendations in this report.
3. Risk	Checks are carried out to ensure that the proposed name will not cause confusion to the public or to any emergency services.
4. Financial impact	No additional resources are required.
5. Degree of significance and level of engagement	The recommendations outlined in this report are not considered significant in terms of the Council's Significance and Engagement Policy.
6. Inclusion of Māori in the decision making process	The Developers have liaised with the Te Atiawa Trust, who advise that they are not aware of any negative connotations with the use of the name.
7. Delegations	6.18.3 The Hearings Panel 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

Rm 175200 - Scheme Plan



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Item 8: Street Naming Application - Inhaus Developments Ltd - 10 Daelyn Drive: Attachment 2



Street naming application - Brooklands Road subdivision

1. Purpose of Report

- 1.1 For the Hearings Panel to note the name of "Chamerion Way" for the private Right of Way servicing lots 1 to 9 on the Scheme Plan for Resource Consent RM165329.

2. Recommendation

That the Hearings Panel:

Receives the report Street naming application - Brooklands Road subdivision and its attachments (A1899877 and A1899879); and

Notes the name of "Chamerion Way" for the Private Right of Way servicing Lots 1 to 9 on the Scheme Plan for RM165329, in Attachment 1 (A1899877) to this report, R8943.

3. Background

- 3.1 The applicant, Selkirk Properties, has proposed the name of "Chamerion Way" for the Private Right of Way servicing lots 1 to 9 on the Scheme Plan for RM165329 (Attachment 1; the location plan is attached as Attachment 2). The name "Chamerion" refers to a wildflower that flourishes following forest fires in the Selkirk Mountain Range in British Columbia, Canada. The applicant has selected this name as it has connections with his business name of Selkirk Properties.
- 3.2 The applicant had requested the suffix "Rise", but the Council's policy is to generally require private access ways to be named "Way". (Note the name "Rise" is on Attachment 1.)
- 3.3 The Council has the authority to name public roads, pursuant to section 319(j) of the Local Government Act 1974.
- 3.4 The Council has no authority to name private roads or ways, other than to note a name for inclusion in Council's records.

Item 9: Street naming application - Brooklands Road subdivision

4. Discussion

- 4.1 There are no similar names in the Nelson or Tasman regions.
- 4.2 The proposed name is not likely to cause confusion with any other name. The proposed name can therefore be noted for inclusion in Council's records.

5. Options

- 5.1 The Hearings Panel has two options:
 - 5.1.1 To note the name of "Chamerion Way" for inclusion in Council's records; or
 - 5.1.2 To decline to note the name for inclusion in Council's records.

Kathy Mardon
Consents Administration Coordinator

Attachments

- Attachment 1: A1899877 - RM165329 - Scheme Plan [↓](#)
- Attachment 2: A1899879 -Subdivision of 70 Brooklands Rd - location plan [↓](#)

Important considerations for decision making	
1. Fit with Purpose of Local Government	The Council has the authority to name roads, pursuant to s.391 of the Local Government Act 1974. The Council does not have authority to name Private Rights of Way, but may agree to note and record the names in Council systems.
2. Consistency with Community Outcomes and Council Policy	There are no relevant policies relating to the recommendations in this report.
3. Risk	Checks are carried out to avoid the proposed private road names causing confusion for the public if there are existing similar names. Confusion and inefficiencies can also be avoided if the Council records the private road names in our systems so searches can be carried out when a customer refers to this address.
4. Financial impact	No additional resources are required
5. Degree of significance and level of engagement	The recommendations outlined in this report are not considered significant in terms of Council's Significance and Engagement Policy.
6. Inclusion of Māori in the decision making process	Maori have not been consulted in this application for naming a private Right of Way.
7. Delegations	6.18.3 The Hearings Panel has the power " <i>to provide advice on appropriate names for private roads, rights of way or other legal forms of private access to property</i> ".

Notes
 (1) Verify all dimensions on site.
 (2) Do not scale from drawing.

Approved
 NCC PLAN N°

GROUP MANAGER INFRASTRUCTURE
 Design: SCT
 Drawn: SCT
 Checked:
 Approved:
 Date: 16.01.2018

Job Title
 S ROLSTON
 BROOKLANDS WAY
 RM 155018 / RM 165329

Drawing Title
 STREET NAME LAYOUT
 STAGE 4 - BROOKLANDS WAY

Scale: 1:250 at A1
Job No: 10717
Sheet 1 of 1

Handwritten Note:
 Rm 165329 - Scheme Plan

Item 9: Street naming application - Brooklands Road subdivision: Attachment 2



Application for naming of a Private Right of Way - 253, 255 and 255A Nayland Road

1. Purpose of Report

- 1.1 For the Hearings Panel to note the name of "Rose Way" for the private Right of Way servicing Lots 1 and 2 DP 8019 (255 and 255A Nayland Road), and Proposed Lots 1 to 4 (currently 253 Nayland Road) as shown on the Scheme Plan for Resource Consent RM175063.

2. Recommendation

That the Hearings Panel:

Receives the report Application for naming of a Private Right of Way 253, 255 and 255A Nayland Road, and its attachment (A1909837); and

Declines to note the name of "Rose Way" for the private Right of Way servicing lots 1 and 2 DP 8019, (255 and 255A Nayland Road), and Proposed Lots 1 to 4 on the Scheme Plan for Resource Consent RM175063 (253 Nayland Road) in Attachment 1 (A1909837) to this report R8966.

3. Background

- 3.1 The applicant, Trubet Building & Joinery Ltd, has proposed the name of "Rose Way" for the Private Right of Way servicing the existing Right of Way shared by 255 and 255A Nayland Road, and a new Right of Way to be created under Resource Consent RM175063, servicing 4 lots, currently 253 Nayland Road.
- 3.2 The name "Rose Way" has been proposed by the applicant as the access way is directly across the road from the rose gardens alongside Broadgreen Historic House.
- 3.3 The Council has the authority to name public roads, pursuant to section 319(j) of the Local Government Act 1974.

Item 10: Application for naming of a Private Right of Way - 253, 255 and 255A
Nayland Road

- 3.4 The Council has no authority to name private roads or ways, other than to note a name for inclusion in Council's records.

4. Discussion

- 4.1 There are some roads within Nelson City that include "Rose", ie. Roseberry Way, Rosemary Place and Rosebank Terrace. However, the use of "Rose" alone should not cause confusion with these names.
- 4.2 Under the Road Naming Guidelines, all the users of a Private Right of Way must agree to the change of a name, or a new name. The properties at 253 and 255 Nayland Road are owned by the same person, who is the applicant. The only property from which written approval is required is 255A Nayland Road. The owners of this property have provided their approval.
- 4.3 This application involves the naming of 2 right of ways. The right of way servicing proposed Lots 1 to 4 (253 Nayland Road) will be a separate legal entity from the existing right of way servicing 255 and 255A Nayland Road. The proprietors of proposed Lots 1 to 4 will not have an easement over the existing right of way used by 255 and 255A Nayland Road. The proprietors of 255A Nayland Road will not have an easement over the right of way servicing proposed Lots 1 to 4. Under the subdivision application, it is proposed that the proprietor of 255 Nayland Road will have an easement over proposed Lots 1 to 4.
- 4.4 This application is unusual in that it involves the naming of two separate right of ways under one name. Under Council's Road Naming Guidelines, the Council will consider the naming of a private right of way if it services 6 or more properties; neither of these right of ways service 6 properties (one currently services two properties and the proposed new right of way will service five properties).
- 4.5 Therefore it is recommended that the application be declined as it does not meet the Council guidelines, as it involves the naming of two separate right of ways, neither of which service six or more properties. The area will have the appearance of two right of ways each of which will function separately.

5. Options

- 5.1 The Hearings Panel has two options:
- (a) To note the name of "Rose Way" for inclusion in Council's records;
or
 - (b) To decline to note the name for inclusion in Council's records.

Item 10: Application for naming of a Private Right of Way - 253, 255 and 255A
Nayland Road

Kathy Mardon

Consents Administration Coordinator

Attachments

Attachment 1: A1909837 RM175063 -Scheme Plan [↓](#)

Important considerations for decision making	
1. Fit with Purpose of Local Government	The Council has the authority to name roads, pursuant to s.391 of the Local Government Act 1974. The Council does not have authority to name Private Rights of Way, but may agree to note and record the names in Council systems.
2. Consistency with Community Outcomes and Council Policy	There are no relevant policies relating to the recommendations in this report.
3. Risk	Checks are carried out to avoid the proposed private road names causing confusion for the public if there are existing similar names. Confusion and inefficiencies can also be avoided if the Council records the private road names in our systems so searches can be carried out when a customer refers to this address.
4. Financial impact	No additional resources are required
5. Degree of significance and level of engagement	The recommendations outlined in this report are not considered significant in terms of Council's Significance and Engagement Policy.
6. Inclusion of Māori in the decision making process	Maori have not been consulted in this application for naming a private Right of Way.
7. Delegations	The Hearings Panel has the power <i>"to provide advice on appropriate names for private roads, rights of way or other legal forms of private access to property"</i> .

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Objection to Bark Notice - Yuri Schokking and Leita McKellar - Dog named "Kobe"

1. Purpose of Report

- 1.1 To decide on an objection to a Bark Notice issued pursuant to section 55 of the Dog Control Act 1996.

2. Summary

- 2.1 Section 55(1) of the Dog Control Act 1996 provides for a Dog Control Officer to take action to abate the nuisance created by a barking dog.
- 2.2 The section provides that where a Dog Control Officer has received a complaint and has reasonable grounds for believing that a nuisance is being created by the persistent and loud barking or howling of a dog, the Officer may give the owner of a dog a written notice (a bark notice). Such a notice requires the owner to make reasonable provision on the property to abate the nuisance, as shall be specified in the notice.
- 2.3 Section 55(2) of the Dog Control Act 1996 provides a right to the person on whom a bark notice is served to object in writing to the territorial authority against the requirements of that notice.
- 2.4 On 25 September 2017 following complaints about a barking dog at 82 Bisley Avenue a bark notice was served on Jurrian Schokking, the registered owner of a Golden Retriever/Samoyed cross dog named 'Kobe' (Attachment 1). The notice required the owner to fit a functioning bark collar, to not leave the dog outside when nobody is home or to make other such arrangements to abate the nuisance being created by the persistent and loud barking or howling of the dog.
- 2.5 On 19 October 2017 a written objection was received from Yuri Schokking and Leita McKellar (Attachment 2).

3. Recommendation

That the Hearings Panel - Other

Receives the report Objection to Bark Notice - Yuri Schokking and Leita McKellar - Dog named "Kobe" (R8834) and its attachments (A1912555, A1850872, A1912567, A1912569, A1912581, A1912611 and A1912621); and

Dismisses the objection of Yuri Schokking & Leita McKellar; and

Confirms the written notice (bark notice) served on 25 September 2017.

4. Background

- 4.1 Nelson City Council is not aware of any previous dog control history involving Kobe.

5. Discussion

Dog Control Act 1996 provisions

- 5.1 Section 55 of the Dog Control Act 1996 (Attachment 3) provides for a Dog Control Officer to take action in relation to the nuisance created by barking dogs.
- 5.2 Section 55(1) enables a Dog Control Officer, who has received a complaint and has reasonable grounds for believing that a nuisance is being created by the persistent and loud barking or howling of any dog, to give the owner of the dog written notice. Such a notice can require the owner to make such reasonable provisions on the property to abate the nuisance as shall be specified in the notice.
- 5.3 Section 55(2) outlines that any person on whom such a notice is served may object to the requirements of that notice and (under Section 55(4)) shall be entitled to be represented and to be heard and may submit evidence and call witnesses in support of the objection.
- 5.4 Section 55(3) outlines that the territorial authority shall consider the objection and may confirm, modify or cancel the notice.
- 5.5 Section 55(5) outlines that on the determination of the objection, the territorial authority shall give to the objector a further notice stating the decision of the authority, and, if the effect of the decision is to modify the requirements of the Dog Control Officer or Dog Ranger, shall set out those requirements as so modified.

Item 11: Objection to Bark Notice - Yuri Schokking and Leita McKellar - Dog named "Kobe"

- 5.6 Section 56 of the Dog Control Act 1996 (Attachment 4) enables a Dog Control Officer or Ranger to remove a barking dog causing distress (if a notice issued under section 55 is not being complied with).

Matters for Consideration

5.7 The evidence which formed the basis for the bark notice

- 5.7.1 Nelson City Council has received a number of complaints from Mr Darryl Ware in relation to a barking dog at 82 Bisley Avenue.
- 5.7.2 The first of these complaints was received on 9 January 2017 (which resulted in a letter being sent to the owners of the dog advising them that a complaint had been received). Then a further complaint was received on 18 January 2017 and again on 31 July 2017.
- 5.7.3 The investigating Dog Control Officers, as per normal procedures have undertaken a number of sound checks in the area in an attempt to corroborate the complaint as well as talking to the owner of the dog. On 9 August 2017 Officers completed a letter drop to surrounding properties in an attempt to gauge the extent of the nuisance (Attachment 5 is an example of the letter).
- 5.7.4 The investigating Dog Control Officer did not hear Kobe (or any other dog in the area) barking while undertaking sound checks. Mr Ware was advised of this and encouraged to (if he wished to pursue the complaint) complete a bark log noting when and for how long the dog was barking.
- 5.7.5 Mr Ware has provided two separate bark logs; the first for the period between 9 January 2017 – 28 March 2017 (Attachment 6) and the second for the period between 1 August 2017 and 31 August 2017 (Attachment 7). The log indicates that there is frequent barking.
- 5.7.6 On 25 August 2017 the investigating Officer received a call from Tania Lunn who lives nearby. She was responding to the letter regarding barking dogs and says that if it's the dog she thinks it is then it is an absolute nuisance. She has been in bed sick listening to it and it has been going on for months and months. The investigating Officer confirmed with Tania that the barking is coming from the property where Kobe resides. Tania advises the barking has been going on for the last year to 18 months, although it has been better in recent weeks.
- 5.7.7 As a result of the evidence received the Dog Control Officer had reasonable grounds for believing a barking nuisance exists and the barking notice was issued.

5.8 Matters relied on in support of the objection

Item 11: Objection to Bark Notice - Yuri Schokking and Leita McKellar - Dog named "Kobe"

- 5.8.1 The written objection is accompanied by several letters from surrounding neighbours advising that they have not heard Kobe creating a nuisance.
- 5.8.2 The objection responds to and questions the evidence which formed the basis of the classification, including the identity of the dog and the motives of the complainant.
- 5.8.3 The objection also outlines the steps the owners have taken since becoming aware of the complaint.

6. Options

Option 1: The objection be dismissed and the bark notice confirmed (recommended option)	
Advantages	<ul style="list-style-type: none">• This will enable Dog Control Officers to take action (by removing the dog pursuant to section 56 of the Dog Control Act 1996) if further confirmed complaints about barking are received.
Risks and Disadvantages	<ul style="list-style-type: none">• The owners of the dog are subject to the requirements of the notice.
Option 2: The objection be upheld and the bark notice cancelled	
Advantages	<ul style="list-style-type: none">• The owners are not subject to the requirements of the notice.
Risks and Disadvantages	<ul style="list-style-type: none">• Dog Control Officers will be unable to remove the dog if further confirmed complaints are received.

7. Conclusion

- 7.1 Since serving the barking notice there have been no further complaints about the dog.
- 7.2 It is considered that the notice has had the desired effect of resulting in the barking nuisance being abated and should remain in place.

Brent Edwards
Manager Environmental Inspections


Item 11: Objection to Bark Notice - Yuri Schokking and Leita McKellar - Dog
named "Kobe"

Attachments

- Attachment 1: A1912555 Bark Notice [↓](#)
- Attachment 2: A1850872 Written Objection [↓](#)
- Attachment 3: A1912567 Section 55 of the Dog Control Act 1996 [↓](#)
- Attachment 4: A1912569 Section 56 of the Dog Control Act 1996 [↓](#)
- Attachment 5: A1912581 Example Barking Dog Letter Drop [↓](#)
- Attachment 6: A1912611 Bark Log 9 January 2017 - 28 March 2017 [↓](#)
- Attachment 7: A1912621 Bark Log 1 August 2017 to 23 August 2017 [↓](#)

Important considerations for decision making	
1. Fit with Purpose of Local Government	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 to appropriately minimise the risk and nuisance to the public.
2. Consistency with Community Outcomes and Council Policy	The recommendation aligns with Council's Dog Control policy by having regard to the need to minimise distress and nuisance to the community generally caused by dogs and/or by non-compliant owners.
3. Risk	<p>Council has an obligation under the Dog Control Act to follow correct legal process.</p> <p>There is also an ongoing risk to the amenity of the community from dog barking.</p>
4. Financial impact	There is no additional cost to the Council should the recommendation be approved.
5. Degree of significance and level of engagement	The recommendations outlined in this report are not considered significant in terms of Council's Significance and Engagement Policy.
6. Inclusion of Māori in the decision making process	Maori have not been consulted on this matter.
7. Delegations	The Hearings Panel – Other has power to hear and determine objections to the classification of dogs, 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

Item 11: Objection to Bark Notice - Yuri Schokking and Leita McKellar - Dog named "Kobe": Attachment 1

	
NELSON CITY COUNCIL	
DATE <u>25/09/17</u>	PO Box 645 NELSON
<u>Jurrian Schokking</u>	NEW ZEALAND
<u>82 Bisley Avenue</u>	PHONE 03 546 0381
<u>Nelson</u>	FAX 03 546 0239
	0292

Dear Sir/~~Madam~~

Due to noise complaints regarding your dog barking at the above address, the Nelson City Council is serving notice under Section 55 (Barking Dogs) of the Dog Control Act 1996.

Under this notice you, the owner, as interpreted under this Act, are required to abate the nuisance by either:

fit a functioning bark collar; don't leave
dog outside when nobody home

Or make other such alternative arrangements to abate the nuisance being created by the persistent and loud barking or howling of your dog when no one is home.

You have seven days from receipt of this notice to object, in writing, against these requirements to the Nelson City Council, which will then entitle you to be represented and heard by the Nelson City Council who may confirm, modify or cancel this notice.

If the Nelson City Council has not received an objection from you within seven days, or this notice is upheld by the Nelson City Council after a hearing, and a Dog Control Officer or a Dog Ranger has received a further complaint and has reasonable grounds for believing that the nuisance is continuing and is causing distress to any person, then a Dog Control Officer or a Dog Ranger may enter upon the land or premises on which the dog is kept and remove the dog under Section 56 of the Dog Control Act 1996.

Also, if at any stage after the issue of this notice there is a problem within that seven days, the dog(s) can still be removed.

Under Section 55(7) of the Dog Control Act 1996 – "Every person commits an offence and is liable on summary conviction to a fine not exceeding \$1500 or alternatively can be issued with an infringement notice of \$200 for failing or neglecting to comply with a notice that has not been suspended or for failing to comply with any modifications, as confirmed by the Nelson City Council.

Dog Control Officer 

PRINTHOUSE 18225

Item 11: Objection to Bark Notice - Yuri Schokking and Leita McKellar - Dog named "Kobe": Attachment 2



received at:
JSC

#NAME?
Customer Service

19/10/2017 9:07
Mail



17 October 2017

Nelson City Council
Nelson
Attn: Dog Control

Re: Abatement Notice 0292

We refer to the above Abatement Notice issued in respect to our dog, Kobe who is a Golden Retriever/Samoyed cross, living at 82 Bisley Avenue.

This letter is written objection to the notice, which we note entitles us to be represented and heard by council. Our objection is based on the following:-

Our property runs between Bisley Avenue to the west and Moana Avenue to the east, as shown on the attached map. In January this year Stephen Lawrence from NCC phoned to advise that council had received a complaint regarding our dog barking. We took this advice seriously – the original call was answered by our teenage son, and both Yuri and I phoned Stephen to follow up on the complaint. We asked Stephen if council had verified the complaint and he advised that sound checks had been completed at our property but council staff had never overheard Kobe barking. Nevertheless as a result of the complaint we approached neighbours immediately adjacent to our property at number 80 Bisley Avenue, and 96 Moana Avenue to ask them if Kobe was causing a nuisance.

These are the responses that we received:

96 Moana Avenue- situated to the North of our property, with approximately **2 metres** between our dwellings. John Paterson advised that the council had visited to ask if there was an issue with Kobe barking and that he had advised that Kobe was no problem. (John was employed at council for a number of years and is known to some council staff which probably explains the visit council made at this early stage). Interestingly whilst talking to John a couple of months later he asked me if we still had our dog because he hadn't seen her – obviously he hadn't heard her either!

80 Bisley Avenue – situated to the south of our property with approximately **1 metre** between our fence and their kitchen/living room. The tenant advised that he heard Kobe bark when we came home from work, but that this was for a short period of time and that it didn't worry him.

At this time when we left the property, we started parking at Moana Avenue to the rear, to do our own sound checks as to whether or not Kobe was barking when we left the property. We still do this

Item 11: Objection to Bark Notice - Yuri Schokking and Leita McKellar - Dog named "Kobe": Attachment 2

intermittently several times a week and have never once heard Kobe barking when she is left alone. We have done this at varying times of the day.

Stephen Lawrence followed up with a further phone call approximately a week after the first call. We advised that we had spoken to both immediate neighbours who had both indicated that Kobe wasn't causing a nuisance. However we were now aware that some of the tenants next door worked shift work so we had put further measures in place to be neighbourly. Since January - Kobe has slept inside at night without exception, (instead of in the garage), we stopped our children throwing a ball around and playing with her in the back garden (in case our shift working neighbours were sleeping) – we now take Kobe to the beach or a park and play with her there instead. Kobe is not left outside when we are not home. Kobe does not have a view of the street or passers-by to bark at when we are not home. Kobe is always left with a bone and or toys to play with when we are away. Stephen thanked us for being so proactive and advised that he was satisfied that there wasn't an issue, he said that the complainant would be told he should expect to hear some barking and that he didn't intend taking the complaint any further.

In the intervening months all of the above measures have stayed in place. In addition Kobe is getting older and has grown into a well behaved – and well trained dog.

We had no further dialogue regarding Kobe until Sandy Vale contacted Yuri on 9 August to advise that the same complainant was continuing to complain. She advised that council had completed further sound checks and had still not overheard Kobe barking on any occasion. However the dog control officer advised that she now intended to do a mail drop. Disappointingly, without further dialogue with us we were then issued with an abatement notice. Although we note that the council transcript states council's advice to Yuri "that if he didn't hear from me again that I have sorted the problem, otherwise I will contact you again as soon as someone responds to my letter". We are disappointed that council did not chose to speak to us again before issuing the Abatement Notice – especially given the proactive stance that we had taken, the advice from immediate neighbours (within metres of the property) that there was no issue, the councils own investigations in completing 8 negative sound checks and in the process of this talking to residents in the street who had all indicated that there was no issue.

We felt that this process was not transparent, that we have few rights against a persistent complainant who had in our view worn down council staff. As a result we have undertaken an official information request.

With that information we now respond:-

The first complaint stateshave had issues previously and has now got another dog. Would like to speak to Stephen as he knows about situation and certain factors? This statement identifies the complainant as the only party we have had an issue with (historically), this being a gentleman who lives in Moana Avenue who incorrectly identified our (now deceased) dogs as causing a nuisance a number of years ago (perhaps 6 years ago). The gentleman was quite aggressive in his manner to both ourselves and an employee when he came to our property, quite emphatic in his assumptions and quite persistent in his complaints to the council. However the offending dogs were actually further down the street and two of our neighbours Diane Dayman **100 Moana Avenue** and Jan Dobson **69 Bisley Avenue** phoned the council independently to advise that he was mistaken and our dogs were not a nuisance. No further action was taken against our dogs and we have had no contact with the gentleman since. We attach a letter from Jan Dobson one of the neighbours who phoned the council at that time, recollecting those events and offering her support in regards to Kobe who she has rarely heard barking at all. Jan resides immediately across the street from our property.

Item 11: Objection to Bark Notice - Yuri Schokking and Leita McKellar - Dog named "Kobe": Attachment 2

...that he knows about the situation and certain factors – we are unsure what “certain factors” refers to – but with that and the complainants statement recorded on council records (31.07.17) – that the female owner works for a lawyer and is known to be a difficult person (I actually work for Wakatu Incorporation and arguably am quite a decent person albeit one who will stand up and be counted when necessary) – from these statements it appears that for whatever reason this person who has spoken to us just once in the last 15 years –(when he wrongly accused us as referred to, and failed to apologise)has some form of prejudice or issue with us, and according to council records has no concern spreading slanderous gossip and disquiet in the neighbourhood regarding people that he actually doesn’t know. We believe that this is at the root of the current issue, and as has happened in the past we believe that the complainant has made an error in the dog identified.

In support of this - it is our understanding that as a result of continuous complaints from one complainant that council have undertaken 8 visits and sound checks at our property and all 8 of those sound checks have resulted in NIL barking being recorded.

The council then placed notices in mail boxes. Although we requested a copy of all information from our file from council we were not given a copy of this letter. We are unsure whether the letter identified that there had been an issue in the neighbourhood, or whether the letter identified that there had been complaints regarding our address. The wording of this letter is quite important as one leads to assumptions and the other could be more neutral, although given that the complainant has recorded that he has been talking to neighbours there remains a question as to the neutrality of the letter. Without seeing a copy of the letter we are unsure if the questions posed were leading in their format. Residents who have been approached by council staff on the street have made us aware that questioning was direct, with the dog in question being identified as from 82 Bisley Avenue, rather than a generic question as to whether there was a nuisance dog barking in the area. We are concerned that this has perpetuated the assumption that our dog is causing a nuisance, but just because someone states it to be the case does not make it the case.

From the council letters we note (21.08.17) that one recipient of the letters had contacted the council to state that **the dog wasn’t a problem and rarely barked**. We believe that this party resides two metres from our property and is well placed to identify any issues caused by our dog. This party is retired, a keen gardener and someone who generally spends a reasonable amount of time at home.

Whilst completing sound checks on 24 August NCC dog control officers approached a woman from **112 Moana Avenue** (pointing in the direction of our property) council questioned her and she advised that **she doesn’t have any issues with dog noise and never hears any barking**.

Again on 25 August whilst completing a sound check council approached another woman from a Moana Avenue address – again the council indicated our property and the woman advised that she hadn’t heard the dog barking.

The person who phoned in response to the letter drop on 26 August – stating that she has been laying in bed sick listening to it. Perhaps this gives some indication that she was feeling unwell and venting. It is not difficult from the information supplied to identify who this person is and we are aware that she is genuinely uncomfortable with dogs – as is apparent every time she comes through the gate to gather herbs from our garden and borrow a cup of whatever. During these not infrequent visits she has never once raised with us that our dog is a barking nuisance. We also note that this complaint was on the weekend. We are aware that a dog in close proximity to this property plays ball along their driveway and often barks whilst doing that. This is not to be misconstrued as a complaint from us. We actually quite like hearing dogs and children enjoying themselves and bringing some life into the neighbourhood. However perhaps this goes some way to explaining this person’s phone call. As a

Item 11: Objection to Bark Notice - Yuri Schokking and Leita McKellar - Dog named "Kobe": Attachment 2

result, of the phone call we have approached three other neighbours which surround this property to ask if our dog has caused an issue for them. All three were really surprised at the situation that we were in. All three advised that they very rarely (if ever) heard our dog barking. All three offered to provide letters, which are attached. All three have offered to provide additional support if needed in this process, and all three have expressed concern at the injustice of the situation that has arisen.

We note from council records that the complainant stopped complaining for a period from 15 February to 31 July – a period of five and a half months. Before and after those dates complaints have been frequent and persistent. During this time our routine and discipline with our dog has remained the same – Kobe continues to sleep inside at night, is taken off site to play and is not left outside if we are not home. So the question was asked – what has changed during that time. Initially we wondered whether the complainant was overseas or had changed his routine. However we have discovered that there were other changes in the neighbourhood during this period.

At this point we wish to be clear that we do not have an issue with neighbourhood dogs and that these next statements are not to be interpreted as our making complaints regarding others dogs.

During the process of addressing this Abatement Notice we have been made aware that there are at least 7 dogs along the Bisley Avenue straight. One property started fostering a dog a few months ago – another property has had house sitters for the last few months - along with two dogs. Several of the 7 dogs are left outside during the day when their owners are at work – which our dog isn't. In addition we note that Day's Track has reopened and there are a larger number of walkers taking advantage of the track as they walk along Bisley Avenue and then up the track to the top of Moana Avenue. The area is popular with people walking their dogs and many vehicles drive down Bisley Avenue on their way to walk dogs at the beach - not uncommonly with excited dogs sticking their heads out of vehicles barking in excitement.

The complainant has kept a log as a record of barking. In regards to this we note (given the advice from Stephen Lawrence that he did not believe that there was an issue earlier in the year) we have concentrated on the most recent log for the month of August, and our comments are:

- The gentleman complaining is actually some distance from our house and cannot see our dog from his address.
- He has recorded times that he has heard barking and is asserting that this is from our dog, however all he can honestly say is that a dog in the neighbourhood has barked – he cannot state that it is our dog.
- There are 7 dogs along the Bisley Avenue straight, and others in the area, some of which are new to the neighbourhood, several of which are left outside during the day.
- Some people in the neighbourhood play with their dogs outside
- The log is detailed in that it covers an extended period of time, however most entries state a single time, not a period of barking – has one bark been recorded?
- The daily entries roughly average two entries during the day, if recordings are of a single bark or even a series of say three barks, hearing for example 6 barks over the course of a 24 hour period is probably not unexpected and could certainly not be described as persistent which is one of the requirements under the Dog Control Act
- There are however a couple of entries referring to “most of the morning”, this is inconsistent with what our shift working neighbours on one side – and our retired neighbours on the other side are saying to us. These neighbours are within a metre and two metres respectively. Surely if the dog was barking consistently it would be annoying them first, not someone who lives some distance from our property. Both of these neighbours have advised that Kobe is not a nuisance. To put this into context these neighbours would approach us if they had an

Item 11: Objection to Bark Notice - Yuri Schokking and Leita McKellar - Dog named "Kobe": Attachment 2

issue – as for example they had in the past when they raised that they had an issue with one of our (now deceased) dogs snoring on the doormat, and at another point that they didn't like the sound of the dogs bowl scraping against the concrete while the dogs ate their dinner – we solved both issues by feeding the dogs in a different place and moving the doormat so that the snoring couldn't be heard. Our point being, that it is not as if these neighbours are immune to annoyance, or that they are reluctant to voice it, or that we were hesitant to take steps to address their concerns. However in the case of complaints against Kobe they advised council staff when they visited that she wasn't an issue, advised us that she wasn't an issue and reiterated this by phoning the council to confirm that she wasn't an issue.

- If we are not home our dog is kept inside which if she was barking would further muffle any noise towards the complainants property some distance away, but not necessarily stop any nuisance from the neighbours one and two metres away – who have advised that she is not causing a nuisance to them.
- Yuri works from home regularly and obviously would be aware of persistent barking during that time.
- Interestingly most of the days with the largest number of entries are Wednesday afternoons when Kobe is not home alone – so we would be aware if she was barking at those times.
- Since we were first made aware of the complainant we have regularly completed sound checks ourselves at both the Bisley Avenue and Moana Avenue frontages to our property ourselves and have never once heard her barking when she is home alone. (This is consistent with the council's own findings,)
- Since we have been made aware of the complaints our family has become hyper aware of barking in the neighbourhood, which we believe has probably always been there but that we hadn't noticed until we were in our current position. We do now hear barking and happily even early in the morning the monkeys at Natureland. We have heard dogs barking for extended periods of time and our son has rung us to say that he can hear a dog barking in the neighbourhood and he is scared that Kobe will be blamed.
- Kobe is a year old now and has learnt to behave sociably. If she wants to go outside to the toilet she stands at the door and makes one woof sound. We let her out and she comes back to the door and if it is closed, makes one polite woof noise to come back in. It is neither persistent nor loud, but it does reflect that she has developed good manners
- From a distance perhaps noises echo around and it may be hard to identify exactly where they are coming from.

Throughout this process we have been open and honest. Stephen Lawrence even commented on this during our conversations in January. We have put steps in place to ensure that Kobe couldn't be a nuisance as detailed in this letter. We have approached five neighbours ourselves – all who have said that Kobe is not a nuisance. Council has completed 8 sound checks, spoken to residents and visited a neighbour all who have said that Kobe is not a nuisance. We have spoken to dog control officers in other districts for independent advice to see if there was something that we hadn't thought of – but we already had in place all of their recommendations.

Nelson City Council's Dog Control Bylaw states (11.1) the owner or occupier of any premises where any dog is customarily kept, shall take all **reasonable** steps to ensure that the dog does not cause a nuisance. We believe that we have taken all reasonable steps. If the council does not agree we ask that they identify what **reasonable** steps have not been taken.

Clause 11.2 states that the Dog Control Officer may require the owner to do any or all of four specified actions to minimise the likelihood of nuisance. We have already taken all the specified steps ourselves voluntarily. We would identify this as a reflection of having taken reasonable steps.

Item 11: Objection to Bark Notice - Yuri Schokking and Leita McKellar - Dog named "Kobe": Attachment 2

The Dog Control Act 1996 refers (clause 55) that where the dog control officer has reasonable grounds for believing that a nuisance is being created **by persistent and loud barking** the dog control officer may enter at any reasonable time to inspect the conditions under which the dog is kept. We ask the council to assess on the basis of the information provided whether the measure of **persistent and loud barking** has been met, particularly whether that has been proven in regards to our particular dog as opposed to noise which may come from the wider neighbourhood.

What constitutes **persistent and loud barking** is somewhat subjective however the Nelson City Council Noise Control policy refers to a complainant being asked to phone back in 15 minutes to confirm whether the noise is continuing, from which you could draw the conclusion that 15 minutes of noise was not considered persistent as confirmation was required that the noise continued for at least that long. The policy also talks about noise levels and that the noise must be excessive. We suggest that for a dog to meet the level of excessive noise the dog would be a nuisance to properties immediately neighbouring, rather than some distance away from where the dog actually was.

Obviously we have taken particular notice of Kobe barking since the Abatement Notice was issued and in the spirit of transparency can confirm that Kobe barks to greet us when we come home at night, for a period totalling seconds, certainly not minutes. She barked when the meter reader came onto the property and when the gas man replenished the gas tanks. When visitors arrive at the property she will bark to greet them – sometimes. In our observations over the last three weeks when we have paid particular attention, the barking has actually been less than we expected, comprising of less than 2 minutes in a 24 hour period. This could hardly be described as persistent by any measure.

In summary we believe that we have taken reasonable steps, prior to receiving the Abatement Notice to ensure that our dog is not a persistent and loud barking nuisance. We continue to take these steps on a daily basis and we ask the council to reconsider and withdraw the Abatement Notice in light of the advice contained in this letter. We note that clause 55 (3) of the Dog Control Act enables the council to cancel the notice. We believe that a hearing is unwarranted and will be an unnecessary expense and use of time for both ourselves and the council however should that be required we will defend Kobe through that process and any ongoing process required.

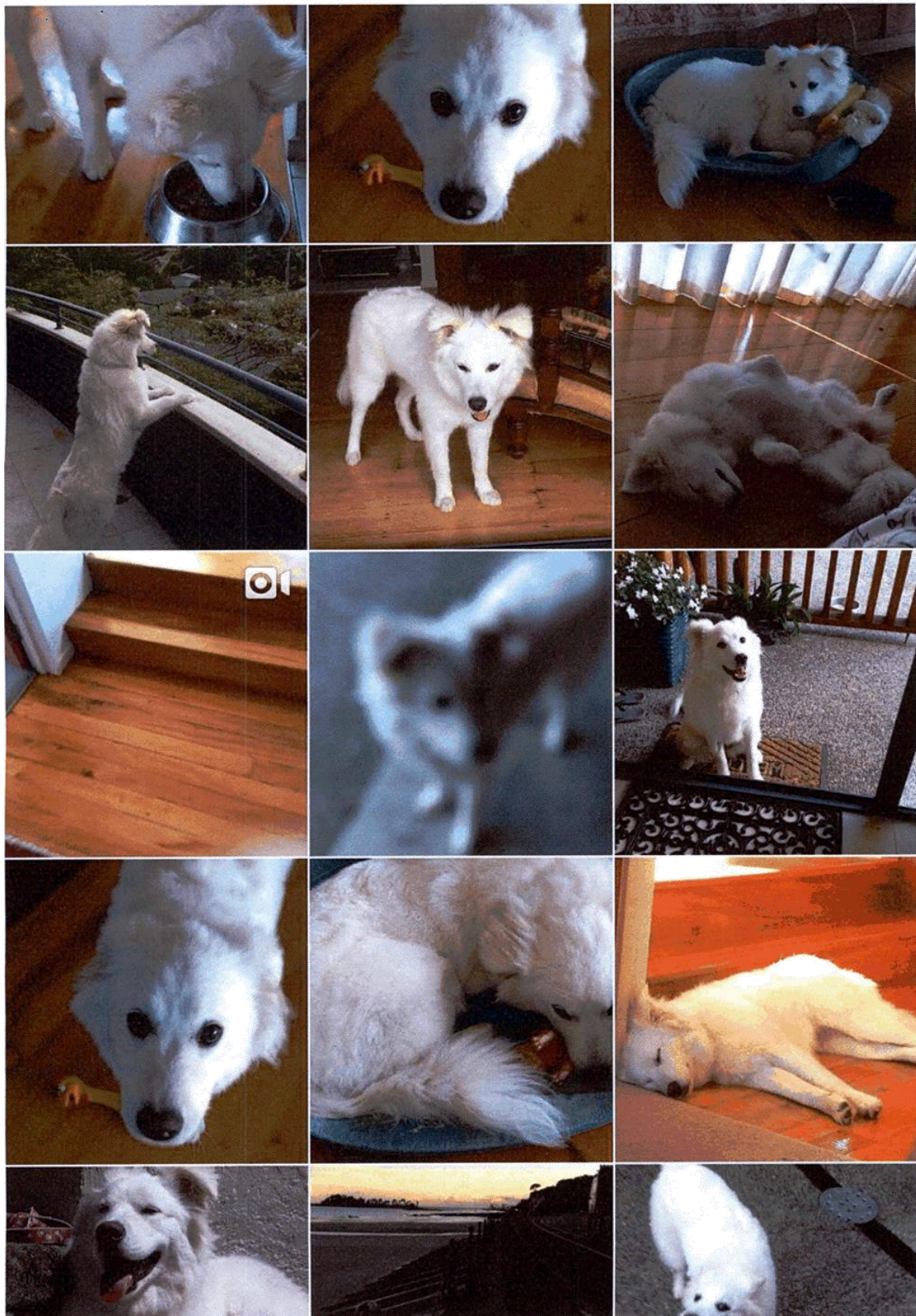
Throughout this process we have been careful not to identify the complainant when we have approached neighbours. We have approached only the three neighbours who have provided letters in support. It is clear that they are all upset by what has occurred. Whilst we believe that we have a lot of support in the community we have no wish to stir up the neighbourhood and cause fractions in our community – therefore we have not approached other neighbours at this stage. If the complainant has ongoing disquiet we suggest that he meets with us and gets to know us. He may find that some of his assumptions are misplaced. Should he wish to do so we would also be prepared to enter into mediation so that we could better understand any issues which the complainant has.

Thank you for your time.



Yuri Schokking and Leita McKellar

Item 11: Objection to Bark Notice - Yuri Schokking and Leita McKellar - Dog named "Kobe": Attachment 2



Item 11: Objection to Bark Notice - Yuri Schokking and Leita McKellar - Dog named "Kobe": Attachment 2

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The map is an approximate representation only and must not be used to determine the location or size of items shown, or to identify legal boundaries. To the extent permitted by law, the Tasman District Council and Nelson City Council, their employees, agents and contractors will not be liable for any costs, damages or loss suffered as a result of the data or plan, and no warranty or representation of any kind is given as to the accuracy or completeness of the information represented. Top of the South Maps information is licensed under a Creative Commons Attribution 3.0 New Zealand License, and the use of any data or plan or any information downloaded must be in accordance with the terms of that licence. Cadastral and NZTopo50 related data is sourced from Land Information New Zealand

Item 11: Objection to Bark Notice - Yuri Schokking and Leita McKellar - Dog
named "Kobe": Attachment 2

Jan and Mike Dobson
69 Bisley Avenue
Nelson
Ph 548 5388

16 October 2017

Nelson City Council
P O Box 645
Nelson
Attn: Dog Control

Re: 82 Bisley Avenue

We write regarding the Abatement Notice which has been issued in regards to the dog at 82 Bisley Avenue. We are neighbours residing directly across the road from 82 Bisley Avenue and can confirm that we have never heard Kobe barking for extended periods of time and actually rarely hear Kobe barking at all.

Approximately 6 years ago a similar complaint was made against Yuri and Leita for dogs barking at their property. At that time we phoned the council to advise that the dogs causing the nuisance were not from 82 Bisley Avenue.

We believe that Yuri and Leita are conscientious dog owners and are pleased to offer our support as we believe that this action is not justified.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J Dobson' followed by a flourish, and then 'Mike and Jan Dobson'.

Mike and Jan Dobson

Item 11: Objection to Bark Notice - Yuri Schokking and Leita McKellar - Dog
named "Kobe": Attachment 2

77 Bisley Avenue
Nelson

17 October 2017

Nelson City Council
P O Box 645
Nelson
Attn: Dog Control Dept

Re: Dog at 82 Bisley Avenue

I understand that an Abatement Notice has been issued in regards to the dog at 82 Bisley Avenue.

I have been house sitting at 77 Bisley Avenue for approximately three months. I work shift work and am at the property at varying times of the day.

I have not heard the dog at 82 Bisley Avenue bark during my time at the property and would like to offer my support to the owners in their objections to the complaints laid against their dog.



Robin Westrupp

Item 11: Objection to Bark Notice - Yuri Schokking and Leita McKellar - Dog
named "Kobe": Attachment 2

73 Bisley Avenue
Nelson

16 October 2017

Nelson City Council
P O Box 645
Nelson
Attn: Dog Control

Re: 82 Bisley Avenue

We understand that an Abatement Notice has been issued in regards to the dog at 82 Bisley Avenue. We reside at 73 Bisley Avenue and can confirm that we rarely hear the dog from that address barking at all. We certainly don't believe that it constitutes any sort of a noise nuisance and wish to support the dog owners in their objection to the Notice.

We would be happy to confirm this if you wished to phone us.

Yours faithfully



Mark & Jan Vining

Ph 548 6320

Item 11: Objection to Bark Notice - Yuri Schokking and Leita McKellar - Dog named "Kobe": Attachment 2



Item 11: Objection to Bark Notice - Yuri Schokking and Leita McKellar - Dog named "Kobe": Attachment 3



New Zealand Legislation
Dog Control Act 1996

55 Barking dogs

- (1) Where a dog control officer or dog ranger has received a complaint and has reasonable grounds for believing that a nuisance is being created by the persistent and loud barking or howling of any dog, the dog control officer or dog ranger may—
 - (a) enter at any reasonable time upon the land or premises, other than a dwellinghouse, on which the dog is kept, to inspect the conditions under which the dog is kept; and
 - (b) whether or not the dog control officer or dog ranger makes such entry, give the owner of the dog a written notice requiring that person to make such reasonable provision on the property to abate the nuisance as shall be specified in the notice or, if considered necessary, to remove the dog from the land or premises.
- (2) Any person on whom notice is served under subsection (1) may, within 7 days of the receipt of the notice, object in writing to the territorial authority against the requirements of that notice.
- (3) The territorial authority shall consider the objection and may confirm, modify, or cancel the notice.
- (4) No objection under this section shall be considered unless 7 days' notice of the date and time when and the place at which it is to be considered have been given to the objector, who shall be entitled to be represented and to be heard and may submit evidence and call witnesses in support of his or her objection.
- (5) Upon the determination of the objection, the territorial authority shall give to the objector a further notice stating the decision of the authority, and, if the effect of the decision is to modify the requirements of the dog control officer or dog ranger, shall set out those requirements as so modified.
- (6) As from the lodging of an objection with the territorial authority, and pending the receipt of a further notice upon the determination of the objection, the notice setting out the requirements that are the subject of the objection shall be deemed to be suspended.
- (7) Every person commits an offence and is liable on conviction to a fine not exceeding \$1,500 who, having been served with a notice under this section,—
 - (a) fails or neglects to comply with that notice (not being a notice that has been suspended under subsection (6)) within 7 days of its receipt by that person:
 - (b) fails or neglects to comply with any notice as modified or confirmed by a territorial authority under subsection (3) within the time specified by the territorial authority.

Compare: 1982 No 42 s 54

Section 55(7): amended, on 1 July 2013, by [section 413](#) of the Criminal Procedure Act 2011 (2011 No 81).

Item 11: Objection to Bark Notice - Yuri Schokking and Leita McKellar - Dog named "Kobe": Attachment 4



New Zealand Legislation
Dog Control Act 1996

56 Removal of barking dog causing distress

- (1) This section shall apply in any case where, at any time after a notice under [section 55](#) has been issued,—
- (a) the notice has not been cancelled under subsection (3) of that section; and
 - (b) the notice has not been complied with; and
 - (c) a dog control officer or dog ranger has received a further complaint and has reasonable grounds for believing that the nuisance in respect of which the notice is issued is continuing and is causing distress to any person.
- (2) In any case to which subsection (1) applies, the dog control officer or dog ranger may enter upon the land or premises on which the dog is kept and remove the dog and the dog shall be kept in custody under [section 70](#).
- (3) Nothing in this section shall authorise any dog control officer or dog ranger to enter any dwellinghouse unless—
- (a) he or she is authorised to enter by a warrant issued by an issuing officer (within the meaning of [section 3](#) of the Search and Surveillance Act 2012) made on application by the dog ranger or dog control officer in the manner provided for an application for a search warrant in [subpart 3](#) of Part 4 of the Search and Surveillance Act 2012; and
 - (b) he or she is accompanied by a constable.
- (3A) None of the following persons may act as an issuing officer under this section:
- (a) the mayor or any elected member of the local authority that employs or engages the dog ranger or dog control officer; or
 - (b) any employee of the local authority that employs or engages the dog ranger or dog control officer.
- (4) Where a dog is removed pursuant to subsection (2), the dog control officer or dog ranger shall give written notice in the prescribed form to the owner of the dog or, if the owner is not present, the person for the time being appearing to be in charge of the land or premises and, if no person is present on the property, shall leave such notice in some conspicuous place on the land or premises.
- (5) The provisions of [subparts 1, 3, 7, 9, and 10](#) of Part 4 of the Search and Surveillance Act 2012 apply in respect of an authority applied for or issued under subsection (3).

Section 56(3)(a): replaced, on 1 October 2012, by [section 233\(1\)](#) of the Search and Surveillance Act 2012 (2012 No 24).

Section 56(3A): inserted, on 1 October 2012, by [section 233\(2\)](#) of the Search and Surveillance Act 2012 (2012 No 24).

Section 56(5): inserted, on 1 October 2012, by [section 233\(3\)](#) of the Search and Surveillance Act 2012 (2012 No 24).

Item 11: Objection to Bark Notice - Yuri Schokking and Leita McKellar - Dog
named "Kobe": Attachment 5

PO Box 645 Nelson 7040
P 03 546 0200
F 03 546 0239

Sandy Vale
546 0330
sandy.vale@ncc.govt.nz
www.nelson.govt.nz

The Occupant

.....

Dear Sir/Madam

DOG NOISE COMPLAINT

Nelson City Council's Dog Control Office has received several reports alleging
excessive dog noise coming from the property at

While some dog noise is permissible, loud and persistent barking or howling is an
offence against the Dog Control Act 1996.

In an attempt to gauge the extent of any nuisance, I would appreciate receiving
information from any residents in the area who may have an issue with dog noise
but have refrained from lodging a complaint.

If you would like to notify Dog Control of your observations or concerns in respect
of any excessive dog noise coming from the abovementioned address, please
contact me on 546 0330 with the relevant information. Your personal details will
be kept confidential and if your call goes to answer phone, please leave me a
message.

Your assistance in this matter would be appreciated.

Yours sincerely



Sandy Vale
Animal Control Officer

Date

Item 11: Objection to Bark Notice - Yuri Schokking and Leita McKellar - Dog named "Kobe": Attachment 6

9/1/17 Talked with Steven Lawrence re dog at 82 Bisley
circa 12.40pm. He did not recall the earlier dealings with " " 5-6 yrs ago, but advised that a notice had been sent to the owner re this complaint, and that I should take note of any improvement or otherwise in the next week. So a log follows of woof woof:

9/1/17 Brief yapping at 1.30 then again at 2.00 pm.

10/1/17 11.25am to 11.40am // 1.25pm // 5.30pm

11/1/17 10.15am to 10.45am // 2.10 to 2.20pm // 5.15pm // 7.12pm - 7.50pm

12/1/17 - nothing

13/1/17 8.05am // 8.25am // 8.47am // 9.00am // 4.00pm // 5.53pm - 6.05pm
7.05pm // 9.00pm

14/1/17 10.50am

15/1/17 (I was away all day) 7.20pm // 7.50pm

16/1/17 10.30am // 1.05pm // 5.15pm // 5.40pm - 5.55pm // 6.55pm

17/1/17 10.50am - 1.20pm // 1.25pm ~~to~~ 9.00pm

18/1/17 11.30am Reported to SL who said he would visit her & report back.

19/1/17 10.30am // 11.55am // 1.35pm // 1.51pm // 2.35pm // 2.40pm // 4.32pm

20/1/17 2.45pm // 4.45pm

21/1/17 - nothing heard

23/1/17 1.28pm // 2.02pm // 4.40pm

26/1/17 8.15am - 4.45pm - 5.15pm

27/1/17 5.10pm - 6.50pm - 8.50pm

28/1/17 10.23am - 1.00pm - 3.10pm

29/1/17 10.20am - 2.10pm - 3.30pm - 4.08pm - 6.10pm

30/1/17 2.58pm - 3.20pm

31/1/17 1.15pm // 8.17pm - 4.24pm - 5.30pm

1/2/17 nothing

2/2/17 9.37am ~~called~~ 9.15pm Called SL but he's on hols. Will ring me on Tues 7th

3/2/17 3.55pm // 6.11pm - 6.40pm - 7.05pm - 7.22pm

4/2/17 11.09am -> 1.00pm -> 1.30pm -> 3.00pm - 9.25pm

5/2/17 7.50am - 8.30am - 9.40am - 1.50pm - 6.51pm

6/2/17 10.00am - 10.50am - 11.25am - 7.05pm

7/2/17 11.45am

8/2/17 11.15am - 3.55pm -> 4.20pm -> 5.10pm - 9.15pm

Item 11: Objection to Bark Notice - Yuri Schokking and Leita McKellar - Dog named "Kobe": Attachment 6

BARKING DOGS: ~~4.2~~ (Dog Control Act 1996)

(4.2) Section 56 authorises the officer to remove the dog from the property if the owner takes no action or the nuisance is continuing and causing distress to any person

(4.3) The council will continue to implement these provisions on complaint

9/2/17 5.52pm - 7.30 // 8.30pm

10/2/17 5.30pm

11/2/17 nothing heard (but out much of the day)

12/2/17 12.00noon 6.10pm 6.30pm 7.00pm

13/2/17 6.00 - 8.30pm

14/2/17 8.15am 10.34am 2.10pm 7.25pm 9.15pm

15/2/17 1.40pm 2.00pm 5.38pm Called for SL again

Item 11: Objection to Bark Notice - Yuri Schokking and Leita McKellar - Dog named "Kobe": Attachment 6

16.2.17 SL called & discussed plan of action, took my log.

6.2.17 2.42pm 5.30pm

17.2.17 1.15pm 1.40pm

18.2.17 11.50am 12.20pm 2.40pm 3.25pm 3.50pm 4.30pm 5.38pm

19.2.17 10.41am 5.47pm 8.50pm

20.2.17 12.24pm 1.15pm 7.11pm 7.40pm 8.10pm

21.2.17 5.30-5.40pm 7.45pm 8.30pm

22.2.17 8.05am 4.20pm 4.45pm 6.55pm

23.2.17 6.38am 6.45am 7.41am 5.50pm

24.2.17 nothing heard

25.2.17 2.30pm 3.55pm - but I wasn't home all morning

26.2.17 10.30am 11.00am 11.20am 11.30am 12.12pm 1.00pm 1.30pm

27.2.17 6.18pm 7.00pm

28.2.17 1.27-1.30pm 3.52pm ~~5.40pm~~

1.3.17 5.40pm 8.03pm

2.3.17 ~~5.30pm~~ 6.35am 7.35am 5.30pm

3.3.17 5.15pm → 5.45pm

4.3.17 9.45am 1.15pm 4.20pm 5.00pm 5.50pm

5.3.17 8.15am 8.25am 10.40am 12.45pm 6.15pm 7.44pm 8.00pm

6.3.17 1.30pm 1.57pm 2.00pm 6.30pm

7.3.17 nothing heard

8.3.17 9.00am 2.07pm 2.55pm 3.15pm 3.35pm 4.00pm 4.35pm 5.35pm 7.10pm

9.3.17 2.00pm 3.55pm 4.35pm 8.12pm

10.3.17 1.30pm 1.55pm 6.45pm

11.3.17 5.20pm 7.25pm

12.3.17 10.20am 10.30am 3.48pm

13.3.17 nothing heard

14.3.17 11.05am 2.50pm 3.15pm 3.43pm 5.35pm 5.44pm 6.18pm

15.3.17 5.35pm → 5.45pm 6.30pm 6.45pm

16.3.17 9.15am 4.15pm 4.20pm 5.55pm

17.3.17 3.50pm

18.3.17 10.30am 12.35pm → 12.40pm 2.00pm 3.10pm → 3.15pm 3.35pm 4.45pm → 4.50pm → 4.55pm

19.3.17 3.30pm

20.3.17 2.30pm 3.30pm

21.3.17 5.22pm

22.3.17 5.20pm 5.34pm

23.3.17 10.00pm

24.3.17 3.34pm → 3.40pm 4.07pm 4.17pm 4.40pm

25.3.17 12.40pm 12.45pm 2.20pm 6.30pm

26.3.17

27.3.17 3.30pm 3.35pm 3.40pm

28.3.17 3.50pm 6.05pm 6.10pm

↓

Item 11: Objection to Bark Notice - Yuri Schokking and Leita McKellar - Dog named "Kobe": Attachment 7

1/8/17
 12:45 pm -
 5:50 pm
2/8/17
 9:30 am
3/8/17
 3:35 pm
 5:24 - 5:40 pm
4/8/17
 6:15 am
8/8/17
 most of the day
 morning
1/8/17
 ditto
9/8/17
 12:30 pm → 12:55 pm
 1:15 2:55 pm → 3:05 pm
11/8/17
 4:20 pm 4:39 pm
12/8/17
 12:20 pm → 3:00 pm
14/8/17
 4:00 - 4:30 pm
15/8/17
 12:45
16/8/17
 12:35 pm
 2:30 pm 4:40 pm
17/8/17
 1:30 pm late am
19/8/17
 9:00 - 10:40 am
 2:47
20/8/17
 11:10 - 11:45
 2:07 - 2:12
21/8/17
 2:10
23/8/17
 2:30 4:25
 5:40 pm

Objection to Classification of a Dog as Dangerous - Mr Robertus Schiefer and Ms Silvia Randma - Dog named "Ebba"

1. Purpose of Report

- 1.1 To decide on an objection to the classification of a dog as dangerous pursuant to section 31 of the Dog Control Act 1996.

2. Summary

- 2.1 Section 31(1) of the Dog Control Act 1996 provides for a dog to be classified as dangerous if the territorial authority has, on the basis of sworn evidence attesting to the aggressive behaviour of the dog on one or more occasions, reasonable grounds to believe that the dog constitutes a threat to the safety of any domestic animal.
- 2.2 Section 31(3) of the Dog Control Act 1996 provides a right to the owner of a dog classified as dangerous to object to the classification and be heard in support of the objection.
- 2.3 On 4 December 2017 a dog named "Ebba" owned by Robertus Schiefer was classified as dangerous. This was due to the receipt of sworn evidence that "Ebba" attacked and killed a cat.
- 2.4 On 5 December 2017 an objection was received from Mr Robertus Schiefer and Ms Silvia Randma.

3. Recommendation

That the Hearings Panel - Other

Receives the report Objection to Classification of a Dog as Dangerous - Mr Robertus Schiefer and Ms Silvia Randma - Dog named "Ebba" (R8833) and its attachments (A1913472, A1913478, A1913491, A1876343 and A1878144); and

Dismisses the objection of Mr Robertus Schiefer and Ms Silvia Randma; and

Upholds the classification of "Ebba" as dangerous.

4. Background

- 4.1 Nelson City Council is not aware of any previous dog control history involving Ebba.

5. Discussion

Dog Control Act 1996 Provisions

- 5.1 Section 32 of the Dog Control Act 1996 outlines that if a dog is classified as dangerous the owner must comply with the following-

2.

- (a) ensure that, from a date not later than one month after the receipt of the notice of classification, the dog is kept within a securely fenced portion of the owner's property and that this area is not necessary to obtain access to at least one door of any dwelling on the property; and
- (b) not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being—
 - (i) muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
 - (ii) controlled on a leash; and

3.

- 4.** (c) must produce to the territorial authority, within 1 month after the receipt of the notice of classification, a certificate issued by a veterinarian certifying—

5. (i) the dog is or has been neutered; or

6. (ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and

- (d) must, if a certificate under paragraph (c)(ii) is produced to the territorial authority, produce to the territorial authority, within 1 month after the date specified in that certificate, a further certificate under paragraph (c)(i); and

7.

- 8.** (e) must, in respect of every registration year commencing after the date of receipt of the notice of classification, be liable for dog

Item 12: Objection to Classification of a Dog as Dangerous - Mr Robertus Schiefer and Ms Silvia Randma - Dog named "Ebba"

control fees for that dog at 150% of the level that would apply if the dog were not classified as a dangerous dog; and

9.

10.(f) must not, without the written consent of the territorial authority in whose district the dog is to be kept, dispose of the dog to any other person.

5.2 Under Section 31(3) of the Dog Control Act 1996, if a dog is classified as dangerous the owner has 14 days in which to object to the classification and shall be entitled to be heard in support of the objection.

5.3 Section 31(4) outlines that in considering any objection under this section the territorial authority shall have regard to-

11. (a) the evidence which formed the basis for the original classification; and

12. (b) any steps taken by the owner to prevent any threat to the safety of persons and animals; and

13. (c) the matters advanced in support of the objection; and

14. (d) any other relevant matters—

and may uphold or rescind the classification.

5.4 Section 31(5) outlines that the territorial authority shall give notice of its decision on any objection, and the reasons for its decision to the owner as soon as practicable.

Criteria for consideration

5.5 The evidence which formed the basis for the original classification

5.5.1 On 1 November 2017 Nelson City Council received a report from Ms Andrea Taylor of 23 Clovelly Street in Atawhai that her cat named Tilly was attacked and injured by a dog. The dog was at the vet being treated. She further advised that the attack was witnessed by her neighbour from 8 Gipps Street. Andrea later advised that her cat had died of its injuries.

5.5.2 Further inquiries revealed that Jacob Fearnley a 14 year old from 8 Gibbs Street witnessed the attack. Jacob advised that he was outside sitting near two cats (one of which was his and one the neighbours) when another neighbour's dog Ebba ran onto their property and attacked both cats. He described the dog getting hold of Tilly and mauling her. He also advised that this is not the first time the dog has come onto the property to attack the cats. Jacob later provided a sworn statement.

5.5.3 Jacob's father Kelly Fearnley did not witness the attack but advised the dog has come onto his property between 10-12 times in the past trying to attack their cat. He has spoken to the owner

Item 12: Objection to Classification of a Dog as Dangerous - Mr Robertus Schiefer and Ms Silvia Randma - Dog named "Ebba"

in the past and told him he would kill his dog if their cat was harmed.

5.5.4 Dog Control Officers spoke with Robertus Schiefer and Silvia Randma about the attack. Silvia explained that they were coming back from a walk and the dog was in front of her. The next thing it was on the neighbours' property with a hold on the cat. The dog was told to release the cat which it did. Silvia advised they would pay the vet bill.

5.6 Steps taken by the owner to prevent any threat to the safety of persons and animals

5.6.1 The owners have not provided details of any steps taken to prevent the threat to the safety of persons or animals.

5.7 Matters advanced in support of the objection

5.7.1 The objection has not raised any matters in support of the objection.

5.8 Other relevant matters

8.8.1 There does not appear to be any other relevant matters.

6. Options

Option 1: The objection be dismissed (recommended option)	
Advantages	<ul style="list-style-type: none">This will result in the classification being upheld. Requirements include the owner having to install fencing, muzzling the dog whenever out in public and neutering. This will reduce the risk of other domestic animals being attacked.
Risks and Disadvantages	<ul style="list-style-type: none">This may have a negative impact on the activities Ebba and her owners currently enjoy.
Option 2: The objection be upheld	
Advantages	<ul style="list-style-type: none">This will result in no additional requirements for the owners of Ebba.
Risks and Disadvantages	<ul style="list-style-type: none">This will increase the risk of other domestic animals being attacked.

7. Conclusion

7.1 There is clear evidence that Ebba poses a risk to other domestic animals.

Item 12: Objection to Classification of a Dog as Dangerous - Mr Robertus Schiefer and Ms Silvia Randma - Dog named "Ebba"

- 7.2 It is considered that in order to reduce the risk of attack to other domestic animals that the dangerous dog classification should be in place.
- 7.3 The objector has not raised any matters to support their written objection.
- 7.4 It is recommended that the objection be dismissed and the classification of Ebba as a dangerous dog be upheld.

Brent Edwards

Manager Environmental Inspections

Attachments

- Attachment 1: A1913472 Sections 31 and 32 of the Dog Control Act 1996 [↓](#)
- Attachment 2: A1913478 Sworn Statement of Jacob Fearnley [↓](#)
- Attachment 3: A1913491 Halifax Vet Report [↓](#)
- Attachment 4: A1876343 Notice of Classification [↓](#)
- Attachment 5: A1878144 Written Objection [↓](#)

Important considerations for decision making	
1. Fit with Purpose of Local Government	The regulatory functions are to be performed in a matter that is most cost effective for households and businesses. The dog Control Act 1996 provisions are being applied appropriately to minimise the public risk.
2. Consistency with Community Outcomes and Council Policy	The recommendation aligns with the Council's Dog Control Policy by having regard to the need to minimise the danger, distress and nuisance to the community caused by dogs and/or by non-compliant owners.
3. Risk	<p>Council has obligations under the Dog Control Act 1996 to follow the correct legal process.</p> <p>There is also a risk to the community from future incidents.</p>
4. Financial impact	There is no additional cost to Council should the recommendation be approved.
5. Degree of significance and level of engagement	The recommendations outlined in this report are not considered significant in terms of Council's Significance and Engagement Policy.
6. Inclusion of Māori in the decision making process	Maori have not been consulted on this matter.
7. Delegations	The Hearings Panel – Other has the power to hear and determine objections to the classifications of dogs 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 the Dog Control Bylaw.

Item 12: Objection to Classification of a Dog as Dangerous - Mr Robertus Schiefer and Ms Silvia Randma - Dog named "Ebba": Attachment 1



New Zealand Legislation
Dog Control Act 1996

Dangerous dogs

31 Territorial authority to classify dangerous dogs

- (1) A territorial authority must classify a dog as a dangerous dog if—
 - (a) the owner of the dog has been convicted of an offence in relation to the dog under [section 57A\(2\)](#); or
 - (b) the territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on 1 or more occasions, reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; or
 - (c) the owner of the dog admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.
- (2) Where any dog is classified as a dangerous dog under subsection (1), the territorial authority shall immediately give notice in the prescribed form of that classification to the owner.
- (3) Where any dog is classified as a dangerous dog under subsection (1)(b), the owner may, within 14 days of the receipt of notice of that classification under subsection (2), object to the classification in writing to the territorial authority, and shall be entitled to be heard in support of his or her objection.
- (4) In considering any objection under this section, the territorial authority shall have regard to—
 - (a) the evidence which formed the basis for the original classification; and
 - (b) any steps taken by the owner to prevent any threat to the safety of persons and animals; and
 - (c) the matters advanced in support of the objection; and
 - (d) any other relevant matters—and may uphold or rescind the classification.
- (5) The territorial authority shall give notice of its decision on any objection, and the reasons for its decision, to the owner as soon as practicable.

Section 31(1): substituted, on 7 July 2010, by [section 4](#) of the Dog Control Amendment Act 2010 (2010 No 62).

Item 12: Objection to Classification of a Dog as Dangerous - Mr Robertus Schiefer and Ms Silvia Randma - Dog named "Ebba": Attachment 1



New Zealand Legislation
Dog Control Act 1996

32 Effect of classification as dangerous dog

- (1) If a dog is classified as a dangerous dog under [section 31](#), the owner of the dog—
- (a) must ensure that, from a date not later than 1 month after the receipt of notice of classification, the dog is kept within a securely fenced portion of the owner's property that it is not necessary to enter to obtain access to at least 1 door of any dwelling on the property; and
 - (b) must not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being—
 - (i) muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
 - (ii) controlled on a leash (except when in a dog exercise area specified in a bylaw made under [section 20\(1\)\(d\)](#)); and
 - (c) must produce to the territorial authority, within 1 month after the receipt of notice of classification, a certificate issued by a veterinarian and certifying—
 - (i) that the dog is or has been neutered; or
 - (ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
 - (d) must, if a certificate under paragraph (c)(ii) is produced to the territorial authority, produce to the territorial authority, within 1 month after the date specified in that certificate, a further certificate under paragraph (c)(i); and
 - (e) must, in respect of every registration year commencing after the date of receipt of the notice of classification, be liable for dog control fees for that dog at 150% of the level that would apply if the dog were not classified as a dangerous dog; and
 - (f) must not, without the written consent of the territorial authority in whose district the dog is to be kept, dispose of the dog to any other person.
- (2) Every person who fails to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$3,000.
- (3) If a court convicts a person of an offence against subsection (2), the court must also make an order for the destruction of the dog unless satisfied that the circumstances of the offence were exceptional and do not warrant destruction of the dog.
- (4) Every person who sells or otherwise transfers, or offers to sell or transfer, to any other person any dog known by that person to be classified as a dangerous dog without disclosing the fact of that classification to that other person commits an offence and is liable on conviction to a fine not exceeding \$3,000.
- (5) If a person fails to comply with subsection (1), a dog control officer or dog ranger may—
- (a) seize and remove the dog from the person's possession; and
 - (b) retain custody of the dog until the territorial authority has reasonable grounds to believe that the person has demonstrated a willingness to comply with subsection (1).
- (6) [Section 70](#) applies to a dog removed under subsection (5) as if it were removed under [section 56](#); and accordingly section 70 applies with all necessary modifications.

Section 32: substituted, on 1 December 2003, by [section 19](#) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 32(1)(c): amended, on 28 June 2006, by [section 29\(3\)](#) of the Dog Control Amendment Act 2006 (2006 No 23).

Item 12: Objection to Classification of a Dog as Dangerous - Mr Robertus Schiefer and Ms Silvia Randma - Dog named "Ebba": Attachment 1

Section 32(1)(d): amended, on 7 July 2004, by [section 9\(1\)](#) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 32(1)(e): amended, on 7 July 2004, by [section 9\(2\)](#) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 32(2): amended, on 1 July 2013, by [section 413](#) of the Criminal Procedure Act 2011 (2011 No 81).

Section 32(4): amended, on 1 July 2013, by [section 413](#) of the Criminal Procedure Act 2011 (2011 No 81).


Hi my name is Jacob Fearnley
I live at 8 Gipps Street Atawhai,
On Tuesday night about 4 weeks ago,
I was outside sitting down near the
~~cats~~ two cats, Missy and my neighbors
cat Tilly, when the neighbors dog Eva
ran over onto our property. And
attacked both the cats getting hold of
poor little Tilly and mauling her, I was unable
to help Tilly because I was afraid of
the dog and it all happened very quickly,
This is not the first time this dog Eva
has come over ~~and~~ to our property
and has attempted to attack the cats, poor
little Tilly died.

I Jacob Fearnley witness all this ~~on~~ happening
On our property at 8 Gipps Street

Jacob Alan Fearnley

Sworn before me at the Nelson District
Court on the 1st day of December 2014:

signed: JF

signed: 

WL Gray
Deputy Registrar
District Court Nelson

Item 12: Objection to Classification of a Dog as Dangerous - Mr Robertus Schiefer and Ms Silvia Randma - Dog named "Ebba": Attachment 3

Halifax Veterinary Centre
205 Bridge Street Nelson



Medical Not

Patient: Chantilly

Client: Andrea Taylor

Date: Nov 01, 2017

Reason for visit:
Dog Attack



What did we find?

Pre-anaesthetic examination: requires urgent surgery

Pre-Anaesthetic Drugs:

ACP 2% 0.07mls
Atropine 0.6mg/ml 0.25mls
Ketamine 0.02mls

Antibiotics:

Augmentin 0.8mls

IV Catheter 24g Placement: cephalic.

Fluid Type: LRS given at 2ml/kg/hr for the duration of surgery.
CRI Ketamine at 1ml/kg/hr

Anaesthetic Induction

Alfaxan 1mls

Anaesthesia- maintained with isoflurane at lowest level to maintain a surgical plane of anaesthesia.

Maintenance of Airway

Endo Tube Size: 4 mmID

Anaesthesia:

Start Time 8.45am
End Time 1.35pm

Surgery:

Start Time 9.05am
End Time 1.25pm

Procedure/Surgery Notes: preoxygenated, nerve block local placed. induced, GA - vertical incision over left chest wall, dissected through superficial musculature - revealed extensive shredding trauma to deep and intercostal muscles, multiple lacerations and rib + sternal fractures exposing chest cavity in multiple localities, one rib has had musculature completely avulsed. Right caudal lung lobe was initially completely atelectatic but reoxygenation did occur over time revealing a caudal margin Bullae - horizontal mattress sutures to prevent potential pneumothorax.

Lateral wall reconstruction starting with deep sutures placed in musculature at caudal margin in proximity to the avulsed portion of the caudal sternum, xyphisternum. sternal reattachment of distal rib fracture realignment utilising 20g needle to pass suture through bone or cartilage, Repairs small tears in diaphragm. intercostal muscle lacerations repaired by a combination of intercostal sutures and direct muscle suturing, overlying traumatised musculature repositioned to achieve a musculature graft of most of the severely traumatised chest wall. 3 layers of muscle closure reestablishing chest vacuum. Jackson Pratt drain placed prior to latter stages of wall closure. Tension pneumothorax temporarily developed prior to drain function being established, This revealed another hernia site present more caudally and midline. Tension pneumothorax relieved. Routine skin closure after muscle wall reestablished.

More distal muscle trauma repaired in a similar fashion. Feeding tube placed prior to recovery.

Postop Pain Relief: Fentanyl patch 12.5mg patch

Recovery:

Smooth and uneventful.

2.11.17 subdued, lying in cage, no toileting overnight, no food or water overnight as still sedated from surgery, iv fluids, ab's given. T = 39.1, comfortable breathing pattern, quiet lung sounds both sides, mild tachycardia, pink MM, CRT <2s. Stopping colloids, continue with crystalloids. Tube feeding to start today.

Intrapleural bupivacaine every 6-8hr depending on pain score
- 0.8ml bupivacaine flushed with 10ml

Halifax Veterinary Centre

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Item 12: Objection to Classification of a Dog as Dangerous - Mr Robertus Schiefer and Ms Silvia Randma - Dog named "Ebba": Attachment 3

Patient: Chantilly **Client:** Andrea Taylor **Date:** Nov 01, 2017

- suctioned after 10 min
- repeat 5pm this evening

3.11.17 no real change in demeanor this morning, still lying in cage, urinated overnight, tube fed and ab's given, moved to other side but she started to get a little distressed so put back again.

(10:48a.m. 03/11/17 Todd Field)
Collapsed and poorly responsive - sluggish PLR and menace
MM pale, CRT slow
RR normal w some thoracic splinting but no signif dyspnea
Drained 100ml serosang liquid from thoracotomy tube
HR 150 - no palp distal limb pulses
Unable to get SpO2 due to perfusion issues, no blood pressure reading radial a or metatarsal a.
Temp <35

Electrolytes - reduced Na due to fluid loss
Marked anemia w regeneration present
Severe panleukopenia - confirmed via smear
Reduced platelets present

Problem list - hypothermia, distributive shock, anemia, severe neutropenia
Ddx - likely SIRS/MODS as well as other issues, poss lung torsion

Started patient warming - still sub 35 degrees after 2 hours

Discussed with Andy
- signif management required - IVFT, colloid (close to req blood transfusion as well), TXA and clopid treatment, patient warming, dobutamine CRI etc
- grave prognosis even with signif intervention
- Andy and Andrea discussed

Opted for compassionate euthanasia given grave prognosis

11/2/2017 7:21AM Wt: 4.20 kg RR:

11/3/2017 7:03AM Wt: 3.92 kg RR:



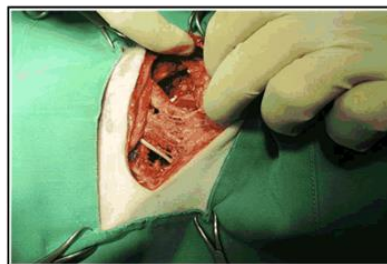
Cardiovascular



Cardiovascular



Cardiovascular



Cardiovascular

Item 12: Objection to Classification of a Dog as Dangerous - Mr Robertus Schiefer and Ms Silvia Randma - Dog named "Ebba": Attachment 3

Patient: Chantilly

Client: Andrea Taylor

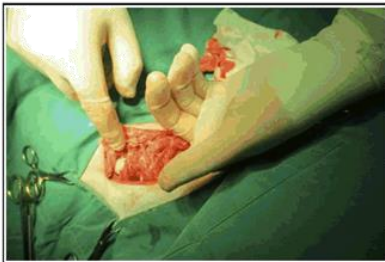
Date: Nov 01, 2017



Cardiovascular



Cardiovascular



Cardiovascular



Cardiovascular

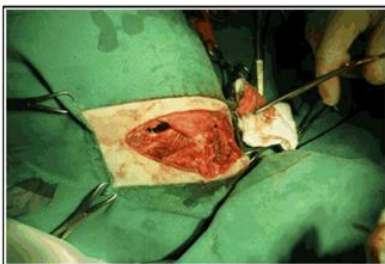
bullae in left caudal lung lobe



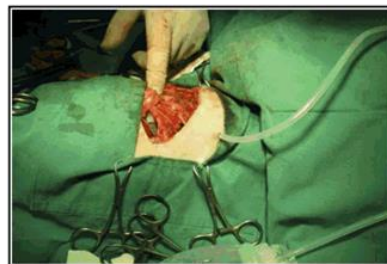
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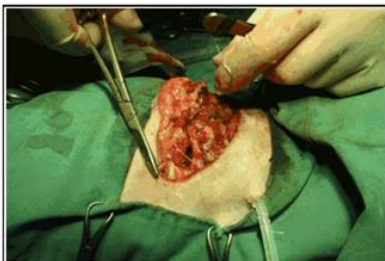


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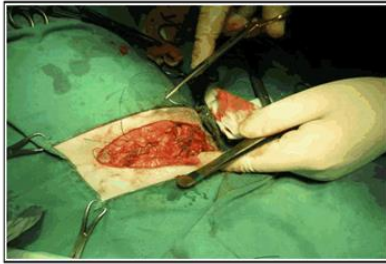


Item 12: Objection to Classification of a Dog as Dangerous - Mr Robertus Schiefer and Ms Silvia Randma - Dog named "Ebba": Attachment 3

Patient: Chantilly

Client: Andrea Taylor

Date: Nov 01, 2017



Cardiovascular



Cardiovascular



Cardiovascular

Assessment:

Plan:

Post-operative Care Instructions:

Keep Chantilly in a quiet and warm place inside tonight, with access to plenty of fresh water. After a general anaesthetic pets are more likely to vomit so offer only a small amount of food - no more than half the usual amount.

Your pet has had the sedative drug Acetylpromazine and is likely to be slightly drowsy for 8-12 hours. Excessive drowsiness occurs in a few animals. If you think this is happening to your pet, please contact us.

Pain relief has been provided, but if you feel Chantilly is uncomfortable, do not hesitate to ring us. DO NOT use human drugs unless we advise you to do so - many are very toxic to pets!

Complications after anaesthesia and/or surgery are not common but can occur. Please report promptly any breathing distress, distended abdomen, repeated vomiting (more than 3 times). Also check any surgery or wounds twice daily and report any discharge, or opening of the wound.

Please make an appointment for removal of stitches in 10 days.

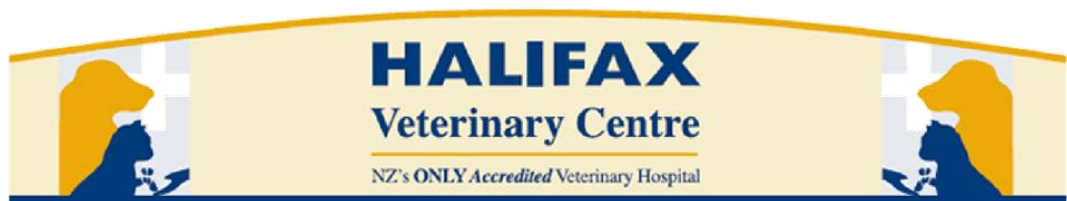
Discharge Instructions:

Halifax Veterinary Centre
205 Bridge Street Nelson
(03) 548 3871

If you have any questions or concerns, please notify our staff so that we may assist you in any way that we can. *Thank you for allowing us to serve you.*

Chris Welland

Item 12: Objection to Classification of a Dog as Dangerous - Mr Robertus Schiefer and Ms Silvia Randma - Dog named "Ebba": Attachment 3



GST No: 86-106-375

FOR
Andrea Taylor 23 Clovelly Street Atawhai NELSON 7010

TAX INVOICE

DUE	INVOICE #	DATE	TERMS
01/11/2017	236339	01/11/2017	Due upon receipt

PATIENT	DESCRIPTION OF CHARGES	PERFORMED	QUANTITY	AMOUNT
Chantilly	Out Of Hours Consult	10/31/2017	1	120.19
Chantilly	Nurse Out-of-Hours Call Out	10/31/2017	1	105.65
Chantilly	Radiology 2 Views	10/31/2017	1	109.20
Chantilly	Radiology Add View	10/31/2017	1	25.20
Chantilly	Ultrasound - Abdomen	10/31/2017	1	220.00
Chantilly	Intravenous Set-up	10/31/2017	1	96.77
Chantilly	Temgesic 300ug	10/31/2017	1.6 mls	21.04
Chantilly	Clavulox Injection 40ml	10/31/2017	0.5 ml	15.35
Chantilly	Oxygen Therapy - Oxygen Cage	10/31/2017	1	48.39
Chantilly	Intravenous Set-up	10/31/2017	1	96.77
Chantilly	IMED continuous drip	10/31/2017	1	36.30

GST 134.23

Rounding 10/31/2017 0.01

PATIENT SUBTOTALS INVOICE TOTAL \$1,029.10

Chantilly \$894.86 CARD NUM: N/A APRV:

APPLIED TO INVOICE

APPLIED FROM ACCOUNT

CREDIT APPLIED TO ACCOUNT

CHANGE DUE

RUNNING BALANCE (\$5,470.90)

Payments and Credits for #236339

PMT	11/03/2017	Eftpos	-1029.10
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Item 12: Objection to Classification of a Dog as Dangerous - Mr Robertus Schiefer and Ms Silvia Randma - Dog named "Ebba": Attachment 3



NOTES

REMINDERS

Chantilly	14/09/2018	Felocell 3
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APPOINTMENTS

Thank you for coming to Halifax Veterinary Centre. Don't hesitate to call if you have any concerns regarding your pet. If you have appreciated our service today, please recommend us to your friends. Help us to help others.

We are one of just four veterinary practices (and for 15 years the only one) to be accredited to the highest standard in NZ -BESTPRACTICE Hospital Standards. This means better care for your pet. We are always trying to improve and would love your feedback.

PS: If you have an outstanding balance, please pay within ten days to avoid finance charges. If you wish to pay by direct credit please put your last name and account number on this statement as reference. ASB 123193 0003198 00.



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Item 12: Objection to Classification of a Dog as Dangerous - Mr Robertus Schiefer and Ms Silvia Randma - Dog named "Ebba": Attachment 3

Medical Note



Patient: Chantilly **Client:** Andrea Taylor **Date:** Oct 31, 2017

Reason for visit:

After Hours Consult

HBC? Came to do distressed, making horrible breathing noises, blood on limbs and chest, weak.

After further inquiry by owners - neighbour witnessed pig dog roam street, chased their cat but missed it but then took to Chantilly



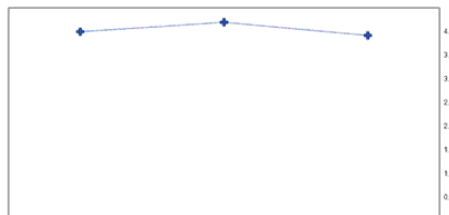
What did we find?

1.11.17 Demeanour lying in cage, alert but quiet; Pain Score 1-2; Ate none given as afterhours and surgery today; Drank *; Stools no; Urine no

Demeanour	Sore, grumpy, difficult to examine
General Appearance	Good condition, Body Condition Score 5/9. This is a score on a scale of 1 to 9 where 1 is extremely skinny and 9 is morbidly obese; 4 and 5 are the healthy middle range. Your pet's score of 5/9 represents a good body condition.
Eyes	No lid abnormalities noted, conjunctiva pink, no ocular discharge, sclera white, normal corneas, iris, and lens. Pupils symmetrical
Ears	No exudate observed; no redness present
Oral Cavity	>>> pale MM, difficult to accurately assess CRT
Skin/Coat	>>> massive bruising, small holes in medial thigh skin, bruising present, several other minor cuts
Lymphatics	Lymphnodes all normal size
Cardiovascular	tachycardia, no murmur detected; weak femoral pulses;
Respiratory	>>> polypnoea, gurgling noise sin abdomen when breathing, rent in chest wall ventrally / left lower side, skin balloons during breathing, chest xrays show intact right chest wall, SQ emphysema left chest wall, left cranial lobe appears inflated, no pneumothorax, no pneumomediastinum, gap in sternum present, massive bruising over chest wall
Abdomen/GIT	>>> US of abdomen shows intact kidneys, spleen, bladder, no free fluid,
Musculoskeletal	Stands and walks normally; no mobility problems reported
Neurologic	No apparent abnormalities
Urogenital	No abnormalities reported; external genitalia appears normal; bladder palpates normally

WEIGHT HISTORY

Nov 03, 2017	3.92 kg
Nov 02, 2017	4.20 kg
Sep 14, 2017	4.00 kg



Assessment:

1. Dog attack - flail chest and sternum luxation / deficit
2. No obvious DH or pneumo / haemothorax

Plan:

1. IV fluids
2. 1.6ml SQ Temgesic
3. 0.5ml SQ Clavulox
4. Needs exploratory surgery tomorrow once stable

Item 12: Objection to Classification of a Dog as Dangerous - Mr Robertus Schiefer and Ms Silvia Randma - Dog named "Ebba": Attachment 3

Patient: Chantilly

Client: Andrea Taylor

Date: Oct 31, 2017



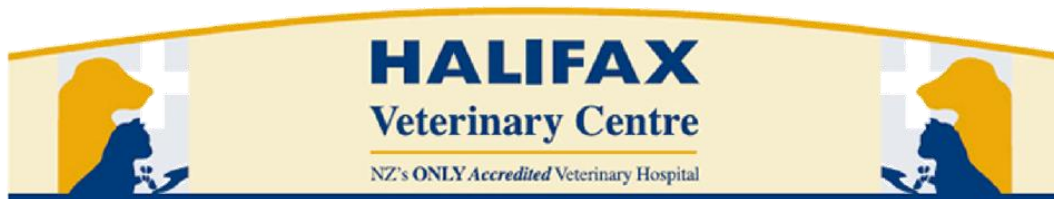
If you have any questions or concerns, please notify our staff so that we may assist you in any way that we can. *Thank you for allowing us to serve you.*

Todd Halsey

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GST No: 86-106-375

FOR
Andrea Taylor 23 Clovelly Street Atawhai NELSON 7010

TAX INVOICE

DUE	INVOICE #	DATE	TERMS
01/11/2017	236355	01/11/2017	Due upon receipt

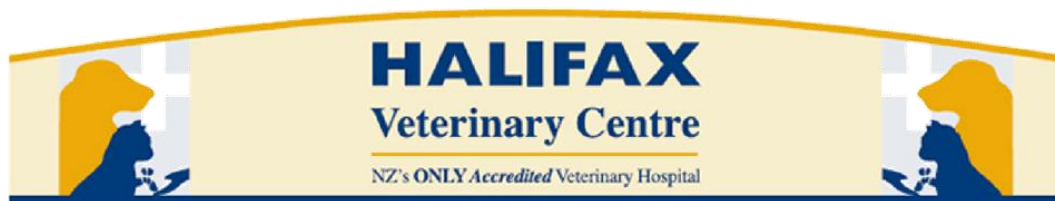
PATIENT	DESCRIPTION OF CHARGES	PERFORMED	QUANTITY	AMOUNT
Chantilly	OVERNIGHT CAT	11/01/2017	1	24.20
Chantilly	Oxygen Supplementation Per Hour	11/01/2017	1	7.26
Chantilly	IMED continuous drip	11/01/2017	1	36.30
Chantilly	Veterinary Examination - In Hospital	11/01/2017	1	38.70
Chantilly	Aceazine 2% Injection	11/01/2017	0.07 ml	14.09
Chantilly	Atropine Injectable	11/01/2017	0.25 ml	14.19
Chantilly	Continuous Rate Infusion CRI	11/01/2017	1	93.10
Chantilly	Ketamine 100mg/ml Injection	11/01/2017	0.2 ml	18.84
Chantilly	Alfaxan	11/01/2017	1	26.00
Chantilly	Anaesthetic Induction	11/01/2017	1	60.48
Chantilly	Anaesthetic Maintenance/10 min	11/01/2017	28.5	413.82
Chantilly	Multi Parameter Monitoring	11/01/2017	1	32.49
Chantilly	Surgical Preparation Fee	11/01/2017	2	38.46
Chantilly	Marcaïn 0.5% Injection	11/01/2017	0.8 ml	14.74
Chantilly	Assisted breathing	11/01/2017	21.5	936.32
Chantilly	Surgery (Two Vets)	11/01/2017	6.5	1,022.26
Chantilly	Surgery Complex	11/01/2017	17.5	1,693.48
Chantilly	Theatre Fee Gown And Gloves	11/01/2017	2	32.44
Chantilly	Theatre Fee - Sterile Surgical Kits	11/01/2017	1	12.37
Chantilly	Theatre Fee - Sterile Extra Instruments/Drapes Per Pac	11/01/2017	2	12.36
Chantilly	Theatre Fee Per 10 Minutes in Sterile Theatre	11/01/2017	24	389.28
Chantilly	Lux Suture PDO 3/0	11/01/2017	5	72.50
Chantilly	PDX 2/0 Suture	11/01/2017	4	68.88
Chantilly	Hypertonic Saline 7%	11/01/2017	48 ml	26.44
Chantilly	Voluven 6% 500ml	11/01/2017	500 ml	78.00
Chantilly	Ephedrine Sulph Inj 30mg 10 x 1ml	11/01/2017	0.01 ml	14.13
Chantilly	Fentanyl Patches 12.5mcg	11/01/2017	1	26.34
Chantilly	Closed Wound Drain with Grenade 100ml	11/01/2017	1	58.00
Chantilly	Feeding tube placement	11/01/2017	2	87.10
Chantilly	Feeding Tube PVC 10FG	11/01/2017	1	5.98
Chantilly	Metacam Injectable	11/01/2017	0.12 ml	15.38
Chantilly	Potassium Chloride 10meq/10ml	11/01/2017	2	22.96



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Item 12: Objection to Classification of a Dog as Dangerous - Mr Robertus Schiefer and Ms Silvia Randma - Dog named "Ebba": Attachment 3



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PATIENT	DESCRIPTION OF CHARGES	PERFORMED	QUANTITY	AMOUNT
Chantilly	OVERNIGHT CAT	11/02/2017	1	\$24.20
Chantilly	IMED continuous drip	11/02/2017	1	36.30
Chantilly	Veterinary Examination - In Hospital	11/02/2017	1	38.70
Chantilly	Hills A/D Tins	11/02/2017	1	3.25
Chantilly	Tube Feeding	11/02/2017	3	14.52
Chantilly	Metacam Oral Cat 15ml Bottle	11/02/2017	1 bottle	48.90
Chantilly	OVERNIGHT CAT	11/03/2017	1	24.20
Chantilly	IMED continuous drip	11/03/2017	1	36.30
Chantilly	Veterinary Examination - In Hospital	11/03/2017	1	38.70
Chantilly	Tube Feeding	11/03/2017	3	14.52
Chantilly	Eclipse Pre Anaesthetic Panel	11/03/2017	1	39.60
Chantilly	Complete Blood Count Halifax	11/03/2017	1	29.99
Chantilly	i-Smart Blood Test	11/03/2017	1	21.74
Chantilly	Euthanasia Cat		1	78.64
Chantilly	Cremation Cat	11/03/2017	1	94.66
Chantilly	Discount approved by CW and TF	11/03/2017		-759.04
	Invoice capped at \$7000			
	GST			778.81
	Rounding	11/01/2017		0.02
PATIENT SUBTOTALS			INVOICE TOTAL	\$5,970.90
Chantilly	\$5,192.07		CARD NUM: N/A	APRV:
			APPLIED TO INVOICE	
			APPLIED FROM ACCOUNT	
			CREDIT APPLIED TO ACCOUNT	
			CHANGE DUE	
			RUNNING BALANCE	(\$5,470.90)

Payments and Credits for #236355

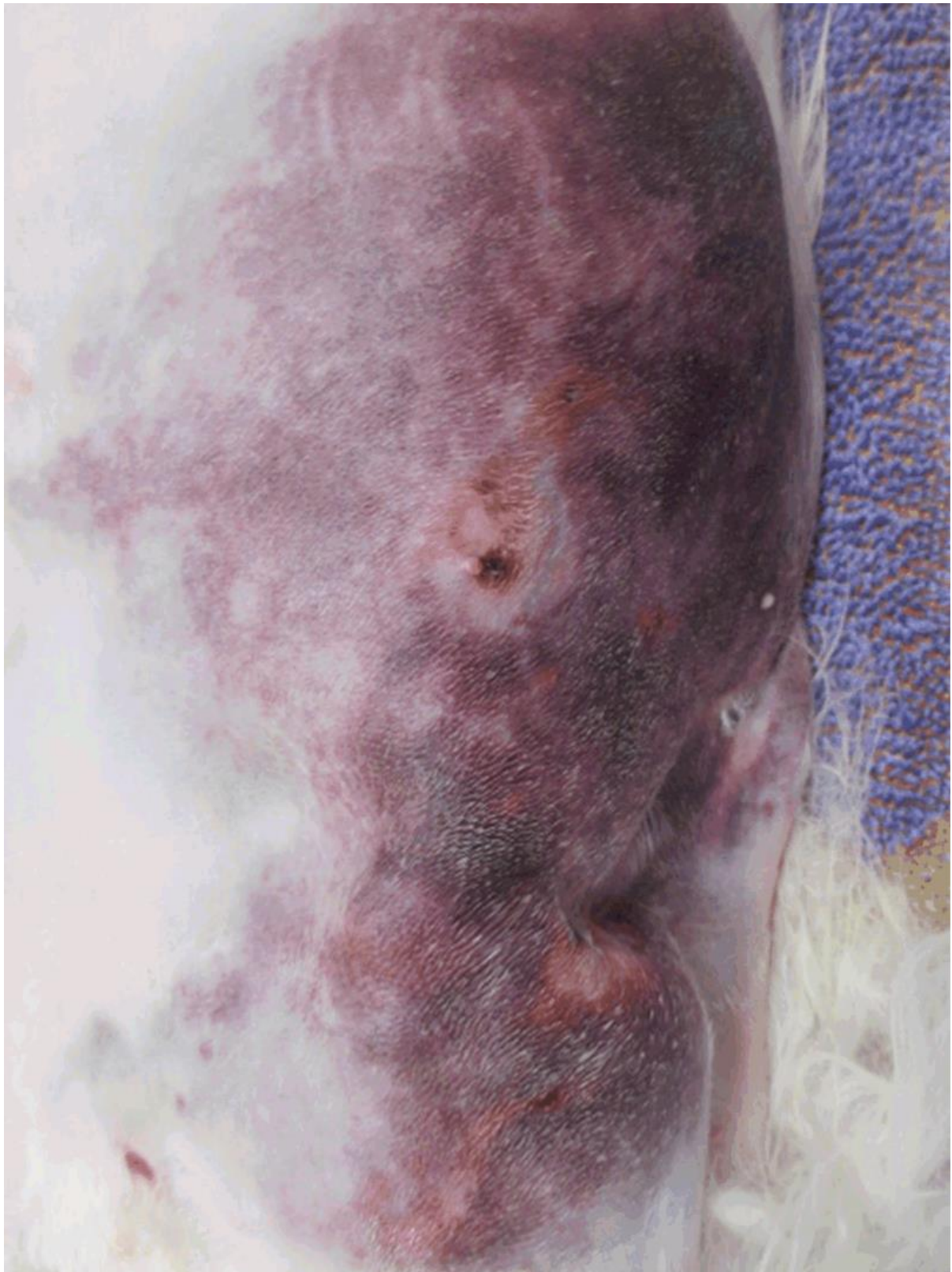


www.HalifaxVet.co.nz
 Halifax Veterinary Centre • 205 Bridge St • PO Box 351 • Nelson
 Phone 03 54VETS1 (03 548 3871) • Fax 03 548 1712 • Email info@halifaxvet.co.nz

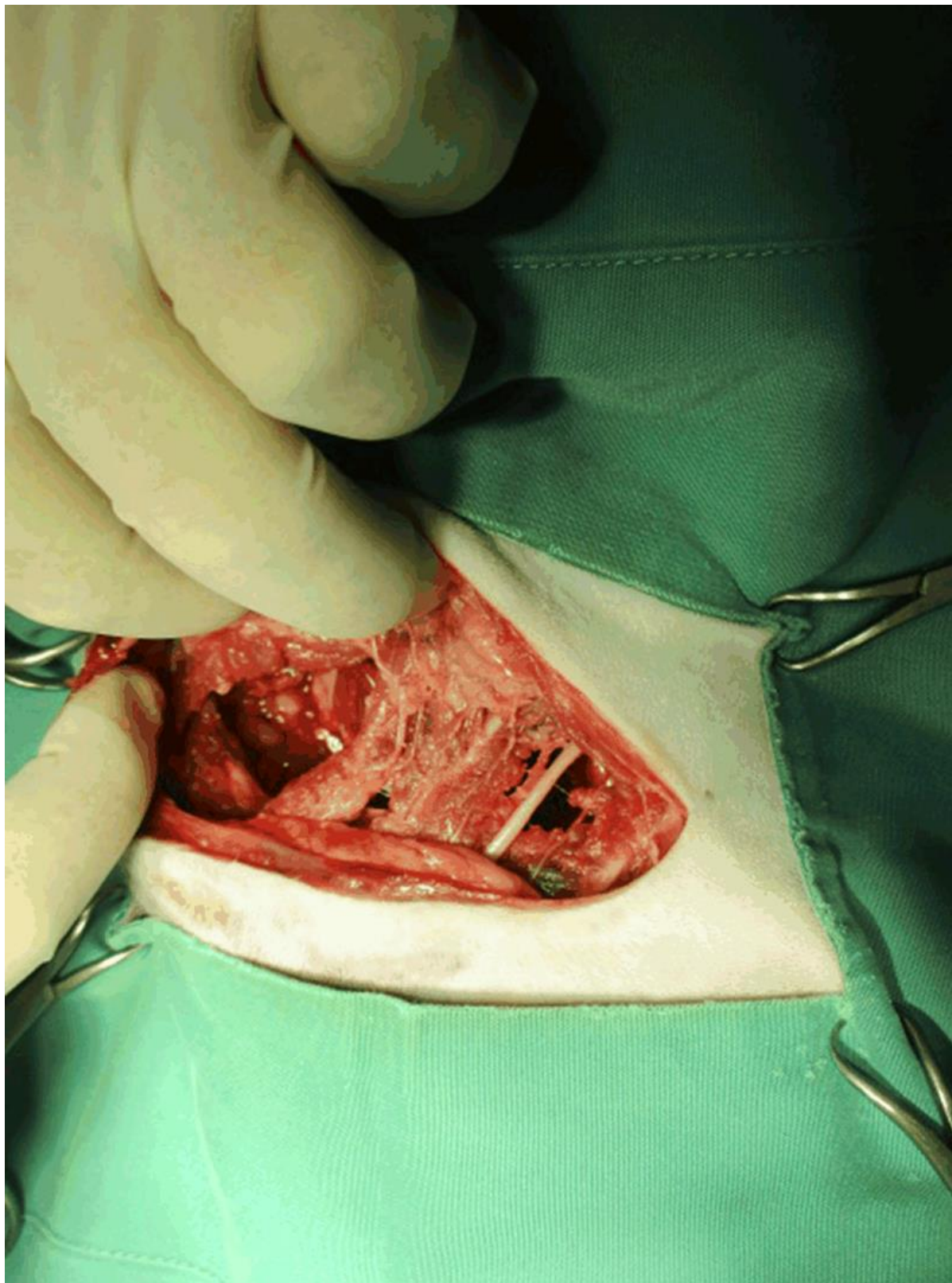
Item 12: Objection to Classification of a Dog as Dangerous - Mr Robertus Schiefer and Ms Silvia Randma - Dog named "Ebba": Attachment 3



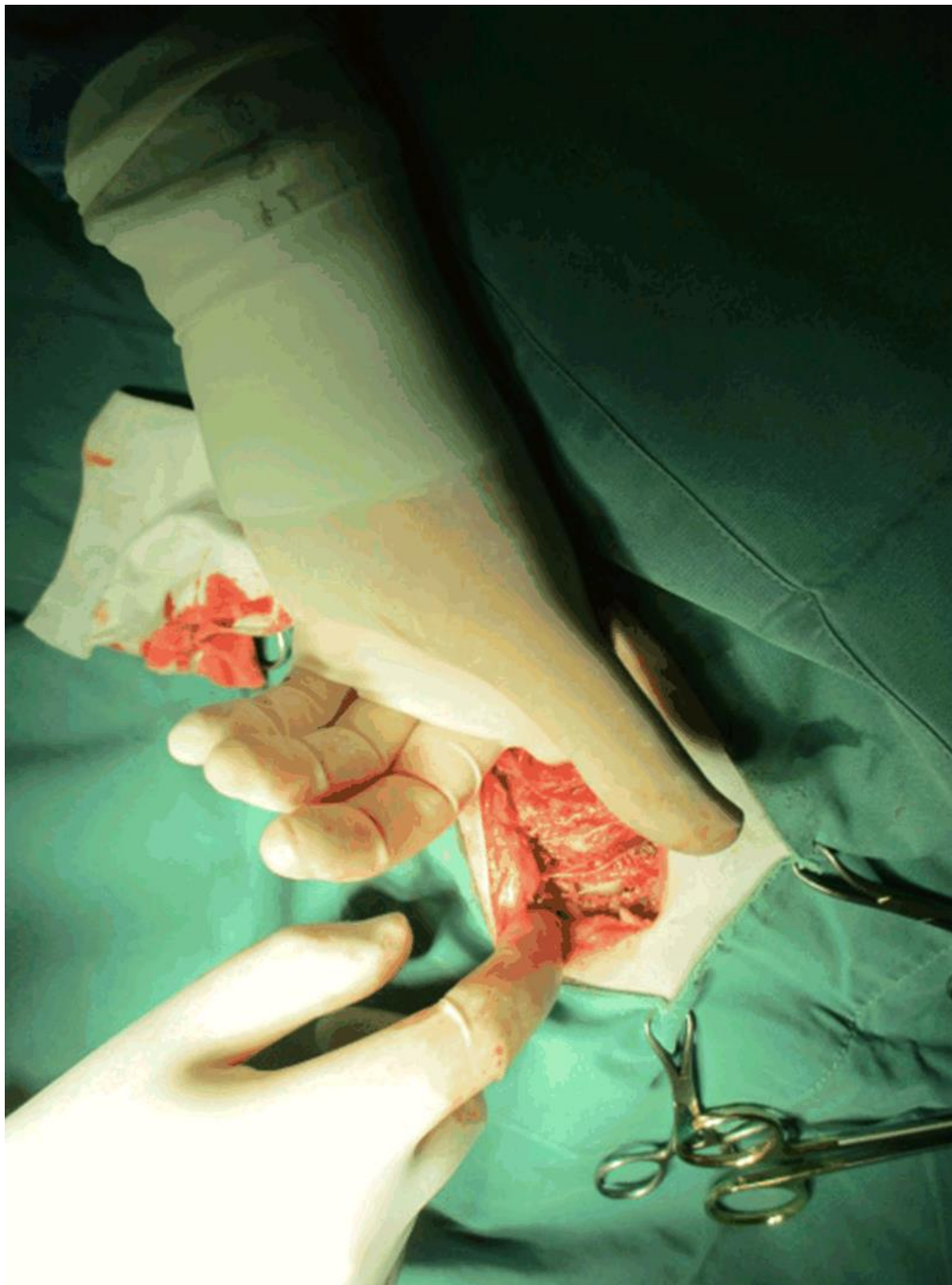
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Item 12: Objection to Classification of a Dog as Dangerous - Mr Robertus Schiefer and Ms Silvia Randma - Dog named "Ebba": Attachment 4



Notice of classification of dog as dangerous dog

Section 31, Dog Control Act 1996

To: Robertus Theodorus R Schiefer

Address: 7 Gipps Pl Nelson

Dog: "EBBA" German Wire Haired Pointer, Female, Colour Red/White.

This is to notify you* that this dog has been classified as a dangerous dog under section 31(1)(b) of the Dog Control Act 1996.

This is because the Nelson City Council has received a sworn statement attesting to aggressive behavior of your dog, and it is believed the dog constitutes a threat to the safety of other pets.

This is due to an incident on the 31st October 2017 when Ebba attacked and injured a domestic cat.

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

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

Date: 4 December 2017

* For the purposes of the Dog Control Act 1996, you are the owner of a dog if -

- you own the dog; or
- you have the dog in your possession (otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, or damage, or distress, or for the sole purpose of restoring a lost dog to its owner); or
- you are the parent or guardian of a person under 16 who is the owner of the dog and who is a member of your household living with and dependent on you.

Effect of classification as dangerous dog

Sections 32 and 36A, Dog Control Act 1996

You are required,—

- (a) within 1 month after receipt of this notice, to ensure that the dog is kept within a securely fenced portion of your property that it is not necessary to enter to obtain access to at least 1 door of any dwelling on the property; and
- (b) not to allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without—
 - (i) the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
 - (ii) the dog being controlled on a leash (except in a designated dog exercise area); and
- (c) to produce to the Nelson City Council, within 1 month after receipt of this notice, a certificate issued by a registered veterinary surgeon certifying—
 - (i) that the dog is or has been neutered; or

Item 12: Objection to Classification of a Dog as Dangerous - Mr Robertus Schiefer and Ms Silvia Randma - Dog named "Ebba": Attachment 4



- (ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
- (d) where a certificate under paragraph (c)(ii) is produced to the Nelson City Council, to produce to the Nelson City Council, within 1 month after the date specified in that certificate, a further certificate under paragraph (c)(i); and
- (e) in respect of every registration year commencing after receipt of this notice, to pay dog control fees for that dog at 150% of the level that would apply if the dog were not classified as a dangerous dog; and
- (f) not to dispose of the dog to any other person without the written consent of the territorial authority in whose district the dog is to be kept.

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with all of the matters in paragraphs (a) to (f) above. In addition, on conviction the court must order the destruction of the dog unless satisfied that the circumstances of the offence were exceptional and do not justify the destruction of the dog.

A dog control officer or dog ranger may seize and remove the dog from you if you fail to comply with all of the matters in paragraphs (a) to (f) above. The ranger or officer may keep the dog until you demonstrate that you are willing to comply with paragraphs (a) to (f).

You will also commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you sell or otherwise transfer the dog, or offer to do so, to any other person without disclosing that the dog is classified as a dangerous dog.

As from 1 July 2006, you are also required, for the purpose of providing permanent identification of the dog, to arrange for the dog to be implanted with a functioning microchip transponder. This must be confirmed by making the dog available to the Nelson City Council in accordance with the reasonable instructions of the Nelson City Council for verification that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location. **CHIP IMPLANTED = 953010000464180**

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with this requirement –

- within 2 months from 1 July 2006 if your dog is classified as dangerous on or after 1 December 2003 but before 1 July 2006; or
- within 2 months after the dog is classified as dangerous if your dog is classified as dangerous after 1 July 2006.

If the dog is in the possession of another person for a period not exceeding 72 hours, you must advise that person of the requirement to not allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction. You will commit an offence and be liable on conviction to a fine not exceeding \$500 if you fail to comply with this requirement.

Full details of the effect of classification as a dangerous dog are provided in the Dog Control Act 1996.

Right of objection to classification
Section 31(3), Dog Control Act 1996

Item 12: Objection to Classification of a Dog as Dangerous - Mr Robertus Schiefer and Ms Silvia Randma - Dog named "Ebba": Attachment 4



You may object to the classification by lodging with the Nelson City Council a written objection within 14 days of receipt of this notice setting out the grounds on which you object. You are entitled to be heard in support of the objection and will be notified of the time and place at which your objection will be heard.

Item 12: Objection to Classification of a Dog as Dangerous - Mr Robertus Schiefer and Ms Silvia Randma - Dog named "Ebba": Attachment 5

Brent Edwards

From: Brett Daniell-Smith <brett@daniellsmith.co.nz>
Sent: Tuesday, 5 December 2017 9:55 a.m.
To: Customer Service
Subject: SCHIEFER AND RADMA 4TH DECEMBER NOTICE

WE ACT FOR THE ABOVE AND ADVISE THAT THEY WISH TO BE HEARD AND MAKE SUBMISSIONS IN RELATION TO RECENT NOTICE UNDER SECTION 31 OF THE DOG CONTROL ACT.
PLEASE ADVISE WHEN THEY CAN BE HEARD AND PROVIDE A COPY OF THE SWORN STATEMENT RECEIVED REGARDS
BRETT DANIELL - SMITH

Brett Daniell-Smith
PRINCIPAL



317 HARDY STREET BOX 721 NELSON 7040
TEL: 03 539 0007

brett@daniellsmith.co.nz