



AGENDA

Ordinary meeting of the

Hearings Panel - Other

Thursday 5 September 2019

Commencing at 8.30a.m.

Ruma Marama

Civic House

110 Trafalgar Street, Nelson

**Pat Dougherty
Chief Executive**

Membership: Councillor Paul Matheson (Chairperson), Councillor Kate Fulton and Councillor Stuart Walker

Nelson City Council Disclaimer

Please note that the contents of these Council and Committee Agendas have yet to be considered by Council and officer recommendations may be altered or changed by the Council in the process of making the formal Council decision.

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

4.1 Alvin Schroder - Proposed Naming of an accessway in Washington Valley

4.2 Diana Clark - Proposed Naming of an accessway in Washington Valley

5. Proposed Naming of an Accessway in Washington Valley

7 - 26

Document number R9520

Recommendation

That the Hearings Panel - Other

- 1. Receives the report Proposed Naming of an Accessway in Washington Valley (R9520) and its attachments (A2011057, A306318, A1959653 and A2026077); and***
- 2. Approves the name "Appo Hocton Way" for the accessway through unformed road reserve and accessway connecting Pioneer Crescent to Valley Heights Road.***

6. Application for change of street name suffix 27 - 32

Document number R10379

Recommendation

That the Hearings Panel - Other

- 1. Receives the report Application for change of street name suffix of Huntaway Ridge (R10379) and its attachments (A2233032 and A2235719); and***
- 2. Approves the suffix "Close" with the road being named "Huntaway Close".***

7. Temporary Road Closures - The Nelson Arts Festival, Mask Parade, Santa Parade, Christmas Carols, New Year's Eve Countdown, Buskers Festival, Trafalgar Street Market Day and the Nelson Long Lunch. 33 - 51

Document number R10182

Recommendation

That the Hearings Panel - Other

- 1. Receives the report Temporary Road Closures - The Nelson Arts Festival, Mask Parade, Santa Parade, Christmas Carols, New Year's Eve Countdown, Buskers Festival, Trafalgar Street Market Day and the Nelson Long Lunch. (R10182) and its attachments (A2197302, A2022870, A2066642, A2088912, A2088959, A2079322, A2237523, A2234652 and A2227645); and***
- 2. Approves the following temporary road closures (as per report R10182):***
 - 16 to 29 Oct 2019, Nelson Arts Festival (A2197302);***
 - 18 to 19 Oct 2019, Mask Parade (A2022870);***
 - 1 Dec 2019, Santa Parade (A2066642);***
 - 31 Dec 2019 to 1 Jan 2020, New Year's Eve (A2088959);***

- **24 Dec 2019, Christmas Carols (A208812);**
- **30 Jan to 2 Feb 2020, Buskers Festival 2020 (A2234652);**
- **1 Feb 2020, Trafalgar Street Market Day 2020 (A2234652);**
- **3 Feb 2020, Nelson Long Lunch (A2227645).**

8. Temporary Road Closure - Bay Dreams 2020 52 - 59

Document number R10440

Recommendation

That the Hearings Panel - Other

- 1. Receives the report Temporary Road Closure - Bay Dreams 2020 (R10440) and its attachments (A2079322 and A2219959); and**
- 2. Approves the temporary road closure application for Bay Dreams 2020 from 2 to 5 January 2020, amended as follows:**
 - a. 9.00am Thursday 2 January until 10.00pm Sunday 5 January:**
 - Hathaway Carpark
 - b. 9.00am Friday 3 January until 3.00pm Sunday 5 January:**
 - Paru Paru Road (from bollards North of the Salvation Army Family Store)
 - c. 9.00am Saturday 4 January until 1.00am Sunday 5 January:**
 - Trafalgar Street (Halifax Street to SH6)
 - Wainui Street
 - Elliot Street
 - Hathaway Terrace
 - Grove Street (Trafalgar Street to Collingwood Street)

**d. 5:30pm Saturday 4 January until 1.00am
Sunday 5 January:**

- Achilles Ave
- Wakatu Lane

**e. 8.00pm Saturday 4 January – 1.00am
Sunday 5 January**

- Halifax Street (Rutherford Street to Collingwood Street)
- Trafalgar Street (Halifax Street to Bridge Street)

9. Objection to Classification of three dogs as menacing - Adam Schwass - Dogs' names: Chip, Storm and Meg.

60 - 91

Document number R10438

Recommendation

That the Hearings Panel - Other

- 1. Receives the report: Objection to Classification of three dogs as menacing - Adam Schwass - Dogs' names: Chip, Storm and Meg. (R10438) and its attachments (A2134555, A2230249, A2236087, A2230257, A2217554, A2236473); and***
- 2. Dismisses the objection of Adam Schwass; and***
- 3. Upholds the classification of the Dogs - Chip, Storm and Meg as menacing.***

Proposed Naming of an Accessway in Washington Valley

1. Purpose of Report

- 1.1 To consider and approve the naming of the accessway between Pioneer Crescent and Valley Heights Road as Appo Hocton Way.

2. Summary

- 2.1 Descendants of Appo Hocton, an early Nelson settler, have requested that his contribution to Nelson be acknowledged through the naming of a suitable public asset.
- 2.2 The request is to name the accessway between Pioneer Crescent and Valley Heights Road (currently not formally named) as Appo Hocton Way.
- 2.3 The accessway is a concrete path connecting Valley Heights Road to Pioneer Crescent. The formation is constructed over legal road and land set aside as Accessway that vests in Nelson City Council.

3. Recommendation

That the Hearings Panel - Other

- 1. Receives the report Proposed Naming of an Accessway in Washington Valley (R9520) and its attachments (A2011057, A306318, A1959653 and A2026077); and***
- 2. Approves the name "Appo Hocton Way" for the accessway through unformed road reserve and accessway connecting Pioneer Crescent to Valley Heights Road.***

4. Legal Status

- 4.1 The land in question (refer Attachment 1) showing "Pioneer Crescent as Legal Road" and "Lot 54 Accessway to vest in the Nelson City Council" was set aside in two separate dealings. The first piece of land referred to in DP 442911 as "Pioneer Crescent - legal road" was dedicated for the purposes of use as a Public Street pursuant to section 125 of the Public

Item 5: Proposed Naming of an Accessway in Washington Valley

Works Act 1928. This was vested in Council by a Memorandum of Transfer 50182 on 24 August 1953.

- 4.2 The second piece of land referred to as Lot 54 accessway was required to vest in the Nelson City Council as a condition of Resource Consents RM085135 and RM950109. The Deposited Plan shows the subject land as Lot 54 on Deposited Plan 442911 and states "Accessway to Vest in The Nelson City Council". The Accessway was vested to Nelson City Council as part of the title deposit process on 7 November 2011.
- 4.3 The definition of Accessway is included in the definition of road in s315 (1) of the Local Government Act 1974. Section 319(1)(j) of the Local Government Act gives Council (or its delegated committee) the power "to name and to alter the name of any road and to place on any building or erection on or abutting on any road a plate bearing the name of the road".

5. Background

- 5.1 Appo Hocton (Wong Ah Poo Ting) arrived in Nelson on the Thomas Harrison in 1842. He was the first Chinese immigrant and the first Chinese person in New Zealand to become a naturalised citizen. Once naturalised he bought land in the Washington Valley, and built several houses in Hastings Street, owning one and leasing the others. Appo Hocton was a well-known businessman and personality in Nelson. Further details about Appo Hocton can be found in the local historical database "The Prow" in the library or <http://www.theprow.org.nz/people/appo-hocton/#.V2yd801f2Uk>
- 5.2 Appo Hocton's descendants have been in contact with Council for more than a decade with the aim of seeing him commemorated through an appropriate naming opportunity. Their request is included in Council's "name bank" as a possibility for consideration when naming reserves and other features.

6. Prior Naming

- 6.1 The accessway has not been previously named. As a transport asset, the procedure for naming comes under the draft Road Naming Guidelines. Refer to Attachment 2.
- 6.2 An application was received from Alvin and Priscilla Schroder on behalf of descendants of Appo Hocton on 15 December 2017, requesting the naming of walkway from Pioneer Crescent to Valley Heights. Refer to Attachment 3.
- 6.3 The name Valley Heights Road was adopted for the road layout at the Applications Committee meeting on 25 July 2007. No specific mention of the accessway from Valley Heights Road to Pioneer Crescent has been found.

7. Naming the path

- 7.1 Naming is routinely conducted between land developers and the Hearings Panel without further public consultation and the decision-making authority has been delegated to the Hearings Panel.
- 7.2 Should the Hearings Panel see merit in naming the link, officers suggest Appo Hocton Way. The term Way is chosen from Appendix 2 of the draft Road Naming Guidelines, and means: "A path or route (Council uses this term for private right of way with vehicular access and named for identification purposes). The term Lane could also be used and means: A narrow passage between hedges or buildings, an alley."
- 7.3 Whilst the draft Road Naming Guidelines recommend names should be limited to one word, officers recommend using the full name because shortening Appo Hocton Way to Hocton Way would disconnect the name from Wong Ah Poo Ting and his heritage. There are other names with multiple words, e.g. Will Watch Way.
- 7.4 There are no similar or conflicting names of roads or walkways in Nelson City or the Tasman District.

8. Consultation

- 8.1 Clause 7.3 of the draft Road Naming Guidelines notes:
- "If the road is on or near a site of significance to iwi, and if an appropriate Maori name can be identified, the Hearings Panel will seek the advice of iwi over the name".*
- 8.2 The applicant has written to the eight regional iwi on 15 May 2018 explaining their request and inviting comments and suggestions. They received no replies. Refer to Attachment 4.
- 8.3 Council officers followed up on the requests in June 2018. Support for the proposed naming was received from Te Ātiawa, Ngāti Koata and Ngāti Kuia. Ngāti Rārua acknowledged the request (in September 2018) but have chosen not to comment. Ngāti Toa gave support when contacted on 23 May 2019. Ngāti Tama has chosen not to comment on the naming. The iwi that indicated an interest have acknowledged that they have been successfully contacted for advice, comments and suggestions.
- 8.4 The New Zealand China Friendship Society - Nelson Branch has been advocating for the accessway to be named Appo Hocton Way.
- 8.5 The matter has also been raised and considered by the Sister City Co-ordinating Group who also support this renaming.

9. Financial

- 9.1 The applicant has agreed to pay for all costs associated with the naming of the accessway.

10. Options

10.1 There are three options to be considered as detailed below:

Option 1: Do not name the accessway	
Advantages	<ul style="list-style-type: none"> No internal administration is required to make the change.
Risks and Disadvantages	<ul style="list-style-type: none"> Some members of the local community may be dissatisfied. The request of the family of Appo Hocton to have a public asset named in his honour will not be realised.
Option 2: Name the accessway Appo Hocton Way	
Advantages	<ul style="list-style-type: none"> Recognises the diverse contributions of an early Nelsonian. Responds to a local family request.
Risks and Disadvantages	<ul style="list-style-type: none"> Internal administration to change name in GIS, asset register etc. Some risk of challenge by other members of the community who may be unhappy with the proposed naming.
Option 3: Name the walkway something else	
Advantages	<ul style="list-style-type: none"> No known advantage.
Risks and Disadvantages	<ul style="list-style-type: none"> Time and consultation costs to develop alternative naming option Internal administration to change name in GIS, asset register. Some risk of challenge by other members of the community unhappy with the naming

11. Conclusion

- 11.1 Council has been approached by a descendant of Appo Hocton to name an un-named walkway in Washington Valley.
- 11.2 Officers are in support of Option 2, the accessway being named the Appo Hocton Way, as this would recognise a person who has made a significant contribution to the development of Nelson.

Item 5: Proposed Naming of an Accessway in Washington Valley

- 11.3 Should the naming to Appo Hocton Way proceed, it is proposed that signage (blue fingerboard) be installed at each end of the walkway, on Pioneer Crescent and Valley Heights Road.
- 11.4 Council currently uses draft guidelines on naming. All steps outlined in the guidelines, including engagement with iwi, have been carried out and officers recommend that Council proceed with naming the walkway.

Author: Callum Inns, Graduate Transport Planner

Attachments

- Attachment 1: A2011057 - Appo Hocton Walkway - Legalisation maps 13Jul2018 [↓](#)
- Attachment 2: A306318 - Draft Road Naming Guidelines [↓](#)
- Attachment 3: A1959653 - Initial naming request [↓](#)
- Attachment 4: A2026077 - Communication from applicant to iwi [↓](#)

<p>Important considerations for decision making</p>
<p>1. Fit with Purpose of Local Government</p> <p>Acknowledging the contributions of Appo Hocton through naming of this accessway fits with the purpose of Local Government to enable democratic local decision-making and action by, and on behalf of, communities.</p>
<p>2. Consistency with Community Outcomes and Council Policy</p> <p>The recommendation in this report is consistent with the following community outcomes:</p> <ul style="list-style-type: none"> • Our communities have opportunities to celebrate and explore their heritage, identity and creativity • Our Council provides leadership and fosters partnerships, a regional perspective, and community engagement. • Work to develop a Council Naming Policy is underway but the recommended decision is not inconsistent with the approach being taken by the draft policy and officers see no reason to delay a decision.
<p>3. Risk</p> <p>There is a low risk that some community members may disagree with the chosen name. There is a low to moderate risk that a geographical unofficial name, e.g. Pioneer Crescent walkway may persist.</p>
<p>4. Financial impact</p> <p>The applicant has agreed to pay for the accessway naming signs. Any future installation of an interpretation board would be managed through the Historic Places prioritisation process and budgets. The walkway naming can progress without an interpretation panel.</p>
<p>5. Degree of significance and level of engagement</p> <p>This matter is of low significance as public are not normally consulted on proposed road names.</p>
<p>6. Inclusion of Māori in the decision making process</p> <p>Eight regional iwi were written to by the applicant seeking feedback on the proposal in May 2018. No replies were received. Council officers followed up and the responses from iwi showed that there was no opposition to the naming.</p>
<p>7. Delegations</p>

Item 5: Proposed Naming of an Accessway in Washington Valley

Under paragraph 6.18.3 of the NCC Delegations Register the Hearings Panel (Other) has the following specific delegation: *"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"*.

Item 5: Proposed Naming of an Accessway in Washington Valley: Attachment 1



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R9520

Appo Hocton Walkway

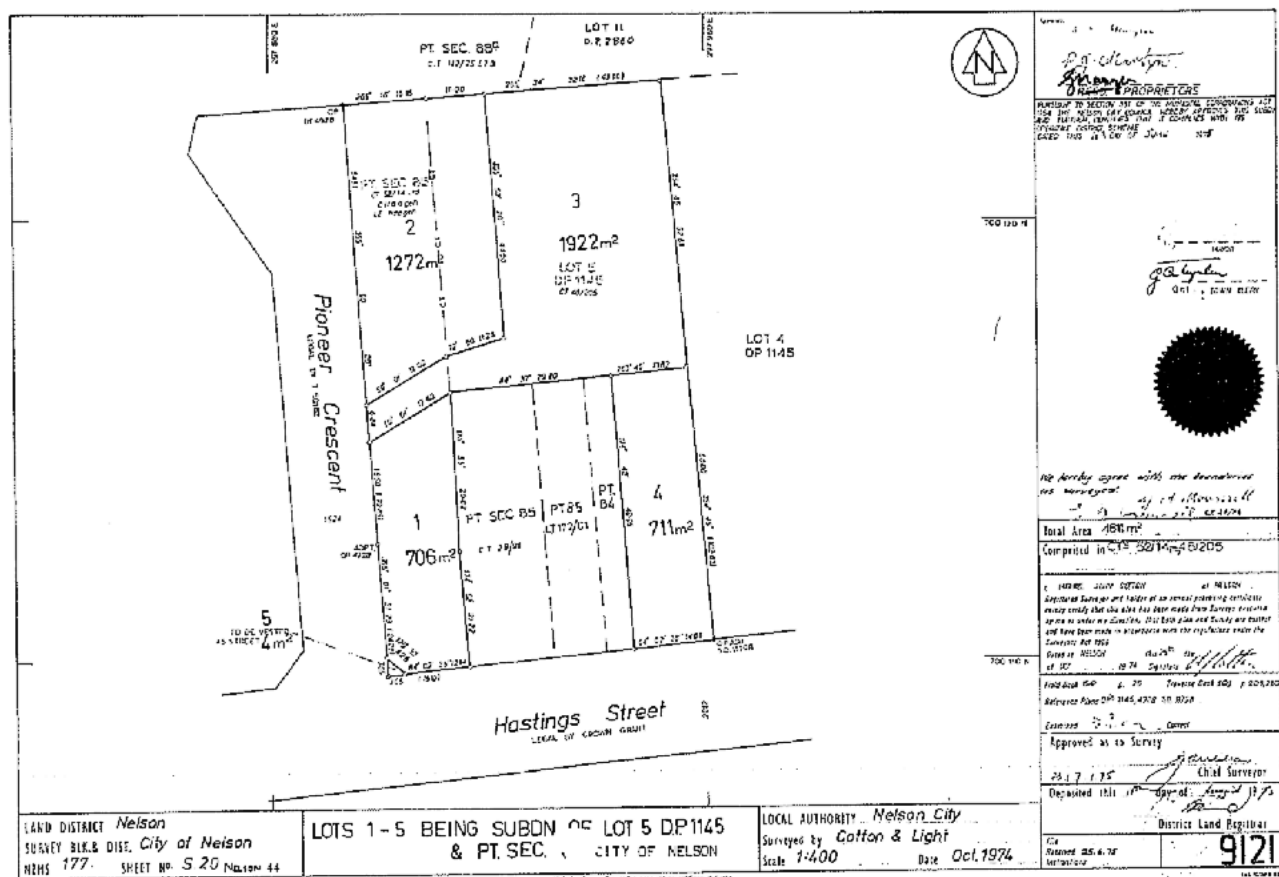


Appo Hocton Walkway



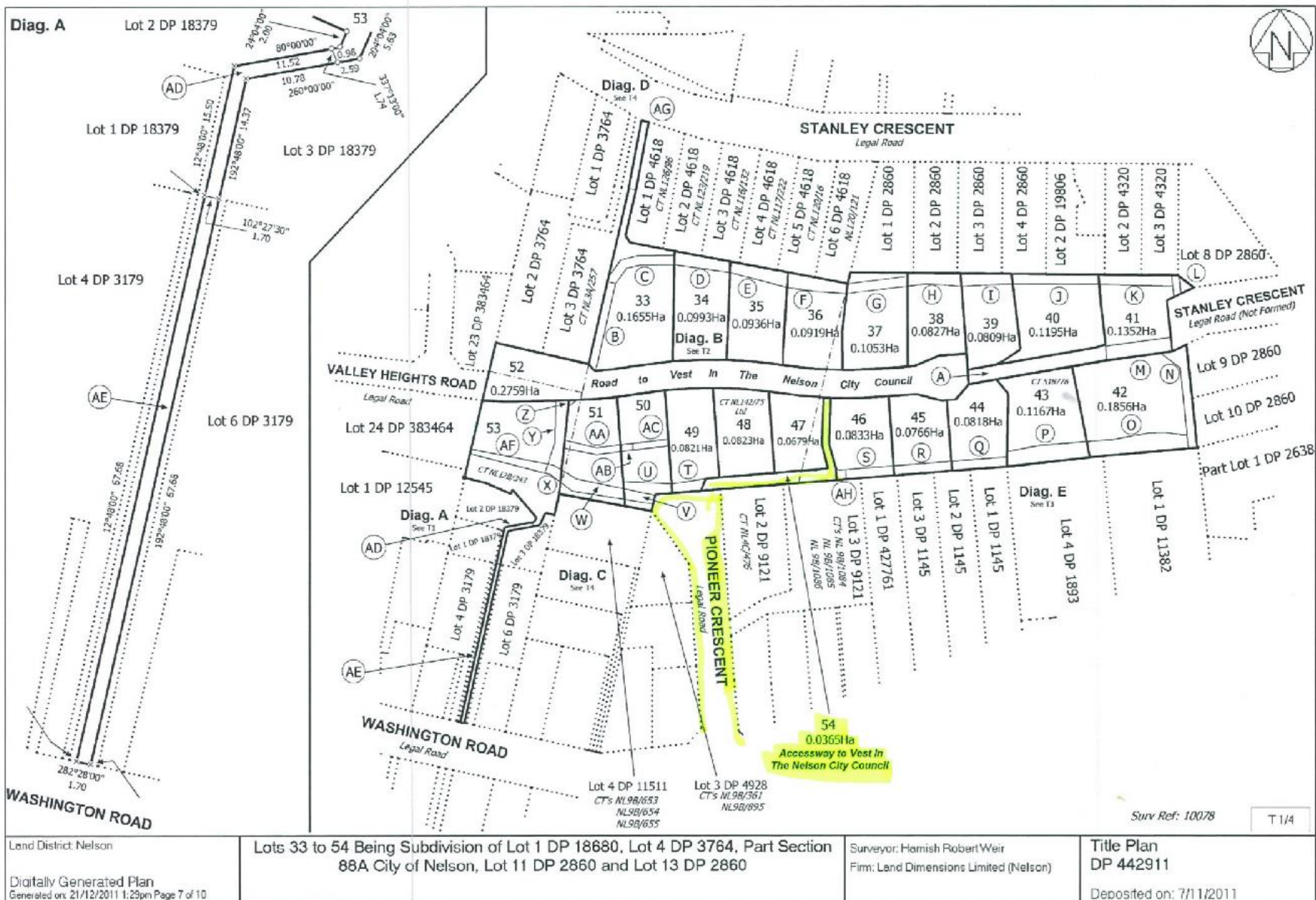
August 2018

File Ref: A2011057
MO. Original map size A4.



A2011057

A2011057



A2011057

Updated 2018

	ROAD NAMING GUIDELINES
1.	Background
1.1.	Legislative Powers
1.1.1.	Council derives its power to name roads from s.319(j) of the Local Government Act 1974: <i>“To name and to alter the name of any road, and to place on any building or erection on or abutting on any road a plate bearing the name of the road”</i>
1.1.2.	The definition of “Road” is as per the Act (see appendix 1).
1.1.3.	The power to name roads under s.319 applies only to public roads.
1.1.4.	Naming of private roads/ways: s.348 of the LGA 1974 lists Council’s powers with respect to private roads and private ways; these powers do not include the power to name private ways or private roads.
1.2.	Delegation
1.2.1.	Council has delegated the authority to name roads and other features to the Hearings Panel: <i>“Power to name all features within the city requiring naming, including roads, streets, service lands, plazas, parking areas, parks, reserves, gardens, and all public facilities or infrastructure.”</i>
2.	Naming of public roads - Procedure
2.1.	Where a new public road is created as a result of subdivision or development, the subdivider/developer is invited to provide three names for each road. The developer is asked to take account of the principles as per Section 7 of this policy.
2.2.	The names are to be submitted to the Council prior to the submission of the Survey Plan, or other document creating the road.
2.3.	(a) Where the subdivider has no wish to submit any names, and advises this in writing; or (b) Where the new road is not a result of subdivision: The reporting officer will submit a list of options with his/her report, to the Hearings Panel (report template attached).
2.4.	A list of road name options will be maintained by the Manager, Resource Consents. The list will include any Maori names which iwi may have identified as being appropriate to any particular area.
2.5.	Names submitted by either the developer (as per 2.1) or the Reporting Officer (2.3) will be accompanied by appropriate explanatory material, giving a background to the names, their origin, and their link with the area concerned.
2.6.	The Manager, Resource Consents, will maintain a register of road names already assigned to roads.
2.7.	Where land is being opened up (or following subdivision) and that land fronts an existing road, the existing street name shall be used unless the new land is clearly delineated from the existing road by way of a street roundabout, clear turning in the road etc.

Updated 2018

2.8.	Where a new stretch of road is continuous with an existing road and where there is no clear delineation, roundabout, turning etc, the new stretch of road shall carry the name of the existing road to which it links.
3.	Naming of private ways or private roads
3.1.	Private ways include private roads, private rights of way, and access lots.
3.2.	The owner/developer will be encouraged to follow the principles of this policy, particularly in terms of avoiding duplication or confusion for postal and emergency services. Council cannot require that a private way be named in accordance with the policy.
3.3.	In accepting the name given to a private way, for official purposes, Council is not required to accept a name that: <ul style="list-style-type: none"> (a) is similar in pronunciation or spelling to an existing street in the Nelson/Tasman region (b) is deemed inappropriate or which may cause offence, culturally or otherwise (c) could cause confusion or lead to misunderstanding for emergency or other essential services
3.4.	If no name has been given to the private way, Council may invite the subdividing landowner to submit a name, if required for "official purposes".
3.5.	3.5 to 3.9 below taken from Policy Decision dated 9/8/82. The nameplate must incorporate the word 'private way' in it to make it clear to the public that the access is not a public street.
3.6.	The nameplate must be maintained by the residents to a reasonable standard, as per Council's standards; if not the nameplate may be removed by the Council
3.7.	The Council is to be responsible for the erection of the nameplate and supporting post, if required, only after payment has been received, together with applicants' written acceptance of condition above
3.8.	Street numbers on request: will be allocated in terms of the Right of Way when the Right of Way provides more than 4 legal frontages.
3.9.	Properties enjoying rights over the Right of Way, if offered for sale, should be described as having frontages to a 'Private Way' or 'Right of Way' with no inference that the Row is a 'street'.
4.	Street Numbering/Property Numbering
4.1.	Council derives its right to allocate street numbers from s.319B of the LGA 1974.
4.2.	Urban Street Numbers
4.2.1.	Urban street numbers will be allocated in accordance with the <i>Aust/NZ Standard 4819:2003</i>
4.2.2.	If Council decides to allocate street numbers to lots accessed by a private way or private road, it may either: <ul style="list-style-type: none"> (a) allocate these from the public road with which it intersects; or (b) use the name of the private way/road
4.3.	Rural property numbers

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4.3.1.	Property numbers for rural residential properties will be allocated using the RAPID system – <i>to go before the Exec Team – and possibly to be incorporated into Bylaw on Property Numbering</i>
5.	Road Signage
5.1.	Road signage must conform to the Council standards, as per the Road Sign Policy, 2004 (referenced in Report no. 5897, document number 245656).
5.2.	For new public roads, and private ways, the full cost of road signage and their erection are to be paid by the relevant subdivider, developer, applicant or owner.
5.3.	For new public roads that are not the result of subdivision, costs will be borne by the Council.
5.4.	Council will be responsible for maintenance of signs on public roads.
5.5.	For signs on private ways, the owner/developer will be responsible for maintenance.
6.	Changing A Road Name
6.1.	Council does not encourage the changing of road names because of the cost, and potential confusion and inconvenience for the public, postal and emergency services. For this reason, Council will only make such a change if it considers that there are good grounds and that the change will be of clear benefit to the community.
6.2.	Reasons for changing a name may include: <ul style="list-style-type: none"> (a) Where the name is a duplication, and is causing problems for residents, postal or emergency services. (b) Where two or more roads have recently been joined and there is no easily or readily identifiable intersection. (c) Where it has become apparent that the existing name has been misspelled or is culturally insensitive or offensive.
6.3.	Where an owner or occupier of a road seeks to have the name changed, and there are no obvious compelling reasons for the change, the Council will only consider the proposal if: <ul style="list-style-type: none"> (a) the request is in the form of a petition signed by at least 80% of the owners (and occupiers)?? of the properties fronting the road; and (b) the proposed name meets the Council criteria for a road name in that locality
6.4.	In processing a change of a road name, Council will use the Special Consultative Procedure and serve copies on all occupiers or owners of land on the road concerned.

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7.	Principles/Criteria
7.1.	Names should not be the same as or similar in sound or written form to road names already in use in the Nelson/Tasman region.
7.2.	Names are not to be the same as or similar to that of any living person, if the first name and surname are to be used as the road name; if only the surname is used, this may be acceptable. Written approval must be obtained from the person the street is named for, or from the next of kin or descendants (as appropriate).
7.3.	If the road is on or near a site of significance to iwi, and if an appropriate Maori name can be identified, the Hearings Panel will seek the advice of iwi over the name.
7.4.	Maori names, if not proposed by iwi, will require the approval of iwi.
7.5.	Names should bear some relationship to the locality, and in the case of a multi-street subdivision, present a theme within the overall development; in the case of a staged development, names should continue the theme for earlier stages on the development. Where new roads are created as a result of other than subdivision activities, they should continue the theme for the locality.
7.6.	Names should be reasonably brief; the length of the name is to be related to the length of the road, ie. short names for short roads, to avoid cartographic problems.
7.7.	Names are not to be in the possessive case, eg. Hector Avenue, not Hector's Avenue. However the plural may be an appropriate alternative in certain cases, eg Queens Road.
7.8.	The use of more than one word should be avoided, unless it is of historical significance, eg Will Watch Way
7.9.	The name should not include hyphenated words.
7.10.	The name should be of straightforward spelling and pronunciation, so as to avoid confusion or misunderstanding.
7.11.	The term (ie. road, street, avenue, terrace, way etc) will be based on a definition of terms, set out in Appendix 2.

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Appendix 2

Definition of terms in use for street naming	
Avenue	Wide straight roadway or street planted either side with trees.
Boulevard *	Any wide street or broad main road.
Close	A no exit road, short in length serving a small number of properties, similar to a Place.
Court	An enclosed, uncovered area opening off a street or streets.
Crescent	A crescent shaped street generally with both ends intersecting the same street
Drive	A main connecting route in a suburb. A road with scenic attraction – a scenic road.
Gardens	An attractively landscaped cul-de-sac or crescent.
Glade	Tree covered street or a passage between trees.
Glen	A road in a narrow valley
<i>(Glade or Glen):</i>	<i>Topography should suit this kind of terminology; wrong to have glen on an exposed ridge top situation)</i>
Grove	An alleyway cut out in a wood but not extensive.
Heights	A road with an elevated view.
Hill	Applies to a feature rather than the route.
Lane	A narrow passage between hedges or buildings, an alley.
Mews	A court of close – a paved area surrounded by buildings.
Place	An open space in town; or a group of houses in town – building or area devoted to specified purposes; or a no exit road, longer than a Close with a turning circle at its blind end.
Quay	A road along a waterfront.
Ridge	A road along the ridge of a hill
Rise	An elevated road
Road	Route or way between places.
Street	Any road.
Terrace **	A street along the face or top of slope.
View	Street with an iconic or distinctive view
Way	A path or route (Council uses this term for private ROWs with vehicular access and named for identification purposes)
Parade *	Public square or promenade.
Promenade *	Public place for walking, especially paved area at seaside.
*	<i>Rarely used in Nelson City Council</i>
**	<i>This definition doesn't seem to apply to this term</i>

Item 5: Proposed Naming of an Accessway in Washington Valley: Attachment 3

A1959653 – Initial request

Original Message-----

>>> From: Priscilla [<mailto:priscillas@xtra.co.nz>]

>>> Sent: Friday, 15 December 2017 9:34 a.m.

>>> To: Council Enquiries (Enquiry) <NCCEnquiry@ncc.govt.nz>

>>> Subject: Attention Parks Team

>>>

>>> Hello Parks Team

>>>

>>> As part of the Heritage Festival 9th-22nd April 2018, we were hoping that it might be possible to hold an event naming the walkway from the no exit end of Pioneer Cres to Valley Hts after Appo Hocton. This walkway doesn't appear to have a name, and Appo Hocton owned land in this area and built several cottages there, three of which are still in Hastings Street. This was in the mid 1800's. As he has nothing named after him we thought it would be appropriate to have his name connected to this walkway. He also had property in Tory Street. He did contract work with his bullock team which was housed near where the Suter Art Gallery now is, and undertook work carting fill for what is now Pioneers Park, and also the upgrade of Trafalgar Street and other upgrading work in Waimea Rd, Collingwood, Milton and Nile Streets. He was a well known businessman and personality in Nelson, and later on in Dovedale. He arrived in Nelson on the 'Thomas Harrison' in 1842, and was the first Chinese person in New Zealand to become a naturalised citizen.

>>>

>>> We attended a meeting on Tuesday evening (12th December) at which Tom Ransom (NCC Heritage Advisor) asked for ideas for next year's Heritage Festival and he thought the walkway 'project' would be worth following up. Who/how do we approach this as we are not sure what to do next?

>>> Could we talk to someone from the Parks team early next year as we and other ancestors of Appo are really keen to see a local place with his name on it. Any other information re Appo Hocton is in the book written about him available at the Nelson Public Library (and Tom has a copy as well).

>>>

>>> Thank you in advance for considering this project.

>>>

>>> Alvin (and Priscilla) Schroder and other numerous ancestors of Appo Hocton.

>>>

>>>

>>> 135 Washington Road

>>>

>>> ph 5488031 / 0274605774

>>>

>>>

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Item 5: Proposed Naming of an Accessway in Washington Valley: Attachment 3

A1959653 – Initial request

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A2026077 – Iwi request

Hello Kayleen

Thank you for your email. To answer your questions - We are happy to pay for the signs, and 'Appo Hocton Way' is fine with us as well.

I emailed the eight regional iwi groups on 15 May 2018 with a covering letter explaining reasons why we would like Appo's name on the 'way', and for their comments or suggestions. None of them have so far replied! I asked them to contact either me or Paul Harrington, and I'm pretty sure he has had no replies either.

Ngati Apa ki te Ra To

Ngati Koata

Ngati Kuia

Ngati Rarua

Ngati Tama ki Te Tau Ihu

Ngati Toa Rangatira

Rangitane o Wairau

Te Atiawa o Te Waka-a-Maui

are the names that I contacted.

Kia ora

We are writing to your iwi on behalf of descendants of our ancestor Appo Hocton. We were advised to consult your iwi for comments and if you would like to be engaged regarding the naming of a walkway in Washington Valley, Nelson. The walkway runs from the end of Pioneers Crescent to Valley Heights. Our ancestor Appo Hocton who arrived in Nelson in 1842 on board 'The Thomas Harrison', and a group of us consider it appropriate to acknowledge his memory in naming this walkway after him (at present it is not named).

We have been consulting with Paul Harrington of the Nelson City Council Parks Team, and he advised us to contact the 8 Nelson iwis for any comments or input on what we would like to do regarding this 'project'. There are no other streets, roads, walkways or public areas named after Appo. He owned land in Washington Valley, lived there and built several cottages of which 3 are still in existence (in Hastings Street) and occupied. This was in the mid 1880's. He also owned land in Tory and Brook Streets. He did contract work with his bullock team which was housed near where the Suter Art Gallery is now (Albion Square), and undertook work carting fill for what is now Pioneers Park. Also worked with his bullock team upgrading Trafalgar Street, Waimea Road, Collingwood, Milton and Nile Streets. He was a well known businessman and identity in Nelson, and later when he moved to Dovedale and bought land there, and built several dwellings. He was the first Chinese person to become a naturalized New

A2026077 – Iwi request

Zealand. In 2010 a book on his life was published, written by Karen Stade - 'Appo Hocton (Wong Ah Poo Hoc Ting): New Zealand's first Chinese immigrant, Nelson 1842-1920'. The book is available at Nelson Public Library, and copies are available from the Nelson Branch of the Chinese Friendship Society. There is also much information on the internet about Appo.

We would love to have any comments or suggestions re naming this walkway, either to Paul Harrington at NCC Parks Team paul.harrington@ncc.govt.nz or Alvin and Priscilla Schroder priscillas@xtra.co.nz by 11 June 2018

With many thanks for reading and considering this

Alvin and Priscilla Schroder (and many descendants of Appo Hocton)

(Alvin and Priscilla's details : **ph: 03 5488031**, **em:** priscillas@xtra.co.nz **address: 135 Washington Road, Stepneyville,**

Nelson 7010

Application for change of street name suffix

1. Purpose of Report

- 1.1 To approve or decline the change of road name suffix from "Ridge" to "Close" for Huntaway Ridge.

2. Recommendation

That the Hearings Panel - Other

- 1. Receives the report Application for change of street name suffix of Huntaway Ridge (R10379) and its attachments (A2233032 and A2235719); and***
- 2. Approves the suffix "Close" with the road being named "Huntaway Close".***

3. Background

- 3.1 The name of "Huntaway Ridge" was approved by the Hearings Panel on 9 November 2017, under Report Number 8547.
- 3.2 This road name was included in the update sent to Land Information NZ (LINZ) in June 2019, following issue of the Section 224 Certification for this stage of the subdivision.
- 3.3 LINZ subsequently advised that the suffix "Ridge" does not meet the current road naming criteria in the Standard AS/NZS 4819:2011. The applicant has therefore requested that the suffix be changed to "Close" as it is a cul-de-sac. See attachment 2 for location map.

4. Discussion

- 4.1 The suffix "Close" complies with the Standard AS/NZS 4819:2011 (Geographic Information – Rural and urban addressing). The road type "Close" is defined in the Standard as a "short enclosed roadway". (See Attachment 1, A2233032). This road is a cul-de-sac which complies with the description of "Close".

Item 6: Application for change of street name suffix

5. Options

5.1 The Hearings Panel has three options:

- 5.1.1 To approve the suffix "Close" in place of "Ridge" for the road currently named "Huntaway Ridge"; or
- 5.1.2 To decline the suffix and to ask the Developer to submit an alternative suffix; or
- 5.1.3 To select an alternative suffix from the approved Road Types in the Standard AS/NZS 4819:2011

Author: Kathy Mardon, Consents Subdivision Administrator

Attachments

- Attachment 1: A2233032 AS NS 4819 2011 - Appendix B - New Zealand Road Types [↓](#)
- Attachment 2: A2235719 - Street Naming Change Huntaway Ridge to Huntaway Close [↓](#)

Important considerations for decision making
1. Fit with Purpose of Local Government The Council has the authority to name roads, pursuant to s.319(j) of the Local Government Act 1974.
2. Consistency with Community Outcomes and Council Policy The decision in this report supports the following community outcome: Our Council provides leadership and fosters partnerships, a regional perspective and community engagement.
3. Risk This is a low risk decision as the road name has previously been approved by the Hearings Panel; the proposed change of suffix does not result in any confusion to the public or emergency services.
4. Financial impact No additional resources are required
5. Degree of significance and level of engagement This matter is of low significance as the decision on the road name has been made previously, and therefore no consultation is planned.
6. Inclusion of Māori in the decision making process No engagement with Māori has been undertaken in preparing this report.
7. Delegations Under paragraph 6.18.3 of the Nelson City Council's Delegations Register, the Hearings Panel has the following specific delegation: <i>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.</i>

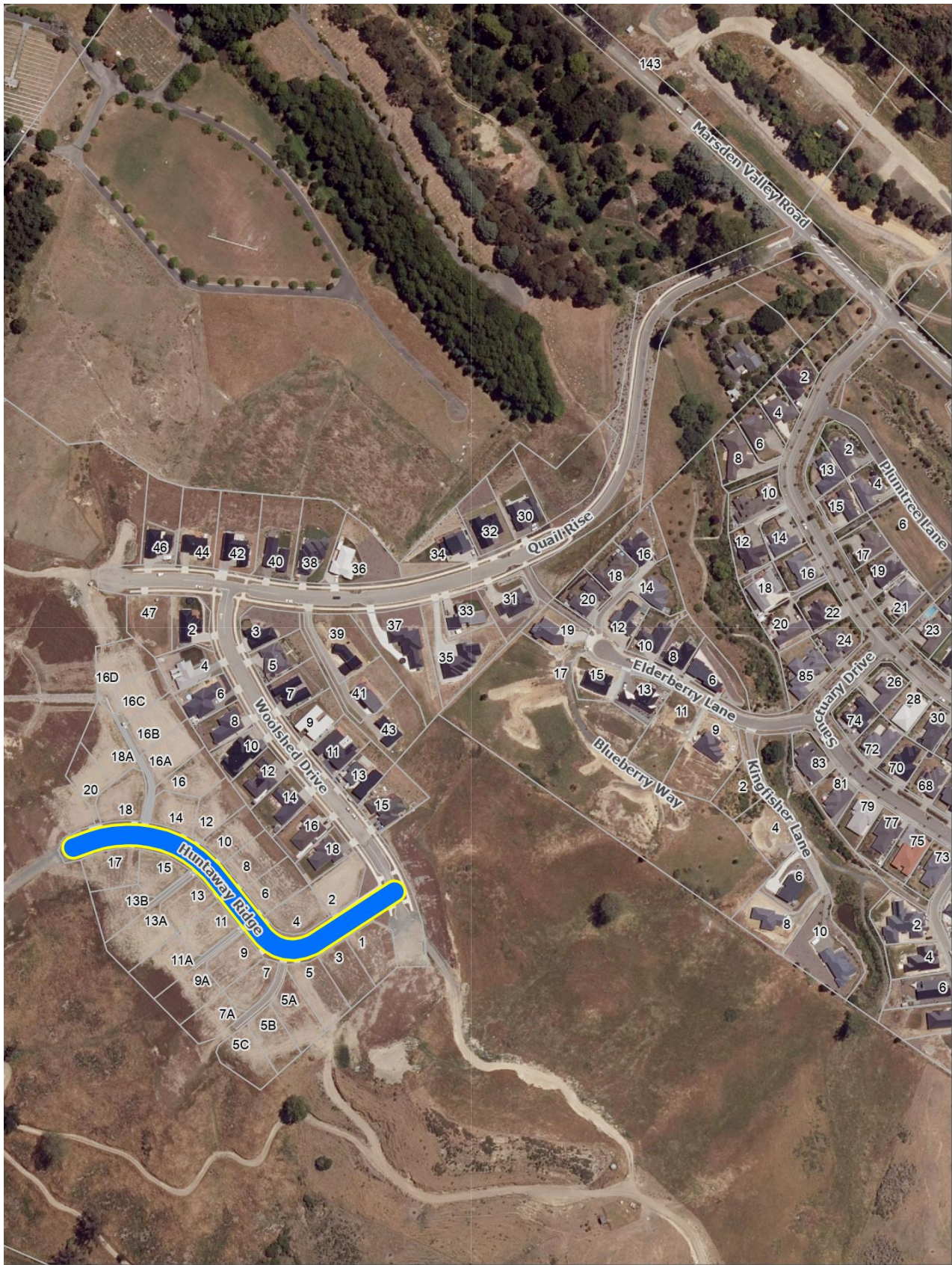
ATTACHMENT 1

AS/NZS 4819:2011 -Appendix B - Road Types New Zealand

NEW ZEALAND ROAD TYPES					
Road type	Abbrev	Description	Open ended	Cul-de-sac	Pedestrian only
Alley	Aly	Usually narrow roadway in a city or town	x	x	
Arcade	Arc	Covered walkway with shops along the sides			x
Avenue	Ave	Broad roadway, usually planted on each side with trees	x		
Boulevard	Blvd	Wide roadway, well paved, usually ornamented with trees and grass plots	x		
Circle	Cir	Roadway that generally forms a circle, or a short enclosed roadway bounded by a circle	x	x	
Close	Cl	Short enclosed roadway		x	
Court	Crt	Short enclosed roadway, usually surrounded by buildings		x	
Crescent	Cres	Crescent shaped roadway, especially where both ends join the same thoroughfare	x		
Drive	Dr	Wide main roadway without may cross-streets	x		
Esplanade	Esp	Level roadway along the seaside, lake, or a river	x		
Glade	Gld	Roadway usually in a valley of trees	x	x	
Green	Grn	Roadway often leading to a grassed public recreation area		x	
Grove	Grv	Roadway that features a group of trees standing together		x	
Highway	Hwy	Main thoroughfare between major destinations	x		
Lane	Lane	Narrow roadway between walls, buildings or a narrow country roadway	x	x	x

Document A2233032

Road type	Abbrev	Description	Open ended	Cul-de-sac	Pedestrian only
Loop	Loop	Roadway that diverges from and rejoins the main thoroughfare	x		
Mall	Mall	Wide walkway, usually with shops along the sides			x
Mews	Mews	Roadway in a group of houses		x	
Parade	Pde	Public roadway or promenade that has good pedestrian facilities along the side	x		
Place	Pl	Short, sometimes narrow, enclosed roadway		x	
Promenade	Prom	Wide flat walkway, usually along the water's edge			x
Quay	Qy	Roadway alongside or projecting into water	x	x	
Rise	Rise	Roadway going to a higher place or position	x	x	
Road	Rd	Open roadway primarily for vehicles	x		
Square	Sq	Roadway which generally forms a square shape, or an area of a roadway bounded by four sides	x	x	
Steps	Stps	Walkway consisting mainly of steps			x
Street	St	Public roadway in an urban area, especially where paved and with footpaths and buildings along one or both sides	x		
Terrace	Tce	Roadway on a hilly area that is mainly flat	x	x	
Track	Trk	Walkway in a natural setting			x
Walk	Walk	Thoroughfare for pedestrians			x
Way	Way	Short enclosed roadway		x	x
Wharf	Whrf	A roadway on a wharf or pier	x	x	x



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 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 of any kind is given as to the accuracy or completeness of the information represented. Nelson City Council information is licensed under a Creative Commons Attribution 4.0 International license and the use of any data or plan or any information downloaded must be in accordance with the terms of that license. For more information please contact us.

Huntaway Ridge to be changed to Huntaway Close

Road Naming Application
R10379



 Road to be renamed

0 25 50 75 100
m

July 2019
A2235719

File Ref: A2235719
JIT: Original map size A4.

Temporary Road Closures - The Nelson Arts Festival, Mask Parade, Santa Parade, Christmas Carols, New Year's Eve Countdown, Buskers Festival, Trafalgar Street Market Day and the Nelson Long Lunch.

1. Purpose of Report

- 1.1 To approve the temporary road closure applications in this report.

2. Recommendation

That the Hearings Panel - Other

- 1. Receives the report Temporary Road Closures - The Nelson Arts Festival, Mask Parade, Santa Parade, Christmas Carols, New Year's Eve Countdown, Buskers Festival, Trafalgar Street Market Day and the Nelson Long Lunch. (R10182) and its attachments (A2197302, A2022870, A2066642, A2088912, A2088959, A2079322, A2237523, A2234652 and A2227645); and***
- 2. Approves the following temporary road closures (as per report R10182):***
 - 16 to 29 Oct 2019, Nelson Arts Festival (A2197302);***
 - 18 to 19 Oct 2019, Mask Parade (A2022870);***
 - 1 Dec 2019, Santa Parade (A2066642);***
 - 31 Dec 2019 to 1 Jan 2020, New Year's Eve (A2088959);***

Item 7: Temporary Road Closures - The Nelson Arts Festival, Mask Parade, Santa Parade, Christmas Carols, New Year's Eve Countdown, Buskers Festival, Trafalgar Street Market Day and the Nelson Long Lunch.

- 24 Dec 2019, Christmas Carols (A208812);

- 30 Jan to 2 Feb 2020, Buskers Festival 2020 (A2234652);

- 1 Feb 2020, Trafalgar Street Market Day 2020 (A2234652);

- 3 Feb 2020, Nelson Long Lunch (A2227645).

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.
- 3.2 Applications are being presented earlier this year due to difficulty holding hearings over the election period.
- 3.3 It is a requirement that consultation with the New Zealand Transportation Agency (NZTA) is undertaken to temporarily close any road under Schedule 10 Clause 11 of the Local Government Act 1974. Nelson City Council and NZTA have an agreement that specific consultation is only required if the closure affects state highway or their assigned detour routes.

4. Discussion

Nelson Arts Festival 2019

- 4.1 Council officers received an application on 28 May 2019 from event organisers to close the roads listed below (as shown in attachment 1) to enable the Piki Mai light display on the Cawthron Steps.
- 4.1.1 5.00am Wednesday 16 October until 6.00am Tuesday 29 October:
- Upper Trafalgar Street from Selwyn Place to Hardy Street
- 4.1.2 Friday 18 October until Tuesday 29 October, 7.30pm – midnight daily:
- Selwyn Place from Trafalgar Square East to Trafalgar Square West
- 4.2 Consultation with NZTA has not been undertaken due to this event not having any impact on the State Highway or its detour routes. Consultation with Police has been undertaken and they have given approval for this event.

Item 7: Temporary Road Closures - The Nelson Arts Festival, Mask Parade, Santa Parade, Christmas Carols, New Year's Eve Countdown, Buskers Festival, Trafalgar Street Market Day and the Nelson Long Lunch.

- 4.3 As per clause 11(e) of schedule 10 of the Local Government Act 1974, this proposed road closure will not exceed the aggregate of 31 days for any year.
- 4.4 As per clause 11A of schedule 10 of the Local Government Act 1974, Council placed a notification in Our Nelson on 12 June 2019 to notify of its intention to close these roads and inviting feedback by 28 June 2019. The advertisement was also placed on the council website. No feedback from the public was received.
- 4.5 The applicant's traffic management provider, Nelmac has also requested Park Street be closed for this event during the times Selwyn Place is closed. Park Street has no turning space and will be closed at Selwyn Place, so closing it will prevent congestion and the risk of vehicles being unable to exit the street.
- 4.6 This event will be covered by resource consent RM125912 for noise and evidence of public liability insurance has been provided.
- 4.7 The applicant is aware that Council is considering summertime closure or making Upper Trafalgar Street a permanent pedestrian area. The outcome of the Council decision is unknown at the time of report writing but the applicant is aware they may have to alter traffic management plans (TMPs) and event layout to accommodate whatever decision is made.
- 4.8 Council officers are satisfied that the road closure will not unreasonably impede traffic because alternative routes are available and the extent and duration is limited. Council officers recommend that this application be approved with the inclusion of Park Street.

Nelson Mask Parade 2019

- 4.9 Council officers received an application from Nelson Mask Parade organisers on 28 May 2019 to close the roads listed below (as shown in attachment 2) for the Mask Parade and Carnivale. This application also included a wet weather contingency day for the parade only on Sunday 20 October at 5pm.
- 4.9.1 7.00am Friday 18 October until 3.00am Saturday 19 October:
- Upper Trafalgar Street from Selwyn Place to Hardy Street
- 4.9.2 9.00am Friday 18 October until 3.00am Saturday 19 October:
- Hardy Street from Trafalgar Street to Church Street
- 4.9.3 2.00pm until 7.00pm Friday 18 October:
- North half of Montgomery Square Car Park
 - Entrance to Montgomery Carpark from Bridge Street
- 4.9.4 3.30pm until 7.00pm Friday 18 October:

Item 7: Temporary Road Closures - The Nelson Arts Festival, Mask Parade, Santa Parade, Christmas Carols, New Year's Eve Countdown, Buskers Festival, Trafalgar Street Market Day and the Nelson Long Lunch.

- Church Street
- Hardy Street from Montgomery Square to Church Street
- Haven Road from Wakatu Lane to Bridge Street

4.9.5 From 3.30pm Friday 18 October until 3.00am Saturday 19 October:

- Park Street
- Morrison Street
- Trafalgar Street from Hardy Street to Bridge Street
- Hardy Street from Trafalgar Street to Hope Street
- Selwyn Place from Sussex Street to Trafalgar Square West

- 4.10 Consultation with NZTA has not been undertaken due to this event not having any impact on the state Highway or its detour routes. Consultation with Police has been undertaken and they have given approval for this event.
- 4.11 As per clause 11(e) of schedule 10 of the Local Government Act 1974, this proposed road closure will not exceed the aggregate of 31 days for any year.
- 4.12 As per clause 11A of schedule 10 of the Local Government Act 1974, Council placed a notification in Our Nelson on 12 June 2019 to notify of its intention to close these roads and inviting feedback until 28 June 2019. The advertisement was also placed on the council website. No feedback from the public was received.
- 4.13 The applicant's traffic management provider Nelmac has also requested the closure of Hardy Street be extended to Collingwood intersection from 3.30pm until 7.00pm and include Hope Street to stop traffic turning into Hardy Street from the intersection.
- 4.14 This event will be covered by resource consent RM125912 for noise and evidence of public liability insurance has been provided.
- 4.15 Access for buses will be managed by onsite traffic management staff and the organisers will be liaising with the bus company regarding this.
- 4.16 The applicant is aware that Council is considering summertime closure or making Upper Trafalgar Street a permanent pedestrian area. The outcome of the Council decision is unknown at the time of report writing but the applicant is aware they may have to alter TMPs and event layout to accommodate whatever decision is made.
- 4.17 Council officers are satisfied that the road closure will not unreasonably impede traffic because alternative routes are available, the extent and duration is limited and there have been no issues raised in the past years this event has been run. Council officers recommend that this application be approved with the extension of Hardy Street to Collingwood Intersection and the addition of Hope Street.

Item 7: Temporary Road Closures - The Nelson Arts Festival, Mask Parade, Santa Parade, Christmas Carols, New Year's Eve Countdown, Buskers Festival, Trafalgar Street Market Day and the Nelson Long Lunch.

Santa Parade

- 4.18 In anticipation of a formal request, council officers initiated the process to close the roads listed below (as shown in attachment 3) on Sunday 1 December 2019 between the hours of 2.00pm and 6.00pm for the Nelson Santa Parade. A wet weather contingency day for the parade is Sunday 8 December.
- 4.18.1 Hathaway Terrace
- 4.18.2 Trafalgar Street from Grove Street to Hardy Street (including Halifax Street and Bridge Street intersections)
- 4.18.3 Hardy Street from Rutherford Street to Collingwood Street
- 4.18.4 Morrison Street
- 4.18.5 Hope Street
- 4.19 Consultation with NZTA has not been undertaken due to this event not having any impact on the state Highway or its detour routes. Consultation with Police has been undertaken and they have given approval for this event.
- 4.20 As per clause 11(e) of schedule 10 of the Local Government Act 1974, this proposed road closure will not exceed the aggregate of 31 days for any year.
- 4.21 As per clause 11A of schedule 10 of the Local Government Act 1974, Council placed a notification in Our Nelson on 24 July 2019 to notify of its intention to close these roads and inviting feedback until 2 August 2019. The advertisement was also placed on the council website. No feedback was received.
- 4.22 At the time of writing this report, no Santa Parade organiser has been appointed, but to ensure there are no delays when an organiser is found, the festival team has requested the road closures be processed. When the event organiser is confirmed, evidence of public liability insurance and a TMP will be required.
- 4.23 Council officers are satisfied that the road closure will not unreasonably impede traffic because alternative routes are available, the extent and duration is limited and there have been no issues raised in the past years this event has been run. Council officers recommend that this application be approved.

Christmas Carols

- 4.24 Council officers initiated the process to close Selwyn Place (as shown in attachment 4) on Tuesday 24 December 2019 between the hours of

Item 7: Temporary Road Closures - The Nelson Arts Festival, Mask Parade, Santa Parade, Christmas Carols, New Year's Eve Countdown, Buskers Festival, Trafalgar Street Market Day and the Nelson Long Lunch.

7.00pm and 11.00pm to enable the annual Christmas Carols to be held at the Cawthron Steps.

- 4.25 Consultation with NZTA has not been undertaken due to this event not having any impact on the state Highway or its detour routes. Consultation with Police has been undertaken for this event and they have given their approval.
- 4.26 As per clause 11(e) of schedule 10 of the Local Government Act 1974, this proposed road closure will not exceed the aggregate of 31 days for any year.
- 4.27 This event will be covered by resource consent RM125912 for noise and will be covered by Council's public liability insurance.
- 4.28 As per clause 11A of schedule 10 of the Local Government Act 1974, Council placed a notification in Our Nelson on 29 May 2019, to notify of its intention to close these roads and inviting feedback until 7 June 2019. The advertisement was also placed on the council website. No feedback was received.
- 4.29 Council officers are satisfied that the road closure will not unreasonably impede traffic because alternative routes are available, the extent and duration is limited and there have been no issues raised in the past years this event has been run. Council officers recommend that this application be approved.

New Years

- 4.30 Council officers received an application from Creative Event Logistics on 12 July 2019 to close the roads listed below (as shown in attachment 5) 5.00am Tuesday 31 December 2019 until 12.00pm Wednesday 1 January 2020, to enable the annual New Year's Eve countdown and entertainment at the Cawthron Steps.
- Selwyn Place from Trafalgar Square East to Trafalgar Square West
 - Trafalgar Street from Hardy Street to Selwyn Place
- 4.31 Consultation with NZTA has not been undertaken due to this event not having any impact on the State Highway or its detour routes. Consultation with Police has been undertaken and they have given approval for this event.
- 4.32 As per clause 11(e) of schedule 10 of the Local Government Act 1974, this proposed road closure will not exceed the aggregate of 31 days for any year.
- 4.33 As per clause 11A of schedule 10 of the Local Government Act 1974, Council placed a notification in Our Nelson on 24 July 2019 to notify of its intention to close these roads and inviting feedback until 2 August 2019.

Item 7: Temporary Road Closures - The Nelson Arts Festival, Mask Parade, Santa Parade, Christmas Carols, New Year's Eve Countdown, Buskers Festival, Trafalgar Street Market Day and the Nelson Long Lunch.

The advertisement was also placed on the council website. No feedback was received.

- 4.34 The applicant is aware that Council is considering summertime closure or making Upper Trafalgar Street a permanent pedestrian area. The outcome of the Council decision is unknown at the time of report writing but the applicant is aware they may have to alter TMPs and event layout to accommodate whatever decision is made.
- 4.35 Council officers are satisfied that the road closure will not unreasonably impede traffic because alternative routes are available, the extent and duration is limited and there have been no issues raised in the past years this event has been run. Council officers recommend that this application be approved.

Buskers Festival

- 4.36 Council officers received an application on 30 July 2019 from Three Bridges Productions limited to close the roads listed below (as shown in attachment 7) to enable the Buskers festival to take place:
 - 4.36.1 Trafalgar Street from Hardy Street to Selwyn Place 30 January Thursday 30 January to Sunday 2 February 2020
 - 4.36.2 Selwyn Place from Church Street to Trafalgar Square from Saturday 1 February to Sunday 2 February 2020, 3.00pm – 11.00pm daily
- 4.37 Consultation with NZTA has not been undertaken due to this event not having any impact on the state Highway or its detour routes.
- 4.38 Consultation with Police has been undertaken for this event and they have given their approval.
- 4.39 As per clause 11(e) of schedule 10 of the Local Government Act 1974, this proposed road closure will not exceed the aggregate of 31 days for any year.
- 4.40 As per clause 11A of schedule 10 of the Local Government Act 1974, Council placed a notification in Our Nelson on 7 August 2019, to notify of its intention to close these roads and inviting feedback until 21 August. The advertisement was also placed on the council website. Any feedback received regarding this closure will be presented to the Hearings Panel – other at the time of the meeting.
- 4.41 This event will be covered by resource consent RM125912 for noise and evidence of public liability insurance has been provided. Council staff will work with the applicant's appointed traffic management provider regarding traffic management for this event.

Item 7: Temporary Road Closures - The Nelson Arts Festival, Mask Parade, Santa Parade, Christmas Carols, New Year's Eve Countdown, Buskers Festival, Trafalgar Street Market Day and the Nelson Long Lunch.

- 4.42 Council officers are satisfied that the road closure will not unreasonably impede traffic because alternative routes are available, the extent and duration is limited and there have been no issues raised in the past years this event has been run. Council officers recommend that this application be approved.

Trafalgar Street Market Day 2020

- 4.43 Council officers received an application from Uniquely Nelson limited on 25 July 2019 to close Trafalgar Street from Bridge Street to Hardy Street (as shown in attachment 8) on Saturday 1 February 2020, 5.00am – 5.00pm for the annual Trafalgar Street Market Day.
- 4.44 Consultation with NZTA has not been undertaken due to this event not having any impact on the state Highway or its detour routes.
- 4.45 Consultation with Police has been undertaken for this event and they have given their approval.
- 4.46 As per clause 11(e) of schedule 10 of the Local Government Act 1974, this proposed road closure will not exceed the aggregate of 31 days for any year.
- 4.47 As per clause 11A of schedule 10 of the Local Government Act 1974, Council placed a notification in Our Nelson on 7 August 2019, to notify of its intention to close these roads and inviting feedback until 21 August. The advertisement was also placed on the council website. Any feedback received regarding this closure will be presented to the Hearings Panel – other at the time of the meeting.
- 4.48 This event does not require a resource consent for noise and evidence of public liability insurance can be provided. Council staff will work with the applicant's appointed traffic management provider regarding traffic management for this event.
- 4.49 Council officers are satisfied that the road closure will not unreasonably impede traffic because alternative routes are available, the extent and duration is limited and there have been no issues raised in the past years this event has been run. Council officers recommend that this application be approved.

Nelson Long Lunch

- 4.50 Council officers received an application from the Multi Events Ltd on 11 July 2019 to close Hardy Street between Trafalgar Street and Collingwood Street, including intersections with Park Street, Morrison Street and Hope Street (as shown in attachment 9) for the Nelson Long Lunch. The proposed closure is from 7.00am until 6.00pm.
- 4.51 The Long Lunch is a well-established event that has successfully run in Arrowtown, Central Otago for a number of years. The event company is

Item 7: Temporary Road Closures - The Nelson Arts Festival, Mask Parade, Santa Parade, Christmas Carols, New Year's Eve Countdown, Buskers Festival, Trafalgar Street Market Day and the Nelson Long Lunch.

planning to establish a similar event for the Nelson community and tourists in 2020. Long tables are run down the centre of the street where people can take a seat at the table, choose to order lunch from a special menu created by any of the participating restaurants and cafes nearby. The lunch is supported by surrounding entertainment.

- 4.52 Consultation with NZTA has not been undertaken due to this event not having any impact on the State Highway or its detour routes. Consultation with Police has been undertaken and they have given approval for this event.
- 4.53 As per clause 11(e) of schedule 10 of the Local Government Act 1974, this proposed road closure will not exceed the aggregate of 31 days for any year.
- 4.54 As per clause 11A of schedule 10 of the Local Government Act 1974, Council placed a notification in Our Nelson on 24 July 2019, to notify of its intention to close these roads and inviting feedback until 2 August 2019. The advertisement was also placed on the council website. No feedback was received.
- 4.55 This event does not require a resource consent for noise and evidence of public liability insurance has been provided. Council staff are working with the applicant's traffic management provider, Nelmac regarding traffic management for this event.
- 4.56 Council officers are satisfied that the road closure will not unreasonably impede traffic because alternative routes are available and the extent and duration of the closure is limited. Council officers recommend that this application be approved.

5. Options

- 5.1 The Hearings Panel - Other has two options, either to approve or decline the temporary road closure applications. Officers recommend approving the temporary road closures for these events.

Author: **Melissa Ramsay, Roading Network Coordinator**

Attachments

Attachment 1: A2197302 - Road Closure Map - Nelson Arts Festival 2019 [↓](#)

Attachment 2: A2022870 - Road Closure Map - Mask Parade [↓](#)

Attachment 3: A2066642 - Road Closure Map - Santa Parade [↓](#)

Item 7: Temporary Road Closures - The Nelson Arts Festival, Mask Parade, Santa Parade, Christmas Carols, New Year's Eve Countdown, Buskers Festival, Trafalgar Street Market Day and the Nelson Long Lunch.

Attachment 4: A2088912 - Road Closure Map - Christmas Carols [↓](#)

Attachment 5: A2088959 - Road Closure Map - New Years Eve [↓](#)

Attachment 6: A2237523 - Road Closure Map - Buskers Festival [↓](#)

Attachment 7: A2234652 - Road Closure Map - Trafalgar Street Market Day 2020 [↓](#)

Attachment 8: A2227645 - Road Closure Map - Long Lunch [↓](#)

Item 7: Temporary Road Closures - The Nelson Arts Festival, Mask Parade, Santa Parade, Christmas Carols, New Year's Eve Countdown, Buskers Festival, Trafalgar Street Market Day and the Nelson Long Lunch.

Important considerations for decision making

1. Fit with Purpose of Local Government

The following are applicable:

- 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

If the temporary road closures are not approved, these community events are at risk of not going ahead.

4. Financial impact

There is no financial impact to Council for these road closures.

5. Degree of significance and level of engagement

This matter is of medium significance because of the number of people affected and the short duration of the events. A request for feedback was advertised in Our Nelson and on the Council's website.

6. Inclusion of Māori in the decision making process

No engagement with Māori has been undertaken in preparing this report.

7. Delegations

The Hearings Panel - Other has the following delegations to consider temporary road closures:

Functions:

To conduct hearings and/or determine under delegated authority applications relating to the Dog Control Act 1996, all matters relating to Temporary Road Closures pursuant to Schedule 10 clause 11(e) of the Local Government Act 1974, matters relating to naming features within the city, and any other matters required for determination by Council under legislation as determined by Council.

Item 7: Temporary Road Closures - The Nelson Arts Festival, Mask Parade, Santa Parade, Christmas Carols, New Year's Eve Countdown, Buskers Festival, Trafalgar Street Market Day and the Nelson Long Lunch.: Attachment 1



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Proposed Road Closure

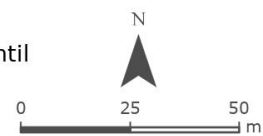
Nelson Arts Festival 2019



Legend

— 5am Wednesday 16 October until
6am Tuesday 29 October 2019

— Friday 18 October until
Tuesday 29 October 2019
7.30pm – Midnight daily



May 2019

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

File Ref: A2197302
MO. Original map size A4.

Item 7: Temporary Road Closures - The Nelson Arts Festival, Mask Parade, Santa Parade, Christmas Carols, New Year's Eve Countdown, Buskers Festival, Trafalgar Street Market Day and the Nelson Long Lunch.: Attachment 2



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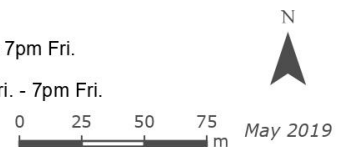
Road Closure Times

2019 Masked Parade



Fri. 18th to Sat. 19th October 2019

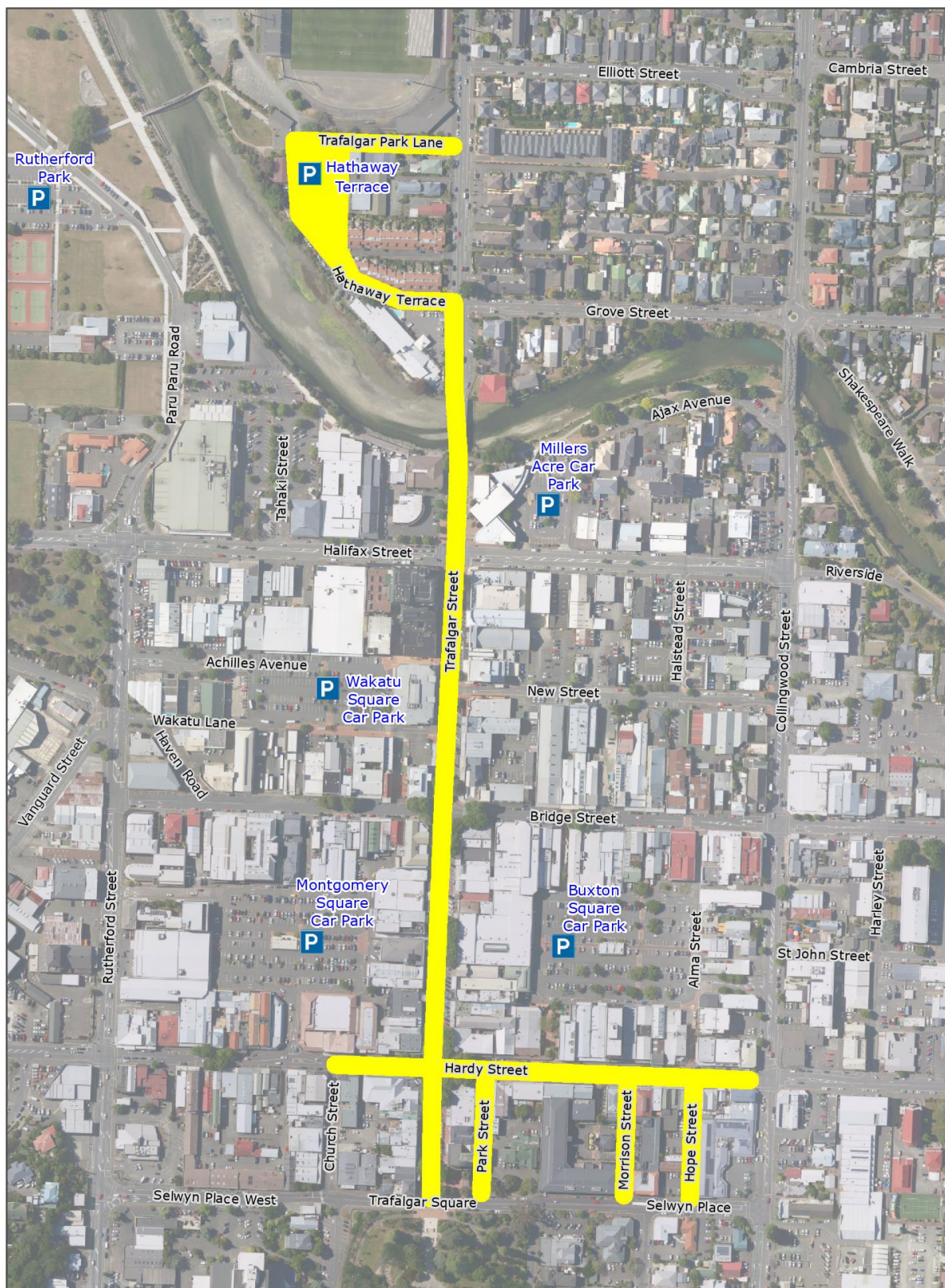
- | | |
|--|--|
| — 7am Fri. - 3am Sat. | — 2pm Fri. - 7pm Fri. |
| — 9am Fri. - 3am Sat. | — 3.30pm Fri. - 7pm Fri. |
| — 3.30pm Fri. - 3am Sat. | |



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File Ref: A2022870
MO. Original map size A4.

Item 7: Temporary Road Closures - The Nelson Arts Festival, Mask Parade, Santa Parade, Christmas Carols, New Year's Eve Countdown, Buskers Festival, Trafalgar Street Market Day and the Nelson Long Lunch.: Attachment 3



Proposed Road Closure

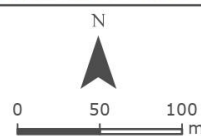
2019 Santa Parade



Legend



2019 Santa Parade
Closed 2pm to 6pm



July 2019

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File Ref: A206642
MO/KS. Original map size A4.

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Item 7: Temporary Road Closures - The Nelson Arts Festival, Mask Parade, Santa Parade, Christmas Carols, New Year's Eve Countdown, Buskers Festival, Trafalgar Street Market Day and the Nelson Long Lunch.: Attachment 4



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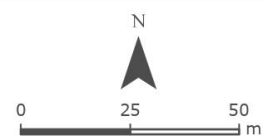
Proposed Road Closure

Christmas Carols
24 December 2019



Legend

Closed 7pm to 11pm



May 2019

File Ref: A2088912
MO. Original map size A4.

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Item 7: Temporary Road Closures - The Nelson Arts Festival, Mask Parade, Santa Parade, Christmas Carols, New Year's Eve Countdown, Buskers Festival, Trafalgar Street Market Day and the Nelson Long Lunch.: Attachment 5



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Proposed Road Closure

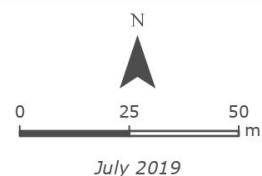
New Years Eve
Celebrations 2019-20



Legend



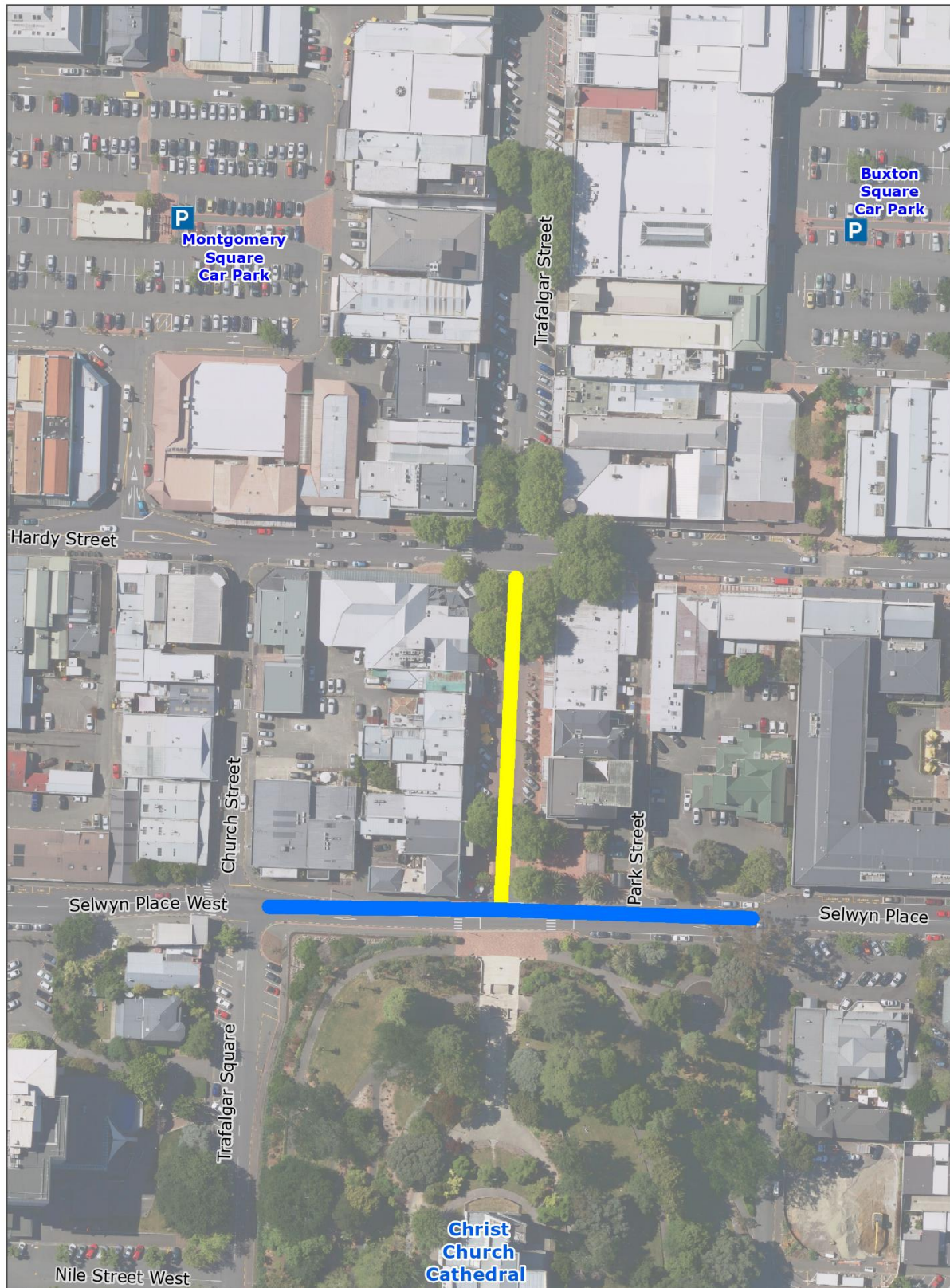
5am - 31 December 2019 to
1am - 01 January 2020



File Ref: A2088959
MO. Original map size A4.

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Item 7: Temporary Road Closures - The Nelson Arts Festival, Mask Parade, Santa Parade, Christmas Carols, New Year's Eve Countdown, Buskers Festival, Trafalgar Street Market Day and the Nelson Long Lunch.: Attachment 6



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Proposed Road Closure

Buskers Festival 2020



Legend

- Thursday 30th January to Sunday 2nd February
- 3pm to 11pm 1st & 2nd February



August 2019

File Ref: A2237523
MO. Original map size A4.

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Item 7: Temporary Road Closures - The Nelson Arts Festival, Mask Parade, Santa Parade, Christmas Carols, New Year's Eve Countdown, Buskers Festival, Trafalgar Street Market Day and the Nelson Long Lunch.: Attachment 7



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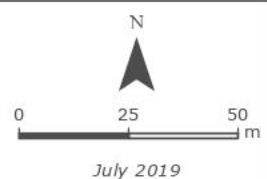
Proposed Road Closure

Trafalgar St Market 2020



Legend

Trafalgar Street Market Day
5am to 5pm 1 February 2020



File Ref: A2234652
MO. Original map size A4.

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

Item 7: Temporary Road Closures - The Nelson Arts Festival, Mask Parade, Santa Parade, Christmas Carols, New Year's Eve Countdown, Buskers Festival, Trafalgar Street Market Day and the Nelson Long Lunch.: Attachment 8



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Proposed Road Closure

Nelson Long Lunch



Legend



Monday 3 February 2020
(Nelson Anniversary)
Closed 7am to 6pm



July 2019

File Ref: A2227645
MO. Original map size A4.

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

Temporary Road Closure - Bay Dreams 2020

1. Purpose of Report

- 1.1 To approve the temporary road closure application for Bay Dreams 2020.

2. Recommendation

That the Hearings Panel - Other

- 1. Receives the report *Temporary Road Closure - Bay Dreams 2020 (R10440) and its attachments (A2079322 and A2219959); and***

- 2. Approves the temporary road closure application for Bay Dreams 2020 from 2 to 5 January 2020, amended as follows:**

- a. 9.00am Thursday 2 January until 10.00pm Sunday 5 January:**

- Hathaway Carpark

- b. 9.00am Friday 3 January until 3.00pm Sunday 5 January:**

- Paru Paru Road (from bollards North of the Salvation Army Family Store)

- c. 9.00am Saturday 4 January until 1.00am Sunday 5 January:**

- Trafalgar Street (Halifax Street to SH6)
- Wainui Street
- Elliot Street
- Hathaway Terrace

Item 8: Temporary Road Closure - Bay Dreams 2020

- Grove Street (Trafalgar Street to Collingwood Street)

d. 5:30pm Saturday 4 January until 1.00am Sunday 5 January:

- Achilles Ave
- Wakatu Lane

e. 8.00pm Saturday 4 January – 1.00am Sunday 5 January

- Halifax Street (Rutherford Street to Collingwood Street)
- Trafalgar Street (Halifax Street to Bridge Street)

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.
- 3.2 Applications are being presented earlier this year due to difficulty holding hearings over the election period.
- 3.3 It is a requirement that consultation with the New Zealand Transportation Agency (NZTA) is undertaken to temporarily close any road under Schedule 10 Clause 11 of the Local Government Act 1974. Nelson City Council and NZTA have an agreement that specific consultation is only required if the closure affects state highway or their assigned detour routes.

4. Discussion

Bay Dreams 2020

- 4.1 Council officers received an application from Safe Traffic NZ on behalf of Bay Dreams South Ltd on 3 July 2019 to close the roads listed below (as shown in Attachment 1) for the Bay Dreams Festival 2020.
- 4.1.1 9am Thursday 2 January until 10pm Sunday 5 January:
- Hathaway Carpark
- 4.1.2 9am Friday 3 January until 3pm Sunday 5 January:

Item 8: Temporary Road Closure - Bay Dreams 2020

- Paru Paru Road (from bollards North of the Salvation Army Family Store)

4.1.3 9am Saturday 4 January until 1am Sunday 5 January:

- Trafalgar Street (Bridge Street to SH6) - including intersections with New Street and Wakatu lane
- Wainui Street
- Elliot Street
- Hathaway Terrace
- Grove Street (Trafalgar Street to Collingwood Street)

4.1.4 5:30pm Saturday 4 January until 1am Sunday 5 January:

- Achilles Ave
- Wakatu Lane

4.1.5 8pm Saturday 4 January – 1am Sunday 5 January

- Halifax Street (Rutherford Street to Collingwood Street)

4.2 Consultation with NZTA has been undertaken due to this event having an impact on the State Highway. Nelson City Council and the applicant's traffic management provider Safe Traffic NZ will be working with NZTA's representative at Opus regarding traffic management for this event.

4.3 Consultation with Police was undertaken and they provided feedback regarding the road closures undertaken for the 2019 event. That feedback was that the road closure needs to be extended to include Trafalgar/Halifax intersection, Halifax street (Collingwood Street – Rutherford Street), Trafalgar Street down to intersection with Bridge Street. These were real pinch points for Police to manage during the evening and tied up valuable road policing staff for a considerable period of time at completion of the event. The closure of these street would not need to be for the entire event, but put in place from 8pm until midnight on the day of the event. Police officers were required to assist with the above last minute closures due to the large number of people walking on the roadway. Their suggested amendments from 2019 have been included in the current road closure application.

4.4 The Police also raised the issue of lack of taxi and parent drop off/pick up locations. These issues will be accommodated in the traffic management plan when the approved closure areas are confirmed.

4.5 As per clause 11(e) of schedule 10 of the Local Government Act 1974, this proposed road closure will not exceed the aggregate of 31 days for any year.

Item 8: Temporary Road Closure - Bay Dreams 2020

- 4.6 As per clause 11A of schedule 10 of the Local Government Act 1974, Council placed a notification in Our Nelson on 10 July 2019 to notify of its intention to close these roads and inviting feedback until 2 August 2019. The advertisement was also placed on the council website and over 400 letters (Attachment 2) delivered to directly affected residents and businesses.
- 4.7 The Bay Dreams traffic management co-ordinator has confirmed that all Hathaway Court residents received a feedback letter in their letterbox.
- 4.8 Previously, several businesses in Wakatu Square signalled their concern around the proposed Square closure for the 2019 event on the basis that this would affect their business trading as the closure was set to commence at 9am. As a result of this feedback, the closure was approved for a later start time of 5:30pm for the 2019 event and this will be repeated again in 2020.
- 4.9 United Video raised concern as they operate beyond 5:30pm. The Bay Dreams traffic management co-ordinator has since met with United Video and shared the proposed traffic management plans with them. They have indicated that they are happy that access to their customers will be maintained from 5:30pm until 9pm.
- 4.10 The other businesses in the Square do not operate past 5:30pm on a Saturday.
- 4.11 Of the 400 letters delivered and the notification in Our Nelson inviting the public to provide feedback, Council received four responses. The response from United Video is detailed in 4.9 above, with the other three responses detailed below. All concerns raised will be addressed/accommodated as a part of the traffic management plan.
- 4.11.1 Access to The Sails Nelson during closure times
- This will be accommodated via traffic management staff at the Collingwood/Wainui Street intersection when safe to do so.
- 4.11.2 One resident's access to Monro Way for private appointment
- Access will be accommodated by traffic management staff at the Collingwood/Elliot Street intersection when safe to do so.
- 4.11.3 Confirmation of the use of Wainui Street and concern regarding people moving traffic cones.
- Once details of the road closures and traffic management plans are confirmed, Council officers will update this customer regarding the use of Wainui Street.
- 4.12 Bay Dreams have applied to close Trafalgar Street from Bridge Street to Halifax Street from 9am (this section was not closed for the 2019 event)

Item 8: Temporary Road Closure - Bay Dreams 2020

to create a safe area for Bay Dreams attendees disembarking from the bus and walking to the venue. Last year there were issues with the public walking on the roadway creating a safety risk. This area would also provide more opportunity for toilets and bins. If this section of road closure is approved this would only be used if it is deemed the safest option by the traffic management supervisor and will be kept to a minimum where possible. The proposed closure of this section (from 9am) was advertised in the public notifications and no feedback was received. Council officers recommend only closing this section from 8pm as per the recommendation from Police.

- 4.13 Consents required for this event are being managed by other teams within council. Insurance requirements will be managed under the contract between Bay Dreams South Ltd and Council.
- 4.14 Council officers are satisfied that the road closure will not unreasonably impede traffic, the extent and duration is limited and there were minimal issues raised regarding traffic management last year. Council officers recommend that this application be approved.

5. Options

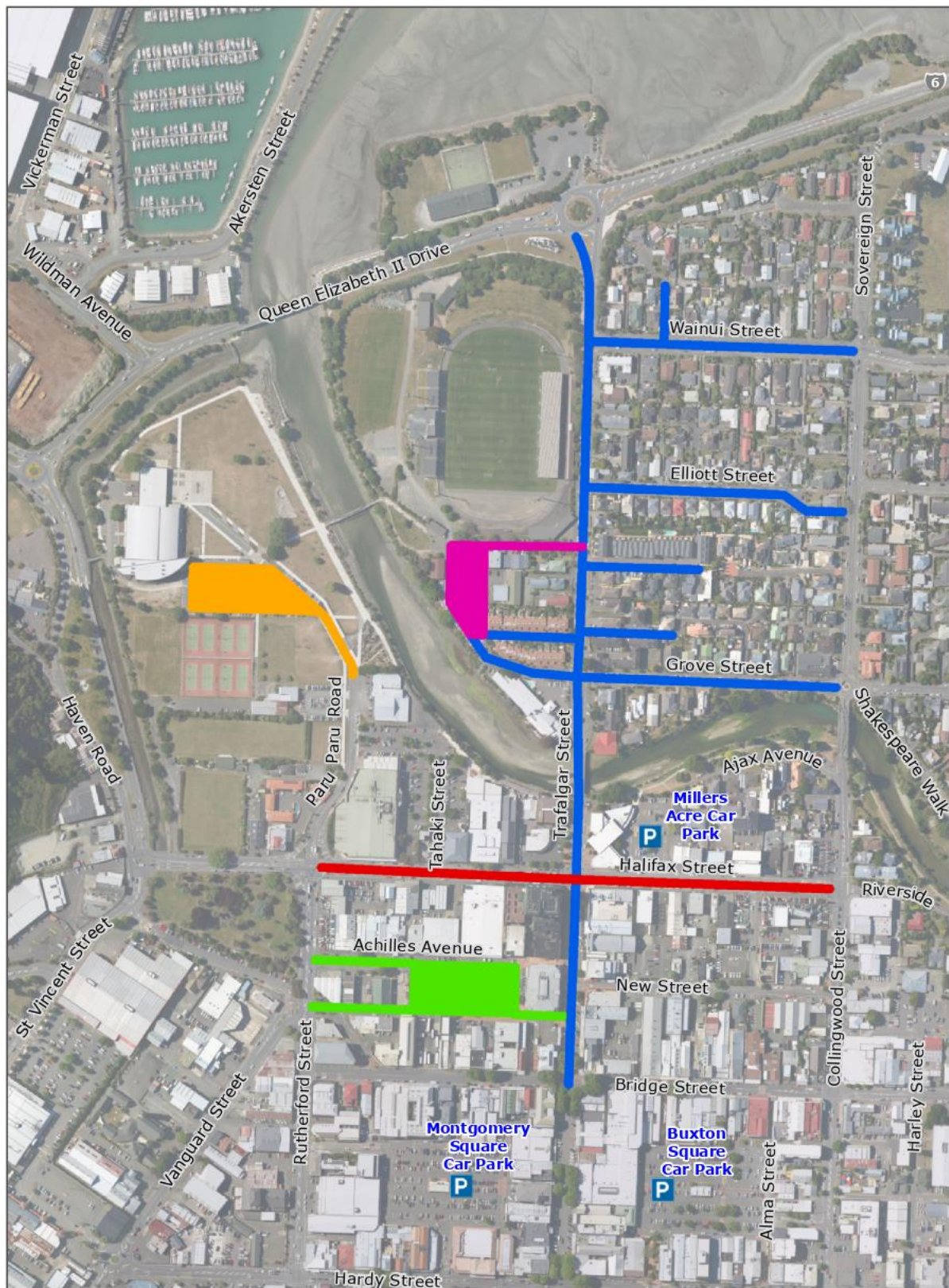
- 5.1 The Hearings Panel - Other has three options:
 - 5.1.1 Approve the road closure application as per the application received from the applicant.
 - 5.1.2 Approve the road closure application amending the length of time Trafalgar Street from Bridge Street to Halifax Street is closed as detailed in item 4.12.
 - 5.1.3 Decline the temporary road closure application for Bay Dreams 2020.
- 5.2 Officers recommend approving the temporary road closures for this event, amending the length of time Trafalgar Street from Bridge Street to Halifax Street is closed, as detailed in point 4.12.

Author: **Melissa Ramsay, Roading Network Coordinator**

Attachments

- Attachment 1: Temporary Road Closure Map - Bay Dreams 2020 - A2079322 [↓](#)
- Attachment 2: Temporary Road Closure Letter - Bay Dreams 2020 - A2219959 [↓](#)

Important considerations for decision making	
1. Fit with Purpose of Local Government	<p>The following are applicable:</p> <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. <p>The temporary road closures fit with the purpose of local government.</p>
2. Consistency with Community Outcomes and Council Policy	<p>This event contribute to our community outcomes by assisting our community to celebrate their identity and community.</p>
3. Risk	<p>If the temporary road closures are not approved, this community event is at risk of not going ahead.</p>
4. Financial impact	<p>There is no financial impact to Council for these road closures.</p>
5. Degree of significance and level of engagement	<p>This matter is of medium significance because of the number of people affected and the short duration of the events. A request for feedback was advertised in Our Nelson and on the Council's website and a letter delivered to directly affected residents and businesses.</p>
6. Inclusion of Māori in the decision making process	<p>No engagement with Māori has been undertaken in preparing this report.</p>
7. Delegations	<p>The Hearings Panel - Other has the following delegations to consider temporary road closures:</p> <p>Functions:</p> <p><i>To conduct hearings and/or determine under delegated authority applications relating to the Dog Control Act 1996, all matters relating to Temporary Road Closures pursuant to Schedule 10 clause 11(e) of the Local Government Act 1974, matters relating to naming features within the city, and any other matters required for determination by Council under legislation as determined by Council.</i></p>



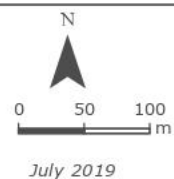
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Proposed Road Closure

Bay Dreams 2020



- 9am Thursday 2 January until 10pm Sunday 5 January 2019
- 9am Friday 3 January until 3pm Sunday 5 January 2019
- 9am Saturday 4 January until 1am Sunday 5 January 2019
- 8pm Saturday 4 January until 1am Sunday 5 January 2019
- 5.30pm Saturday 4 January until 1am Sunday 5 January 2019



July 2019

File Ref: A2079 322
MO. Original map size A4.



PROPOSED ROAD CLOSURES FOR BAY DREAMS 2020

Neptune Entertainment proposes to temporarily close the roads listed below to ordinary traffic for Bay Dreams 2020. The roads to be closed:

9am Thursday 2 January – 10pm Sunday 5 January

- Hathaway Carpark

9am Friday 3 January – 3pm Sunday 5 January

- Paru Paru Road (from bollards North of the Salvation Army Family Store)

9am Saturday 4 January – 1am Sunday 5 January

- Trafalgar Street (Bridge Street to SH6)
- Wainui Street
- Elliott Street
- Hathaway Terrace
- Grove Street (Trafalgar St to Collingwood St)

5:30pm Saturday 4 January – 1am Sunday 5 January

- Achilles Ave
- Wakatu Lane

8:00pm Saturday 4 January – 1am Sunday 5 January

- Halifax Street (Rutherford Street to Collingwood Street)

If you want to give feedback about this proposal, please do so in writing by Friday 2 August, attention Gillian Dancey, Nelson City Council, PO Box 645, Nelson 7040, 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.

Please note: This proposal is made in accordance with the Local Government Act 1974. Unauthorised use of vehicles on the road during the closure period is not permitted and may constitute an offence.

Internal Document ID: A2219959

**Objection to Classification of three dogs as menacing -
Adam Schwass - Dogs' names: Chip, Storm and Meg.**

1. Purpose of Report

- 1.1 To decide on an objection to the classification of three dogs as menacing pursuant to section 33A of the Dog Control Act 1996.

2. Summary

- 2.1 Adam Christopher Schwass owns three female hunting dogs. Chip is a 10 year old Greyhound cross, Storm a one year old Greyhound cross and Meg is also a one year old Greyhound cross.
- 2.2 While out hunting, the three dogs ran off the land where they were legally hunting and onto a private farm where they attacked a goat. The goat later died of injuries received.
- 2.3 As a result of the attack, Nelson City Council Officers classified all three dogs as menacing pursuant to Section 33A of the Dog Control Act 1996.
- 2.4 Adam Schwass has objected to the classification.

3. Recommendation

That the Hearings Panel - Other

- 1. Receives the report: Objection to Classification of three dogs as menacing - Adam Schwass - Dogs' names: Chip, Storm and Meg. (R10438) and its attachments (A2134555, A2230249, A2236087, A2230257, A2217554, A2236473); and***
- 2. Dismisses the objection of Adam Schwass; and***
- 3. Upholds the classification of the Dogs - Chip, Storm and Meg as menacing.***

Item 9: Objection to Classification of three dogs as menacing - Adam Schwass - Dogs' names: Chip, Storm and Meg.

4. Background

- 4.1 Apart from having not registered his three dogs prior to this incident, Nelson City Council is not aware of any previous dog control history involving aggression or attacks by Chip, Storm or Meg.

5. Discussion

Circumstances of the attack

- 5.1 On Sunday 9 June 2019, at about 7.30am Adam was hunting lawfully with two friends and his three dogs Chip, Storm and Meg on a rural block of land next to 136 Lud Valley Road, Nelson.
- 5.2 His dogs located a domestic goat belonging to Bevan Somervell, owner and occupier of 136 Lud Valley Road.
- 5.3 The dogs gave chase and outdistanced their owner and his two friends. They were unable to call the dogs back. The goat was chased by the three dogs, off the block of land they had been hunting and onto 136 Lud Valley Road to a holding pen on the complainant's property. Adam did not have authority to hunt on this property.
- 5.4 On hearing the goat screaming, the owner investigated and found all three dogs attached to his goat in his stock pen. (Attachment 2).
- 5.5 With the help of his wife, Mr Somervell eventually got the dogs off the goat and tied them up. All three dogs had the goat's blood on them, which was photographed by Mr Somervell.
- 5.6 A short time later Adam Schwass, the owner of the dogs, arrived and after words were exchanged, was given the complainant's phone to ring his father.
- 5.7 Nelson City Council was called, a Dog Control Officer attended and seized the three dogs.
- 5.8 The goat, named Teddy received wounds to all four legs and his abdomen and died the following day from the injuries received in the attack.
- 5.9 Adam Schwass admitted that one of his dogs was involved in the attack on the goat saying that Storm had nipped the goat but the other two were on the peripheries of the incident.
- 5.10 The owner of the goat, Bevan Somervell states that all three dogs were involved in the attack. He saw all three dogs attacking his goat and all three dogs had blood on them.
- 5.11 When interviewed on 10 June 2019, in explanation Adam Schwass said he had been hunting with two friends and his three dogs, Chip, Storm

Item 9: Objection to Classification of three dogs as menacing - Adam Schwass - Dogs' names: Chip, Storm and Meg.

and Meg on a block of land he had permission to hunt in. (Attachment 3).

- 5.12 Having been unsuccessful, they headed up a creek with the dogs in sight to a ridge where they saw a white goat. His dog Meg chased the goat and the other two dogs followed. They were still on the block they had permission to be in at this stage, about 150 metres from the complainant's property.
- 5.13 The dogs stopped the goat and one dog (Storm) had "nipped" it. The goat ran off and onto the complainant's property through an open gate with all three dogs following. Adam followed but was some distance behind and lost sight of the goat and his dogs.
- 5.14 On his arrival at the stock yard the goat owner had already caught all three dogs and tied them up. He was very angry. Adam had seen the goat and saw holes and puncture wounds in its rear right leg. Adam told his friends to return to their Ute and go home. The goat owner loaned Adam his cell phone to call his father who arrived a short time later.
- 5.15 In an Affidavit, the owner of the goat, Bevan Somervell said he had been at home on that day and at around 7.30am he heard the sound of an animal "screaming" in pain. He went to his holding pen on his property and found one of his goats (Teddy) down on the ground inside the pen with three dogs attacking the goat, tugging at his back end.
- 5.16 Bevan yelled at the dogs to get off the goat but when this was unsuccessful he struck the primary attacking dog once across the rump with a wooden slasher handle he had taken with him. The dogs released the goat and with help from his wife, Bevan caught all three dogs and tied them to his yard fence.
- 5.17 Mr Somervell said all three dogs had been involved in the attack and all three had blood on them. The goat, Teddy, died from his injuries the next night.
- 5.18 Mr Somervell said his wife had returned from a run only 10 minutes earlier, via the forestry access at the top of their property and had passed all five of their goats near the middle of their 11 hectare property.
- 5.19 After consideration of all the facts, on 18 June 2019 Adam Schwass was advised via formal Notice of Classification that his dogs Chip, Storm and Meg had been classified as menacing. (Attachment 4)
- 5.20 On 30 June 2019, Council received an objection with photographs via e-mail from Adam Schwass appealing all three menacing classifications. (Attachment 5)

Legislation around classification of a dog as menacing

Item 9: Objection to Classification of three dogs as menacing - Adam Schwass -
Dogs' names: Chip, Storm and Meg.

- 5.21 Section 33A of the Dog Control Act 1996 provides for a dog to be classified as menacing if the territorial authority considers that the dog may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of observed or reported behaviour of the dog. (Attachment 1)
- 5.22 Section 33B of the Dog Control Act 1996 provides a right to the owner of a dog classified as menacing to object to the classification and be heard in support of the objection.
- 5.23 Section 33B(2) outlines that the territorial authority considering an objection may uphold or rescind the classification, and in making its determination must have regard to:
- (a) The evidence which formed the basis for the classification; and
 - (b) Any steps taken by the owner to prevent any threat to the safety of persons or animals; and
 - (c) The matters relied on in support of the objection; and
 - (d) Any other relevant matters.
- 5.24 Section 33B(3) outlines that the territorial authority must, as soon as practicable, give written notice to the owner of-
- (a) Its determination of the objection; and
 - (b) The reasons for its determination.
- 5.25 Section 33E of the Dog Control Act requires that if a dog is classified as menacing, the following must be complied with:
- (a) The owner must not allow the dog to be at large or in any public place or private way, without being confined completely within a vehicle or cage, or without being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction.
 - (b) If required by the territorial authority the dog must be neutered.

Note the Nelson City Council Dog Control Policy requires that all dogs classified as menacing are neutered.

The Evidence which formed the basis for the Classification

- 5.26 On the morning of Sunday 9 June 2019, a domestic pet goat named Teddy was attacked by three hunting dogs in a stock pen on his owner's property. Teddy later died from injuries received in the attack.
- 5.27 It was established that the dogs responsible for the attack were named Chip, Storm and Meg, owned by Adam Christopher Schwass.

Item 9: Objection to Classification of three dogs as menacing - Adam Schwass -
Dogs' names: Chip, Storm and Meg.

- 5.27.1 The attack, on private land was witnessed by the land owner and owner of the goat that was attacked.
 - 5.27.2 Adam Schwass, owner of the three dogs, said his dogs had first found the goat on a block of land he had permission to hunt in and when the goat ran off his dogs had followed through open gates to the next property and had acted in the way they were trained.
 - 5.27.3 When spoken with again by telephone on 17 June 2019, Bevan Somervell said the dogs were "deep inside his land when they caught and killed his goat. The boys were ages - minutes - behind the dogs. His wife had not long before run up past the goats and saw them on their land - not on any other land. The dogs were well off the land they were authorised to be on".
 - 5.27.4 An aerial photograph of the Somervell property, which shares a boundary with the property Schwass was hunting on shows the distance from the boundary to where the goat was attacked in its pen. The distance is 134 metres. (Attachment 6)
- 5.28 Steps taken by dog owner to prevent any threat to the safety of persons or animals
- 5.28.1 Adam Schwass has apologised to the owner of the goat and offered to pay any vet costs.
 - 5.28.2 He has had his dogs returned to him and has them housed in dog motels (cage) with padlocks on the doors.
 - 5.28.3 He has agreed that when exercising his dogs he will do so separately with the dogs muzzled.
 - 5.28.4 He has made enquiries via e-mail with the Department of Conservation for Kiwi avoidance training for his dogs.
- 5.29 Matters relied on in support of the objection
- 5.29.1 In his objection, Adam Schwass feels the classification of his dogs Chip, Storm and Meg as menacing is unjustified as they were only doing what they set out to do that morning – hunt pigs or goats on a private hunting block.
 - 5.29.2 He submits the goat had been found in the area they were hunting in but because the owner of the goat does not have adequate fencing for his livestock the goat was free to come and go on the block in which he was hunting.
 - 5.29.3 He admits the goat was chased from the hunting area down and onto the property at which it lived but attributes blame not on his dogs, but on the owner of the goat. The goat was not contained on the property which had inadequate gates and fencing and a

Item 9: Objection to Classification of three dogs as menacing - Adam Schwass -
Dogs' names: Chip, Storm and Meg.

lack of maintenance. He supplied photographs which show open gates.

- 5.29.4 Adam submits that, should the menacing classification be upheld, then all hunting dogs in New Zealand would also fall into this category.
- 5.29.5 He submits his dogs were only doing exactly what they had been trained to do.
- 5.29.6 He asserts that the goat had no identifying tags and looked like a wild goat, like many seen in the hunting block.
- 5.29.7 He has apologised to the owner of the goat and offered to pay medical (vets) costs but believes the owner has a responsibility as if he had provided the goat with proper and fit fencing the goat would not have been in the hunting area and his dogs would not have been "unfairly classified".
- 5.29.8 He submits that he has been fined for not having control of his dogs, which he describes as "fair" but that to have classified his dogs as menacing is unfair, describing this as "one step too far and too heavy handed".
- 5.29.9 Adam suggests the way forward is to educate and not punish. He says he did everything correctly on the day. He suggests the situation could have been avoided if the land owner and owner of the goat "had taken and shown some proper ownership."

5.30 Any other relevant matters

- 5.30.1 There are no other relevant matters.

6. Options

Option 1: The Objection be Dismissed (Recommended Option)	
Advantages	<ul style="list-style-type: none">This will result in all three dogs, Chip, Storm and Meg being legally required to wear a muzzle whenever out in public. They will also be required to be neutered. This will reduce the risk of people, other dogs and animals being attacked and injured should another aggression incident occur.
Risks and Disadvantages	<ul style="list-style-type: none">This may have a negative impact on life activities the dogs Chip, Storm, Meg and their owner enjoys.

Item 9: Objection to Classification of three dogs as menacing - Adam Schwass - Dogs' names: Chip, Storm and Meg.

Option 2: The Objection be Upheld	
Advantages	<ul style="list-style-type: none">• Chip, Storm and Meg will not legally be required to wear a muzzle in public or be neutered.
Risks and Disadvantages	<ul style="list-style-type: none">• This will increase the risk of other animals being attacked and injured if Chip, Storm and Meg were to again become aggressive.

7. Conclusion

- 7.1 The behaviour of the three dogs, Chip, Storm and Meg on 9 June 2019 shows they do behave in an aggressive manner and are a risk to other stock and animals.
- 7.2 There is a difference of opinion between the evidence of the dog owner, Adam Schwass and the land owner Bevan Somervell regarding the quality of fencing and if the gates were open or closed. There is a conflict in the evidence of Adam Schwass who asserts the goat was first found by his dogs on land he was lawfully entitled to be hunting on and Bevan Somervell, who is sure the goat was on his land as it had been seen by his wife, well inside his property a short time before the attack.
- 7.3 It is considered that in order to reduce the risk of an attack on other animals, stock or a member of the public that Chip, Storm and Meg should be muzzled whenever in a public place. A menacing classification is the lowest level of classification and requires the use of a muzzle when in public. A muzzle would not be required when hunting with the dogs on private land.
- 7.4 It is recommended that the objection be dismissed and the classification of Chip, Storm and Meg as menacing dogs be upheld.

Author: **Brian Wood, Team Leader Regulatory (Environmental Inspections)**

Attachments

- Attachment 1: A2134555 Dog Control Act 1996 Sections 33A and 33B [↓](#)
- Attachment 2: A2230249 Bevan Somervell Affidavit and photos [↓](#)
- Attachment 3: A2236087 Adam Schwass - Statement [↓](#)

Item 9: Objection to Classification of three dogs as menacing - Adam Schwass -
Dogs' names: Chip, Storm and Meg.

Attachment 4: A2230257 Adam Schwass Classification Papers for dogs Chip
Storm Meg [↓](#)

Attachment 5: A2217554 Adam Schwass Objection to menacing classification
of dogs Chip Storm and Meg [↓](#)

Attachment 6: A2236473 136 Lud Valley Rd Somervell Property [↓](#)

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 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 Financial impact for Council.
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	No engagement with Māori has been undertaken in preparing this report.
7. Delegations	The Hearings Panel – Other has the following delegations to <i>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</i> under the Dog Control Act 1996; and to recommend changes to the Council's Dog Control Policy and the Dog Control Bylaw.



New Zealand Legislation Dog Control Act 1996

Menacing dogs

Heading: inserted, on 1 December 2003, by section 21 of the Dog Control Amendment Act 2003 (2003 No 119).

33A Territorial authority may classify dog as menacing

- (1) This section applies to a dog that—
- (a) has not been classified as a dangerous dog under section 31; but
 - (b) a territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of—
 - (i) any observed or reported behaviour of the dog; or
 - (ii) any characteristics typically associated with the dog's breed or type.
- (2) A territorial authority may, for the purposes of section 33E(1)(a), classify a dog to which this section applies as a menacing dog.
- (3) If a dog is classified as a menacing dog under subsection (2), the territorial authority must immediately give written notice in the prescribed form to the owner of—
- (a) the classification; and
 - (b) the provisions of section 33E (which relates to the effect of classification as a menacing dog); and
 - (c) the right to object to the classification under section 33B; and
 - (d) if the territorial authority's policy is not to require the neutering of menacing dogs (or would not require the neutering of the dog concerned), the effect of sections 33EA and 33EB if the owner does not object to the classification and the dog is moved to the district of another territorial authority.

Section 33A: inserted, on 1 December 2003, by section 21 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 33A(3): amended, on 1 November 2004, by section 10 of the Dog Control Amendment Act 2004 (2004 No 61).

Section 33A(3)(c): amended, on 28 June 2006, by section 13 of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33A(3)(d): added, on 28 June 2006, by section 13 of the Dog Control Amendment Act 2006 (2006 No 23).



New Zealand Legislation

Dog Control Act 1996

33B Objection to classification of dog under section 33A

- (1) If a dog is classified under section 33A as a menacing dog, the owner—
- (a) may, within 14 days of receiving notice of the classification, object in writing to the territorial authority in regard to the classification; and
 - (b) has the right to be heard in support of the objection.
- (2) The territorial authority considering an objection under subsection (1) may uphold or rescind the classification, and in making its determination must have regard to—
- (a) the evidence which formed the basis for the classification; and
 - (b) any steps taken by the owner to prevent any threat to the safety of persons or animals; and
 - (c) the matters relied on in support of the objection; and
 - (d) any other relevant matters.
- (3) The territorial authority must, as soon as practicable, give written notice to the owner of—
- (a) its determination of the objection; and
 - (b) the reasons for its determination.

Section 33B: inserted, on 1 December 2003, by section 21 of the Dog Control Amendment Act 2003 (2003 No 119).

Item 9: Objection to Classification of three dogs as menacing - Adam Schwass - Dogs' names: Chip, Storm and Meg.: Attachment 2 – A22300249

COPY

Affidavit

My full name is Bevan John Somervell, of 136 Lud Valley Road, Hira, Nelson and I solemnly and sincerely swear that:

On around 07:30 a.m. on Sunday the 9th of June 2019 I was in my house at 136 Lud Valley Road.

My wife had within 10 minutes, returned from her run via the forestry access at the top of our property, passing our goats {we had five} and ponies {two} at their preferred roost site near the middle of our 11 hectare property.

I then heard the sound of an animal screaming in pain. I ran outside, realising it was definitely on our property and didn't sound like a pig being baled.

I grabbed a broken slasher handle from near the back door and got on my quad bike which also had my small slasher in it and went up the hill to where I could see our pets; ponies and goats, circulating in distress to see if I could find what was making the noise.

Once I was there and turned off the quad and couldn't see any attack, I realised that the noise was coming from back down the hill from where I'd come from so I drove the quad bike back down.

When I reached the old holding pen, I saw that my pet goat Teddy was down on the ground inside the pen with three dogs around him attacking and tugging at his back end.

I yelled at the dogs but that didn't separate them from Teddy. I struck the dog that was the primary attacker at the time across its rump a single time with the wooden slasher handle and at that point all three dogs disengaged. I continued to yell at the dogs and shepherded them out of the pen at which point they lay down.

I called out repeatedly to my wife (Rachel) to come out and bring leads to tie the dogs up, which she did and I asked her to ring Nelson Council and report the attack, which she also did, before returning to assess and aid Teddy.

All three dogs had blood on them, mainly their faces.

The dog's owner (Adam Schwass) appeared walking down the hill.

He identified himself as the owner of the dogs and claimed they didn't attack goats.

After a short discussion I gave him my phone to ring his Father. Adam's Father Donald Schwass rang me back shortly thereafter and I gave him directions to our property.

I refused to let Adam Schwass take his dogs back telling him the council was on its way. The dogs were obviously not under sufficient control to be re-called when the owner/hunter realised they were on private property.

Adam's Father Donald Schwass arrived and a few minutes later the Nelson Council officer arrived and took control of the dogs and impounded them.

Teddy died the next night from the severity and extensiveness of the dog attack injuries to all 4 limbs and abdomen.

As a result of the above incident, I believe that these three dogs are menacing to domesticated stock and not under appropriate control.

.....

Sworn at Nelson

This day of June 2019

Before me

Deputy Registrar / Justice of the Peace / Solicitor of the High Court of New Zealand

Item 9: Objection to Classification of three dogs as menacing - Adam Schwass - Dogs' names: Chip, Storm and Meg.: Attachment 2 - A22300249



Item 9: Objection to Classification of three dogs as menacing - Adam Schwass - Dogs' names: Chip, Storm and Meg.: Attachment 2 – A22300249



Item 9: Objection to Classification of three dogs as menacing - Adam Schwass - Dogs' names: Chip, Storm and Meg.: Attachment 2 - A22300249



Item 9: Objection to Classification of three dogs as menacing - Adam Schwass - Dogs' names: Chip, Storm and Meg.: Attachment 2 - A22300249



10/6/19
11/20/13

Adam Christopher Schwass 7/2/2003
61 Mac's Road Hira RD 1 Nelson.
I witnessed the incident.
Sunday Morning 9/6/19 at 0630 went
with all 3 dogs. to hunt in a block
that I had permission to hunt. Stratted
block. I was hunting with two
others 3 Clough. Ryan Clough. They
did not have dogs. Got nothing
decided to head up a creek with
the dogs. Dogs showed interest up the hill.
The dogs went up the hill still in
sight. Made my way up to the dogs
they were not moving just waiting for
me. We continued up to the ridge.
Saw a white goat. one dog chased
it (storm) also followed it still on the block.
150 meters from camp point the dog.
Staged the goat. the che dog had
nipped the goat. (storm) It ran
back onto its property. They h on
open goat. All dogs followed through
the gate. I ran to meet them.
By the time I got there the
stock owner was there very angry.
Made myself known. He had
a maderie in one hand a a
pick axe handle in the other hand
the stock owner said hello back

verbal exchange to stock owner
was screaming - kept my distance.
He showed me his goat. Asked 3 times
for him to put his weapons down.
The former Parahut cat holes/wounds
near leg Right side.

I saw the dogs all tied
to the fence Stock owner had tied
them up.

I went down to check the dogs
to check for injury. Stock owner
told me he kicked the dogs off the
goat.

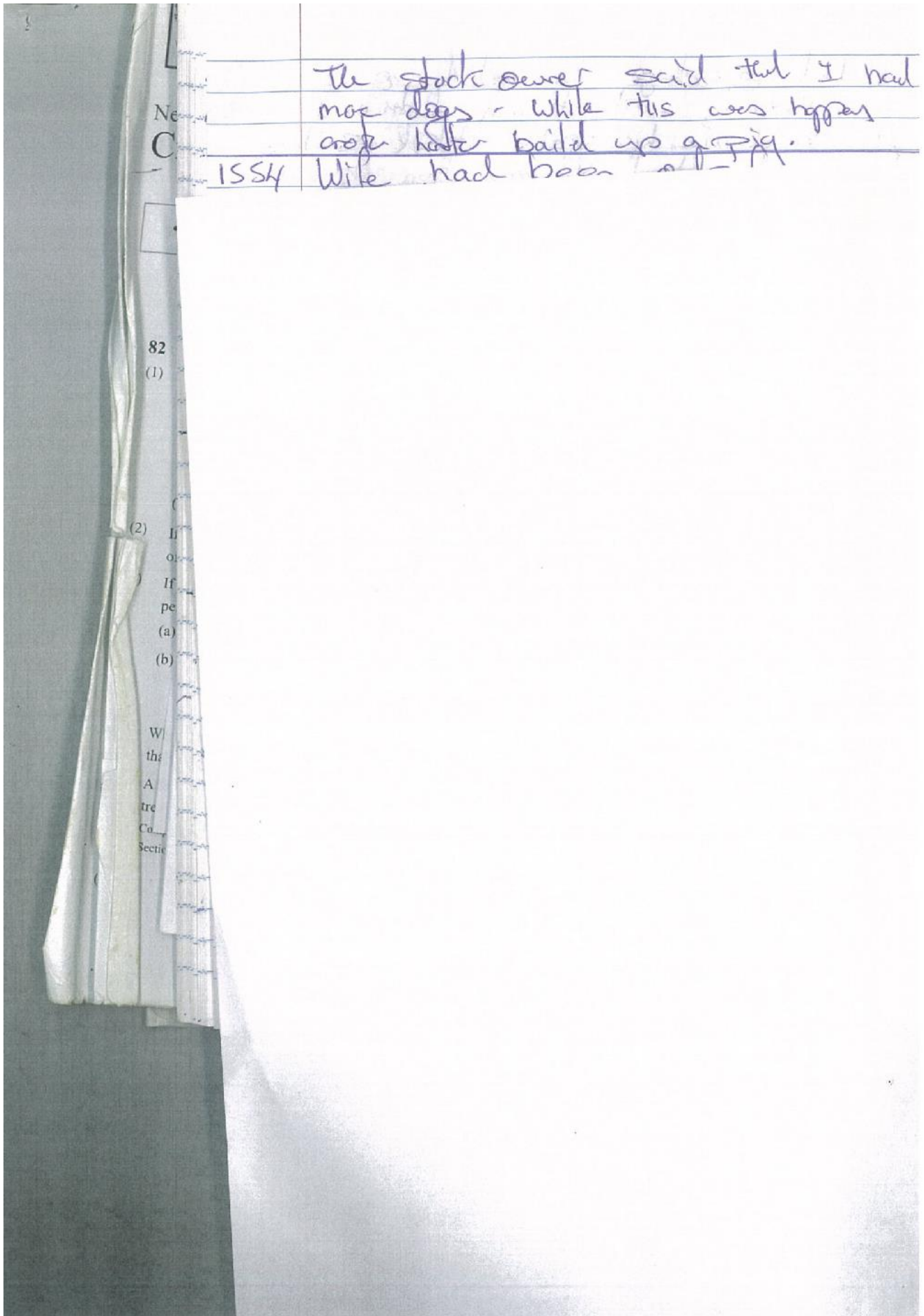
My mates were up in the bush
told my mates to go back to
the ute & go home.

After I asked to use his phone to call
my father. I contacted my Dad to
come out. My father came down. I
asked for dogs back we waited for
dog control to come.

Arrived by 10:00 hrs.

The goat looked like a feral goat.
It was all over goats right down
to where the stock owner had put the
goat in the pen.

The goats and stock at home
interact very well. no aggression.
all dogs to bark badly a bark
did not see the other two dogs attack



Item 9: Objection to Classification of three dogs as menacing - Adam Schwass - Dogs' names: Chip, Storm and Meg.: Attachment 4 – A2230257

Owner #: 21001

Notice of classification of dog as menacing dog
Section 33A, Dog Control Act 1996

Adam Christopher Schwass
61 Macs Road
RD 1
Nelson 7071

COPY

Dog: Chip a Greyhound/Cross

This is to notify you *that this dog has been classified as a menacing dog under section 33A(2) of the Dog Control Act 1996.

This is because [under section 33A (1)(b)]Chip attacked a goat that later died

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

Signature of officer for Nelson City Council

Date



17/06/19

*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 menacing dog

Sections 33E, 33F, and 36A, Dog Control Act 1996

You –

- (a) must 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; and
- (b) must, if required by the Nelson City Council, 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
 - (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

Item 9: Objection to Classification of three dogs as menacing - Adam Schwass - Dogs' names: Chip, Storm and Meg.: Attachment 4 – A2230257

COPY

Owner #: 21001

where a certificate under paragraph (b)(ii) is produced to the Nelson City Council, produce to the Nelson City Council within 1 month after the date specified in that certificate, a further certificate under paragraph (b)(i).

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 (c) above.

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 (c) above. The officer or ranger may keep the dog until you demonstrate that you are willing to comply with paragraphs (a) to (c) above.

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.

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 menacing on or after 1 December 2003 but before 1 July 2006; or
- within 2 months after the dog is classified as menacing if your dog is classified as menacing 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 the classification of a dog as menacing are provided in the Dog Control Act 1996.

Right of objection to classification under section 33C

Section 33D, Dog Control act 1996

You may object to the classification of your dog as menacing 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 have the right to be heard in support of your objection and will be notified of the time and place at which your objection will be heard.

You must provide evidence to the Nelson City Council that the dog is not of a breed or type listed in Schedule 4 of the Dog Control Act 1996.

425333

Item 9: Objection to Classification of three dogs as menacing - Adam Schwass - Dogs' names: Chip, Storm and Meg.: Attachment 4 – A2230257

Owner #: 21001

Notice of classification of dog as menacing dog
Section 33A, Dog Control Act 1996

Adam Christopher Schwass
61 Macs Road
RD 1
Nelson 7071

COPY

Dog: Storm Greyhound/Cross

This is to notify you *that this dog has been classified as a menacing dog under section 33A(2) of the Dog Control Act 1996.

This is because [under section 33A (1) (b)] Storm Attacked Goat that later died

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

Signature of officer for Nelson City Council

Date 17/06/2019



*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 menacing dog
Sections 33E, 33F, and 36A, Dog Control Act 1996

You –

- (a) must 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; and
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Item 9: Objection to Classification of three dogs as menacing - Adam Schwass - Dogs' names: Chip, Storm and Meg.: Attachment 4 – A2230257

COPY

Owner #: 21001

(c) where a certificate under paragraph (b)(ii) is produced to the Nelson City Council, produce to the Nelson City Council within 1 month after the date specified in that certificate, a further certificate under paragraph (b)(i).

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 (c) above.

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 (c) above. The officer or ranger may keep the dog until you demonstrate that you are willing to comply with paragraphs (a) to (c) above.

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.

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- within 2 months after the dog is classified as menacing if your dog is classified as menacing after 1 July 2006.

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425333

Item 9: Objection to Classification of three dogs as menacing - Adam Schwass - Dogs' names: Chip, Storm and Meg.: Attachment 4 – A2230257

Owner #: 21001

COPY

Notice of classification of dog as menacing dog
Section 33A, Dog Control Act 1996

Adam Christopher Schwass
61 Macs Road
RD 1
Nelson 7071

Dog: Meg a Greyhound/Cross

This is to notify you *that this dog has been classified as a menacing dog under section 33A(2) of the Dog Control Act 1996.

This is because [under section 33A (1)(b)]Meg Attacked a Goat that later died...

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

Signature of officer for Nelson City Council

Date



17/06/19

*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 menacing dog
Sections 33E, 33F, and 36A, Dog Control Act 1996

You –

- (a) must 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; and
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COPY

Owner #: 21001

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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 (c) above. The officer or ranger may keep the dog until you demonstrate that you are willing to comply with paragraphs (a) to (c) above.

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

Right of objection to classification under section 33C

Section 33D, Dog Control act 1996

You may object to the classification of your dog as menacing 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 have the right to be heard in support of your objection and will be notified of the time and place at which your objection will be heard.

You must provide evidence to the Nelson City Council that the dog is not of a breed or type listed in Schedule 4 of the Dog Control Act 1996.

425333

Item 9: Objection to Classification of three dogs as menacing - Adam Schwass - Dogs' names: Chip, Storm and Meg.: Attachment 5 – A2217554

Bill Gaze

From: adam <adamschwass.as@gmail.com>
Sent: Sunday, 30 June 2019 23:13
To: Bill Gaze
Cc: webetrackin@hotmail.com
Subject: Appeal Classification
Attachments: IMG20190610092239.jpg; IMG20190610093216.jpg; IMG20190610091834.jpg; IMG20190610093037.jpg

Friday 28 JUNE 2109

Attention Bill Gaze

I would like to formally appeal the classification of my 3 hunting dogs...Chip, Storm & Meg.

I feel it is unjustified to do this as the dogs were only doing what we set out to do that morning ...which was that were hunting pigs or goats on a private hunting block.

The goat we came across was in our hunting area...but because the owner of the goat does not have adequate fencing for his livestock(see photos attached)...the goat was free to come and go in the block in which we were hunting.

The tragic result of the goat being chased by storm from our hunting area back down to the property from where it lives ...you surely cannot put the blame on the dog(s)...but to the owner of the goat....who has not contained his animal on his own property ...with adequate gates and fencing for the animals and also lack of maintenance of what is there.

If the council classify these dogs as menacing ...then ALL hunting dogs throughout New Zealand will also fall into this category. The dogs were only doing exactly as they have been trained.

Also I would like to draw too the attention of the council...that the 2 classifications menacing and dangerousdoes nothing towards addressing possible issues but more like panadol for a headache and currently don't do nothing towards possible rehabilitation of any dog that does not fit being label menacing or dangerous.

I would like there to be a possible 3rd option in the future...maybe like "probationary" where dogs that are not either menacing or dangerous ..but owners of theses dogs need to retrain or seek help in certain areas ...to avoid possible classification i.e. just like KIIWI awareness and avoidance training. As it is now there are only menacing and dangerous....and my 3 dogs do not belong in either category as there we doing exactly what they had been trained. I would imagined that this is not able to be done at a council level ..more of a national level, but feel that this should be lead and passed from council to government.

The goat had no identifying tags ...and for all intense purposes look like a wild goat ...like many that have been seen in this hunting block.

I have apologized to the owner of the goat...offered to pay medical costs incurred...but believe the owner certainly has also a responsibility here as if he had provided his animal with proper and fit fencing the goat would not have come to have been any where within our hunting area and my dogs would have not been unfairly classified as menacing.

Item 9: Objection to Classification of three dogs as menacing - Adam Schwass - Dogs' names: Chip, Storm and Meg.: Attachment 5 – A2217554

I am asking through appeal, that my dogs not be classed as menacing. If anything at all I am liable and have been fined for not having control...which I see its fair ..but certainly not to classify them as menacing...as it is one step to far ...and way too heavy handed.

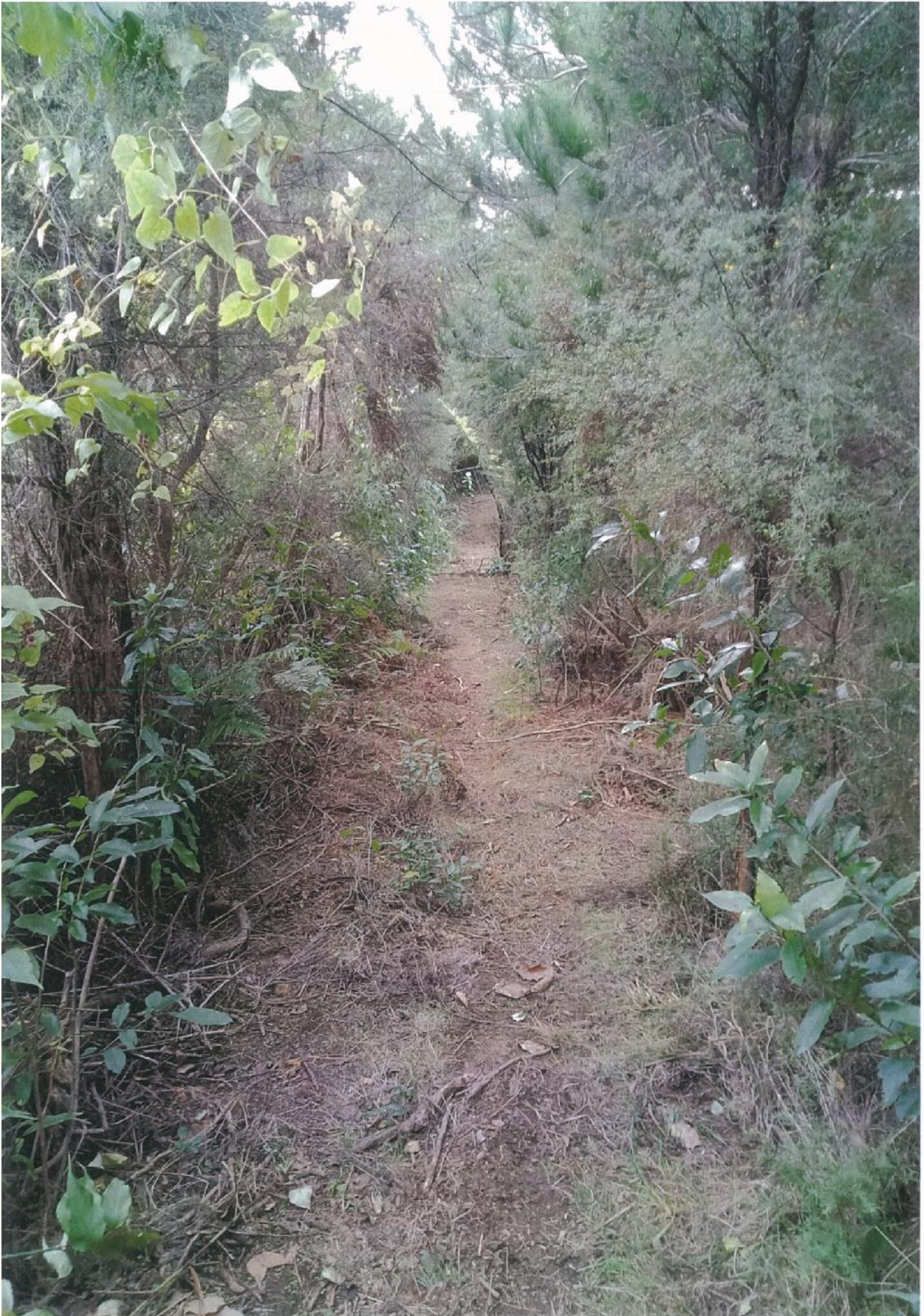
Maybe a way forward is to educate? not punish. We had done everything right on that day. But are being held solely responsible for a situation that could have been avoided if the owner had taken and shown some proper ownership.

Also have emailed..DOC for Kiwi avoidance training for my dogs ...and currently looking at avenues for more intensive stock training.

Regards

Adam Schwass





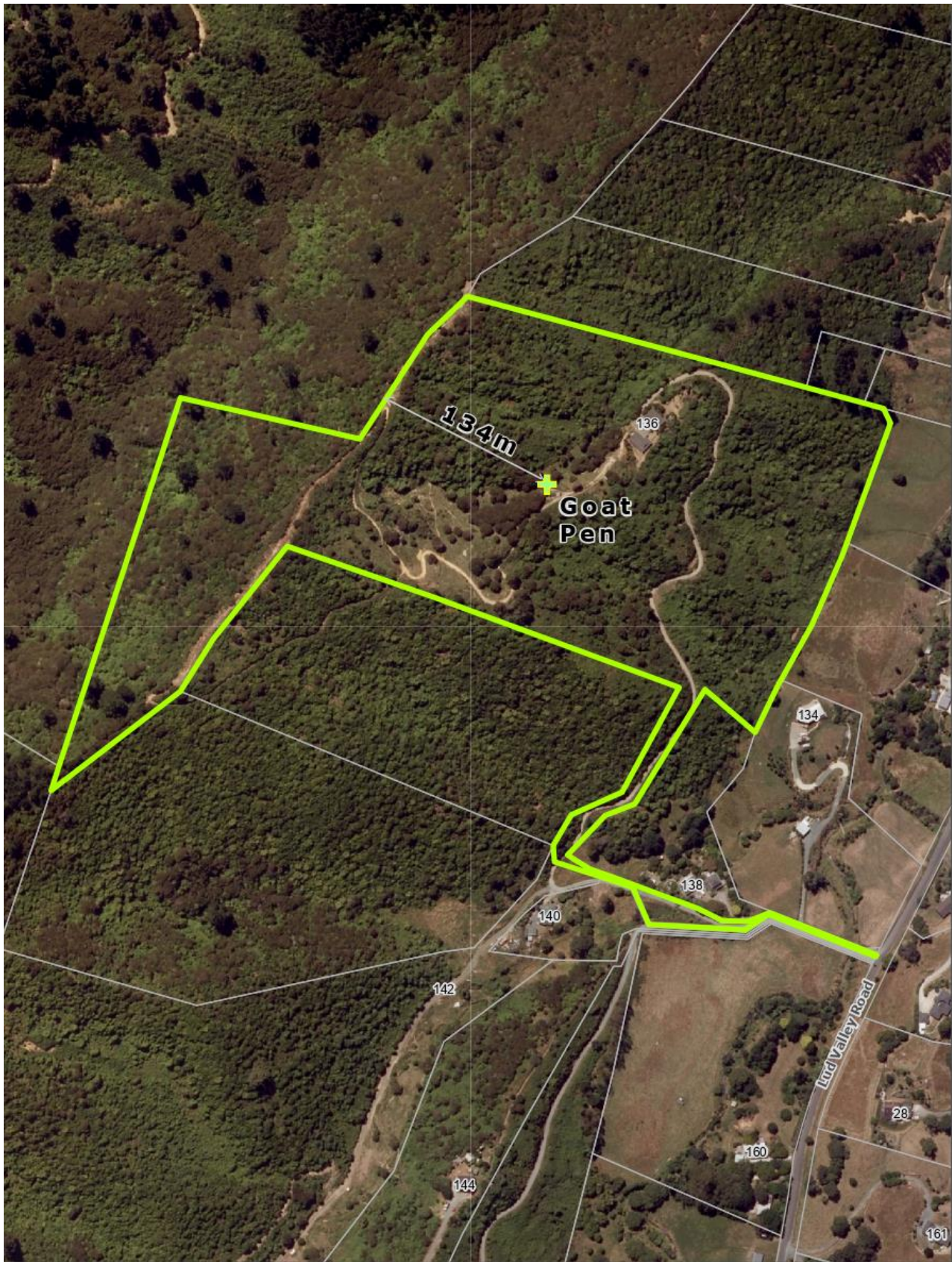
Item 9: Objection to Classification of three dogs as menacing - Adam Schwass - Dogs' names: Chip, Storm and Meg.: Attachment 5 - A2217554



Item 9: Objection to Classification of three dogs as menacing - Adam Schwass - Dogs' names: Chip, Storm and Meg.: Attachment 5 - A2217554



Item 9: Objection to Classification of three dogs as menacing - Adam Schwass - Dogs' names: Chip, Storm and Meg.: Attachment 6



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136 Lud Valley Road - Somervell Property

R10348



August 2019
ATTACHMENT 6

File Ref: A2236473
JIT. Original map size A4.