

Minutes of a meeting of the Hearings Panel - Other

Held in the Council Chamber, Civic House, 110 Trafalgar Street, Nelson

On Wednesday 5 August 2020, commencing at 9.00a.m.

Present: Councillors B McGurk (Chairperson), P Rainey and Y Bowater

In Attendance: Manager Consents and Compliance (M Bishop) and Governance Adviser (J Brandt)

Apologies : Nil

1. Apologies

There were no apologies

2. Confirmation of Order of Business

There was no change to the order of business

3. Interests

There were no updates to the Interests Register, and no interests with items on the agenda were declared.

4. Public Forum

4.1 James Campion – Manager, Franklyn Village. Proposed Pedestrian Refuge on Franklyn Road

Mr Campion noted the impact of the proposed pedestrian refuge on his business, including parking being removed, and traffic delays. Mr Campion noted he was against the proposed pedestrian refuge and instead suggested a controlled pedestrian crossing in another location be considered. Mr Campion answered questions about Franklyn Village resident numbers, the number of car parks available, access for deliveries, use of public transport by residents and the number of residents with mobility issues.

4.2 Kahu Paki Paki, Development Manager and Ropata Taylor, Cultural Adviser - Wakatu Incorporation. Street naming application 3B Hill Street

Mr Paki Paki and Mr Taylor provided historic background to the proposed street names, and noted the use of 'Ara Ngāti Tama' was preferred

despite the similarity to Ngatitama Street. They explained that 'Ara Kaitangata' was not considered appropriate and instead suggested 'Ara Tama Ariki'. Mr Ropata noted that the existing Ngati Rarua Street did not have macrons and requested that this be rectified if possible.

Mr Paki Paki and Mr Taylor answered questions about possible objections to the name 'Ara Tama Ariki'.

5. Confirmation of Minutes

There were no minutes to be confirmed.

6. Street naming application - 3B Hill Street

Document number R18094, agenda pages 5 - 11 refer.

Manager Consents and Compliance, Mandy Bishop, presented the report.

Ms Bishop noted that in light of the public forum request from Wakatū Incorporation for an alternative street name to be used for 'Ara Kaitangata', she would need to undertake more comprehensive checks and report back to the Panel.

Ms Bishop answered questions about the process required to add macrons to existing street names.

The meeting was adjourned from 9.35a.m. to 9.47a.m.

Resolved HEA/2020/016

That the Hearings Panel – Other

- 1. Receives the report Street naming application - 3B Hill Street (R18094) and its attachment (A2396577); and***
- 2. Requests further advice from officers on the use of 'Ara Ngāti Tama or 'Ara Tama Ariki' as the alternative for the proposed name 'Ara Kaitangata' for the road shown in attachment 1 (A2396577) of Report R18094; and***
- 3. Requests further advice on the use of Ara Ngāti Rārua for the proposed continuation of Ngāti Rārua Street for the road shown in attachment 1 (A2396577) of Report R18094.***

McGurk/Bowater

Carried

7. Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedules

Document number R16999, agenda pages 12 - 19 refer.

Team Leader Transport and Solid Waste, Matt Bruce tabled a map of Franklyn Road (A2437264) showing the proposed pedestrian refuge, and presented the report.

Manager Transport and Solid Waste, Marg Parfitt answered questions about

- the impact of the temporary closure of Hampden Street on the traffic volumes on Franklyn Street, as well as counts undertaken of pedestrians crossing Waimea Road near the Franklyn Street corner
- factors officers had considered in ensuring the proposed site was the safest site, including why alternative locations had been dismissed
- reasons why officers did not support a zebra crossing higher up on Waimea Road
- the safety audit undertaken for the proposed pedestrian refuge on Franklyn Street
- the impact of the proposed refuge on hospital traffic
- the interim nature of the proposed pedestrian refuge

Attendance: The meeting adjourned from 10.08a.m. to 10.12a.m.

The motion was taken in parts.

The Panel noted that the safety of children walking to school was paramount.

Resolved HEA/2020/017

That the Hearings Panel - Other

- 1. Receives the report Parking and Vehicle Control Bylaw (2011), No 207 Amendments to Schedules (R16999) and its attachments (A2424883 and A2425269); and***

Rainey/Bowater

Carried

Resolved HEA/2020/018

- 2. Approves amendments detailed in the report R16999 to the following Schedules of the Bylaw, Parking and Vehicle Control (2011), No 207:***
 - Schedule 8 – Nile Street Time Limited Mobility Parking***

Rainey/Bowater

Carried

Resolved HEA/2020/019

3. Approves amendments detailed in the report R16999 to the following Schedules of the Bylaw, Parking and Vehicle Control (2011), No 207:

- **Schedule 9 – Franklyn Street No Stopping.**

Rainey/McGurk

Carried

Attachments

1 A2437264 - Franklyn Street Map - Hearings Panel Other 5Aug2020

The meeting adjourned from 10.19a.m. to 10.30a.m.

8. Objection to Classification of dogs Boston and Rarka as menacing. Kyran Taylor and Talia Samuels.

Document number R17007, agenda pages 20 - 55 refer.

Environmental Inspections Limited Team Leader – Regulatory, Brian Wood, presented the report. He introduced the parties involved in the matter being objector Mr Kyran Taylor and Dog Control Officers Sandy Vale, Jeff Welch and Bill Gaze.

The Chairperson introduced the Panel and confirmed with Mr Taylor that he had no objections to them being on the Panel.

The Panel heard from each of the parties in turn.

Mr Wood summarised the incident as follows:

- On 20 February 2020 Nelson City Council (NCC) received a report from Wilson Dental about a dog that was roaming on his property, with no collar on, scaring the customers, and preventing entry to the property.
- Dog Control Officer Bill Gaze attended, but could not get near the dog, as it was aggressive. This dog was later identified as Boston, an unregistered pitbull cross. Mr Gaze returned to NCC.
- Another call was received to say the dog had returned to the property at 82 Waimea Road.
- At this point Dog Control Officer Mr Welch went along also. Because of the aggressive nature of the dogs, Mr Gaze and Mr Welch decided to call in a third officer, Sandy Vale.

- The three officers subsequently made the decision to impound the dogs. The dogs were captured using a catch pole for safety reasons, moved to dog control vehicles and taken to the pound.
- Due to the nature and behaviour observed, both dogs were classified as menacing. The dogs were not registered at the time but registered shortly after.

Mr Wood answered questions from the Panel, noting:

- No other incidents were known other than the dogs not being registered.
- A menacing classification was permanent but that a request could be made to be remove the classification.
- A menacing classification would require the dogs to be neutered and muzzled in public.
- The dog Boston was the only dog at the dental practice.
- There were no known prior instances of the dog/s jumping the fence.
- Mr Gaze identified the dog at the address- as the same dog that was on the dental premises and as also identified by Mr Wilson
- The second dog, Rarka, along with the dog Boston, was running loose at 80 Waimea Road.

Mr Wood answered a question from Mr Taylor, noting:

- The second call to NCC Customer Services mentioned that Mr Wilson had seen the dog before, but this was contrary to the subsequent statement from Mr Wilson. He noted it was possible that Mr Wilson had seen another dog on an earlier occasion.

Mr Wood and Mr Gaze noted further in response to questions, that the classifications of menacing:

- For the dog Boston, applied because of its behaviours during the visit to 80 Waimea Road and because of its presence at the dental clinic at 82 Waimea Road, as legislation allowed for a territorial authority to classify a dog as menacing where the dog was considered to pose a threat to a person, and
- For the dog Rarka, applied because of the observation of its behaviour by three experienced dog control officers.

Mr Taylor tabled three supporting documents (A2437269): a certificate from Victory Vets showing the dog Rakah [sic] had been neutered, an email from Nelson College and an email from David Wilson.

The meeting was adjourned from 10.49a.m. to 10.52a.m.

The Panel heard from Mr Taylor:

- The dogs were aggravated by stones being thrown and people kicking the gate to the property.
- The female dog Rarka was heavily pregnant at the time. Mr Taylor noted there was a lot of noise on the day and the dogs would have been frightened.

Mr Taylor answered questions from the Panel about the age of the dogs, the reasons for not registering them, whether he had owned dogs before, and where he had lived previously.

The Panel invited Mr Wood to give closing comments.

Mr Wood noted that:

- a member of the public had contacted the council with concerns about a threatening dog,
- three experienced dog control officers had responded and considered both dogs to have considerable bite risks which meant they were justifiably classified as menacing,
- the dog expert hired by the objector had undertaken his assessment with the owners present, and using Australian forms which referred to Australian legislation,
- the classification as menacing was appropriate for both dogs due to the behaviours observed.

The Panel moved into confidential session to deliberate on the matter at 11.04a.m.

Exclusion of the Public

Resolved HEA/2020/020

That the Hearings Panel – Other

- 1. Excludes the public from the following parts of the proceedings of this meeting.***
- 2. The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:***

McGurk/Bowater

Carried

8	Objection to Classification of dogs Boston and Rarka as menacing. Kyran	Section 48(1)(d) That the exclusion of the public from the whole or the relevant	Section 48(2) Paragraph (d) of subsection (1) applies to
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	<p>Taylor and Talia Samuels.</p>	<p>part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.</p>	<p>(a) Any proceedings before a local authority where - (i) A right of appeal lies to any Court or tribunal against the final decision of the local authority in those proceedings</p>
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The meeting went into confidential session at 11.04a.m. and resumed in public session at 11.19a.m.

Councillor McGurk noted that the legislation was such that dogs could be classified as menacing when observed to be threatening. He noted that the Panel had heard evidence from Dog Control Officer Mr Wood about the observed behaviour of dog Boston at 82 Waimea Road, and had subsequently heard from the other dog control officers who had visited 80 Waimea Road, where they had observed aggressive behaviour from dogs Rarka and Boston. It was noted that the dogs had to be restrained to be impounded

Councillor McGurk noted that the Panel had also heard from Mr Taylor who had confirmed that the dogs were his property, and had given possible explanations why the dogs behaved the way they did. It was noted that Mr Taylor had sought information from Nelson College about stones being thrown, provided an email from the neighbouring dentist (unverified sender), and provided evidence that dog Rarka was desexed, but not dog Boston.

Councillor McGurk spoke about the decision before the Panel, noting that under the Act, the consequences of classifying the dogs as menacing were not onerous, given the reduced risk to the public that would be achieved. He noted that the reports from the three experienced dog officers should be given appropriate weight when making this decision. He noted that having three officers on site may have contributed to more aggressive behaviour from the dogs.

Resolved HEA/2020/022

That the Hearings Panel - Other

1. ***Receives the report Objection to Classification of dogs Boston and Rarka as menacing. Kyran Taylor and Talia Samuels. (R17007) and its attachments (A2370278, A2370259, A2426520, A2134555, A2415873 and A2426645); and***
2. ***Dismisses the objection of Kyran Taylor and Talia Samuels to the Classification of dogs Boston and Rarka as menacing; and***

3. Upholds the classification of both dogs Boston and Rarka as menacing.

McGurk/Rainey

Carried

Attachments

- 1 A2437269 - Supporting documents from Kyran Taylor - Objection to Classification as Menacing - Dogs Boston and Rarka

Adjournment of Meeting

Resolved HEA/2020/023

That the Hearings Panel - Other

1. **Adjourns the meeting until a later date to conclude item 6. (Street naming application - 3B Hill Street).**

McGurk/Bowater

Carried

The meeting adjourned at 11.29a.m.



**Minutes of a reconvened meeting of the Hearings Panel - Other
Held in the Council Chamber, Civic House, 110 Trafalgar Street,
Nelson**

On Thursday 3 September 2020, commencing at 8.31a.m.

Present: Councillors B McGurk (Chairperson), P Rainey and Y Bowater

In Attendance: Kaihautū (P Lee), Manager Consents and Compliance (M Bishop), Consents Administrator (L Greer), and Governance Adviser (E-J Ruthven)

Apologies : Nil

9. Street Naming Application - 3B Hill Street (adjourned item from 5 August 2020)

Manager Consents and Compliance, Mandy Bishop, tabled a supplementary report (A2451414).

Kaihautū, Pania Lee, answered questions regarding the correct grammatical expression for the proposed street names in Te Reo Māori.

Manager Consents and Compliance, Mandy Bishop, and Consents Administrator, Lynda Greer, answered further questions regarding street name length and the applicant's preferred street names.

Resolved HEA/2020/023

That the Hearings Panel - Other

- 1. Receives the report (R17007) and its attachment (A2439164); and***
- 2. Notes the Hearings Panel's preference for the names "Te Ara o Tama Ariki", "Te Ara o Ngāti Koata", "Te Ara o Te Ātiawa", "Te Ara o Ngā Hekenga" and "Ngāti Rārua Street" for the roads as shown on Attachment 1 of report R19225 (A2439164); and***

3. Requests officers to engage further with the Cultural Manager and/or Kaumatua of Wakatū Incorporation as to the correct expression of the proposed street names.

McGurk/Rainey

Carried

Attachments

- 1 A2451414 - Hill Street naming - tabled additional information
3Sep2020

The meeting was adjourned at 9.08a.m, to be reconvened at a future date.



**Minutes of a reconvened meeting of the Hearings Panel - Other
Held in the Council Chamber, Civic House, 110 Trafalgar Street,
Nelson**

On Tuesday 22 September 2020, commencing at 8.30a.m.

Present: Councillors B McGurk (Chairperson), P Rainey and Y Bowater

In Attendance: Manager Consents and Compliance (M Bishop), Consents Administrator (L Greer), and Governance Adviser (J Brandt)

Apologies : Nil

10 Street Naming Application - 3B Hill Street (adjourned item from 3 September 2020)

Manager Consents and Compliance, Mandy Bishop, tabled a supplementary report (A2469520).

Resolved HEA/2020/016

That the Hearings Panel - Other

- 1. Receives the report (R17007); and***
- 2. Approves the names of "Ara o Tama Ariki", "Ara o Ngāti Koata", "Ara o Te Ātiawa", "Ara o Ngā Hekenga" and "Ngāti Rārua Street" for the roads as shown on Attachment 1 of report R19225 (A2439164).***

Rainey/Bowater Carried

Attachments

- 1 A2469520 - Hill Street naming - additional tabled information 22Sep2020

There being no further business the meeting ended at 8.30a.m.

Confirmed as a correct record of proceedings:

_____ Chairperson _____ Date