



**Nelson** City Council  
Te Kaunihera o **Whakatū**

**Notice of the Ordinary meeting of**

## **Hearing Panel**

### ***Te Rōpū Rongonga***

Date:	Friday 1 December 2023
Time:	1.00p.m.
Location:	Council Chamber Floor 2A, Civic House 110 Trafalgar Street, Nelson

## **Agenda**

### ***Rārangi take***

**Chairperson**

Cr Rachel Sanson

**Members**

Cr Trudie Brand

Cr Kahu Paki Paki

**Quorum 2**

**Nigel Philpott  
Chief Executive**

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. For enquiries call (03) 5460436.

## **Hearing Panel**

### 1. 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.

### 2. Membership:

- All elected members aside from the Mayor, in rotation. Each Hearing Panel will be made up of three members.
- The Chair of each Panel will be an elected member who has previously completed the 'Making Good Decisions' course.
- Each Hearings Panel will include no more than one elected member in their first triennium of Council
- The Group Manager Environmental Management may appoint one or more Independent Commissioners to either assist the Hearing Panel or to hear and determine any particular application, such as when Council or a Council-Controlled Organisation or Council-Controlled Trading Organisation is (or could be perceived to be) an interested party, other than applications made for temporary road closure under Schedule 10 Clause 11(e) of the Local Government Act 1974.

### 3. Powers to Decide:

- The power to appoint a panel to hear and determine with any other consent authority any application requiring a joint hearing
- The power to hear and recommend appropriate actions from hearings of designations and heritage orders
- The power to hear, consider and attempt to resolve contested road stopping procedures
- The power to consider and determine applications for temporary road closures made under Schedule 10 Clause 11(e) of the Local Government Act 1974
- The power to hear and determine all matters arising from the administration of the Building Act 1991, and the Building Act 2004
- The power to hear and determine objections to the classification of dogs, and all other procedural matters for which a right of objection and hearing is provided for under the Dog Control Act, 1996
- 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, aside from those impacted by the Naming Rights and Sponsorship Policy for Community Services Facilities
- The power to provide advice to applicants on appropriate names for private roads, rights of way or other legal forms of private access to property
- The power to make changes to the schedules to the Parking and Vehicle Control Bylaw
- The power to administer the administering body functions under section 48 of the Reserves Act 1977 on proposed rights of way and other easements on reserves vested in Council.

## Karakia and Mihi Timatanga

### 1. Apologies

Nil

### 2. Confirmation of Order of Business

### 3. Interests

3.1 Updates to the Interests Register

3.2 Identify any conflicts of interest in the agenda

### 4. Public Forum

### 5. Confirmation of Minutes

5.1 20 October 2023

6 - 8

Document number M20330

Recommendation

#### ***That the Hearing Panel***

- 1. Confirms the minutes of the meeting of the Hearing Panel, held on 20 October 2023, as a true and correct record.***

### 6. Objection to Classification of dog Max as Dangerous Richard (Ricky) Tasker

9 - 22

***This report has been withdrawn from the agenda and will be considered at a later date.***

Document number R28000

Recommendation

#### ***That the Hearing Panel***

1. **Receives the report *Objection to Classification of dog Max as Dangerous Richard (Ricky) Tasker (R28000) and its attachments (832826773-47632, 832826773-47592 and 832826773-47593); and***
2. **Dismisses the objection of Mr. Tasker to the classification of dog Max as Dangerous; and**
3. **Upholds the classification of dog Max as Dangerous.**

**7. Temporary Road Closure - Sanitarium Weet-bix Kids TRYathlon**

**23 - 30**

Document number R28070

Recommendation

***That the Hearing Panel***

1. **Receives the report *Temporary Road Closure - Sanitarium Weet-bix Kids TRYathlon (R28070) and its Attachments (1355221503-12925 and 340448201-5542); and***
2. **Approves the Temporary Road Closures as per report R28070 for the Sanitarium Weet-bix Kids TRYathlon on 10 March 2024 and its Attachments (1355221503-12925 and 340448201-5542).**

**8. Change of road names at Nelson Airport**

**31 - 35**

Document number R28161

Recommendation

***That the Hearing Panel***

1. **Receives the report *Change of road names at Nelson Airport (R28161) and its Attachment (756385493-54292); and***
2. **Approves the name *Dakota St* for the roads currently named *Tangmere Place* and *Rapide Place* as identified in Attachment 1 (756385493-54292) of report R28161.**

**Karakia Whakamutanga**





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**Minutes of a meeting of the**

**Hearing Panel**

***Te Rōpū Rongonga***

**Held in the Council Chamber, Floor 2A, Civic House, 110 Trafalgar Street, Nelson on Friday 20 October 2023, commencing at 1.05p.m.**

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Present: Councillors T Brand (Chair), R O'Neill-Stevens and J Hodgson

In Attendance: Governance Adviser (H Wagner) and Assistant Governance Adviser (A Bryce)

Apologies : Nil

**Karakia and Mihi Timatanga**

**1. 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**

There was no public forum.

**5. Confirmation of Minutes**

5.1 8 September 2023

Document number M20278, agenda pages 5 - 6 refer.

Resolved HEA/2023/013

***That the Hearing Panel***

1. ***Confirms the minutes of the meeting of the Hearing Panel, held on 8 September 2023, as a true and correct record.***

Brand/Hodgson

Carried

**6. Temporary Road Closure - Santa Parade, Christmas Carols and New Years Eve Event and Safety Road Closures**

Document number R27948, agenda pages 7 - 22 refer.

Contracts Supervisor – Roding, Gillian Dancey, took the report as read.

Resolved HEA/2023/014

***That the Hearing Panel***

1. ***Receives the report Temporary Road Closure - Santa Parade, Christmas Carols and New Years Eve Event and Safety Road Closures (R27948) and its attachments (1355221503-12603, 340448201-5447, 1355221503-12575, 340448201-5448, 1355221503-12576 and 340448201-5449); and***
2. ***Approves the temporary road closures as per report R27948 for the Santa Parade on 10 December 2023 (340448201-5447); and***
3. ***Approves the temporary road closures as per report R27948 for Christmas Carols on 24 December 2023 (340448201-5448); and***
4. ***Approves the temporary road closures as per report R27948 for the New Years Eve Event and Safety Road Closures between 31 December 2023 and 1 January 2024 (340448201-5449).***

O'Neill-Stevens/Hodgson

Carried

**7. Road naming for Marsden Park**

Document number R27961, agenda pages 23 - 30 refer.

Development and Naming Adviser, Bernadette Power, took the report as read and answered questions on whether there were any significant Māori sites in the area.

Resolved HEA/2023/015

***That the Hearing Panel***

- 1. Receives the report Road naming for Marsden Park (R27961) and its attachment (1366331260-217964); and***
- 2. Approves the names Canary Place and Cumberland Crescent for the roads shown on the Scheme plan in attachment RM155023 Marsden Park - street naming scheme plan 10 Oct 23 (1366331260-217964).***

Brand/O'Neill-Stevens

Carried

**Karakia Whakamutanga**

There being no further business the meeting ended at 1:10p.m.

Confirmed as a correct record of proceedings by resolution on (date)

Resolved



Item 6: Objection to Classification of dog Max as Dangerous Richard (Ricky) Tasker

**Hearing Panel**

**1 December 2023**



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**Report Title:**            **Objection to Classification of dog Max as Dangerous Richard (Ricky) Tasker**

**Report Author:**       **Chris Bascombe - Team Leader - Regulatory**

**Report Authoriser:** **Mandy Bishop - Group Manager Environmental Management**

**Report Number:**       **R28000**

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***This report has been withdrawn from the agenda and will be considered at a later date.***

**1. Purpose of Report**

1.1 To decide on an objection to the classification of a Staffordshire Bull Terrier named Max as Dangerous, pursuant to section 31(1)b and 31(1)c of the Dog Control Act 1996.

**2. Summary**

2.1 On Friday 16 July 2023, Nelson City Council received a report that stated on 13 June 2023 at about 10am, a large dog wearing a muzzle had leaped at the customer whilst she was on her bike on the railway reserve in Stoke, the contact made by the dog leaping at the customer had caused her to fall off her bike, hit her head and lose consciousness.

2.2 The Victim recalled the person in possession of Max at the time mentioned to them that they walked this dog for their neighbour.

2.3 Animal Control Officer Welch talked to Animal Control Officer Jacobson after receiving the report, Animal Control officer Jacobson suggested making contact with the Taskers as officer Jacobson had recently investigated and classified Max as menacing for a similar complaint in the same area.

2.4 Animal Control Officer Welch Contacted Mr. Tasker who denied it could be his dog as their neighbour had "not walked the dog for some time" as he had serious medical issues.

Item 6: Objection to Classification of dog Max as Dangerous Richard (Ricky) Tasker

- 2.5 Animal Control Officer Welch contacted Mr. Tasker's neighbour, Neil Thomason to explain why he had contacted Mr. Tasker.
- 2.6 Mr Thomason confirmed knowledge of the incident and explained his recollection of the dog "Max" making contact and subsequently injuring the complainant.
- 2.7 Due to Max's extensive history of aggressive behaviour the decision was made to classify him as a dangerous dog under section 31(b) as despite abiding by the menacing classification he still constituted a threat to the safety of a person during this incident.
- 2.8 Mrs. Tasker also emailed Animal Control Officer Welch after receiving the notice of classification. In this email she states that she is "not comfortable with him being out without a muzzle" as they did not know why he had previously bitten. 31(c).
- 2.9 An appeal was made against the classification.

### **3. Recommendation**

***That the Hearing Panel***

- 1. Receives the report Objection to Classification of dog Max as Dangerous Richard (Ricky) Tasker (R28000) and its attachments (832826773-47632, 832826773-47592 and 832826773-47593); and***
- 2. Dismisses the objection of Mr. Tasker to the classification of dog Max as Dangerous; and***
- 3. Upholds the classification of dog Max as Dangerous.***

### **4. Background**

- 4.1 24.11.22 Max was adopted by Monique Tasker from the SPCA.
- 4.2 18.05.23 NCC received a report that Max being off lead had bitten a Post Officer twice during the same incident whilst performing his duties.
- 4.3 26.05.23 NCC received a report Max had while on lead jumped at and bit a member of public, this person then had to dismount their bike and use it as a barrier as Max was still presenting aggressive behaviour.
- 4.4 29.05.23 Officer Jacobson on behalf of NCC classified Max as a menacing dog so he would be required to be muzzled in public.
- 4.5 16.06.23 NCC received a report that whilst wearing a muzzle but off lead, Max made contact with a cyclist causing significant injury.

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- 4.6 13.07.23 Officer Walch on behalf of NCC classified Max as dangerous so he would be required to be muzzled and on lead when in public.
- 4.7 25.09.23 Mr. Tasker submitted a formal appeal application against the dangerous classification place on Max.

**5. Discussion**

Legislation around classification of a dog as Dangerous

- 5.1 Section 31 of the dog control act states, the territorial authority must classify a dog as Dangerous if:
- a. *The owner of the dog has been convicted of an offence in relation to the dog under section 57A(2); or*
  - b. *The territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on 1 or more occasions, reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; or*
  - c. *The owner of the dog admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.*
- 5.2 Section 31(2) states, where any dog is classified as a dangerous dog under subsection (1), the territorial authority shall immediately give notice in the prescribed form of that classification to the owner.
- 5.3 Section 31(3) states where any dog is classified as a dangerous dog under subsection (1)(b), the owner may, within 14 days of the receipt of notice of that classification under subsection (2), object to the classification in writing to the territorial authority and shall be entitled to be heard in support of his or her objection.
- 5.4 Section 31(4) states, In considering any objection under this section, the territorial authority shall have regard to—
- (a) the evidence which formed the basis for the original classification; and
  - (b) any steps taken by the owner to prevent any threat to the safety of persons and animals; and
  - (c) the matters advanced in support of the objection; and
  - (d) any other relevant matters—
- and may uphold or rescind the classification.

Item 6: Objection to Classification of dog Max as Dangerous Richard (Ricky) Tasker

- 5.5 Section 31(5) states, the territorial authority shall give notice of its decision on any objection, and the reasons for its decision, to the owner as soon as practicable.
- 5.6 Section 32(1) of the Dog Control Act requires that If a dog is classified as a dangerous dog under section 31, the owner of the dog—
- (a) Must ensure that from a date no longer than one month after the receipt of notice of classification, the dog is kept within a securely fenced portion of the owner’s property that it is not necessary to enter to obtain access to at least one door of any dwelling on the property; and
  - (b) Must not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being-
    - (i) Muzzled in such a manner a to prevent the dog from biting but allow it to breathe and drink without obstruction; and
    - (ii) Controlled on a leash (except when in a dog exercise area specified in a bylaw made under section 20(1)(d)); and
  - (c) Must produce to the territorial authority, withing one month after the receipt of the notice of classification, a certificate issued by a veterinarian and certifying-
    - (i) That the dog is or has been neutered; or
    - (ii) That for the reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
  - (d) Must, if a certificate under paragraph (c)(ii) is produced to the territorial authority, produce to the territorial authority, within one month after the date specified in that certificate, a further certificate under paragraph (c)(i); and
  - (e) Must, in respect of every registration year commencing after the date of receipt of the notice of classification, be liable for dog control fees that for that dog at 150% of the level that would apply if the dog were not classified as a dangerous dog; and
  - (f) Must not, without the written consent of the territorial authority in whose district the dog is kept, dispose of the dog to any other person.
- 5.7 Section 32(2) states Every person who fails to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$3,000.

Item 6: Objection to Classification of dog Max as Dangerous Richard (Ricky) Tasker

- 5.8 Section 32(3) states If a court convicts a person of an offence against subsection (2), the court must also make an order for the destruction of the dog unless satisfied that the circumstances of the offence were exceptional and do not warrant destruction of the dog.
- 5.9 Section 32(4) states Every person who sells or otherwise transfers, or offers to sell or transfer, to any other person any dog known by that person to be classified as a dangerous dog without disclosing the fact of that classification to that other person commits an offence and is liable on conviction to a fine not exceeding \$3,000.
- 5.10 Section 32(5) states if a person fails to comply with subsection (1), a dog control officer or dog ranger may-
- (a) Seize and remove the dog from the person's in possession; and
  - (b) Retain custody of the dog until the territorial authority has reasonable grounds to believe that the person has demonstrated a willingness to comply with subsection (1).

The Evidence which formed the basis for the Classification

- 5.11 The affidavit received by Juliet McLintock after the incident on 13 June 2023 (Attached).
- 5.12 Eyewitness accounts of the displayed aggression during the two previous attacks.
- 5.13 Extensive history including three separate reported attacks on people within a month.
- 5.14 ACO's recollection of the conversation with the person in possession of Max after the third reported incident, confirming that Max was wearing a muzzle but not on lead.

Steps taken by the dog owner to prevent any threat to the safety of persons or animals.

- 5.15 The only steps taken by the dog owner have been those specified by the classification placed on max after the reported attacks.

Menacing (requirement to wear a muzzle)

Dangerous (requirement to muzzle and be kept on lead)

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Matters relied on in support of the objection.

5.16 Mr. Tasker submits that he does not believe “the information received to the NCC to be 100% accurate”.

**6. Options**

<b>Option 1: The Objection Be Dismissed (Recommended Option)</b>	
Advantages	<ul style="list-style-type: none"><li>• This will result in Max being legally required to wear a muzzle and be leashed whenever off his property. This will reduce the risk of people, other dogs and animal being attacked and injured or killed should another incident occur.</li></ul>
Risks and Disadvantages	<ul style="list-style-type: none"><li>• This may have a negative impact on Max and his owner’s enjoyment when in public. Max’s registration cost will increase by \$76.50.</li></ul>
<b>Option 2: The Objection Be Upheld</b>	
Advantages	<ul style="list-style-type: none"><li>• Max will not legally be required to be leashed in public (in accordance with relevant bylaw).</li></ul>
Risks and Disadvantages	<ul style="list-style-type: none"><li>• This will increase the risk of people or other animals being attacked or injured or killed if max were to again be involved in an incident.</li></ul>

**7. Conclusion**

7.1 Several members of public have reported having observed the behaviour of Max as constituting a risk to public safety on numerous occasions.

7.2 The evidence is clear that Max has caused injury on multiple occasions including after a menacing classification was place on him.

7.3 It is considered that in order to reduce the risk to the safety of members of public and other animals that the dog Max should be muzzled and on lead whenever in a public place. A dangerous classification is the only classification that requires the dog to be leashed and muzzled when in public. A muzzle and a lead would not be required when on private land, and a lead would not be required when in a specified dog exercise area.

7.4 It is recommended that the objection be dismissed and the classification of Max as a dangerous dog be upheld.

**8. Next Steps**

8.1 If NCC’s recommendation is upheld there is not a next step as the Taskers and Max are compliant with the dangerous classification.

Item 6: Objection to Classification of dog Max as Dangerous Richard (Ricky)  
Tasker

**Attachments**

Attachment 1: 832826773-47632 Affidavit Juliet Mary McLintock July 2023 [↓](#)

Attachment 2: 832826773-47592 DCA1996 S31 Dangerous Classification [↓](#)

Attachment 3: 832826773-47593 DCA1996 S32 Dangerous Classification Effect  
[↓](#)

Item 6: Objection to Classification of dog Max as Dangerous Richard (Ricky)  
Tasker

<b>Important considerations for decision making</b>
<b>Fit with Purpose of Local Government</b>  The regulatory function is 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.
<b>Consistency with Community Outcomes and Council Policy</b>  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 non-compliant owners
<b>Risk</b>  Council has obligations under the Dog Control Act 1996 to follow the correct legal process.  There is a risk to the community from future incidents if the recommendation is not supported
<b>Financial impact</b>  This decision will have no financial impact on NCC or the community, immediate or long term.
<b>Degree of significance and level of engagement</b>  The recommendations outlined in this report are not considered significant in terms of council's significance and engagement policy.
<b>Climate Impact</b>  This decision will have no impact on the ability of the council or district to proactively respond to the impacts of climate change now or in the future
<b>Inclusion of Māori in the decision making process</b>  No engagement with Māori has been undertaken in preparing this report.
<b>Legal context</b> <ul style="list-style-type: none"><li>• <i>Council has power to make this decision under section 31 of the Dog Control Act 1996.</i></li><li>• <i>Council's decision must be made in accordance with Part 6 of the Local Government Act 2002.</i></li></ul>
<b>Delegations</b>



Item 6: Objection to Classification of dog Max as Dangerous Richard (Ricky)  
Tasker

The Hearings Panel – Other has the following delegations:

- *To hear and determine objections to the classifications of all dogs and all other procedural matters for which a right of objection and hearing is provided for under the Dog Control Act 1996*

Affidavit

**My full name is Juliet Mary McLintock, retired, [REDACTED]  
[REDACTED] and I sincerely affirm that:**

I am 75 years of age.

At around 10am on Tuesday the 13<sup>th</sup> of June 2023 I was riding my pushbike on the Railway Reserve in Stoke, Nelson.

I do a lot of cycling – 4 or 5 times a week and I consider myself to be a confident and capable rider.

I was heading in a northerly direction and as I came up to Saxton Road crossing I noticed a car approaching so I dismounted from my bike and then walked across the roadway after the car had passed.

I saw a man on the Reserve-way on the other side. He had a dog by his side and I couldn't see if it was on a leash or not.

I got back onto my bike to continue on my way and had just started pedalling when the dog jumped up and hit me on my right side.

The force knocked me from my bike and onto the sealed pathway.

I hit my head on the pathway, smashing my helmet and I lost consciousness for a few minutes.

When I regained consciousness, some people had stopped and were helping me and they said they had called an ambulance.

I was vomiting. The ambulance staff believed I had sustained a spinal injury and possible brain bleeding.

As I was being taken to the ambulance I saw the man and dog and I asked if it was that dog that had jumped on me.

He came forward and said that it was and that he was walking the dog for his neighbour who owns it.

He told me that my head had hit the ground, bounced up and then hit the ground again.

He was very apologetic.

At that point I noticed that the dog was wearing a muzzle. I have since wondered why that would be and if the dog has aggression issues or something.

I underwent some tests at the hospital including a scan to determine if I had any spinal injuries or bleeding of the brain and was subsequently released with advice to monitor any symptoms.

*JML*

NDOCS 832826773-47632

**Juliet Mary McLintock continues:**

The owner of the dog has since made contact with me and has apologised and paid for a new cycle helmet.

I was very shaken by this incident and, if not for my helmet, I believe I could have been very seriously hurt.

I was already mindful of cycling near dogs but this incident has really shaken my confidence.

I should be able to ride my bike without fear of this happening.

*M. Tasker*

*Affirmed*

**Sworn at Nelson**

This *5<sup>th</sup>* day of *July* 2023

Before me *R. Scott*

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

R J Scott  
Deputy Registrar  
District Court Nelson

*J. McLintock*









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**Report Title:** Temporary Road Closure - Sanitarium Weet-bix Kids TRYathlon  
**Report Author:** Gillian Dancey - Contracts Supervisor - Roading  
**Report Authoriser:** Alec Louverdis - Group Manager Infrastructure  
**Report Number:** R28070

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**1. Purpose of Report**

1.1 To approve or decline the temporary road closure application for the Sanitarium Weet-bix Kids TRYathlon on Sunday 10 March 2024.

**2. Recommendation**

*That the Hearing Panel*

1. ***Receives the report Temporary Road Closure - Sanitarium Weet-bix Kids TRYathlon (R28070) and its Attachments (1355221503-12925 and 340448201-5542); and***
2. ***Approves the Temporary Road Closures as per report R28070 for the Sanitarium Weet-bix Kids TRYathlon on 10 March 2024 and its Attachments (1355221503-12925 and 340448201-5542).***

**3. Background**

3.1 These closures are for events, and therefore fit the requirements of Schedule 10 Clause 11(e) of the Local Government Act 1974 which come to the Hearings Panel for approval.

3.2 It is a requirement that consultation with Waka Kotahi (New Zealand Transport Agency) is undertaken to temporarily close any road under Schedule 10 Clause 11 of the Local Government Act 1974. Nelson City Council (NCC) and Waka Kotahi have an agreement whereby specific consultation is only required if the closure affects the State Highway or their assigned detour routes.

## Item 7: Temporary Road Closure - Sanitarium Weet-bix Kids TRYathlon

### **4. Sanitarium Weet-bix Kids TRYathlon**

- 4.1 Council officers received an application on 5 October 2023 from SMC Events NZ Ltd to close the following roads between 6.00am and 1.00pm on Sunday 10 March 2024, and as shown in Attachment 1.
- 4.1.1 Tahunanui Recreation Reserve
  - 4.1.2 Beach Road from approximately no. 21 Beach Road to Golf Road
  - 4.1.3 Golf Road from Beach Road to Parkers Road
  - 4.1.4 Hounsell Circle
  - 4.1.5 Waikare Street
  - 4.1.6 Bisley Walk
  - 4.1.7 Centennial Road
  - 4.1.8 Green Street – from Roto Street to Golf Road
- 4.2 The Sanitarium Weet-bix Kids TRYathlon is an annual event designed for children to stay active and healthy through participating in a TRYathlon that consists of swimming, cycling and running. This event has been running since 1992.
- 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 Consultation with Waka Kotahi has been undertaken due to this event having an impact on the State Highway and/or its detour routes. Waka Kotahi has given their approval for this event.
- 4.5 Consultation with the Police has been undertaken and they have given their approval for this event.
- 4.6 As per clause 11A of schedule 10 of the Local Government Act 1974, Council placed a notification in Our Nelson on 25 October 2023 to notify of the applicant's intention to close these roads and inviting feedback by 8 November 2023. The advertisement was also placed on the Council website, an email notification was undertaken, and a hand delivered letter by the applicant was delivered to directly affected businesses/residents (Attachment 2). Feedback is currently pending.
- 4.7 No noise consent is required for this event and evidence of public liability insurance has been provided.
- 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.



## Item 7: Temporary Road Closure - Sanitarium Weet-bix Kids TRYathlon

- 4.9 If approved, a minimum of 24 hours' notice will be provided to affected businesses and residences.
- 4.10 In the event that this event gets cancelled, the closures will not proceed, and this will be publicly notified.

### **5. Options**

- 5.1 Council has two options, either to approve or decline the temporary road closure application. Officers recommend approving the temporary road closures for this event.

### **Attachments**

- Attachment 1: 340448201-5542 - MAP - Sanitarium Weetbix Kids TRYathlon 2024 [↓](#)
- Attachment 2: 1355221503-12925 - Letter Drop - Sanitarium Weet-bix Kids TRYathlon 2024 [↓](#)

<b>Important considerations for decision making</b>
<b>Fit with Purpose of Local Government</b> The following are applicable: <ul style="list-style-type: none"><li>• The Local Government Act 1974, Schedule 10, Temporary Prohibition of Traffic.</li><li>• The Local Government Act 2002, Clause 78, Community Views in Relation to Decisions.</li></ul> This temporary road closure fits with the purpose of local government.
<b>Consistency with Community Outcomes and Council Policy</b> These events contribute to our community outcomes by assisting our community to celebrate their identity and community.
<b>Risk</b> If the temporary road closure is not approved, these events are at risk of not going ahead.
<b>Financial impact</b> There is limited financial impact for Council for this road closure.
<b>Degree of significance and level of engagement</b> 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.
<b>Climate Impact</b> This decision will have no impact on the ability of the Council or District to proactively respond to the impacts of climate change now or in the future.
<b>Inclusion of Māori in the decision making process</b> No engagement with Māori has been undertaken in preparing this report.

**Delegations**

The Hearing Panel 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.*









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**Report Title:** Change of road names at Nelson Airport  
**Report Author:** Bernadette Power - Development and Naming Adviser  
**Report Authoriser:** Michelle Joubert - Strategic Adviser  
**Report Number:** R28161

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## 1. Purpose of Report

To accept or decline to accept an application to change two private road names at Nelson Airport.

## 2. Recommendation

*That the Hearing Panel*

1. ***Receives*** the report ***Change of road names at Nelson Airport (R28161) and its Attachment (756385493-54292); and***
2. ***Approves*** the name ***Dakota St*** for the roads currently named ***Tangmere Place*** and ***Rapide Place*** as identified in ***Attachment 1 (756385493-54292)*** of report ***R28161***.

## 3. Background

- 3.1 The three private roads, Dakota Street, Tangmere Place and Rapide Place form a continuous road, having three names causes confusion for delivery staff and visitors to the Airport. It is therefore preferable to extend the use of Dakota St to replace Tangmere Place and Rapide Place.

## 4. Discussion

- 4.1 The Council has no authority to name private roads or ways, other than to accept a name for inclusion in Council records and thereby other public records.

### 4.2 Compliance with Council road naming guidelines

Dakota Street is an existing road name, it was accepted by Council in 2001 prior to the introduction of the Australian/ NZ rural and urban

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addressing standard. The definition of a street in this standard is a "Public roadway in an urban area, especially where paved and with footpaths and buildings along one or both sides." Even though these three roads are private roads, there is no issue with extending the use of Dakota Street as the name.

### **4.3 Evaluation of the proposed name**

The use of three names for the continuous road causes confusion for delivery staff and visitors to the airport. Nelson Airport has consulted with all affected tenants and there is unanimous support for rationalising the three road names into one, and that the clear preference is to adopt Dakota Street as the name.

## **5. Options**

The preferred option is to accept the name Dakota Street as replacement for the names Tangmere Place and Rapide Place. The alternative option is for Council to decline to accept the name and ask the applicant to submit an alternative name.

## **Attachments**

Attachment 1: 756385493-54292 - Nelson Airport - plan showing Dakota Street, Tangmere Place, Rapide Place [↓](#)



<b>Important considerations for decision making</b>
<b>Fit with Purpose of Local Government</b>  The Council has the authority to name roads, pursuant to s 319(j) of the Local Government Act 1974. The Council does not have the authority to name private rights of way but may accept and record the name in Council systems and records.
<b>Consistency with Community Outcomes and Council Policy</b>  The decision in this report supports the community outcome that our Council provides leadership and fosters partnerships, a regional perspective and community engagement.
<b>Risk</b>  This is a low-risk decision as checks have been carried out to ensure that the proposed names will not cause confusion to the public or to emergency services. The name will not cause offence.
<b>Financial impact</b>  No additional resources are required.
<b>Degree of significance and level of engagement</b>  This matter is of low significance and Nelson Airport has consulted with all affected parties.
<b>Climate Impact</b>  Not applicable for the naming of a private right of way.
<b>Inclusion of Māori in the decision making process</b>  No engagement with Māori has been undertaken in preparing this report.
<b>Legal context</b>  The Council has the authority to name roads, pursuant to s 319(j) of the Local Government Act 1974. The Council does not have the authority to name private rights of way but may accept and record the name in Council systems and records.
<b>Delegations</b>  The Hearing Panel has the following delegations to consider:  Areas of Responsibility:

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- 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 (7.3.1).

### Powers to Decide:

- The power to provide advice to applicants on appropriate names for private roads, rights of way or other legal forms of private access to property (7.3.3).

