



I give notice that
a Fences, Roading, Reserves & Dogs Committee Meeting will be held
on:

Date:	Tuesday, 31 January 2017
Time:	10.00am
Location:	Council Chamber
	72 Lake Terrace
	Taupo

AGENDA

MEMBERSHIP

Chairperson Cr Barry Hickling

Deputy Chairperson Cr John Williamson

Members Cr John Boddy
Cr Zane Cozens
Cr Anna Park

Quorum

Gareth Green
Chief Executive Officer

Order Of Business

- 1 Apologies**
- 2 Conflicts of Interest**
- 3 Confirmation of Minutes**
Nil
- 4 Reports**
 - 4.1 Request from Ms Denise Barnes - Menacing Dog Classification 3
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 - 4.3 Request for Removal of Trees - 90 Richmond Avenue and 2 Cherry Lane 10
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4.1 REQUEST FROM MS DENISE BARNES - MENACING DOG CLASSIFICATION

Author: Tina Jakes, Democracy & Community Engagement Manager

Authorised by: Brian Fox, Group Manager: Corporate and Community

PURPOSE

To consider a request from Ms Denise Barnes for either revocation of an earlier Committee decision to uphold the staff classification of Tilly Matilda as a menacing dog, or a rehearing of the matter.

EXECUTIVE SUMMARY

Council has received a letter from Ms Barnes' lawyer requesting either revocation of the Committee's 22 September 2015 decision to uphold the staff classification of Tilly Matilda as a menacing dog, or a rehearing of the matter. The request is now presented for consideration.

RECOMMENDATION(S)

That the Fences, Roading, Reserves & Dogs Committee considers the request from Ms Denise Barnes and either:

- 1 Declines the requests for revocation of the Committee's decision FRD201509/04 or for a rehearing of the matter; or
- 2 Agrees to revoke the earlier Committee decision FRD201509/04 and immediately rescind the classification of Tilly Matilda; or
- 3 Agrees to rehear the matter at the next Committee meeting on 21 March 2017; or
- 4 Resolves pursuant to s33E(5) of the Dog Control Act 1996 that Tilly Matilda need not be muzzled in the following specified circumstances: _____

BACKGROUND

On 22 September 2015, the Fences, Roading, Reserves & Dogs Committee heard an objection under s33B of the Dog Control Act 1996 ("the Act") from Ms Denise Barnes in relation to Council's classification of her dog, Tilly Matilda, as a menacing dog. After hearing submissions from parties, the Committee resolved to uphold the decision to classify Tilly Matilda as a menacing dog [refer attached extract from the minutes of the meeting].

Council subsequently received a letter from Ms Barnes' lawyer, Mr Ian Farquhar, requesting revocation of the Committee's decision, or at least a rehearing of the matter [refer attached letter dated 30 September 2016].

The Act does not provide a right of appeal to the District Court in cases where an objector under s33B of the Act is dissatisfied with the final determination.

The request for revocation or a rehearing is presented to the Fences, Roading, Reserves & Dogs Committee for consideration, because a resolution can only be revoked by the original decision-making body and it is considered most appropriate for councillors to consider and respond to the requests made by Ms Barnes via her lawyer Mr Farquhar.

DISCUSSION

In his letter Mr Farquhar raises 10 points of concern on behalf of Ms Barnes. Staff have reviewed the process leading up to the classification of Tilly Matilda as menacing and the minutes of the subsequent Fences, Roading, Reserves & Dogs Committee meeting at which the classification was upheld and make the following comments in relation to each point:

1. *The complaint against her dog was accepted without question or adequate investigation. For instance the complaint was made by telephone and the dog was not seen by Council officials until 9 days after the incident.*

Staff response:

The incident at the Riverside Market occurred on 8 August 2015 and Ms Siobhan Hannan, who was looking after the dog who sustained injuries, lodged a complaint via the Council's call centre that same day. Council staff classified Tilly Matilda as a menacing dog under s33A(2)(f) of the Act on 12 August and Ms Barnes lodged her objection on 17 August. Once that objection had been received, staff inspected the injured dog and took a photograph of its injuries [on 17 August]. Ms Hannan was also asked to provide a written statement while the incident was still fresh in her mind, and this was provided on 19 August.

The process for classification of menacing dogs has since been refined by staff and now includes a more detailed investigation prior to the classification being made. Staff now visit the dog owner and conduct interviews with both the owner and complainant prior to making a draft recommendation to classify as menacing. The draft recommendation is then reviewed by a senior staff member before a final decision to classify is made.

2. *Mrs Barnes was not given an opportunity to provide an explanation for her dog's behaviour at the hearing.*

Staff response:

Ms Barnes addressed the Committee immediately after Ms Hannan gave her version of events.

3. *An independent eye witness to the incident, Ms Foden-Frazer a Police Officer at the time was not permitted to fully give her version of the evidence which was quite different to that of the complainant. Indeed it paints quite a different picture of the incident compared.*

Staff response:

Prior to the meeting Cr Hickling approved five minutes speaking time for Ms Barnes' lead speaker and two minutes for subsequent speakers in support, however these time limits were not strictly adhered to at the meeting. Ms Foden-Frazer was present at the meeting and addressed the Committee. Cr Hickling did stop Ms Foden-Frazer as she was reading her statement, noting that it had already been circulated and read by the Committee members, but Ms Foden-Frazer was permitted to provide additional information and answered questions from members.

4. *Mrs Barnes expert in dog behaviour, Shirley Fraser was not given an opportunity to comment on the incident. This is important because it would appear that Tilly was in effect defending herself from the intrusion of the complainants dog which it can be argued was not adequately under control.*

Staff response:

The Committee received advice from Council's Corporate Solicitor at the time, Rob Goldsbury, to the effect that it could receive eye witness evidence and expert opinion evidence in relation to the incident giving rise to the menacing classification. In relation to expert evidence, the individual providing the evidence would have to (i) be an expert in a relevant discipline, e.g. canine behaviour; (ii) have conducted testing in a controlled environment; and (iii) be independent – i.e. not an advocate for the party. It is understood that Ms Fraser appeared at the meeting in her capacity as a support person for Ms Barnes, as opposed to an expert witness. Ms Fraser did address the Committee at the meeting.

5. *The committee referred to other complaints by members of the public about Tilly but such information was never disclosed to Mrs Barnes.*

Staff response:

All information presented to the Committee was also provided to Ms Barnes via Ms Fraser prior to the meeting and the agenda was produced within Local Government Official Information and Meetings Act 1987 deadlines. The complaints provided about Tilly Matilda were the initial telephone complaint from Ms Hannan on 8 August 2015 followed by a written statement on 19 August and in addition to this information the Committee also had before it statements from Ms Sue Rauch, previous Riverside Market Coordinator [dated 4 September 2015] and Ms Heather Williams [dated 26 August 2015].

6. *On the other hand numerous unsolicited letters from members of the public were produced in support of Tilly but appear to have been given no weight whatsoever.*

Staff response:

10 statements in support of the objection from Ms Barnes had been circulated to Committee members with the agenda prior to the meeting. Although the statements were not individually referred to during Committee deliberations, members acknowledged Ms Barnes' dedication to raising funds for the SPCA.

7. *There appears to have been numerous assumptions made by the committee about Tilly's alleged aggressive behaviour and that she had been at large which are wrong and are without supporting evidence.*

Staff response:

The Committee came to its conclusion after hearing from witnesses to the incident, together with supporters of Ms Barnes.

8. *The Committee also relied on incorrect evidence such as a claim that the SPCA did not support Tilly when no such statement was ever made and in fact was refuted by the SPCA officer.*

Staff response:

Information before the Committee included a statement from Ms Lisa Hudson, Taupō SPCA Centre Manager, dated 15 September 2015.

9. *That the meeting was stacked with an intimidating amount of staff people and councillors which for a woman in her 70s she found somewhat overwhelming.*

Staff response:

All five members of the Fences, Roading, Reserves & Dogs Committee were present at the meeting and two non-member councillors were also observing in the Council Chamber for part of the item relating to Tilly Matilda. Staff members are asked to be present at committee and Council meetings to assist elected members where required.

10. *Finally the manner of the chairman, Mr Hickling indicated a degree of bias and pre-judgment of the case against my client. In particular he did not permit my client to fairly present her case by improperly limiting time and not permitting my client to fairly and fully present her defence.*

Staff response:

As mentioned above, Cr Hickling set guidelines of five minutes speaking time for Ms Barnes' lead speaker and two minutes for subsequent speakers in support. Although exact times were not recorded for all speakers, the five and two minute limits were not applied and the Committee spent approximately 1 hour 20 minutes in total hearing from submitters and deliberating.

OPTIONS

The Fences, Roading, Reserves & Dogs Committee may either: (i) revoke resolution FRD201509/04 upholding the decision to classify Tilly Matilda as a menacing dog and immediately rescind the classification; or (ii) Rehear Ms Barnes' objection at the next Committee meeting on 21 March 2017; or (iii) Decline Ms Barnes' requests for revocation of decision and rehearing.

If the Committee is of a mind to decline Ms Barnes' requests, but come to a special arrangement for Tilly Matilda, there is a fourth option open to the Committee. Section 33E(5) of the Dog Control Act 1996 states that [the muzzling requirement] "does not apply in respect of any dog or class of dog that the territorial authority considers need not be muzzled in any specified circumstances (for example, at a dog show)."

Tilly Matilda has shown tendencies to be aggressive towards other larger dogs and this can be a natural sign of intimidation and protection for this breed of dog. While the attack in August 2015 was on the lower scale of aggression, it still shows that Tilly Matilda may present a risk in certain circumstances. Ms Barnes has accepted that Tilly Matilda presents a small risk in situations such as at the Taupō Riverside Markets. Therefore she no longer collects money for the SPCA or allows Tilly Matilda to be in a similar situation where a dog on dog attack may occur. Ms Barnes walks her dogs in the early hours of the morning and generally avoids crowded situations. Based on this and the continued advice Ms Barnes receives from her vet, the risk from Tilly Matilda seems lower when compared with other menacing dogs.

The risks if the Committee was to make a resolution pursuant to s33E(5) of the Act are: possible confusion around the menacing classification; a perception that the resolution may set a precedent for other menacing dogs; and the possibility of another dog on dog attack in a low risk area while Tilly Matilda is not wearing a muzzle. The menacing classification would remain if the Committee decides to take this fourth option, but the Committee may feel that it would be appropriate to relax the muzzling requirement in specified / low-risk circumstances.

CONCLUSION

It is recommended that the Committee considers the requests detailed in the letter dated 30 September 2016 from Mr Farquhar on behalf of Ms Barnes. An invitation will be extended to Ms Barnes to attend and address the Committee at the meeting to be held at 10am on Tuesday 31 January 2017.

ATTACHMENTS

1. Extract from the minutes of the Fences, Roading, Reserves & Dogs Committee meeting held on 22 September 2015 
2. Letter, dated 30 September 2016, from Mr Ian Farquhar on behalf of Ms Denise Barnes 

4.2 REQUEST FOR REMOVAL OF TREES - WAIRAKEI DRIVE

Author: Denis Lewis, Infrastructure Manager

Authorised by: Kevin Strongman, Group Manager, Operational Services

PURPOSE

The purpose of this report is to make a decision on the removal or not of trees in line with the adopted Tree and Vegetation Policy.

EXECUTIVE SUMMARY

An issue has been identified by Contact Energy with a stand of Douglas Fir and Pine trees losing branches during high winds that are damaging the road boundary fence with Contact Energy land (Karapiti Block) adjacent to Wairakei Drive, to the north of Poihipi Road. There have been occasions following this damage that stock has gained access to Wairakei Drive. With the volume of traffic on Wairakei Drive there is a significant risk to motorists should stock wander onto the carriageway. It is for this reason staff are recommending the removal of these trees.

RECOMMENDATION(S)

That the Fences, Roading, Reserves & Dogs Committee approve the removal of the stand of Douglas Fir & Pine trees on Wairakei Drive adjacent to Contact Energy land (Karapiti Block).

BACKGROUND

An issue has been identified by Contact Energy with a stand of trees on road reserve adjacent to their Karapiti Block (aerial attached showing location). The branches from the trees immediately adjacent to the boundary fence are falling in high winds causing damage to the fence (see attached photos) and in some instances stock have gained access to Wairakei Drive through the damaged fence. With the volume of traffic on Wairakei Drive there is a significant risk to motorists should stock wander onto the carriageway. It is for this reason staff are recommending the removal of these trees.

DISCUSSION

Council's arborist has inspected the stand of Douglas Fir and Pine trees and advises that trimming some of the trees clear of the fence line or removing several of the trees that are causing issues with the fence would increase the chances of further failures due to the decreased integrity of the stand. He recommended that the complete stand be removed.

Tree removal would impact on traffic due to the proximity of the stand to the road so would be timed to minimise impacts on traffic flows. An approved traffic management plan would be required during the felling operation.

If the trees were to be removed then the area would be replanted with suitable species in conjunction with Greening Taupō.

Although Council's Tree and Vegetation Policy 2014 states that the removal of healthy trees on Council land will be the exception, it does allow for removal where community assets are impacted [see Policy 3.2 – Removal of Healthy Trees].

OPTIONS

Option 1. Remove the stand of trees on Wairakei Drive adjacent to Contact Energy land (Karapiti Block)

Advantages	Disadvantages
<ul style="list-style-type: none"> Road boundary fence is unaffected by tree damage Reduced risk of stock straying onto Wairakei Drive 	<ul style="list-style-type: none"> Mature trees lost Cost of tree removal Possible negative publicity

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Option 2. Retain the stand of trees on Wairakei Drive adjacent to Contact Energy land (Karapiti Block)

Advantages	Disadvantages
<ul style="list-style-type: none"> • Mature trees retained • Cost of tree removal avoided 	<ul style="list-style-type: none"> • Potential risk to motorists if wandering stock lead to crashes • Ongoing costs to remove fallen branches • Ongoing repair cost to fence

Analysis Conclusion:

Option 1 is preferred.

CONSIDERATIONS

Financial Considerations

Depending on the outcome of the decision, if the decision was for the removal of the trees, the cost would be funded through Council's existing operational and maintenance budgets. The cost of removing the trees is estimated at \$12,000 There is expected to be some value in the trees felled which has been taken account of in that estimate. There would also be a cost for the replanting.

Legal Considerations

The matter comes within scope of the Council's lawful powers, including satisfying the purpose statement of Section 10 of the Local Government Act 2002. The matter will enable the Council to meet the current and future needs of communities in a way that is efficient, effective and appropriate to present and anticipated future circumstances.

The matter assists Council in providing good-quality local infrastructure.

Policy Implications

The proposal has been evaluated against the Long-term Plan, Annual Plan, Taupō District Plan, Bylaws, Waikato Regional Plan, Asset Management Plan and Reserve Management Plans (as applicable) and the adopted Tree and Vegetation Policy. This item is particularly related to the latter policy and is fully consistent with it.

Risks

The integrity of the road boundary fence will continue to be put at risk of breakage if the trees remain.

SIGNIFICANCE OF THE DECISION OR PROPOSAL

Council's Significance and Engagement policy identifies the following matters that are to be taken into account when assessing the degree of significance of proposals and decisions:

- a. The level of financial consequences of the proposal or decision;
- b. Whether the proposal or decision will affect a large portion of the community or community of interest;
- c. The likely impact on present and future interests of the community, recognising Maori cultural values and their relationship to land and water;
- d. Whether the proposal affects the level of service of an activity identified in the Long Term Plan;
- e. Whether community interest is high; and
- f. The capacity of Council to perform its role and the financial and other costs of doing so.

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016), and are of the opinion that the proposal under consideration is of low importance.

ENGAGEMENT

There have been ongoing discussions with Contact Energy staff regarding the issue.

COMMUNICATION/MEDIA

A media release would be undertaken prior to the tree removal should that be the decision of the committee.

CONCLUSION

While the trees in question are in good health they are posing a risk to the integrity of the fence which could lead to wandering stock on Wairakei Drive. Also there are some costs to maintain the trees and fence if the trees are not removed.

ATTACHMENTS

1. Aerial showing tree location and photos of fence damage

4.3 REQUEST FOR REMOVAL OF TREES - 90 RICHMOND AVENUE AND 2 CHERRY LANE

Author: Colin Giles, Transport & Projects Manager

Authorised by: Kevin Strongman, Group Manager, Operational Services

PURPOSE

The purpose of this report is to make a decision on whether or not to allow the removal of the trees at two locations adjacent to power transformers.

EXECUTIVE SUMMARY**90 Richmond Avenue**

Unison has identified a power transformer on Richmond Avenue which requires upgrading.

The location is an inset compound between 90 Richmond Avenue and 1 Marshall Avenue.

The existing transformer will need to be replaced with a larger transformer which will be too large to fit in the current location. The new location will be adjacent to the existing transformer over the existing footpath.

The footpath will be realigned around the new transformer.

The old transformer will be removed and the area tidied.

There is a large tree growing in one corner of the transformer compound and into the two adjacent properties. It is proposed to remove this tree.

2 Cherry Lane

As part of the upgrade of the Mapara Road Water Supply Pumping Station, an 11kV power cable is required to be installed from Reeves Road to the Cherry Lane Reservoir. Unison has identified that the existing power transformer outside 2 Cherry Lane which is on the corner of Reeves Road will require upgrading. This existing transformer will need to be replaced with a larger transformer which will be too large to fit in the current location. The new location will be adjacent to the existing transformer in the grass berm. The preferred location is beside an established Cherry tree which is proposed to be removed.

RECOMMENDATION(S)

That the Fences, Roading, Reserves & Dogs Committee approves the removal of the Cypress tree at 90 Richmond Avenue in Taupō.

That the Fences, Roading, Reserves & Dogs Committee approves the removal of the Cherry tree in Reeves Road at 2 Cherry Lane in Acacia Bay.

BACKGROUND

The proposal has not been presented previously.

Site #1 - Cypress tree at 90 Richmond Avenue & 1 Marshall Avenue, Taupō.

Council has received a request from Unison to replace and upgrade a power transformer and associated switchgear at 90 Richmond Avenue. The existing transformer is sited in a small area of land (instep) designated as road but especially surveyed off from the main road corridor.

The Cypress tree is well established but the roots have grown into the concrete chamber cracking the concrete and damaging the fences. Once the transformer is removed, the area will be difficult to maintain unless the tree is removed. As part of the removal of the transformer, Unison will reinstate the area so it can be maintained by Council.

The Council arborist has inspected the tree and has recommended it be removed.

The two adjoining property owners have been contacted by e-mail and both have responded advising they have no objection to the tree being removed.

This request for removal of this Cypress tree takes into consideration:

- The current and ongoing damage to the concrete foundation and boundary fences.
- The ongoing maintenance of the instep area.
- The encroachment of branches and shading of the property.
- Health & Safety risk from falling heavily weighted branches.
- Leaf litter, conifer cones & branches on the properties and footpath create a nuisance.

DISCUSSION

The Council Arborist advises that the Cyprus Tree is a species of the family Cupressaceae. This is a larger growing species attaining heights of up to 25 metres with a spread equal to or greater than its height. Typically they display a multi leader growth pattern with tight inclusions and heavily weighted branches. This particular species of family is known for its tendency to lose limbs as they get heavier and the tree larger. These trees are generally more suited to farm land and reserves rather than berms due to the attainable size and limb drop. This tree is still quite small and will eventually outgrow its current position causing further damage to the footpath, roading, fences and underground services.

The tree is currently in a healthy condition and but is causing damage to the concrete foundation of a power transformer and boundary fences. The tree roots have also intruded into the sewer manhole and the sewer main which is directly below the tree.

Although Council's Tree and Vegetation Policy 2014 states that the removal of healthy trees on Council land will be an exception, it does allow for removal where community assets are impacted. (Refer Policy 3.2 – Removal of Healthy Trees)

Based on this information it is considered that there are 2 options (including status quo or do nothing option).

OPTIONS

Analysis of Options

Option 1. Remove the Cyprus Tree at 90 Richmond Avenue

Advantages	Disadvantages
<ul style="list-style-type: none"> • The roots will no longer cause issues with the Council sewer main and manhole. • That the property owners at 90 Richmond Avenue and 1 Marshall Avenue are satisfied with the outcome. • The instep area can be tidied and made easier to maintain. • A more suitable species of tree could be replanted. 	<ul style="list-style-type: none"> • Lose 1 mature Cyprus tree. • Possible negative publicity.

Option 2. Do not remove the Cyprus tree at 90 Richmond Avenue

Advantages	Disadvantages
<ul style="list-style-type: none"> • No cost to council • Retain the mature Cyprus tree. 	<ul style="list-style-type: none"> • Property owners concerns not addressed. • Tree will continue to drop debris onto the footpath. • Tree will continue to cause damage to concrete foundation and boundary fences. • Tree roots will continue to intrude into the Council sewer. • Difficulty to reinstate the existing concrete foundation of the transformer in the instep so it can be maintained.

Analysis Conclusion:

The recommended option is Option 1 – that the Cypress tree is removed.

BACKGROUND

The proposal has not been presented previously.

Site #2 - Cherry tree at Reeves Road outside 2 Cherry Lane in Acacia Bay.

As part of the upgrade of the Mapara Road Water Supply Pumping Station, an 11kV power cable is required to be installed from Reeves Road to the Cherry Lane Reservoir. Unison has identified that the existing power transformer outside 2 Cherry Lane which is on the corner of Reeves Road will require upgrading. This existing transformer will need to be replaced with a larger transformer which will be too large to fit in the current location. The new location will be adjacent to the existing transformer in the grass berm. The preferred location is beside an established Cherry tree which is proposed to be removed.

The Cherry tree is well established but the roots are extensive and intrude into the trenches of the underground services. The Cherry tree is likely to continue to cause damage to the relocated transformer foundation and cables if it remains.

As part of the removal of the transformer, Unison will reinstate the instep area so it can be maintained by Council.

The Council Arborist and the Council Parks staff have inspected the Cherry tree and have recommended that the tree be removed.

Cherry trees are not considered as appropriate trees to be planted on street berms due to the damage caused to underground services.

Unison has contacted the adjoining property owners who have no objection to the tree being removed.

This request for removal of this Cherry tree takes into consideration:

- The current and ongoing threat of damage to the underground services.
- The ongoing maintenance of the instep area.
- The preferred location for the new transformer adjacent to underground cables and other services.

DISCUSSION

The Council Arborist advises that Cherry trees have a very aggressive root system and a short life span. Once they have been pruned they generally lose form and shape, throw out epicormic growth that requires ongoing maintenance on an annual basis.

The tree is currently in a healthy condition and its widespread root system is growing over and into the location of underground power cables. The root system will need to be extensively cut to establish the new transformer and if not removed will continue to cause issues with the transformer and underground services.

Although Council's Tree and Vegetation Policy 2014 states that the removal of healthy trees on Council land will be an exception, it does allow for removal where community assets are impacted. (Refer Policy 3.2 – Removal of Healthy Trees)

Based on this information it is considered that there are 2 options (including status quo or do nothing option)

OPTIONS**Analysis of Options****Option 1 Remove the Cherry Tree at 2 Cherry Lane**

Advantages	Disadvantages
<ul style="list-style-type: none"> • That the property owner at 1 Cherry Lane is satisfied with the outcome. • The instep area can be tidied and 	<ul style="list-style-type: none"> • Lose 1 mature Cherry tree. • Cost to Council of tree removal. This

<ul style="list-style-type: none"> made easier to maintain. A more suitable species of tree could be replanted. 	<ul style="list-style-type: none"> would be carried out by Council staff. Possible negative publicity.
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Option 2. Do not remove the Cherry tree at 2 Cherry Lane

Advantages	Disadvantages
<ul style="list-style-type: none"> No cost to council Retain the mature Cherry tree. 	<ul style="list-style-type: none"> The Transformer will need to be located further along the street berm which will have a greater visual impact. Tree roots will continue to cause damage to underground services.

Analysis Conclusion:

The recommended option is Option 1 – that the Cherry tree is removed.

CONSIDERATIONS

Financial Considerations

The financial impact would depend on the outcome of the decision. If the decision was for the removal of both trees, the cost would be funded through council's existing operational and maintenance budgets.

Legal Considerations

Local Government Act 2002

The matter comes within scope of the Council's lawful powers, including satisfying the purpose statement of Section 10 of the Local Government Act 2002. The matter will enable the Council to meet the current and future needs of communities in a way that is efficient, effective and appropriate to present and anticipated future circumstances.

The matter assists Council in providing good quality local infrastructure.

Policy Implications

The proposal has been evaluated against the Long-term Plan, Annual Plan, Asset Management Plans and Reserve Management Plans (as applicable) and the adopted Tree and Vegetation Policy. This item is particularly related to the latter policy and is fully consistent with it.

These trees are not protected under the District Plan.

Risks

The Cyprus tree is growing directly above the sewer main and the tree roots have grown into the sewer manhole. The Cyprus tree roots have also grown over and into the transformer foundation and could make the tree unstable. The Cyprus tree roots have damaged the transformer foundation and adjacent boundary fences. The Cyprus tree drops debris onto the footpath which is a nuisance to pedestrians.

The roots of the Cherry tree are directly above underground services. Cherry trees roots are notorious for causing damage to underground services.

SIGNIFICANCE OF THE DECISION OR PROPOSAL

Council's Significance and Engagement policy identifies the following matters that are to be taken into account when assessing the degree of significance of proposals and decisions:

- The level of financial consequences of the proposal or decision;
- Whether the proposal or decision will affect a large portion of the community or community of interest;
- The likely impact on present and future interests of the community, recognising Maori cultural values and their relationship to land and water;
- Whether the proposal affects the level of service of an activity identified in the Long Term Plan;

- e. Whether community interest is high; and
- f. The capacity of Council to perform its role and the financial and other costs of doing so.

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016), and are of the opinion that the proposal under consideration is of low importance.

ENGAGEMENT

Unison, on behalf of Council has discussed the proposal to remove these trees with neighbouring property owners and all are supportive.

COMMUNICATION/MEDIA

No communication/media is required.

CONCLUSION

Under the current Tree and Vegetation Policy decisions involving issues with trees that are outside of the Policy guidelines need to be referred to the Fences, Roading, Reserves & Dogs Committee.

While the trees in question are in good health, they are posing a risk to infrastructure.

ATTACHMENTS

1. Cypress Tree on Marshall Avenue, Taupo 
2. Cherry Tree on Reeves Road, Acacia Bay

4.4 HEARING OF OBJECTION TO DISQUALIFICATION AS DOG OWNER - B HAUMAHA

Author: Tina Jakes, Democracy & Community Engagement Manager

Authorised by: Brian Fox, Group Manager: Corporate and Community

BACKGROUND

An objection to disqualification as a dog owner has been received from Mr Brian Haumaha pursuant to s26 of the Dog Control Act 1996 ("the Act").

The Fences, Roading, Reserves & Dogs Committee has delegated authority to hear this objection, deliberate and reach a decision on the matter.

CONSIDERATION OF THE OBJECTION

Section 26(3) of the Act requires the Committee to have regard to the following matters in considering this objection:

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

OPTIONS

The options open to the Committee are detailed in s26(4) of the Act which states: "In determining any objection, the territorial authority may uphold, bring forward the date of termination, or immediately terminate the disqualification of any person [...]".

RECOMMENDATION(S)

That the Fences, Roading, Reserves & Dogs Committee:

1. Hears from Mr Haumaha in support of his objection.
2. Hears from the Council's Consents & Regulatory Manager in support of the officers' decision to disqualify Mr Haumaha.
3. Deliberates in private on all information provided to it, both written and verbal, and reaches a decision within the parameters of s26(4) of the Dog Control Act 1996.

ATTACHMENTS

1. Objection from Mr Haumaha 
2. Report from Consents & Regulatory Manager - Objection from Mr Haumaha 

5 CONFIDENTIAL BUSINESS

RESOLUTION TO EXCLUDE THE PUBLIC

I move that the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter 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:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Agenda Item No: 5.1 Objection to disqualification from being a dog owner - B Haumaha	Section 48(2)(a)(i) - the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation where a right of appeal lies to any court or tribunal against the final decision of the Council in these proceedings	Section 48(2)(a)(i)- the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the Council to deliberate in private on its decision or recommendation where a right of appeal lies to any court or tribunal against the final decision of the Council in these proceedings

I also move that *[name of person or persons]* be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of *[specify]*. This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because *[specify]*.