



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

Date:	Tuesday, 23 May 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
Mayor David Trewavas

Quorum 3

Gareth Green
Chief Executive Officer

Order Of Business

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3.1 FENCES, ROADING, RESERVES & DOGS COMMITTEE MEETING - 21 MARCH 2017

Author: Tina Jakes, Democracy & Community Engagement Manager

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

RECOMMENDATION(S)

That the minutes of the Fences, Roading, Reserves & Dogs Committee meeting held on Tuesday 21 March 2017 be confirmed as a true and correct record.

ATTACHMENTS

1. Fences, Roading, Reserves & Dogs Committee Meeting Minutes - 21 March 2017 

4.1 LICENCE TO OCCUPY - TAupo ROWING CLUB AND TAupo WAKA AMA CLUB**Author:** Nathan Mourie, Senior Reserves Planner**Authorised by:** Kevin Strongman, Group Manager, Operational Services**PURPOSE**

To decide on offering a new licence to occupy to the Taupō Rowing and Waka Ama Clubs on the lakefront.

EXECUTIVE SUMMARY

The Taupō Rowing and Waka Ama Clubs hold a recently expired licence to occupy land on Taupō lakefront. They wish to pursue a new licence to occupy on the site, but with an expanded area and permission to develop structures to allow for more storage of equipment. They would also like Council support in principle for the concept of a dedicated watersports facility on the site in the future.

RECOMMENDATION(S)

1. That the Fences, Roading, Reserves & Dogs Committee approves a new five year licence to occupy to the Taupō Rowing Club Incorporated and the Taupō Waka Ama Club Incorporated for the land outlined in attachment 1 to report FRD20170523_1827; and that approval be given for development of the area be allowed to take place for storage of club equipment subject to approval by Council officers.
2. That the Fences, Roading, Reserves & Dogs Committee approves in principle the concept of the Taupō Rowing and Waka Ama clubs developing a watersports facility on the site subject to final Council approval.

BACKGROUND

The proposal has not been presented previously.

The Taupō Waka Ama Club Inc. and the Taupō Rowing Club Inc. have a licence to occupy council administered land which expired on 14 October 2016 after a two year term.

The clubs have approached council to ask for a new licence agreement and for consideration of an expanded licence area to accommodate additional storage of equipment on site. They would also like council's continued support in principle for development of the site into a dedicated watersports facility in the future. Council has previously considered presentations and requests from the clubs showing additional storage and long term plans for development of the site. It appears that council has been largely supportive of the clubs and their ambitions for the lakefront site in past dealings with the clubs.

DISCUSSION

The Rowing and Waka Ama clubs have combined their resources to help create a dedicated watersports location on the lakefront next to the Taupō Yacht Club. The clubs have been based in various locations over the years, with equipment stored around the district. After evaluating the options available to them, they believe that the current site is the best long term option for continuation and development of the clubs.

Previous proposals have been presented to council showing long term plans for a clubhouse and storage facilities. While the plans are not currently feasible given the status and resources of the club, they show the ambition and future that the clubs see for themselves on the site.

The club believes that there is room to expand the storage on site if some of the vegetation to the south of the current storage pens is removed. Officers have been on site and generally agree with this assessment. However, there will need to be further investigations to ensure that the land is suitable; this will be done in conjunction with the ongoing investigations into lakeshore erosion around this area which is being carried out as a separate council project. Approval will be required from officers prior to any modification works being carried out on-site. The onus for proving that the site is suitable for modification will be on the clubs. If, following detailed investigations at the time that the clubs request extended use of the land, it is not deemed suitable to modify the area then permission will be withheld. It is not possible at this time to gauge the suitability as no detailed investigations have taken place.

Care has to be taken to ensure that the amenity values and aesthetics of the lakefront are protected, and that all developments are either necessary or enhance the lakefront. With this in mind, officers would prefer to see a single coherent development on site to cater for lake-based watersports, but understand that all the parties may not be compatible or amenable to such a proposal.

Informal conversations have been held with Yachting, Rowing and Waka Ama members to see if it would be possible for the clubs to share the yacht club's existing building and combine resources to create a truly inclusive watersports centre on the lakefront. It appears that there is little will to make this happen.

The situation with the clubs and their futures are also further complicated by the underlying land ownership and status issues. The Yacht Club is on what is currently DOC land, with their "bunker" on Council reserve. The Rowing and Waka Ama club storage is on what is currently legal road. There is also the issue of ensuring that any development or changes occur above the 357.015 contour which defines the legal boundary of the lakebed. The interaction of the Tuwhareroa Maori Trust Board with the Waka Ama activity means that there is an existing relationship between the board and the club which would help with any necessary discussions with the Trust Board.

There is a wider discussion to be had around the proliferation of buildings and structures on public spaces and their generally deteriorating condition. This is largely due to the historic (and often current) desire of most clubs to create their own separate space rather than sharing space with other compatible organisations. Council should ensure that all structures are necessary, well thought-out and financially viable so that they do not become an eyesore or a future burden on council if a club folds.

The increasing pressure on storage space for club equipment means that it is appropriate to consider expanding the licence area, subject to further site investigations around bank stability and ground suitability. Any structures approved for storage on site should be suitable for the location and preferably purpose built. It is not considered suitable for example to site shipping containers either permanently or semi-permanently on public open space, especially on the lakefront. In this instance, it is considered that the location is not as visible as other high profile lakefront sites, and if sensitively handled, the storage facilities will be relatively unobtrusive. All requests for structures and developments though will need to be robustly assessed to ensure that they are suitable for the site.

Given the growing member base of both organisations, and the way they have developed their clubs over the last few years on site, it is considered appropriate to offer a longer term licence than was previously granted. Five years would be in line with many of the other activities taking place on the lakefront.

It is also recommended that Council continues to support in principle the development of a dedicated watersports centre on the lakefront as proposed by the Rowing and Waka Ama Clubs.

Based on this information it is considered that there are three options.

OPTIONS

Analysis of Options

Option 1. – Grant a new licence to occupy with extended area

Advantages	Disadvantages
<ul style="list-style-type: none"> • Ensure security of the activity on the lakefront • Provide room for the clubs to expand their activities and participation base 	<ul style="list-style-type: none"> • Need to ensure appropriate development of a sensitive and high profile site

Option 2. – Grant a new licence to occupy without extended area

Advantages	Disadvantages
<ul style="list-style-type: none"> • Ensure security of the activity on the lakefront • Greater assurance of the appearance of the area 	<ul style="list-style-type: none"> • Clubs will not have room to expand their activities • Fewer people will be able to participate in the activity

Option 3. – Do not grant a new licence

Advantages	Disadvantages
<ul style="list-style-type: none"> • High profile lakefront area will be protected from use 	<ul style="list-style-type: none"> • Clubs will have to relocate with no assurance of finding a suitable location • Club future may be put in jeopardy • Reduction in use of the lake for watersports and participants in the activity

Analysis Conclusion:

The rowing and waka ama activities fit very well into the Taupō area, being well suited to the environment and the lake. The waka ama activity in particular encourages physical participation by people who might not otherwise take part in other sporting activities as well as encouraging and developing recognition of the important cultural aspects of Taupō and the lake.

The location is relatively unobtrusive and seems to work well for the clubs. Allowing them to expand their footprint will enable more people to make use of the club's activities; and should be achievable provided adequate investigations of the ground conditions are undertaken prior to any development taking place.

CONSIDERATIONS

Financial Considerations

The clubs will pay a licence fee for use as outlined in the licence agreement.

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 for good quality local public services. (i.e. efficient, effective and appropriate to present and anticipated future circumstances).

The proposal has been evaluated with regards to a range of legislation. The key legislation applicable to the proposal has been reviewed and the proposal is in line with their requirements.

The following authorisations are required for the proposal:

- | | | |
|---|--|---|
| <input type="checkbox"/> Resource Consent | <input type="checkbox"/> Building Consent | <input type="checkbox"/> Environmental Health |
| <input type="checkbox"/> Liquor Licencing | <input type="checkbox"/> Licence to occupy | |

Authorisations are not required from external parties.

Policy Implications

There are no known policy implications.

Risks

It is believed that any potential risks associated with removing vegetation and ground modification of the lakeshore can be adequately managed. There will be no expansion without officer approval which would be given after suitable investigations are undertaken.

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

Taking into consideration the above assessment, that the decision is of a low degree of significance, officers are of the opinion that no further engagement is required prior to Council making a decision.

COMMUNICATION/MEDIA

No communication/media is required.

CONCLUSION

The rowing and waka ama activities are well suited to the lakefront location. The clubs are well run and have a strong participation base. It is considered appropriate to continue to accommodate them in this location, provide them with a longer licence term and allow consideration for appropriate expansion on the site subject to appropriate investigations being carried out.

ATTACHMENTS

Attachment 1 – Proposed licence area for Taupō Rowing and Taupō Waka Ama

Attachment 1 – Proposed licence area for Taupō Rowing and Taupō Waka Ama



ATTACHMENTS

Nil

4.2 LICENCE TO OCCUPY - NORTHCROFT RESERVE AMUSEMENTS

Author: Nathan Mourie, Senior Reserves Planner

Authorised by: Kevin Strongman, Group Manager, Operational Services

PURPOSE

To decide on offering a new five year licence to occupy to David and Stephanie Mooney to continue operating an amusement business on Northcroft Reserve (attachment 1) for one month each summer.

EXECUTIVE SUMMARY

The applicants have successfully operated an amusement business on Northcroft reserve since 2010. Their current licence to occupy will expire this year and they have asked Council to consider approving a new five year licence upon expiry of their current agreement.

The preferred option is to grant the applicant a new five year licence to occupy on Northcroft Reserve.

RECOMMENDATION(S)

That the Fences, Roading, Reserves & Dogs Committee approves a new five year licence to occupy to David and Stephanie Mooney to operate amusement devices on Northcroft Reserve in the location outlined in attachment 1 to report FRD20170523 to commence 15 December 2018.

BACKGROUND

The proposal has not been presented previously.

The Taupō based applicant has a current Licence to Occupy for Northcroft Reserve. This licence commenced in December 2013 and will expire on 14 December 2018. The applicant has approached Council to request a new five year licence to occupy the reserve.

The applicant uses the reserve for 32 days over the summer season (15 December to 15 January inclusive) for the purpose of operating an amusement business. These amusements include a trampoline bungy, w inflatable structures, games and child sized motorised vehicles.

Council may grant licences for occupation on reserves under section 54 of the Reserves Act 1977.

DISCUSSION

The applicant has run this business from this location each summer for the previous 7 years with no significant health and safety issues that officers are aware of.

This portion of Northcroft Reserve otherwise receives very little use. The operation does not cause conflict with other activities and is not sought after by other commercial operators.

The applicant only uses the reserve for approximately one month each year. On the rare occasion that they request use outside of the designated times, this is accommodated on a case-by-case basis.

The applicants have asked council to consider providing a permanent power supply on the site which is suitable for running the amusement activity equipment. Given the limited nature of the occupation and the negligible benefit to Council of providing any such infrastructure, it is not considered that the request for a separate permanent power supply is appropriate.

Based on this information it is considered that there are two options.

OPTIONS

Analysis of Options

Option 1 – Grant a five year licence to the applicant.

Advantages	Disadvantages
<ul style="list-style-type: none"> Continuity of existing business Allows for applicant to plan their activities and make any necessary investments Constructive use of an otherwise little used public area 	<ul style="list-style-type: none"> Site is unavailable during the peak summer period

Option 2 – Decline to grant a five year licence to the applicant.

Advantages	Disadvantages
<ul style="list-style-type: none"> Site remains available for public use all year around 	<ul style="list-style-type: none"> Reduction in available activities for children in Taupō during peak summer period Local business will not be able to operate

Analysis Conclusion:

The preferred option is to grant a new five year licence to the applicant upon expiry of their current licence to occupy. The limited occupation timeframe and their track record indicate that there is minimal risk to approving this operation.

CONSIDERATIONS

Financial Considerations

The applicant will pay a suitable licence fee for use of the reserve, which will be reviewed every year in line with relevant Council policy.

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 for good quality local public services. (i.e. efficient, effective and appropriate to present and anticipated future circumstances).

The proposal has been evaluated with regards to a range of legislation. The proposal is in line with relevant legislation.

The following authorisations are required for the proposal:

- | | | |
|---|--|---|
| <input type="checkbox"/> Resource Consent | <input type="checkbox"/> Building Consent | <input type="checkbox"/> Environmental Health |
| <input type="checkbox"/> Liquor Licencing | <input type="checkbox"/> Licence to occupy | |

Authorisations are not required from external parties.

Policy Implications

There are no known policy implications.

Risks

There are no known risks.

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

Taking into consideration the above assessment, that the decision is of a low degree of significance, officers are of the opinion that no further engagement is required prior to Council making a decision.

COMMUNICATION/MEDIA

No communication/media is required.

CONCLUSION

The applicants operate a locally based business which has operated successfully on the site since 2010 without any known issues. The location is not otherwise frequently used and provides additional child based activities to Taupō visitors over the busy summer period. It is considered that the activity should continue to be accommodated and the request for a new five year licence to occupy be granted by Council.

ATTACHMENTS

1. Proposed Occupation Area

4.3 UPDATES TO TAupo DISTRICT COUNCIL TRAFFIC CONTROLS - WAIHORA STREET AND WAIRAKEI DRIVE

Author: Vincent Wang, Engineering Officer

Authorised by: Kevin Strongman, Group Manager, Operational Services

PURPOSE

To update the Taupō District Council traffic controls or prohibitions on roads or public spaces, in accordance with the Taupō District Council Traffic Bylaw 2014.

EXECUTIVE SUMMARY

The Taupō District Council Traffic controls may be updated from time to time with new controls or prohibitions.

RECOMMENDATION(S)

That, pursuant to the Taupō District Council Traffic Bylaw, Council imposes the following traffic controls and/or prohibitions on roads and/or public spaces in the Taupō District:

Sign/Marking	Why	Where
1. No Stopping (9-11 am Wed only) signs	To resolve health and safety risk on road during recycling collection time	Both sides of Waihora Street Taupo between No.7 Waihora Street to No.8 Waihora Street
2. Installation of a No U Turn Sign	To stop people making U turns at the intersection.	On Wairakei Drive close to Norman Smith Intersection.

BACKGROUND

Council must make a resolution whenever a sign or marking on the road is recommended or recommended to be changed, and as a consequence controls or prohibits the use of a road or public space.

The Taupō District Council Traffic Control Device Register (the Register) sets out all the signs and markings which control and prohibit the use of a road or public space in the Taupō District.

OPTIONS

The two options before Council are:

- 1) Accept the recommendation to amend and update the controls or;
- 2) Not accept the recommendation to amend and update the controls.

It is recommended that Council accepts the recommendation to update and amend the controls.

CONSIDERATIONS

The controls require updating to incorporate the following new signs and markings:

Sign/Marking	Why	Where
1. No Stopping (9-11 am Wed only) signs	To resolve health and safety risk on road during recycling collection time	Both sides of Waihora Street Taupo between No.7 Waihora Street to No.8 Waihora Street

2. Installation of a No U Turn Sign	To stop people making U turns at the intersection.	On Wairakei Drive close to Norman Smith Intersection.
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Waihora Street

In April 2017, Council was approached by the EnviroWaste Branch Manager requesting to address the Waihora Street access issue for their recycling collection vehicles. Waihora Street is located off Rokino Road.

During rubbish collection time on Wednesday, the heavy vehicle has difficulty travelling safely up the street and turning around when cars are parked on street. The operators' health and safety policy states they are unable to reverse a truck out of a street onto a busy road.

Wairakei Drive

After receiving a request from concerned resident that when waiting for the traffic queue on Norman Smith Street to turn onto Wairakei Drive they noticed a number vehicles travelling north bound are trying to do U Turn at Norman Smith intersection and head back into town. After investigating the issue council is proposing to install the No U turn sign in order to prevent vehicles making a U turn.

Financial Considerations

The financial impact of maintenance to the Register does not change and is met within current 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 proposal has been evaluated with regard to the Traffic Bylaw 2014, the Land Transport Act 1998 and the associated Rules. Prescribed signs need to be installed in order to be enforceable by our compliance officers.

Policy Implications

There are no policy implications associated with this paper.

Risks

There are no risks associated with this paper except not having prescribed signs installed.

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

Taking into consideration the above assessment, that the decision is of a low degree of significance, officers are of the opinion that no further engagement is required prior to Council making a decision. The transportation team have consulted with key stakeholders including Council's compliance team and received feedback as follows:

An investigation has been undertaken by council engineers and EnviroWaste operation supervisor in this area and it is proposed to install a no stopping from 9-11am (Wednesday only) on both sides of Waihora Street. This will resolve the health and safety risk and minimise the loss of on-street car parking spaces.

COMMUNICATION/MEDIA

No communication/media is required.

CONCLUSION

It is recommended that Council imposes the traffic controls and prohibitions detailed in the report. Staff will then update the Traffic Control Device Register in accordance with the resolution.

ATTACHMENTS

1. Proposed No Stopping Zone 9am-11am (Wednesdays only) at Waihora Street Taupo Plan [A1929716] 
2. Proposed Wairakei Drive No U Turn Plan [A1929333] 

4.4 PROPOSED BUS STOP ZONE AT 32 ROBERTS STREET

Author: Vincent Wang, Engineering Officer

Authorised by: Kevin Strongman, Group Manager, Operational Services

PURPOSE

The purpose of this report is to discuss whether a bus stop zone should be installed in front of No.32 Robert Street.

EXECUTIVE SUMMARY

The Taupō District Council Traffic controls may be updated from time to time with new controls or prohibitions.

RECOMMENDATION(S)

That the Fences, Roading, Reserves & Dogs Committee approves the installation of a bus stop zone on Roberts Street or;

That the Fences, Roading, Reserves & Dogs Committee does not approve the installation of a bus stop zone on Roberts Street.

BACKGROUND

Council must make a resolution whenever a sign or marking on the road is recommended or recommended to be changed, and as a consequence controls or prohibits the use of a road or public space.

The Taupō District Council Traffic Control Device Register (the Register) sets out all the signs and markings which control and prohibit the use of a road or public space in the Taupō District.

OPTIONS

The two options before Council are:

- 1) Accept the recommendation to amend and update the controls or;
- 2) Not accept the recommendation to amend and update the controls.

CONSIDERATIONS

Council has received a request by CEO of Ruapehu Alpine Lifts Ltd to consider a bus stop or loading zone outside No.32 Roberts Street on 8 May 2017. The request proposes to have buses (typically 20 seaters) loading their passengers to board and head towards Mt Ruapehu. The service time for the bus stop would be around 10 to 15 minutes for each park and ride. In addition, their office is located close to the bus stop, behind Coffee Club (No.32 Roberts Street). The proposed bus stop is currently marked as a no parking zone.

We recently installed a loading zone for Domino Pizza's delivery vehicles (No.24 Roberts Street) as it was the closest distance to their shop and with the shortage of parking spaces at Roberts Street between Ruapehu Street and Lake Terrace, they were finding it difficult to pick up deliveries safely. There may be some risk of other road users using the space if we consider a loading zone.

The transportation team has proposed a preliminary plan for the bus stop zone. A few risks have been identified after the investigation: There is an entranceway for the building of No.32 Roberts Street at the proposed location which will be partially blocked by the proposed bus stop signs and marking, however there is an alternate access to the rear of the property through the service lane. However under the District Plan the area is zoned Pedestrian Precinct, which specifically discourages any vehicle crossings over footpaths for new development, so the issue around the potential blocking of a driveway needs to be kept in the

context that it is in fact an undesirable practice that we would not allow to be established in todays environment anyway.

With the high volume of pedestrians generated by the businesses on Roberts Street between Lake Terrace and Ruapehu Street, pedestrian flow may be impeded, at times, by passengers waiting to board.

ENGAGEMENT

Consultation with adjacent key stakeholders has not been completed at the time of the writing of the agenda item as the request was received after the agenda deadline of this FRReD committee meeting. The intention is to undertake consultation prior to the meeting and present the findings of the consultation at the meeting.

CONCLUSION

RAL are seeking approval to locate a bus stop on Roberts Street adjacent to 32 Roberts Street. The proposed location is currently a no parking zone and provides an entranceway to the adjacent building. With the smaller buses envisaged for this service there will be room for the entranceway. The outcome of consultation with adjoining premises will be made available at the meeting.

ATTACHMENTS

1. Proposed Bus Stop Sign and Marking at 32 Roberts Street 

4.5 MS DENISE BARNES - TILLY MATILDA

Author: Scott Devonport, Consents & Regulatory Manager

Authorised by: Alan Menhennet, Group Manager: Finance and Strategy

PURPOSE

To present the behaviour assessment of Tilly Matilda undertaken by Dr Elsa Flint.

DISCUSSION

On 22 September 2015, the Fences, Roading, Reserves & Dogs Committee [the 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.

A further request by Ms Barnes to rehear the classification objection was received and heard by the Committee on 31 January 2017. The committee chose to uphold the previous decision so that Tilly Matilda was still classified as a menacing dog.

Ms Barnes has since engaged Dr Elsa Flint, a veterinarian and animal behavioural specialist, and wishes the Committee to take this into consideration as new information into Tilly Matilda's behaviour. Because there is no right of appeal available to Ms Barnes under the Act, it is open to the Committee to revisit its decision upon the receipt of new information that is relevant and which has a bearing on the original decision.

Dr Elsa Flint is a very experienced veterinarian and has a PhD in animal behaviour, so is a very competent expert in her field. Her report concludes that she does not see anything in Tilly Matilda's behaviour that would indicate she should be classified as a menacing dog.

In a recent court case of *Taupō District Council v McClintoch*, Dr Elsa Flint was cross examined by Judge MacKenzie. Dr Flint's opinion was that past behaviour is not the best predictor of future behaviour. Judge MacKenzie stated 'that, in essence, is the rationale behind the dog control legislation'. In other words the Dog Control Act principles are based around past behaviour having a direct indicator of future behaviour. So while there is some merit in undertaking behaviour assessments, they may not fully recreate the situation that caused a dog to react aggressively in the previous occasion.

Tilly Matilda at the time was on a harness and carrying collection boxes, Dr Flint states this may have created more potential for a reaction due to feeling disadvantaged when being approached by a larger dog. Ms Barnes has since stopped collecting at the Taupō Markets and has been regularly walking Tilly Matilda with a muzzle since the incident.

It should be noted that Ms Barnes is an excellent dog owner and has fully co-operated with the menacing classification since it was imposed.

The chair of the Committee has requested that Dr Flint's report is presented to the Committee.

CONCLUSION

Tilly Matilda has been classified as a menacing dog due to her past behaviour during a dog on dog attack at the Taupō Markets.

Dr Flint, an expert in animal behaviour, has assessed Tilly Matilda and considers there is minimal risk and no signs of dog aggression despite being tested in several different situations. Dr Flint explains that the harness and collection boxes may have put Tilly Matilda in a disadvantaged position which may have created more risk for aggression when approached by a larger dog.

Ms Barnes no longer collects with her dogs and therefore the likelihood based on Dr Flint's expert evidence is that such an incident is unlikely to occur again.

RECOMMENDATION(S)

That the Fences, Roading, Reserves & Dogs Committee receives the behaviour assessment of Tilly Matilda authored by Dr Elsa Flint and EITHER:

1. Revokes the earlier Committee resolution FRD201509/04 and immediately rescinds the classification of Tilly Matilda as a menacing dog; OR
2. Confirms the earlier Committee resolution FRD201509/04 to uphold the decision to classify Tilly Matilda as a menacing dog.

ATTACHMENTS

1. Behaviour Assessment of Tilly Matilda by Dr Elsa Flint

4.6 OBJECTION TO DANGEROUS DOG CLASSIFICATION

Author: Tina Jakes, Democracy & Community Engagement Manager

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

PURPOSE

Ms Nicoll is the owner of Sylus (163773) a Dogue de Bordeaux dog.

On 28 March 2017, Ms Nicoll's dog was involved in dog v dog attack. As a result of that incident Ms Nicoll's dog was classified as dangerous pursuant to Section 31 of the Dog Control Act 1996 ('the Act').

DISCUSSION

Section 31 (4) of the Act requires the Committee to have regard to the following matters in considering this objection:

- (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 advanced in support of the objection; and
- (d) any other relevant matters.

OPTIONS AVAILABLE TO THE COMMITTEE

In accordance with Section 31 of the Act, when considering an objection to a classification decision, the Territorial Authority may uphold or rescind the classification.

The TA shall give notice of its decision on any objection, and the reasons for its decision, to the owner as soon as practicable.

CONCLUSION

It is recommended that the Committee:

1. Hear from Ms Nicoll in support of her objection.
2. Hear from the Councils Compliance Officer in support of the officers' decision to classify Ms Nicoll's dog as dangerous.
3. Deliberate on all information provided to it, both written and verbal, and reach a decision within the parameters of Section 31 of the Dog Control Act 1996.

RECOMMENDATION(S)

That the Fences, Roading, Reserves & Dogs Committee upholds or rescinds the classification for the dog: Dogue de Bordeaux named 'SYLUS' Registration No. 163773.

ATTACHMENTS

1. Compliance Officer's Report