



SOUTH WAIRARAPA DISTRICT COUNCIL HEARINGS COMMITTEE MINUTES

10 August 2017

Minutes of a Hearings Committee meeting held on Thursday 10 August 2017, commencing at 3:00pm in the South Wairarapa District Council Chambers, 19 Kitchener Street, Martinborough. The meeting was conducted in public between 3:00pm and 3:52pm except where expressly noted.

Committee: Mayor Vivien Napier (Chair)
Cr Colin Olds
Cr Brian Jephson

In Attendance: Rachel Prout (Bylaws Officer)
Lynne Drake (Bylaws Officer)
Shane Sykes (Team Leader, Environmental Services)
Murray Buchanan (Planning and Environment GM)
Suzanne Clark (Committee Secretary)

Rachel Bartlett (Objector)

HEARING OPENING

The Chairperson welcomed attendees to the hearing of an objection lodged by Rachel Bartlett against the issuing of a menacing dog classification relating to the dog known as "Kea" pursuant to the provisions of Section 33C(1) of the Dog Control Act 1996.

The Chair acknowledged additional information tabled; that being an email in support of Rachel Bartlett's objection from Wilco Lam.

SOUTH WAIRARAPA DISTRICT COUNCIL – TEAM LEADER ENVIRONMENTAL SERVICES

Shane Sykes, Team Leader Environmental Services, stated that the Committee had handed down an interim decision at the hearing held on the 5 May 2017 with requirements sought from Rachel Bartlett for the Committee to be comfortable that Kea's menacing classification could be revoked.

Council officers had inspected the containment area for Kea on the 6 June 2017 and the standard was high with only minor modifications required. Council officers noted that Kea's kennel lacked protection at the entrance and requested improvements be made. On the second site inspection on the 12 June 2017 Council officers were satisfied the containment requirements had been met.

The Committee had imposed a time requirement of one month for the interim decisions to be complied with. Mr Lamb proactively engaged with Council officers with fencing installed on the 2 June 2017. Modifications to the wooden lattice fence

were requested by Council officers and due to delivery delays of metal mesh fencing the modifications couldn't be complied with until the 9 June 2017. Council officers were satisfied that Mr Lam had attended to matters quickly and delays were out of his control and therefore are satisfied that the time requirement has been met.

The Committee had required Kea to continue to be muzzled while the menacing classification existed. Council officers noted that Kea was inside the residence on the first visit and was appropriately contained. On the second visit Kea was unrestrained, unmuzzled and without direct supervision on the Dry River Vineyard property. In addition, on the 17 July 2017 Council officers observed Kea being walked along New York Street with no muzzle. Council consider that this matter has not been complied with.

In summary Council officers maintain that Kea is a risk to the public but that adequate controls have been implemented and have recommended that Kea's menacing status be revoked.

In response to a question from the Committee about whether Kea was on the lead when observed on the 17 July 2017, Ms Drake stated that she was.

OBJECTOR – RACHEL BARTLETT

Ms Bartlett tabled a letter from Mr Lam in support of her communications and dealings with Council officers. Ms Bartlett stated she felt she was reasonable to deal with and had felt frustration in dealing with some of Council's officers.

Ms Bartlett acknowledged she had made an error in judgement by allowing Kea to roam the Dry River property with no supervision and to be walked on the 17 July 2017 with no muzzle. Ms Bartlett stated that the muzzle distressed Kea and it was difficult to train her with the muzzle on.

Ms Bartlett had sought further training for Kea from K9 Wise and suggested Council officers speak with Deborah Kiernan as Deborah did not believe dogs progressed to attacking humans if they had a history of attacking dogs. Ms Bartlett recommended Council officers investigate the rehabilitative process that Carterton District Council uses.

Ms Bartlett did not understand why Dry River Vineyard was classified as a public property and had sought legal advice.

Cr Jephson used muzzles for training farm dogs and stated it did not take long for the dog to get used to it. Cr Jephson expressed disappointment in the breaches but commended Mr Lam for his proactiveness.

Cr Olds stated that owning a dog was a privilege not a right and that the final decision needed to be in the best interests of the community.

Mayor Napier expressed disappointment that breaches had occurred within the period of one month. Owners of dogs with a disposition for inappropriate behaviour required vigilance. Mayor Napier asked Ms Bartlett if the Committee could have confidence in her to use the systems now in place for controlling Kea and to abide by the Committee's decision. Ms Bartlett stated that if Kea's menacing status was revoked she would be grateful and not make further mistakes.

PUBLIC EXCLUDED

THE HEARINGS COMMITTEE RESOLVED (HC2017/04) that the public be excluded from the following part of the meeting.

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

Report/General Subject Matter	Reason for passing this resolution in relation to the matter	Ground(s) under Section 48(1) for the passing of this Resolution
Deliberation of a hearing conducted under the Animal Control Act	Good reason to withhold exists under section 1(d) and section 2(a)(i)(ii)	Section 48(1)

This resolution is made in reliance on Section 48(1)(d) and Section 48 2(a)(ii)(iii) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the hearing in public are as follows:

Reason for passing this resolution in relation to the matter	Ground(s) under Section 48(1) for the passing of this Resolution
d) that the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.	Section 48 1(d)
a) any proceedings before a local authority where: i) a right of appeal lies to any court or tribunal against the final decision of the local authority in those proceedings or ii) the local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings.	Section 48 2(a)(i)(ii)

Moved (Cr Brian Jephson/Cr Colin Olds)

Carried

The *HEARINGS COMMITTEE RESOLVED* (HC2017/05) to move out of the public excluded section of the meeting.

Moved (Cr Colin Olds/Cr Brian Jephson)

Carried

HEARING COMMITTEE DECISION

The *HEARINGS COMMITTEE RESOLVED* (HC2017/06):

1. That the status of Rachel Bartlett’s dog Kea would no longer be classified as menacing.
2. That Kea’s place of residence, Dry River Vineyard, was correctly assessed as a public place and when out of containment on the property Kea must be under control, on lead or muzzled.
3. That Rachel Bartlett must agree in writing that Kea is kept on lead when being walked off property.
4. That Rachel Bartlett and Kea undertake an annual refresher behavioural training course from K9 Wise.
5. That should any future attacks by Kea occur this would be viewed extremely seriously.

Moved (Cr Brian Jephson/Cr Colin Olds)

Carried

Council officers would seek a report from K9 Wise on Kea in one years’ time.

The Chair declared the hearing closed at 3:52pm.

Confirmed as a true and correct record

..... (Chair)

..... (Date)