

Notice of Meeting:

I hereby give notice that an ordinary Meeting of the Regulatory and Hearings Committee will be held on:

Date: Thursday 23 March 2017
Time: 1.00pm
Meeting Room: Committee Room 1
Venue: Municipal Building, Garden Place, Hamilton

Richard Briggs
Chief Executive

Regulatory and Hearings Committee OPEN AGENDA

Membership

Chairperson: Cr Angela O'Leary

Deputy Chairperson: Cr Leo Tooman

Membership: The Mayor and all Councillors
(The composition of any Regulatory and Hearings Committee for quorum purposes to be determined by the Chairperson)

Meeting frequency: As required

Quorum: Three members

Claire Guthrie
Committee Advisor

17 March 2017

Telephone: 07 974 0504
Claire.Guthrie@hcc.govt.nz
www.hamilton.govt.nz

Purpose:

1. To conduct fair and effective hearings and make determinations on a range of the Council's quasi-judicial functions under legislation and other matters as referred to the Committee.
2. To convene and coordinate Task Force groups on matters referred by other Committees.

The Committee is delegated the following Terms of Reference and powers:
--

Terms of Reference:

1. Hear and determine any statutory or regulatory hearings under relevant legislation unless otherwise delegated by Council, including (but without limitation):
 - objections under the Dog Control Act 1996;
 - matters regarding drainage and works on private land under the Local Government Act 1974 and Local Government Act 2002;
 - proposals for temporary closure of any road.
2. Consider and determine changes to the registers and parking restrictions in the Traffic Bylaw 2015, including hearing any submissions relating to those proposed changes.
3. Hear and determine matters arising under current bylaws, including applications for dispensation from compliance with the requirements of bylaws, unless such matters are otherwise delegated by Council.
4. Hear and determine other matters that require hearings or submissions, as referred by Council or other Committees.
5. To convene Task Force groups and carry out the terms of reference approved and referred by Council or other Committees.

The Committee is delegated the following powers to act:

- Approval of matters determined by the Committee within its Terms of Reference.
- Approval of activities and expenses relating to Task Force groups consistent with their terms of reference and approved Task Force group budget.

The Committee is delegated the following recommendatory powers:

- The Committee may make recommendations to Council.
- The Committee may make recommendations to Committees.

Special Notes:

- The Committee may request expert advice through the Chief Executive when necessary.
- The Committee may appoint additional members for hearings where the relevant terms of reference specify the requirement for expert or external representation.

ITEM	TABLE OF CONTENTS	PAGE
1	Apologies	4
2	Confirmation of Agenda	4
3	Declarations of Interest	4
4	Objection by Andrew Rabbitt to the Classification of Rex as Menacing	5
5	Objection by Brad Ager to the Classification of Sam as Menacing	29
6	Objection by David Tuck to disqualification from dog ownership	45
7	Objection by Kaatahi Heke to disqualification from dog ownership	56
8	Traffic Bylaw and Parking Restriction Changes	65

1 Apologies

2 Confirmation of Agenda

The Committee to confirm the agenda.

3 Declaration of Interest

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest they might have.

Committee: Regulatory and Hearings Committee

Date: 23 March 2017

Report Name: Objection by Andrew Rabbitt to the Classification of Rex as Menacing

Author: Susan Stanford

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>Dog Control Act 1996</i>
Financial status	<i>N/A</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Council's Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

1. Purpose of the Report

- To request that the Regulatory and Hearings Committee uphold the classification of the dog "Rex" as menacing by Animal Education and Control.

3. Executive Summary

- Under the Dog Control Act 1996 a Territorial Authority may classify a dog as menacing if it believes the dog poses an ongoing risk to public safety; including the safety of domestic animals, stock and protected wildlife.
- Animal Education and Control believe the dog "Rex" poses an ongoing risk to public safety.
- The dog "Rex" was classified as menacing after a substantiated attack on a domestic cat. The cat had to be euthanized due to its injuries.
- "Rex" has a history of roaming and was impounded again one month after the attack on the cat for roaming.
- Andrew Rabbitt objected to the menacing classification on 12 September 2016.

Recommendations from Management

That the Regulatory and Hearings Committee:

- receives the report; and
- upholds the classification of "Rex" as menacing.

9. Attachments

10. Attachment 1 - Objection received and acknowledgement
11. Attachment 2 - CAR 135675 2016-06-19
12. Attachment 3 - Animal History "Rex"

13. Key Issues

14. Background

- On 19 June 2016 a roaming complaint was received regarding a roaming dog. Upon arrival at the scene the Animal Education and Control Officer found that the dog had mauled a cat.
- After securing the dog and impounding it at the Animal Education and Control Centre the officer returned to the scene, caught the cat and took it to the vet.
- The vet examined the cat and recommended euthanizing it due to the severity of its injuries.
- The dog's microchip identified it as the dog "Rex" belonging to Andrew Rabbitt.
- Witness statements relating to the attack on the cat note the dog as being persistent in trying to get at the cat which was under a car. One witness observed the dog's paws make contact with the cat when he was looking under the car.
- On 23 June 2016 Animal Education and Control decided to classify "Rex" as menacing based on his behaviour.
- On 12 September 2016 Mr. Rabbitt objected to the classification for the following reasons:
 - Rex is not aggressive to people
 - He has not seen Rex show aggression to dogs
 - He believes another roaming dog probably attacked the cat
 - He uses Rex as a test dog in obedience class (attachment 1).
- The Customer Action Request (CAR) 135675/2016 containing the complaint, witness statements, photographs of the cat and vet report is attached (Attachment 2).
- Since October 2012 Animal Education and Control have received seven roaming complaints relating to Rex; five prior to the attack on the cat and one since (full history Attachment 3).
- The number of roaming incidents would indicate that the dog owner is unable to ensure his dog is securely confined to his section and therefore will likely continue to roam and pose a threat to public safety.

15. Legislative requirements or legal issues

- [Section 33A](#) of the Dog Control Act 1996 gives territorial Authorities the ability to classify dogs as menacing based on observed or reported behaviour or any characteristics associated with the dogs breed or type.
- If a dog is classified as menacing the territorial authority must give notice in writing immediately to the dog owner outlining the effect of classification as menacing and the right of the dog owner to object to the classification.
- [Section 33B](#) of the Dog Control Act 1996 outlines a dog owner's right to object to the classification of their dog and the responsibility of the territorial authority to give due consideration to the objection.

- In reaching a determination the Territorial Authority must consider the evidence that led to the classification, steps taken by the owner to prevent any ongoing threat to public safety, matters in support of the objection and any other information relevant to the situation.

16. **Options**

- To uphold the classification of the dog as menacing
- To rescind the classification of the dog as menacing.

17. **Risk**

18. Mr Rabbitt may continue to fail to contain “Rex” adequately. One month after the attack “Rex” was found roaming and impounded.
19. That “Rex” may attack another cat or domestic animal.

Signatory

Authoriser	Kelvin Powell, City Safe Unit Manager
------------	---------------------------------------



Private Bag 3010
Hamilton 3240
New Zealand

TEL 07 838 6699
FAX 07 838 6599
EMAIL info@hcc.govt.nz
hamilton.govt.nz

21 September 2016

Andrew Rabbit



Dear Andrew

Notice of Classification of Dog as Menacing

Thank you for your letter received by Hamilton city Council on 12/9/2016.
I enclose a copy of that letter for your information.

I acknowledge that you have exercised your right to lodge a written objection to the notice of classification of Rex as menacing due to your experience with how Rex behaves when under your direct control. If you have any further information to provide in support of your objection please supply this.

You are entitled to be heard in support of your objection, the enclosed brochure explains the hearing process.

The next step in this process is a report prepared by staff and submitted to the City secretary who will contact you to arrange a time and date that is suitable for all parties to allow for your objection to be heard.

If you have any further queries in relation to this, please do not hesitate to contact me.

Regards

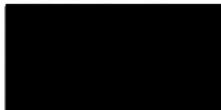
A handwritten signature in blue ink, appearing to read 'Susan'.

Susan Stanford
Animal Education & Control Manager

217 Ellis St
Frankton, Hamilton
Phone 07 838 6895/ 021 7950565
Fax 07 838 6915
Email susan.stanford@hcc.govt.nz
Website www.hamilton.co.nz
ANI: 192046

COPY

Andrew Rabbitt



July 21, 2016

Hamilton City Council
Att: Susan Stanford
Animal Education and Control
217 Ellis Street
Hamilton 3204

Dear Susan

I am writing this letter to inform you that I object with the ruling to classify Rex as a Menacing dog, dated the 19th July 2016.

Firstly Rex was not seen Mauling or making contact with the said animal. However he was only seen to be braking at a cat hiding under a car. Any number of the free roaming animals within the area of Dinsdale could have been the culprit.

Secondly if Rex is now to be considered a dangerous breed why was it that when he was handled by a person he went freely without aggression or fuss with them. If the Council feels that he should be classified as a high risk dog why was notification not promptly delivered upon ending the investigation. Instead it was left until I made contact for registration as I received no letters, emails or phone calls prior to this. When the alleged attack happen on the 19th of June 2016 that is a whole month, I am curious to know how much longer you would have left the situation; of a dangerous dog being unclassified if I had not come to register him.

On the letter provided to me on the 19th of July an incorrect address was used, this resulted in my personal information being sent to unknown persons. I noticed this on the 19 July and asked the receptionist to look up my details and my address was correct. I also asked for a copy of the original that was sent to my neighbour your staff were unable to provide this. Instead they offered to change the date on reprint a legal document.

Further to this on the 19th of July, the back fence had been blown over this is an act of god and was unforeseen. Rex escaped and was eventually picked up by animal control with no complaint of aggression towards other animals or persons. When he was picked up from your Care at the Ellis street centre and brought into a public place by your staff; after you had classified him he was not muzzled as in your ruling. This demonstrated that your staff do not consider him to be menacing dog.

As a precaution I now cage Rex in a locked cage when I am not there to supervise him therefor he cannot roam or be let out by anyone other then myself. I am open to take Rex through any test that the council may require to support this objection and prove that he is not a menacing dog.

Rex has been used for the last 2 years as a socialisation test dog within a local community obedience club; for testing aggression in other dogs before joining classes. Rex has to walk around these dogs showing no aggression and then 'down' while these dogs walk around him. Rex has never reacted even if other dogs show aggression toward him. With this classification he will no longer be able to continue this task. As bringing a dog out with a muzzle on will intimate and scare other owners, leaving the club and Waikato community at a disadvantage. If we cannot test these dogs then they may not be accepted into the class, therefor they will not get the professional training and help they require.

Sincerely,

Andrew Rabbitt

RECEIVED
12/19/16
Aarekitchy

Item 4

Hamilton City Council
July 21, 2016
Page 2

Furthermore, I feel that having to resubmit this letter of objection nearly 2 months later demonstrates the lacking of procedures that need to be in place to manage a complex organisation.

Attachment 1

Customer Action Request Animal Complaint



co_dm061 CAR No. 135675/2016 28/06/16 11:56AM

COMPLAINANT
 Received 19/6/16 12:14AM Officer D38
 Name [REDACTED] Home 1 Work Home 2 Mobile
 Address [REDACTED]

PROPERTY
 Address [REDACTED] Flat A DP S59818

ANIMAL DETAILS
 Animal Number 192046 Animal Name Rex Tattoo 94100003265120
 Animal Location [REDACTED] Colour BLK/TAN Sex M
 Owner Address [REDACTED] Owner Name Andrew John Rabbitt NAR No. 739395

REQUEST DETAILS
 Office Date/Time 19/6/16 12:00AM is currently at [REDACTED] PI and a Germ Shep has been chasing af
 Major Category Dog Control ter a cat (now hiding under a car) not sure if the cat was caught by t
 Minor Category Dog Offences he dog but would like it removed please.
 Category 3 Roaming Dog is bl/Tan with tag 08009
 Category 4 Public Place

INVESTIGATION DETAILS
 Task Investigation Substantiated / Not Substantiated
 Officer D38 Outcome Animals - Impounded ****IMPOUNDED KR 42982 INFRINGEMENT 10914****
 Start 19/06/16 Finish 23/06/16 19/06/2016 - 12:03 -
 Took call from Centre, Advised there was picked up at [REDACTED]
 [REDACTED]
 12:30 - arrived and found out that the dog had also mauled a
 cat. Cat was currently hiding under car on [REDACTED] I took
 the dog back to base and impounded it in K6 - I then returned with a
 net and caught the cat - took the cat to Angelsea after hours vets
 and returned to base at approximately 01:30 - paperwork finished and
 exited building
 20/06/2016 - 11:30 - visited vet, cat euthanized,
 thinks cat was domestic
 12:20 - took statements from occupants at
 [REDACTED]
 23/06/2016 - 13:00 - classification written up,
 infringement for failing to control and confine also constructed

ENFORCEMENT DETAILS
 Task
 Officer Outcome
 Start Finish

PREVIOUS HISTORY

CAR No. 48941/2010	Task 2INV
Animal 192046	Outcome 2PAS
Maj Cat. Dog Control	Officer D17
Min Cat. General Tasks	Opened 30/1/10
Cat 3. Fencing Inspection Requested	Closed 02/2/10
Cat 4.	
CAR No. 49700/2010	Task 2INV
Animal 192046	Outcome 1SUB
Maj Cat. Dog Control	Officer D24
Min Cat. Dog Offences	Opened 08/3/10
Cat 3. Offences Detected by Officer	Closed 17/3/10
Cat 4. Unregistered Dog	
CAR No. 75698/2012	Task 2INV
Animal 192046	Outcome 1UNS
Maj Cat. Dog Control	Officer D24
Min Cat. Dog Offences	Opened 07/10/12
Cat 3. Roaming	Closed 07/10/12
Cat 4. Public Place	
CAR No. 76653/2012	Task 2INV
Animal 192046	Outcome 1UNS
Maj Cat. Dog Control	Officer D34
Min Cat. Dog Offences	Opened 28/10/12
Cat 3. Roaming	Closed 28/10/12
Cat 4. Public Place	

Item 4

Attachment 2

Customer Action Request Animal Complaint



co_dm061 CAR No. 135675/2016 19/06/16 1:32AM

COMPLAINANT
 Received 19/6/16 12:14AM Officer D38
 Name [REDACTED] Home 2 [REDACTED]
 Address [REDACTED] Work [REDACTED] Home 2 Mobile [REDACTED]

PROPERTY
 Address [REDACTED] Dinsdale [REDACTED]

ANIMAL DETAILS
 Animal Number [REDACTED] Animal Name [REDACTED] Tattoo [REDACTED]
 Animal Location [REDACTED] Colour [REDACTED] Sex [REDACTED]
 Owner Address [REDACTED] Owner Name [REDACTED] NAR No. [REDACTED]

REQUEST DETAILS
 Offence Date/Time 19/6/16 12:00AM is currently at [REDACTED] and a Germ Shep has been chasing af
 Major Category Dog Control ter a cat (now hiding under a car) not sure if the cat was caught by t
 Minor Category Dog Offences he dog but would like it removed please.
 Category 3 Roaming Dog is bl/Tan with tag 08009
 Category 4 Public Place

INVESTIGATION DETAILS
 Task Investigation **Substantiated / Not Substantiated**
 Officer D38 Action opened at lodgement - not notified
 Start 19/06/16 Outcome *DOG IMPROUNDED K6 - classification lodged. infringement sent.*
 Finish *classification 23/6/16 - 1300 HRS.*

ENFORCEMENT DETAILS
 Task [REDACTED]
 Officer [REDACTED] Outcome [REDACTED]
 Start [REDACTED] Finish [REDACTED]

PREVIOUS HISTORY 19/06/2016. 1203am. Took call from call Centre. Advised there was a pickup at [REDACTED] 1230am arrived and found out that the dog had also mauled a cat. Cat was currently hiding under car on [REDACTED] I took the dog back to base + impounded it in K6. I then returned with a net and caught the cat. I took the cat to Anglesea after hours vets and returned to base at approximately 01:30am. Paperwork finished and exited building. 1130am. visited vet. Cat eutherased. Vet thinks cat was domestic. 1220pm. Took statements from occupants at [REDACTED] 23/06/2016 - 1300HRS. Classification written up. Infringemen for failure to control and confine also constructed. No further action from DCO.

Item 4

Attachment 2

Document [Browse](#)

2 Memos Recorded

Animal Type 1 Dogs Number 192046
 MicroChip Brand MICROCHIP Id 941000003265120
 Alpha Key RABBITT AJ
 Assessment 29361 Parcel 9509
 Owner 739395
 House Number
 Street Name
 Suburb Name

Owner Details

Name Andrew John Rabbit
 Address
 Mobile Phone
 Home Phone
 Business Phone
 e-Mail Address

Animal Details

Kept at Address
 OutsideTag Ref Dangerous NA Agency
 Animal Name Rex Neutered N Gender Male
 Breed GERS Shepherd German Cross
 Main Colour BLK Black Second TAN Tan
 Birth 07/12/2009 Age 6 Years 6 Months Death Depart

Features

Permit Number

Registration Details

By Law Code Search

Tag Number 3273 Tag Set 2015/16 Code Type Code Value
 eTran Recpt Date 11/07/2015 Reg Till 30/06/2016

a | dm062 - Document Entry - Hamilton "Ive" - 18696 - 6.10

Document Edit Schemes Certificates Property Names Tasks Payments Registers Other Modules Other Links Health Help

OK Cancel Cut Copy Paste Add Update Find Excel Help Mapping Memos Attachments Stop the Clock Tracking Search

Register Details Additional Details Browse

Register Type	Description	Year	Number	Part	Date Received	Written Date
100	Kennel Register	2016	42982	1	19/06/2016	

Precis Pick up [REDACTED]

Parcel 25160 Assessment Sequence 0 Unreal ***1 linked parcel**

Property Description [REDACTED]

Property Title [REDACTED]

Parcel Address [REDACTED]

Owner

Workflow Action

Officer D38 Anthony Griffiths

Determination

Code	Date
------	------

Created 2016-06-19 02:02:46 Modified 2016-06-19 02:02:46 Operator 494 Anthony Griffiths

19 June 2016

Andrew John Rabbitt



NOTICE TO DOG OWNER RE IMPOUNDED DOG

Under Section 69(2) of the Dog Control Act 1996 we hereby advise you that the dog described below, is impounded at the Animal Education & Control Centre. Unless this dog is claimed and any fees paid in full within 7 days it may be sold, destroyed or otherwise disposed of in such a manner as the territorial authority thinks fit.

Fees can only be paid by cash, Eftpos or credit card. Cheques are not accepted.

Failure to claim the dog/s within the stated time may result in an infringement notice being issued for the original offence.

Date Impounded: 19/06/2016

	<u>Dog Description</u>	
Dog's Name (If known)	Rex	
Primary Breed:	Shepherd German	Secondary Breed:
Colour:	Black and Tan	Sex: Male
Registration Tag No: (if applicable)	3273, HCC, 30/06/2016	

Please contact us now by telephoning (07) 838 6664, or by visiting the Animal Education & Control Centre, 217 Ellis St, Hamilton. Public hours are 12:30-4:30 pm, 7 days a week, closed on statutory holidays.

If you no longer own this dog you are obliged to notify us **in writing** of the change of ownership within 14 days of the transaction.

Yours faithfully

Animal Education and Control Officer / Kennel Attendant

AC/K10
Version 8
22.12.05



Private Bag 3010
Hamilton 3240
New Zealand

TEL 07 838 6699
FAX 07 838 6599
EMAIL info@hcc.govt.nz
hamilton.govt.nz

WITNESS STATEMENT FORMS

TIME 12:20

DATE 19/6/16

PLACE [REDACTED]

My full name is [REDACTED]

and I live at [REDACTED], I am

making this statement to D38., Dog Control

Officer of the Hamilton City Council. On the 18/6/16, at

approximately 11:30 am (pm) was walking along

(Describe Incident)

1. What happened? open door Dog came up
to door closed Door told people
in house me and adam went outside
dog ran from door around car.
~~was~~ I heard growling from the car
went and Scared Dog away from
the car and got dog out of
Drive and shut gate, checked on
cat and didnt look well. Dog ran
off but came back when called and
Sat when told to throw the gate

Animal Education & Control

AC/F01 Version 7
30.05.12

Till we found rope to tie it
up for Animal control.

Item 4

Attachment 2

AC/F01 Version 7
30.05.12

2. Description of Dog German Shephard

3. Any witnesses (or owner present) [REDACTED]

I declare that the information recorded above is true and an accurate account and I am aware that this information could be produced as evidence in a court of law and I may be required to give evidence in this regard.

SIGNED [REDACTED] OCCUPATION PEE

DATE AND TIME 12:29 19/6/16

WITNESSED [Signature]

WITNESS STATEMENT FORMS

TIME 12:20pm

DATE 19/6/16

PLACE [REDACTED]

My full name is [REDACTED]

and I live at [REDACTED], I am

making this statement to D38., Dog Control

Officer of the Hamilton City Council. On the 18th June 2016, at

approximately 11:50 am/pm I was walking along

at home having a few drinks with mates and hubby.

(Describe Incident)

1. What happened? my husband [REDACTED] went outside
and when he came back in, he told me a dog
was outside. I went out to see and observe
a german shepherd dog running loose on the
streets. I heard a hissing noise and observed
a white cat under my friends car and observed
blood. I then called animal control to advise of
the loose dog and found the number for
SPCA to see what to do about the cat but no answer.
As it was after 11pm I decided to ring after
hours vet to see what we could do.

Animal Education & Control

While waiting for the animal control officer we decided to tie the dog up to a neighboring tree outside of our property as it kept trying to get back under the car where the cat was.

Once tied up we sat beside car to attempt to comfort the cat as ~~we~~ then saw alot more injury to the cat than first thought.

2. Description of Dog Mate German Shephard.
Dog, very friendly with humans but not cats.

3. Any witnesses (or owner present) [Redacted]
[Redacted]

I declare that the information recorded above is true and an accurate account and I am aware that this information could be produced as evidence in a court of law and I may be required to give evidence in this regard.

SIGNED [Redacted] OCCUPATION Stay at home Mum.

DATE AND TIME 19/6/16 12:30

WITNESSED [Signature]

Anthony Griffiths

From: [REDACTED]
Sent: Sunday, 19 June 2016 15:30
To: Anthony Griffiths
Subject: Statement regarding roaming dog at Shelley Jane place

My name is [REDACTED] and I am making this statement at approximately 2:30 on Sunday the 19th of June (19/06/2016).

On Saturday the 18th of June (18/06/2016) I was at my friends' ([REDACTED]) house at the following address; [REDACTED]

At a time approximately between 11:15pm and 11:45pm, [REDACTED] told me that there was a dog outside their front door. I went outside via the front door and immediately saw a dog frantically running around and trying to get under my car (white Honda stationwagon) which was parked in front of the house on the driveway. The dog appeared to be a medium sized German Shepard, it was wearing a collar. I dropped to the ground to look under the car and could see a black and white cat sitting sprawled on the ground behind the front wheels of the car, the cat had blood coming out of its nose and mouth, and it's back legs were splayed to one side. At this point the dog was on the other side of the car to myself and had its entire front quarters and head jammed under the car trying to get the cat, it was hard to see if the dog was biting the cat but I did see its paws make contact. I stood up and ran around the car to where the dog was still pressing itself further under the car and I could hear the cat now making very distressed noises. At this point [REDACTED]

was now outside and we started to make noises and yell at the dog to get it away from the car and out of the front gate. The dog was very exciteable and reluctant to leave the car and cat alone, it was not aggressive towards us however. We managed to get the dog out the front gate and close the gate. The dog stayed around the front of the property and then [REDACTED] phoned animal control, she was told that if we could secure the dog they would come and get it. We tied the dog up to a tree on the grass verge outside the property. An animal control officer arrived shortly afterwards.

I [REDACTED] declair that the preceding statement is truthful to the best of my knowledge.

Please contact me if you require any further information.

[REDACTED]



Attachment 2

Item 4



Anthony Griffiths

From: After Hours Vet <vet@wavh.co.nz>
Sent: Wednesday, 22 June 2016 19:24
To: Anthony Griffiths
Subject: History for cat attacked by German Shepherd 19/6/16

Bill#: 1/22261 Date: 19/06/2016

19/06/2016 [AS] Consultation

Temp:38 **Heart:**192 **Weight (Kg):**3.65
History:Order #101195 Grey & white DSH Female brought in by Animal control after attacked by a German Shepherd at [REDACTED] Dog was seized by animal control. Animal control officer. Anthony Griffiths 021 796 568

Clinical Examination:Appearance: QAR, adequate hydration. BCS 5/9
 Eyes, ears, and nose: Bleeding nose and scraped philtrum (trauma vs pre-existing condition/neoplasia). Dirty ears. Alopecia on both ear tips.
 Oral Cavity: dental tartar. One premolar fell by itself and had resorptive bone attached to it MM pink moist. CRT < 2s
 Heart / Lungs: heart ausculted normal, no murmur/arrhythmia. strong synchronous pulses. all lung fields clear
 Abdomen: soft non-painful on palpation. No masses or organomegaly.
 Urogenital: no discharge from genitalia
 Musculoskeletal: Ambulatory with a severe non-weight-bearing left hind limb lameness and overall hind limb weakness. Crepitus over left distal femur. Instability of the left coxofemoral joint (suspect dislocation but can't assess without sedation)
 Neurological: Normal mentation. No gross deficits noted.
 Skin and Hair: Large laceration/wound on the caudal aspect of the right thigh with visible muscle damage. Puncture wounds and laceration on the medial aspect of the left hind limb. Severe bruising of the whole rear.
 Lymph Nodes: all peripheral palpated normal in size and consistency
 Rectal Exam: not examined

Because it was too late to call SPCA, and because the patient was stable, we elected for basic management until the morning.

Treatment:- We tried to clip but unable to do it without sedation.
 - Overnight, the cat did well. She ate, drank, and slept well. She continued purring.
 - 9am: AS spoke to Sara, and she agreed for sedation/GA to xray and examine hind legs.
 0.04mL ACE IM and 0.4mL Temgesic (Buprenorphine) IM.
 took lateral catogram and VD of pelvis/hindlegs:
 Diaphragm intact, no spinal lesions seen, thorax and abdomen no radiographic abnormalities detected. Left hind: dorsocranial coxofemoral dislocation, complete stifle dislocation, no fractures seen.

1

P.T.O.

Clipped and cleaned wounds: has 9cm wound on caudolateral RH thigh - has split muscle bellies and extends down to sciatic nerve and femur. no bleeding. One 2cm round full thickness skin wound on medial left thigh. also through SQ but not muscle. pockets up to wound on RH leg. Whole left hind legs is severely swollen and bruised. stifle feels completely dislocated and suspect all ligaments are ruptured
+++ flea dirt and tapeworms around anus. Oral cavity: many missing teeth. those that remain have +++ tartar and neck lesions. Has chronically eroded nasal plane and scabby pinnae margins - suspect SCC
Discussed case with Sara. decided on humane euthanasia under GA. To hold for 7 days in freezer

Follow Up: Dear Colleague.

Please accept my condolences for the loss of this patient. Please feel free to contact me personally if you have any question or concern.

Sincerely,

Aurore Scordino, DVM, BSc (Hons)
Toni Brown, BVSc

Kind Regards

Waikato Afterhours Veterinary Hospital
576 Anglesea Street
Hamilton
Phone: 078395656
Fax: 078395658

23/06/2016

Andrew John Rabbit



Dear Andrew

Please find enclosed Infringement notice: 10914

The offence that has been committed is Failure to keep dog controlled or confined.

We have spoken too you in relation to this.

As a consequence an infringement notice has been issued under Section 52A Dog Control Act 1996

We take this opportunity of drawing your attention to the "Summary of Rights" contained on the reverse side of the infringement notice.

Any correspondence relating to the notice must be in writing and can be posted to the Animal Care and Control Unit, Hamilton City Council, Private Bag 3010, Hamilton.

Any further breaches of the Dog Control Act 1996 may result in your dog being impounded, an infringement notice being issued, or prosecution.

Due to an offence being committed by your dog, you will no longer be eligible for the category one registration fee for two years.

Please take note that any dog owner that commits 3 or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months must be disqualified for a period not exceeding 5 years from the date of the third infringement offence or offences (as the case may be) in respect of which the person is disqualified.

If you have any enquiries regarding this matter, please telephone (07) 838 6632

Regards

Dog Control Officer

Animal Education & Control

Appendix 3

CAR history for "Rex" AN 192046

CAR #	Date	Complaint	Outcome
75698	7/10/2012	Dog from [REDACTED] roaming	Advice given re containment
76653	28/10/2012	Dog from [REDACTED] entered complainants property	Advice given re containment
77034	5/11/2012	Dog from [REDACTED] out roaming	Advice given re containment
101284	24/4/2014	Dog found roaming – being contained on complainants property	Dog impounded
103066	7/6/2014	Member of public handed in dog found roaming on [REDACTED]	Dog impounded
135675	19/6/2016	Roaming dog – Attacked a cat	Dog impounded Infringement issued Dog classified menacing on behaviour
136742	19/7/2016	Dog roaming on [REDACTED]	Dog impounded

Committee: Regulatory and Hearings Committee

Date: 23 March 2017

Report Name: Objection by Brad Ager to the Classification of Sam as Menacing

Author: Susan Stanford

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>Dog Control Act 1996</i>
Financial status	<i>N/A</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Council's Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

1. Purpose of the Report

- To request that the Regulatory and Hearings Committee uphold the classification of the dog "Sam" as menacing by Animal Education and Control.

3. Executive Summary

- Under [Section 33A](#) the Dog Control Act 1996 a Territorial Authority may classify a dog as menacing if it believes the dog poses and ongoing risk to public safety; including the safety of domestic animals, stock and protected wildlife.
- Animal Education and Control believe the dog "Sam" poses an ongoing risk to public safety.
- The dog "Sam" was classified as menacing after roaming and behaving aggressively to a member of the public on her property and behaving aggressively towards the Animal Education and Control staff that collected and impounded him.
- Brad Ager objected to the menacing classification on 14 December 2016.

Recommendation/s from Management

That the Regulatory and Hearings Committee:

- receives the report; and
- upholds the classification of "Sam" as menacing.

8. Attachments

9. Attachment 1 - Classification documentation
10. Attachment 2 - CAR 141653
11. Attachment 3 - Objection received

12. Key Issues

13. Background

- On 8 November 2016 at 0910 a complaint was received regarding a roaming tan and white foxy.
- The complainant was too scared to go out of her house. When she did the dog showed aggression towards her.
- The dog was aggressive towards the Animal Education and Control Officers who caught and impounded him (CAR 141653 – Attachment 1).
- The dog's microchip did not return to any records in Authority or on the National Dog Database. This indicated the dog had never been registered.
- Brad Ager and Charlotte Webber came to Animal Education and Control in the afternoon of 8 November 2016.
- The Animal Education and Control Officer who impounded "Sam" spoke to the dog owners and informed them of the impending menacing classification based on "Sam's" behaviour.
- On 9 November 2016 Animal Education and Control classified "Sam" as menacing based on his behaviour under [Section 33A](#) of the Dog Control Act 1996 (Attachment 2).
- Brad Ager objected to the classification on 14 December 2016 (Attachment 3) for the following reasons:
 - They have had "Sam" for approximately two years and he has not shown aggression towards any members of the family
 - Being aggressive on the occasion of his impounding does not make him aggressive.
 - He is not a menacing breed but a small foxy.

14. Legislative requirements or legal issues

- [Section 33A](#) of the Dog Control Act 1996 gives territorial Authorities the ability to classify dogs as menacing based on observed or reported behaviour or any characteristics associated with the dogs breed or type.
- If a dog is classified as menacing the territorial authority must give notice in writing immediately to the dog owner outlining the effect of classification as menacing and the right of the dog owner to object to the classification.
- [Section 33B](#) of the Dog Control Act 1996 outlines a dog owners right to object to the classification of their dog and the responsibility of the territorial authority to give due consideration to the objection.
- In reaching a determination the Territorial Authority must consider the evidence that lead to the classification, steps taken by the owner to prevent any ongoing threat to public safety, matters in support of the objection and any other information relevant to the situation.

15. **Options**

- To uphold the classification of the dog as menacing
- To rescind the classification of the dog as menacing.

16. Risk

17. That “Sam” may act aggressively towards a member of the public again.

Signatory

Authoriser	Kelvin Powell, City Safe Unit Manager
------------	---------------------------------------



Private Bag 3010 TEL 07 838 6699
 Hamilton 3240 FAX 07 838 6599
 New Zealand EMAIL info@hcc.govt.nz
 hamilton.govt.nz

9 November 2016

Charlotte Webber & Brad Ager



Dear Charlotte & Brad

Classification of Dog as Menacing Dog Section 33A Dog Control Act 1996

Section 33A of the Dog Control Act 1996 ("DCA") enables Hamilton City Council ("HCC"), to classify a dog that it considers poses a threat to any person, stock, poultry, domestic animal, or protected wildlife because of:

- a. any observed or reported behaviour of the dog; or
- b. any characteristics typically associated with the dog's breed or type.

As a result of the observed or reported behaviour HCC has classified the dog as a Menacing Dog under s33A of the Dog Control Act 1996. The Notice of Classification of Dog as Menacing Dog ("the Notice") is enclosed.

HCC requires you to have the dog de-sexed, and to provide a copy of the de-sexing certificate to HCC within one month from the date shown on the Notice.

You may be able to take advantage of discounts available through HCC for de-sexing fees with a contracted veterinarian. Microchipping is also available at the Animal Education and Control Centre. If you would like further information about these services, please contact the Animal Education and Control team on 838 6632.

Please ensure that you comply with the requirements of the classification within the timeframes outlined in the enclosed Notice to avoid any further enforcement action. If you do not agree with the Classification you may object in writing within 14 days of receiving the Classification. You must have valid ground for an objection and produce evidence that your dog is not of a breed or type listed above.

If you have any questions regarding the Notice of Classification please contact HCC's Animal Education & Control Centre, phone 838 6632.

Regards

Susan Stanford
Animal Education and Control Manager

Animal Education and Control Centre
 217 Ellis Street, Hamilton
 Phone 07838 6632
 Fax 07 838 6915

AC-F64a V 8 16.3.11

**Notice of Classification of
Dog as Menacing Dog**
Section 33A, Dog Control Act 1996

To: * **Charlotte Webber & Brad Ager**
(name of owner)

Address:

**Male Fox Terrier ShihTzu Cross, white and tan in
colour, named Sam**

This is to notify you* that this dog has been classified as a menacing dog under section 33A(2) of the Dog Control Act 1996.

This is because of the aggressive behavior displayed by the dog on 8 November 2016, in Hamilton

A summary of the effect of the classification and your right to object is provided below.


Animal Education and Control Manager

9/11/16
Date

* For the purposes of the Dog Control Act 1996, you are the owner of a dog if:-

- you own the dog; or
- you have the dog in your possession (otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner); or
- you are the parent or guardian of a person under 16 who is the owner of the dog and who is a member of your household living with and dependent on you.

S 33E(1) Effect of classification as a menacing dog

Sections 33E, 33F, 36A, Dog Control Act 1996

You —

- (a) must not allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
- (b) must produce to HCC within 1 month after receipt of this notice, a certificate issued by a veterinary surgeon certifying —
 - (i) that the dog is or has been neutered; or
 - (ii) that for 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
- (c) must, if a certificate under paragraph (b)(ii) is produced to HCC, produce to HCC, within 1 month after the date specified in that certificate, a further certificate under paragraph (b)(i).

V2
16.3.2011
AC-F54

Animal Education and Control

Item 5

Attachment 1

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with all of the matters in paragraphs (a) to (c) above.

A dog control officer or dog ranger may seize and remove the dog from you if you fail to comply with all of the matters in paragraphs (a) to (c) above. The officer or ranger may keep the dog until you demonstrate that you are willing to comply with paragraphs (a) to (c).

You are also required, for the purposes of providing permanent identification of the dog, to arrange for the dog to be implanted with a functioning microchip transponder. This must be confirmed by making the dog available to HCC in accordance with the reasonable instructions of HCC for verification that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.

You will commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you fail to comply with this requirement within 2 months after the dog is classified as menacing.

If the dog is in the possession of another person (for a period not exceeding 72 hours), you must advise that person of the requirement to not allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction. You will commit an offence and be liable on summary conviction to a fine not exceeding \$500 if you fail to comply with this requirement.

Full details of the effect of the classification of a dog as menacing are provided in the Dog Control Act 1996. This is available to view online at www.legislation.govt.nz.

Right of Objection to Classification Under Section 33C

Section 33D, Dog Control Act 1996

You may object to the classification of your dog as menacing by lodging with HCC a written objection within 14 days of receipt of this notice setting out the grounds on which you object.

You have the right to be heard in support of your objection and will be notified of the time and place at which your objection will be heard.

STATEMENT OF SERVICE

This document was served by me by delivering a copy of the same to the Dog Owner/or Occupier personally on the

_____ Day of _____ at _____

Residential Address is

The same as that on the notice

or

(Specify)

_____ Hamilton

This document was served by me by leaving a copy of the same for the Dog Owner/Occupier on the

10th Day of November 29 2016

At _____, Hamilton

(Show full address of service)

Dog Control Officer D37 _____ 10 / 14 / 16

Registered Letter

Date Posted:



ANIMAL EDUCATION & CONTROL

To: Sue Stanford (Animal Education and Control Manager)

From: Peter Crocker

Subject:	Menacing Classification on breed or type — American Pitbull Terrier / Dogo Argentino / Japanese Tosa / Brazilian Fila (circle one)	Menacing Classification on Observed Behaviour/reported behaviour
----------	--	--

Date: 08/11/16 AN: 231095 File: CAR: 141653

CAR DETAILS: Brief breakdown of how dog come to our attention. *Dog roamed onto complainants property and was showing aggression when they tried to come out of house.*

DOG OWNERS DETAILS: How was AECO received by dog owner? Is the D/O aware that their dog is being Classified? *D/O's are aware and thought it was funny. In denial that their dog could be aggressive.*

DOG DETAILS: Is this dog to be classified on **Behaviour** as well as breed. Describe behaviour and any identifying marks. *Just behaviour - aggressive towards complainant and D/O's - tried to bite D/O's.*

Micro Chip *900108001007632* is the individual identifier for this dog.

AN: *231095* Registration Number: *4044* Dogs Name: *SAM*
16/17

MENACING CLASSIFICATION NOTES:
This dog has been registered as an American Pit Bull Terrier Type dog and has been classified as such under Section 33E of the Dog Control Act 1996

DETAILS OF AECO's Involved with Classification: *D37*
Peter Crocker
Team Leader Animal Education & Control

Approved for classification: <i>[Signature]</i>	Date: <i>9/11/16.</i>
Is the identification Checklist attached Yes or No	Have photos been saved Yes or <u>No</u>

Menacing Classification Cover Sheet

Application to register a dog



Please add or change any details that are incorrect
 You can register your dog online at www.hamilton.govt.nz

Step 1: This application is for a: Renewal New Registration Registration Transfer Replacement Tag

Step 2: Owner Details

For year ending 30 June 2017

OWNER 1 No:

NAME: Charlotte Wenber
 DATE OF BIRTH: [REDACTED]
 POSTAL ADDRESS: [REDACTED]
 RESIDENTIAL ADDRESS (if different to Postal): _____
 PHONE: Home: [REDACTED] Work: _____
 Mobile: [REDACTED]
 EMAIL: [REDACTED]
 Tick to receive dog registration renewals by email

OWNER 2 No:

NAME: Brad Ager
 DATE OF BIRTH: [REDACTED]
 POSTAL ADDRESS: [REDACTED]
 RESIDENTIAL ADDRESS (if different to Postal): _____
 PHONE: Home: [REDACTED] Work: _____
 Mobile: _____
 EMAIL: _____
 Tick to receive dog registration renewals by email

OWNER DETAILS

ANIMAL NUMBER:

Step 3: Dog Details

NAME: Sam AGE: 2 SEX: FEMALE MALE
 DOG KEPT AT ADDRESS: [REDACTED]
 PRIMARY BREED: Foxy PRIMARY COLOUR: White
 SECONDARY BREED: Shitzu poodle SECONDARY COLOUR: Tan
 ANY DISTINGUISHING MARKS? Please describe: _____
 I NO LONGER HAVE / OWN THIS DOG. Please give reason: _____
 TATTOO or MICROCHIP DETAILS (certificate required) _____
 IS THE DOG CLASSIFIED UNDER THE DOG CONTROL ACT. If yes please tick option
 DANGEROUS? MENACING? N/A
 IS THIS DOG CURRENTLY REGISTERED WITH ANOTHER COUNCIL? YES NO
 COUNCIL: _____ YEAR REGISTERED: 1 TAG NUMBER: _____
 TAG PREFERENCE DISC STRAP

DOG DETAILS

Step 4: Signature

I HEREBY VERIFY THAT THE ABOVE PARTICULARS ARE CORRECT (This application will not be accepted unless signed by the dog owner)

SIGNATURE: [Signature] DATE: 08-11-16

REGISTRATION CATEGORY: _____ TAG ISSUED: 4044
 FEES DUE BY 30 JUNE: _____ AFTER 30 JUNE: _____ AFTER 31 JULY: _____

DECLARATION

REBATES

e.an005 - Animals Enquiry - Hamilton *live* - 10564 - 6.10

Document Edit Name and Address Payments Animals Other Modules Help

OK Cancel Cut Copy Paste Find Excel Help Mapping Memos Attachments

3 of 3

Document

Animal Type				1 Dogs	Number	231095	Owner Details		
MicroChip Brand				MICROCHIP	Id	900108001007362	Name	Charlotte Webber & Brad Ager	
Alpha Key				WEBBER C			Address	[REDACTED]	
Assessment				37961	Parcel	4366287	Mobile Phone	[REDACTED]	
Owner				1109580			Home Phone	[REDACTED]	
House Number				[REDACTED]			Business Phone	[REDACTED]	
Street Name				[REDACTED]			e-Mail Address	[REDACTED]	
Suburb Name				[REDACTED]					
Animal Details									
Kept at Address				[REDACTED]					
OutsideTag				[REDACTED]	Ref		Dangerous	NA	
Animal Name				Sam	Neutered	N	Gender	Male	
Breed				FTSM	Terrier Fox (Smooth)	Cross	SHIH	Shih Tzu	
Main Colour				WHI	White	Second	TAN	Tan	
Birth				09/11/2014	Age	1 Years 11 Months	Death	Depart	
Features						Permit Number			
Registration Details						By Law Code Search			
Tag Number				4044	Tag Set	2016/17	Code Type	Code Value	
eTran				Recpt Date	08/11/2016	Reg Till	30/06/2017		

Behaviour

9/11/16 Car 141708 to 37-to serve

serve 10/11/16.

car 037 143290 13/12/16

Customer Action Request Animal Complaint



co_dm061 CAR No. 141653/2016 23/02/2017 10:11AM

COMPLAINANT
 Received 08/11/16 9:10AM Officer D37
 Name [REDACTED] Home 1 [REDACTED] Home 2 [REDACTED]
 Address [REDACTED] Work [REDACTED] Mobile [REDACTED]
PROPERTY
 Address [REDACTED]

ANIMAL DETAILS
 Animal Number 231095 Animal Name Sam Tattoo 900108001007362
 Animal Location [REDACTED] Colour WHITAN Sex M
 Owner Address [REDACTED] Owner Name Charlotte NAR No. [REDACTED]

REQUEST DETAILS
 Office Date/Time 08/11/16 9:10AM Small tan and white foxy is currently on comps deck, has a grey/blue collar with tags, showing aggression when comp tries to go outside - would like ACO's to attend to remove dog - unsure where dog is from
 Major Category Dog Control
 Minor Category Dog Offences
 Category 3 Roaming
 Category 4 Public Place

INVESTIGATION DETAILS
 Task Investigation
 Officer D37 Outcome Animals - Impounded
 Start 8/11/2016 Finish 8/11/2016

Substantiated / Not Substantiated
 ***IMPOUNDED KR 43566 ***
 call to property - collect dog - dog behaving aggressively
 10:45 - Impounded
 Scanned for microchip
 900108001007362
 not linked to any records
 K20
 KR 43566
 Linked to
 CAR

On arrival at property, the resident was inside the house, she answered door and told me dog was around the back and that she was too afraid to go outside as the dog was showing aggression towards her.

Dog located in rear of property - sitting on a bench seat behind a swimming pool. On my approach, the dog has growled and shown its teeth, as I got closer the dog started lunging at me and trying to bite my flexi.
 I put the flexi around the dog and tried to lead it out of the property. The dog has attempted to bite me, so my colleague D24 has used the net to secure the dog until we could get it into the back of the Ute
 On our return to the unit, we had another 3 roaming dogs to get into the Ute
 On re-arranging the dogs to make room, the little dog Sam had to be removed from the Ute, Sam showed aggression again and a pole was used to safely move the dog. Witnessed by D24 and D25 when kennelling the dog the use of a pole was required as the dog was again showing aggression. A red flag was used to warn other staff.
 When the dog owners came to collect this dog, I explained the behaviour we had witnessed, The male dog owner laughed and made jokes about it.

I further explained that it wasn't really a joking matter and that was quite distressing for our complainant
 I advised dog owners that I would be recommending the dog for classification as a menacing dog based on the behaviour witnessed today
 I spoke with my team leader and manager about my recommendation and they both agreed I should put the dog forward for classification

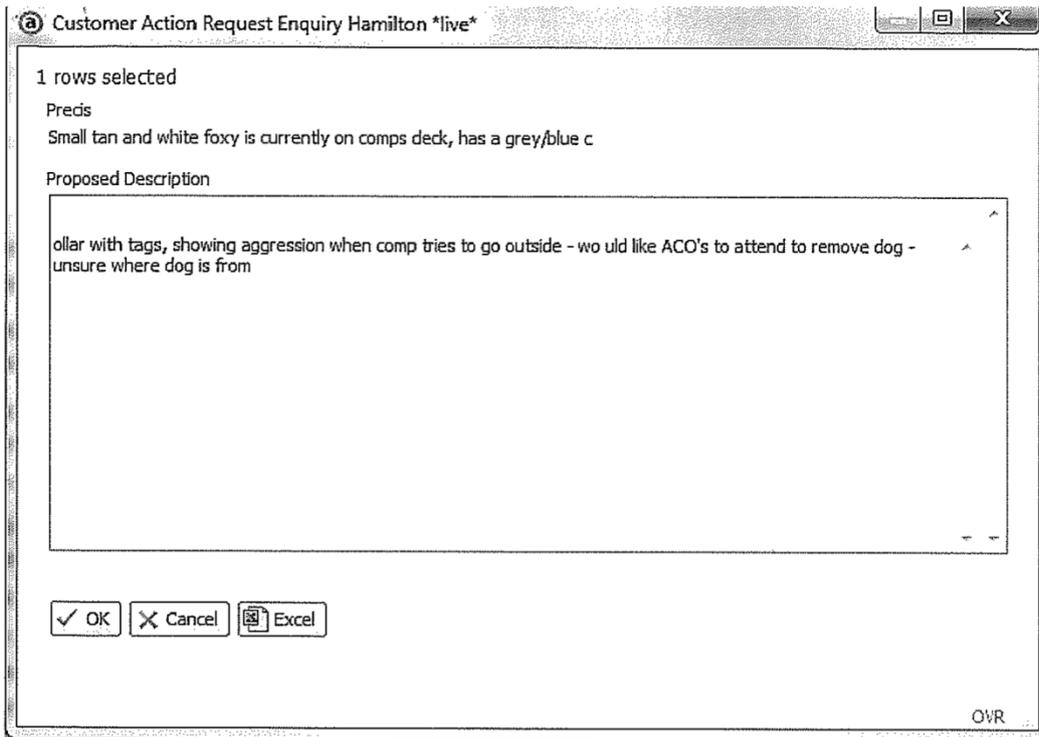
ENFORCEMENT DETAILS
 Task [REDACTED]
 Officer [REDACTED] Outcome [REDACTED]
 Start [REDACTED] Finish [REDACTED]

PREVIOUS HISTORY

Item 5

Attachment 2

co_dm061		CAR No. 141653/2016		23/02/2017 10:11AM	
CAR No.	141708/2016	Task	2INV		
Animal	231095	Outcome	COMP		
Maj Cat.	Dog Control	Officer	D37		
Min Cat.	Dog Offences	Opened	10/11/16		
Cat 3.	Offences Detected by Officer	Closed	10/11/16		
Cat 4.	Other				
CAR No.	143290/2016	Task	2INV		
Animal	231095	Outcome			
Maj Cat.	Dog Control	Officer	D37		
Min Cat.	Dog Offences	Opened	13/12/16		
Cat 3.	Offences Detected by Officer	Closed			
Cat 4.	Menacing Compliance				



14 December 2016

Brad Ager
[REDACTED]

Dear Brad

Notice of Classification of Dog as Menacing

Thank you for your letter received by Hamilton city Council.
I enclose a copy of that letter for your information.

I acknowledge that you have exercised your right to lodge a written objection to the notice of classification of Sam as menacing due to your families experience with Sam and reported lack of aggression displayed to the family. If you have any further information to provide in support of your objection please supply this.

You are entitled to be heard in support of your objection, the enclosed brochure explains the hearing process.

The next step in this process is a report prepared by staff and submitted to the City secretary who will contact you to arrange a time and date that is suitable for all parties to allow for your objection to be heard.

If you have any further queries in relation to this, please do not hesitate to contact me.

Regards

Susan Stanford
Animal Education & Control Manager

217 Ellis St
Frankton, Hamilton
Phone 07 838 6895/ 021 7950565
Fax 07 838 6915
Email susan.stanford@hcc.govt.nz
Website www.hamilton.co.nz
ANI: 231095

Dear Susan Stanford.

My name is Brad Ager and I'm writing this letter on behalf of my family challenging your classification of our dog Sam as a menacing dog.

We have had Sam since he was 8 weeks old for just over 2 years; he's brought so much joy to our home with his great energy and gentle nature. We have only ever had 1 incident with Sam when my son was walking him at our local park and a woman approached them spraying Sam with spray paint and trying to kick Sam. Sam's response was to flee not attack as that's not in his nature. This may explain Sam's menacing behaviour towards the person that captured Sam and put him in their backyard and toward your dog catcher lady. I think a lot of dogs would act in a similar way if captured by a stranger and put into a strange environment.

On November 8 when he escaped through an open garage door and went missing we were so terribly upset and scoured the whole neighbourhood looking for our little mate. When we were finally able to get hold of your dog pound after hours of trying we were informed that a dog matching Sam's description had been found, we were all so happy.

I've never had any dealings with councils before but the heavy handed way that you have handled this has been nothing short of disgraceful. The arrogant way your dog catcher lady at the pound came across was shameful, she needs to learn to deal with the public in a better manner more befitting a council employee. She showed no empathy at all and upset my son with what she was saying and how she was saying it. The service when trying to get hold of someone regarding our missing dog was nothing short of an embarrassment. Why did it take more than 3 hours to get hold of someone regarding our dog? This is simply not good enough. Then we receive the actual notice of classification which has caused undue stress on us all. Surely a warning letter asking us to better contain and control our dog would have sufficed.

This is not a menacing dog. One act of supposed aggression or menacing behaviour does not constitute a menacing dog. We have couriers knock on our door daily and Sam has never rushed out and attacked or bitten them, or anyone. The most you get out of him is a bit of bark and that's it. He's been to dog friendly camping grounds and there's never been an issue, he's stayed with friends for days at a time and there's never been an issue. He gets walked daily and there's never been an issue of him being aggressive to anybody. He's not a menacing breed he's a tiny Foxy with a brilliant nature and is a proud little fella to boot.

We have never had any issues with Sam's behavior and with an 11 month old baby if we ever saw any menacing behaviours we would act. We have put extra steps in place to ensure he never escapes again and are looking at starting some dog obedience classes in the New Year.

This is a loving caring proud family and Sam is part of that family and we will do everything in our power to protect and care for our Sam. I hope this letter of objection meets with a favourable response.

Regards the Ager/Webber family.

Committee: Regulatory and Hearings Committee

Date: 23 March 2017

Report Name: Objection by David Tuck to disqualification from dog ownership

Author: Susan Stanford

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>Dog Control Act 1996</i>
Financial status	<i>N/A</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Council's Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

1. Purpose of the Report

2. To request the Regulatory and Hearings Committee uphold the disqualification from dog ownership of David Tuck for the full term of five years.

3. Executive Summary

4. After receiving four infringements for three separate incidents in 24 months David Tuck was disqualified from owning a dog on 6 October 2016 as required under [Section 25](#) of the Dog Control Act 1996.
5. David Tuck objected to the disqualification on 31 October 2016.
6. There are no exceptional circumstances to indicate that disqualification was not appropriate in this case.
7. David Tuck has not demonstrated responsible dog ownership. His dog was involved in three attacks on people in 10 months. The dog was not adequately confined to his property.

Recommendations from Management

That the Regulatory and Hearings Committee:

- a) receives the report; and
- b) upholds the disqualification from dog ownership of David Tuck for the full five years because;
 - (i) he has demonstrated that he is not a responsible dog owner; his dog was not suitably contained and attacked three people in 10 months; and
 - (ii) there are no exceptional circumstances to indicate that disqualification from dog ownership is not appropriate in this case.

8. Attachments

- 9. Attachment 1 - Animal History
- 10. Attachment 2 - CARS
- 11. Attachment 3 - Hearing request

12. Key Issues

13. Background

- David Tuck’s dog “Happy” was involved in three dog attacks on people in 10 months (history - Attachment 1).
- In all of the attacks “Happy” left the section and bit the victims as they walked/ran passed David Tuck’s property (Customer Action Requests - Attachment 2)
- David Tuck received an infringement for each attack.
- Four infringements were issued in total; at the time of the second attack “Happy” was unregistered and an infringement was also issued for non-registration.
- David Tuck did not pay his infringements. The infringements were lodged in court two months after they were issued.
- After the fourth infringement was lodged in court on 8 July 2016 David Tuck met the criteria for disqualification from dog ownership under [Section 25](#) of the Dog Control Act 1996.
- David Tuck submitted an objection and requested a hearing on 31 October 2016 (Attachment 3).

14. Legislative requirements or legal issues

- 15. [Section 25](#) notes that a Territorial Authority must disqualify a person from being a dog owner if they receive three infringements in a 24 month period, for three separate events, and there are no exceptional circumstances which would see disqualification as not being warranted.
- 16. Under [Section 26](#) of the Dog Control Act 1996 every person disqualified from dog ownership has the right to object and for that objection to be heard by the Territorial Authority.

17. Options

- To uphold the disqualification for the full term of five years.
- To reduce the length of the disqualification period.
- To overturn the disqualification.
- To make the dog owner a probationary owner under [Section 21](#) of the Dog Control Act 1996.

18. Risk

- 19. If the disqualification of David Tuck from dog ownership is overturned there could be further breaches of the Dog Control Act 1996 and the Hamilton City Council Dog Control Bylaw requiring involvement of the Animal Education and Control unit.

Signatory

Authoriser	Kelvin Powell, City Safe Unit Manager
------------	---------------------------------------

Appendix 1

Animal History
 "Happy"
 David Tuck

Date	CAR	Complaint	Outcome
11/6/2015	119057	Dog attack (on person)	Infringement #10703 issued – failed to keep dog controlled or confined
22/7/15	120519	Dog attack (on person) Unregistered dog	Dog seized and impounded. Infringement's x2 issued #10762 & #10763 for failure to keep dog under control and not being registered. Dog classified as menacing on behaviour.
14/9/2015	121921	Menacing compliance follow-up. Dog not yet de-sexed	23/11/2015 dog desexed.
15/4/2016	133208	Dog attack (person)	Infringement #10826 issued – failed to keep dog controlled or confined
6/10/2016	140105	Disqualification paperwork served	

co_dm061 CAR No. 119057/2015 13/08/15 4:08PM

COMPLAINANT
 Received 11/6/15 8:27AM Officer D34
 Name Monique
 Address [REDACTED] Home 1 Work Home 2 Mobile

PROPERTY
 Address [REDACTED]

ANIMAL DETAILS
 Animal Number 228102 Animal Name Happy Tattoo 982000363431608
 Animal Location [REDACTED] Colour BLK/WHI Sex F
 Owner Address [REDACTED] Owner Name Davi NAR No.

REQUEST DETAILS
 Offence Date/Time 11/6/15 8:15AM Black Pitbull has attacked a 15 year old girl named Raven (she has been bitten on back of right thigh). The dog is believed to come from possibly or # [REDACTED]
 Major Category Dog Control
 Minor Category Dog Offences
 Category 3 Attack
 Category 4 Urgent Attack Dog v Person

INVESTIGATION DETAILS
 Task Investigation Outcome Animals - S53 Fail Kee
 Officer D35 Finish 13/08/15
 Start 11/06/15
Substantiated / Not Substantiated
 INF #10703- FAILURE TO CONTROL AND CONFINE
 08:50AM- Comp phoned she is taking her daughter to A&E. said an officer will be in touch and we will have someone follow up on the dog.
 10:00am- Sstatment taken from victim at # [REDACTED]
 10:25am- Visit f [REDACTED] have one 12 week old pup, deined having a second dog. evidence to contrary.
 10:30am- visit # [REDACTED] occupant said that there are two dogs at number [REDACTED]. A large black one and a puppy. left card. She will call when she see's large dog.
 11:00am- Drivebys at property where offending dog, as alleged to have come from. NIL seen if it was there it has been taken away. Informant next door hasn't seen dog.
 6/8/15- D34 was involed on a second complaint of a person being attacked. Dog located and seized. Victim from my attack identified dog from photos as being the one that bite her. D/O spoken to when he came to collect seized dog. Denied it was his that was involed in first attack.
 D34 has had the dog classified.
 Infringment has been issued.

ENFORCEMENT DETAILS
 Task
 Officer Outcome
 Start Finish

PREVIOUS HISTORY
 CAR No. 120519/2015 Task 2INV
 Animal 228102 Outcome INFR
 Maj Cat. Dog Control Officer D34
 Min Cat. Dog Offences Opened 22/7/15
 Cat 3. Attack Closed 11/8/15
 Cat 4. Historic Attack Dog v Person

Item 6

Attachment 2

co_dm061 CAR No. 120519/2015 21/02/2017 8:46AM

COMPLAINANT
 Received 22/7/15 5:09PM Officer D34
 Name [REDACTED]
 Address [REDACTED] Home 1 Work Home 2 Mobile

PROPERTY
 Address [REDACTED] RD: [REDACTED]

ANIMAL DETAILS
 Animal Number 228102 Animal Name Happy Tattoo 982000363431608
 Animal Location [REDACTED] Colour BLK/WHI Sex F
 Owner Address [REDACTED] Owner Name David NAR No.

REQUEST DETAILS
 Offence Date/Time 22/7/15 4:05PM Dog attack: Between 4:05 and 4:10 a black and tan medium sized dog (un known gender) has come out of its section on [REDACTED] and rush ed at two girls walking home from school, has made contact with one gi rl ([REDACTED] 15) has broken skin with bite on right leg just be low knee. Has been taken to doctors by [REDACTED] they have taken photos o

Major Category Dog Control
 Minor Category Dog Offences
 Category 3 Attack
 Category 4 Historic Attack Dog v Person

INVESTIGATION DETAILS
 Task Investigation Outcome Animals - Infringement
 Officer D34 Finish 11/08/2015
 Start 22/07/2015

Substantiated / Not Substantiated
 Seizure S57 & S42/Classify on behaviour/ Infringement S42 & S53.
 Infringement# 10762 & #10763
 22/07/15 - 5:21pm - Ring complainant Lisa to find out what happened. Her daughter plus friend were walking past property on [REDACTED] when [REDACTED] was bitten by the dog. Didn't know which property - but could point it out. Organised with [REDACTED] to come to her house and take statement. 5:38pm - Went to # [REDACTED] with D11. Spoke with victim [REDACTED] plus friend [REDACTED] D11 also took photo's of her injury, I showed a map of [REDACTED] and they pointed out where the dog comes from [REDACTED] Discribed the dog as a medium size, black/tan, shorthaired. Has seen the dog there before but this time the gate was open. I took written statement. [REDACTED] discribed the property to have a farm type gate at the property - have confirmed this to be # [REDACTED] Also D35 has had similar attack CAR# 119057 where another 15 year old girl was attacked - when D35 went to the property the dog was concealed/hidden.
 23/07/2015 - Obtained search warrant signed off at the courts. Police were not available to assist.
 25/07/2015 - In company of Police seized 2 dogs. Warrant not required - D/O brought out both dogs.

ENFORCEMENT DETAILS
 Task [REDACTED]
 Officer [REDACTED] Outcome [REDACTED]
 Start [REDACTED] Finish [REDACTED]

PREVIOUS HISTORY

CAR No. 119057/2015	Task 2INV
Animal 228102	Outcome S53
Maj Cat. Dog Control	Officer D35
Min Cat. Dog Offences	Opened 11/6/15
Cat 3. Attack	Closed 13/8/15
Cat 4. Urgent Attack Dog v Person	
CAR No. 121921/2015	Task 2INV
Animal 228102	Outcome ADVC
Maj Cat. Dog Control	Officer D31
Min Cat. Dog Offences	Opened 15/9/15
Cat 3. Offences Detected by Officer	Closed 24/11/15
Cat 4. Menacing Compliance	
CAR No. 133208/2016	Task 2INV
Animal 228102	Outcome S53
Maj Cat. Dog Control	Officer D11
Min Cat. Dog Offences	Opened 15/4/16
Cat 3. Attack	Closed 16/4/16
Cat 4. Urgent Attack Dog v Animal	

co_dm061

CAR No. 121921/2015

20/02/2017 10:57AM

COMPLAINANT

Received 14/9/15 8:00AM Officer AALE
 Name Craig
 Address Animal Care & Control Hamilton Council

Home 1
WorkHome 2
Mobile**PROPERTY**

Address

ANIMAL DETAILS

Animal Number 228102
 Animal Location
 Owner Address
 Animal Name Happy
 Colour BLK/WHI
 Owner Name David J.
 Tattoo 982000363431608
 Sex F
 NAR No.

REQUEST DETAILS

Offence Date/Time 14/9/15 8:00AM Menacing follow-up for AN#228102 Happy
 Major Category Dog Control
 Minor Category Dog Offences
 Category 3 Offences Detected by Officer
 Category 4 Menacing Compliance

INVESTIGATION DETAILS

Task Investigation
 Officer D31
 Start 15/09/2015
 Outcome Advice Given
 Finish 24/11/2015

Substantiated / Not Substantiated

****DOG HAS BEEN DESEXED****
 No record to date of dog being
 desexed.

02/11 @ 1340hrs - David . will desex dog in 2 weeks
 quoted \$105

23/11 - Dog desexed at Hamilton Vets - Certificate
 attached

ENFORCEMENT DETAILS

Task
 Officer
 Start
 Outcome
 Finish

PREVIOUS HISTORY

CAR No. 119057/2015	Task 2INV
Animal 228102	Outcome S53
Maj Cat. Dog Control	Officer D35
Min Cat. Dog Offences	Opened 11/6/15
Cat 3. Attack	Closed 13/8/15
Cat 4. Urgent Attack Dog v Person	
CAR No. 120519/2015	Task 2INV
Animal 228102	Outcome INFR
Maj Cat. Dog Control	Officer D34
Min Cat. Dog Offences	Opened 22/7/15
Cat 3. Attack	Closed 11/8/15
Cat 4. Historic Attack Dog v Person	
CAR No. 133208/2016	Task 2INV
Animal 228102	Outcome S53
Maj Cat. Dog Control	Officer D11
Min Cat. Dog Offences	Opened 15/4/16
Cat 3. Attack	Closed 16/4/16
Cat 4. Urgent Attack Dog v Animal	
CAR No. 140105/2016	Task 2INV
Animal 228102	Outcome COMP
Maj Cat. Dog Control	Officer D25
Min Cat. Dog Offences	Opened 06/10/16
Cat 3. Offences Detected by Officer	Closed 11/10/16
Cat 4. Other	
CAR No. 1079/2016	
Animal 228102	
Maj Cat.	
Min Cat.	
Cat 3.	
Cat 4.	

co_dm061		CAR No. 140105/2016		20/02/2017 11:04AM	
COMPLAINANT					
Received	06/10/16 11:33AM	Officer D25			
Name	Peter	Home 1	146411	Home 2	
Address	C/O Animal Care & Control Hamilton City Council	Work		Mobile	
PROPERTY					
Address	[REDACTED]				
ANIMAL DETAILS					
Animal Number	228102	Animal Name	Happy	Tattoo	982000363431608
Animal Location	[REDACTED]	Colour	BLK/WHI	Sex	F
Owner Address	[REDACTED]	Owner Name	David	NAR No.	
REQUEST DETAILS					
Offence Date/Time	06/10/16 11:33AM	please serve Disqualification Notice on David at [REDACTED]			
Major Category	Dog Control	and return completed Statement of Service to admin			
Minor Category	Dog Offences				
Category 3	Offences Detected by Officer				
Category 4	Other				
INVESTIGATION DETAILS					
Task	Investigation	Substantiated / Not Substantiated			
Officer	D25	served letter by handing to dog owner 6/10/2016 - statement of			
Start	6/10/2016	Outcome	Completed	service completed	
		Finish	11/10/2016		
ENFORCEMENT DETAILS					
Task					
Officer		Outcome			
Start		Finish			
PREVIOUS HISTORY					
CAR No.	119057/2015	Task	2INV		
Animal	228102	Outcome	S53		
Maj Cat.	Dog Control	Officer	D35		
Min Cat.	Dog Offences	Opened	11/6/15		
Cat 3.	Attack	Closed	13/8/15		
Cat 4.	Urgent Attack Dog v Person				
CAR No.	120519/2015	Task	2INV		
Animal	228102	Outcome	INFR		
Maj Cat.	Dog Control	Officer	D34		
Min Cat.	Dog Offences	Opened	22/7/15		
Cat 3.	Attack	Closed	11/8/15		
Cat 4.	Historic Attack Dog v Person				
CAR No.	121921/2015	Task	2INV		
Animal	228102	Outcome	ADVOC		
Maj Cat.	Dog Control	Officer	D31		
Min Cat.	Dog Offences	Opened	15/9/15		
Cat 3.	Offences Detected by Officer	Closed	24/11/15		
Cat 4.	Menacing Compliance				
CAR No.	133208/2016	Task	2INV		
Animal	228102	Outcome	S53		
Maj Cat.	Dog Control	Officer	D11		
Min Cat.	Dog Offences	Opened	15/4/16		
Cat 3.	Attack	Closed	16/4/16		
Cat 4.	Urgent Attack Dog v Animal				
CAR No.	1079/2016				
Animal	228102				
Maj Cat.					
Min Cat.					
Cat 3.					
Cat 4.					

ATTACK STAFF DONE. FF

HAMILTON CITY

co_dm061 CAR No. 133208/2016 17/04/16 10:06AM

COMPLAINANT

Received 15/4/16 4:55PM Officer D11

Name [redacted] Home 1 [redacted] Home 2 [redacted] Mobile [redacted]

PROPERTY

Address [redacted]

ANIMAL DETAILS

Animal Number 228102 Animal Name Happy Animal Location [redacted] Animal Colour BLK/WHI Animal Sex F Animal Owner Address [redacted] Owner Name David Tattoo 982000363431608 NAR No.

REQUEST DETAILS

Office Date/Time 15/4/16 4:50PM Major Category Dog Control Minor Category Dog Offences Category 3 Attack Category 4 Urgent Attack Dog v Animal

[redacted] calling to say that his partner has been attacked by dog as she was going for a run. the attack occurred outside [redacted] Attack occurred at 16:50hrs. [redacted] says he does not know the breed o

INVESTIGATION DETAILS

Task Investigation Officer D11 Start 15/04/16 Outcome Animals - S53 Fail Key Finish 16/04/16

Substantiated / Not Substantiated 15/4/2016. 17:02 - Phoned comp who advised he had gone and collected his partner and she was now at home. She has a puncture wound and a scratch to her knee. Asked if she could confirm it was no. [redacted] which she did. Said that the dog came out of the address. bit her and went back into the same property. Someone from the house then shut the gate. Advised her to seek medical assistance for the wound and I would catch up with her tomorrow. 17:07 - Phoned d/o at [redacted] and spoke to David. He advised he had just got home and was told that the kids had left the gate open and the dog got out. He was aware the dog had bitten someone. He asked if that meant more fines and was told most likely. I thanked him for being honest. 16/4/2016. 9:20 - Called at [redacted] and obtained a statement and photo from comp and attached to file. Infringement issued.

ENFORCEMENT DETAILS

Task [redacted] Officer [redacted] Start [redacted] Outcome [redacted] Finish [redacted]

PREVIOUS HISTORY

CAR No. 119057/2015 Animal 228102 Maj Cat. Dog Control Min Cat. Dog Offences Cat 3. Attack Cat 4. Urgent Attack Dog v Person Task 2INV Outcome S53 Officer D35 Opened 11/6/15 Closed 13/8/15
CAR No. 120519/2015 Animal 228102 Maj Cat. Dog Control Min Cat. Dog Offences Cat 3. Attack Cat 4. Historic Attack Dog v Person Task 2INV Outcome INFR Officer D34 Opened 22/7/15 Closed 11/8/15
CAR No. 121921/2015 Animal 228102 Maj Cat. Dog Control Min Cat. Dog Offences Cat 3. Offences Detected by Officer Cat 4. Menacing Compliance Task 2INV Outcome ADVC Officer D31 Opened 15/9/15 Closed 24/11/15

Item 6

Attachment 2

Appendix 3

Hearing request
David Tuck

THINGS TO DO

hi i am david tuck of
 [REDACTED] i ~~am~~
 object this disqualification
 on the grounds of the
 first attack was not my
 dog it was a black pitty
 my dog was on heat
 she is now fixed. yous
 blamed my dog cause
 she was not registered
 and she never left that
 day i got 3 witness for
 that. i have been doing
 every thing yous have asked
 she been good for ages
 as my kids love these
 dog - the third offense -
 my kids left gate open.
 the dog now stays out the
 back. **YEAH!**

THINGS TO DO

and we do every thing we
 can now as in my
 letter you gave me.
 it say my disqualification
 apply from 18 april 2016 to
 18 april 2021 so why
 let me register her
 i payed \$14\$ yous knew
 that. that fixed. but
 anyway the first attack
 was not my dog it
 was my dog on heat so
 other dogs tried to get
 to her that? not my
 fault your workers need
 to do there jobs probably
 and not get wrong dog cause
 it easier - ~~would~~ i got
 Photos of other dog. would
 love a meeting plz - **YEAH!**

2/11/2016

David Tuck


Dear David

Re: Notice of Disqualification from Dog Ownership

Thank you for your letter received by Hamilton City Council.
I enclose a copy of that letter for your information.

I acknowledge that you have exercised your right to lodge a written objection to the notice of disqualification from dog ownership due to your families' attachment to "Happy", that she has been good for ages and that it was your children who are responsible for the latest incident as they left the gate open. If you have any further information to provide in support of your objection please supply this.

You are entitled to be heard in support of your objection, the enclosed brochure explains the hearing process.

The next step in this process is a report prepared by staff and submitted to the City secretary who will contact you to arrange a time and date that is suitable for all parties to allow for your objection to be heard.

If you have any further queries in relation to this, please do not hesitate to contact me.

Regards



Susan Stanford
Animal education & Control Manager

217 Ellis St
Frankton, Hamilton
Phone 07 838 6895/ 021 7950565
Fax 07 838 6915
Email susan.stanford@hcc.govt.nz
Website www.hamilton.co.nz
ANI: 228102

Committee: Regulatory and Hearings
Committee

Date: 23 March 2017

Report Name: Objection by Kaatahi Heke to
disqualification from dog
ownership

Author: Susan Stanford

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>Dog Control Act 1996</i>
Financial status	<i>N/A</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Council's Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

1. Purpose of the Report

- To request the Regulatory and Hearings Committee uphold the disqualification from dog ownership of Kataahi Heke for the full term of five years.

3. Executive Summary

- After receiving three infringements in 24 months, Kaatahi Heke was disqualified from owning a dog on 6 October 2016 as required under [Section 25](#) of the Dog Control Act 1996.
- P.O.N.O. Trust on behalf of Kaatahi Heke objected to the disqualification on 23 December 2016.
- There are no exceptional circumstances to indicate that disqualification was not appropriate in this case.

Recommendations from Management

That the Regulatory and Hearing Committee:

- a) receives the report; and
- b) upholds the disqualification from dog ownership of Kaatahi Heke for the full five years because:
 - (i) she has demonstrated that she is not a responsible dog owner; her dog was in breach of the Dog Control Act 1996 and Hamilton City Council's Dog Control Bylaw nine times in 27 months;
 - (ii) after "SonSon" was impounded on 18 December 2016 he was held for 25 days and, as he remained uncollected, was euthanized as he was not suitable for rehoming; and
 - (iii) there are no exceptional circumstances to indicate that disqualification from dog ownership is not appropriate in this case.

7. Attachments

8. Attachment 1 - Animal history
9. Attachment 2 - PONO Trust
10. Attachment 3 - Objection to disqualification

11. Key Issues

12. Background

- There is an extensive history of contact between Kaatahi Heke and Animal Education and Control with regard to the dog "SonSon" from September 2014 to January 2017.
- "SonSon" was impounded on five occasions and three infringements were issued. (Full history see Attachment 1)
- After the third infringement was lodged in court on 8 July 2016 Kaatahi Heke met the criteria for disqualification from dog ownership under [Section 25](#) of the Dog Control Act 1996.
- Disqualification notice was delivered on 6 October 2016.
- On 22 October 2016 Kaatahi Heke appointed T and A McQueen of P.O.N.O Trust to be her representative (Attachment 2).
- P.O.N.O Trust then lodged an objection to disqualification on behalf of Kaatahi Heke on 23 December 2016 (Attachment 3).
- Further information in support of the objection was to be emailed to Animal Education and Control by P.O.N.O. Trust; as at 20 February 2017 none has been received.
- On 18 December 2016 "SonSon" was impounded for roaming.
- Kaatahi Heke requested a fee waiver on 31 December 2016. Due to the extensive history of impoundings, attack and rushings this was declined.
- "SonSon" remained in the pound. He was not collected and was euthanized on 12 January 2017.

Item 7

13. Legislative requirements or legal issues

- 14. [Section 25](#) notes that a Territorial Authority must disqualify a person from being a dog owner if they receive three infringements in a 24 month period, for three separate events, and there are no exceptional circumstances which would see disqualification as not being warranted.
- 15. Under [Section 26](#) of the Dog Control Act 1996 every person disqualified from dog ownership has the right to object and for that objection to be heard by the Territorial Authority.

16. Options

- To uphold the disqualification for the full term of five years.
- To reduce the length of the disqualification period.
- To overturn the disqualification.
- To make the dog owner a probationary owner under [section 21](#) of the Dog Control Act 1996.

17. Risk

- 18. If the disqualification of Kaatahi Heke is overturned she may get another dog and there could be further breaches of the Dog Control Act 1996 and the Hamilton City Council Dog Control bylaw requiring involvement of the Animal Education and Control unit.

Signatory

Authoriser	Kelvin Powell, City Safe Unit Manager
------------	---------------------------------------

Appendix 1

Animal History
Kaatahi Heke
"SonSon"

Date	CAR #	Complaint	Outcome
16/9/14	106882	Roaming – public place	Impounded
12/3/15	115289	Roaming – public place	Advice given re containment
2/4/15	116239	Attack/roaming – public place	Impounded Infringement #10295 issued
16/9/15	122768	Unregistered dog	Seized and impounded
6/1/16	128331	Roaming – public place (stuck in fence)	Impounded
4/4/16	132765	Roaming – public place	Infringement #10871 issued
7/4/16	132853	Menacing classification served	
7/4/16	132857	Roaming – free to leave	Infringement #10745 issued
17/5/16	134554	Menacing compliance De-sexing follow-up	Dog seized and impounded
20/5/16	134632	Dog taken from AEC to vets – desexing	Dog collected from vets by owner.
6/10/16	140104	Disqualification Notice served	
18/12/16	143548	Roaming – public place	Impounded
5/1/17	144354	Correspondence delivered	Response to written request for fee waiver delivered to dog owner.
12/1/17		SonSon not collected by owner	Euthanised

Appendix 2

22/10/16.

Notice of Response and Power of Authority
For P.O.N.O Trust.
For Sonson

I Kātahi Tysmatang Rita Heke of
[REDACTED] Newton Hamilton
give P.O.N.O Trust full power of
authority to address all issues pertaining
to any notices issued by Hamilton City
Council in regards to my taonga
Sonson, our whanau kaitiaki and member.
They will be requesting a Full Disclosure
from the Animal Control Unit who have
issued notices to me. Further more they will
respond to any issues that they regard as
necessary.

Yours K Heke

K. Heke

[Signature]

P.O.N.O Trust: T and A. McQueen.

[REDACTED]

RECEIVED
3/11/16
Aaneld [Signature]

5 January 2017

Te Anohia
P.O.N.O. Trust



Dear Te Anohia

Re: Notice of Disqualification from Dog Ownership – Kataahi Heke

Thank you for your letter received by Hamilton city Council on 23 December 2016.
I enclose a copy of that letter for your information.

I acknowledge that you have exercised the right to lodge a written objection to the notice of disqualification from dog ownership on behalf of Kaatahi Heke. As noted in your letter details relating to the objection would be sent via email; to date this has not been received. If you have any further information to provide in support of your objection please supply this.

You are entitled to be heard in support of the objection, the enclosed brochure explains the hearing process.

The next step in this process is a report prepared by staff and submitted to the City secretary who will contact you to arrange a time and date that is suitable for all parties to allow for your objection to be heard.

If you have any further queries in relation to this, please do not hesitate to contact me.

Regards



Susan Stanford
Animal Education & Control Manager

217 Ellis St
Frankton, Hamilton
Phone 07 838 6632
Fax 07 838 6915
Email susan.stanford@hcc.govt.nz
Website www.hamilton.co.nz
ANI: 226036

23 December 2016 .

P.O. N.O Trust .

[Redacted]
[Redacted] J.

To Whom it may concern,
Hamilton City Council - Animal Education +
Control.

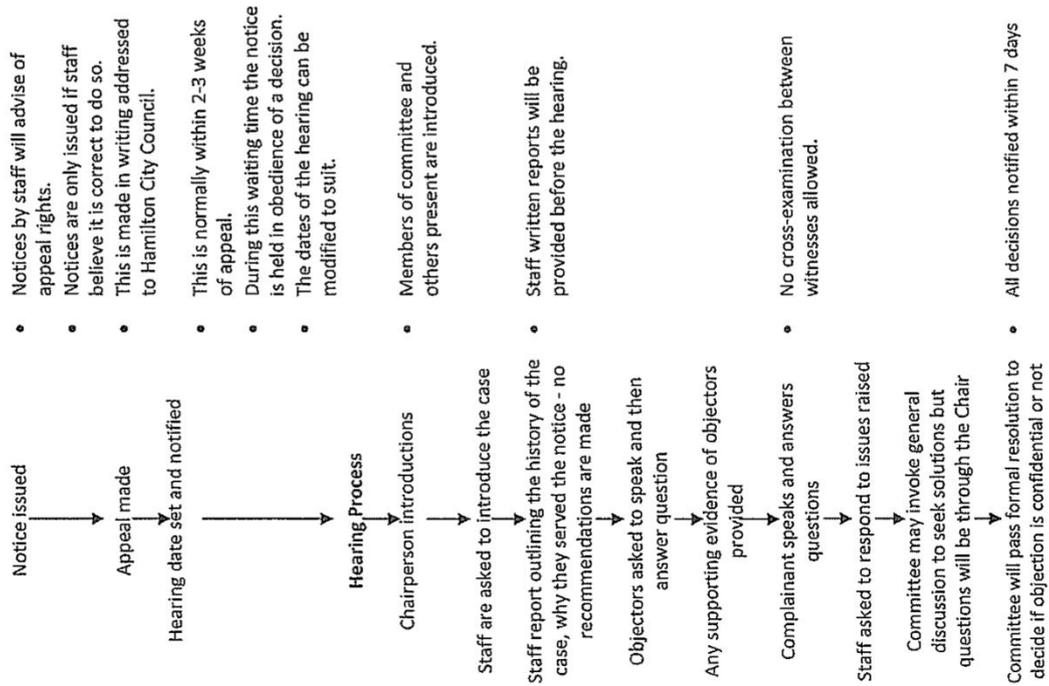
I Te Anohia McQueen of P.O.N.O Trust
give notice that an "Objection to Disqualifi-
cation from Dog ownership" for Katakō
Heke whom resides at 29 Grange Ave.
Newton Hamilton. I will give details +
disclosure of the objection via an email.

Yours truly,
[Signature]

T. McQueen.

RECEIVED
23/12/16

COPY



- Notices by staff will advise of appeal rights.
- Notices are only issued if staff believe it is correct to do so.
- This is made in writing addressed to Hamilton City Council.
- This is normally within 2-3 weeks of appeal.
- During this waiting time the notice is held in obedience of a decision.
- The dates of the hearing can be modified to suit.
- Members of committee and others present are introduced.
- Staff written reports will be provided before the hearing.
- No cross-examination between witnesses allowed.
- All decisions notified within 7 days

HEARINGS COMMITTEE

HAMILTON CITY COUNCIL

INTRODUCTION

It can be unnerving to attend or give evidence at a formal hearing. This leaflet provides you with an understanding of what your rights and obligations are, how the meeting will be conducted, how the decision will be made and notified to you.

From this we hope that attending the meeting will not be so daunting and that you will feel comfortable in speaking to the Committee and making your views known.

Overall the intent of the hearing is to make a fair and impartial judgement on the facts as they are presented.

QUESTION & ANSWERS

Hearings Committee – What is it?

This is a committee of Council set up to hear appeals and objections to notices served by Council staff under the Dog Control Act 1996. Such notices including barking dogs (section 55), disqualification of dog owners (section 25), classification of dangerous dogs (section 31) and menacing dogs (section 33A-EC).

It is the Committee's role to uphold, amend, modify or cancel notices or decisions based on the information received and presented at the hearing.

In some cases the decision of this Committee can be appealed to the District Court. In other matters the decision of the Committee is final. You will be advised in writing of your rights, if any, after the result of the hearing.

Why have an Appeal Committee?

This is a chance for a second opinion on staffs' judgement to serve the notice. It gives the opportunity for an objector and also the complainant to give their side of the story to the Appeal Committee who will then make a decision based on the facts/evidence given.

The Committee must however make a judgement to either uphold, amend, modify or cancel the notice or decision.

What are my rights?

During the process of the hearing you will have the right to make your views known and make statements of fact. Please refer to the process diagram in this leaflet for further explanation.

You also have the right to expect a fair and impartial hearing even if the decision goes against your views.

Is it all worth the bother?

If you feel aggrieved by a notice or support the notice you must make your views known. Failure to do so may result in a decision you do not agree with.

Does it cost?

No. There are no costs to objections or supporters of the notice.

Is it worth contradicting what staff say at the meeting?

Yes. The intent is to hear all views and evidence.

Can I bring legal advice?

Yes, but for advice only. They are not allowed to speak on your behalf or ask questions.

Is this like a Court?

In some ways yes, as the Committee has to hear evidence and make a judgement. In most other areas it's not. It can not impose penalties, involve itself in cross examination, etc. It is likely to be semi-formal with an attempt to get the best result for all parties while upholding the law. There is no swearing in of evidence although minutes of the meeting are kept.

I'm not used to public speaking, is that a problem?

No! Just act as if discussing the issue with your neighbours. Obviously tell the truth and the facts as you see them.

Who will be present at the Hearing?

The Committee consists of 3 appointed representatives of Council. Normally these are elected Councillors although this may not always be the case.

The objectors to the notice and any complainants are invited. Supporting evidence from others can also be arranged by prior notice.

Where does it occur and how long does it take?

The Hearings are held in the main Council building and normally take up to 1½ hours depending on the evidence.

Do I have to appear?

No. Written objections can be considered but this reduces the opportunity for discussion and questions.

Committee: Regulatory and Hearings Committee

Date: 23 March 2017

Report Name: Traffic Bylaw and Parking Restriction Changes

Author: Robyn Denton

Report Status	<i>Open</i>
Strategy, Policy or Plan context	<i>Access Hamilton</i>
Financial status	<i>There is budget allocated to complete this work in the City Transportation Operating and Discretionary Transport budget to cater for these changes.</i>
Assessment of significance	<i>Having regard to the decision making provisions in the LGA 2002 and Council's Significance Policy, a decision in accordance with the recommendations is not considered to have a high degree of significance</i>

1. Purpose of the Report

- To seek approval of proposed changes to traffic controls throughout the city.

3. Executive Summary

- The Hamilton City Traffic Bylaw 2015 sets out the requirements for transport related activities within the road reserve. A Council resolution is required to make changes to any of these restrictions.
- The changes proposed for approval in this report are considered in two categories:
 - parking restriction changes include No Stopping, bus stops and time limits
 - Traffic Bylaw - changes to the Cycle Path Register, Special Purpose Vehicle Lanes Register Part 1 Cycle Lanes and the Heavy Vehicle Prohibitions Register.
- Changes are recommended in order to improve safety and accessibility and can be identified by residents, businesses and staff.
- Consultation has been completed for all proposed changes and in general there is support for the changes.
- We have received feedback against changes proposed in Beale Street and Ellicott Road. It is recommended that monitoring of parking demand at these locations be undertaken to determine need for any changes. A report back will be provided in the next parking report to this committee.

Recommendations from Management

That the Regulatory and Hearings Committee:

- a) receives the report; and
- b) approves the changes to parking restrictions and controls as set out below:

Parking Restrictions to be installed	
Location	Description of proposed change
Kingsford Mews	Installation of 42m of No Stopping at the cul de sac head of Kingsford Mews
Thomas Road	Installation of 15m (west side) and 14.5m (east side) of No Stopping outside #1 Buckingham Place and #232 Thomas Road.
Buckingham Place	Installation of 9.5m (west side) and 8.5m (east side) of No Stopping outside #1 Buckingham Place and #232 Thomas Road.
66 Norris Avenue	Installation of 36.5m of No Stopping between #66A and #64 Norris Ave.
394 Hukanui Road	Installation of 14m (south side) and 20m (north side) of No Stopping outside #392 and #394 Hukanui Road.
Sovereign Isle Lane	Installation of 22m (north side) and 9m (south side) of No Stopping on Sovereign Isle Lane outside #392 and #394 Hukanui Road.
Edgecumbe Street	Installation of 17m of No Stopping between #3 & #5 Edgecumbe Street.
Knighton Road	Installation of 9.5m of No Stopping between #67 & #69 Knighton Road.
Pembroke Lane	Installation of 16.5m of No Stopping between #2 & #6 Pembroke Lane and 17.0m outside #8.
De Vere Cres	Installation of 66.5m of No Stopping from #12 to #22 De Vere Cres.
Norman Hayward Place	Gazette current No Stopping outside #21, 25 and 29 Norman Hayward Place 15.5m, 19m and 16m. Install No Stopping outside #20 Norman Hayward Place a further 100m around the corner to The Boulevard intersection.
Masters Ave	Installation of 20m of No Stopping between the new Hillcrest Medical Centre exit and #9 Masters Ave.
Edinburgh Road	Installation of 20m of No Stopping on the south side of Edinburgh Road at Hillcrest Road.
Tasman Road	Installation of 20m (west side) and 12.5m (east side) of No Stopping outside # 14 and #26 Tasman Road.
Foreman Road	Installation of 22m (west side) and 12.5m (east side) of No Stopping on Foreman Road outside # 14 and #26 Tasman Road.
Grantham Street	Installation of a GSV (Goods and Service Vehicle) P10 At All Times loading zone outside the Ferrybank.
Roose Commerce Park (Grantham Street)	Installation of 23.5m and 34m of parking restriction of P120 Mon-Fri in the Roose Commerce Park carpark.
Fow Street	Installation of 19m (west side) and 18m (east side) of No Stopping on Fow Street outside #31 and 33 Palmerston Street. Installation of 11.5m outside #5 and 21.5m of No Stopping outside #9 Fow Street.
Palmerston Street	Installation of 22.5m outside #31 Palmerston Street and 18m outside #33 Palmerston Street of No Stopping.
O'Neill Street	Installation of 121m of No Stopping from the corner of Heaphy Terrace to outside #24 O'Neill Street.

152 Ward Street	Installation of 10.5m of No Stopping outside #152 Ward Street across 2 driveways.
1 Wellington Street	Installation of a 15m bus stop cage
Sonning car park – River Road	Installation of 7m, 14.5m and 10.5m of No Stopping in the car park
Radnor Street	Installation of 8m & 7m of No Stopping on the corner of Radnor Street and Tisdall Street.
Galloway Street	Installation of No Stopping of 68m & 69m at Cook Street, 30m, 32m, 38m and 44m at Wellington Street, 15m & 15m at Brown Street, 16m & 11m at Albert Street, 15m & 80m at Finlay Street, 80m from Naylor Street.
16 Beaumont Street	Installation of a 15m bus stop cage on the stop.
58 Comries Road	Installation of a 15m bus stop cage
7 & 10 Queens Ave	Installation of a 15m bus stop cage
32, 51 & 109 Cambridge Road	Installation of 15m bus stop cages
775, 921, 930 River Road	Installation of 15m bus stop cages
Rawhiti Street	Relocate bus stop outside #13 to closer toward Kent Street
Rawhiti Street	Extend the P60 on Rawhiti Street to 106.5m.
111 Huntington Drive	Installation of a new bus stop
Te Kowhai Road East	Installation of a new bus stop between Te Rapa Rd and Maahanaga Dr (opposite Placemakers).

Parking Restrictions to Rescind	
Location	Description of proposed change
Rawhiti Street	Rescind 17.5m of P60 parking restriction outside #13 Rawhiti Street.
Rawhiti Street	Rescind the bus stop outside 13 Rawhiti Street
Grantham Street	Rescind 5m of P120 parking outside the Ferrybank Lounge
O'Neill Street	Rescind 16m of No Stopping on the south side of O'Neill Street at the intersection with Heaphy Tce.
O'Neill Street	Rescind 105m of P5 At all times parking restriction between #26 and #32 O'Neill Street
43 Bader Street	Rescind the bus stop outside 43 Bader Street
60 Hillcrest Road	Rescind the bus stop outside 60 Hillcrest Road.
444 Tristram Street	Rescind the bus stop outside the FMG stadium opposite #444 Tristram Street.
Galloway Street	Rescind 17.8m & 17.8m at Cook Street, 45.6m at Finlay Street towards Naylor Street and 40.5m from Naylor Street.

c) approves the changes to the Hamilton Traffic Bylaw 2015 as set out below:

i) Cycle Path Register – addition of the following sites:

Location	Description	Priority
Te Kowhai Road east	(i) Cycle path from the intersection of Te Kowhai Road East and Te Rapa Road, progressing 160 metres to the intersection of Te Kowhai Road East and Maahanga Drive. (ii) Cycle Path from the Intersection of Te Kowhai Road East and Maahanga Drive to progressing west 40 metres along Te Kowhai Road East.	Nil
Te Rapa Road	(i) Cycle path from the intersection of Te Rapa Road and Te	Nil

Item 8

	<p>Kowhai Road East, progressing 368 metres south to the existing cycle lane on Te Rapa Road.</p> <p>(ii) Cycle path from the intersection of The Base Parade and Te Rapa Road, progressing 443 metres south to the existing cycle lane on Te Rapa Road.</p> <p>(iii) Cycle path from the intersection of Te Rapa Road and Church Road, progressing 462 metres to the intersection of Te Rapa Road and Eagle Way.</p> <p>(iv) Cycle path from the intersection of Te Rapa Road and Eagle Way, progressing 474 metres to the intersection of Te Rapa Road and Wairere Drive.</p>	
--	---	--

ii) approves the addition to the Special Vehicle Lanes Register: Part 1 Cycle Lanes of the following sites:

Location	Description
Borman Road	<p>(iii) Westbound cycle lane from a point 50 metres west of the intersection with Resolution Drive, progressing 1881 metres to the intersection with Cumberland Drive.</p> <p>(iv) Eastbound cycle lane from the intersection with Cumberland Drive, progressing 1881 metres to a point 50 metres east of the intersection with Resolution Drive.</p>
Galloway Street	<p>(i) Southbound cycle lane from the intersection of Cook Street and Galloway Street, progressing 665 metres to the intersection with Naylor Street and Galloway Street.</p> <p>(ii) Northbound cycle lane from the intersection with Naylor Street to Galloway Street progressing 665 metres to the intersection of Cook Street and Galloway Street.</p>

iii) approves the following - Heavy Vehicle Prohibitions Register – addition of new maps for Part 5 Hamilton City Heavy Vehicle Through Traffic Routes, Part 6B Higher Productivity Motor Vehicles – approved routes, and Part 6C 50 MAX Heavy Motor Vehicles as per Attachment 3 to this report, and addition of the following sites to Part 6A Over Bridges or Culverts:

Name of Road	Name of bridge or culvert	Weight limits	
		Maximum weight on any one axle	Gross weight (maximum of axle weights)
Fairfield Bridge	Fairfield Bridge	-	44,000 kg
Anzac Parade	Victoria Bridge	-	44,000 kg
Palmerston Street	Palmerston Street overbridge	-	44,000 kg
River Road	Kirikiroa Bridge	-	44,000 kg
Wairere Drive	Pukete Bridge	-	44,000 kg

9. Attachments

10. Attachment 1 - List of proposed changes

11. Attachment 2 - Illustrations of proposed changes
12. Attachment 3 - Heavy Traffic Prohibitions Register updated 23.3.17

13. Background

14. The Hamilton City Traffic Bylaw 2015 sets out the requirements for a variety of activities within the road reserve including:
 - parking
 - general control of vehicular or other traffic e.g. banning of turns, installation of No Stopping restrictions
 - creation of cycle lanes
 - establishment of specific parking zones such as bus stops, taxi stands, loading zones.

A Council resolution is required to make changes to any of these restrictions.

15. Regular changes to traffic restrictions (including parking controls) are required throughout the city – often in response to requests from the general public or businesses in regard to safety or accessibility concerns. Opportunities for improvement are also identified by staff when considering changes in parking use patterns, or changes made to the built environment e.g. developments or discretionary transport projects.

16. Parking Restriction Changes

17. Several changes are proposed to parking restrictions throughout the city and the details of each of these are scheduled in Attachment 1 with illustrations for each site shown in Attachment 2.
18. Consultation with adjacent property owners, occupiers and any other affected parties has been undertaken for each of the proposed changes. Generally the feedback received was positive and supportive of the proposed changes, except the proposals for Beale Street and Ellicott Road. Both of these are discussed below:
19. Beale Street
20. A request was received from the Hamilton East Medical Centre for installation of time restricted parking on Beale Street, on the basis that they have times where the on-site parking is insufficient for the number of patients that they are dealing with.
21. Currently the section of Beale Street between Grey Street and the gully (to the east) does not have any time restricted parking. This is one of the key access points into Hamilton Boys High School and Marion School. It is also within close walking distance of the Hamilton East village shops and as a result has high usage by long term parkers.
22. Consultation was undertaken on a proposal to install 54m of P60 (providing 7 carparks) for the section of road immediately in front of the Medical Centre – as shown in the picture below.
23. Feedback was received from the residents who live opposite and they are not in support of this change as they believe that there is generally sufficient parking available on the medical centre site.

Item 8



54m of P60 time restriction

Proposed restriction changes that were consulted upon.

- 24. It is recommended that the current restrictions remain unchanged and that monitoring be undertaken to better understand the level of demand/usage at this location. A report of these results and any recommendations for change will be included in the next Traffic Bylaw and Parking Restriction Changes report to this committee.
- 25. Ellicott Road
- 26. Staff have been dealing with requests for more time restriction parking by one of the business owners at the group of shops at 77 Ellicott Road. The group of shops includes a dairy, a fish and chip shop and a hairdresser.
- 27. Various options have been suggested including discussions with the property owner in regard to providing opportunities for parking behind the group of shops. Clients for each of the businesses have different needs in terms of time required to complete their transactions.
- 28. There are currently 4 carparks available outside the group of shops – one of which has a 10 minute time restriction with the rest having no time restrictions.
- 29. Across the road are 3 carparks which have P120 time restrictions (8am to 6pm) Monday to Friday in place.



6m extension of the current P10

Consultation was undertaken on the concept of having two P10 car parks and leaving the remaining two sites with no time restrictions.

- 30. Feedback has been received from the Hairdresser who was not in favour of any changes to the existing parking restrictions. The dairy owner was happy with the proposal.
- 31. It is recommended that the current restrictions remain unchanged and that monitoring be undertaken to better understand the level of demand/usage at this location. A report of these

results and any recommendations for change will be included in the next Traffic Bylaw and Parking Restriction Changes report to this committee.

32. **Hamilton City Traffic Bylaw 2015 Register Changes**

The Hamilton City Traffic Bylaw 2015 (the Traffic Bylaw) has a series of registers that are able to be updated via Council resolution. Changes are proposed for three of the Traffic Bylaw Registers as set out below:

33. Cycle Paths Register

34. The Cycle Paths register is to be updated via the addition of Te Kowhai Road and Te Rapa Road sites. These are existing facilities that have never been formalised at the time of construction – but already have the necessary signage, kerb cutdowns and pavement markings.

35. It is therefore proposed to add the following information to the Cycle Paths Register:

Location	Description	Priority
Te Kowhai Road east	(iii) Cycle path from the intersection of Te Kowhai Road East and Te Rapa Road, progressing 160 metres to the intersection of Te Kowhai Road East and Maahanga Drive. (iv) Cycle Path from the Intersection of Te Kowhai Road East and Maahanga Drive to progressing west 40 metres along Te Kowhai Road East.	Nil
Te Rapa Road	(v) Cycle path from the intersection of Te Rapa Road and Te Kowhai Road East, progressing 368 metres south to the existing cycle lane on Te Rapa Road. (vi) Cycle path from the intersection of The Base Parade and Te Rapa Road, progressing 443 metres south to the existing cycle lane on Te Rapa Road. (vii) Cycle path from the intersection of Te Rapa Road and Church Road, progressing 462 metres to the intersection of Te Rapa Road and Eagle Way. (viii) Cycle path from the intersection of Te Rapa Road and Eagle Way, progressing 474 metres to the intersection of Te Rapa Road and Wairere Drive.	Nil

36. Special Vehicle Lanes Register – Part 1 Cycle Lanes

37. The Special Vehicle Lanes Register – Part 1 Cycle Lanes is to be updated via the addition of Borman Road and Galloway Street sites but not formalised.

38. The Borman Road on-road cycle lanes have been added to the transport network as part of the construction of this road.

39. The installation of on-road cycle lanes in Galloway Street is being proposed as part of a change to the roadmarking scheme of the section between Cook Street and Naylor Street which has been possible as a result of a reseal. This route is identified in the Biking Plan as a Secondary Cycle Route and is a key component of the 'Schools Route' that extends up into Peachgrove Road and Hukanui Road. Installation of additional No Stopping restrictions are also required to accommodate the cycle lanes at the intersections within this length.

40. Consultation has been undertaken with the residents in this section of road and four responses have been received; two in favour and two against.

41. It is therefore proposed to add the following information to Part 1 Cycle Lanes of the Special Vehicle Lanes register:

Location	Description
Borman Road	(iii) Westbound cycle lane from a point 50 metres west of the intersection with Resolution Drive, progressing 1881 metres to the intersection with Cumberland Drive. (iv) Eastbound cycle lane from the intersection with Cumberland Drive, progressing 1881 metres to a point 50 metres east of the intersection with Resolution Drive.
Galloway Street	(iii) Southbound cycle lane from the intersection of Cook Street and Galloway Street, progressing 665 metres to the intersection with Naylor Street and Galloway Street. (iv) Northbound cycle lane from the intersection with Naylor Street to Galloway Street progressing 665 metres to the intersection of Cook Street and Galloway Street.

42. **Heavy Vehicle Prohibitions Register**

43. There are a number of changes proposed to the Heavy Vehicle Prohibitions register. A copy of the updated register is included as Attachment 3 to this report.

44. New maps have been included in the register for the following:

- Heavy vehicle through traffic routes. Updated to show the SH39 route at the northern end of the city
- High Productivity Motor Vehicles – approved routes. Updated to show Wairere Drive between Ruakura Rd and Cambridge Rd instead of Galloway St and Peachgrove Rd. Additional roads have been added to the map to include recently constructed industrial roads in the Rotokauri area along with the Mill Street overbridge.
- 50 MAX Heavy Motor Vehicles. Updated via the removal of the restriction on Whitiroa Bridge, Mill Street overbridge and Totara Drive Bridge. Additional roads have been added to the map to include recently constructed industrial roads in the Rotokauri area.

45. The Part 6 Weight or Load Restrictions table has been updated to include additional city bridges. This is in response to the 2016 change to the Vehicle Dimension and Mass Rule which allows for new gross mass limits of 45 tonne and 46 tonne for vehicles with specified axle configurations.

46. From 1 December 2017 these vehicles will have general access on all local roads and state highways, except where restrictions are applied. In Hamilton, bridges that are restricted to 50MAX vehicles will also be posted as being restrictive to 45/46 tonne until detailed engineering assessment confirms whether it is possible to lift these restrictions.

47. This information is provided on an ongoing basis to the Heavy Vehicle industry via the NZ Transport Agency website and provision of maps to the representative groups.

48. **Interim Update on Monitoring of Poaka Ave Parking**

49. The Hearings Subcommittee first considered the installation of No Stopping Restrictions on Poaka Avenue to allow for the safe use of a new crossing place servicing the Dinsdale Countdown Supermarket at its 2 July 2015 meeting.

50. A number of residents attended the 2 July meeting and spoke against the proposal. The Subcommittee considered that they did not have enough information to make a decision on the No Stopping Restrictions and resolved to adjourn the matter pending receipt of further information and requested that staff report back within 3 months.
51. Following the meeting, council as consent authority, at the request of the Applicant, progressed the resource consent application and granted a non-notified resource consent. This authorised the extension of the Countdown supermarket including the construction of a new accessway to the site via Poaka Avenue. These decisions were made in accordance with the provisions of the District Plan and the Resource Management Act, and were not subject to consideration under the Traffic Bylaw or the Hearings Subcommittee.
52. Immediately prior to the reconvened meeting of the Subcommittee to consider the No Stopping Restrictions on 23 September 2015, two letters were received from residents in Poaka Ave setting out their concerns in regard to the supermarket proposal.
53. The Subcommittee decided to accept these late submissions and to allow a representative for each of the letters to speak to the Subcommittee. In allowing this to occur the Subcommittee noted that the meeting would then be adjourned to allow the Applicant and council staff time to have an equitable opportunity to consider and respond to the issues raised.
54. Discussions with the Applicant following the 23 September 2015 meeting resulted in an offer by the Applicant to mitigate some of the residents' concerns. The proposal was for the Applicant to install two recessed parking bays on the western side of Poaka Avenue in the vicinity of the proposed No Stopping Restrictions. This reduced the extent of No Stopping restrictions required.
55. At the 27 October 2015 meeting of the Hearings Subcommittee staff recommended that the two recessed parking bays offered by the Applicant be constructed and that the need for any further bays be considered by Council following a six month period of monitoring.
56. The construction of the parking bays and installation of the new No Stopping restrictions were only completed late last year, so monitoring commenced in January 2017.



Staff have undertaken a letter drop to all of the residents in the area letting them know that we have commenced the monitoring and inviting them to contact us if they have any comments they would like to include in our reporting.

To date we have not heard from any of the residents – but will touch base with them again prior to the end of the six month monitoring period.

The monitoring has consisted of counting the cars parked on the berm, on-road, and in the new parking bay in four times slots (8-9am, 10-11am, 2-3pm and 4-5pm) on a random day each month.

57. The on-site monitoring indicates that vehicles are using the parking bays. At locations further along the street some vehicles are parking on the grass berm. Generally more cars are parking

Item 8

off the road, than on the side of the road. We think this is because owners may perceive that the road is too narrow to park on and there is a risk of their vehicles being hit by through traffic, but we have received no reports from residents or police that this has occurred.

- 58. A further and final update will be provided as part of the next Traffic Bylaw and Parking Restriction Changes report to this committee.

59. Financial and Resourcing Implications

- 60. Funding for the implementation of these changes is included in the Transportation Operations and Discretionary Transport Programme budgets.

61. Risk

- 62. There are no risks associated with these proposals. Consultation with all directly affected parties has been undertaken.

Signatory

Authoriser	Chris Allen, General Manager City Infrastructure Group
------------	--

**Schedule of Proposed Parking Restriction Changes
For consideration at Hearings Committee March 2017**

PARKING RESTRICTIONS TO BE INSTALLED		
Location	Requested by	Description of proposed change and reason
Kingsford Mews	Resident	Installation of 42m of No Stopping at the cul de sac head of Kingsford Mews to prevent people parking and blocking driveways.
Thomas Road & Buckingham Place	HCC	Installation of 15m (west side) and 14.5m (east side) of No Stopping on Thomas Road. Installation of 9.5m (west side) and 8.5m (east side) of No Stopping on Buckingham Place. This is to prevent people parking too close to the corner when using the park.
66 Norris Avenue	Business	Installation of 36.5m of No Stopping between #66A and #64. This space is not large enough for a standard car to park.
394 Hukanui Road & Sovereign Isle Lane	Residents	Installation of 14m (south side) and 20m (north side) of No Stopping on Hukanui Road. Installation of 22m (north side) and 9m (south side) of No Stopping on Sovereign Isle Lane. This will allow the elderly residents of Sovereign Isle Lane better visibility when entering and exiting their road.
Edgecumbe Street	Resident	Installation of 17m of No Stopping between #3 & #5 Edgecumbe Street. The space between the driveways is too small for a car to park.
Knighton Road	Resident	Installation of 9.5m of No Stopping between #67 & #69 Knighton Road. The space between the driveways is too small for a car to park.
Pembroke Lane	HCC	Gazette current markings in place. Installation of 16.5m of No Stopping between #2 & #6 Pembroke Lane and 17.0m outside #8. The space between 2-6 is too small for a car to park.
De Vere Cres	Resident	Installation of 66.5m of No Stopping around the sharp corner from #12 to #22 De Vere Cres. This is to stop people parking and make the bend safer for motorists.
Norman Hayward Place	HCC	Gazette current No Stopping markings on the west side of Norman Hayward Place. 15.5m, 19m and 16m on the corner. Extend the current No Stopping marking on the east side of Norman Hayward Place a further 100m around the corner to The Boulevard. All these markings will allow trucks better access to the industrial businesses in the area.
Masters Ave	Resident	Installation of 20m of No Stopping between the new Hillcrest Medical Centre exit and #9 Master Ave around the tree root build out. This space is too small for cars to park.
Edinburgh Road	WRC	Installation of 20m of No Stopping on the south side of Edinburgh Road to stop cars parking too close to the corner and blocking bus access.
Foreman Road	Business owner	Installation of 20m (west side) and 12.5m (east side) of No Stopping on Tasman Road. Installation of 22m (west side) and 12.5m (east side) of No Stopping on Foreman Road. This will allow large trucks more turning space at the intersection.
Grantham Street	Business	Installation of a GSV (goods and service vehicle) P10 At All Times loading zone outside the Ferrybank.
Grantham Street (Roose Commerce Park)	P&OS	Installation of 23.5m and 34m of parking restriction of P120 Mon-Fri in the park carpark. Currently people are parking there all day so there are no car parks for park users during the day.

Fow Street	Resident	Installation of 19m (west side) and 18m (east side) of Fow Street at the entry. Installation of 11.5m outside #5 and 21.5m outside #9 around the tree roots. Cars have been parking too close to the corner and next to the tree and making the road too narrow. This road is used for school pick up and drop off.
Palmerston Street	HCC	Gazette what is already marked on the road. 22.5m on the south side of Palmerston Street heading west from Fow Street and 18m heading east from Fow Street.
O'Neill Street	Resident	Installation of 121m of No Stopping from the corner of Heaphy Terrace to outside #24 O'Neill Street. This is to solve an ongoing issue of cars parking for long periods of time in the P5 spaces during the weekends & evenings, when our wardens are not on duty to enforce.
152 Ward Street	Business	Installation of 10.5m of No Stopping outside 152 Ward Street across 2 driveways.
1 Wellington Street	Resident/WRC	Installation of a 15m bus stop cage due to cars parking in the bus stop.
Sonning car park – River Road	HCC	Installation of 7m, 14.5m and 10.5m of No Stopping in the car park to prevent people parking where they shouldn't.
Radnor Street	HCC	Installation of 8m & 7m of No Stopping on the corner of Radnor Street and Tisdall Street. This is to prevent prevent people from parking too close to the corner and blocking pedestrian cut downs.
Galloway Street	HCC	Installation (working from west to east) of 68m & 69m at Cook Street. 30m, 32m, 38m and 44m at Wellington Street. 15m & 15m at Brown Street. 16m & 11m at Albert Street. 15m & 80m at Finlay Street. 80m from Naylor Street. This is to allow room for the new cycle lane on Galloway Street
16 Beaumont Street	WRC	Installation of a 15m bus stop cage due to University students cars parked on the stop.
58 Comries Road	WRC	Installation of a 15m bus stop cage due to cars parking on the stop.
7 & 10 Queens Ave	WRC	Installation of a 15m bus stop cage due to cars parking on the stop.
32, 51 & 109 Cambridge Road	HCC	Installation of 15m bus stop cages to highlight bus stop areas.
775, 921, 930 River Road	WRC	Installation of 15m bus stop cages due to cars parking on the stop.
Rawhiti Street, Frankton	WRC	Moving this bus stop forward and returning the old stop to parking. This is to allow the new proposed Raglan double decker bus access to the stop.
Rawhiti Street, Frankton	HCC	Extend the 91.5m of P60 on Rawhiti Street to 106.5m to include the rescinded bus stop that has moved forward.
111 Huntington Drive	WRC	Installation of a new bus stop
Te Kowhai Road East	Leigh	Installation of a new bus stop opposite Placemakers on Te Kowhai East Road. This provides a stop closer to The Boulevard

Key:

Feedback received as part of consultation. Discussed further in the committee report.

PARKING RESTRICTIONS TO RESCIND		
Location	Requested by	Description of proposed change and reason

**Schedule of Proposed Parking Restriction Changes
For consideration at Hearings Committee March 2017**

Rawhiti Street	WRC	Rescind 17.5m of P60 parking restriction and install the new bus stop.
Rawhiti Street	WRC	Rescind the bus stop outside 13 Rawhiti Street
Grantham Street	HCC	Rescind 5m of P120 parking to allow the new GSV loading zone
O'Neill Street	HCC	Rescind 16m of No Stopping on the south side of O'Neill Street at the intersection of O'Neill Street and Heaphy Tce. Rescind 105m of P5 At all times parking restriction
43 Bader Street	HCC/WRC	Rescind the bus stop outside 43 Bader Street due its poor location and blocking traffic when being used.
60 Hillcrest Road	WRC	Rescind the bus stop outside 60 Hillcrest Road. This stop is now too small and is not used enough to warrant staying there
444 Tristram Street	HCC/WRC	Rescind the bus stop outside the FMG stadium opposite #444 Tristram Street. This stop only used on event days at the stadium when the road is closed. Buses can use any space on the shoulder when the road is closed.
Galloway Street	HCC	Rescind (working from west to east) 17.8m & 17.8m at Cook Street. 45.6m at Finlay Street towards Naylor Street. 40.5m from Naylor Street. These markings have been replaced by the new proposed No Stopping.

Proposed Parking Restriction Changes Hearings Subcommittee

March 2017



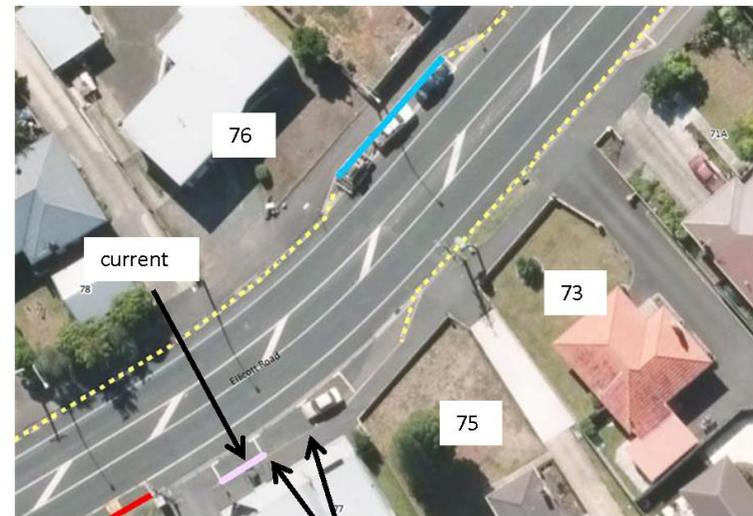
Parking Restriction Changes

Beale Street



54m of P60 time restriction

Ellicott Road



6m extension of the current P10

Parking Restriction Changes

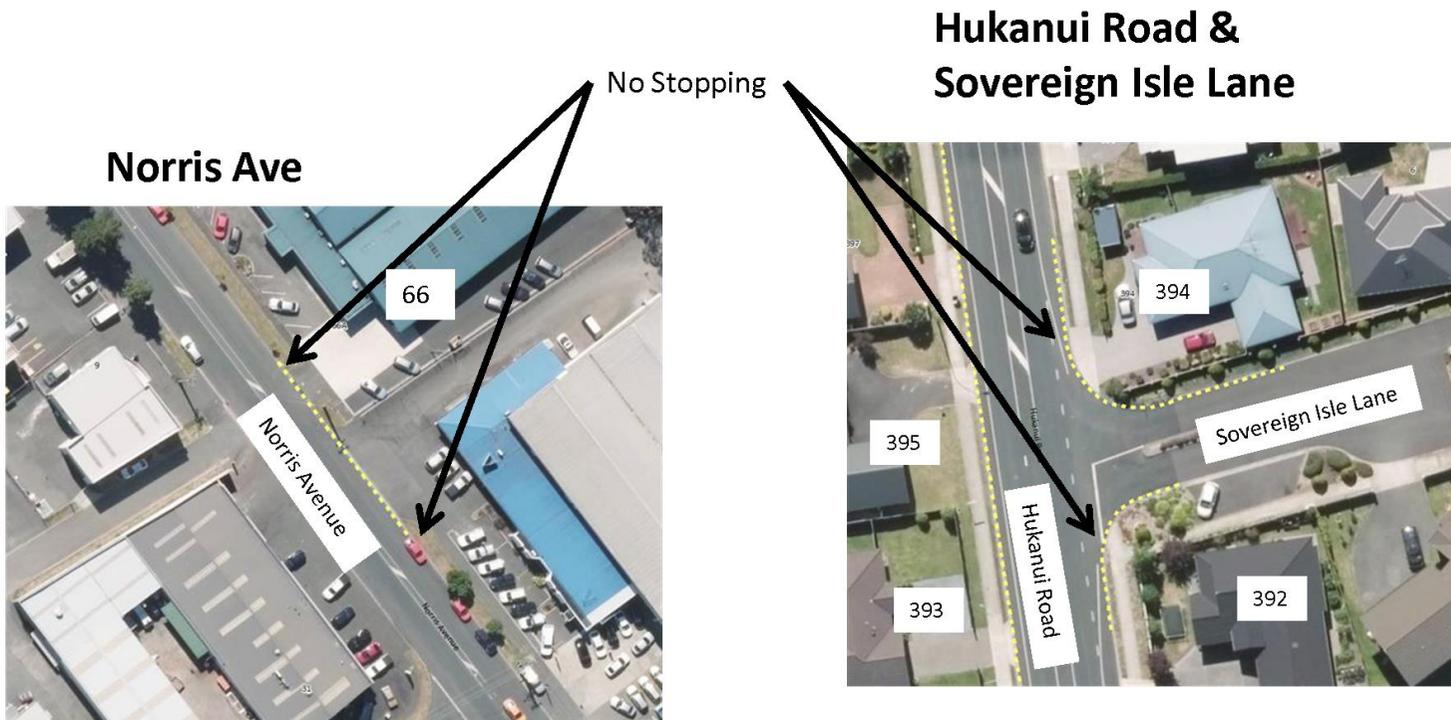
Kingsford Mews



Thomas Road & Buckingham Place



Parking Restriction Changes

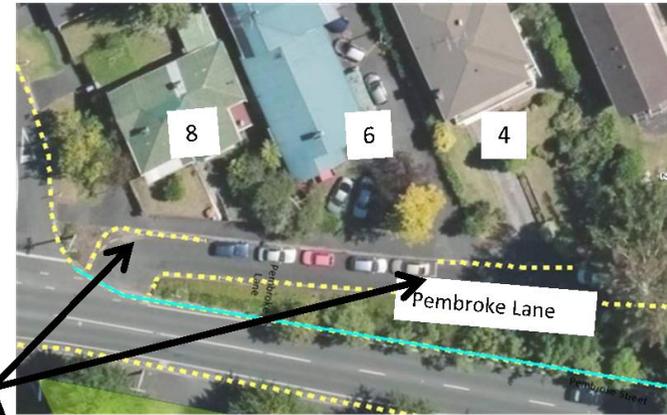


Parking Restriction Changes

Edgcumbe Street



Pembroke Lane



Knighton Road



Install No Stopping

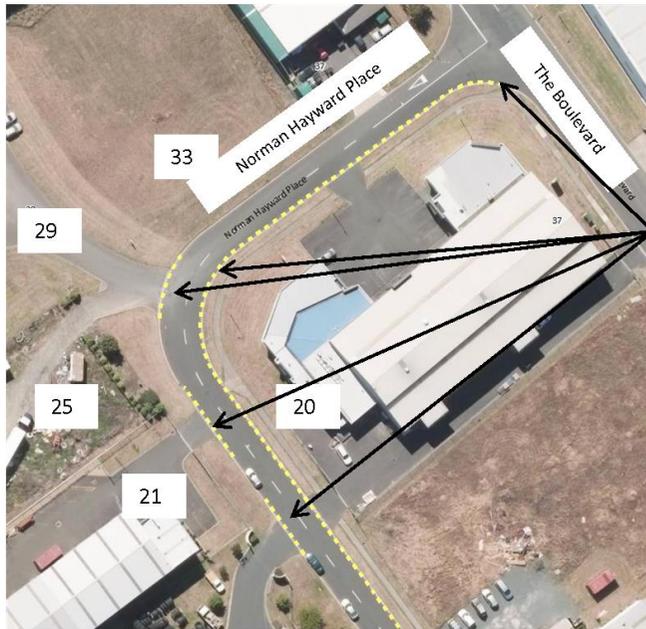
De Vere Cres



Parking Restriction Changes

Norman Hayward Place

Masters Avenue

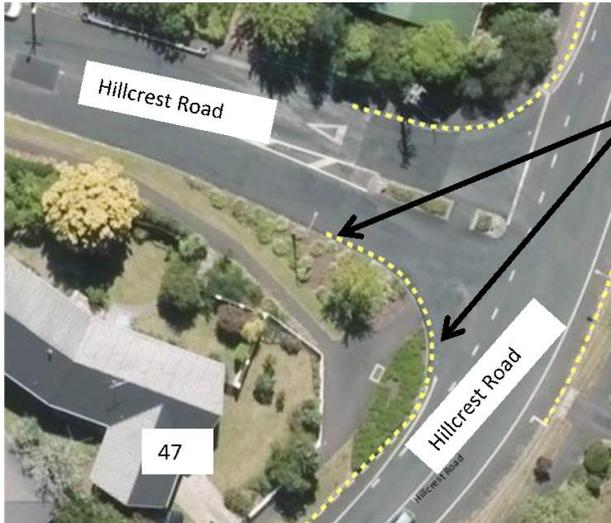


No Stopping



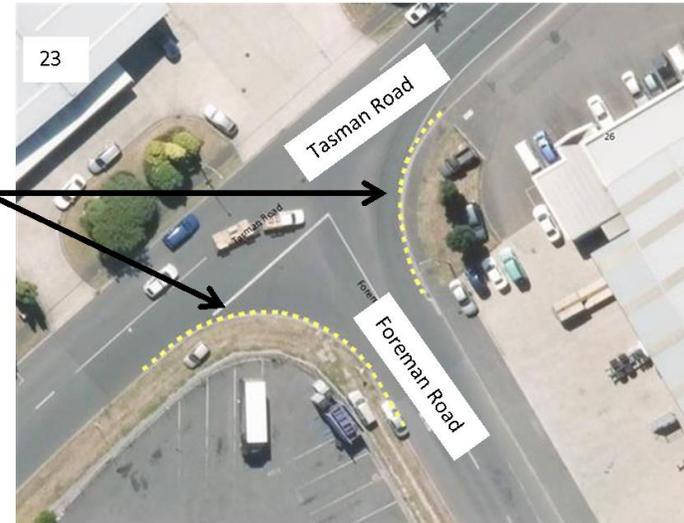
Parking Restriction Changes

Edinburgh Road

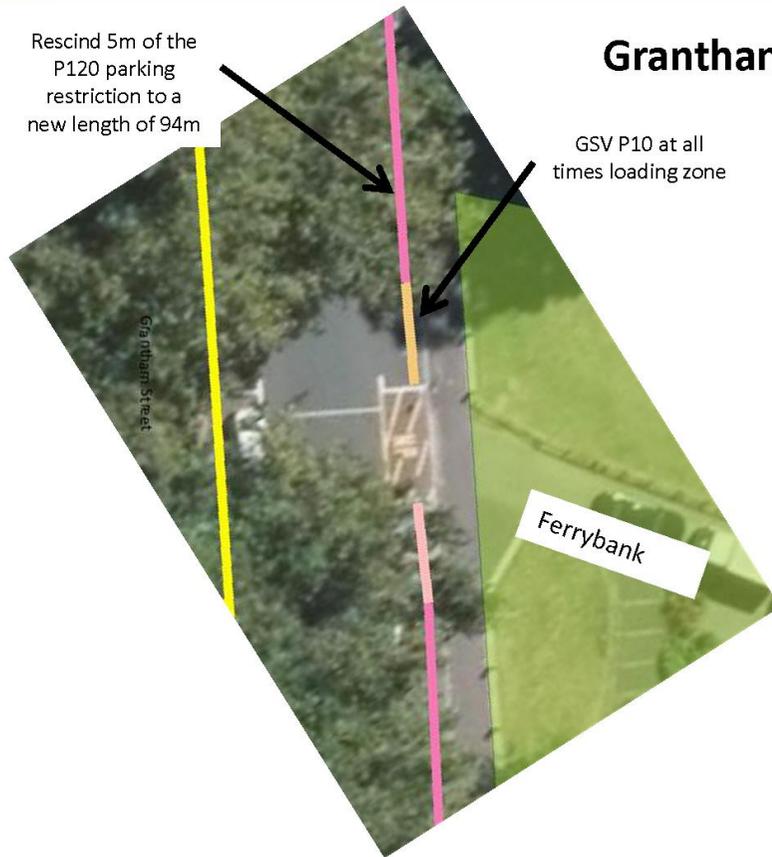


No Stopping

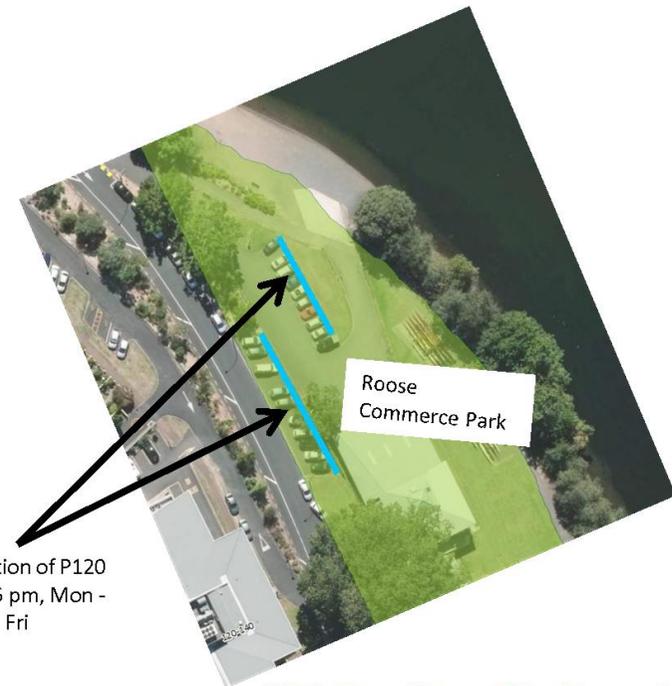
Foreman Road



Parking Restriction Changes

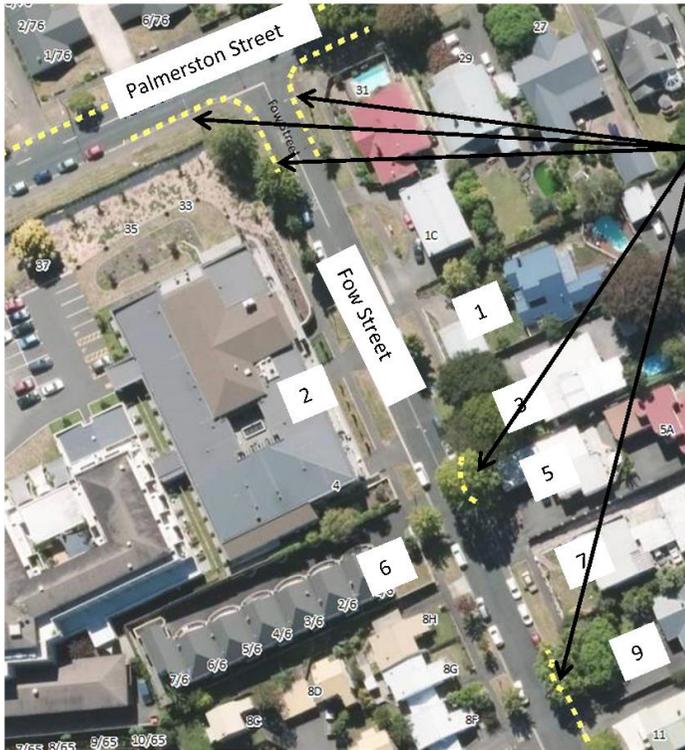


Grantham Street



Parking Restriction Changes

Fow Street & Palmerston Street



New No Stopping

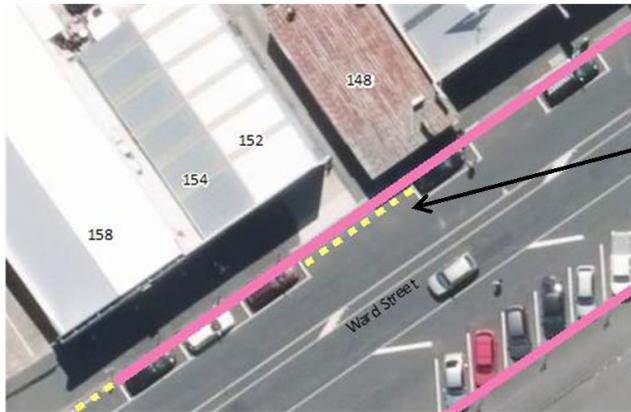
Rescind 16m of No Stopping
Rescind 105m of P5 At all times.
Installing 121m of No Stopping

O'Neill Street



Parking Restriction Changes

Ward Street



New No Stopping

Wellington Street



New bus cage

Parking Restriction Changes

Sonning carpark,
River Road



New
No Stopping

Radnor Street



Parking Restriction Changes

Galloway Street

Galloway Street
No Stopping for
new cycle lane

Rescind (working from west to east)
17.8m & 17.8m at Cook Street. 45.6m at Finlay Street towards Naylor Street. 40.5m from Naylor Street.



Installation (working from west to east) of 68m & 69m at Cook Street. 30m, 32m, 38m and 44m at Wellington Street. 15m & 15m at Brown Street. 16m & 11m at Albert Street. 15m & 80m at Finlay Street. 80m from Naylor Street.

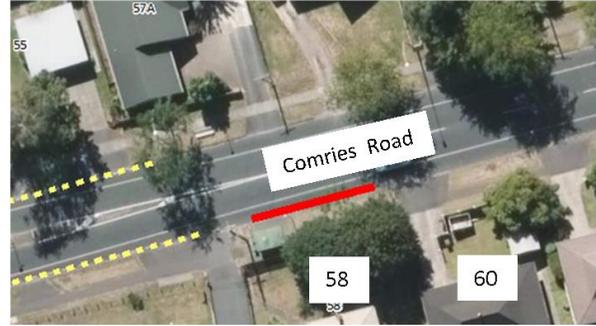
Parking Restriction Changes

Bus Stop cages

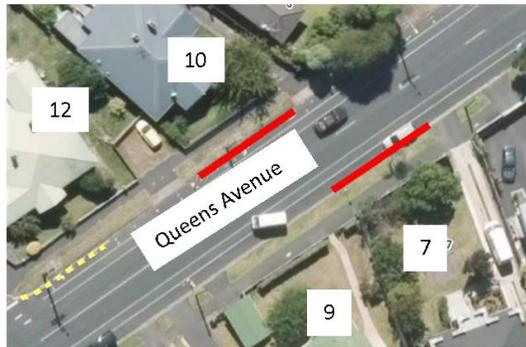
16 Beaumont Street



58 Comries Road

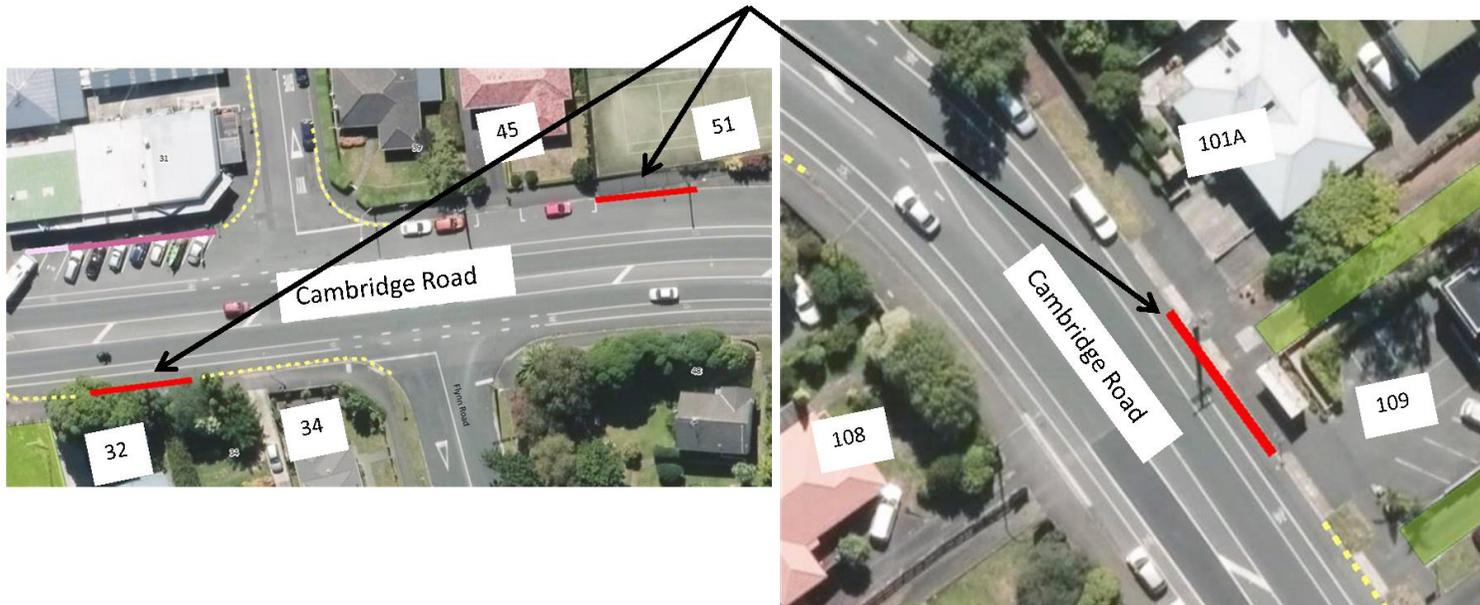


7 & 10 Queens Avenue



Parking Restriction Changes

Cambridge Road bus cages
at existing stops



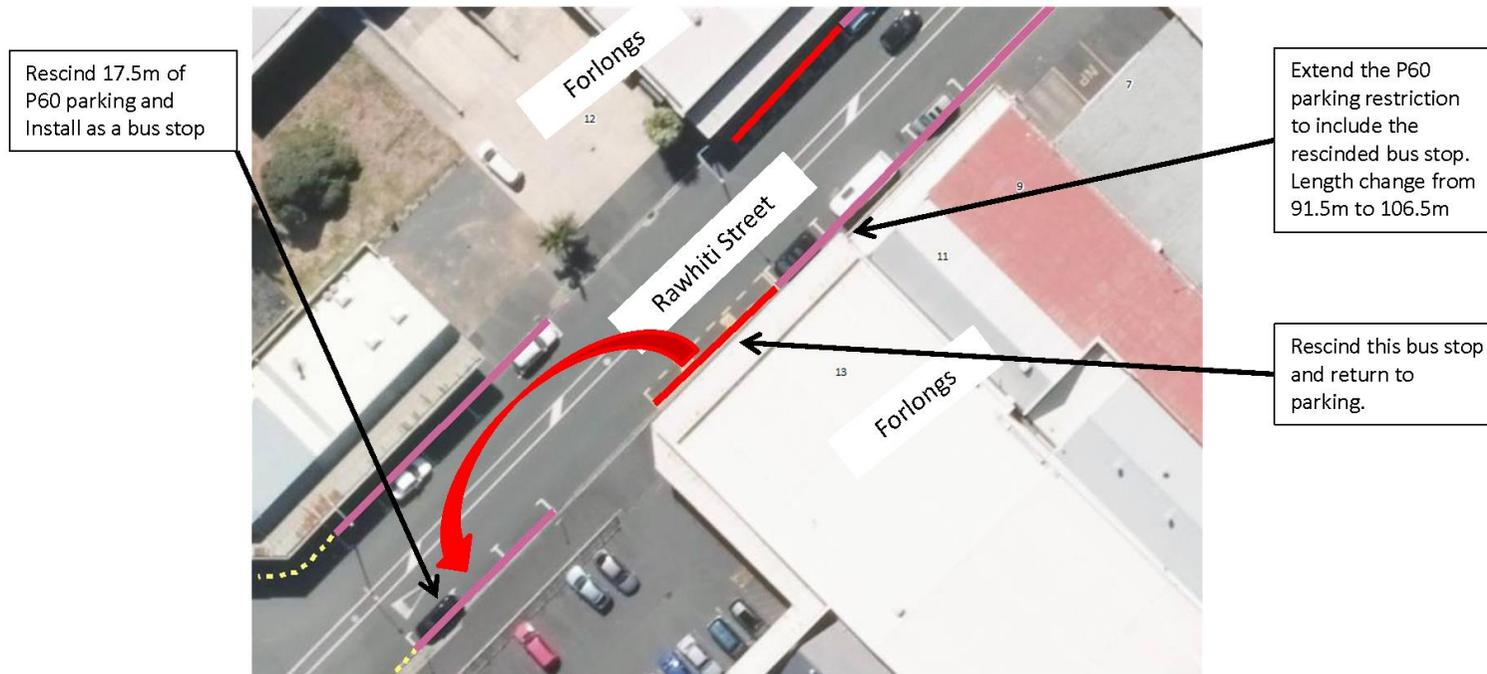
Parking Restriction Changes

River Road bus cages at existing stops



Parking Restriction Changes

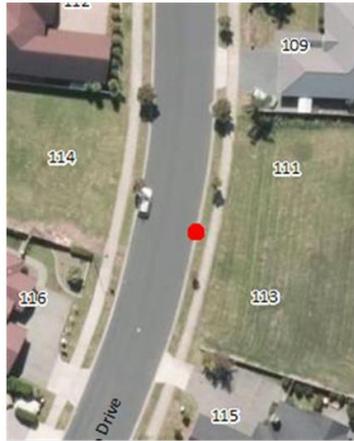
Rawhiti Street



Parking Restriction Changes

New Bus Stops

111 Huntington Drive



Te Kowhai Road East



Parking Restriction Changes

Rescind bus stops



Traffic Bylaw Register Changes

- Cycle Path Register

Borman Road
to formalise the length from Resolution Drive to
Cumberland Drive.



Galloway Street
propose to install a cycle lane on both sides of the road
between Naylor Street and Cook Street.



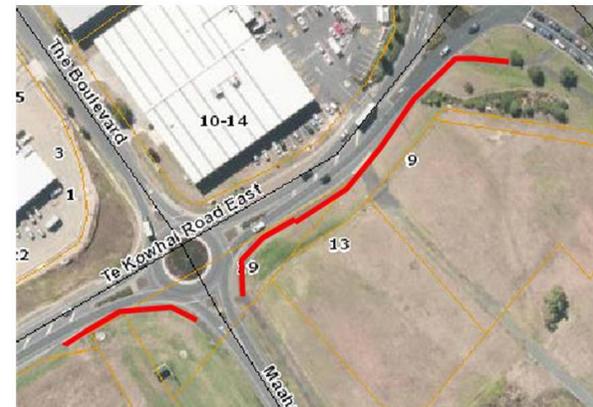
Traffic Bylaw Register Changes

- Special Vehicle Lanes Register – Shared Paths

Te Rapa Road
formalising a current shared path.



Te Kowhai Road
formalising of an existing shared path.



Hamilton City Council Heavy Traffic Prohibitions Register

Approved By: Council	Date Adopted: 26 February 2015
Date in Force: 5 March 2015	
Date Amended: 16 June 2016	Amendments recorded: Hearing Subcommittee
Date Amended: 23 March 2017	Amendments recorded: Regulatory and Hearings Committee

Heavy Traffic

Part 1 - Prohibition of the use of engine brakes

Use of engine brakes are prohibited from use on the following roads or parts of roads:

Road	Section/Part	Time of operation	Vehicles subject to prohibition
Cobham Drive	80km/h sections with in the city boundary	24 hours a day 7 days each week 365 days each year	Any heavy motor vehicle
Koura Drive	From Onion Road to Te Kowhai Road	24 hours a day 7 days each week 365 days each year	Any heavy motor vehicle
Mangaharakeke Dr (SH 1 North)	From Norton / Lincoln Roundabout 60/80 signs to Hamilton City Council northern boundary	24 hours a day 7 days each week 365 days each year	Any heavy motor vehicle
Morrinsville Road (SH 26)	From 60/80 signs east of Cotebrooke Lane to Hamilton City Council eastern boundary	24 hours a day 7 days each week 365 days each year	Any heavy motor vehicle
Tuhikaramea Road,	80km/h sections with in the city boundary	24 hours a day 7 days each week 365 days each year	Any heavy motor vehicle
Te Kowhai Road	80km/h sections with in the city boundary	24 hours a day 7 days each week 365 days each year	Any heavy motor vehicle
Wairere Drive	From Avalon Drive to Ruakura Road	24 hours a day 7 days each week 365 days each year	Any heavy motor vehicle

D-1430256

Hamilton City Council Heavy Traffic Prohibitions Register

Part 2 – Prohibition of heavy motor vehicles

The following roads shall not be used by Heavy motor vehicles except for the purpose of loading and unloading goods or passengers at any property whose access is by way of the named road or public place.

Road	Section/Part	Time of operation	Vehicles subject to prohibition
Lake Domain Drive / Lake Crescent	Between the intersection of Killarney Road and the intersection of Gilbass Avenue	24 hours a day 7 days each week 365 days each year	Any heavy motor vehicle

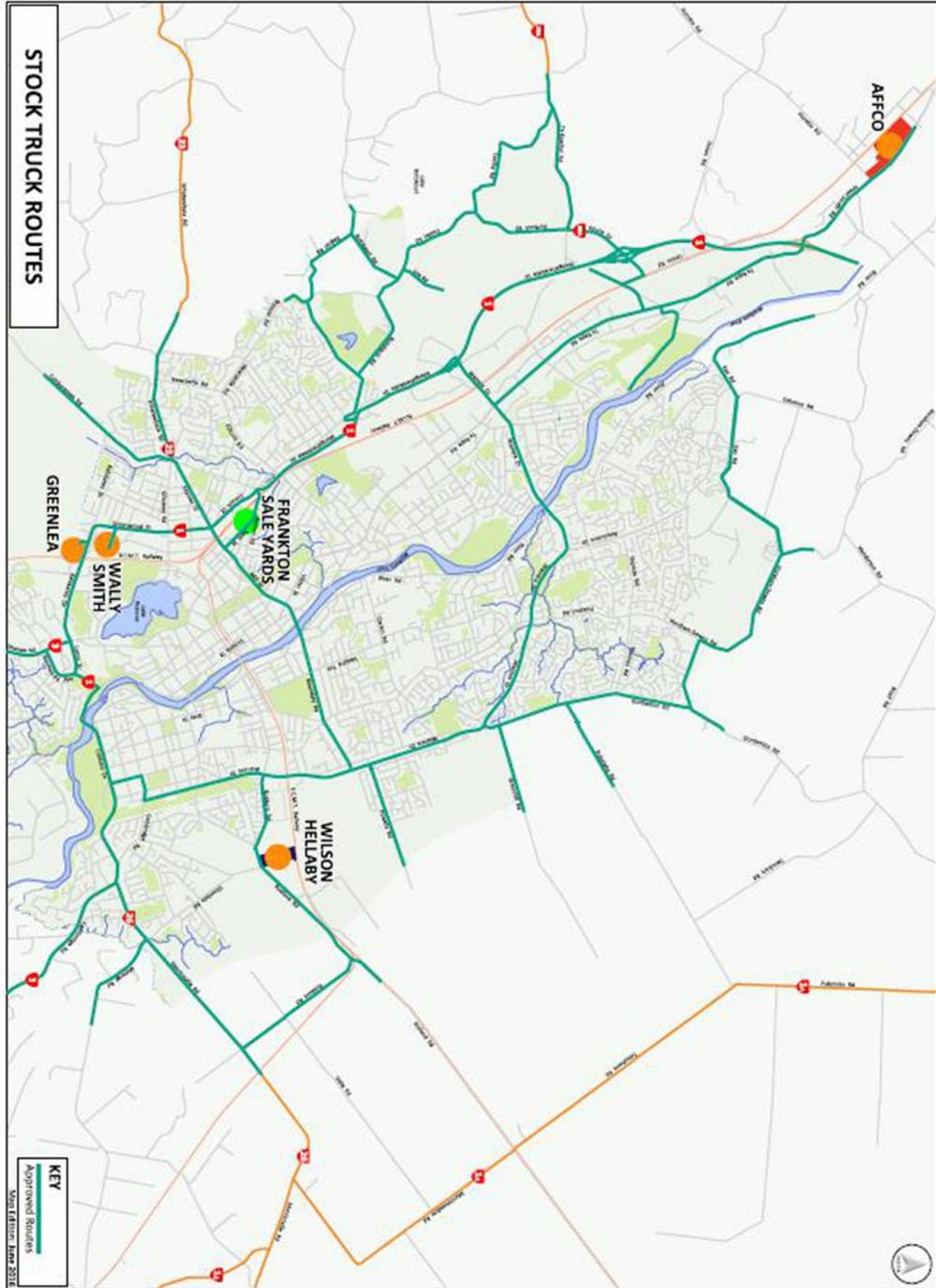
Part 3 – Prohibition of heavy motor vehicles at specified times of day.

Road	Section/Part	Time of operation	Vehicles subject to prohibition
This table is intentionally blank			

D-1430256

Hamilton City Council Heavy Traffic Prohibitions Register

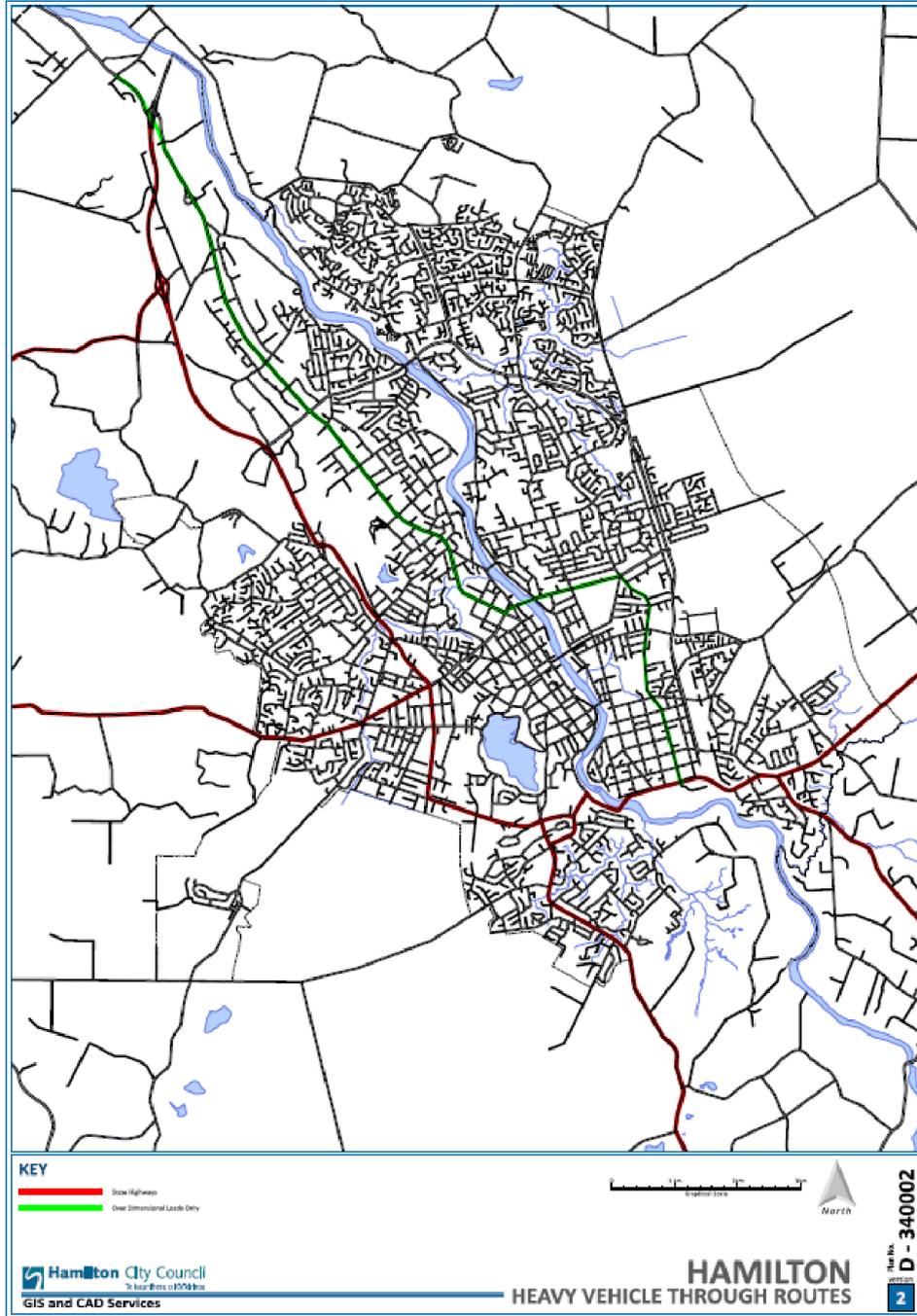
Part 4 - Approved stock routes in Urban Areas



D-1430256

Hamilton City Council Heavy Traffic Prohibitions Register

Part 5 Hamilton City Heavy Vehicle Through Traffic Routes
[Map updated 23.3.17](#)



D-1430256

Hamilton City Council Heavy Traffic Prohibitions Register

Part 6 Weight Or Load Restrictions

A - Over Bridges Or Culverts

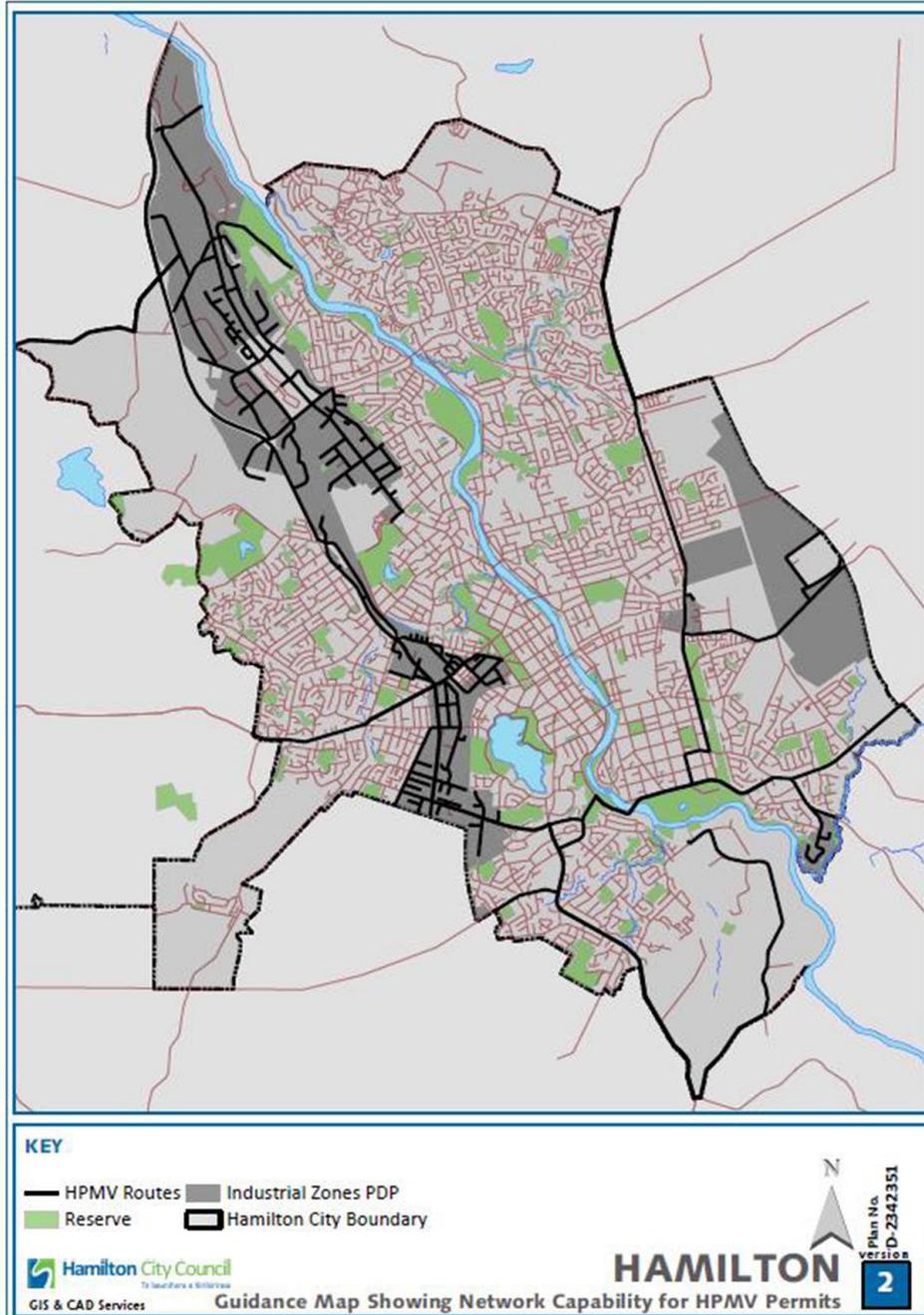
Name of Road	Name of bridge or culvert	Weight limits	
		Maximum weight on any one axle	Gross weight (maximum of axle weights)
Claudlands Road	Claudlands Bridge	6,500kg	30,000 kg
Fairfield Bridge	Fairfield Bridge	:	44,000 kg
Anzac Parade	Victoria Bridge	:	44,000 kg
Palmerston Street	Palmerston Street overbridge	:	44,000 kg
River Road	Kirikiriroa Bridge	:	44,000 kg
Wairere Drive	Pukete Bridge	:	44,000 kg

D-1430256

Hamilton City Council Heavy Traffic Prohibitions Register

B - Higher Productivity Motor Vehicles – approved routes

Only the routes shown in the map below are approved for use by vehicles operating under Higher Productivity Motor Vehicle permits. [Map updated 23.3.17](#)

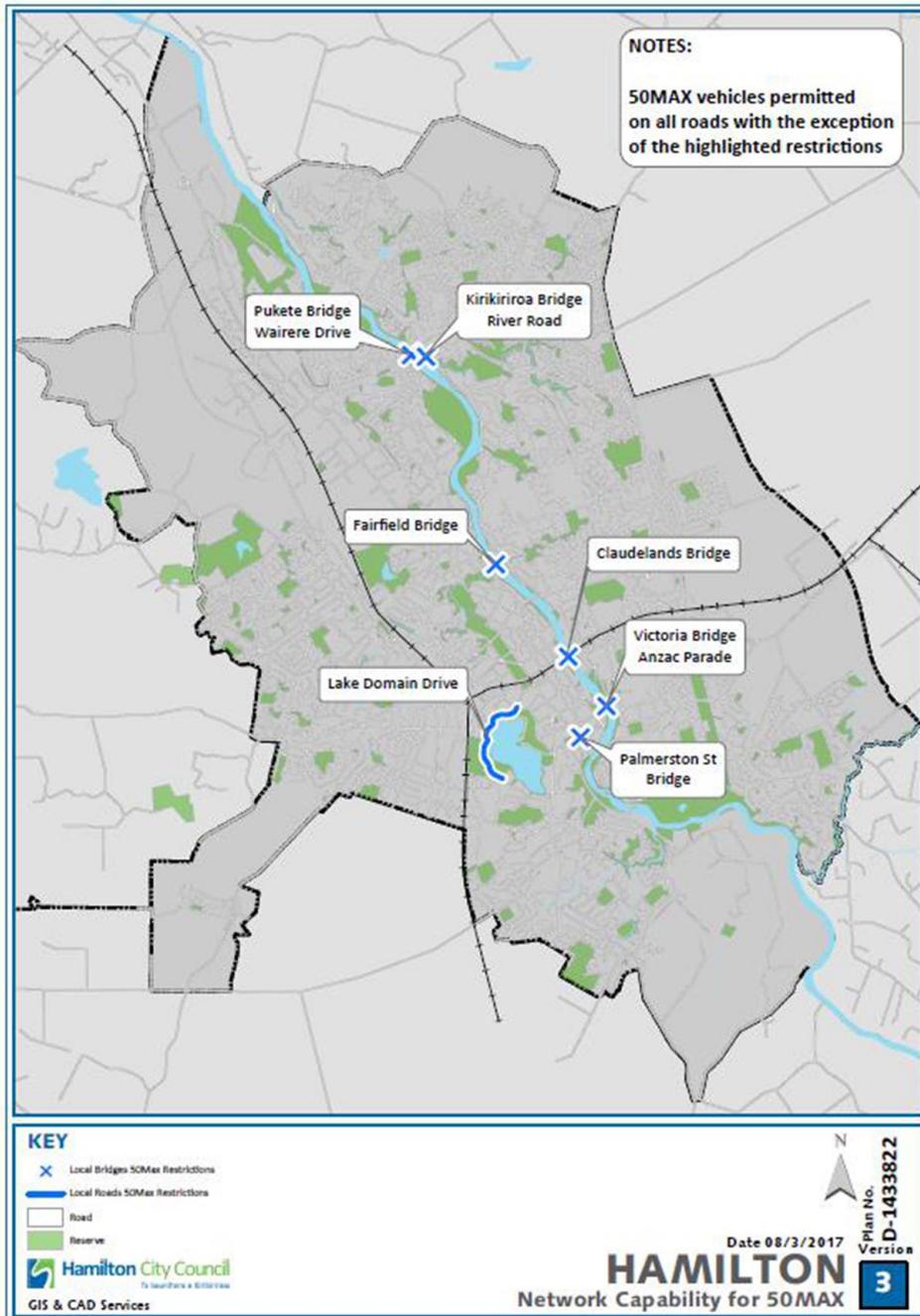


D-1430256

Hamilton City Council Heavy Traffic Prohibitions Register

C- 50MAX heavy Motor Vehicles

The local roads and bridges/structures shown on the map below are not be to used by 50MAX vehicles. [Map updated 23.3.17](#)



D-1430256

Hamilton City Council Heavy Traffic Prohibitions Register

Item 8

Note:

1. Changes to this Register may be made by Council resolution.
2. That proposed changes to this register must go through a local engagement process with adjacent property owners and key stakeholders e.g. AA, Living Streets CAW, CCS Disability Action Road Transport Association, Police, prior to going to subcommittee.
3. Proposed changes are underlined and marked in red

Attachment 3

D-1430256

