

## Notice of Meeting:

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

**Date:** Thursday 2 May 2019  
**Time:** 1.00pm  
**Meeting Room:** Committee Room 1  
**Venue:** Municipal Building, Garden Place, Hamilton

Richard Briggs  
Chief Executive

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## Regulatory and Hearings Committee OPEN AGENDA

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### Membership

**Chairperson:** Cr Angela O'Leary

**Deputy Chairperson:** Cr Leo Tooman

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

**Meeting frequency:** As required

**Quorum:** Three members

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Lee-Ann Jordan  
Governance Manager

**24 April 2019**

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## **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.

<b>The Committee is delegated the following Terms of Reference and powers:</b>
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### **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 restrictions in the Traffic Bylaw and Speed Limit Bylaw, 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 the 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.

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**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.

# Council Report

Item 4

**Committee:** Regulatory and Hearings Committee

**Date:** 02 May 2019

**Author:** Claire Guthrie

**Authoriser:** Becca Brooke

**Position:** Committee Advisor

**Position:** Governance Team Leader

**Report Name:** Confirmation of the Regulatory and Hearings Committee Meeting Open Minutes - 12 March 2019

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<b>Report Status</b>	<i>Open</i>
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## Staff Recommendation

That the Committee confirm the Open Minutes of the Regulatory and Hearings Committee Meeting held on 12 March 2019 as a true and correct record.

## Attachments

Attachment 1 - Regulatory and Hearings Committee Meeting Minutes - Open - 12 March 2019

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## Regulatory and Hearings Committee

(Draft Neighbourhood and Amenity Reserves Management Plan Hearings;  
Dog Objection Hearing; Parking Restrictions and Traffic and Speed Bylaw Changes)

### OPEN MINUTES

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Minutes of a meeting of the Regulatory and Hearings Committee held in Council Chamber, Municipal Building, Garden Place, Hamilton on Tuesday 12 March 2019 at 9.30am.

#### PRESENT

**Chairperson:** Cr Angela O'Leary

**Deputy Chairperson:** Cr Leo Tooman

**Members:** Cr M Bunting  
Cr G Taylor  
Cr R Pascoe  
Cr J Casson  
Cr Hamilton  
Maangai James Whetu

**In Attendance:** Peter Crockett, Team Leader Animal Control and Education Officers  
Paul Blewman, Acting City Safe Unit Manager  
Eeva-Liisa Wright, General Manager Infrastructure Operations  
Robyn Denton, Operations Team Leader  
Sean Stirling, Planner  
Jamie Sirl, Senior Planner  
Maria Barrie, Parks and Recreation Manager  
Nick Chester, Social Development Advisor  
Jeff Neems, Communication Advisor

**Governance Staff:** Claire Guthrie, Committee Advisor

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#### 1. Apologies

**Resolved:** (Cr O'Leary/Cr Pascoe)

That the apologies for absence from Mayor King, Deputy Mayor Gallagher, Crs Henry, Southgate, Macpherson and for lateness from Crs Hamilton and Bunting are accepted.

## 2. Confirmation of Agenda

**Resolved:** (Cr O'Leary/Cr Casson)

That the agenda is confirmed noting that Item 5 (Draft Neighbourhood and Amenity Reserves Management Plan - Hearings Report) would heard in the Council Chambers and the remaining items would be heard in Committee Room 1.

*Cr Bunting joined the meeting at 9.35am during the above item and was present for the vote on the matter.*

## 3. Declarations of Interest

No members declared a Conflict of Interest.

## 5. Draft Neighbourhood and Amenity Reserves Management Plan - Hearings Report

The following spoke to, and responded to questions on their submission:

**Ms Samantha Rose** (Te Puna Kai) spoke to her presentation and outlined a number of initiatives undertaken in New Zealand to support bees, pollination pathways for bees and different types of community gardens. She outlined some innovative ways for public land to be used for community projects.

Committee Members asked questions in relation to the following points:

- options to encourage communities to develop a cooperative and collaborative approach to maintenance of a particular space
- ways to choose areas to develop
- feedback on the draft Community Garden guidelines

Committee Members asked for the following points to be included in the Deliberations Report:

- carparking at reserves
- barriers to creating community gardens
- information on the draft Community Garden guidelines

**Resolved:** (Cr O'Leary/Cr Pascoe)

That the Regulatory and Hearings Committee:

- a) receives the report;
- b) hears and considers submissions to the Draft Neighbourhood and Amenity Reserves Management Plan; and
- c) notes that based on the results of this hearing, a Deliberation and Adoption Report for the Draft Neighbourhood and Amenity Reserves Management Plan will be presented to the Community, Services and Environment Committee.

## 4. Confirmation of the Regulatory and Hearings Committee Meeting Open Minutes - 20 November 2018

**Resolved:** (Cr O'Leary/Cr Bunting)

That the Committee confirm the Open Minutes of the Regulatory and Hearings Committee Meeting held on 20 November 2018 as a true and correct record.

*The meeting adjourned 10.05am – 10.14am to move to Committee Room 1.*

## 6. Objection to Menacing Classification - Erana Brewerton

Ms Erana Brewerton thanked the Committee for the adjournment and tabled a copy of the report from Dr Clare Brown on the testing and assessment of “Sugar Cane’s” behaviour (Appendix 1). After this report had been read, she clarified the techniques used to control “Sugar Cane” in public and at home.

The Animal Control and Education Officers Team Leader spoke to the staff report. He stated he had visited the property and had noted improvements in the dog’s behaviour.

Committee Members asked the following questions:

- difference between a nip and a bite
- issues with other dogs
- age of the dog
- success of training dogs out of bad habits
- genetic tendencies of blue heelers
- the dog trainer’s report and lessening of aggression

**Resolved:** (Cr O’Leary/Cr Tooman)

That the Regulatory and Hearings Committee:

- a) receives the report; and
- b) rescinds the classification of menacing for the dog “Sugar Cane”.

*Cr Hamilton joined the meeting at 10.57am during the above item and was present for the vote on the matter.*

## 7. Parking Restriction, Traffic and Speed Bylaw Changes

The Networks Operations and Use Manager took the staff report as read and spoke to the following matters that had been raised by members of the public:

- **56 Commerce Street**  
There had been a request to relocate the bus stop at 56 Commerce Street and a number of alternative sites had been investigated but were not suitable.
- **Home Straight, Te Rapa – IRD Parking**  
There had been a large increase in IRD staff parking on the local streets in the vicinity of Home Straight, causing issues for residents. A number of ideas to control parking had been investigated. The provision of ‘No Stopping’ lines would ensure the road did not become blocked.
- **Carshare Carparks**  
Fourteen carparks were to be provided across the CBD for Carshare purposes. These were chosen for their lower occupancy rates and the lack of impact on parking income and neighbouring businesses.

Elected Members asked questions on the following points:

- provision for parking to be included at consent stage
- monitoring of restricted parking
- loss of income from carparks allocated to carshare
- availability of e-charging carparks in the future.

**Resolved:** (Cr O'Leary/Cr Bunting)

That the Regulatory and Hearings Committee:

a) approves the changes to parking restrictions and controls as set out below:

Location	Description of proposed change and reason
Gallagher Drive	Installation of 21.5m 'No Stopping' lines across 28 Gallagher Drive Installation of 45m 'No Stopping' lines opposite 28 Gallagher Drive. Extend the existing 26m 'No Stopping' lines opposite 32 Gallagher Drive to a new length of 81.5m.
Twickenham Place	Installation of 57m 'No Stopping' lines extending from 12-14 Twickenham Place
Sunshine Avenue	Installation of 10m 'No Stopping' lines outside 46 Sunshine Avenue.
Commerce Street	Installation of an 15m 'Bus Stop' outside 47 Commerce Street relocated from 53 Commerce Street
Dyer Street	Installation of 6m 'No Stopping' lines outside 1A Dyer Street. Installation of 6m 'No Stopping' lines outside 10 Abbotsford Street.
Abbotsford Street	Installation of 6m 'No Stopping' lines outside 1A Dyer Street. Installation of 6m 'No Stopping' lines outside 10 Abbotsford Street.
Victoria Street	Extend the existing 10m 'No Stopping' lines at the intersection of Victoria Street with Awatere Avenue to a new length of 27m
Mahana Road	Installation of 48m 'No Stopping' lines extending from 4B-8 Mahana Road. Installation of 48m 'No Stopping lines extending from 3-9 Mahana Road.
Mahana Road	Installation of 57m 'No Stopping' lines from 14 Mahana Rd to the reserve park entrance next to 18A Mahana
Cotton Street	Installation of 57.5m 'No Stopping' lines extending from 27 to 30A Cotton Street.
Glasgow Street	Installation of 37.5m 'No Stopping' lines extending from 8 to 11 Glasgow Street. Installation of a 61m 'P60 Mon-Friday 8am-6pm' parking restriction.
Bowen Place	Installation of 35m 'No Stopping' lines extending from 7-18 Bowen Place. Installation of 23m 'No Stopping' lines extending from 8-16 Bowen Place. Gazette existing 85.5m of P60 parking extending from 1-5 Bowen Place.
Heath Street	Installation of 10m 'P180 8am-6pm Mon-Fri' parking restriction outside 1 Heath Street.
Euclid Avenue	Install 'No Stopping' lines of 7m outside 31 Euclid Avenue and 12m outside 32 Euclid Avenue.
Norris Avenue	Install 'No Stopping' lines of 10.5m outside 31 Euclid Avenue and 15m outside 32 Euclid Avenue.
Higgins Road	Installation of 'No Stopping' lines outside 41 Higgins Road. Installation of 13m 'No Stopping' lines extending from 38A to 40 Higgins Road. Installation of 24m 'No Stopping' lines outside 59a Higgins Road.
100 Lake Road	Installation of 16m 'No Stopping' lines across the driveways of 100-104 Lake Road. Gazette the existing 33m 'No Stopping' lines extending from Marama Street to 100 Lake Road.
118 Masters Ave	Installation of 10m 'No Stopping' lines outside #118 Masters Ave
Killarney Road	Installation of 12m 'No Stopping' lines at the intersection of Blackburn Street with Killarney Road.

Young Street	Installation of 'No Stopping' lines on and between the drive ways of 4 and 6A Young Street.
Maeroa Road	Installation of 5m 'No Stopping' lines outside #119 Maeroa Road to the north of driveway.
Hyde Avenue	Installation of 'P10 parking' at 61 Hyde Avenue.
Peachgrove Road	Installation of 13m 'No Stopping' lines outside 211 Peachgrove Road.
Morris Road	Installation of 6m 'No Stopping' lines outside 56 Morris Road. Installation of 6m 'No Stopping' lines outside 1 Willow Road.
Willow Road	Installation of 6m 'No Stopping' lines outside 56 Morris Road. Installation of 6m 'No Stopping' lines outside 1 Willow Road.
Thackeray Street	Installation of 124m 'No Stopping' lines outside 32A and 34 Thackeray Street
River Road	Installation of a 15m 'Caged bus stop' outside the Flagstaff shops. Installation of 25m of 'No Stopping' lines beginning outside 1160 River Road and ending at the pedestrian crossing. Installation of 10.6m of 'No Stopping' lines beginning after pedestrian crossing and ending at the 'Caged Bus Stop'. Installation of 5m of 'No Stopping' lines beginning after 'Caged Bus Stop'. Installation of 17m of 'No Stopping' lines opposite Flagstaff shops ending at the pedestrian crossing.
Liverpool Street	Installation of a 15m 'Caged bus stop' opposite 40 Liverpool Street.
Maahanga Drive	Installation of a 27.5m 'Bus stop' opposite Mitre 10 Mega on the eastern side of Maahanga Drive. Installation of a 16m 'Bus stop' outside Mitre 10 Mega on Maahanga Drive.
Tristram Street	Installation of 5m Carshare parking spaces outside 229 Tristram Street. Installation of 12m 'P60 8am-6pm Mon-Fri' outside 229 Tristram Street. Extend 25m of 'No Stopping' lines to a total length of 52.5m outside 229 Tristram Street.
London Street	Extend 6m of 'No Stopping' lines opposite 77 London Street. Extend 5m of 'No Stopping' lines outside 77 London Street. Installation of 12m 'No Stopping' lines outside 78 London Street. Installation of 10m 'No Stopping' lines outside 87 London Street. Extend 2m of 'CBD Zone' Parking outside 87 London Street. Installation of 12m 'No Stopping' lines outside 99 London Street
Barton Street	Extend 5m of 'CBD Zone' Parking outside 313 Barton Street
Te Aroha Street	Installation of 6m parking outside 702 Grey Street. Installation of 19m parking outside 25 Te Aroha Street.
Grey Street	Extend the existing 14m of 'No Stopping' lines by 5m outside 704 Grey Street Installation of 18m of 'No Stopping' lines outside 701 Grey Street. Installation of 13m of angled 'P30' parking outside 699 Grey Street Installation of 17m 'No Stopping' lines outside 699 Grey Street Installation of 10m 'No Stopping' lines outside 680 Grey Street Installation of 19m 'No Stopping' lines outside 694 Grey Street
Tainui Street	Installation of 20m 'No Stopping' lines across the driveway of 1 Seddon Road.
Arran Road	Extend the existing 47.5m of 'No Stopping' lines to a total length of 52m outside 17 Arran Road across a driveway.
Harwood Street	Installation of 5m Carshare parking space, outside 30 Harwood Street. Installation of 5m Carshare parking space, outside 7 Harwood Street.
Anglesea Street	Installation of 5m Carshare parking space, outside 192 Anglesea Street

Victoria Street	Installation of 5m Carshare parking space, opposite 287 Victoria Street. Installation of 5m Carshare parking space, outside 871A Victoria Street. Installation of 6m Carshare parking space, outside 950 Victoria Street. Installation of 12m (two 6m) Carshare parking space south of the intersection of Grantham St with Victoria Street.
Museum Carpark	Installation of 2.5m Carshare parking space within the Museum off street carpark.
Caro Street Carpark	Installation of two 2.5m Carshare parking spaces within the Caro Street carpark.
Transport Centre	Installation of 2.5m Carshare parking space within the Transport Centre off street carpark.

Location	Description of proposed change
Willow Road	Gazette the existing 58.5m 'No Stopping' lines extending from 3 to 8 Willow Road
Borman Road	Gazette the existing 20m 'No Stopping' line opposite 33 Borman before the pedestrian crossing. Gazette the existing 7.5m 'No Stopping' lines opposite 33 Borman after the pedestrian crossing. Gazette the existing 13.5m 'No Stopping' lines outside 33 Borman before the pedestrian crossing. Gazette the existing 6m 'No Stopping' lines opposite 33 Borman after the pedestrian crossing.
Hare Puke Drive	Gazette the existing 44m 'No Stopping' lines opposite 33 Borman to tie into the proposed pedestrian crossing. Gazette the existing 95m 'No Stopping' lines outside 33 Borman to tie into the proposed pedestrian crossing.
Victoria Street	Gazette the existing 48m 'No Stopping' lines opposite 287 Victoria Street.
Caro Street Carpark	Gazette the new length of 2.5m 'P60 at all times' restriction within the off-street carpark.
Transport Centre Carpark	Gazette the new length of 2.5m 'P15 8am-6pm Mon-Fri' restriction within the Transport Centre off-street carpark.
Willow Road	Rescind 37.5m 'No Stopping' lines extending from 3 to 8 Willow Road

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

- i. Turning Restrictions Register – Part 1: Right Turns be updated to include the following additions:
  - Kimbrae Drive right turn into Hector Drive
  - Lake Domain Drive right turn into Rotoroa Drive
- ii. Turning Restrictions Register – Part 2: Left Turns be updated to include the following additions:
  - Lake Domain Drive left turn into Rotoroa Drive
- iii. Turning Restrictions Register – Part 3: U Turns be updated to include the following amendments:
  - Victoria Street at Collingwood Street (south bound)

c) approves the following changes to the Hamilton City Speed Limits Bylaw 2018

SPEED LIMIT (km/h)	ROAD NAME	DESCRIPTION	DATE SPEED LIMIT COMES INTO FORCE	LEGAL INSTRUMENT	PREVIOUS LEGAL INSTRUMENT
<del>80</del> 60	Kay Road	Horsham Downs Road to 10m east of Osborne Road (with Waikato District Council)	<del>1 March 2013</del> 30 April 2019	<del>Hamilton Speed Limit Bylaw 2013</del> Waikato District Council Speed Limits Bylaw 2011 - 2018 Amendment	Hamilton Speed Limit Bylaw 2013

The meeting was declared closed at 11.43am.

# Council Report

**Committee:** Regulatory and Hearings Committee

**Date:** 02 May 2019

**Author:** Robyn Denton

**Authoriser:** Eeva-Liisa Wright

**Position:** Network Operations and Use Manager

**Position:** General Manager  
Infrastructure Operations

**Report Name:** Parking Restriction, Traffic and Speed Bylaw Changes

<b>Report Status</b>	<i>Open</i>
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## Purpose

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

## Staff Recommendation

That the Regulatory and Hearings Committee:

- approves the changes to parking restrictions and controls as set out below:

Location	Description of proposed change
Te Rapa Road	Installation of 12.5m 'No Stopping' lines across the driveway of 707 Te Rapa Road and 13.5m 'No Stopping' lines across the driveway of 709 Te Rapa Road.
Kent Street	Opposite 52 Kent Street, change the current 'P5 8am-6pm Mon-Sun' parking to 'P60 8am-6pm Mon-Sun'
Opoia Road	Installation of 6.5m 'No Stopping' lines outside 27/29 Opoia Road.
Killarney Road	Extend the 'No Stopping' lines outside #232 Killarney by 11m linking two existing stretches of 'No Stopping' lines.
Killarney Road	Installation of 17.5m 'No Stopping' lines outside #51 Killarney Rd at Ellis Street intersection
Ellis Street	Installation of 17.5m 'No Stopping' lines outside #51 Killarney Rd. Installation of 18.5m 'No Stopping' lines outside #45 Killarney Rd. Installation of 17.5m 'No Stopping' lines outside #54 Killarney Rd. Installation of 20.5m 'No Stopping' lines outside #46 Killarney Rd.
Silverdale Road	Installation of 14m 'No Stopping' lines outside the Church.
Masters Ave	Installation of 7m 'No Stopping' lines around a tree planter at #13 Masters Ave
Victoria Street	Installation of 17m 'Mobility Card Holders P120' restriction opposite 109 Victoria Street. Installation of 5.5m 'No Stopping' lines on the south east corner of Victoria and Grantham intersection. Installation of 12m 'No Stopping' lines on the north east corner of Victoria and Grantham intersection.

- b) Approves the changes to parking restrictions and controls as set out below for implementation once the proposed redevelopment of 192-212 Anglesea Street is completed:

Location	Description of proposed change
Anglesea Street	Rescind 23m of 'No Stopping' outside 212 Anglesea St and install 23m 'CBD Zone' parking restriction. Rescind 9.3m of 'No Stopping' outside 204-208 Anglesea St and install 9.3m 'Good Service Vehicle P10 Loading Zone' restriction. Rescind 7.5m of 'No Stopping' outside 192 Anglesea St and install 7.5m 'CBD Zone' parking restriction. Rescind 10.1m 'No Stopping' outside 192 Anglesea St and install 5m 'CBD Zone' parking restriction Install 4m 'Motor Cycle Only' restriction outside 192 Anglesea St
Alexandra Street	Rescind 10m 'CBD Zone' parking restriction outside 55 Alexandra and install 10m 'No Stopping' restriction. Rescind 8m 'No Stopping' restriction outside 55 Alexandra and install 8m 'CBD Zone' parking restriction.

## 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 parking restriction changes including No Stopping and time limits Changes are recommended to improve safety and accessibility, and these may have been identified by residents, businesses or staff.
- Consultation has been completed for all proposed changes and in general there is support for the changes.
- Staff consider that the decisions in this report have low significance and that the recommendations comply with the Council's legal requirements.

## Background

- The Hamilton City Traffic Bylaw 2015 sets out the requirements for a variety of restrictions 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 Committee resolution is required to make changes to any of these restrictions.
- 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.

## **Parking Restriction Changes**

9. 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.
10. Consultation with adjacent property owners, occupiers and any other affected parties has been undertaken for each of the proposed changes. The feedback received was positive and supportive of the proposed changes.

## **Legal and Policy Considerations**

11. Staff confirm that the staff recommendation complies with the Council's legal and policy requirements.

## **Cultural Considerations**

12. No specific cultural considerations were identified in the development of this report.

## **Financial Considerations**

13. Funding for the implementation of the proposed changes is included in the 2018/19 City Transportation Operations and Parking Activity budgets along with the Discretionary Transport Capital Programme.

## **Risks**

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

## **Significance & Engagement Policy**

### **Significance**

15. Staff considered the following factors under the Significance and Engagement Policy:
  - The form of engagement used in the past for similar proposals and decisions.
16. Based on these factors, staff have assessed that the recommendations have low significance.

### **Engagement**

17. Community views and preferences are already known to the Council through the consultation that has been undertaken prior to the preparation of this report.

## **Attachments**

Attachment 1 - Schedule of proposed parking changes

Attachment 2 - Illustrations of proposed parking changes

**Schedule of Proposed Parking Restriction Changes  
May 2019**

<b>PARKING RESTRICTIONS TO BE INSTALLED AND RESCINDED</b>		
<b>Location</b>	<b>Requested by</b>	<b>Description of proposed change and reason</b>
Te Rapa Road	Business	Installation of 12.5m 'No Stopping' lines across the driveway of 707 Te Rapa Road and 13.5m 'No Stopping' lines across the driveway of 709 Te Rapa Road due to vehicles parking over hold bars too close to the driveways.
Kent Street	Business	Opposite 52 Kent Street, change the current 'P5 8am-6pm Mon-Sun' parking to 'P60 8am-6pm Mon-Sun' as there is no longer a need for short term parking at this location and new restriction reflects the other parking in the area.
Opoia Road	HCC	Installation of 6.5m 'No Stopping' lines outside 27/29 Opoia Road, as vehicles are parking inconsiderately to get under a tree.
Killarney Road	NZTA	Extend the 'No Stopping' lines outside #232 Killarney by 11m linking two existing stretches of 'No Stopping' lines. This has been requested by NZTA as part of the resource consent for the development across the road.
Killarney Road	HCC	Installation of 17.5m 'No Stopping' lines outside #51 Killarney Rd at Ellis Street intersection to tie in with safety improvements being undertaken at the intersection.
Ellis Street	HCC	Installation of 17.5m 'No Stopping' lines outside #51 Killarney Rd. Installation of 18.5m 'No Stopping' lines outside #45 Killarney Rd. Installation of 17.5m 'No Stopping' lines outside #54 Killarney Rd. Installation of 20.5m 'No Stopping' lines outside #46 Killarney Rd. These additional restrictions are to tie in with safety improvements being undertaken at this intersection.
Silverdale Road	School	Installation of 14m 'No Stopping' lines as current parking blocks sight lines out of a Church parking lot used by parents picking up children from Silverdale school.
Masters Ave	Resident	Installation of 7m 'No Stopping' lines around a tree planter at #13 Masters Ave as vehicles are parking out into a live lane, or onto the berm.
Victoria Street	HCC	Installation of 17m 'Mobility Card Holders P120' restriction opposite 109 Victoria Street. Installation of 5.5m 'No Stopping' lines on the south east corner of Victoria and Grantham intersection. Installation of 12m 'No Stopping' lines on the North east corner of Victoria and Grantham intersection. These changes are as a result of planned safety improvements at the intersection.
Anglesea Street	Developer	Rescind 23m of 'No Stopping' outside 212 Anglesea St and install 23m 'CBD Zone' parking restriction. Rescind 9.3m of 'No Stopping' outside 204-208 Anglesea St and install 9.3m 'Good Service Vehicle P10 Loading Zone' restriction. Rescind 7.5m of 'No Stopping' outside 192 Anglesea St and install 7.5m 'CBD Zone' parking restriction. Rescind 10.1m 'No Stopping' outside 192 Anglesea St and install 5m 'CBD Zone' parking restriction Install 4m 'Motor Cycle Only' restriction outside 192 Anglesea St

**Schedule of Proposed Parking Restriction Changes  
May 2019**

		These changes are associated with a proposed redevelopment of 192-212 Anglesea Street (Ebbetts) and will not come into effect until the redevelopment is completed.
Alexandra Street	Developer	Rescind 10m 'CBD Zone' parking restriction outside 55 Alexandra and install 10m 'No Stopping' restriction. Rescind 8m 'No Stopping' restriction outside 55 Alexandra and install 8m 'CBD Zone' parking restriction. These changes are associated with a proposed redevelopment of 192-212 Anglesea Street (Ebbetts) and will not come into effect until the redevelopment is completed.

**Item 5**

**Attachment 1**

# Proposed parking restriction changes

Regulatory and Hearings Committee 2 May 2019



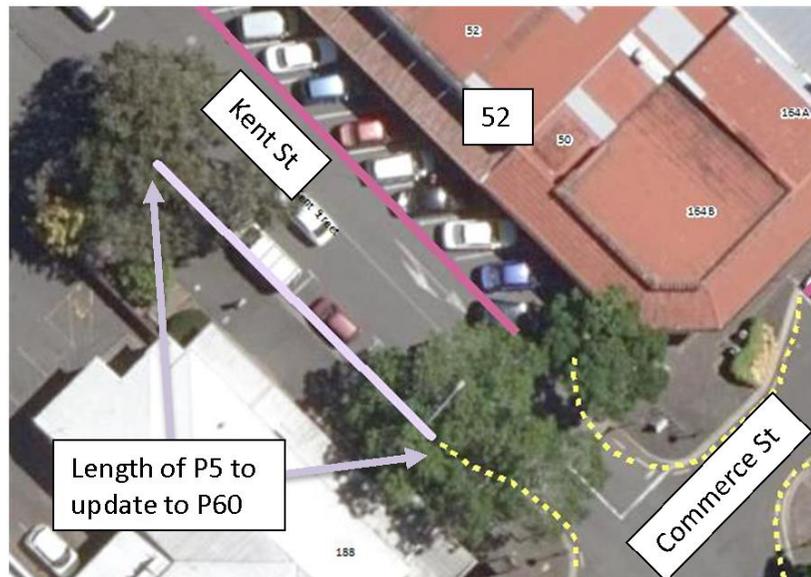
# Parking Restriction Changes

## Te Rapa Road



# Parking Restriction Changes

Kent Street



Opoia Road



# Parking Restriction Changes

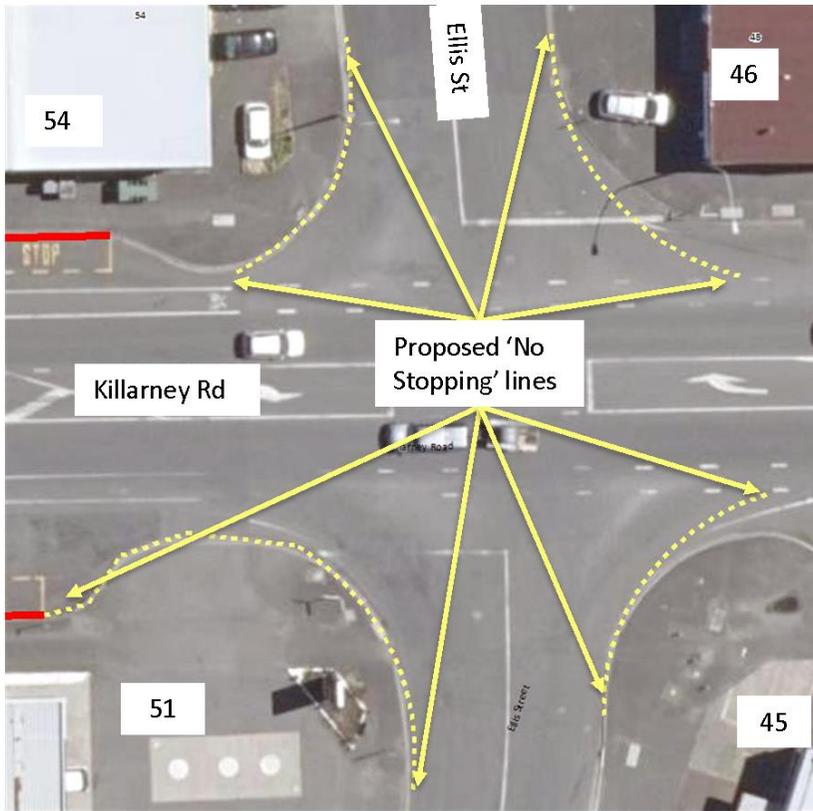
Item 5

## Killarney Road



Attachment 2

# Parking Restriction Changes

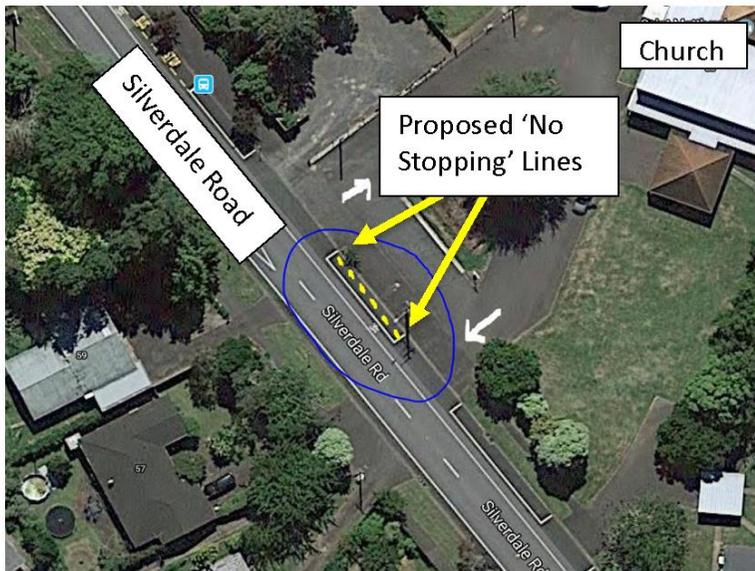


**Killarney Road and Ellis Street Intersection**

# Parking Restriction Changes

Item 5

## Silverdale Road



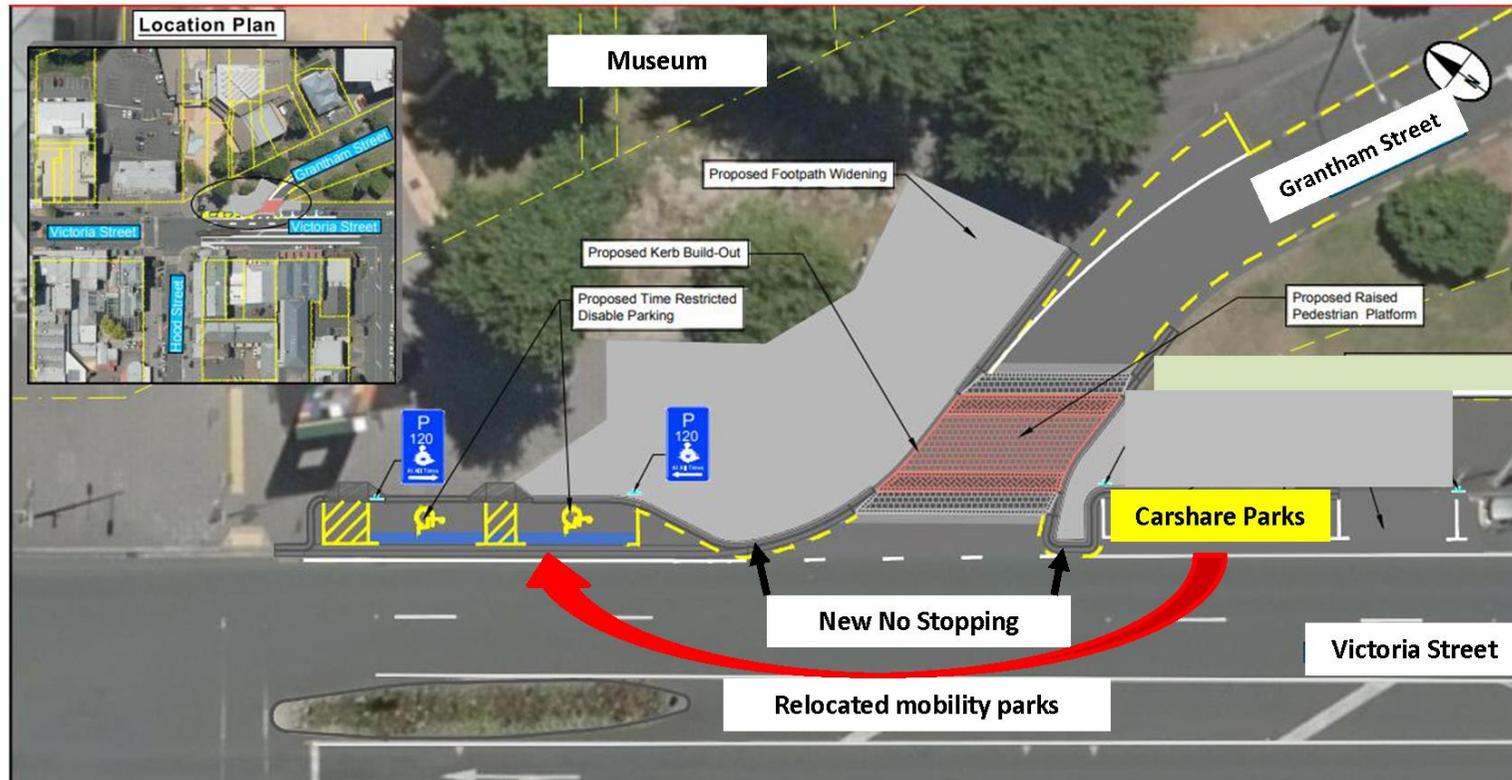
## Masters Avenue



Attachment 2

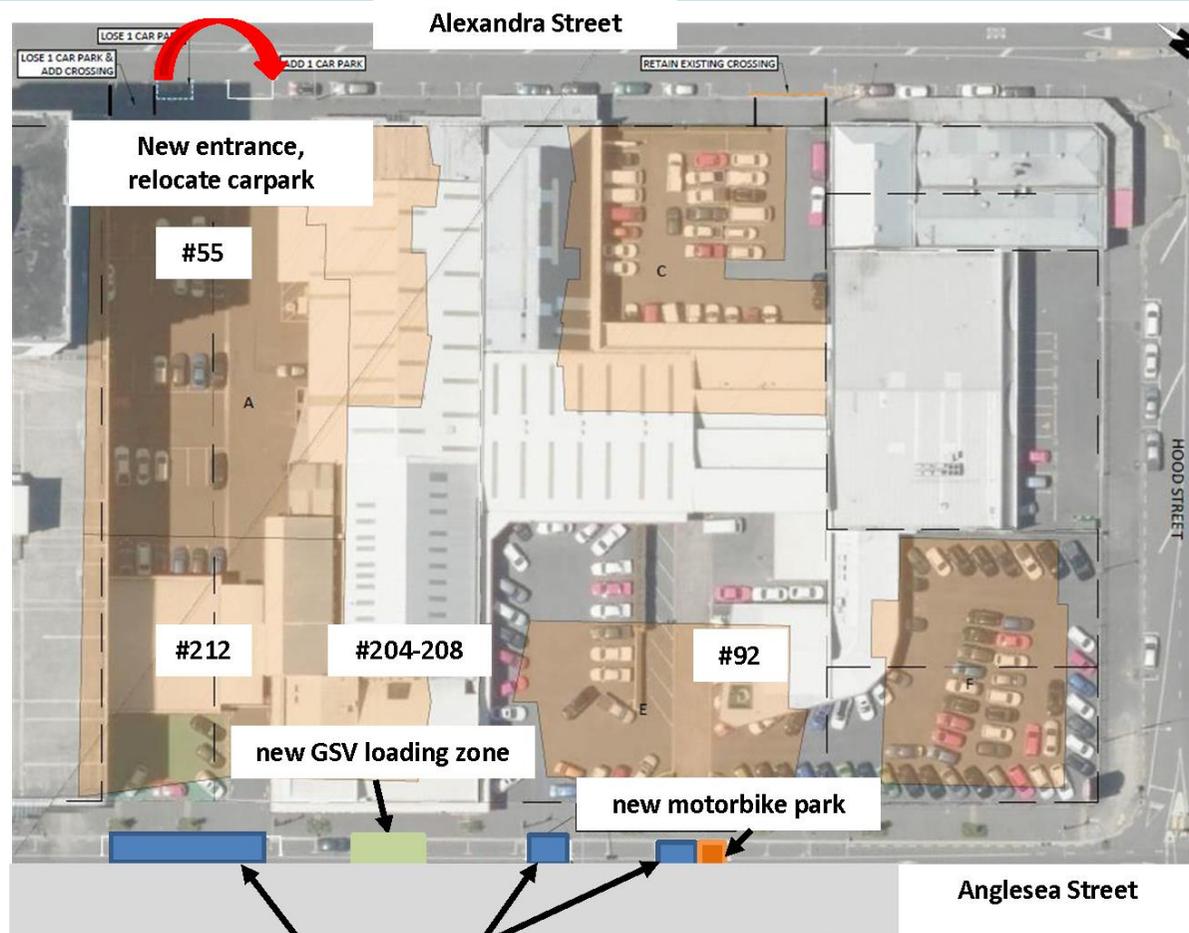
# Parking Restriction Changes

## Victoria Street and Grantham Street intersection



# Parking Restriction Changes

Anglesea Street  
and Alexandra  
Street



Item 5

Attachment 2

# Council Report

**Committee:** Regulatory and Hearings Committee  
**Date:** 02 May 2019

**Author:** Susan Stanford  
**Authoriser:** Jen Baird

**Position:** Manager Animal Education & Control  
**Position:** General Manager City Growth

**Report Name:** Objection to menacing classification - Leighton Ngawaka

<b>Report Status</b>	<i>Open</i>
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## Purpose

- To request that the Regulatory and Hearings Committee makes a determination on the objection to the menacing classification of the dog "Bronx" by Leighton Ngawaka.

## Staff Recommendation

That the Regulatory and Hearings Committee:

- receives the report;
- makes a determination as to whether or not the classification as menacing for the dog "Bronx" is upheld.

## Background

- The [Dog Control Act 1996 section 33A](#) notes that a territorial authority may classify a dog, not classified as dangerous, as menacing if they believe the dog poses a risk to any person, protected wildlife, stock or domestic animal. Section 33A also sets out the responsibility of the Territorial Authority to notify the dog owner of this classification.
- [Section 33E](#) of the Dog Control Act 1996 outlines the owner's responsibilities if their dog has been classified as menacing.
- "Bronx" was classified as menacing on behaviour on 19 July 2018 as the result of an incident on 23 June 2018 (**Attachment 1** – classification documentation).
- On 24 June 2018 at 09.45 hours Animal Education and Control received a complaint (customer action request #167596) that on 23 June 2018 at approximately 13.00 hours "Bronx" jumped into the neighbour's section and chased their cat and when shouted at by the complainant "Bronx" went to attack the complainant who had to defend himself. Key points from the CAR 167596 (**Attachment 2**) are:
  - Offending dog "Bronx" was a two-year-old, grey Neapolitan Mastiff dog at the time of offence.
  - "Bronx" entered the complainant's property by jumping the fence.
  - He chased the complainant's cat.

- When shouted at, “Bronx” turned and growled and rushed at the complainant who was holding his 9-month-old child.
  - The complainant had to kick the dog to prevent him causing harm to him or his child.
6. Animal Education and Control have received eight complaints regarding “Bronx”; three, including the complaint that led to his classification, and a further five since. (see **Attachment 3** – Full dog history)
7. [Section 33D](#) of the Dog Control Act 1996 sets out the right of a dog owner to object to the classification of their dog as menacing and the responsibilities of the territorial authority in hearing that objection.
8. On 25 July 2018, an objection to menacing classification was received from Leighton Ngawaka. The objection was received within the required timeframes but was accidentally missed in previous hearings (**Attachment 4** – objection received correspondence). His objection is on the following grounds:
- The classification is unjust as “Bronx” has not displayed aggression prior to this incident.

### Options

9. The committee may choose one of the following options when making its decision:
- To uphold the classification of menacing.
  - To overturn the classification of menacing.

### Attachments

Attachment 1 - Classification notification

Attachment 2 - CRM - 167596

Attachment 3 - Animal history - "Bronx"

Attachment 4 - Objection received and correspondence

19 July 2018

Leighton Ngawaka



COPY



Private Bag 3010  
Hamilton 3240  
New Zealand

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

Dear Leighton,

#### 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

# Notice of Classification of Dog as Menacing Dog

Section 33A, Dog Control Act 1996

**COPY**

To: \*  
(name of owner)

**Leighton Ngawaka**

Address:



**Male, Neapolitan Mastiff, Grey and Brindle in  
colour, named Bronx**

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 Saturday 23 June 2018, in Hamilton

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

  
Animal Education and Control Manager

19/7/18  
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

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](http://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)



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

20th Day of July ~~19~~ 2018

At \_\_\_\_\_

(Show full address of service)

Dog Control Officer D37 / /

Registered Letter

Date Posted:

Customer Action Request / Animal Complaint

**AUTHORITY**

**Case No.** 167596/2018 **Date/Time** 19/07/2018 11:34AM

---

**COMPLAINANT**  
**Received** 24/6/18 9:54PM **Officer** D37  
**Name** [REDACTED] **Home 1**  
**Address** [REDACTED] **Work** **Home 2** [REDACTED]  
**Mobile**

---

**PROPERTY**  
**Address** [REDACTED] **RD:** GAT [REDACTED]

---

**ANIMAL DETAILS**  
**Animal Number** 230312 **Animal Name** Bronx **Tattoo** 900008800825401  
**Animal Location** [REDACTED] **Colour** GRY/BDL **Sex** M  
**Owner Address** [REDACTED] **Owner Name** [REDACTED] **NAR No.** 1103947

---

**REQUEST DETAILS**  
**Offence Date/Time** 23/6/18 1:00PM **Large dog that may have been a Neopolotain Mastiff came onto**  
**Major Category** Dog Control **[REDACTED] at around 1pm on Saturday. When the complainant yelled at it, i**  
**Minor Category** Dog Offences **t growled and went for him, but he managed to kick it and it jumped ov**  
**Category 3** Failure to Keep Control of Dog **er the rear fence. The dog may come from [REDACTED]. He s**  
**Category 4** **uspects that this is the same dog that is currently barking and howlin**

---

**INVESTIGATION DETAILS**  
**Task** Investigation **Substantiated / Not Substantiated**  
**Officer** D37 **Outcome** Animals - Written War **\*\*WRITTEN WARNING ISSUED. MENACING CLASSIFICAITON ALSO ISSUED UPON**  
**Start** 25/06/2018 **Finish** 19/07/2018 **BEHAVIOUR\*\***  
**25/06/2018- 07:56am- Database checks- nothing registered**  
**to #.**  
**15:27pm- Called to address, no one home.**  
**Dog sighted. Card left.**  
**28/06/2018- Phone call to D/O - D17 has been**  
**in contact in my absence. Spoke with comp who tells that the dog**  
**chased his cat on his property and then when he went after it, the**  
**dog came at him [REDACTED] had his little girl in his arms and had to kick**  
**the dog to defend himself. Dog jumped over the fence. Comp felt dog**  
**was menacing. Request statement.**  
**Phone call to D/O to advise that dog**  
**has come over a fence, chased cat and came at the comp whilst he was**  
**holding his daughter.**  
**16/07/2018- 08:46am- Text sent, requesting**  
**statement.**  
**Statement received.**  
**Written warning issued and**  
**sent.**  
**Recommended dog for menacing classification based on reported**  
**behaviour.**

---

**ENFORCEMENT DETAILS**  
**Task**  
**Officer**  
**Start** **Outcome**  
**Finish**

---

**REVIIOUS HISTORY**

<b>CAR No.</b> 139960/2016	<b>Task</b> 2INV
<b>Animal</b> 230312	<b>Outcome</b> 1UNS
<b>Maj Cat.</b> Dog Control	<b>Officer</b> D17
<b>Min Cat.</b> Dog Offences	<b>Opened</b> 04/10/16
<b>Cat 3.</b> Offences Detected by Officer	<b>Closed</b> 09/10/16
<b>Cat 4.</b> Microchipping Compliance	
<b>CAR No.</b> 168380/2018	<b>Task</b> 2INV
<b>Animal</b> 230312	<b>Outcome</b>
<b>Maj Cat.</b> Dog Control	<b>Officer</b> D37
<b>Min Cat.</b> Dog Offences	<b>Opened</b> 16/7/18
<b>Cat 3.</b> Barking	<b>Closed</b>
<b>Cat 4.</b>	

Document Edit Name and Address Payments Animals Other Modules Help

OK Cancel Cut Copy Paste Find Excel Help Mapping Memos Attachments

1 of 1

Document

\*\*\*Menacing Animal\*\*\*

3 Memos Recorded

Animal Type	1 Dogs	Number	230312	Owner Details	Name	Leighton
MicroChip Brand	MICROCHIP	Id	900008800825401	Address	[REDACTED]	
Alpha Key				Mobile Phone	[REDACTED]	
Assessment	19895	Parcel	4444107	Home Phone	[REDACTED]	
Owner	1103947			Business Phone	[REDACTED]	
House Number				e-Mail Address	[REDACTED]	
Street Name	[REDACTED]					
Suburb Name	[REDACTED]					

Animal Details

Kept at Address [REDACTED]

OutsideTag	<input type="text"/>	Ref		Dangerous	Menacing	Agen
Animal Name	Bronx	Neutered	N	Gender	Male	
Breed	NEMA Mastiff Neapolitan	Cross	<input type="text"/>			
Main Colour	GRY Grey	Second	BDL	Brindle		
Birth	09/02/2016	Age	3 Years 1 Months	Death		Depart
Features	312248	Permit Number				

Registration Details

Tag Number	7909	Tag Set	2018/19	By Law Code Search	
eTran		Recpt Date	10/07/2018	Code Type	Code Value
		Reg Till	30/06/2019		



[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Monday, 16 July 2018 09:03  
**To:** [REDACTED]  
**Subject:** Dangerous dog attacking me and my daughter

Hi [REDACTED] on Saturday the 24th June I was in my lounge and seen a big dog running down the street sniffing ect. I ran down the side of my house chasing my cat, I had my 9montg old in my arms at the time and I ran down the other side of the house to meet the dog in my back yard. As I confronted it I yelled at it to go home, it snarled at me and lunged at me holding my little girl in my arms.

The dog got a boot on the face and it ran off and jumped the back fence going into its property.

The dog was a giant neo mastif grey in colour. Still had its balls ect.

I have just come home to check the back fence they have told you they fixed, this is not the case there is just wire mesh on the fence line that has always been there, I witnessed this dog just jump over it.

While I was down the back of my property just now inspecting the fence this dog came real close again barking and being aggressive.

This dog should not be in the city loose in a yard where it can't be contained. I'm not willing to let this be a risk to my family or my pets.

---

The barking and constant howling when the owners are not home is not ok either. We are now struggling to get our 9month old to sleep because of this. Action needs to be taken ASAP b4 the dog jumps my fence again because it will be shot on site.

We have 2 kid that play in our back yard every afternoon and this dog could easily kill me or my kids.

Sent from my iPhone

Leighton Ngawaka



17/07/2018

Dear Leighton

**GENERAL OFFENCE WARNING FOR THE CONTROL OF DOGS**

**CASE REFERENCE NUMBER: 167596/2018**

This letter serves as a formal warning, that you are the owner or person in charge of a dog that has committed an offence against the Dog Control Act 1996.

**Offence Date: 23/06/2018 Location:** 

The offence that was committed is that you failed to keep your dog under control.

---

As a consequence a formal warning has been issued under Section 53(1) Dog Control Act 1996

**A formal warning is offered on one occasion only.**

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 further breaches of the Dog Control Act or associated bylaws will result in your dog being impounded, an infringement notice being issued, or prosecution.**

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

Regards

Animal Education and Control Officer D37

REGISTRAR GENERAL

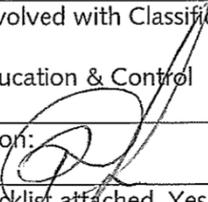
## ANIMAL EDUCATION & CONTROL

To: Sue Stanford (Animal Education and Control Manager)

From: *D37*

Subject: Menacing Classification on Observed Behaviour/reported behaviour

Date: *17/7/18* AN: *230312* File: CAR: *167596/2018*

<p>CAR DETAILS: Brief breakdown of how dog come to our attention. <i>Reported as a failure to control, comp tells dog rushed at him 'growling' on his property</i></p>	
<p>DOG OWNERS DETAILS: How was AECO received by dog owner? Is the D/O aware that their dog is being Classified? <i>D/O is aware from phone conversation. Does not believe dog would show aggression.</i></p>	
<p>DOG DETAILS: Is this dog to be classified on <b>Behaviour</b>. Describe behaviour and any identifying marks. <i>Snarled and lunged at complainant.</i></p> <p>Micro Chip: <i>900008800825401</i> is the individual identifier for this dog.</p> <p>AN: <i>230312</i> Registration Number: <i>7909 18/19</i> Dogs Name: <i>Bronx</i></p>	
<p>MENACING CLASSIFICATION NOTES: This dog has been is to be classified as menacing on observed or reported behaviour under Section 33A of the Dog Control Act 1996</p>	
<p>DETAILS OF AECO's Involved with Classification: <i>D37</i> Peter Crocker Team Leader Animal Education &amp; Control</p>	
<p>Approved for classification: </p>	<p>Date: <i>17/7/18</i></p>
<p>Is the identification Checklist attached Yes or No</p>	<p>Have photos been saved Yes or <input checked="" type="radio"/> No</p>

Animal History  
 "Bronx"  
 AN230312

Date	Complaint	Outcome/comments
14/4/2016	#139960 Microchip compliance follow-up	Dog scanned, chip found, and database updated
16/7/2018	#168380 Barking dog	No barking logs returned. No further complaints.
24/6/2018	#167596 Failure to contain. Dog chased complainant's cat and went to attack neighbour when he shouted at it.	Written warning issued Dog classified on behaviour.
30/7/2018	#168859 Dog roaming on complainant's property	Dog owner and complainant contacted by AECO.  No further action.
8/6/2018	#169051 Roaming on complainant's property. Chasing the cat and getting into rubbish.	Complainant advised to get photos of dog in future. To assist AECO with proof.  AECO also spoke with another neighbour who noted dog roams frequently and is aggressive.  Dog owner spoken to re containment and unsuitable fencing.
24/6/2018	#167640 Barking dog in shed	No barking logs returned. Complainant also noted dog out roaming most of weekend.
15/8/2018	#169410 Dog on complainant's property, growled at him when he tried to get dog off property.	AECO requested statement from complainant, appointment made but complainant didn't show up. No statement provided despite several attempts to obtain one.  No further action – insufficient evidence
16/9/2018	#170665 Dog roaming on complainant's property.	Photo supplied. Infringement #12322 issued for failure to control/contain.
20/9/2018	#170621 Dog roaming on complainant's property last night. He scared it home.	Statement provided  Infringement #12323 issued for failure to control/contain

**Susan Stanford**

---

**From:** Leighton-i  
**Sent:** Wednesday, 3 April 2019 16:02  
**To:** Susan Stanford  
**Subject:** Re: FW: Objection to Classification of Bronx

Hi Susan  
 Yes I would like to object to my dog being classified as menacing.

regards

Leighton

On Fri, Mar 29, 2019 at 8:49 AM Susan Stanford <\_> wrote:

Hi Leighton

Apologies but this was missed in the last hearings round. Can you please let me know if you still want to contest the classification of your dog as menacing.

If I haven't heard from you by Friday 5 April 2019 I will assume you no longer wish to object to the classification and you will proceed with the de-sexing of your dog.

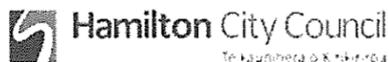
Regards

Sue

**Susan Stanford**

Animal Education and Control Manager | City Safe

DDI: | Mob: 021 |



Hamilton City Council | Private Bag 3010 | Hamilton 3240 | [www.hamilton.co.nz](http://www.hamilton.co.nz)

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---

**From:** Susan Stanford  
**Sent:** Thursday, 26 July 2018 2:49 PM

To: [redacted]  
Subject: RE: Objection to Classification of Bronx

Hi Leighton

I have attached an information sheet that explains the hearing process regarding your objection to your dog being classified as menacing.

The next hearing date is in November 2018, so if you don't hear anything for a while don't worry, it won't have been forgotten.

I will notify our Governance department with your details and someone from there will contact you with the exact meeting date, time and location.

As part of the process I put together a report for the committee, included in the report are your reasons for objecting so if you would like anything included that is not in your letter can you please forward these to me.

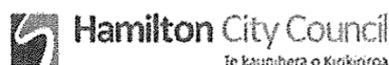
---

Regards

Sue

**Susan Stanford**  
Animal Education and Control Manager | City Safe

DDI: [redacted] | Mob: [redacted] | Email: [redacted]



Hamilton City Council | Private Bag 3010 | Hamilton 3240 | [www.hamilton.co.nz](http://www.hamilton.co.nz)

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From: Leighton- [redacted]  
Sent: Wednesday, 25 July 2018 1:42 PM  
To: Susan Stanford  
Subject: Objection to Classification of Bronx

Kia Ora Susan,

please find attached a letter of objection to the classification of Bronx changing to a menacing dog.

If you have any questions, please feel free to contact me.

Regards,

--

Leighton Ngawaka



COPY

25 July 2018

Animal Education & Control  
217 Ellis Street  
Frankton  
Hamilton 3204  
RE: NOTICE OF CLASSIFICATION OF DOG - BRONX

Dear Susan Stanford,

I would like to exercise my right of objection to classification under Section 33C with regard to our boy Bronx – a Male, Neopolitan Mastiff – and a singular event that occurred on the 23/06/2018 (CASE REFERENCE NUMBER 167596/2018).

I believe the classification of my dog as a menacing dog is grossly unjust. In all of his two years of living he has never been aggressive to myself, my children, our past neighbours, our past community, our present neighbours, the list goes on. For him to be unfairly judged, based on one event (a day in which we had only just moved to the property) is ridiculous.

---

If you can provide video proof that my boy acted aggressively, as has been alleged, or if you can send an animal control officer to come and observe my boy for themselves, and they come to the conclusion that my boy is indeed aggressive, menacing, and a danger to everybody I will happily follow through with all of the stipulations that have been given.

However, if these conditions are not met I will not be complying with your requests.

If you wish to contact me further please do so via the information below,

Regards

Leighton

:



### Dog Control Act 1996: Dangerous and Menacing Dog Public Hearings – How They Work

#### Public Hearings

The *Dog Control Act 1996* (the Act) stipulates instances in which councils must classify a dog as being 'dangerous' or 'menacing' – refer to sections 31(1), 33C and 33ED.

The Act also makes provision for a dog to be classified as being 'menacing' at the discretion of councils based on the behaviour of the dog, or the characteristics of its breed or type (refer Section 33A).

The Act states that the owner of a dog that has been classified as being dangerous or menacing:

- May object in writing to the relevant council within 14 days of receiving the notice; and
- Is entitled to be heard in support of his/her objection - refer to sections 31, 33B and 33D of the Act.

Hamilton City Council (HCC) has delegated the hearing of such matters to its Regulatory and Hearings Committee.

The Regulatory and Hearings Committee (the Committee) is a whole of Council meeting (13 members) and three elected members are required to be present at any one hearing.

Dog owners will be advised in advance of the location, time and date of the Hearing.

Hearings are reasonably formal so that objections are dealt with consistently and fairly, and all parties are given an equal opportunity to present their views.

Public hearings are open to the public, including the news media; though in keeping with the *Local Government Official Information and Meetings Act 1987* it may be

necessary to exclude the public for parts of the Hearing (for example, for privacy reasons).

#### What you need to do in advance

As an interested party, HCC will provide you with a copy of any written material that is to be presented to the Committee to inform their deliberations.

You are encouraged to familiarise yourself with the information in advance of the hearing.

If you wish to nominate a representative to speak on your behalf, you must notify HCC at the earliest opportunity.

You are entitled to bring a support person to the hearing. If you intend to do so, please let us know in advance for the purpose of seating arrangements.

Irrespective of whether you intend to appear in person or by counsel, you are required to provide HCC with a copy of any statements or submissions that will be presented to the hearing in support of your objection. **Six (6)** copies need to be provided in advance of the hearing.

If you wish to present your evidence in Te Reo Māori at the hearing, either written or oral, please let us know 10 days in advance so we can arrange for a translator to be there.

Please also let us know 10 days in advance if you require assistance from a NZ sign language interpreter at the hearing.

## PUBLIC HEARINGS PROCESS

Please note that the hearing is recorded.

### Opening and Introduction

The Chairperson will open the meeting and give a brief outline of the hearing procedures.

### Objectors (Classified Dog Owners)

If you (or your nominated representative) wish to speak at the hearing, the Chairperson will ask you to move forward to speak at the appropriate time.

The Committee Members may ask questions at any other time throughout the hearing at the Chair's discretion; for example, to clarify something in your submission or following staff reports.

### The role of HCC staff

Relevant staff members will talk to the reports which will be provided to the Committee and the Objector in advance of the hearing.

Staff will respond to any questions that members of the Committee may have.

### Conclusion of the Hearing

The Chairperson will advise everyone that the public part of the hearing is finished and that the Committee will deliberate on the matter.

At the discretion of the Chairperson, the deliberation may or may not be conducted in private.

Members of the public, including objectors and their representatives, may therefore be required to leave the room during the deliberation process.

## The Decision

The Committee will consider the evidence in keeping with Sections 31(4), 33B(1) and 33D of the Act, namely:

1. The evidence which formed the basis for the original classification;
2. Any steps taken by the owner to prevent any threat to the safety of persons and animals.

*Note: Point 2 does not apply to objections relating to the classification of a menacing dog belonging to a breed or type as listed in Schedule 4 of the Act – refer to Section 33D;*

3. The matters advanced or relied on in support of the objection; and
4. Any other relevant matters.

The written decision of the Committee (including the reasons for it) will be sent to all parties as soon as practicable, advising them of the outcome and reasons for the decision.

## Appeals

The Act does not make provision for appeals to the outcome of hearings held to consider an objection to 'dangerous' or 'menacing' dog classifications.

As such, the decision of the Regulatory and Hearings Committee will be considered to be final.

Any correspondence and queries in relation to the above should be addressed to:

Claire Guthrie, Committee Advisor - Governance Unit

Phone: 07 794 0504

Email: [claire.guthrie@hcc.govt.nz](mailto:claire.guthrie@hcc.govt.nz)

# Council Report

Item 7

**Committee:** Regulatory and Hearings Committee

**Date:** 02 May 2019

**Author:** Susan Stanford

**Authoriser:** Jen Baird

**Position:** Manager Animal Education & Control

**Position:** General Manager City Growth

**Report Name:** Objection to menacing classification - Michael Hargreaves

<b>Report Status</b>	<i>Open</i>
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## Purpose

1. To request that the Regulatory and Hearings Committee makes a determination on the objection to the menacing classification of the dog "Luna" by Michael Hargreaves.

## Staff Recommendation

That the Regulatory and Hearings Committee:

- a) receives the report;
- b) makes a determination as to whether or not the classification as menacing for the dog "Luna" is upheld.

## Background

2. The [Dog Control Act 1996 section 33A](#) notes that a territorial authority may classify a dog, not classified as dangerous, as menacing if they believe the dog poses a risk to any person, protected wildlife, stock or domestic animal. Section 33A also sets out the responsibility of the Territorial Authority to notify the dog owner of this classification.
3. [Section 33E](#) of the Dog Control Act 1996 outlines the owner's responsibilities if their dog has been classified as menacing.
4. "Luna" was classified as menacing on behaviour on 26 February 2019 as the result of an incident on 19 February 2019 when she left her section and bit the complainant as she walked by (**Attachment 1** – classification documentation).
5. On 19 February at 14.45 hours the dog "Luna" did bite the complainant on the back of the leg as she walked by the dog's place of residence. Key points from CAR 178004 (**Attachment 2**) are:
  - Offending dog "Luna", was a nine-months-old Golden retriever at time of offence.
  - "Luna" and another dog "Sasha" left their property and were growling and trying to nip the complainant as she walked past their address.
  - A blonde woman (Ashley Hargreaves, the person in charge of the dogs) displayed little control over both dogs.
  - One dog jumped up at the complainant and the other "Luna" bit the back of her leg.

## Item 7

- The dogs left the property three times in total during the attack.
  - When Animal Education and Control Officers (AECO's) visited to the property to speak the person in charge of the dogs, the dog "Luna" was agitated and growled throughout their visit.
  - That the person in charge seemed to be in denial about the level of aggression displayed by "Luna".
6. Animal Education and Control have received one other complaint regarding "Luna". "Sasha", the other dog from the property at Dey St, and "Luna" were seen roaming on Dey St on 4 December 2018. The investigating Animal Education and Control Officer (AECO) at the time, found both dogs back at their property and spoke with the dog owner about containment.
  7. [Section 33D](#) of the Dog Control Act 1996 sets out the right of a dog owner to object to the classification of their dog as menacing and the responsibilities of the territorial Authority in hearing that objection.
  8. On 13 March 2019, an objection to menacing classification was received from Ashley Hargreaves on behalf of Michael Hargreaves the dog owner. (**Attachment 3** – objection received correspondence). The objection is on the following grounds:
    - Ashley had been playing with the dogs prior to the attack, increasing their levels of excitement.
    - That biting, and nipping is natural exploration for a puppy.
    - That the victim may have provoked this reaction if "Luna" felt threatened.
    - That "Luna" is a good dog.
    - Golden Retrievers are not a breed list under schedule 4 of the Dog Control Act 1996.
    - Wearing a muzzle is not natural."Luna" is to be relocated to a rural property and be trained for farming and hunting activities.

### Options

9. The committee may choose one of the following options when making its decision:
  - To uphold the classification of menacing.
  - To overturn the classification of menacing.

### Attachments

Attachment 1 - Classification documentation

Attachment 2 - CAR 178004

Attachment 3 - Objection received

COPY



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

26 February 2019

Michael Conrad Hargreaves



Item 7

Dear Michael,

**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.

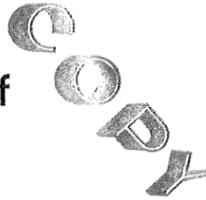
Regards

**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

Attachment 1



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

To: \*  
(name of owner)

**Michael Conrad Hargreaves**

Address:



**Female, Golden Retriever, Gold in colour, named  
Luna**

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 Tuesday 19 February 2019, in Hamilton

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

  
Animal Education and Control Manager

26/2/19  
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

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](http://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)

\_\_\_\_\_ 

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

\_\_\_\_\_ 26<sup>th</sup> Day of February 19 2019

At \_\_\_\_\_ 

(Show full address of service)

Dog Control Officer 037 \_\_\_\_\_ / /

Registered Letter

Date Posted:

Customer Action Request Animal Complaint



Item 7

Attachment 2

o\_dm061 CAR No. 178004/2019 26/02/2019 8:48AM

**COMPLAINANT**  
 Received 19/2/19 2:45PM Officer D37  
 Name [REDACTED] Home 1 Home 2  
 Address [REDACTED] Work Mobile

**PROPERTY**  
 Address [REDACTED]

**ANIMAL DETAILS**

Animal Number 229858	Animal Name Sasha Hargreaves	Tattoo 982000190997421
Animal Location [REDACTED]	Colour GLD	Sex F
Owner Address [REDACTED]	Owner Name Ashley Hargreaves	NAR No. 1101805
Animal Number 235656	Animal Name Luna	Tattoo 900141000019340
Animal Location [REDACTED]	Colour GLD	Sex F
Owner Address [REDACTED]	Owner Name Michael Conrad Hargreaves	NAR No. 1114967

**REQUEST DETAILS**  
 Offence Date/Time 19/2/19 2:45PM [REDACTED] has just been bitten on leg by a golden retriever named Luna fr  
 Major Category Dog Control on [REDACTED] She was walking past the property and 2 golden retr  
 Minor Category Dog Offences ievers came out at her, female owner came and got them, dogs came back  
 Category 3 Attack a second and third time and that's when Luna has bitten her. She has  
 Category 4 Urgent Attack Dog v Person punctures in her leg (have advised her to get medical treatment due to

**INVESTIGATION DETAILS**  
 Task Investigation  
 Officer D37 Outcome Animals - S53 Fail Kee  
 Start 19/02/2019 Finish 26/02/2019

**Substantiated / Not Substantiated**  
**\*\*X2 INFRINGEMENTS ISSUED #12345 & #12346- FAILURE TO KEEP CONTROL OF DOG, LUNA CLASSIFIED UPON BEHAVIOUR\*\***  
 14:50pm- Phone call to comp- Message left.  
 Called to [REDACTED] x2 Golden Retrievers on front deck.  
 Spoke with Ashleigh- who tells she had just come home and had let the dogs into the front yard with her. She tells she was not aware dog had bitten- however was aware that dogs had rushed out. Dog named Luna was growling and aggitated by our presence the whole time we were speaking with D/O. Advised I will be in touch after I have made contact with comp.  
 15:50pm- Comp returned call.  
 15:50pm- called to take statement- comp tells that she was walking past property. Both dogs came out growling and jumping at her. The blonde woman at property had no control over dogs at all. The dog the woman called Luna bit her on the back of her leg.  
 18:10pm- Phone call to Ashley advised I will be issuing an infringement to her for each dog for Failure to control. Also a menacing classification for dog Luna based on attack and observed behaviour.  
 18:12pm- Phone message left for D/O of Luna to contact me. INF# 12345 & 12346. Luna recommned for menacing classification. D/O Michael phoned back. He does not live at address with Luna. Was going to rehome the pup but his sister Ashley wanted to keep Luna. Spoke with Michael about Lunas Behaviour with Ashely and he agrees that she has no control of dogs and doesn't like the behaviour he has been seeing increasing from Luna.

**ENFORCEMENT DETAILS**  
 Task  
 Officer Outcome  
 Start Finish

**PREVIOUS HISTORY**

CAR No. 174353/2018	Task 2INV
Animal 229858	Outcome ADVC
Maj Cat. Dog Control	Officer D17
Min Cat. Dog Offences	Opened 04/12/18
Cat 3. Roaming	Closed 14/12/18
Cat 4. Public Place	

Customer Action Request Animal Complaint



Attachment 2

Item 7

co\_dm061 CAR No. 178004/2019 19/02/2019 3:02PM

COMPLAINANT  
 Received 19/2/19 2:45PM Officer D37  
 Name [REDACTED] Home 1 Work Home 2 Mobile  
 Address [REDACTED]

PROPERTY  
 Address [REDACTED]

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

REQUEST DETAILS  
 Offence Date/Time 19/2/19 2:45PM [REDACTED] has just been bitten on leg by a golden retriever named Luna fr  
 Major Category Dog Control om [REDACTED] She was walking past the property and 2 golden retr  
 Minor Category Dog Offences evers came out at her, female owner came and got them, dogs came back  
 Category 3 Attack a second and third time and that's when Luna has bitten her. She has  
 Category 4 Urgent Attack Dog v Person punctures in her leg (have advised her to get medical treatment due to

INVESTIGATION DETAILS  
 Task Investigation Substantiated / Not Substantiated  
 Officer D37 Outcome Action-opened at lodgement - notification given  
 Start 19/02/2019 Finish

ENFORCEMENT DETAILS  
 Task Infringements # 12345 issued.  
 Officer # 12346  
 Start menacing class recommended for AN# 2356E  
 Finish

PREVIOUS HISTORY

2:50pm phone call to comp - message left.  
 called to [REDACTED] - 2 x Golden Retrievers on front deck  
 spoke with Ashleigh - who tells she had just come home and had let dogs into front yard with her, she tells she was not aware dog had bitten - however was aware that dogs had rushed out.  
 Dog named Luna was growling and irritated by our presence the whole time we were speaking with D/o.  
 Advised I will be in touch after I have made contact with Comp  
 3pm comp returned call -  
 called to take statement - comp tells that she was walking past property off dogs came out growling and jumping at her. The blonde woman at property

Document Edit Name and Address Payments Animals Other Modules Help

OK Cancel Cut Copy Paste Find Excel Help Mapping Memos Attachments

1 of 2

Document

1 Memo Recorded

Animal Type	1 Dogs	Number	229858
MicroChip Brand	MICROCHIP	Id	982000190997421
Alpha Key	HARGREAVESA		
Assessment	16018	Parcel	4298248
Owner	1101805		
House Number			
Street Name			
Suburb Name			

Owner Details

Name Ashley Hargreaves

Address

Mobile Phone

Home Phone

Business Phone

e-Mail Address

Animal Details

Kept at Address

OutsideTag	021 Taupo District Tag	Ref	6158 2015/16	Dangerous	NA	Agenc
Animal Name	Sasha Hargreaves	Neutered	N	Gender	Female	
Breed	GOLD Retriever Golden	Cross				
Main Colour	GLD Gold	Second				
Birth	03/09/2012	Age	6 Years 5 Months	Death		Depart

Features

Registration Details

Tag Number 13194 Tag Set 2018/19

eTran Recept Date 05/06/2018 Reg Till 30/06/2019

By Law Code Search Code Type Code Value

Permit Number

had no control over dogs at all  
 the dog the woman called luna  
 bit her on the back of her leg.  
 phone call to Ashley advised I will  
 be issuing an Infringement to her for  
 each dog for Failure to control.  
 Also a menacing classification for Dog  
 Luna based on attack & observed behavior  
 12pm phone message left for D/O of luna to  
 contact me  
 #12345

Item 7

Attachment 2

Document

Animal Type 1 Dogs Number 235656  
 MicroChip Brand MICROCHIP Id 900141000019340  
 Alpha Key HARGREAVESMC  
 Assessment 16018  Parcel 4298248   
 Owner 1114967   
 House Number   
 Street Name   
 Suburb Name 

Owner Details

Name Michael Conrad Hargreaves  
 Address   
 Mobile Phone   
 Home Phone   
 Business Phone   
 e-Mail Address

Animal Details

Kept at Address   
 OutsideTag  Ref Dangerous NA  Agency  
 Animal Name Luna Neutered N Gender Female   
 Breed GOLD  Retriever Golden Cross   
 Main Colour GLD  Gold Second   
 Birth 07/05/2018 Age 0 Years 9 Months Death Depart  
 Features 633980 Permit Number

Registration Details

Tag Number 15324 Tag Set 2018/19  By Law Code Search  
 eTran Recpt Date 17/11/2018 Reg Till 30/06/2019 Code Type Code Value

DLO Michael phoned back. He does not live at address with Luna. Was going to rehome the pup but his sister Ashley wanted to keep Luna. Spoke with Michael about Lunas behavior with Ashley and e agreed that she has no control of dogs and doesn't like the behavior he has been seeing increasing from Luna. Going to look rehome her to a mate on a farm. Explained menaving class requirements.



Print Size: A4 Landscape

LocalMaps Print

Scale: 1 : 750

0 37.5

75 Meters

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 Please visit [www.hamilton.govt.nz](http://www.hamilton.govt.nz) for details.  
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Print Date: 19-02-2011

WITNESS STATEMENT FORMs

TIME 3.50 pm

DATE 19/2/2019

PLACE [REDACTED]

Hamilton

My full name is [REDACTED]

and I live at [REDACTED] I am

making this statement to [REDACTED] D37, Dog Control

Officer of the Hamilton City Council. On the 19/2/2019 at

approximately 2pm am (P) was walking along

[REDACTED]

**(Describe Incident)**

1. What happened? heading to Knighton School to pick up my son.

I saw 2 dogs playing in the front yard of [REDACTED] with a blonde younger woman.

I went to walk past the address and both dogs came out to me they were both growling trying to nip at me.

One dog jumped up on me and the other bit the back of my

leg.

The woman said sorry, she was calling them back they came out at me three times in total. It was on the third time that the dog bit me.

The other dog had gone back in and the owner was calling the dog that bit me Luna.

The dog named Luna finally went back into the property.

I kept walking, realised it was a bite as it was a searing aching pain.

I gave the wound a clean at school and will go to the doctors for tetanus shot.

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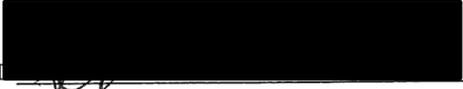
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2. Description of Dog Both dogs are long haired golden colour - possible Golden Retrievers

3. Any witnesses (or owner present) Owner was present

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.

SIGNER  OCCUPATION Mother/Student

DATE AND TIME 19/2/2019 4pm

WITNESSED S DBF

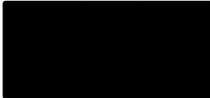


Item 7

Attachment 2

19/02/2019

Ashley Hargreaves



Dear Ashley

**Please find enclosed Infringement notice: 12345**

The offence that has been committed is Failure to keep dog under control.

We have spoken too you in relation to this.

As a consequence, an infringement notice has been issued under Section 53(1) 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

**Animal Education and Control Officer D37**

19/02/2019

Ashley Hargreaves



Dear Ashley

**Please find enclosed Infringement notice: 12346**

The offence that has been committed is Failure to keep dog under control.

We have spoken too you in relation to this.

As a consequence, an infringement notice has been issued under Section 53(1) 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

**Animal Education and Control Officer D37**



## ANIMAL EDUCATION & CONTROL

To: Sue Stanford (Animal Education and Control Manager)

From: DBF

Subject: Menacing Classification on Observed Behaviour/reported behaviour

Date: 19/2/2019 AN: 235656 File: CAR: 178004/2019

<p>CAR DETAILS: Brief breakdown of how dog come to our attention.  <u>Dog attack on person</u></p>	
<p>DOG OWNERS DETAILS: How was AECO received by dog owner? Is the D/O aware that their dog is being Classified?  <u>Spoke with D/O's sister - in denial about aggression from this dog.</u></p>	
<p>DOG DETAILS: Is this dog to be classified on <u>Behaviour</u>. Describe behaviour and any identifying marks.  <u>Dog shown aggression to officers too</u>                  Micro Chip: <u>900141000019340</u> is the individual identifier for this dog.                  AN: <u>235656</u> Registration Number: <u>15324</u> Dogs Name: <u>Luna.</u>  <u>2018/19</u></p>	
<p>MENACING CLASSIFICATION NOTES:                  This dog has been is to be classified as menacing on observed or reported behaviour under Section 33A of the Dog Control Act 1996</p>	
<p>DETAILS OF AECO's Involved with Classification: <u>DBF</u>                  Peter Crocker                  Team Leader Animal Education &amp; Control</p>	
<p>Approved for classification: <u>[Signature]</u></p>	<p>Date: <u>20/2/19</u></p>
<p>Is the identification Checklist attached Yes or <u>No</u></p>	<p>Have photos been saved Yes or <u>(No)</u></p>

Document

Animal Type 1 Dogs Number 235656  
 MicroChip Brand MICROCHIP Id 900141000019340  
 Alpha Key HARGREAVESMC  
 Assessment 16018 Parcel 4298248  
 Owner 1114967  
 House Number  
 Street Name  
 Suburb Name

Owner Details  
 Name Michael Conrad Hargreaves  
 Address  
 Mobile Phone  
 Home Phone  
 Business Phone  
 e-Mail Address

Animal Details  
 Kept at Address  
 OutsideTag Ref Dangerous NA Agency  
 Animal Name Luna Neutered N Gender Female  
 Breed GOLD Retriever Golden Cross  
 Main Colour GLD Gold Second  
 Birth 07/05/2018 Age 0 Years 9 Months Death Depart  
 Features 633980 Permit Number  
 Registration Details  
 Tag Number 15324 Tag Set 2018/19  
 eTran Rept Date 17/11/2018 Reg Till 30/06/2019  
 By Law Code Search  
 Code Type Code Value

**\* BEHAVIOUR \***

Registered ✓  
 Microchip ✓  
 Sex  
 Work to be served by DS7 on the 26/11/19 CAR# 178311  
 Section received 13/11/19 via email & postal mail

Item 7

Attachment 2

13/3/19

The Hamilton District Council  
HAMILTON

Notice No. 12345

*Dog Control Act [1996]*  
"the Act"

In the matter of

Objection to the classification of  
"menacing dog" under section 33B.

Between

LUNA (Golden Retriever puppy):  
Ashley Hargreaves, of Hamilton.  
Appellant

And

The complainant/Hamilton City Council  
Respondent

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## Notice of Objection to Classification

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Filed by: Ashley Hargreaves  
Student  
Address:   
Email:

To: The Hamilton City Council

This document notifies you that –

I Ashley Hargreaves of Hamilton appeal the decision made on the 19<sup>th</sup> day of February 2019, namely the Classification under 33A of the Dog Control Act 1996 (“the Act”), against my 9 month old Golden Retriever “LUNA.”

### The Incident

On 19<sup>th</sup> February 2019 I had let both my Golden Retriever’s out of their enclosed area and was playing with them on our front yard. Not long after letting them out, as they were play fighting, a woman walked past our property. Both dogs did not notice her until she was directly outside our driveway, which I regretfully did not close off.

I believe seeing her directly on our driveway came as a shock to them as they did not hear her walk past them earlier. Sasha (my oldest dog) ran to the woman, at which point Luna followed. I growled both of them instantly and they came running back in. As I was growling Sasha, Luna ran back out to the woman, at which point I walked out to find her in front of the woman, silent, and looking as though she wanted to play. I growled her and she came straight back in. I admit they were barking. I did not see them snarling or growling aggressively, and I did not see either of them with their mouth around her leg. I apologised to the woman repeatedly for the dogs rushing out, to which she responded, “it’s fine” “it’s okay,” in a clear voice, and continued walking without any signs of discomfort. I put the dogs back in their enclosed space to avoid any further incidents.

When the rangers arrived, they exclaimed straight away that Luna had bit somebody and an investigation will be undertaken. On the eve of 19<sup>th</sup> February I received a call from the ranger who informed me Luna would be classified as a menacing dog, require a muzzle “when at large” and must be de-sexed. I was advised that this classification is life-long, and there is no way whatsoever to have this classification removed.

### Grounds

1. Luna is 9 months of age. Large dogs become physically matured and an adult age when they reach between 1 and two years, or when they've grown to their full size (annexure "A").
2. I was playing with the dogs directly prior to this incident and it appeared as though Sasha, the one who initiated the 'rush' was startled by this woman directly outside our property, and Luna only followed. It is likely I contributed to the increase in both dogs behaviour by encouraging them to become excited immediately prior to the contact with the woman. It seems that Luna had misconceived Sasha's action for play. Annexed hereto marked with the letter "B" is a reliable forum which states "puppies use mouthing as a standard way to explore. Everything is new to them, and nipping objects, people, and other dogs is an instinctual way to become acquainted with a very new world." These 'bites' which occur, which may cause bruising or small wounds can be called "love bites." Given the wound the woman received, it is clear the dog which bit her was not aggressively biting, or vigorously holding its mouth around her leg. Thus it is more likely to have been a small, playful love bite. The dog did not attempt to bite again, was not consistently aggressive, came when called, and wilfully returned to their enclosed area.
3. It is also possible that the woman provoked this reaction if she reacted in such a way that Luna felt threatened. This would cause any dog to react in a way as to protect themselves.
4. Given Luna is only 9 months old, she has not fully matured yet and this is the first instance of behaviour in this nature. I do not believe there is significant or reasonable cause to classify her as a menacing dog. I implore that the council withdraw this title and requirements against Luna, in confidence that an incident like this would never occur again. Luna has associated with many people, animals of all ages and kinds within her short life-span. Nobody has had a bad thing to say about her, let alone the thought that she is a menace and a risk to society. If people reported good dog behaviour you'd see a thousand more reasons this was a single incident of exceptional circumstance.
5. Golden Retrievers are not a breed classified under schedule 4 of the Act. This is because Golden Retrievers are a very Intelligent, loyal and loving, social breed. There are not many cases where a golden retriever has been classified as dangerous or menacing. This is because aggression, which must be displayed to classify a dog under section 33A or 31 of the Act, is not a significant trait within the Golden Retriever, see annexed hereto and marked with the letter "C" a report of the Golden's common traits. It appears to me that the Rangers in this instance have made an assessment on Luna based off minimal interaction with her. I believe the Rangers have not carried out a true or in-depth investigation into her

nature in everyday circumstances, and therefore, I believe have not made this classification on reasonable grounds.

6. The classification of a menacing dog requires that the dog wear a muzzle whenever they are 'at large.' The *Animal Welfare Act (1999)* states "the animal needs to be free to display natural behaviour." Wearing a muzzle is not natural. It may be humane as far as a human can make those observations and statements, but a dog cannot feel normal or display their natural behaviours whilst wearing a muzzle. A dog cannot display natural behaviour whilst caged or tied up either. When anything is over Luna's face, she consistently attempts to get it off. I suspect this is the case for many dogs, of course "they'll get used to it," but only through force. This cannot be morally right, nor can it allow the animal to behave "naturally." I feel that this classification will unjustly, and without a proven record, negatively affect Luna in her development into a family dog. See annexed hereto and marked with the letter "D" findings on the effects and uses of a muzzle. This suggests that muzzling is not in fact the best or most humane way to deal with a menacing or dangerous dog. Perhaps there is a better way of dealing with these issues in all dogs classified under 33A or 31 of the Act, such as behaviour and obedience training, which would provide a better long-term solution as opposed to a "quick fix"-ture of the muzzle?

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8. The classification of a menacing dog also requires the de-sexing of the animal. Chris Zink, DVM, PhD, DACVP, DACVSMR, of Ellicott City, Maryland, who has analysed how the spaying or neutering of dogs affected 26 different behavioural components in 15,000 dogs states; "the fact of the matter is, spay or neuter does NOT improve their behaviour in any way." De-sexing animals also gives rise to a greater risk of mast cell cancer, lymphoma and hip dysplasia, among others. (See annexure "E"). For these reasons, I do not believe it is in the best interests of Luna's welfare to have her spayed. If it won't change her behaviour, why risk her health?
9. It has been decided that relocating Luna would be best for her and Sasha. We are looking to relocate her to a rural property and have her trained for uses such as hunting and farming. It is now unlikely, and rare that Luna would be amongst the general public. For this reason, it seems unfair to place this burden on the new owner, particularly where the owner lives rurally and has minimal intention of socialising her amongst the general public. This will only punish them more than it actually ensures Luna's behaviour is in order.
10. Last year, Christchurch City Council Chief Executive Karleen Edwards sought legal advice around the classification of a menacing or dangerous dog under the act to ensure regulations were being applied correctly. Annexed hereto and marked with the letter "F" is a news report outlining these interpretation issues. This suggests the Act may not be

clear and requires amending as it appears other districts within New Zealand have struggled with the correct interpretation and application of the Act. If it is immoral to put a dog under those conditions while they're inside your home, why is it moral when they're outside, but still enclosed within the boundaries of your property?

11. Although I understand that this is beyond the point, I would like to make known that the Dog Ranger did not outwardly present any identification or warrant of authority. The ranger also did not check the dogs registrations or chips at the time of the incident. I note section 13 (2) of the Act states, "Every dog control officer or dog ranger who exercises or purports to exercise any power conferred by this Act shall carry, and shall produce if required to do so, his or her warrant of appointment and evidence of his or her identity." This is not a ground in which supports the removal of this classification, but rather aims to point out that those within the authority may need reminding of their duties and obligations. If they can't follow a simple process of producing identification and scope of authority, how can the general public trust that Dog Rangers are applying other regulations within the Act correctly?

12. Lastly, had I put the gates up at the front of the property, the dogs would not have been able to get out. As a result, this incident would never have occurred. Luna has been around lots of strange people on regular outings, of which no concerns have been risen in terms of her behaving "menacingly." Based on these facts I have no reason to believe she is a risk to the general public. It appears to me that this incident is territory based, and as already mentioned would not have occurred had I upheld my duties of securing the property. I have accepted this, paid the infringement and taken more than the necessary steps to resolve the issue. Luna has been extremely well socialised, and I have had no issues with unexpected aggression from her in the 9 months she has been alive. Luna, like all dogs, is territorial and will bark if an unknown person is near her territory, but this does not give reason to believe she is a risk to the general public. For these reasons, Luna should not be classified as a "menacing dog" as I believe it was ultimately an amalgamation of my human error.

**Relief**

I seek that the classification under 33A of the *Dog Control Act 1996* be removed from Luna's name, and thus no longer requiring a muzzle when at large or de-sexing by way of order.

I also recommend that the Dog Control Act 1996 be reviewed to ensure no regulations contradict those within the Animal Welfare Act 1999, and the interpretation and application of the Act is correct across the nation.

Based on the research I conducted, it would also seem as though there is more study required around the use of muzzling for the purpose of controlling behaviour. I would suggest that there must be a more humane and practical way to deal with these issues. I note that a 10 year dog park project has been presented in Hamilton with secured fencing, maybe that money could be used to provide these dogs which have been classified as menacing or dangerous with a place of training to proactively fix these issues?

12/03/2019

Signed: \_\_\_\_\_  
Ashley Hargreaves

This document is filed by the appellant in person. The address for service of the appellant is . [REDACTED]

### The Root of the Behavior

You discover that puppies use mouthing as a standard way to explore. Everything is new to them, and nipping objects, people, and other dogs is an instinctual way to become acquainted with a very new world. Usually, the mother teaches her pups how to control their biting, but sometimes puppies are removed and placed in new homes too early, and they fail to learn this powerful lesson. This could lead to the puppy biting when he is older because he may have never learned from his mama how to control this impulse. Dogs also nibble when they crave attention. They have no voice, so they figure a love bite might encourage you to offer them the nurture they desire. Dogs might also gently bite a human because they like the taste of our salty skin. Sometimes the residue or smell of food also gets on an owner, and Boogeyman might playfully lick and bite you to show his interest. Love bites are also common when older dogs play. They are a way to show affection, and with a good doggy pal, a love bite is equivalent to slapping your buddy a high five or hugging your girlfriend. Some dogs have a hard time differentiating the strength of even their playful bites, and although unintentional, these love bites could end up hurting other dogs or even you. According to the American Medical Veterinary Association (AMVA), dogs think it's fun to play nibble with humans, but it could become very dangerous.

Read more at: <https://wagwalking.com/behavior/why-do-dogs-give-love-bites>

## Personality

**The Golden Retriever is the classic family companion. They are obedient, playful, intelligent, well-mannered, great with kids, and kindly to strangers.** They are good watchdogs, but make lousy guard dogs as they love people far too much to be effective. Golden Retrievers are always at the top of their obedience classes and are often the champions of sporting competitions. Hunters find them to be reliable bird dogs, and their keen sense of smell and desire to work alongside people makes them sought-after narcotics sniffers. Golden Retrievers need people and are best suited for large, active families.

## Activity Requirements

Golden Retrievers need a lot of exercise, but not as much as other Retrievers and their activity requirements can be met with a couple of daily walks and tossing a stick in the yard. They enjoy pretty much any outdoor activity their people participate in, whether walking, running, hiking, biking, swimming or playing chase with kids. Though they are naturally even tempered and don't need hours of exercise, their large size makes them unsuitable for apartments. **They need a lot of room to move around, and confinement is unfair to a Golden Retriever.**

## Trainability

Golden Retrievers are a breeze to train. They are people-pleasers and will do anything for a bit of praise and some food. This makes them an excellent choice for first-time dog owners. Golden Retrievers should always be treated with a gentle hand, as they are sensitive creatures who don't respond well to harsh tones and discipline. The biggest problem people have in training this breed is walking on a leash. They should be taught proper leash etiquette early on, otherwise they can – and will – pull on a leash. Their trainability has made them a number one choice for service and therapy dogs, and in recent years they have been a favourite choice of police forces, who utilize them as drug and bomb sniffers and in search and rescue teams.

<https://www.petwave.com/Dogs/Breeds/Golden-Retriever/Personality.aspx>

Muzzles do not treat your dog's aggression or reactivity in any way. If a muzzle strap were to break or the muzzle get pawed off, you still have a dangerous dog on your hands.

**You are far better off making your dog a safer pet with a systematic approach than relying on a muzzle only.** Here are some basic steps:

1. Learn how to **identify signs of stress** or anxiety to help you act before the aggression even starts.
2. Create a prevention and management plan to help you **avoid the circumstances that are causing the aggression.**
3. Set up his or her life in such a way to **passively improve the aggression** (although these benefits will likely be mild – at least the aggression won't get worse).
4. Help your dog learn to cope better with the thing that is triggering his aggression with a treatment plan designed to keep his anxiety below "threshold" through humane treatment methods.

**This is a far more humane way to deal with the problem, and most dog aggression can be improved if you only use the right methods.**

Some people ask does muzzling an aggressive dog will make aggression worse? It's always worth keeping in mind that any kind of frustration will make aggression worse. There are three concern areas where a muzzle can increase frustration.

- Putting the dog muzzle on and taking it off can frustrate your dog if your dog is not desensitized to the process
- When the muzzle feel strange. Until your dog learns to get used to the muzzle it can feel strange and bothersome. Again, desensitizing your dog to wearing the muzzle goes a long way toward getting your dog comfortable.
- When the dog muzzle has been on too long. Muzzles should not be left on for long period of time.

**If a dog can't get a muzzle off and wants to, or it bothers his or her face, you can increase frustration and frustration can make aggression worse.**

Muzzles and other behaviour issues:

- People think a muzzle can be used to stop barking. This is a bad idea as it frustrates the dog. There are more effective ways to handle barking such as addressing or treating the reasons why your dog barks. (See Barking control for more information)
- People think they can prevent destruction in the home with a muzzles while they are away. Dogs destroy things either because they are bored or anxious. **A dog should never be left unsupervised with a muzzle on.** It can get caught on things. If the dog tries to paw it off, even its nails can get stuck. Dogs have been known to get their lower teeth caught with cheaper muzzles. In addition, a dog that feels the need to destroy something may find other ways to do it. It is better to treat separation anxiety than to try to prevent it with a muzzle.

<https://k9aggression.com/using-a-muzzle-for-an-aggressive-dog/?v=f24485ae434a#muzzle-worsen-aggression>

### Orthopedic Considerations

- Bitches spayed at 7 weeks had significantly delayed closure of growth plates as compared to those spayed at 7 months, and those spayed at 7 months had significantly delayed closure of growth plates as compared to those left intact.(1) • In a study of 1444 Golden Retrievers, bitches and dogs spayed or neutered at less than a year of age were significantly taller than those spayed or neutered after a year of age.(2) • In a study of 203 agility dogs, the author demonstrated that the tibia and the radius & ulna were significantly longer than the femur and humerus, respectively, in dogs that were spayed or neutered at or prior to 8 months of age as compared to intact dogs.(C. Zink, unpublished data)
- Several studies have shown that spayed and neutered dogs have a significantly higher prevalence of CCL rupture (3–6), even when controlling for body size.(3) • In a study of 759 male and female Golden Retrievers neutered or spayed before 6 months of age, the incidences of CCL rupture were 5 and 8 percent respectively, compared to no CCL rupture diagnosed in intact males and females.(7) • Dogs that were neutered at least 6 months prior to a diagnosis of hip dysplasia were 1.5 times more likely to develop hip dysplasia than sexually intact dogs.(8) • Spayed/neutered dogs had 3.1 times higher incidence of patellar luxation.(9) • In Labrador Retrievers and Golden Retrievers, neutering before 6 months of age increased the incidence of one or more joint disorders by 2x and 4 to 5x, respectively.(10) • In a study of 1170 German Shepherd Dogs, followed through 8 years of age, 21% of neutered males and 16% of spayed females were diagnosed with one or more joint disorders compared with 7% of intact males and 5% of intact females (11).

### Cancer Considerations

- Spayed females had more than 5 times greater risk than intact bitches of developing cardiac hemangiosarcoma and neutered males had 1.6 times higher risk than intact males had of developing cardiac hemangiosarcoma.(13) • Spayed females had 2.2 times increased risk for developing splenic hemangiosarcoma.(14) • Male and female Rottweilers that were neutered or spayed before a year of age had 3.8 and 3.1 times greater risk, respectively, of developing bone cancer than intact dogs.(15) In a second study, spayed/neutered dogs had a 2.2 times higher risk of developing bone cancer than intact dogs.(16) • Neutered dogs had a 2.8 times greater risk for developing prostate cancer than intact dogs.(17) Neutered dogs had a 4.3 times higher risk of developing prostate carcinoma.(18, 19) • Neutered dogs had a 3.6 higher risk for developing transitional cell carcinoma of the bladder than intact dogs, and a 3 times greater risk of developing any bladder tumour.(17) Spayed/neutered dogs had more than 4 times greater risk for developing transitional cell carcinoma of the bladder than intact dogs.(20) • Early neutered male Golden Retrievers were 3x more likely to be diagnosed with lymphosarcoma than intact males, and late-spayed females were significantly more likely to develop hemangiosarcoma and mast cell tumour than intact females.(7) • In a survey of 2505 Vizslas, dogs spayed or neutered dogs at any age were found to have a significantly higher risk of mast cell cancer, hemangiosarcoma, lymphoma and all cancers together than intact dogs.(21) • Female Labrador Retrievers spayed between 2 and 8 years of age were shown to have a significantly increased prevalence of mast cell cancer, hemangiosarcoma, and lymphoma.(10)

[https://www.caninesports.com/uploads/1/5/3/1/15319800/spay\\_neuter\\_considerations\\_2016\\_with\\_logo.pdf](https://www.caninesports.com/uploads/1/5/3/1/15319800/spay_neuter_considerations_2016_with_logo.pdf)

**Behaviour Considerations**

- Early age gonadectomy was associated with an increased incidence of noise phobias and undesirable sexual behaviours, such as mounting.(27) • Significantly more behavioural problems in spayed and neutered bitches and dogs, with fearful behaviour being most common in spayed bitches and aggression in neutered dogs.(28, 29) • In a prospective study, German Shepherd Dogs spayed between 5-10 months of age had significantly increased reactivity.(30)

**Discussion:**

A number of the early studies claiming to show positive behavioural effects of spay/neuter were significantly flawed. For example, one of the most often quoted publications to support improvements in behaviour, particularly aggression, after gonadectomy does not actually provide any statistical analysis. Additionally, 88% of owners of dogs in this study stated that their reason for castrating the dog was to attempt to resolve an existing behaviour problem. Owners were also surveyed regarding the dog's behaviour a mean of 27 months post-castration. These factors likely introduced a significant amount of bias.(31) Another performed statistical analysis but showed that the age when the dog was neutered was not correlated with the degree of improvement.(32) Most critically, neither of these two studies included a control group of intact dogs. One of the more important undesirable behavioural effects of spay/neuter for canine athletes was a finding of a significantly lowered energy level. This was shown in a study that was well controlled and examined over 3500 dogs.(29)

**Other Health Considerations**

- Female, and sometimes male, dogs that are spayed/neutered before puberty have an increased risk of urinary incontinence and it is more severe in bitches spayed earlier.(33-36) • Spayed female dogs displayed a significantly higher risk of hypothyroidism when compared to intact females.(37) A health survey of several thousand Golden Retrievers showed that spayed or neutered dogs were more likely to develop hypothyroidism.(2) Neutered male and spayed female dogs had higher relative risks of developing hypothyroidism than intact females.(38) • Neutered females had a 22 times increased risk of developing fatal acute pancreatitis as compared to intact females.(39) • Risk of adverse reactions to vaccines is 27 to 38% greater in neutered dogs as compared to intact.(40) • In a study of female Rottweilers there was a strong positive association between retention of the ovaries and longevity.(41)

**Summary**

I have gathered these studies to show that the veterinary practice of recommending that every dog not meant for breeding have its gonads removed at or before the age of 6 months is not a black-and-white issue. Clearly more studies need to be undertaken to evaluate the effects of spaying and neutering, and in particular to investigate non-gonadectomy alternatives to prevent procreation such as vasectomy and hysterectomy. After examining the risks and benefits, I have significant concerns with removal of the gonads in both males and females. It is clear that the gonads are not just important for reproduction, but play a critical role in growth, development and long-term health. One study showed that spayed bitches had 30x higher levels of luteinizing hormone

[https://www.caninesports.com/uploads/1/5/3/1/15319800/spay\\_neuter\\_considerations\\_2016\\_with\\_logo.pdf](https://www.caninesports.com/uploads/1/5/3/1/15319800/spay_neuter_considerations_2016_with_logo.pdf)

than intact bitches (42), and given that this hormone has receptors on diverse tissues throughout the body (43), it is possible that the lack of a feedback loop for this hormone might contribute to some of the negative effects of gonadectomy, at least in females.

[https://www.caninesports.com/uploads/1/5/3/1/15319800/spay\\_neuter\\_considerations\\_2016\\_with\\_logo.pdf](https://www.caninesports.com/uploads/1/5/3/1/15319800/spay_neuter_considerations_2016_with_logo.pdf)

# Christchurch City Council apologises for getting it wrong over menacing dogs

Christchurch City Council has apologised to owners of dogs classified as menacing for sending them inaccurate information about the rules around when their dogs need to be muzzled.

Locals were outraged after the council's animal management team sent out letters to owners of "menacing dogs" telling them the animals must be muzzled at all times, including inside their own house, warning that owners would face legal repercussions if they did not abide by the rules.

The city council originally defended its position, saying its decision to enforce the muzzling of dogs at all times - except when in a cage - was not taken lightly and was made in the interest of public safety.

But today, after fresh legal opinion, the council accepted that it got it wrong.

"The members of our Animal Management Team are all passionate animal lovers. They were trying to prevent other animals and people from coming to harm by ensuring that the owners of menacing dogs were aware of what their obligations were," said city council consenting and compliance general manager Leonie Rae.

"They were acting on the basis of a legal interpretation of what it means for a dog to be 'at large'".

"This week we sought an urgent legal review of that interpretation in response to the feedback we received from the public.

[https://www.nzherald.co.nz/nz/news/article.cfm?c\\_id=1&objectid=12033440](https://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=12033440)

"The new legal opinion we have received leads us to believe that a court is unlikely to uphold a requirement for dogs classified as menacing to be muzzled inside their own home or property."

Rae apologised for "any confusion and upset that we have caused".

After the council's initial stance was revealed, Abbey van der Plas, who set up Christchurch Bull Dog Rescue, told NZME's Newstalk ZB she was "shocked, disgusted and sad" at the move.

"I cried, to be honest. This is heartbreaking," she said.

"The fact they need further legal advice shows how incompetent their legal team is in the first place.

"Anybody looking at this can see that it's breaching the Animal Welfare Act.

"Any animal needs to be able to display its natural behaviour. A dog cannot display its natural behaviour when it's muzzled 24/7."

Dogs get classified as menacing either because they are a specific breed or type, or because they have attacked or behaved aggressively.

Section 33E of the Dog Control Act states the owner of a menacing dog "must not allow the dog to be "at large", or in a public place, or in a private way without being muzzled."

"We will be writing to the dog owners with dangerous or menacing dog classifications to update them. This will give clarity around where and when menacing dogs need to be muzzled," Rae said.

Extract from A previous article;

"It's disgusting the fact they want to enforce these dogs to where a muzzle all the time, it's cruel, it breaks New Zealand's own animal welfare laws," Ms van der Plas says. "One of the main things in the animal welfare law is the animal needs to be free to display natural behaviour. How can a dog display natural

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behaviour if it's wearing a  
muzzle?"<https://www.newshub.co.nz/home/new-zealand/2018/04/christchurch-s-menacing-dog-owners-told-to-muzzle-them-even-inside-their-homes.html>

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