MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
REGULATORY HEARINGS PANEL MEETING NO. RHP25-1
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA
ON THURSDAY, 7 AUGUST 2025 AT 9.30AM

1 KARAKIA

Whakatau mai te wairua	Settle the spirit
Whakawātea mai te hinengaro	Clear the mind
Whakarite mai te tinana	Prepare the body
Kia ea ai ngā mahi	To achieve what needs to be achieved.
Āe	Yes

2 PRESENT

Deputy Mayor J Scrimgeour, Mayor J Denyer, Cr G Dally, Cr A Sole and Cr M Murray-Benge.

3 IN ATTENDANCE

A Curtis (General Manager Regulatory Services), D Elvin (Compliance and Monitoring Manager), P Hrstich (Team Lead Animal Services), S Curd (Technical Support Officer), M Hamer (Technical Support Officer – Alcohol and Compliance), V Campbell (Technical Support Officer Compliance), H Adams (Senior Animal Services Officer), T Wright (Animal Services Officer), M Steiner (Animal Services Officer), R Leahy (Senior Governance Advisor) and E Logan (Governance Advisor).

OTHERS

S Buxton

J Buxton

J Rooney

4 APOLOGIES

Nil

5 CONSIDERATION OF LATE ITEMS

Nil

6 DECLARATIONS OF INTEREST

Mayor J Denyer declared an interest in agenda item 7.1.

7 HEARINGS

7.1 OBJECTION TO MENACING DOG CLASSIFICATION - SUSAN BUXTON

The purpose of this hearing was to hear the objection to the Menacing Dog classification of Susan Buxton's dog Willow.

Council classified Willow as a menacing dog under section 33A (1) (b) of the Dog Control Act 1996, which specifies a dog may be classified as menacing if '*a territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of –*

(i) Any observed or reported behaviour of the dog; or

(ii) Any characteristics typically associated with the dog's breed or type.'

The Panel considered evidence put forward to them in Agenda Item 7.1, '*Objection to Menacing Dog Classification – Susan Buxton*'.

Staff responded to pātai as follows:

- The classification notice that was issued to the objector stated all of the objector's rights under the Act and the definition and requirements of the classification.
- Staff would provide the panel with the scoring matrix that was used by staff to determine what classification was required.
- There was no cost to the parents of the victim in getting their child's wounds treated as this was covered by the Accident Compensation Corporation (ACC).

Susan Buxton and Jack (John) Buxton provided a verbal objection to the panel and presented Tabled Item 1.

The Objectors responded to pātai as follows:

- Willow had been to public parks before, however, on this specific occasion, she was not on a lead.
- Willow would be unable to become a therapy dog as intended if the menacing classification were to be upheld.

Tabled Item 1 – Incident at Moore Park

Mayor J Denyer abstained from participating in the discussion and deliberations of this hearing.

RESOLUTION RHP25-1.1

Moved: Cr M Murray-Benge
Seconded: Cr G Dally

1. That the Team Leader Animal Services report dated 7 August 2025 titled 'Objection to Menacing Dog Classification – Susan Buxton' be received.

2. That the Regulatory Hearings Panel upholds the menacing dog classification.

Reason for decision:
The Panel considered the evidence presented to them. The Panel was satisfied that the incident took place, and caused injury to a person. The dog could pose a risk to members of the public.

Despite acknowledging they had put measures in place, the owner did not have control of the dog during the incident.

The Panel expressed their sympathy to the individual who was responsible for the dog at the time of the incident.

The Panel acknowledged the owner's commitment to work to manage the dog's behaviour.

The Panel believed there was still a risk from the dog and the only safe form of action was to uphold the menacing dog classification.

CARRIED

7.2 OBJECTION TO MENACING DOG CLASSIFICATION - FIONNA TORR

The purpose of this hearing was to hear the objection to the Menacing Dog classification of Fiona Torr's dog Peppa.

Council classified Peppa as a menacing dog under section 33A (1) (b) of the Dog Control Act 1996, which specifies a dog may be classified as menacing if '*a territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of –*

(i) Any observed or reported behaviour of the dog; or
(ii) Any characteristics typically associated with the dog's breed or type.'

The Panel considered evidence put forward to them in Agenda Item 7.2, '*Objection to Menacing Dog Classification – Fionna Torr*'

Staff responded to pātai as follows:

- It was not uncommon for dogs to develop a territorial behaviour, especially in the surrounding areas of the property that it resided in.
- Peppa was a medium size dog and the dog that was attacked was a small dog.

Fiona Torr provided the panel with a written submission.

Jon Dooney attended as a submitter for Council and provided verbal evidence to the panel.

Mr Dooney responded to pātai as follows:

- Mr Dooney did not believe that the Objector had put measures in place to restrain Peppa since the incident.
- The incident had created a division within the neighbourhood.
- The wounds that the attacked dog had received in the attack later became infected which had led to the dog needing a course of antibiotics.

RESOLUTION RHP25-1.2

Moved: Cr A Sole
Seconded: Cr M Murray-Benge

1. That the Team Leader Animal Services report dated 7 August 2025, and titled Objection to Menacing Dog Classification - Fionna Torr, be received.

2. That the Regulatory Hearings Panel upholds the menacing classification.

Reasons for decision:
The Panel considered the evidence presented to them. The Panel was satisfied that the incident took place, and caused injury to another dog. The dog could pose a risk to other animals.

The Panel believed that minimal measures had been put in place by the owner to control the dog, and reminded the owner that they needed to observe the requirements outlined under the menacing dog classification under the Dog Control Act 1996.

The Panel believed there was still a risk from the dog and the only safe form of action was to uphold the menacing dog classification.

CARRIED

10.29am Hearing adjourned.
10.52am Hearing reconvened.

7.3 OBJECTION TO DISQUALIFICATION - JESS MOLITIKA

The purpose of this hearing was to hear the objection to disqualification of Dog Ownership for Jess Molitika.

Council disqualified Jess Molitika from being an owner of a dog under Section 25 (1) of the Dog Control Act 1996, which specifics that '*a territorial authority must disqualify a person from being an owner of a dog if –*

(a) The person commits 3 or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months; or

(b) The person is convicted of an offence (not being an infringement offence) against this Act; or

(c) The person is convicted of an offence against Part 1 or Part 2 of the Animal Welfare Act 1999, section 26ZZP of the Conservation Act 1987, or section 561 of the National Parks Act 1980.'

The panel considered evidence put forward to them in Agenda item 7.3 'Objection to Disqualification – Jess Molitika'.

Staff responded to pātai as follows:

- Animal Service Officers had visited the property multiple times and the objector had become abusive and non-active with the officers.
- The dog was a large dog that weighed an estimated 40-45kgs. The dog had shown aggression to the Animal Services Officers in the past.
- Animal Service Officers confirmed that the property still had no fencing around it.
- The property was roughly 25-30 metres from the local primary school.
- The dog spend a considerable amount of time inside, however, when it was outside there was no mechanism to keep it contained within the property boundary.
- The owner had previously stated that the dog was tied up outside the house, however, the dog had been seen on multiple occasions roaming with a broken rope on it.
- There had been no attempt from the owner to implement measures that could be used to prevent the dog from roaming.

Jess Molitika provided the panel with a written submission but was not in attendance.

Prior to the hearing staff had advised the objector of the date of the hearing and attempted to contact them on the day, however, received no response.

RESOLUTION RHP25-1.3

Moved: Deputy Mayor J Scrimgeour

Seconded: Mayor J Denyer

1. That the Team Leader Animal Services report dated 7 August 2025, titled 'Objection to Disqualification - Jess Molitika' be received.

2. That the Regulatory Hearings Panel upholds the disqualification.

Reasons for decision:

The Panel considered the evidence presented to them. The Panel was satisfied that the dog was a known roaming dog and may pose a risk to the community. The owner had not put measures in place to control the dog.

The Panel was satisfied that the owner had not met their obligations as a responsible dog owner and upheld the disqualification for five years.

CARRIED

The Meeting closed at 11.47am.

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Deputy Mayor J Scrimgeour

CHAIRPERSON